

LEGAL
OPERATIONS

HEADQUARTERS, DEPARTMENT OF THE ARMY

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LEGAL OPERATIONS

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PREFACE

The Judge Advocate General's Corps' (JAGC) primary mission in a theater of operations is to support the commander on the battlefield.

FM 27-100 is the Army's legal operations manual. It describes the operations of JAGC units and personnel within a theater of operations. Legal operations must be flexible and responsive to the demands of unit commanders at all echelons and throughout the operational continuum, requiring legal leaders to anticipate, initiate, and provide needed legal services.

This manual contains doctrine and guidance on legal operations for commanders, staffs, and judge advocates. It describes the structure of the JAGC and its units. It defines the missions, roles, duties, and responsibilities of members of the Judge Advocate General's Corps. The intended audience for this manual is commanders at all echelons and members of the Judge Advocate General's Corps Regiment.

This manual reflects and supports FM 100-5, Operations, FM 100-10, Combat Service Support, and FM 101-5, Staff Organization and Operations.

The proponent of this publication is The Judge Advocate General's School, US Army. Send comments and recommendations on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Commandant, The Judge Advocate General's School, US Army, ATTN: JAGS-DDC, Charlottesville, Virginia 22903-1781.

Unless otherwise stated, specific gender pronouns include men and women.

CHAPTER 1

The Judge Advocate General's Corps

Section I Introduction

1-1. The theater strategic environment consists of a variety of conditions--political, economic, and military--and a range of threats--low to high. A wide range of operations can occur in response to these conditions and threats. These operations form the operational continuum and occur within three general states: peacetime competition, conflict, and war. FM 100-5, Operations, and FM 100-10, Combat Service Support, recognize the Army must be capable of operating effectively across the operational continuum and in any battlefield environment.

Legal operations must be equally flexible. Legal operations apply the AirLand Battle tenets of initiative, agility, depth, and synchronization and the combat service support imperatives of anticipation, integration, continuity, responsiveness, and improvisation to provide responsive legal services to the commander.

Section II The Judge Advocate General's Corps

1-2. Reflecting the Army's strategic roles in an increasingly complex world, the JAGC provides mission essential legal services in many different fields, including military justice, government contracting, claims, litigation, operational law, international law, legal assistance, environmental law, mobilization law, and more. All members of the Judge Advocate General's Corps--judge advocates, legal warrant officers, legal noncommissioned officers, legal specialists, and court reporters--provide professional legal services to the Army.

Section III Mission

1-3. The Army's mission is to:

a. Provide a visible, credible, and realistic capability to support the nation's political initiatives.

b. Deter war against the United States.

c. Win and terminate a conflict on terms favorable to the United States if war should occur.

1-4. The JAGC's primary mission in a theater of operations is to support the commander on the AirLand Battlefield by providing professional legal services as far forward as possible at all echelons of command throughout the operational continuum.

Section IV Legal Services

1-5. Legal personnel provide legal services in the form of professional advice, representation, support, research, training, and assistance designed to resolve legal issues to commanders, staffs, soldiers, and other authorized personnel. The commander determines legal requirements based on the mission and the law. Legal services are an element of the Personnel Service Support (PSS) mission area and support the Command and Control and Combat Service Support (CSS) Battlefield Operating Systems (BOS). Three types of legal services exist: organizational, judicial, and defense.

1-6. Organizational legal services sustain the organization. Organizational legal services support:

a. Commanders. The commander is responsible for the unit's good order, discipline, morale, and welfare. The commander must command and employ his forces in accordance with the law. Legal personnel provide all commanders the legal services necessary to properly execute these responsibilities under the law, customs, and traditions of military service.

b. The organization. Legal operations increase unit readiness in peace and enhance combat effectiveness in war. In peace, legal operations ensure the organization is prepared to mobilize, deploy, and fight. During conflict, legal

operations help sustain the organization.

c. Soldiers. The key to an organization's readiness is the individual soldier's readiness and morale. Legal personnel provide legal services--such as legal assistance and claims--to soldiers, their family members, and other authorized personnel to maintain a high degree of personal readiness and morale. Legal services, including judicial and defense legal services, also maintain discipline and morale by assuring the fair and impartial administration of military justice.

1-7. Judicial legal services secure fair and impartial military justice proceedings within the Army. Military trial and appellate judges provide judicial legal services.

a. Military trial judges preside over general and special courts-martial. They perform all judicial duties required or authorized by law, including the Uniform Code of Military Justice (UCMJ), the Manual for Courts-Martial, and regulation. These duties are similar to those of federal district court judges presiding over criminal cases. Military trial judges also perform magistrate duties, such as issuing authorizations to search for and seize evidence based on probable cause. To ensure the fact and appearance of impartiality, military judges are assigned to and rated by senior members of the United States Army Trial Judiciary, which is independent of the units they serve. (The only exception is military judges assigned to Judge Advocate General Service Organization senior military judge or military judge teams. See Chapter 3, paragraphs 3.2 g and h.)

b. Military appellate judges sit on the United States Army Court of Military Review (ACMR). ACMR reviews cases referred to it and affirms only findings of guilty and sentences supported by the law and facts.

1-8. Defense legal services are provided to individual soldiers to secure fair and impartial military justice and adverse administrative proceedings within the Army. Trial and appellate defense counsel provide defense legal services.

a. Trial defense counsel are judge advocates certified by The Judge Advocate General under article 27(b), UCMJ, as competent to perform defense legal services. They represent soldiers before courts-martial, administrative boards, and other proceedings and act as consulting counsel as required by law or regulation or authorized by The Judge Advocate General (TJAG) or TJAG's designee. To ensure the fact and appearance of their independence, all trial defense counsel are assigned to and rated by members of the United States Army Trial Defense Service, which is independent of the units trial defense counsel serve. (The only exception is trial defense counsel assigned to Judge Advocate General Service Organization court-martial defense teams. See Chapter 3, paragraph 3.2 d.)

b. Appellate defense counsel represent military accused before the ACMR, United States Court of Military Appeals, and the United States Supreme Court. They also are certified by The Judge Advocate General.

1-9. The JAGC provides legal services in seven functional areas.

a. Administrative Law. Military administrative law encompasses the statutes, regulations, and judicial decisions that govern the establishment, functioning, and command of military organizations. Judge advocates interpret statutes and regulations, provide the commander and staff advice and guidance, and represent the Army before administrative and judicial proceedings. Military administrative law includes, but is not limited to:

(1) The law of military installations and the commander's power to command and control the installation (legal basis of command).

(2) Military assistance to civil authorities, which includes the use of military forces to assist civilian law enforcement authorities, to restore and maintain public order, and for emergencies and public safety; the loan of military resources; and the role of soldiers in civil disturbance and antidrug operations.

(3) Federal litigation, which includes judicial review of military judicial and administrative actions.

(4) Environmental law, which includes domestic--federal, state, and local--and foreign environmental laws affecting the operations of an installation or organization.

(5) Military personnel law, which includes laws and regulations concerning personnel recruitment, mobilization, appointments, promotions, adverse actions, separations, and retirements.

(6) Line of duty investigations and determinations.

(7) Labor and employment law, which includes laws, regulations, and procedures governing recruiting, hiring, evaluating, and disciplining Army civilian employees; certifying and negotiating with labor unions; labor-management relations including grievances, arbitrations, and unfair labor practice charges; and equal employment opportunity (EEO) discrimination complaints.

(8) Government information practices, which include the Freedom of Information and the Privacy Acts.

(9) The report of survey system.

(10) Nonappropriated fund instrumentalities and private organizations.

(11) Standards of conduct, which include statutory and regulatory guidance governing prohibited activities and conflicts of interest involving active duty, civilian personnel, former employees, and retired active duty and civilian personnel of the Army.

b. Claims. The Army claims program involves the investigation, processing, and administrative settlement of claims--both by and against the United States--worldwide under

statutes, treaties, international agreements, DOD directives, and Army regulations.

(1) The bases for claims against the United States include:

a. Damage or injury caused by the negligent or wrongful acts or omissions of military personnel acting within the scope of their employment.

b. Damage or injury caused by noncombat activities; *i.e.*, activities that are essentially military in nature and have little parallel in civilian life.

c. Loss, damage, or destruction of personal property of soldiers or DA civilian employees that occurs incident to military service; *e.g.*, the loss, damage, or destruction of household goods during a permanent change of station move.

d. Unique or special claims provisions.

(2) The bases for claims in favor of the United States include:

a. The negligent or intentional infliction of damage to government property.

b. The recovery of medical costs incurred by the United States to treat persons for whom the United States is authorized or required to provide medical care if the patient suffers an injury or a disease under circumstances creating a tort liability upon a third person or if the United States has a statutory right to recover regardless of tort liability.

c. Contract Law. Contracting is the principal means by which the United States acquires goods and services from the private sector. Judge advocates are involved in all phases of the acquisition process. Contract law judge advocates provide advice concerning the fiscal process and statutory and regulatory constraints involved in funding military

operations. They also provide counsel on the acquisition of goods and services for the Army. Contract law includes:

- (1) Development, award, and administration of appropriated and nonappropriated fund contracts.
- (2) The proper utilization and expenditure of funds, referred to as fiscal law.
- (3) The operation of the Commercial Activities Program.
- (4) The coordination and monitoring of remedies in an effective fraud abatement program.
- (5) The application of federal, state, and local tax laws to government contractors.
- (6) Contract related litigation, disputes, and protests.
- (7) Labor, environmental, and intellectual property law applicable to contractors.
- (8) Procurement integrity and contract fraud laws.
- (9) Advice for proposed interservice, interdepartmental, and international agreements for logistic support and for proposed agreements on joint utilization of facilities and real property controlled by the Army.
- (10) Advice on real estate and construction issues overseas.

d. Criminal Law. Criminal law governs the administration of military justice. It includes the Constitution of the United States, the Uniform Code of Military Justice, the Manual for Courts-Martial, implementing regulations, and judicial decisions. Military justice involves the disposition of alleged violations of the UCMJ by judicial (courts-martial), nonjudicial (article 15, UCMJ), or administrative means. Discipline, good order, and morale depend on a fair and properly

administered military justice system. Enforcement of the UCMJ supports the authority of the commander and protects the rights of the individual soldier. In the military criminal law system:

- (1) The commander is responsible for the administration of military justice. Commanders must communicate directly with their command or staff judge advocate about matters related to the administration of military justice.
- (2) Staff and command judge advocates advise commanders on the disposition of suspected violations of the UCMJ, including those committed by enemy prisoners of war; prosecute trials by courts-martial; and supervise the preparation of records of trial.
- (3) The United States Army Trial Defense Service provides trial defense counsel to represent soldiers before courts-martial, adverse administrative boards, and other proceedings as law or regulation requires.
- (4) The United States Army Trial Judiciary provides military judges for general and special courts-martial.

(5) Appeals of convicted military accused may be reviewed by United States Army Court of Military Review (ACMR), which is part of the United States Army Judiciary; the United States Court of Military Appeals; and the United States Supreme Court. In cases not reviewed by ACMR, a convicted accused may submit an application for relief or petition for new trial to The Judge Advocate General. The United States Army Legal Services Agency provides appellate government and defense counsel in all appellate proceedings.

e. International Law. International agreements, international customary practices, and the general principles of law recognized by civilized nations comprise international law. Judge advocates advise commanders and staffs on:

- (1) The rights and obligations of the

organization under international law--particularly status of forces and host nation support agreements.

(2) Negotiations with foreign governments.

(3) The exercise of criminal jurisdiction over United States forces and accompanying personnel by foreign governments.

(4) Foreign Law. This includes advice on criminal law, civil law, environmental law, tax law, and labor law of a host nation or foreign country where United States forces are operating or have an interest.

(5) Legal liaison with the host nation and other allied forces.

(6) Other international law matters.

f. Legal Assistance. Legal assistance is the provision of personal legal services to soldiers, their family members, and other authorized personnel. Legal assistance includes advice, representation, and the preparation of legal documents. Personal legal problems, if not attended to, may cause low morale, inefficiency, and disciplinary problems. Legal assistance judge advocates regularly participate in preparation for overseas movements (POM) and emergency deployment readiness exercises (EDRE) to identify and address soldiers' personal legal problems that could affect adversely their ability to mobilize, deploy, and fight. Legal assistance services include, but are not limited to:

(1) Domestic relations law, which includes divorce, legal separation, annulment, custody, support obligations, and paternity.

(2) Wills and estates.

(3) Adoptions and name changes.

(4) Nonsupport and indebtedness.

(5) Taxes.

(6) Landlord-tenant relations.

(7) Consumer affairs.

(8) Civil suits. Legal assistance attorneys usually cannot represent a client in court, but will explain the procedures and requirements of small claims and similar courts; will negotiate with adverse parties on the client's behalf; and will refer the client to a civilian attorney, if required.

(9) The Soldiers' and Sailors' Civil Relief Act.

(10) Insurance.

(11) Veterans' reemployment rights.

(12) Other services with approval of the staff judge advocate.

g. Operational Law. Operational law is the application of domestic, international, and foreign law to the planning for, training for, deployment of, and employment of United States military forces. Operational law legal services increase the effectiveness of United States military forces by assisting commanders to employ them lawfully. Just as important, judge advocates identify areas in which planners have been overly restrictive in the use of force in the mistaken belief that the law requires the restrictions. Judge advocates:

(1) Advise the commander, staff, and subordinate commanders on the law of war; all relevant international law matters, including status of forces and other international agreements and treaties; and domestic law addressing the use of United States forces abroad, such as the War Powers Resolution. These matters include advice on:

a. Operations plans and orders.

b. Targets and weapons.

c. The investigation and disposition of alleged violations of the law of war (war crimes).

d. Treatment of detainees, enemy prisoners of war, and refugees.

e. The seizure and requisition of private property for military use.

f. The legal aspects of civil affairs operations. See Chapter 11.

