

**“CLAMO” AT 25: THE CENTER FOR LAW AND MILITARY
OPERATIONS CELEBRATES TWENTY-FIVE YEARS¹**

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I. Introduction

In December 2013, the Center for Law and Military Operations (CLAMO) celebrated its 25th anniversary as an Army institution. Established by then Secretary of the Army John O. Marsh, Jr. in December 1988,² CLAMO grew out of the experiences of judge advocates in Grenada during Operation *Urgent Fury* in 1983 and the recognition gained from other similar events that domestic and international law affected the planning for, and conduct and sustainment of, U.S. military operations. This idea behind CLAMO was that it would examine legal issues arising during military operations, and then devise “training strategies”³ for addressing those issues. Stated another way, CLAMO would gather legal lessons learned from military operations, analyze those lessons, and then disseminate them to judge advocates throughout the Army—and the entire Defense Department.⁴ This would ensure that uniformed lawyers advising commanders during operations not only profited from the experiences of their predecessors grappling

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Colonel (Retired) Fred Borch is the author of a number of books and articles on legal and non-legal topics, including *Judge Advocates in Combat: Army Lawyers in Military Operations from Vietnam to Haiti* (2001), and *Judge Advocates in Vietnam: Army Lawyers in Southeast Asia* (2004). His latest book is *Medals for Soldiers and Airmen: Awards and Decorations of the United States Army and Air Force* (2013).

¹ A previous version of this article, titled *Spotlight on: The Center for Law and Military Operations*, appeared in The Judge Advocate General’s Legal Center and School’s Annual Bulletin, 2012–2013, at 13, available at http://www.loc.gov/tr/frd/Military_Law/pdf/AB_2012-2013.pdf.

² Memorandum from John O. Marsh, Jr., Sec’y of Army, for The Judge Advocate General, subject: Establishment of a Center for Law and Military Operations (21 Dec. 1988) [hereinafter Marsh Memorandum], reprinted in *ARMY LAW*, Apr. 1989, at 3.

³ *CLAMO Moves Forward*, REGIMENTAL REPORTER 1 (Fall 1996).

⁴ *Id.*

with similar legal issues, but also would help these same judge advocates avoid any legal pitfalls or failures that had occurred in past military operations. What follows is the story of CLAMO's first twenty-five years in operation. It begins with a look at the impetus for the creation of CLAMO before examining the evolution of CLAMO in the 1990s and 2000s. This article concludes with some thoughts on the future of CLAMO. Finally, two appendices contain information on those judge advocates who have been a part of CLAMO and publications produced by CLAMO.

II. Origins of CLAMO

Since the decision to create CLAMO resulted from the emergence of operational law (OPLAW) as a distinct practice area in the Judge Advocate General's Corps (JAGC), a brief discussion of why and how OPLAW came to exist is necessary.

On March 16, 1968, members of Company C, 1st Battalion, 20th Infantry Regiment, an element of the Americal Division, murdered some 350 innocent Vietnamese civilians at the small village of My Lai. After an investigation concluded that First Lieutenant William F. Calley and twelve men under his command were chiefly responsible for the killings, Calley was charged with the murder of 109 civilians.⁵ While the twelve other soldiers also were charged with murder, only Calley was convicted.⁶ On 29 March 1971, Calley was found guilty of premeditated murder by a general court-martial convened at Fort Benning, Georgia, and sentenced to life imprisonment.⁷

While action taken by the convening authority and others subsequently resulted in Calley being paroled in 1974,⁸ the end of "Rusty" Calley's legal problems did not diminish the negative fall-out from what was (and is) popularly called the "My Lai Massacre."⁹ On the contrary, the killings at My Lai caused much soul searching and consternation among Americans in general. The ramifications of this

⁵ WILLIAM M. HAMMOND, PUBLIC AFFAIRS: THE MILITARY AND THE MEDIA, 1968–1973, U.S. ARMY IN VIETNAM 220–24 (1996).

⁶ *Id.*

⁷ *United States v. Calley*, 46 C.M.R. 1131 (A.C.M.R. 1973)

⁸ HAMMOND, *supra* note 5, at 252.

