

**READ ANY GOOD (PROFESSIONAL) BOOKS LATELY?:
A SUGGESTED PROFESSIONAL READING PROGRAM FOR
JUDGE ADVOCATES**

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I challenge all leaders to make a focused, personal commitment to read, reflect, and learn about our profession and our world. Through the exercise of our minds, our Army will grow stronger.¹

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¹ U.S. ARMY CTR. OF MILITARY HISTORY, CMH PUB. 105-1-1, U.S. ARMY CHIEF OF STAFF'S PROFESSIONAL READING LIST, at 2 (2004), <http://www.history.army.mil/brochures/csareadinglist.pdf> (quoting General Peter J. Schoemaker, former Army Chief of Staff).

I. Introduction: You Never Know Who May Ask You What You Are Reading

In the fall of 2005, this author and other students attending Command and General Staff College (CGSC)² at Fort Leavenworth, Kansas, were summoned to meet their new Commandant and Commanding General (CG)³—during a run.⁴ Each student ran alongside the CG for a few minutes to tell him what they liked and disliked about the course, and any recommendations they had for change. Another interesting topic came after the run, dips, and pull-ups while we were stretching as a group. The CG said we would go around the circle and each student would name the book they were currently reading, what it was about, and whether they recommended it for others to read. A big caveat was that the book could not be assigned reading from the course.

As we went around the group of a dozen majors, it became apparent many of my non-lawyer classmates neglected the professional extracurricular reading envisioned by the CG. When we were done, the CG discussed the importance of reading on a wide range of subjects for officers in the profession of arms. While I have always been an avid reader,⁵ it still made a lasting impression on me to hear that admonishment from the CG in that setting.

² The year-long course is now called ILE/AOWC (Intermediate Level Education/Advanced Operations War fighting Course). See PERSONNEL, PLANS & TRAINING OFFICE, JAG PUB. 1-1, JAGC PERSONNEL AND ACTIVITY DIRECTORY AND PERSONNEL POLICIES 60 (2009–10).

³ The Commanding General, U.S. Army Combined Arms Center, is dual-hatted as the Commandant, U.S. Army Command and General Staff College, Fort Leavenworth, Kansas. For an example of the dual-status command position, see Lieutenant General Robert L. Caslen, Jr., *available at* <http://usacac.army.mil/cac2/Repository/Bios/CaslenBio.pdf> (last visited May 10, 2010).

⁴ The aide's e-mail required twelve students per morning to run with the CG until the list, organized alphabetically, was exhausted. Interestingly, there was no mention of the distance or pace—a concern of many students who knew the CG had run the Army ten-miler in less than sixty minutes. See RICK ATKINSON, *IN THE COMPANY OF SOLDIERS—A CHRONICLE OF COMBAT* 37 (2005).

⁵ Fortunately, I had just completed *April 1865: The Month That Saved America*, and I strongly recommended it to the group. Although not as recognized as July 1776 or September 2001, as the subtitle indicates, April 1865 is one of the most important months in our nation's history. In this well-researched book, the author details the events leading up to and including two well-known historical events: General Robert E. Lee's surrender to General Ulysses S. Grant on 9 April 1865 at Wilmer McLean's house in the town of Appomattox Courthouse, Virginia, and then five days later, on 14 April 1865, the assassination of President Abraham Lincoln by John Wilkes Booth as the President

General David Petraeus's⁶ point about professional reading is shared by many senior leaders, to include The Judge Advocate General (TJAG) of the Army, the Chiefs of Staff of the Army and Air Force, the Chief of Naval Operations, the Commandants of the Marines and Coast Guard, and the Commandants of numerous military educational institutions.⁷ Military officers have a responsibility to read as a matter of professional development. As part of their daily jobs, most judge advocates read a lot. From regulations and professional journals to court and other legal opinions, judge advocates, perhaps more than any other occupational specialty, have an inherent professional obligation to research issues to ensure they provide sound advice to their commanders or clients. This article adopts a broader approach to professional reading.

The Challenge

Military members are busy—with their jobs, families, social lives, and exercise. In addition to the “required” reading noted above, there are other categories of reading (such as daily reading to keep abreast of current events, reading for relaxation, or reading to children as a parental activity), all of which leave little time for the extracurricular reading discussed here. Despite the challenge of finding time, there are few, if any, valid excuses that totally absolve a judge advocate from the professional responsibility to read.⁸ Admittedly, a suggestion to read every day is unrealistic for many due to outside demands, but reading a chapter or two a week is within the realm of possibility for even the busiest people. Judge advocates who have been less than diligent must find time for professional reading. Additionally, senior judge advocates should devise programs to guide their subordinates through a

watched the play *Our American Cousin* at Ford's Theater in Washington, D.C. JAY WINK, *APRIL 1865: THE MONTH THAT SAVED AMERICA* 165–89, 253–58 (2001).