(2) Prepare legal annexes to operations orders.

(3) Review and interpret rules of engagement.

(4) Provide unit training on the law of war as required by treaty and regulation.

CHAPTER 2

Organization of the JAGC

Section I Members of JAGC

2-1. The JAGC is a special branch of the Army that exists in the Regular Army, the Army National Guard, and the United States Army Reserve. The JAGC consists of:

a. General officers serving as:

(1) The Judge Advocate General of the Army (TJAG). TJAG heads the JAGC, is a personal staff officer, and has duties established by statute, regulation, delegation, designation, and assignment. TJAG:

a. Is responsible for providing legal services to the Army.

b. Is the legal advisor to the Chief of Staff, Army (CSA), members of the Army Staff, and members of the Army generally.

c. Serves as military legal advisor to the Secretary of the Army (SA) and members of the Secretariat, in coordination with the General Counsel, Department of the Army (DA).

d. Directs the members of the Judge Advocate General's Corps in the performance of their duties.

(2) The Assistant Judge Advocate General (TAJAG). TAJAG supervises the field operating agencies (FOA) of TJAG and the Intellectual Property Office, the Regulatory Office, the Standards of Conduct Office, and the Information Management Office, and is responsible for the organization, administration, and functioning of the Office of The Judge Advocate General (OTJAG).

(3) The Assistant Judge Advocate General for Civil Law and Litigation (AJAG/CIV).

(4) The Assistant Judge Advocate General for Military Law and Operations (AJAG/MIL).

(5) The Commander, United States Army Legal Services Agency (USALSA).

(6) Chief Judge, ACMR (IMA).

(7) Assistant Judge Advocate General for Operations (IMA).

(8) ARNG Special Assistant to TJAG, DA.

b. Commissioned officers appointed to the JAGC.

c. Other members of the Army assigned or detailed to the JAGC by the Secretary of the Army.

Section II Who Provides Legal Services

2-2. TJAG is responsible for providing legal services to the Army. Legal services are provided by:

a. The Office of The Judge Advocate General (OTJAG).

b. Field operating agencies (FOA) of The Judge Advocate General.

c. The Legal Services Command.

d. Staff or command judge advocate sections of Army units or installations.

e. Judge Advocate General Service Organizations (JAGSO).

f. Legal noncommissioned officers and specialists assigned to personnel and administration centers (PAC) of brigades, groups, regiments, battalions, and squadrons.

2-3. OTJAG is an element of the Army Staff. It provides legal services to the CSA, members of the Army Staff, agencies of the Army, and members of the Army generally; establishes policies for the delivery of legal services; and

directs assignment of members of the JAGC. For additional information see AR 27-1.

Section III Field Operating Agencies

2-4. TJAG's FOAs are the United States Army Legal Services Agency (USALSA), United States Army Claims Service (USARCS), and The Judge Advocate General's School, Army (TJAGSA). For a detailed description of their organization and functions, see AR 10-72.

a. USALSA. A primary mission of this organization is to promote the effective use and delivery of legal services by military judges and defense counsel by guaranteeing their independence.

(1) The Commander, USALSA, is the Chief, United States Army Judiciary, and, as such, supervises:

a. The United States Army Court of Military Review (ACMR) and serves as its Chief Judge. The ACMR performs appellate review of courts-martial pursuant to article 66, Uniform Code of Military Justice (UCMJ), when the approved sentence includes death, a punitive discharge, or confinement for one year or more, and considers certain petitions for new trial pursuant to article 73, UCMJ.

b. The United States Army Trial Judiciary, an element of the United States Army Judiciary, which provides full-time military trial judges to preside over general and special courts-martial.

c. The military magistrate program.

(2) USALSA activities also include, but are not limited to:

a. The United States Army Trial Defense Service (TDS), which provides defense legal services for Army personnel as authorized by law and regulation.

b. Defense Appellate Division (DAD), which provides defense legal services to military accused before the ACMR, the United States Court of Military Appeals (CMA), and the United States Supreme Court.

c. Government Appellate Division (GAD), which represents the United States before the ACMR, the CMA, and, when requested by the United States Attorney General, the United States Supreme Court.

To maintain the independence of judicial and defense legal services, The Assistant Judge Advocate General for Civil Law and Litigation exercises technical supervision and operational control over DAD and TDS. The Assistant Judge Advocate General for Military Law and Operations exercises technical supervision and operational control over GAD.

b. USARCS. USARCS administers the Army's claims program. It supervises the investigation, processing, and settlement of claims against and on behalf of the United States, provides and supervises claims training, and formulates and implements claims policy.

c. TJAGSA. TJAGSA offers resident and nonresident courses of study for the professional legal training of the Army; conducts research in military legal matters and prepares military legal publications; conducts combat development activities; directs the recruitment, assignment, and training of Reserve component judge advocates; and manages the Army Law Library Service. The Commandant, TJAGSA, confers the degree of master of laws (LL.M.) in military law upon graduates of the Judge Advocate Officer Graduate Course; develops and conducts resident military legal and related instruction for personnel of the JAGC, selected foreign officers, and other officers and employees of the United States Government; and develops and provides nonresident and related instruction.

Section IV Legal Services Command

2-5. The Legal Services Command (LSC). The LSC is a Table of Organization and Equipment (TOE) organization. It is collocated with USALSA. Its mission is to provide defense and judicial legal services to combat, combat support, and combat service support units to ensure mission accomplishment. The LSC is comprised of:

- a. Headquarters personnel.
- b. Military trial judges, who are attached to HHCs of corps and units echelons above corps (EAC) and provide judicial legal services on an area basis. These personnel also are assigned to the United States Army Trial Judiciary.
- c. Defense personnel, who are attached to HHCs of separate brigades, divisions, corps, and units at EAC and provide defense legal services to designated units or as otherwise directed. These personnel also are assigned to the United States Army Trial Defense Service.
- d. Legal noncommissioned officers and specialists.

Section V Staff Judge Advocate (SJA) Sections

2-6. Staff Judge Advocate (SJA) Sections.

- a. SJA sections are organic to units or installations commanded by a general court-martial convening authority. The SJA section provides all required legal services to the commander, subordinate commanders, staff, individual soldiers, and other authorized personnel. The Army may assign an SJA to a general officer in command even though the power to convene general courts-martial has been withheld or delegated to a subordinate commander. The SJA section of a combat, combat support, or combat service support unit normally is composed of an SJA, a deputy staff

judge advocate (DSJA), chiefs of functional areas of the law, judge advocates, a legal administrator, a chief legal noncommissioned officer (NCO), legal NCOs and specialists, and court reporters.

- b. The SJA is the section's senior judge advocate. The SJA is a member of the commander's personal staff. Accordingly, the SJA communicates directly with the commander and is the commander's personal legal advisor for all matters that affect the morale, good order, and discipline of the command. In addition, the SJA is a member of the commander's special staff. The SJA, therefore, also provides legal services to the commander's staff and serves under the chief of staff. The SJA coordinates with other staff members to provide responsive legal services throughout the organization. The SJA is the field representative of TJAG. The SJA:
 - (1) Provides legal advice to the commander, staff, subordinate commanders, soldiers, and other authorized persons on all matters involving military law (Department of Defense directives, Department of the Army regulations, and command regulations), domestic law (United States statutes, federal regulations, and state and local law), foreign law, status of forces agreements, and international law.
 - (2) Supervises the administration of military justice and other legal matters in the command.
 - (3) Communicates directly with the commander on military justice matters.
 - (4) Advises the convening authority on the appropriate disposition of charges before they are referred to trial by a general or special court-martial authorized to impose a bad-conduct discharge; reviews records of trial by general courts-martial, special courts-martial adjudging a bad-conduct discharge, and military commissions; and recommends to the convening authority appropriate action on courts-martial.
 - (5) Provides trial counsel and coordinates

with appropriate authority for the services of defense counsel from the United States Army Trial Defense Service and military judges from the United States Army Trial Judiciary for general courts-martial and special courts-martial.

(6) Coordinates with appropriate authority for services of defense counsel at investigations conducted under article 32, UCMJ, and to accused or suspects held in custody.

(7) Reviews records of trial by special and summary courts-martial for legal sufficiency, initiates appropriate corrective action when necessary, and serves as custodian of special and summary courts-martial trial records.

(8) Prepares and processes correspondence concerning the imposition of nonjudicial punishment under article 15, UCMJ.

(9) Reviews appeals from punishments imposed under article 15, UCMJ, and makes recommendations to the reviewing commander.

(10) Reviews reports of investigating officers and boards for legal sufficiency and makes appropriate recommendations to the commander.

(11) Supervises military justice training and other legal training within the command.

(12) Furnishes legal assistance and advice to military personnel, their family members, and other authorized persons on personal legal problems and supervises the command's legal assistance, tax assistance, and preventive law programs.

(13) Supervises and administers all matters concerning claims.

(14) Prepares legal opinions and furnishes legal advice on foreign and international law matters and the applicability of United States laws in foreign countries.

(15) Supervises the conduct of tribunals

under article V of the 1949 Geneva Conventions.

(16) Furnishes legal advice to individuals, as requested, against whom commanders have asserted pecuniary liability in connection with reports of loss of government funds or the loss or destruction of or damage to government property.

(17) Provides advice and assistance on all matters relating to acquisition.

(18) Provides advice on legal aspects of military aid to civil authorities, disaster relief, civil defense, and antidrug operations.

(19) Furnishes legal advice on military personnel matters, including mobilization, military status, pay, allowances, promotion, reduction, separation, authorized activities, appeals to administrative boards, and complaints under article 138, UCMJ.

(20) Provides legal advice to the Armed Services Disciplinary Control Board.

(21) Provides legal advice concerning the command of installations, activities of nonappropriated fund instrumentalities, and standards of conduct issues.

(22) Maintains liaison with and provides assistance to United States attorneys and federal district courts in connection with litigation in which the Army is involved and criminal prosecutions in which the Army has an interest, including the Federal Felony Prosecution and the Federal Magistrate Court Programs for the disposition of offenses committed on military installations.

(23) Maintains liaison with justice and prison officials in foreign countries, as required.

(24) Provides legal advice, assistance, and counsel for management negotiation of union labor agreements, unfair labor practice hearings, and grievance arbitration.

(25) Provides advice, representation, and

administrative support for labor and employment law matters including adverse action appeals to the Merit Systems Protection Board, equal employment opportunity discrimination complaints before the Army Civilian Appellate Review Agency and the Equal Employment Opportunity Commission, grievance arbitrations, and unfair labor practice complaints and negotiability disputes before the Federal Labor Relations Authority.

(26) Provides advice and assistance on legal aspects of the Army Environmental Quality Program and on all applicable state, federal, and foreign environmental laws and regulations.

(27) Assists in implementing and supervises mutual support training programs for JAGC Reserve component officers and JAGC Reserve units during annual training and inactive duty training.

(28) Reviews contingency and operations plans and orders for legal sufficiency and provides legal advice on law of war training.

(29) Coordinates with the DCSPER/G1 on assignment, promotion, transfer, and replacement of judge advocate officers, legal noncommissioned officers and specialists, and court reporters.

c. The DSJA is the SJA section's second most senior judge advocate and:

(1) Acts for the SJA in the SJA's absence.

(2) Administers legal services throughout the unit's area of operations.

(3) Supervises and trains subordinate legal personnel.

d. The Chief, Administrative and Contract Law, supervises, assists, and trains legal personnel providing administrative and contract law services and is the primary provider of administrative and contract law legal services.

e. The Chief, Claims, supervises, assists, and trains claims judge advocates and attorneys and support personnel providing claims services and is the primary provider of claims services.

f. The Chief, Criminal Law, supervises, assists, and trains judge advocates and support personnel providing criminal law services. The Chief advises commanders on the disposition of offenses and preparation of charges, performs duties as trial counsel, and completes government appellate posttrial requirements.

g. The Chief, International and Operational Law, supervises, assists, and trains legal personnel providing international and operational law legal services and is the primary provider of international and operational law legal services.

h. The Chief, Legal Assistance, supervises, assists, and trains legal personnel providing legal assistance services and is the primary provider of legal assistance services. The chief also administers the command's preventive law program, and oversees the command's tax assistance program.

i. Judge advocates are graduates of an American Bar Association accredited law school and are members of the bar in good standing of the highest court of a state of the United States, the District of Columbia, or a federal court. Judge advocates provide professional legal services as directed.

j. The legal administrator, among other things:

(1) Manages the overall military and civilian administrative functions of the SJA section.

(2) Serves as the information management officer, directing all SJA section information management functions.

(3) Serves as the chief paralegal administrator for all legal and administrative

support services of the SJA section.

(4) Develops and prepares reports pertaining to manpower staffing.

(5) Develops fiscal requirements, executes program budget guidance, and authenticates funding obligations.

(6) Implements Army Law Library Service policies.

(7) Authenticates legal and administrative documents.

k. The chief legal NCO, among other things:

(1) Supervises and trains SJA section enlisted personnel.

(2) Receives and secures records of special proceedings, highly sensitive materials, or otherwise specially handled documents or physical evidence.

(3) Provides logistical support for each section.

(4) Coordinates the assignment of installation legal specialists/NCOs and court reporters, and assists in supervising subordinate unit enlisted legal support personnel.

(5) Inspects legal support activities of subordinate units and recommends ways to eliminate deficiencies or improve legal support operations.

(6) Organizes, supervises, and conducts skill level training of subordinate unit legal personnel.

l. Legal noncommissioned officers and specialists perform duties associated with criminal law and military justice activities, adverse administrative actions and board proceedings, claims investigations, legal assistance, legal and administrative research, maintenance of law libraries, and general legal

administration.

m. Court reporters record courts-martial and administrative proceedings and prepare records of those proceedings as required by law or regulation.