⁹ RICHARD HAMMER, THE COURT-MARTIAL OF LT. CALLEY 18 (1971).

tragedy on the Army also were far-reaching. The Peers Inquiry,¹⁰ so-named because its senior member was Lieutenant General William F. Peers, thoroughly investigated the murders. For the JAGC, the most damning finding of the Peers Inquiry was that inadequate training in the law of war was a contributory cause of the killings.¹¹ Of particular concern “was the report’s finding that Law of War training in Calley’s unit was deficient in regards to the proper treatment of civilians and the responsibility for war crimes.”¹²

In retrospect, it seems unlikely that deficient law of war training had a direct causal connection with the murders at My Lai. That said, faced with this disturbing criticism from the Peers Inquiry, senior members of the JAGC began looking for ways to correct this deficiency—and ensure that the lack of instruction in the law of war would not contribute to any future My Lai’s. In May 1970, the regulation governing law of war training was revised.¹³ For the first time, the regulation required that instruction be presented by judge advocates “together with officers with command experience preferably in combat.”¹⁴ The idea was to ensure that law of war training “had a firm grounding in real-world experience” while also demonstrating that instruction in the Hague and Geneva Conventions was a command responsibility.¹⁵

Instructors at The Judge Advocate General’s School (TJAGSA) took the lead in developing new and improved training materials, including “detailed Law of War Lesson Plans, training films, self-instructional texts and the timeless Law of War “comic book,” *Your Conduct in Combat*.¹⁶ Perhaps more importantly, TJAGSA faculty developed a one-

¹⁰ U.S. DEP’T OF ARMY, REPORT OF THE DEPARTMENT OF THE ARMY REVIEW OF THE PRELIMINARY INVESTIGATIONS INTO THE MY LAI INCIDENT (14 Mar. 1970).

¹¹ *Id.* at 10–26.

¹² FREDERIC L. BORCH III, JUDGE ADVOCATES IN VIETNAM: ARMY LAWYERS IN SOUTHEAST ASIA 1959–1975, at 54 (2003). For more on Calley and My Lai, see *Calley v. Callaway*, 382 F. Suppl. 650 (1974). See also GUENTER LEWY, AMERICA IN VIETNAM 356–58 (1978).

¹³ U.S. DEP’T OF ARMY, REG. 35-216; THE GENEVA CONVENTIONS OF 1949 AND HAGUE CONVENTION NO. IV OF 1907 (28 May 1970).

¹⁴ *Id.*

¹⁵ BORCH, *supra* note 12, at 54.

¹⁶ David E. Graham, *My Lai and Beyond: The Evolution of Operational Law, in THE REAL LESSONS OF THE VIETNAM WAR: REFLECTIONS TWENTY-FIVE YEARS AFTER THE FALL OF SAIGON* 365 (John Norton Moore & Robert F. Turner eds.) (2002).

week course that focused exclusively on the law of war—a course that still exists today, albeit in slightly different form.¹⁷

While this improved instruction in the law of war was significant, of greater importance was the initiative taken by retired Colonel (COL) Waldemar A. Solf. In 1972, while serving as Chief of the International Affairs Division at the Office of the Judge Advocate General (OTJAG), Solf suggested to Major General George S. Prugh, then serving as The Judge Advocate General (TJAG), that the Army propose to the Department of Defense (DoD) that it create a DoD-level Law of War Program. As a result of Solf's recommendation, DoD Directive 5100.77, promulgated by the Secretary of Defense on November 5, 1974, not only created a unified law of war program for the armed forces, but made the Army the lead organization in implementing it.¹⁸

In implementing this new law of war program, Army lawyers initially focused on improving classroom and field instruction given to Soldiers on the law. They also began reviewing operation plans (OPLANS) developed by G-3 (Operations) staff officers at the division and higher levels. This necessarily meant that judge advocates were now involved in the *development* of OPLANS—to ensure that the OPLANS complied with the Law of War. For the first time in the history of the Army, lawyers began “to communicate directly with commanders and their staff principals throughout the course of planning for an operation—identifying and resolving issues that arose during the planning process.”¹⁹

The deployment of Soldiers and Marines to Grenada as part of Operation Urgent Fury in October 1983, however, brought with it the realization that teaching soldiers about their responsibilities in combat and participating in the development of military operations planning was insufficient. While judge advocates had by that time been involved in the detailed review of OPLANS for almost nine years—pursuant to the My Lai-generated DoD Directive 5100.77—Army leaders expected that once an operation was underway, their lawyers would focus only on

¹⁷ Today, a two-week course called the “Operational Law of Armed Conflict” or OPLOAC is taught by the International and Operational Law Department at The Judge Advocate General’s Legal Center and School (TJAGLCS), as The Judge Advocate General’s School, U.S. Army (TJAGSA) is known today.

¹⁸ U.S. DEP’T OF DEF., DIR. 5100.77, DOD PROGRAM FOR IMPLEMENTATION OF THE LAW OF WAR (5 Nov. 1974).

¹⁹ Graham, *supra* note 16, at 367.

specific issues related to the status and treatment of prisoners of war (POWs) and civilian detainees, as well as only those administrative and criminal matters routinely handled at home station.