⁶ Then-Lieutenant General Petraeus served as the Commandant at the Command and General Staff College from October 2005 until his selection as the Commander, Multi-National Forces, Iraq, and promotion to General (Jan. 2007–Sept. 2008). See also DAVID CLOUD & GREG JAFFE, *THE FOURTH STAR: FOUR GENERALS AND THE EPIC STRUGGLE FOR THE FUTURE OF THE UNITED STATES ARMY* 217 (2009). On 31 October 2008, General Petraeus assumed command of U.S. Central Command. See U.S. Central Command, U.S. CENTCOM Leadership, available at <http://www.centcom.mil/en/about-centcom/leadership/> (last visited May 12, 2010).

⁷ See *infra* notes 87–88 and accompanying text.

⁸ In this article, “reading” includes listening to unabridged audiobooks. With thousands of titles available from numerous sources and multiple ways to listen, audiobooks provide the “reader” additional opportunities for professional development.

professional reading plan. The leader's challenge is to find ways that make reading enjoyable by providing a low-stress environment for judge advocates to share their "book reviews" with others.

This article provides suggestions on categories of books for professional reading; a review of military professional reading lists; an overview of the history of book reviews in the *Military Law Review* and *The Army Lawyer*; and, finally, suggestions for the development of a professional reading program.

To assist readers, I have also provided a number of appendices:

A	Recommendations from JAG Corps's Leaders (Summer 2010)
B	Author's Professional Reading List
C	JAG Corps Professional Reading List & Supplemental List for Deployment
D	U.S. Army Professional Reading List
E	Faculty Book Selections for 58th and 59th Graduate Courses
F	<i>Military Law Review</i> Student Book Reviews (2004–2009) and <i>The Army Lawyer</i> Student Book Reviews (2004–2009)
G	History of the Book Review in the <i>Military Law Review</i> and <i>The Army Lawyer</i>

II. What Should Judge Advocates Read for Professional Development?

Judge advocates should consider three broad categories of material when reading for professional development purposes: (1) military books; (2) law books; and (3) history books. With a large number of sub-categories in each of these groups, all judge advocates can identify interesting books they want to read rather than books that would burden their busy schedules.

A. “Military” Books

From the first shots fired in our nation’s war for independence⁹ to the first shots fired in the Global War on Terror,¹⁰ a staggering number of authors have produced important books about the profession of arms. The “military” category is not limited to the American military, but refers to anything and everything with a connection to any military around the world.

In 2006, TJAG advised our Corps that judge advocates had to be “pentathletes”—warriors, lawyers, diplomats, strategic planners, and cultural experts.¹¹ Thus, for an officer to attain a high level of professional competence, it can be instructive to read the same books as commanders and colleagues in the other military branches and services. In 1994, when I was trial counsel for the 327th Infantry Regiment in the 101st Airborne Division (Air Assault), a battalion commander¹² picked a book off the coffee table in his office and told me to read it while we were at Joint Readiness Training Center¹³ to get a better understanding of

⁹ See DAVID MCCULLOUGH, *1776* (2005). The first shots fired in the Revolutionary War between the colonial minutemen and the British forces occurred at Lexington, Massachusetts, on 19 April 1775. *Id.* at 7.

¹⁰ See DOUGLAS STANTON, *HORSE SOLDIERS: THE EXTRAORDINARY STORY OF A BAND OF U.S. SOLDIERS WHO RODE TO VICTORY IN AFGHANISTAN* (2009). On 7 October 2001, the U.S. Air Force started bombing Taliban soldiers in Afghanistan. *Id.* at 46. Later, on 19 October, Captain Mitch Nelson, Team Leader, ODA 595, 3d Battalion, 5th Special Forces Group, fighting alongside Afghan General Abdul Rashid Dostum and his tribesmen, called in a B-52 airstrike on Taliban militia near the village of Chapchal, Afghanistan (south of Mazar-i-Sharif). *Id.* at xiii–xiv, 144–58.