Section VI Command Judge Advocate (CJA) Sections

2-7. Command Judge Advocate (CJA) sections.

a. A CJA heads a legal section serving a commander who is not a general court-martial convening authority. The CJA is the commander's personal legal advisor for all matters that affect the morale, good order, and discipline of the command and is a member of the commander's special staff. The CJA's relationship to the commander, subordinate commanders, and staff is similar to that of an SJA.

b. Functions. The CJA provides legal services to the commander and staff on matters directly related to the unit's mission. The SJA section of the host installation or the next senior command normally provides legal services such as legal assistance or claims. CJAs provide legal services in accordance with the policies of the commander and the SJA of the host installation or the next senior command.

Section VII Judge Advocate General Service Organizations

2-8. Judge Advocate General Service Organizations (JAGSO) are cellular TOE teams that provide legal services to nondivisional troops not otherwise provided organic legal support. Chapter Three describes them further.

Section VIII Legal NCOs and Specialists

2-9. Legal NCOs and specialists assigned to personnel administrative centers of brigades, groups, regiments, battalions, and squadrons

provide legal and administrative support to the commander, subordinate commanders, and staff. They are the initial providers of legal services on the battlefield to battalion and company commanders. They provide preliminary assistance on legal matters and, as required, coordinate legal actions with the brigade legal NCO and SJA section. They:

- a. Prepare court-martial charge sheets and confinement, convening, and promulgating orders.
- b. Record and prepare summarized records of trial for special courts-martial.
- c. Prepare records of trial for summary courts-martial.
- d. Prepare records of nonjudicial punishment.
- e. Record and prepare summarized proceedings of article 32(b), UCMJ, investigations.
- f. Prepare notifications of administrative separations.
- g. Prepare, process, and monitor administrative separation actions.
- h. Perform other legal duties as assigned.

CHAPTER 3

Judge Advocate General Service Organizations

Section I

General

3-1. General.

a. Judge Advocate General Service Organizations (JAGSO) are legal service support teams that provide legal services to nondivisional troops not otherwise provided organic legal support. In addition, JAGSOs provide CONUS sustaining base support for mobilization and mobilization sustainment.

b. Mission. JAGSOs provide combat, combat support, and combat service support commanders and soldiers professional and responsive legal services in all functional areas to ensure mission accomplishment.

c. JAGSO teams are an integral part of the Total Army. In keeping with AirLand Battle doctrine and the Total Army concept, JAGSO teams maintain a high state of professional proficiency and military readiness. JAGSO teams provide legal services to the Army worldwide across the operational continuum.

d. Assignment. The Army assigns JAGSO teams to theater armies, theater army area commands, corps, corps support commands, and other organizations as required.

e. The gaining organization SJA is responsible for planning for the employment of JAGSO team personnel and for preparing legal services annexes to operations plans so they reflect the proper use of all legal assets.

f. JAGSO teams, except military judge and court-martial defense teams, are under the technical supervision and administrative control of the SJA of the organization to which the JAGSO team is assigned. All JAGSO teams, except defense and military judge teams, function under and are responsible to the SJA and commander of the unit to which they are assigned. JAGSO teams augment the SJA section or may work as a remote detachment. Defense

and military judge teams are under the technical supervision and control of the Chief, Trial Defense Service, and Chief, Trial Judiciary, respectively, to maintain their independence and impartiality.

g. TJAG is responsible for the technical supervision, training, and assignment of JAGSO personnel.

Section II

Types of JAGSOs

3-2. Eight types of JAGSO teams exist, each with specific capabilities. The legal support organization's (LSO) structure and functions resemble those of a division or corps SJA section. The remaining JAGSO teams have limited capabilities. They may augment an LSO or perform as part of an existing SJA section or as a separate team assisting a specific headquarters.

a. The legal support organization (LSO):

(1) Provides legal services in all seven functional areas of the law.

(2) Provides operational control and technical supervision over attached JAGSO teams, when required, except for court-martial defense and military judge teams.

b. The international/operational law team:

(1) Provides international and operational law legal services.

(2) Investigates and reports on violations of the law of war.

c. The court-martial trial team:

(1) Under the direction of the SJA, advises the commander on matters related to the administration of military justice, including disposition of alleged violations of the UCMJ.

(2) Performs all trial counsel duties in

courts-martial.

(3) Completes posttrial processing of records of trial.

(4) Serves as recorder before administrative boards.

(5) Records courts-martial and administrative proceedings and prepares records of those proceedings.

d. The court-martial defense team:

(1) Performs all defense counsel duties in courts-martial.

(2) Represents soldiers before administrative boards and other proceedings as required or authorized by law or regulation.

(3) Acts as consulting counsel as required or authorized by law or regulation.

e. The legal assistance/claims team:

(1) Receives, investigates, and adjudicates claims for and against the United States.

(2) Provides legal assistance services.

f. The administrative/contract law team:

(1) Performs all administrative law functions.

(2) Provides advice and assistance on all aspects of the acquisition process.

g. The military judge team. Military judges:

(1) Preside at general and special courts-martial.

(2) Perform magistrate and other judicial duties.

h. The senior military judge team. Senior

military judges:

(1) Perform the same functions as military judges.

(2) Provide technical supervision to military judges.

Section III Support

3-3. Required Support.

a. Upon mobilization, JAGSO teams are dependent upon the unit to which assigned for all logistical support and administrative functions including, but not limited to, personnel, finance, communications, transportation, maintenance, and supply support.

b. JAGSO teams not on active duty are dependent upon the unit to which assigned (Army Reserve Command or Major United States Army Reserve Command) for all support and administrative functions including, but not limited to, maintenance, unit reporting requirements, common soldier skill training, and transportation.

Section IV Regional Law Center

3-4. The LSO may be organized as a regional law center (RLC).

a. Mission. The RLC provides legal services in support of mobilization and the land defense of the continental United States (CONUS). In particular, the RLC:

(1) Provides legal services and assistance to United States Army legal offices, including the United States Army Reserve and National Guard and federal and state agencies affiliated with mobilization and the defense of CONUS.

(2) Assists Continental United States Army (CONUSA) SJAs in premobilization planning and

coordinating use of legal assets within CONUSAs.

(3) Coordinates with mobilization stations to provide required legal services to expanded troop populations.

(4) Coordinates with state area regional commands and installations to provide responsive legal services to family members and other authorized personnel.

(5) Assists in the reacquisition of federal property for installation expansion.

(6) Prosecutes condemnation proceedings involving private property necessary for the national defense.

(7) Develops or revises Department of the Army civilian work rules, as required.

(8) Provides advice and assistance on acquisition matters and monitors streamlined acquisition procedures for possible fraud or abuse.

(9) Advises on all legal aspects of the land defense of CONUS and military support to civil defense.

b. Judicial and Defense Legal Services. The RLC requires a senior military judge team and a court-martial defense team to perform military justice functions.

c. Assignment. Upon mobilization, one RLC will be assigned to each Continental United States Army/Joint Regional Defense Command. See Chapter 10.

CHAPTER 4

Objectives and Principles of Legal Operations

4-1. The United States Army may fight in a variety of places and situations, ranging from developed countries where it may oppose highly mechanized forces, to remote parts of the world where it may confront light, irregular units. Legal operations apply the AirLand Battle tenets of agility, initiative, depth, and synchronization and the combat service support sustainment imperatives of anticipation, integration, continuity, responsiveness, and improvisation to provide legal services when and where commanders need them. Legal sections and units must be rugged and flexible to properly support operations during any conflict on any battlefield.

This chapter covers the objectives and principles that establish the fundamental bases for legal operations. Objectives describe the purposes of legal operations. Principles guide the provision of responsive legal services across the operational continuum in any battlefield environment.

Section I Objectives and Principles

4-2. Objectives.

a. Legal operations support the commander. Legal operations assist the commander in maintaining good order and discipline of the unit and the morale and welfare of the troops. Staff and command judge advocates are the commanders' personal legal advisors on these matters. SJAs or CJAs communicate directly with the commander under article 6, UCMJ, on military justice matters. Legal operations support the commander in legally--and therefore effectively--exercising command and control over the unit.

b. Legal operations support the organization. Legal operations increase unit readiness in peace and are a force enhancer during conflict. In peace, legal operations ensure the organization's preparedness to mobilize, deploy, and fight. Before deployment, JAGC personnel train with

the troops; assist soldiers in resolving their personal legal problems; review contingency contracting plans and procedures; ensure that contingency and operations plans and orders comply with domestic and international law; review relevant treaties for issues affecting deployment and military operations overseas; review rules of engagement (ROE); provide required training on the law of war and ROEs; and determine when waivers of peacetime legal restrictions should be requested and initiate appropriate requests for waivers. During conflict, JAGC personnel provide advice on lawful targets, weapons, stratagems and reprisals; the investigation and disposition of violations of the law of war; the treatment of enemy prisoners of war and civilian refugees; the treatment of foreign diplomats; civil affairs and nation assistance operations; the administration of military government in occupied territory; and claims, legal assistance, contingency contract, criminal, and administrative law matters that affect the mission.

c. Legal operations support the soldier. Legal operations maintain the soldier's readiness, morale, and welfare by providing legal assistance and compensation through the claims process for the loss of, damage to, or destruction of personal property due to military service. Legal services, including judicial and defense legal services, protect the soldier's rights as guaranteed by law.

The objectives of legal operations overlap. For example, assisting the soldier with personal legal problems helps the commander foster troop morale. The fair and efficient administration of military justice increases unit readiness by maintaining good order and discipline. The ultimate objectives of legal services are to support the commander and ready and support the unit to perform the command mission.

4-3. Principles. The principles that guide legal operations are the AirLand Battle tenets and the combat service support sustainment imperatives.

Section II AirLand Battle Tenets

4-4. Initiative. Initiative implies an offensive spirit in the conduct of all operations. SJAs and CJAs must act aggressively to provide legal services as required throughout the battlefield. To be effective, the SJA or CJA must know the mission, the commander's intent and plan, troop placement and dispersion, the flow of the battle, and the enemy situation. Legal operations cannot be a step behind the rest of the force. JAGC personnel must be where the commander needs them, when he or she needs them. SJAs and CJAs must anticipate when operations will conflict with legal constraints and request appropriate waivers, recommend alternatives, or advise against illegal courses of action. When the commander is without political advisors, the SJA or CJA should be prepared to advise their commanders when courses of action are technically legal, but contrary to the political goals of the military campaign.

4-5. Agility. Agility is the ability to think and act quickly and correctly. It is a prerequisite to seizing and holding the initiative. JAGC personnel must react quickly to changes on the battlefield to provide responsive legal services. They continuously must read the battle, decide quickly, and act without hesitation. Commanders, under great stress, face difficult and complex legal issues on targeting, treatment of enemy prisoners of war and civilians, allegations of war crimes, combat requisitions of private property, and unit discipline. JAGC personnel must respond rapidly, mentally and physically, to changing requirements. They must be able to move and communicate on the battlefield without interruption to perform their mission.

4-6. Depth. Depth is the extension of legal operations in time and place. The JAGC must provide required legal services at all echelons of command as far forward as possible, regardless of the combat environment. SJAs and CJAs must have the time and resources to plan, arrange, and execute legal operations. For an SJA or CJA

section to have the depth required for the AirLand Battlefield, all judge advocates must be able to provide mission-essential legal services in all functional areas of the law.

4-7. Synchronization. Synchronization is the arrangement of legal activities in time, space, and purpose to produce the most effective use of legal resources. It means legal operations must complement and support the overall mission. If legal operations do not provide required legal services when and where the commander needs them, the risk is a less effective force. SJAs and CJAs must coordinate their operations with other units and activities participating in the operation. Coordination must be consistent with the commander's intent, plan, and mission. In the end, the product of effective synchronization is maximum economy of legal assets with every legal resource used where and when it will make the greatest contribution to success.

Section III Combat Service Support Imperatives.

4-8. Anticipation. Anticipation means foreseeing future operations and demands as accurately as possible and developing legal operations flexible enough to accommodate any likely operational or tactical contingency. Legal operations must be able to shift resources to meet changing requirements. SJAs and CJAs must make alternate plans for redistributing legal resources as required.

4-9. Integration. Commanders must integrate legal operations plans with and conform them to tactical and operational plans. SJAs and CJAs must ensure that legal operations support the commander's overall operation at every stage of its execution. JAs must provide legal services at the required place and time, usually as far forward as the tactical situation permits.

4-10. Continuity. Long interruptions of legal operations will diminish the effectiveness of the force. During operations, forces must receive timely legal services to sustain the unit's good order, discipline, and morale. Interruptions of

legal services to commanders and planners also risk violations of domestic and international law and damage to the mission and national interest. Combat operations will vary in intensity and even cease for a time. Legal operations are continuous; the demand for legal services merely shifts emphasis. For example, during conflict, commanders and planners will seek operational law advice. Operational inactivity usually coincides with reconstitution efforts as soldiers seek legal assistance and commanders process military justice actions.

4-11. Responsiveness. In crisis, or when fleeting opportunities arise, the commander cannot hesitate. Legal operations must have the agility to respond quickly to the commander's requirements. Legal personnel must plan and train to respond on short notice to these demands.

4-12. Improvisation. No one can anticipate all contingencies. The unexpected requires improvisation. During emergencies, commanders and their SJAs and CJAs must suspend normal operating procedures, exploit opportunities, and accept risk. Less dramatic situations also may require improvised solutions, but high levels of risk are less acceptable.