This expectation about the role judge advocates would play in military operations changed, however, with the deployment of the 82d Airborne Division to Grenada as part of Operation Urgent Fury. When Lieutenant Colonel Quinton Richardson, the division's Staff Judge Advocate, accompanied the Assault Command Post on October 25, 1983, he quickly discovered that there were a variety of legal issues that impacted the conduct of an operation.²⁰ Such issues included: the preparation of Rules of Engagement (ROEs) and related guidance for both the combat and peacekeeping phases of Urgent Fury; formulating a command policy on war trophies; advising on the treatment of captives; and advising the State Department on the preparation of a Status of Forces Agreement.²¹ Richardson and the other judge advocates who deployed to Grenada between October 25 and December 15, 1983 also busied themselves with paying claims for damaged and seized property; advising the Grenadian government on drafting domestic law; and providing liaison with various U.S. government agencies and other non-U.S. organizations such as the International Committee of the Red Cross.

By the end of U.S. operations in Grenada, it was clear that the role of judge advocates needed to undergo a fundamental change if lawyers were to make meaningful contributions to future military operations—and ensure that these operations were conducted in accordance with the law.²² Judge advocates “must now be trained and resourced to provide timely advice on a broad range of legal issues associated with the conduct of legal operations.”²³ It follows that Grenada served as a catalyst for the development of a new military legal discipline that was to be called “operational law,” a compendium of domestic, foreign, and international law applicable to U.S. forces engaged in combat or what was then called “operations other than war.”²⁴

²⁰ FREDERIC L. BORCH, *JUDGE ADVOCATES IN COMBAT: ARMY LAWYERS IN MILITARY OPERATIONS FROM VIETNAM TO HAITI* 78–80 (2001).

²¹ *Id.*

²² *Id.* at 81.

²³ *Id.*

²⁴ *Id.* “Operational law” covers the full spectrum of military operations, and “operations other than war” was simply one of many monikers given to non-kinetic operations in the late 1980s and early 1990s. Over time, such operations (devoid of combat, at least in theory) have been described by various names, including “peacekeeping,”

By the mid-1980s, a small group of judge advocates recognized that the promulgation of OPLAW was the future of the Corps.²⁵ Principal among them was then Lieutenant Colonel (LTC) David E. Graham, who was soon to become the Chief of the International Law Division at TJAGSA. After Major General Hugh R. Overholt, who assumed duties as TJAG in 1985, told Graham to “define” OPLAW, develop a curriculum for the study of OPLAW, and produce OPLAW resource materials, Graham looked for ways to show students at TJAGSA that judge advocates who deployed on future operations would face “a wide range of legal issues uniquely associated with the conduct of such operations.”²⁶

As OPLAW evolved in the TJAGSA curriculum, LTC Graham and others realized that it was not sufficient to simply teach OPLAW. More was needed, including compiling comprehensive resource materials that would help deploying judge advocates with OPLAW issues, with the goal of eliminating “the necessity for every deploying judge advocate to ‘re-invent the wheel.’”²⁷ This realization led to the publication of the first *Operational Law Handbook* in 1987. The *Handbook* was intended to be carried on any deployment and included information on military justice, administrative and civil law, legal assistance, claims, procurement law, national security law, fiscal law, international law, and the Law of Armed Conflict (LOAC).²⁸ As Graham saw it, if legal lessons could be learned from deployments, and made available in handbook form, Army lawyers could learn from the past and quickly become key players on the commander’s staff. Perhaps more importantly, the JAGC would be able to play “an essential role in an increasingly contingency-oriented Army.”²⁹

With this as background, the impetus for CLAMO makes perfect sense: an organization that would “accurately and realistically capture the legal issues that arose in the operational environment of the military attorney.”³⁰ Convinced that a “Center” should be established at TJAGSA

“peacemaking,” “stability operations,” and “Military Operations Other Than War” (MOOTW).

²⁵ Graham, *supra* note 16, at 370.

²⁶ *Id.* at 371.

²⁷ *Id.* at 372.

²⁸ While judge advocates in the 1970s and early 1980s spoke of the Law of War, by the end of the 1980s, the preferred term was “Law of Armed Conflict” or LOAC.

²⁹ Graham, *supra* note 16, at 372.