CHAPTER 5

Legal Services in a Theater of Operations

Section I General

5-1. Unified Commands.

a. Unified commands (UC) are established by the Secretary of Defense with the advice of the Joint Chiefs of Staff (JCS) under the Department of Defense Reorganization Act of 1986. The designation of a unified combatant commander assures an effective integration of land, naval, and air forces; prevents the unnecessary duplication of effort and resources; and provides for efficient combined operations.

b. The service identity of the unified combatant commander generally will be based upon the ultimate purpose for the establishment of the force--control of land, sea, or airspace. United States Central Command (USCENTCOM), United States Southern Command (USSOUTHCOM), and United States European Command (EUCOM) are examples of unified combatant commands that have land-oriented missions and frequently have an Army commander in chief (CINC).

c. In a theater of operations within the area of responsibility of a CINC, the forces provided by the services are commanded by component commanders. In theater operations involving significant forces from two or more services--or in the case of coalition warfare, which includes alliance armed forces--the CINC for the theater generally will designate the combined/joint force commander.

5-2. Theater of Operations. A theater of operations is the area of land, sea, and air required to support and perform military operations against the enemy. United States forces deployed to the theater may range from a relatively small task force to a full array of large land, sea, and air forces. The theater is organized into a communications zone (COMMZ) and a combat zone (CZ).

a. The COMMZ is the rear part of a theater of operations (behind, but not necessarily contiguous to, the CZ), which contains the lines

of communications, establishments for supply and evacuation, and other agencies required for the immediate support and maintenance of the field forces.

b. The CZ is the territory forward of the corps rear boundary. It is the area required by tactical forces for the conduct of operations. The depth of the CZ depends on the forces involved, the nature of planned operations, the lines of communications, the terrain, and enemy capabilities. Normally, the CZ is divided into corps and division areas.

5-3. Legal Services. In a theater of operations legal services are provided by:

a. Legal personnel in staff and command judge advocate sections at every echelon of command from separate brigade to theater army and unified command.

b. Legal noncommissioned officers and specialists located at PACs of brigades, groups, regiments, battalions, and squadrons to provide legal and administrative support to the commander, subordinate commanders, and staff.

c. The Legal Services Command, which provides judicial and defense legal services. Defense counsel are attached to divisions and echelons above division and military judges to corps and echelons above corps.

d. Judge Advocate General Services Organizations (JAGSO), which normally augment theater armies, theater army area commands (TAACOM), corps, and corps support commands (COSCOM) and provide legal services to nondivisional troops not otherwise provided organic legal support.

Section II Legal Services in the Communications Zone

5-4. Theater Army.

a. The theater army (TA) is normally the

Army service component command in a unified command. Third United States Army, Seventh United States Army, and Eighth United States Army are examples of theater armies. The TA has both operational and support responsibilities. The theater commander in chief assigns exact tasks, which may be exclusively operational missions, solely logistical tasks, or a combination of both.

b. **Assigned forces.** The TA commander is responsible to the unified commander in a theater for recommending how the commander should allocate and employ assigned United States Army forces. The TA commander's support responsibilities include the requirements to organize, equip, train, and maintain Army forces in the theater. The TA has two types of support organizations with which to accomplish the mission:

(1) Theater army area commands (TAACOM), which are area-oriented organizations with geographic responsibilities.

(2) Mission-oriented organizations with functional responsibilities, such as a personnel command, an engineer command, or a medical command.

c. **Organization.** The organization of a TA is not standard. It varies among theaters according to the size of the United States Army component and with METT-T (mission, enemy, terrain, troops, and time-available). Other levels of command also can perform TA functions. For example, a corps staff could perform the TA function if the commander in chief committed only a single corps to a contingency area. On the other hand, a larger separate staff may be necessary to handle the administrative, communications, logistical, personnel, intelligence, operations, and legal tasks of a large force deployed overseas. Liaison between a TA and other headquarters employing their forces must occur whenever theater armies release operational control of their units.

5-5. Theater Army Headquarters. The Army structures, organizes, and staffs a theater army headquarters to meet the missions and requirements of the theater in which it operates. The number of personnel required depends on the mission and tasks assigned, size of the Army component, scope of operations, availability of resources, and requirements of the commander. Normal staff activities include combat planning and operations, intelligence gathering and reporting, coordination with multinational and multiservice forces, and the logistics and administrative support of United States Army forces.

5-6. Theater Army Commander. The TA commander has responsibility for the COMMZ. The TA commander locates his headquarters and most of his combat support and combat service support elements in the COMMZ.

5-7. Unified Command Legal Services.

a. **Staff Judge Advocate.** The SJA in a unified command with a land orientation generally will be designated from the Army.

b. **The unified command SJA:**

(1) Is the senior judge advocate for organizations under the command of the CINC.

(2) Is responsible for advising the CINC and staff on all legal matters pertaining to the unified command's operations, including domestic and foreign law, JCS and DOD directives, and executive orders.

(3) Assists in drafting and reviewing rules of engagement.

(4) Coordinates with the Legal Advisor for the Chairman, JCS, and the service judge advocate generals on matters of legal policy affecting the national interest and the command's mission.

5-8. Theater Army Legal Services.

a. Staff Judge Advocate. The TA SJA:

(1) Coordinates with the unified command staff judge advocate regarding legal policies within the theater of operations.

(2) Is the senior judge advocate for organizations under the command of the TA commander.

(3) Is responsible for providing legal services to the Army component in a theater of operations.

(4) Provides technical guidance to SJAs of subordinate organizations.

(5) Controls and supervises JAGSO teams attached to the theater army headquarters--except military judge and court-martial defense teams--and all legal personnel assigned to the headquarters of functional commands attached or assigned to the TA.

(6) Directs the assignment of all judge advocates within the theater, except military judges and trial defense counsel.

(7) Coordinates with the senior military judge and senior defense counsel attached to the TA for the provision of judicial and defense legal services within the TA area of operations.

(8) Coordinates with The Judge Advocate General through the unified command staff judge advocate on matters of legal policy within the TA's area of operations affecting the national interest and the mission.

(9) Recommends and coordinates the appointment of general court-martial convening authorities necessary to administer military justice throughout the theater effectively.

b. Judicial and Defense Legal Services. The senior military judge and senior defense counsel assigned to the Legal Services Command and

attached to the theater army supervise the provision of judicial and defense legal services in the TA area of operations.

5-9. Theater Army Area Command (TAACOM) and Area Support Groups (ASG). The TAACOM has three missions. First, it provides all combat service support, except movement control, to units located in or passing through its assigned area. This support includes the provision of legal services to soldiers and units without organic legal assets. Second, the TAACOM supports the corps with specified logistics support and coordinates area-related functions, such as populace control, with host nation elements. Third, the TAACOM is responsible for rear operations in its assigned area. The TAACOM accomplishes its support missions of supply, maintenance, and personnel services through area support groups (ASG). The number of ASGs in a theater of operations depends on the size of the COMMZ and the number of troops supported. Normally, one ASG is assigned to a TAACOM for every 15,000 to 30,000 troops receiving support in the COMMZ. The area an ASG supports depends on the density of military units and materiel requiring support, political boundaries, and identifiable terrain features.

5-10. TAACOM Legal Services.

a. Staff Judge Advocate. The TAACOM SJA is responsible for legal services in the TAACOM area of operations, including soldiers and organizations without organic or assigned legal assets. The TAACOM SJA controls and supervises all JAGSO teams attached to the TAACOM headquarters--except military judge and court-martial defense teams--and all legal personnel assigned to the headquarters of functional commands assigned or attached to the TAACOM. The SJA coordinates with the senior military judge and senior defense counsel assigned to the LSC and attached to the TAACOM for the provision of judicial and defense legal services in the TAACOM area of operations.

b. Judicial and Defense Legal Services. The senior military judge and senior defense counsel

assigned to the LSC and attached to the TAACOM supervise the provision of judicial and defense legal services in the TAACOM area of operations.

5-11. ASG Staff Judge Advocate. The ASG SJA is responsible for providing legal services to the ASG. The SJA may require additional support from JAGSOs attached to the TAACOM during major reconstitution efforts.

Section III Legal Services in the Combat Zone

5-12. Corps.

a. Corps are the largest tactical units in the United States Army and are the instruments by which higher echelons of command conduct maneuver at the operational level. The Army tailors corps for the theater and the mission. Once tailored, corps contain all the combat, combat support, and combat service support required to sustain operations for a considerable period.

b. Organization. Corps consist of a headquarters that plans, directs, controls, and coordinates the corps operations and the mix of combat, combat support, and combat service support units. The theater Army commander may assign to the corps divisions of any type required by the theater and the mission. Corps possess support commands and are assigned combat and combat support organizations based on their needs for a specific operation. Nondivisional units commonly available to corps to weight their main effort and to perform special combat functions include armored cavalry regiments, field artillery brigades, engineer brigades, air defense artillery brigades, aviation brigades, and separate infantry or armored brigades. Military police brigades, civil affairs brigades, chemical brigades, and psychological operations battalions are combat support organizations often found in corps. Special operations forces also may support corps combat

operations as required, particularly when a corps is conducting an independent operation. Corps combat service support organizations are the personnel group, the finance group, the corps support command, and JAGSOs.

c. The Corps Support Command (COSCOM). The COSCOM is the corps' principal logistics organization. It provides supply, field services, transportation, maintenance, and medical support to the corps' divisions and nondivisional units. The COSCOM is not a fixed organization and contains a mix of subordinate units as required by the size and configuration of the corps.

5-13. Corps Legal Services.

a. Corps SJA. The corps SJA:

(1) Is responsible for legal services in the corps area of operations.

(2) Provides technical guidance to SJAs of subordinate organizations.

(3) Controls and supervises all JAGSO teams attached to the corps headquarters except military judge and court-martial defense teams.

(4) Controls and supervises all legal personnel assigned to the headquarters of functional commands attached or assigned to the corps.

(5) Coordinates with the senior military judge and senior defense counsel assigned to the LSC and attached to the corps for the provision of judicial and defense legal services.

(6) Provides all legal services to corps units not serviced by a subordinate staff or command judge advocate.

(7) Plans for and provides administrative coordination of all legal activities in the corps area, including the support of division assets temporarily removed to the corps area.

(8) Coordinates and directs immediate replacements of key legal personnel and equipment lost in battle.

b. Corps SJA section. The corps SJA section provides legal services to nondivisional troops within the corps area of operations.

c. Location. During operations, SJA section personnel normally are located at the main and rear command posts (CP). One or more operational law judge advocates are located at the corps main CP to provide continuous mission-essential legal services--primarily operational law advice. The remaining SJA section personnel will be in the rear CP.

d. Corps Judicial and Defense Legal Services. The senior military judge and senior defense counsel assigned to the LSC and attached to the corps supervise the provision of judicial and defense legal services in the corps area of operations.

e. COSCOM SJA. The COSCOM SJA is responsible for legal services that support the COSCOM mission and personnel, and controls and supervises all JAGSO teams attached to the COSCOM headquarters except military judge and court-martial defense teams. Legal personnel assigned to corps support brigades provide legal services to their units and are supervised by the COSCOM SJA. The SJA coordinates with the senior military judge and senior defense counsel assigned to the LSC and attached to the COSCOM for the provision of judicial and defense legal services for the COSCOM. Absent military judges or defense counsel attached to the COSCOM, the COSCOM SJA will coordinate with the senior military judge and senior defense counsel at corps.

f. COSCOM SJA Section. The COSCOM SJA section provides legal services to the COSCOM. During operations, SJA section personnel normally are located in the COSCOM main command post.

g. Organization. The corps area normally

contains subordinate commands with staff and command judge advocate sections. These include the COSCOM and support brigades. Staff and command judge advocate sections of brigade-sized organizations assigned or attached to the corps may be organized in a variety of configurations. The corps SJA may, at the direction of the corps commander, consolidate all legal assets in one or more SJA offices. For example, all corps legal activities may be consolidated in the corps SJA section or in both the corps and COSCOM SJA sections. Another alternative is the consolidation of most legal assets at one or two SJA sections to try court-martial or dispose of claims more effectively, but to leave sufficient legal personnel at subordinate units to be readily available to advise those commands on time-sensitive legal problems. The key is flexibility. The most effective distribution of legal assets throughout the corps area of operations depends on the commander's requirements, the number of general court-martial convening authorities, the geographic location of units, the total number of troops and legal personnel available, and anticipated tactical situations.

5-14. Division.

a. Divisions:

(1) Are fixed combined arms organizations capable of performing any tactical mission.

(2) Are largely self-sustaining.

(3) Are the basic units of maneuver at the tactical level.

(4) Perform major tactical operations for the corps.

b. Infantry, light infantry, armored, mechanized infantry, airborne, and air assault divisions are all presently in the force structure. Each type of division has its own unique capabilities and limitations.

c. The division SJA is responsible for legal

services to the division. The division SJA coordinates with the corps SJA, as required.

d. The division SJA section provides legal services to the division. During operations, SJA section personnel normally are located at the division main and rear CPs. The SJA and chief, international and operational law, are located at the main CP in the plans cell. The remaining SJA personnel are in the rear CP under the supervision of the DSJA.

e. **Judicial and Defense Legal Services.** Normally, the senior military judge attached to the next higher echelon of command--usually the corps--will detail military judges to try courts-martial convened by division commanders. The division SJA coordinates with the senior defense counsel attached to the division for the provision of defense legal services. During operations military judges and defense counsel in the division area of operations will be in the division rear.

5-15. Separate Brigades.

a. **Separate Brigades.** Except for their size, separate armored, infantry, light infantry, and mechanized infantry brigades share the same characteristics as similarly configured divisions. Separate maneuver brigades have organic cavalry, engineer, air defense, field artillery, military intelligence, military police, and combat service support units. The commander can use separate brigades to reinforce maneuver divisions, but they are capable of operating as independent units.

b. **Separate Brigade Staff Judge Advocate.** The separate brigade SJA is responsible for providing legal services in the brigade area of operations and to brigade personnel. If the brigade commander is not a general court-martial convening authority, then the SJA of the organization that exercises general court-martial convening authority over the brigade will supervise the brigade SJA section. During operations, SJA section personnel normally are in

the main and rear CPs. The SJA is in the main CP with the remaining SJA personnel in the rear CP.

c. The Legal Services Command provides judicial and defense legal services; the senior military judge and defense counsel attached to the next higher echelon of command--usually the corps--supervise these services.