³⁰ *Id.* at 373.

that would collect OPLAW lessons and then disseminate them to the field, LTC Graham sought Major General Overholt's support for the establishment of such an institution.³¹ Overholt immediately endorsed the idea and obtained the support of the Army leadership.³² As a result, on December 21, 1988, Secretary of the Army John O. Marsh, Jr. signed a memorandum directing TJAG to create CLAMO.³³ Marsh's memorandum outlined the purpose of the new institution as follows:

The principal purpose of this Center will be the ongoing examination of legal issues associated with the preparation for, deployment to, and conduct of military operations. Toward this end, and as an integral part of this mission, the Center should periodically host working seminars and topical lectures for military judge advocates, civilian attorneys, and legal scholars from the United States and from allied and friendly countries around the world. In addition, the Center should publish appropriate articles, monographs, and papers.³⁴

III. CLAMO Infancy (1988–1995)

Initially established as part of TJAGSA, CLAMO was part of the International Law Division at TJAGSA, and the chief of that teaching division was also the Director of CLAMO.

From the beginning, CLAMO worked to gather information on "current and potential legal issues attendant to military operations."³⁵ In early 1990, for example, at the direction of Major General William K. Suter, then Acting TJAG, CLAMO sponsored an After-Action Conference following Operation Just Cause in Panama. This conference produced the first-ever After-Action Report (AAR) on the activities of Army lawyers in combat.³⁶ The Center also conducted its first

³¹ *Id.*

³² *Id.* at 374.

³³ Marsh Memorandum, *supra* note 2.

³⁴ *Id.*

³⁵ International Law Note, *Center for Law and Military Operations Update*, ARMY LAW., Apr. 1992, at 68.

³⁶ Major Mark S. Martins, *Responding to the Challenge of an Enhanced OPLAW Mission: CLAMO Moves Forward with a Full-Time Staff*, ARMY LAW., Aug. 1995, at 4 n.10.

symposium in April 1990, when Army, interservice and interagency lawyers gathered in Charlottesville to discuss different service and agency perspectives on OPLAW.³⁷

The following year, in September 1991, CLAMO “played an important role in the work of the Desert Storm Assessment Team (DSAT).”³⁸ Major General John L. Fugh, then serving as TJAG, had created DSAT to collect and analyze legal lessons learned by judge advocates in the recently concluded hostilities with Iraqi dictator Saddam Hussein. This “DSAT Report” became the model for AARs conducted by CLAMO in the years to come.³⁹

Two years later, in October 1993, CLAMO also organized a meeting of judge advocates and line officers who, working in concert, authored the first draft of the new *Standing Rules of Engagement for United States Forces*. On October 1, 1994, when the Chairman of the Joint Chiefs of Staff published Instruction 3121.01, *Standing Rules of Engagement for U.S. Forces*, this document contained much of what had been produced by the CLAMO conference on the subject.⁴⁰

By 1995, CLAMO had become the focal point for the development of OPLAW in the JAGC and a depository for OPLAW-related documents. Shelves and filing cabinets soon filled with “memoranda, lessons learned, and after-action materials pertaining to legal support for deployed forces.” As then Major (MAJ) Mark S. Martins, the Deputy Director of CLAMO at the time, remembers, “these materials became essential references for degree candidates researching topics involving military deployments.”⁴¹ Contributions from attorneys in the field continued to add to CLAMO’s database, and CLAMO periodically requested that judge advocates who had deployed on military operations

³⁷ *Id.* See also Operational Law Note, *Proceedings of the First Center for Law and Military Operations Symposium*, ARMY LAW., Dec. 1990, at 47.

³⁸ Martins, *supra* note 36, at 3.

³⁹ U.S. ARMY LEGAL SERVS. AGENCY, DESERT STORM ASSESSMENT TEAM’S REPORT TO THE JUDGE ADVOCATE GENERAL OF THE ARMY (22 Apr. 1992). Today, these “Lessons Learned” format of CLAMO’s After Action Reviews (AARs) are doctrinally required. See U.S. DEP’T OF ARMY, FIELD MANUAL 1-04, LEGAL SUPPORT TO THE ARMY app. C, para. 4-50 (Mar. 2013) [hereinafter FM 1-04].

⁴⁰ Martins, *supra* note 36, at 4. See also International Law Note, “*Land Forces*” Rules of Engagement Symposium: *The CLAMO Revises the Peacetime Rules of Engagement*, ARMY LAW., Dec. 1993, at 4.

⁴¹ Martins, *supra* note 36, at 4.

“recommend issues that are worth pursuing” as this would help CLAMO to fulfill its mission.⁴²

IV. CLAMO Comes of Age (1995–present)

When then LTC Graham published *Operational Law (OPLAW)—A Concept Comes of Age* in 1987,⁴³ no one could have foreseen the evolution of OPLAW as a legal discipline, much less its movement from the periphery to the center of the JAGC. By 1995, OPLAW was arguably the *raison d’être* for judge advocates in the Army.

The importance of OPLAW in the JAGC was manifested in changes to CLAMO. In March 1995, after recognizing that CLAMO must have more resources if it was to advance the evolution of OPLAW in the JAGC and the Army, then Brigadier General (BG) Walter B. Huffman, The Assistant Judge Advocate General for Military Law and Operations proposed that CLAMO be “augmented” with both personnel and money.⁴⁴ With the concurrence of Major General Michael J. Nardotti, then serving as TJAG, CLAMO was re-structured in June 1995.⁴⁵ First, CLAMO was removed from TJAGSA and made independent of the school—although CLAMO remained physically located in Charlottesville (it moved to the second floor of the main (and older) building housing TJAGSA).⁴⁶ Second, COL Graham, now serving as Chief, International and Operational Law Division, Office of The Judge Advocate General (OTJAG) was made the Director of CLAMO. Third, two judge advocates—one major and one captain—were assigned full-time to CLAMO. Finally, additional judge advocate captains were assigned to the Joint Readiness Training Center (JRTC) at Fort Polk⁴⁷ and the Battle Command Training Program (BCTP) at Fort Leavenworth.⁴⁸ The Center would oversee the activities of these officers

⁴² International Law Note, *supra* note 35, at 67.

⁴³ Lieutenant Colonel David E. Graham, *Operational Law: A Concept Comes of Age*, ARMY LAW., July 1987, at 10.

⁴⁴ Martins, *supra* note 36, at 9. See also Memorandum from TJAGSA Commandant, for Assistant Judge Advocate for Military Law and Operations, subject: Improving JAGC Effectiveness and Efficiency in International and Operational Law Training and Education (20 Mar. 1995).

⁴⁵ Martins, *supra* note 36, at 9.

⁴⁶ *Id.*

⁴⁷ *Id.* at 11.

⁴⁸ *Id.*

at the JRTC and BCTP; they would report to, and be rated by, the CLAMO Deputy Director located in Charlottesville.⁴⁹

Having obtained its own personnel and resources, and with a presence at JRTC in Louisiana and BCTP in Kansas, CLAMO was now more than a “think-tank” where military operations were analyzed and examined. The Center for Law and Operations was now participating in the Army’s training environment, with the idea that legal issues could be made part of the realistic training environment at JRTC and BCTP.

Today, the Director of CLAMO synchronizes the work of Observer Coach Trainers (OCTs)⁵⁰ at all three maneuver combat training centers⁵¹ to ensure that realistic legal issues are incorporated in training scenarios. Additionally, CLAMO maintains a relationship with the Mission Command Training Program, as BCTP is known today, and with First Army, which provides operational law training to Reserve component judge advocates.⁵²

As part of its mission to capture, analyze, and disseminate “legal lessons learned,” the new CLAMO began publishing monographs in 1995. The first monograph, *Law and Military Operations in Haiti (1994–1995)*, was published under the leadership of then MAJ Mark Martins, the Deputy Director of CLAMO.⁵³ Three years later, then MAJ John Miller’s CLAMO team produced *Law and Operations in the Balkans (1995–1998)*.⁵⁴ These two monographs were followed by *Law and Military Operations in Central America: Hurricane Mitch Relief Efforts (1998–1999)*⁵⁵ and *Law and Military Operations in Kosovo*

⁴⁹ *Id.* at 12.

⁵⁰ Initially, these judge advocates were called “Observer Controllers” or OCs. One of the first OCs was then Captain Randall Swansiger, who was assigned to the National Training Center in 1997.

⁵¹ The three maneuver combat training centers are: Joint Readiness Training Center at Fort Polk, Louisiana; National Training Center at Fort Irwin, California; and Joint Maneuver Readiness Center, Hohenfels, Germany.

⁵² JAGCNet, <https://www.jagcnet.army.mil/CLAMO> [hereinafter JAGCNet] (last visited Dec. 4, 2013).

⁵³ CENTER FOR LAW AND MILITARY OPERATIONS, *LAW AND MILITARY OPERATIONS IN HAITI (1994–1995)* (1995).

⁵⁴ CENTER FOR LAW AND MILITARY OPERATIONS, *LAW AND MILITARY OPERATIONS IN THE BALKANS (1995–1998)* (1998).

⁵⁵ CENTER FOR LAW AND MILITARY OPERATIONS, *LAW AND OPERATIONS IN CENTRAL AMERICA: HURRICANE MITCH RELIEF EFFORTS (1998–1999)* (1999).