Section IV Additional Legal Services

5-16. As noted in paragraph 2.9, legal noncommissioned officers and specialists assigned to brigades, division artillery, division support commands, groups, regiments, battalions, squadrons and similar organizations without organic judge advocates often are initial providers of legal support to the organization commander and subordinate commanders. These legal personnel provide preliminary assistance on legal matters and, as required, coordinate legal actions with the appropriate SJA section. These legal services are integral to the commander's ability to maintain good order and discipline and to provide for the morale and welfare of the command.

CHAPTER 6

Legal Operations Across the Operational Continuum

Section I

General

6-1. The Operational Continuum. The strategic environment within each theater consists of a variety of political, military, and economic conditions and a range of threats. United States forces must be able to perform equally wide-ranging operations. These operations form a continuum and occur within three general states: peacetime competition, conflict, and war.

a. Peacetime competition. Peacetime competition is the state in which a nation employs political, economic, informational, and military measures to achieve national objectives. Nations pursue their own national interests, but with enough commonality of interests to avoid violence. Although primarily focused on deterring war, the United States employs the military instrument of national power in support of political, economic, and informational efforts to achieve its goals. When confrontations occur or tensions increase involving the clear threat or use of armed force, a potential point of transition to the state of conflict exists.

b. Conflict. Conflict is an armed struggle or clash between organized parties within a nation or between nations to achieve limited political or military objectives. While regular forces may be involved, irregular forces frequently predominate. Conflict often is protracted, confined to a restricted geographic area, and constrained in weaponry and level of violence. In this state, military power in response to threats may be exercised in an indirect manner, while supportive of other elements of national power. Limited objectives may be achieved by the short, focused, and direct application of force. Military operations in conflict generally fall into the categories of counter-terrorism, the early stages of insurgency, counter-insurgency, and contingency operations.

c. War. War is sustained use of armed force between nations or organized groups within a nation involving regular and irregular forces in a

series of connected battles and campaigns to achieve national objectives. War may be limited, with some self-imposed restraints on resources or objectives, or it may be general with the total resources of a nation or nations employed and the national survival of a belligerent at stake.

6-2. Legal operations.

a. Legal operations must be capable of supporting the Army anywhere on the operational continuum and in any battlefield environment. Generally, legal personnel will provide total legal services as far forward as possible to all echelons of command. The *scope* of legal services, however, is flexible and dependent upon specific support requirements and theater limitations. The *method* of delivering legal services also must remain flexible to meet the demands of any situation.

b. Regardless of the battlefield or the intensity of the conflict, legal personnel must remain organic and dedicated to the organization at all times.

Section II

Equipment Requirements

6-3. Legal personnel require enhanced mobility, advanced communications, and automation equipment to provide responsive legal services across the operational continuum in accordance with the tenets of AirLand Battle.

6-4. Mobility. Legal personnel are dependent upon the units to which they are assigned or attached for transportation. Unit commanders must dedicate or otherwise provide sufficient vehicles to legal personnel. The number and type of vehicles will depend on the commander's requirements for legal services. Mobility serves several distinct functions:

a. The SJA is responsible for the delivery of legal services throughout the area of operations. The SJA supervises and exercises administrative control over SJA section personnel. To

administer legal services effectively, the SJA must know what, where, and when legal services are required and direct the appropriate employment of legal personnel. The SJA must be able to provide technical advice and guidance to subordinate judge advocates. Moreover, as the primary legal advisor to the commander, subordinate commanders, and staff, the SJA must have the mobility necessary to be when and where required.

b. Judge advocates and legal NCOs and specialists provide legal services to lower echelons of command. Judge advocates require mobility to investigate allegations of war crimes, violations of the Uniform Code of Military Justice, and claims matters; provide legal assistance; or advise commanders on time-sensitive, mission-essential legal problems.

c. Military judges provide judicial legal services on a geographic basis. They normally are attached to corps and echelons above corps. Usually, courts-martial will be conducted in the accused's unit's area of operations. Trying courts-martial as far forward as possible will minimize disruption of the unit, provide better availability of witnesses, and speed the administration of military justice. Military judges must have the mobility to preside over courts-martial and perform magistrate duties where and when needed.

d. Defense counsel provide defense legal services to the unit to which they are attached or on a geographic basis. Defense counsel must have the mobility to interview and consult with widely scattered clients and witnesses, and represent their clients before courts-martial and adverse administrative proceedings.

6-5. Communications. The AirLand Battlefield will be fluid, chaotic, and lethal. Mobility will be inhibited. The need for time-sensitive operational legal advice will be critical. Judge advocates must have access to communications that link them with the commander, subordinate commanders, the staff, and SJAs at higher and

lower echelons.

6-6. Automation.

a. The JAGC requires a dedicated automated system to provide responsive legal services to commanders at all levels. That system is the Legal Automation Army-Wide System (LAAWS). The LAAWS integrates legal services into a standard system that provides automated legal services down to battalion level. The LAAWS provides for standardized software throughout the JAGC and includes modules for all functional areas of the law. The LAAWS supports automation functions such as word processing, files management, files transfer, and graphics. The LAAWS is hardware dependent on the family of Army Tactical Command and Control Systems (ATCCS) Common Hardware and Software (CHS). Operators will transfer stored data to and from host systems.

b. The LAAWS processes, transmits, receives, and displays essential information in all functional areas of the law. SJA sections, military judges, and defense counsel use the LAAWS in support of combat, combat support, and combat service support units. The LAAWS is critical to the accuracy and responsiveness of legal services on the AirLand Battlefield.

CHAPTER 7

Legal Operations in Low Intensity Conflict

Section I General

7-1. Introduction.

a. Low intensity conflict (LIC) is a politico-military confrontation between contending states or groups below conventional war and above the routine, peaceful competition among states. It frequently involves protracted struggles of competing principles and ideologies. LIC ranges from subversion to the use of armed force. A nation wages it by a combination of means, employing political, economic, informational, and military instruments. Low intensity conflicts often are localized--generally in the Third World--but feature regional and global security implications. As the number of forces, frequency of battles, and level of violence increases and is sustained over an extended period of time, and when an aggressor threatens the nation's sovereignty, the conflict approaches the threshold of a state of war. Figure 7.1 depicts the operational continuum outlining where LIC falls within the spectrum.

b. The United States Army likely will have to operate in LIC environments in the future. These operations are legally and politically sensitive. Legal support is critical to the success of these operations.

c. LIC operations promote regional stability, maintain the cohesion and strength of United States alliances and cooperative agreements essential to maintaining access to important military facilities around the world, enhance the ability of United States security partners to deter and defend against aggression and instability, strengthen the struggling economies of Third World countries, and defend democratic values and institutions.

d. The Army will conduct future LIC operations in one of two basic environments. One environment may contain an existing support structure of communications, air defense, logistical facilities, and ports. The other may be

a relatively undeveloped environment in which Army leaders will have to choose between creating a support base or fighting with only external support. Security assistance personnel, special operations forces, and combat support (CS) and combat service support (CSS) elements usually will play major roles in LIC. The combat forces deployed most likely will be light forces. CSS elements actually may precede the combat force into an area of operations and may be the only forces deployed. Legal support must be flexible and responsive to these demands and will require leaders to anticipate and initiate the legal support needed.

Section II Operational Categories

7-2. Operational Categories of LIC. United States military operations in LIC fall into four broad categories: support for insurgency and counterinsurgency; combatting terrorism; peacekeeping operations; and peacetime contingency operations.

a. Support for insurgency and counterinsurgency. United States security interests may lie with an incumbent government or with an insurgency. An insurgency or counterinsurgency seeks to achieve different objectives. The objective in insurgency is to gain political control by mobilizing antigovernment elements from within the country. In counterinsurgency, the objective is counterrevolutionary mobilization to demonstrate the government's legitimacy and stability and to maintain law and order. These operations include:

- (1) Security assistance.
- (2) Intelligence gathering operations.
- (3) Civil affairs and civil-military operations.
- (4) Psychological operations.

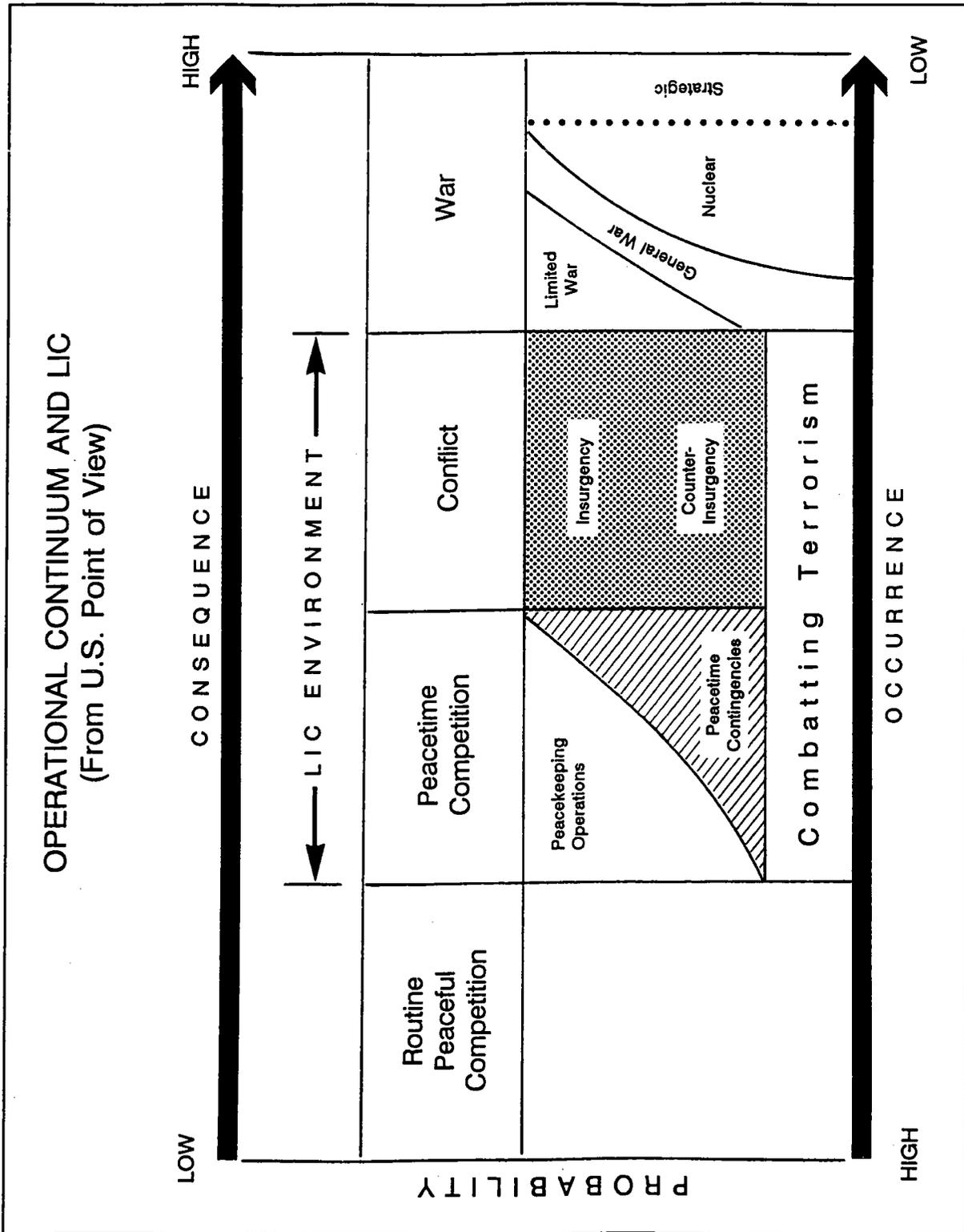


Figure 7.1

- (5) Population and resource control operations.
- (6) Combined training operations.
- (7) Humanitarian and civic assistance.
- (8) Logistical support operations.
- (9) Tactical operations.
- (10) Drug interdiction operations.
- (11) Deception.

b. **Combatting Terrorism.** The aim of combatting terrorism is to protect installations, units, and individuals from the threat of terrorism. Combatting terrorism includes both antiterrorism (defensive) and counterterrorism (offensive) actions throughout the spectrum of conflict. Combatting terrorism requires coordinated action before, during, and after terrorist actions.

c. **Peacekeeping Operations (PKO).** PKOs are military operations that maintain peace already obtained through diplomatic efforts or that provide conditions of security that permit the search for stability and a political solution to either an international or internal conflict. A peacekeeping force supervises and implements a negotiated truce to which belligerent parties have agreed. The force operates strictly within bounds of established rules of engagement. Normally, the parties to the truce will forbid the peacekeeping force from using force to accomplish its mission except for self-defense.

d. **Peacetime contingency operations (PCO).** United States forces may be called upon to resolve situations that protect United States interests. The unifying feature of these actions is the rapid mobilization effort to focus on a particular problem. These operations often take place away from customary facilities and require deep penetration and temporary establishment of long lines of communication in a hostile environment. These operations include:

- (1) Intelligence missions.
- (2) Shows of force.
- (3) Noncombatant evacuation operations.
- (4) Support to United States civil authorities.
- (5) Raids.
- (6) Rescue missions, including evacuation of United States nationals.
- (7) Disaster relief.
- (8) Counternarcotic operations.
- (9) Other limited uses of force.

LIC operations simultaneously may involve two or more of these categories. Moreover, some operations fall into more than one of the categories described above. For example, security assistance operations may be equally effective for combatting terrorism or for waging a counterinsurgency. For a more detailed discussion of these categories see FM 100-20.