(1999-2001).⁵⁶ Recognizing that a comprehensive monograph synthesizing all lessons learned since Haiti was needed, then LTC Paul Wilson spearheaded the publication of *Forged in Fire: Legal Lessons Learned in Military Operations (1994-2006)*,⁵⁷ which was published during the tenure of the CLAMO Director, then LTC Michael Lacey.

The Center continues to produce a variety of important publications, including the well-respected *Rule of Law Handbook* and *Law of Domestic Operations Handbook*. The former, first published in 2007, provides practical guidance for judge advocates involved in efforts promoting stability and rule of law support to fragile democratic governments;⁵⁸ it includes many lessons learned from judge advocate experiences in Afghanistan and Iraq. The latter, first issued in 2001, is a working reference for judge advocates involved in providing legal advice to federal, state, and local authorities on law enforcement, natural disaster relief, and civil unrest.⁵⁹ The latter also covers a variety of situations that may be encountered by military lawyers providing such advice, including lessons learned from Hurricanes Katrina and Rita, counterdrug operations conducted with the Coast Guard, and rules on the use of force for federal forces.⁶⁰

In 2004, with the transformation of TJAGSA into The Judge Advocate General's Legal Center and School (TJAGLCS),⁶¹ CLAMO became an integral part of the Legal Center, and its direction was transferred from OTJAG to the LCS, with a lieutenant colonel serving as the CLAMO Director.⁶²

Today, with its Army, Navy, Marine Corps, and Coast Guard members, along with allied attorneys from the United Kingdom and Germany, CLAMO is a robust joint, interagency, and multinational center. It sees itself as responsible for:

⁵⁶ CENTER FOR LAW AND MILITARY OPERATIONS, LAW AND OPERATIONS IN KOSOVO (1999–2001) (2001).

⁵⁷ CENTER FOR LAW AND MILITARY OPERATIONS, FORGED IN FIRE: LEGAL LESSONS LEARNED IN MILITARY OPERATIONS (1996–2006) (2006).

⁵⁸ CENTER FOR LAW AND MILITARY OPERATIONS, RULE OF LAW HANDBOOK (2007).

⁵⁹ CENTER FOR LAW AND MILITARY OPERATIONS, DOMESTIC OPERATIONAL LAW HANDBOOK (2001).

⁶⁰ *Id.*

⁶¹ Headquarters, U.S. Dep't of Army, Gen. Orders 10, Redesignation of the Judge Advocate General's School (22 Sept. 2004).

⁶² JAGCNet, *supra* note 52.

- Collecting and synthesizing data relating to legal issues arising in military operations;
- Managing a central depository of information relating to such issues;
- Disseminating resources addressing these issues in order to facilitate the development of “doctrine, organization, training, materiel, leadership, personnel and facilities as these areas affect the military legal community.”⁶³

While CLAMO does solicit written input from individuals in the field, the chief method used today to collect and synthesize legal lessons learned is through a formal AAR process. Members of CLAMO travel throughout the United States to meet with legal professionals returning from operations, both overseas and domestic, to gather their “lessons learned” and “best practices.” In 2013, for example, CLAMO travelled to Fort Bragg, Fort Riley, and Fort Stewart to conduct division-level AARs with the 82d Airborne, 1st Infantry Division, and 3d Infantry Division, respectively. The Center conducted brigade combat team-level AARs at Schofield Barracks, Fort Knox, Fort Campbell, Fort Hood, Joint Base Lewis-McChord, and Fort Bliss.

Ensuring that legal lessons learned were obtained from more than just Soldiers, CLAMO also conducted formal AARs of Marine Corps units at Twenty-nine Palms and Camp Pendleton in California, and at Camp Lejeune in North Carolina. The recently published second edition of the Marine Corps *Deployed MAGTF Judge Advocate Handbook*⁶⁴ captures some of what was learned on these missions.

In the domestic operations arena, CLAMO made trips to Colorado to conduct an AAR with military units that had participated in wildfire operations. Members of CLAMO also journeyed to Boston to interview judge advocates who had conducted humanitarian relief operations in the aftermath of Hurricane Sandy, and conducted an AAR at Tinker Air Force Base in Oklahoma to capture legal lessons learned in tornado relief operations.

⁶³ FM 1-04, *supra* note 39, para. 4-49.

⁶⁴ MAGTF is an acronym for “Marine Air-Ground Task Force.” The *Handbook* is jointly published by CLAMO and the International and Operational Law Branch, Judge Advocate Division, Headquarters, Marine Corps. The *Handbook* was initially published in 2002; the second edition was printed in April 2013.