Section III
Legal Operations in Support of LIC

7-3. United States law, foreign law, and international law tightly regulate military operations in LIC. Commanders at all echelons must have immediate access to operational law judge advocates or risk violating the law and frustrating the political goals of the operation. They must consult their legal advisors throughout the planning and execution process of all LIC operations. All personnel connected with military operations must understand that violations of legal constraints may adversely affect the overall accomplishment of United States policy objectives, even though the commander accomplishes the immediate military objective.

- a. **United States Law.** All military

operations must comply with United States law, whether in the form of a statute, treaty or other international agreement, executive order, regulation, or other directive from a branch or agency of the federal government. For example, the Uniform Code of Military Justice applies to questions of military justice; the Federal Acquisition Regulation, with the Defense and Service supplements and various statutes, govern the acquisition of supplies and services for United States forces; the Foreign Assistance Act and Arms Export Control Act govern the extent of security assistance given to a foreign country; Executive Order 12333, Department of Defense directives, and service regulations govern intelligence activities; and the Case Act and implementing directives govern the negotiation and conclusion of international agreements. Planners must consult their unit's legal advisor and ensure that proposed courses of action comply with applicable law.

b. International Law. International law includes the law of war, international agreements, and customary international law. International agreements prescribe the rights, duties, powers, immunities, and privileges of nations. International agreements affect United States activities in LIC operations in matters such as:

- (1) The status of United States personnel in a foreign country.
- (2) Construction and operation of United States bases.
- (3) Aircraft overflight and landing rights.
- (4) The processing of claims for damage to persons and property.
- (5) The status of detained persons.
- (6) The relationship between opposing parties in internal conflicts.

Military planners must understand the

importance of the principle of sovereignty in international relations and international law. In accordance with that principle, a host nation's law will govern all aspects of operations carried out in a foreign country, except as modified by international agreement or customary international law. They further must understand that the only basis for the international use of force is collective or individual self-defense.

c. Host Nation Law. In LIC, the host nation's national and local laws apply to United States forces in that country unless an international agreement provides otherwise. Host nation laws regulating employment of labor, currency exchange, procurement of goods and services, customs and taxes, criminal and civil liability, judicial procedures, control of the populace and resources, and emergency legislation may inhibit United States operations. The judge advocate and the planner, therefore, must understand the law to assess its effect on the operation. If local law conflicts with the operation, other United States agencies may assist in negotiating agreements that will exempt United States forces or modify the application of host nation law to accommodate operational requirements.

7-4. Legal Support. LIC contingencies may require the deployment of a battalion or brigade-size task force (TF) with little or no notice. The TF usually will be comprised of division or corps elements. The appropriate commander and SJA will determine the legal support to be deployed. At a minimum, a judge advocate and the legal specialists assigned to any deploying battalions will deploy with the TF to provide mission-essential operational law legal services and, if necessary, civil affairs and contingency contracting support to the TF commander and staff. If the corps or division headquarters deploys, the SJA will deploy with the support required and permitted by the circumstances. If the entire division or corps deploys, usually the remainder of the SJA section and attached trial defense counsel also will deploy.

7-5. Preparing for deployment. The SJA and the commander's staff will plan and coordinate legal support for the operation. The SJA will provide legal services to the commander, subordinate commanders, and staff on the broad range of legal issues associated with preparing for and deploying for combat. Specifically, the SJA will:

a. Assist the commander in disposing of all criminal and adverse administrative actions pending or that arise during deployment.

b. Participate in operations planning and review contingency and operations plans and orders for compliance with international and domestic law.

c. Review the unit's operations, contingency, and exercise plans, and identify the countries to which the unit may deploy. The SJA must determine what, if any, international agreements are in effect between the United States and potential host nations. The office of the staff judge advocate for the unified command with regional responsibility for the area of the LIC operation maintains a directory of relevant international agreements and should be contacted for assistance. The SJA then must gauge the effect of any pertinent agreements upon the deployment and subsequent military operations. If the operation will require new agreements, the SJA must raise the issue through command channels, and follow-up to ensure that the appropriate authority takes the necessary steps to initiate negotiations. Issues that should be addressed in international agreements with host nations include, but are not limited to:

(1) Foreign criminal and civil jurisdiction. If no agreement exists addressing this issue, United States personnel will be subject to the exclusive criminal and civil jurisdiction of the host nation.

(2) Host nation support. When a unit deploys overseas, the host nation may meet some of its logistical requirements. If so, the SJA should ensure that an appropriate arrangement--whether an international agreement, an

arrangement under the NATO Mutual Support Act, or a procurement contract--specifies the materiel the host nation will provide and its cost. The command procurement personnel, with the assistance of the SJA, also should be prepared to procure supplies and services on the local economy.

(3) Prepositioned material. If the unit plans to preposition material in the host nation, an international agreement should contain commitments from the host nation that:

a. The United States may store property within its territory.

b. United States forces shall have unimpaired access to the property.

c. The United States may use or remove the property at any time for any purpose.

d. The host nation's will maintain the security of the property.

e. The property is for the exclusive use of the United States.

(4) Claims. When United States forces deploy to a foreign country, claims may arise. An agreement should address the host nation's and United States' obligations to pay for damages caused by or to United States personnel or property such as:

a. The host nation's responsibility to receive, adjudicate, and pay claims of local inhabitants.

b. Mutual waivers for injuries to government personnel and damage to military or public property.

c. Host nation and United States cost sharing of claims adjudicated by the host nation.

(5) Force security and use of deadly force. When United States forces deploy overseas to play a noncombat role, such as when they

participate in combined training exercises or a security assistance effort, the host nation is responsible for protecting United States personnel. The United States commander, however, is ultimately responsible for the unit's safety. Therefore, an international agreement should include provisions regarding force security, such as the right of United States forces to maintain security on a United States installation and to assist in external security. The agreement should recognize that United States soldiers have the right to use deadly force in individual and unit self-defense.

d. Assist in the preparation of and review rules of engagement (ROE). ROEs must be consistent with the operations plan; higher headquarters' ROEs; national policy; and domestic, international, and applicable foreign law. Some operations may require sets of ROEs. Different missions and theaters of operations will require tailored ROEs.

e. Conduct law of war training as required by law.

f. Prepare soldiers for deployment by the organization's preparation for overseas movement (POM) program. Some soldiers still will deploy without putting their personal affairs in order and others will encounter legal problems after they deploy. Judge advocates must, at a minimum, be prepared to provide powers of attorney and wills, assist in simple tax matters, provide advice on the Soldiers' and Sailors' Civil Relief Act, counsel on dependent nonsupport, and address other basic issues.

7-6. Legal Services in a Theater of Operations in LIC.

a. The scope of legal services directly available to deployed units usually will be limited to operational law legal services and mission-essential legal services in other functional areas.

b. The supporting command's SJA section

will provide additional legal services as required; the deployed judge advocate will coordinate these services. Usually most, if not all, remaining SJA personnel will be at or near the supporting command's headquarters. Legal personnel will provide most required legal services there, including trials by court-martial.

c. Flexibility is the key to the scope and method of delivering legal services in LIC.

7-7. Security Assistance (SA) Operations.

a. United States policy recognizes that in LIC indirect rather than direct applications of United States military power are the most appropriate and cost effective ways to achieve national goals. Paragraph 7.2 lists the most likely military operations in LIC. The principal military instrument in LIC, however, is security assistance. The Army's primary role in LIC is to support and facilitate the security assistance program. The United States will introduce combat forces into LIC situations only as a last resort and when it cannot otherwise adequately protect its vital national interests.

b. Security assistance is the transfer of military and economic assistance by selling, granting, or loaning material or services to friendly foreign governments. The United States uses it in combination with political and informational initiatives. Appendix A, FM 100-20, describes security assistance in LIC in detail.

c. Congress maintains an intense interest in the security assistance process and exercises considerable control over security assistance resources. Accordingly, the various requirements and restrictions applicable to United States security assistance programs are subject to specific congressional authorization, appropriation, and oversight. This, in turn, results in periodic changes to security assistance programs. Commanders must coordinate with their judge advocate when implementing or participating in security assistance programs to ensure compliance with current, sensitive

legislative and regulatory requirements and interpretations of the law. This coordination will reduce substantially both legal and political difficulties and the possibility of adverse congressional reaction to perceived abuses of current security assistance and arms transfer programs. Authorization and limitations of security assistance generally are codified in titles 10 and 22 of the United States Code, with other authorities in titles 31 and 50 and the annual appropriations acts.

CHAPTER 8

Legal Operations in War

Section I General

8-1. War. Mid- and high-intensity battlefields will be chaotic, intense, and highly destructive. They probably will extend across a wider space of air, land, and sea than previously experienced and will require skillful coordination with joint United States or combined forces. The battlefield most likely will be nonlinear and extremely fluid. The intermingling of opposing forces is almost inevitable. Highly lethal weapons systems will complement rapid movement of forces throughout the battlefield. Enhanced target acquisition capabilities and the ability to destroy targets more accurately and consistently from greater distances will increase the range and scope of the battle. The possibility of nuclear, chemical, or biological warfare will be real. Providing legal services on this battlefield will be a challenge that judge advocates must meet.

8-2. As in LIC, United States, foreign, and international law affect military operations in war. In war, military force is a state's primary means to achieve victory. Yet, limitations on the use of force exist. Law and national policy regulate what, when, where, why, and how commanders may employ weapons, even in the most intense conflicts. Commanders and their staffs must know the extent of these limits, not only to follow them, but to ensure that additional perceived limits do not become artificial constraints.

8-3. Preparing for deployment. The Army will fight in one of two basic environments. One may be an anticipated theater with an existing support structure of communications, air defense, logistics facilities, and ports. The other may be a relatively undeveloped theater in which Army leaders within a joint and combined context will have to choose between creating a support base in the theater or fighting with primarily external support. Personnel mobilization of some sort also is likely in war. All of these factors affect how legal personnel plan for deployment. In general, however, the SJA and the commander's

staff will plan and coordinate legal support for the operation much as they do for LIC.

8-4. General. Legal personnel will provide legal services as far forward as possible and at all echelons of command. The full scope of legal services will be provided when and where required by the commander. At the height of conflict, the demand for legal services will not be limited to operational law legal issues. Some judge advocates will be in the tactical or main command posts to provide mission-essential, time-sensitive legal services. Most remaining legal personnel will be temporarily in the unit's rear area of operations. When the battlefield stabilizes and as the conflict's intensity lessens, commanders will bring legal personnel forward incrementally or as a whole.

Section II Unified Command Legal Operations

8-5. General. The SJA for the unified command CINC has overall responsibility for legal services in the theater of operations. The unified command SJA will supervise and coordinate with subordinate component command SJAs to maximize the use of legal assets and enhance the quality of legal services in the theater.

8-6. Policy. The CINC, with the advice of the SJA, will establish policy for legal operations throughout the theater. This policy should address, for example, peacetime and hostile rules of engagement for land, naval, and air force operations in the theater and the legal relationships of United States and allied forces to the host nation.

8-7. Legal Services.

a. The unified command SJA section will be located with and supported by the CINC.

b. The SJAs of the subordinate component commands are responsible for providing legal services within their assigned area of operation within the theater.

c. The CINC will direct the execution of operation plans (OPLANS) and operation orders (OPORDS) by the joint/combined forces in the theater. The unified command SJA will:

(1) Supervise international and operational law activities, including legal review of OPLANS, OPORDS, foreign military assistance, and procurement actions; and draft, interpret, and implement agreements regarding status of forces and base and staging rights.

(2) Review and advise the CINC on the law of war; employment of special weapons; legitimate military targets; treatment and disposition of EPWs, civilian internees, and other captive or detained persons; and investigation and prosecution of war crimes.

(3) Advise the CINC and participate in negotiation, interpretation, and filing of international agreements and treaties.

(4) Provide advice on civil affairs plans, policies, and operations, including the establishment and conduct of a military government, military commissions, and provost courts in occupied territories, and the development of associated rules of procedure.

(5) Supervise the establishment and operation of the claims service in the theater of operation.

**Section III
Theater Army Legal Operations**

8-8. General. In coordination with the unified command SJA, the theater army (TA) SJA is responsible for providing legal services throughout the theater of operations. To facilitate the TA SJA's technical supervision of subordinate SJAs, the TA SJA, at the direction of the TA commander, will designate one or more SJAs of large organizations within the theater to advise and direct the activities of staff and command judge advocates of smaller organizations that otherwise would be directly subordinate to the theater command. The TA

commander may consolidate the resources of the staff and command judge advocate sections of subordinate commands.

8-9. Policy. The theater army commander, after consulting with the TA SJA, will set policy for legal operations throughout the theater. The policy will address, for example, the investigation of alleged war crimes, processing of claims, and situs of trials by court-martial.

8-10. Legal services.

a. TA SJA section personnel will be located with and supported by the theater commander.

b. The SJAs of large support organizations, such as theater army area commands, area support groups, and personnel commands, will supervise the provision of most legal services within the theater area. SJA sections will satisfy most of the legal requirements generated in the COMMZ, such as military justice, legal assistance, and administrative and contract law issues.

c. The theater army commander will face urgent and critical situations throughout all planning and execution phases of the operation. The TA SJA:

(1) Provides operational law advice as required.

(2) Establishes, in coordination with and with the approval of the unified commander's SJA, theater policy for reporting and investigating war crimes; receives and disposes of reports of war crimes; and, when required, directs investigations of reported war crimes using judge advocates in the theater.

d. The TA SJA provides legal services to the theater acquisition activity and staff members charged with contracting responsibilities.

e. Claims.

(1) When authorized by the unified commander's SJA, the TA SJA controls the

command claims service, establishes foreign claims commissions, establishes policy for all claims matters within the theater, acts as appellate authority for claims matters, and advises the TA commander on claims matters. Note, however, that only DOD can designate single-service claims responsibility for an area and that a command claims service can only be established upon designation by The Judge Advocate General.

(2) Any existing United States-host nation agreement concerning the status of United States forces should be examined for provisions concerning the processing and payment of claims against the United States by foreign inhabitants and for waiver provisions. Many of these agreements require that claims be submitted to, processed by, and paid by the host nation. If no such provision exists, United States military forces may settle claims under the Foreign Claims Act for property damage, personal injury, or death of foreign inhabitants caused by our forces. The Act does not require that our forces be acting within the scope of their official military duties at the time they caused the injury giving rise to the claim. It does, however, prohibit payment for claims resulting directly or indirectly from the activities of our forces in combat or from enemy action.

Section IV

Corps Legal Operations

8-11. General. The corps is an active tactical headquarters, as well as an extensive base of combat support and combat service support. Accordingly, its legal services requirements range from the immediate needs of the corps commander and staff for legal advice on operational law, military justice, and a variety of policy questions, to the delivery of the full spectrum of legal services to the large number of units and personnel in the corps area. The corps area will contain numerous separate court-martial jurisdictions and staff and command judge advocate sections. The corps SJA is responsible

for coordinating these activities to provide legal services most efficiently and effectively throughout the corps area.

8-12. Legal services.

a. **Military justice.** Commanders should dispose of violations of the Uniform Code of Military Justice as soon as possible to maintain discipline and to assure witness availability. Normally, division and separate brigade commanders and their subordinate commanders will convene courts-martial to try their troops. The corps or higher commander, however, may withhold jurisdiction and exercise convening authority if the situation so dictates. General and special courts-martial, including those of divisional troops, probably will be conducted in the corps area, but circumstances will dictate place and time.

b. **Operational and international law.** The corps is not only a tactical headquarters; it may constitute the highest level headquarters in the area of operations. Mission-essential operational law legal advice must be available immediately to the commander and staff.

c. **Claims.** The corps will receive the bulk of its claims from corps support units and other organizations, including divisions, that cannot dispose of the claims themselves. Foreign claims commissions may be appointed in the corps area to address claims arising from noncombat activities of the Army that allegedly cause death or injury to foreign nationals and their property.

d. **Administrative law.** The greater the conflict's intensity, the greater the likelihood that most administrative law matters--such as military personnel actions, policy questions, and security issues--will be addressed at corps or above.

e. **Contract law.** Local procurement of goods and services, particularly in areas not supportable by existing supply or service units, can be critical to the mission's success or failure. This is especially important where a contingency

corps or a corps slice is operating. Judge advocates will be involved extensively in the contracting process.

f. Legal assistance. Judge advocates will provide legal assistance as required as far forward as the operational situation allows. In the corps area, legal assistance will be a major component of reconstitution efforts.

Section V Division Legal Operations

8-13. General. The division is the largest Army fixed organization that fights as a tactical unit. It is largely self-sustaining. The division's legal requirements cover all functional areas of the law. The division SJA can provide the full range of legal services if military judges and defense counsel are available to support military justice actions such as courts-martial. One principle is inviolate: The division commander must have legal advice available at all times. The commander directs--upon the advice of the SJA--the place, time, and degree of the delivery of legal services.

8-14. Legal services.

a. During the initial development phase of war, the division will be engaged in heavy combat. The division's tactical units will be moving rapidly. The command and control and division rear support elements frequently will change location. During this phase, the division commander probably will need only a small legal section located with the principal staff element to provide critical, mission-essential legal advice. One or two operational law judge advocates will be in the main or tactical command post. The SJA will be available to the commander at all times. Remaining legal personnel, including judicial or defense personnel in the division area, will be at the division rear command post or in the division support area. If the SJA is unavailable, the deputy staff judge advocate or the next most senior member of the SJA section will exercise technical supervision over legal

personnel in the immediate area.

b. As the theater stabilizes, the conflict lessens, and reconstitution begins--or the division prepares for another phase of conflict--the division commander must address legal problems held up by combat. During stabilization and lodgement, JAGC personnel will provide the full range of legal services such as the investigation of war crimes; disposition of all or most violations of the UCMJ, including trials by courts-martial; investigation and payment of claims; legal assistance to soldiers; legal advice to civil affairs operations; disposition of captured property; and procurement of locally available goods and services.

c. Battalion and brigade legal NCOs and specialists, located in the organization's S1 section, will play a critical role. They are the front line providers of legal services to those organizations. They will gather and preserve information related to legal matters that must wait until the fighting subsides. They will coordinate with, and receive technical advice and guidance from, the division SJA section.

Section VI Separate Brigade Legal Operations

8-15. General.

a. Legal personnel, including judge advocates, are organic to separate brigades and equivalent units authorized to convene general courts-martial. These units fit into two categories:

(1) Combat brigades that operate as separate tactical units under the operational control of corps or higher. Commanders of these units are general court-martial convening authorities, unless higher authority has withheld this authority. The senior judge advocate is the unit's staff judge advocate.

(2) Combat support brigades and combat service support units located within theater and corps support areas. Commanders of these units

usually are not general court-martial convening authorities. The senior judge advocate is the organization's command judge advocate.

8-16. Legal Services.

a. Brigade staff judge advocate sections deliver legal services in all functional areas when supplemented by defense counsel and a military judge. The next higher organization may provide additional legal resources as required.

b. Brigade command judge advocate sections provide legal services on matters that affect the mission. The SJA section of the next senior command provides additional legal services.

8-17. Operations.

a. Support brigades. A large number of combat support and combat service support units will be within the theater and corps areas. Units in these areas will require extensive legal services. Much of the operational activity of units headquartered in support areas will occur forward of these support areas. The appropriate SJA will coordinate the provision of legal services. See paragraph 8.5.

b. Separate tactical brigade operations may occur anywhere in the theater. Their legal operations will resemble a division's legal operations.

Section VII

Rear Operations

8-18. Rear Operations. Just as we plan to fight in the enemy's rear area, so the enemy plans to fight in ours. Operations against threat forces in our rear area will be important. Normally, SJA section personnel will be with CSS units in a base cluster for self-defense and mutual support purposes. Legal personnel must be trained in active and passive measures to counter threat efforts. Refer to FM 19-14 for more detail.

CHAPTER 9

Legal Operations in Special Operations

Section I

General

9-1. Special operations forces perform missions across the operational continuum. Specially trained, equipped, and organized Department of Defense (DOD) forces conduct special operations (SO) against strategic or tactical targets in pursuit of military, political, economic, or psychological objectives. These forces may conduct special operations in peace or during hostilities. They may support conventional operations, or be employed independently when the use of conventional forces is either inappropriate or infeasible.

9-2. Special operations activities include:

- a. Direct action.
- b. Strategic reconnaissance.
- c. Unconventional warfare.
- d. Foreign internal defense.
- e. Civil affairs.
- f. Psychological operations.
- g. Counterterrorism.
- h. Humanitarian assistance.
- i. Search and rescue.
- j. Other activities as specified by the President or the Secretary of Defense.

Section II

Missions

9-3. Legal Support.

a. Special operations missions are legally and politically sensitive, particularly in a peacetime or LIC environment. The commander must consider not only traditional law of war

requirements on the operation, but also the requirements of domestic United States law--such as security assistance and intelligence statutes--and international law--such as mutual defense treaties and host nation support agreements. Proper resolution of legal issues raised by the mission is critical to success.

b. Army special operations forces (SOF) receive operational law support from the SJA, United States Army Special Forces Command and the SJA, United States Army Civil Affairs and Psychological Operations Command. Additionally, a judge advocate is required by, and assigned to, each special forces group; psychological operations group; special operations aviation regiment; ranger regiment; and civil affairs command, brigade, and battalion. These judge advocates provide responsive legal advice to the commander as required.

c. All judge advocates must know the business of their clients. This is especially critical in SO. Judge advocates assigned to SOF not only must know the applicable law, but also must have a working knowledge of the force structure, missions, doctrine, and tactics of the SOF. This knowledge comes from prior service in SO units, SO training, and working closely with the unit commanders and staff.

Section III

Duties of Judge Advocates

9-4. Duties of the SO Judge Advocate.

a. A JA assigned to a SO unit has many of the same responsibilities as JAs in other units. For example, he or she must provide legal assistance, assist the commander in administering military justice, and participate in administrative separation proceedings. He or she must establish a support agreement between the SO unit and the installation SJA's office so the command's legal actions are processed on time.

b. Advising the commander and his staff. The SO JA's principal function is to provide legal

services to the commander and staff. The SO JA must perform the predeployment responsibilities outlined in paragraph 7.5. The SO judge advocate must attend planning sessions for all operations, including exercises; review all operations, contingency, and exercise plans and orders for compliance with domestic, foreign, and international law and applicable policy and regulations; and be available to provide legal services during military operations.

c. All SO soldiers must receive law of war training commensurate with their duties and responsibilities. SO judge advocates will provide training that not only addresses conventional law of war issues but also addresses issues unique to SO.

9-5. Judge advocates assigned to special operations forces may deploy with their units. The units may conduct these missions deep in enemy territory where access to other legal resources is nonexistent. Special operations judge advocates always must be readily available to the commander.

CHAPTER 10

Mobilization and the Land Defense of CONUS

Section I Mobilization

10-1. Mobilization is the act of assembling and organizing national resources to support national objectives in time of war or other national emergency. Mobilization may include:

- a. Expansion of the military forces.
- b. Apportionment of national manpower and skills to meet the needs of the military and an expanding war economy.
- c. Expansion of military infrastructure and increased use of national infrastructure.
- d. Expansion of industrial and agricultural production and increased use of foreign sources.
- e. Expansion of the supply of raw materials and increased use of foreign resources.

10-2. Military mobilization converts an increased share of national resources to military power. This includes activating all or part of the Reserve component, as well as assembling and organizing personnel, supplies, and materiel. Accordingly, the military can use military mobilization as a strategic tool to meet the needs of war; a political and psychological weapon to signal national interest and resolve in world events; or an instrument of deterrence.

10-3. Five phases of military mobilization exist:

- a. The preparatory phase occurs during peacetime and includes mobilization planning and training.
- b. The alert phase begins when a unit receives notice or warning through command channels of a pending order to active duty and ends when the unit enters active federal service.
- c. The mobilization at home station begins with a unit's entry on to active federal service (activation) and ends with the unit's departure

for its mobilization station.

d. The movement phase covers the departure from the home station to arrival at the mobilization station.

e. The operational readiness phase begins upon a unit's arrival at the mobilization station. The unit attains readiness in the shortest time possible. The phase is complete when the Army declares the unit ready for deployment.

Section II Land Defense of CONUS and Military Support to Civil Defense

10-4. The land defense of CONUS (LDC) is the conduct of operations to protect military facilities and key assets within the continental United States to ensure the continued ability of the nation to mobilize, deploy, and sustain military forces. LDC includes the Key Asset Protection Program (KAPP), a Department of Defense (DOD) program designed to identify key assets and plan for their protection. Responsibility for protecting key assets, however, rests primarily with the civilian sector and with local, state, and federal law enforcement agencies. Military Support to Civil Defense (MSCD) is comprised of those military activities and measures taken by DOD components to assist civilian government agencies or the population in planning preparedness measures for civil defense, in the implementation of civil defense plans, or in the emergency response to civil defense requirements.

Section III Responsibilities

10-5. Authorities.

a. The National Command Authority (NCA) directs, through the Chairman of the Joint Chiefs of Staff, LDC execution and the assignment of forces to conduct LDC.

b. The Commander in Chief, Forces Command (CINCFOR), is the DOD executive

agent for LDC. Accordingly, CINCFOR is responsible to the NCA, through the Chairman, Joint Chiefs of Staff, for planning and executing LDC. Additionally, CINCFOR is responsible for the mobilization of United States Army elements within CONUS and their subsequent deployment.

c. The Federal Emergency Management Agency (FEMA) coordinates federal, state, and local resources on issues of national security emergency preparedness, including mobilization preparedness, civil defense, and continuity of government.

d. The Department of Justice (DOJ) provides CINCFOR with intelligence information on sabotage, espionage, terrorism, and subversion during execution of LDC. DOJ coordinates Federal Bureau of Investigation (FBI) activities related to LDC with CINCFOR.

e. Joint regional defense commands (JRDCs) evolve from the Continental United States Armies (CONUSAs) upon execution of LDC. JRDC/CONUSAs are directly subordinate to CINCFOR. JRDC/CONUSAs are responsible for all LDC planning and implementation within their designated multistate geographic areas, including the further assignment of allocated combat forces. JRDC/CONUSAs are also responsible, through their subordinate mobilization stations, for mobilization and deployment activities of United States Army forces in the area.

f. Joint state area commands (JSACs) are federalized National Guard state area commands (STARCs). JSAC/STARCs are directly subordinate to their geographically related JRDC/CONUSA. JSAC/STARCs are responsible for all LDC planning and implementation within their respective states. JSAC/STARCs coordinate with local and state authorities. JSAC/STARCs assume operational control of combat forces assigned from the JRDCs for LDC purposes.

g. Army major commands (MACOM) support CINCFOR and JRDC/CONUSAs in the planning

and execution of LDC. MACOM legal assets will assist with LDC legal missions.

h. Departments of the Navy and Air Force prepare LDC supporting plans.

i. The JRDCs operationally control FORSCOM mobilization stations (mobstations). The primary responsibilities of both FORSCOM mobstations and mobstations belonging to other MACOMs include preparation and execution of mobilization, training base expansion, and deployment operations. Mobstations are also responsible for support to CONUS sustainment operations, including the land defense of CONUS.

Section IV Legal Operations in Support of Mobilization and LDC/MSCD

10-6. Legal services during mobilization and LDC. Commanders and their SJAs will position legal personnel throughout their area of responsibility to provide responsive legal services when and where needed. Mobilization and the LDC will strain legal resources. SJAs at all levels must retain the maximum flexibility possible to perform their mission. This means controlling legal resources, knowing the mission and the commander's intent, and applying the tenets and imperatives outlined in Chapter 4.