The Center has recently partnered with the Navy JAGC's "Code 10"⁶⁵ to assist it in collecting lessons learned in naval operations; CLAMO also sent an officer to participate in a joint multinational exercise, Talisman Saber, on a Navy ship off the coast of Australia. Deploying CLAMO members on current military operations is nothing new; members of the institution have deployed to Afghanistan⁶⁶ and Iraq on more than one occasion. The primary purpose of these CLAMO deployments is to provide assistance to the legal effort on the ground. The secondary purpose is to gain a better understanding of the needs and concerns of deployed legal professionals and to observe first-hand the current best practices and points of friction.

The Center also disseminates its information through a web-based database, with all of its publications available online.⁶⁷ In Fiscal Year 2013 (October 1, 2012, to June 30, 2013), there were 1.34 million website hits on all CLAMO products,⁶⁸ with the most hits occurring on the 2012 version of the *Operational Law Handbook* (752,261).⁶⁹ Other publications with significant website hits include the 2011 edition of the *Domestic Operational Law Handbook* (66,350),⁷⁰ the 2011 version of the *Rule of Law Handbook* (76,348)⁷¹ and the 2008 *Forged in the Fire Monograph* (42,883).⁷²

⁶⁵ "Code 10" is the Navy Judge Advocate General's International and Operational Law Department.

⁶⁶ In 2009, for example, CLAMO British liaison officer Lieutenant Colonel Nigel Heppenstall deployed to Afghanistan for ten weeks in support of Operation Enduring Freedom. From March 2 to May 19, Heppenstall worked in the Rule of Law cell located with CJTF-101 (Regional Command East-Bagram); his focus was on visiting members of the Afghan judiciary and Afghan prison officials.

⁶⁷ Publications are available on JAGCNet in the international law document library, <https://www.jagcnet2.army.mil/IODocLib>. They also are to be found at the Library of Congress, http://www.loc.gov/rr/frd/Military_Law/CLAMO.html (last visited Dec. 3, 2013).

⁶⁸ Library of Congress, available at http://www.loc.gov/rr/frd/Military_Law/CLAMO.html (last visited Dec. 4, 2013).

⁶⁹ *Id.* Note that the *Operational Law* or "OPLAW" *Handbook* was a joint CLAMO/TJAGSA product until 1995, when CLAMO became a stand-alone institution. In years that have followed, the *OPLAW Handbook* has been published by the International and Operational Law Department at TJAGLCS.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

V. Conclusion

As CLAMO moves into its second quarter century, there is every reason to believe that it will continue to provide cutting-edge support to men and women supporting military operations both at home and abroad. There is no question that CLAMO continues to adhere to Secretary Marsh's mandate that it "ensure a more effective and comprehensive examination of legal issues associated with military operations."⁷³

⁷³ Marsh Memorandum, *supra* note 2.

Appendix A

CLAMO Personnel (1995–2013)

CLAMO Director: COL David E. Graham 1988–1990;
1995–2003

**Deputy Director/Chief—until the founding of the
Legal Center & School in Summer 2003:**

MAJ Mark S. Martins 1995–1997
MAJ John W. Miller, II 1997–1999
LTC Sharon E. Riley 1999–2001
LTC Stuart W. Risch 2001–2003

Director—previously referred to as Deputy Director/Chief:

LTC Pamela M. Stahl 2003–2005
LTC Paul S. Wilson 2005–2006
LTC Michael O. Lacey 2006–2008
LTC Charles C. Poche 2008–2010
LTC Rodney R. LeMay 2010–2012
LTC Nicholas F. Lancaster 2012–present

Deputy Director—not to be confused with Deputy Director/Chief:

CPT Brent E. Fitch 2004–2006
MAJ Brian Gavula 2009–2010
MAJ Jerome P. Duggan 2010–2012
MAJ Jesse T. Greene 2012–2013
MAJ Ryan Beery 2013–present

Legal Administrator:

CW2 Damon Collier	2003–2004
CW2 Vickie A. Slade	2004–2006
CW3 Edwin Diaz	2009–2012
CW3 Carolyn Y. Taylor	2012–2013

NCOIC:

SSG James W. Smith	2002–2004
SFC Parry Preuc	2005–2007
SGT James M. Kilbane	2007–2008
SFC Billie J. Suttles	2008–2009

Foreign Service Liaison:*AUS:*

SLDR Catherine Wallis, Air Force	2004
Maj John Bridley, Army	2004
LCDR Kirk Hayden, Navy	2004–2005

UK:

Lt Col Richard Batty	2004–2006
Lt Col Alex Taylor	2006–2008
Lt Col Nigel Heppenstall	2008–2010
Lt Col Michael P. J. Cole	2010–2012
Lt Col Helen E. Bowman	2012–present