10-7. Legal support will be provided by:

a. Legal personnel on mobilization Tables of Distribution and Allowances.

b. Judge Advocate General Service Organizations. Each JRDC/CONUSA will receive, upon mobilization, a regional law center (RLC) and a military judge and defense counsel team. See Chapter 3. The JRDC/CONUSA SJA may detail RLC personnel to subordinate units as needed.

c. Legal personnel assigned to JRDC/CONUSAs and JSAC/STARCs.

d. Legal personnel assigned to late deploying TOE forces assigned a mobilization or an LDC security mission.

e. Individual mobilization augmentees (IMAs), individual ready reservists (IRRs), and retired reservists subject to mobilization. Coordination for the activation of these personnel should be effected through the Army Reserve Personnel Center (ARPERCEN).

10-8. Mobilization and LDC/MSCD will generate unique legal issues and problems. Some of the most important include:

a. Training bases will expand as units mobilize and deploy. Expansion will require extensive legal resources to support real estate acquisition and expanded contracting operations.

b. Emergency and wartime legislation and presidential executive orders either will be promulgated or triggered. This may affect much of the commander's authority and responsibilities including the power to seize private property for military purposes; contract for emergency facilities, goods, and services; and prevent disclosure of sensitive military information by the media. It also will affect the relative authority and power of federal, state, and local agencies with which the commander deals. For example, LDC may give rise to the issue of who is in charge of operations surrounding a key asset when military assistance is requested and provided.

c. Soldiers and their families will require responsive--sometimes immediate--legal assistance for their personal affairs. Moreover, the current Soldiers' and Sailors' Civil Relief Act--enacted decades ago to address World War II housing, employment, tax, and consumer relief problems--may not protect many of today's activated reservists adequately.

d. Legal personnel provide claims and legal assistance services to evacuees from OCONUS. The majority of family members will receive support at family assistance centers under the

command of the JSAC commander. Legal services also will be available at some mobilization stations.

10-9. Judge advocate support to LDC forces. LDC forces will be widely dispersed and thinly spread. To counter these problems, legal personnel should provide legal support to LDC forces as follows:

a. Operational law. Legal assets organic to deployed LDC forces or within the joint state area command (JSAC), will be insufficient to assign judge advocates to each individual key asset site.

(1) Predeployment. Judge advocates organic to the LDC force will provide advice to LDC force commanders on the law affecting LDC operations and, as needed, train soldiers on rules of engagement and the use of deadly force. When LDC forces are allocated to the JRDC, the JRDC SJA will direct organic judge advocates or the JSAC SJA to review the initial defense plans for each site in the JRDC. Review must include rules of engagement; relationships with other state, local, and federal representatives; and intelligence collection activities.

(2) Postdeployment. Once LDC forces are allocated to specific key assets, a judge advocate from the JSAC should be tasked as the operational law point of contact (POC) and maintain telephonic and radio contact with commanders at the key asset. The JSAC operational law POC will be the primary operational law advisor to all LDC forces within the JSAC area of operations.

b. Legal Assistance. Soldiers in CONUS will receive legal assistance from the host installation or organic JAs until the soldiers are placed under the operational control of a JSAC. The nearest family assistance center then will provide legal assistance.

c. Criminal law. Before deployment, LDC forces will process criminal law matters through their chains of command. If the unit commander

is not a general court-martial convening authority (GCMCA), but recommends trial by general court-martial, then the command will forward the case to the installation or geographic GCMCA. See ARs 5-8 and 5-9. After deployment, orders transferring operational control to the JSAC also will transfer military justice responsibility to the JSAC general court-martial convening authority. Criminal law matters will be transmitted from the LDC element under the operational control of a JSAC directly to the JSAC SJA.

d. Claims. Area claims offices process peacetime claims within CONUS. These offices, generally collocated with existing active component GCMCAs, will continue to function during LDC operations and handle claims generated in connection with LDC operations. The JSAC SJA section and family assistance centers also will have a limited ability to handle claims.

e. Administrative law. Before deployment, LDC forces will receive administrative law advice from organic JAs. After deployment, the organic JAs will continue to advise on matters concerning unit administration, internal organization, and unit training. Commanders, however, should refer all other matters to the JSAC SJA.

f. Contract law. Because contingencies can occur in areas not supportable by existing supply or service units, contracting must be used. Contingency contracting can be an effective force multiplier of combat service support for LDC forces. Judge advocates will provide advice on the acquisition of goods and services for these forces.

CHAPTER 11

Legal Aspects of Civil Affairs Operations

Section I General

11-1. Introduction. Civil affairs (CA) operations are politically and legally sensitive because they involve the interrelationship between the United States military forces and civilians in the area of operations. Domestic, international, and foreign law regulate and influence CA operations. Commanders and CA personnel must have ready access to legal personnel for mission-essential legal services. Violations of the law or local moral standards by United States military personnel risk alienating the local populace and jeopardizing the public support required for United States military and political objectives.

11-2. Mission. CA operations address the relationship between military forces, civil authorities, and the population of a friendly or occupied country. CA operations concern the effect civilians have on military operations and the economic, social, and political effect military operations have on civilians. A major CA mission is to mobilize civilian support for United States military operations and political objectives in war and peace. CA operations:

- a. Support the commander in the conduct of military operations.
- b. Support the commander in meeting legal obligations and moral standards regarding the local populace.
- c. Further the national and international policies of the United States.

11-3. CA operations are coordinated military activities that influence, develop, or control indigenous infrastructures in operational areas. CA operations involve conventional and special operations (e.g., foreign internal defense and unconventional warfare) or may be pursued in support of United States country teams. They may include United States, allied, and indigenous security forces; civil authorities; nongovernment agencies; and the local populace. CA operations include:

- a. Mobilizing civilian support for United States military and political objectives.
- b. Preventing civilian interference with the mission.
- c. Facilitating host nation support and establishing liaison with civilian authorities.
- d. Supplementing intelligence efforts at the operational and tactical level.
- e. Providing civil administration or military government in foreign territory.
- f. Controlling the local noncombatant population; detaining enemy collaborators; and exercising military control over private, public, and enemy property.

11-4. Scope. Civil affairs operations extend across the operational continuum and throughout the area of operations.

11-5. The G5/Civil-Military Operations (CMO) Officer:

- a. Is the principal staff assistant to the commander in civil affairs matters, including all matters concerning political, economic, and social aspects of military operations.
- b. Acts as liaison between the military forces, civil authorities, and people in the area of operations.
- c. Coordinates actions in which the force employs psychological operations techniques to support civil affairs objectives.

Section II Legal Operations in Support of Civil Affairs

11-6. Legal personnel for civil affairs.

- a. The staff judge advocate is the commander's primary legal advisor and supervises legal operations in support of civil affairs. The

G5 coordinates with the SJA on all legal matters related to civil affairs. The SJA will provide technical supervision, assistance, and guidance to judge advocates in supporting civil affairs organizations.

b. Judge advocates assigned to civil affairs units are the primary legal advisors to that organization. The senior judge advocate of the unit is the unit's command judge advocate (CJA) and, therefore, is a member of the commander's personal and special staff. CA judge advocates provide mission-essential legal services to the unit, including operational law legal service, as required by the commander. The CA CJA will coordinate with the staff judge advocate of the command to which the civil affairs organization is assigned or attached for technical guidance and supervision.

c. Judge Advocate General Service Organizations (JAGSO) may be detailed to corps, TAACOMs, and theater armies to assist with civil affairs legal matters.

11-7. Legal services in support of civil affairs.

a. Legal services are critical to properly advising and assisting the commander in fulfilling his legal obligations and complying with moral standards regarding local civilians.

(1) Legal obligations derive from domestic, international, and, when applicable, foreign law. The 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War sets forth most of a commander's legal obligations.

(2) Moral standards include local customs and traditions, cultural and religious considerations appropriate to the area of operations, and established principles of humanity.

b. The SJA of the supported command and the CA CJA will effect coordination to provide the following legal services to their commanders during all phases of CA operations:

(1) Planning phase.

a. Assisting in the preparation of, and reviewing, civil affairs plans for consistency with the law and national command authority guidance.

b. Preparing the legal section of the civil affairs area study and assessment.

c. Providing predeployment CA training as required.

(2) Combat operational phase. Providing advice on:

a. Population control measures.

b. Targeting to minimize unnecessary collateral damage or injury to the civilian population.

c. Treatment of dislocated civilians, civilian internees, and detainees.

d. Requests for political asylum and refuge.

e. Acquisition of private and public property for military purposes.

f. Psychological operations and their effects on the civilian populace.

(3) Stability and consolidation phase.

a. Providing advice on and disposing of claims submitted by local civilians.

b. Providing advice on the jurisdiction of local courts over United States military personnel and activities.

c. Providing advice on humanitarian and civic assistance issues.

d. Providing advice on disaster relief.

e. Assisting in the creation and supervision of military tribunals and other activities for the proper administration of civil law and order.

f. Assisting civil administration activities, including:

1. The establishment and operation of local judicial and administrative agencies.

2. The closing and reopening of local courts, boards, agencies, and commissions.

3. Defining the jurisdiction, organization, and procedures of local government institutions.

Glossary

| | | | |
|-----------------|--|---------------|---|
| ACMR | Army Court of Military Review | CONUS | continental United States |
| AFARS | Army Federal Acquisition Regulation Supplement | CONUSA | Continental United States Army |
| AJAG | Assistant Judge Advocate General | COSCOM | corps support command |
| AJAG/CIV | Assistant Judge Advocate General for Civil Law and Litigation | CP | command post |
| AJAG/MIL | Assistant Judge Advocate General for Military Law and Operations | CS | combat support |
| AR | Army Regulation | CSA | Chief of Staff, United States Army |
| ARNG | Army National Guard | CSS | combat service support |
| ASG | area support group | CZ | combat zone |
| ATCCS | Army Tactical Command and Control Systems | DA | Department of the Army |
| BOS | battlefield operating system | DAD | Defense Appellate Division |
| CHS | common hardware and software | DCSPER | Deputy Chief of Staff, Personnel |
| CINC | commander in chief | DOD | Department of Defense |
| CINCFOR | Commander in Chief, Forces Command | DOJ | Department of Justice |
| CJA | command judge advocate | DSJA | deputy staff judge advocate |
| CMO | civil-military operations | EDRE | emergency deployment readiness exercise |
| COMMZ | communications zone | EPW | enemy prisoner of war |
| | | EUCOM | United States European Command |

FAR
Federal Acquisition Regulation

FEMA
Federal Emergency Management Agency

FOA
field operating agency

FORSCOM
Forces Command

GAD
Government Appellate Division

GCMCA
general court-martial convening authority

HHC
headquarters and headquarters company

HQDA
Headquarters, Department of the Army

IMA
individual mobilization augmentee

JA
judge advocate

JAGC
Judge Advocate General's Corps

JAGSO
Judge Advocate General Service Organization

JCS
Joint Chiefs of Staff

JRDC
joint regional defense command

JSAC
joint state area command

KAPP
Key Asset Protection Program

LAAWS
Legal Automation Army-Wide System

LDC
land defense of CONUS

LIC
low intensity conflict

LL.M.
Master of Laws

LSC
Legal Services Command

LSO
legal support organization

MACOM
major Army command

MCM
Manual for Courts-Martial

METT-T
mission, enemy, terrain, troops, and time-available

MJT
military judge team

MSCD
Military Support to Civil Defense

NCA
National Command Authority

NCO
noncommissioned officer

OCONUS
outside continental limits of the United States

OPLAN
operational plan

| | |
|--|---|
| OPORD operations order | TDS United States Army Trial Defense Service |
| OTJAG Office of The Judge Advocate General | TF task force |
| PAC personnel administrative center | TJAG The Judge Advocate General |
| PCO peacetime contingency operations | TJAGSA The Judge Advocate General's School, United States Army |
| PKO peacekeeping operations | UCMJ Uniform Code of Military Justice |
| POC point of contact | USALSA United States Army Legal Services Agency |
| POM preparation for overseas movement | USAR United States Army Reserve |
| PSS personnel service support | USARCS United States Army Claims Service |
| PSYOPS psychological operations | USCENTCOM United States Army Central Command |
| RLC regional law center | USCMA United States Court of Military Appeals |
| SJA staff judge advocate | USSOUTHCOM United States Army Southern Command |
| SO special operations | |
| SOF special operations forces | |
| STARC state area command | |
| TAACOM theater army area command | |
| TAJAG The Assistant Judge Advocate General | |

References

REQUIRED PUBLICATIONS

Required publications are sources that users must read or use to understand or comply with this publication.

Field Manuals

- 27-1
Legal Guide for Commanders
- 27-10
The Law of Land Warfare
- 27-14
Legal Guide for Soldiers
- 33-1
Psychological Operations
- 41-10
Civil Affairs Operations
- 80-1
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- 90-14
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- 101-5
Staff Organizations and Operations

- 101-5-1
Operational Terms and Symbols

DA Pamphlets

- 27-21
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- 27-25
Prisoner of War: Rights and Obligations Under the Geneva Convention
- 27-26
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- 27-153
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U.S. Army Operational Concept for Providing Legal Services in Theaters of Operation

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- 10-72
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- 27-1
Judge Advocate Legal Service
- 27-3
Legal Assistance
- 27-10
Military Justice
- 27-20
Claims
- 27-40
Litigation

27-50
Status of Forces Policies, Procedures, and Information

RELATED PUBLICATIONS

Related publications are sources of additional information. They are not required to understand this publication.

Field Manuals

25-2
Unit Management Training

25-100
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54-40
Area Support Group

63-1
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JCS Pub 3, Joint Operations

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