GER:

Mr. Markus Nederkorn	2006–2007
Mr. Nils Kuhnert	2007–2008
Mr. Thomas Nix	2008–2009
Dr. Katharina Ziolkowski	2009–2011
Dr. Bjoern Schubert	2011–2012
Ms. Angelika Maehr	2013–present

CAN:

Maj Marla Dow	2007–2009
Maj Albert Troisfontaines	2009–2011

Sister Services:

Navy:

LCDR Theron Korsak	2008–2010
LCDR Paul Kapfer	2010–2013
LCDR Holly Higgins	2013–present

Marine Corps:

Maj William H. Ferrell	1998–2001
Maj Cody Weston	2001–2004
Maj Todd Enge	2004–2007
Maj William J. Schrantz	2007–2009
Maj John B. Diefenbach	2009–2012
Capt James A. Burkart	2012–present

Coast Guard:

LT Rachel Bralliar	2005–2006
LT Vasilios Tasikas	2006–2007
LCDR Jason Krajewski (Oplaw Fellow/ Deputy Director)	2007–2008
LCDR J. Trent Warner	2008–2009
LCDR Scott Herman	2009–2010
LCDR Brian Robinson	2010–2011
LT Ben Gullo	2011–2012
LCDR Robert Pirone	2012–2013
CDR Dave Sherry	2013–2014

Other Positions:

Director, Training and Support:

CPT Paul Kantwill	1997–1999
CPT Tyler L. Randolph	1998–2000

MAJ Alton L. Gwaltney, III	2000–2003
CPT Patricia D. (Cika) Froehlich	2004–2005
CPT Cynthia Ruckno	2006–2007
CPT Michael P. Baileys	2007–2009
CPT Leah Linger	2008–2009
CPT Brendan Mayer	2009–2011
CPT Michael G. Botelho	2011–2013
CPT Mark Gardner	2013–present

Director, Plans and Operations:

CPT Daniel P. Saumur	2002–2005
MAJ Elizabeth Turner	2013
MAJ Heather Herbert	2013–present

Advanced Operational Law Studies Fellow:

MAJ Keith E. Puls	2001–2002
MAJ Daniel G. Jordan	2001–2002
MAJ Mike Kramer	2002–2003
MAJ Mark Holzer	2002–2003
MAJ Laura Klein	2003–2004
MAJ Russell L. Miller	2003–2004
MAJ Steve Cullen	2004–2005
MAJ Charles T. Kirchmaier	2005–2006

Domestic Operational Law:

LTC Gordon W. Schukei	1999–2002
LTC Joseph S. Dice	2002–2005

Contractor:

Mr. Ben R. Morgan	1999–2001
Mr. Don Fisk	2009–2010

State Legal Advisor Service/Department of State/Interagency

Operational Law:

Mr. Bernard L. Seward Jr.	2002–2005
Mr. Charles Oleszycki	2005–2007
Ms. Katherine Gorove	2007–2008

Appendix B**CLAMO Publications 1988–2013**

Deployed Marine Air-Ground Task Force Judge Advocate Handbook
(2002, 2013)

Domestic Operational Law Handbook (2001, 2009, 2010, 2011, 2013)

Domestic Operational Law Handbook Supplement

Forged in the Fire: Legal Lessons Learned During Military Operations, 1994–2006 (2006)

Forged in the Fire: Legal Lessons Learned During Military Operations, 1994–2008 (2008)

A Judge Advocate's Guide to the Battle Command Training Program
(1996)

Judge Advocate Guide to the Joint Readiness Training Center (1996)

Law and Military Operations in Central America: Hurricane Mitch Relief Efforts, 1998–1999 (2000)

Lessons Learned from Afghanistan and Iraq, 2001–2003
Volume I: *Major Combat Operations* (2004)
Volume II: *Full Spectrum Operations* (2005)

Lessons Learned: Balkans, 1995–1998 (1998)

Lessons Learned: Deepwater Horizon (2011)

Lessons Learned: Haiti, 1994–1995 (1995)

Lessons Learned: Hurricane Katrina (2005)

Lessons Learned: Kosovo, 1999–2001 (2001)

Operational Law Handbook (1987-1994)

Rule of Law Handbook (2007, 2008, 2009, 2010, 2011)

Rules of Engagement Handbook for Judge Advocates (2000, 2004)

Tip of the Spear: After Action Reports from July 2008–August 2009 (2009)

Tip of the Spear: After Action Reports from August 2009–September 2010 (2010)

U.S. Government Interagency Complex Contingency Operations Organization and Legal Handbook (2004)