¹¹ See Major General Scott C. Black, *JAG Corps Pentathletes*, TJAG SENDS, A MESSAGE FROM THE JUDGE ADVOCATE GENERAL, vol. 37, no. 5 (Feb. 2006) [hereinafter *JAG Corps Pentathletes*]. In this message, Major General (MG) Scott Black, TJAG, highlights the Army’s 2006 “visionary concept” of enabling officers to learn and adapt in complex and uncertain environments by teaching them how to think and not what to think. *Id.*

¹² Lieutenant Colonel (LTC) Lloyd W. Mills was the Commander of 3d Battalion (Battle Force), 327th Infantry Regiment (formerly part of what is now the 1st Brigade Combat Team, 101st Airborne Division (Air Assault)). Around 2030, 2 June 1995, at Range 42, Fort Campbell, Kentucky, LTC Mills, a commander idolized by all of his Soldiers, was killed in a training accident at a live fire small arms range. See First Brigade Trial Counsel Notes and Sketch of Range 42 (June 1995) (on file with author).

¹³ The Joint Readiness Training Center (JRTC) is located at Fort Polk, Louisiana. While some focus areas have changed since 11 September 2001, in the mid-1990s, as they do today, light infantry brigades conduct realistic unit-level training at JRTC.

air assault operations. On the Chinook¹⁴ ride from Fort Campbell, Kentucky, to Fort Polk, Louisiana, even the din of the dual rotors could not distract me from reading about the exploits of the 1st Cavalry Division in the Ia Drang Valley in 1965.¹⁵ Reading that particular book well before it became a bestseller, a movie,¹⁶ the subject of several Leadership Professional Development sessions, and a case study at CGSC, served me well over the years.¹⁷

Libraries and bookstores are replete with books on every major conflict, as well as biographies of all of our great generals and war heroes.¹⁸ From The General of the Army down to a team leader,¹⁹

¹⁴ See U.S. Army Helicopter Information, available at <http://tri.army.mil/LC/cs/csa/aadesc.htm#CH47> (last visited May 10, 2010) (describing attributes of the U.S. Army CH-47 Cargo Helicopter, also known as “Chinook”).

¹⁵ LIEUTENANT GENERAL HAROLD G. MOORE (RET.) & JOSEPH L. GALLOWAY, *WE WERE SOLDIERS ONCE . . . AND YOUNG* (1992).

¹⁶ *WE WERE SOLDIERS* (Paramount Pictures 2002).

¹⁷ One evening in 2008, when I was in the 1st Infantry Division, I was watching television with a friend, a retired U.S. Army first sergeant (and the father of a brigade commander who was deployed at the time). By coincidence, *We Were Soldiers* came on. After the scenes turned to Vietnam and the battle at Landing Zone (LZ) X-Ray in November 1965 with artillery support raining in from LZ Falcon, “First Sergeant” (as I called him) said, “I was at Falcon as a firing battery NCO.” I asked about the specifics of his service and sat captivated as he recounted the events of the real battle as the movie scenes played out before us. See also MOORE & GALLOWAY, *supra* note 15, at 122 (describing the 1st Battalion, 21st Artillery Regiment’s support of the 1st Battalion, 7th Cavalry Regiment, from LZ Falcon).

¹⁸ In one classic, the author, himself a war hero, writes about others who exemplified “profiles in courage.” In the Introduction to the 50th Anniversary Edition of the a Pulitzer Prize winning novel, the author’s daughter tells about her father’s heroic efforts after his Patrol Torpedo (PT) boat was rammed by a Japanese destroyer in the South Pacific on the night of 2 August 1943. As one of two survivors, the commander “[clutched] a strap of the injured man’s life jacket in his teeth [and] towed the wounded sailor to the nearest island, three miles away.” JOHN F. KENNEDY, *PROFILES IN COURAGE*, at ix (First Harper Perennial Modern Classics ed., 2006) (1956). Two men have held the positions of U.S. Senator from Massachusetts and U.S. President: John Quincy Adams (JQA) and John Fitzgerald Kennedy (JFK). While he was a sitting Senator, JFK profiled JQA focusing on JQA’s term as Senator (1803–08). History has tempered the rift and hatred between JQA’s father, President John Adams, and his successor, President Thomas Jefferson. In 1807, when President Jefferson called upon Congress to enact a trade embargo against the British—an act that would be “ruinous to Massachusetts, the leading commercial state in the nation”—JFK notes that when JQA rose in support of Jefferson (his father’s arch enemy, the leader of the opposition party, and against his own home state), he sealed his political fate, but by displaying his courage in standing for a higher principle in support of his nation in the face of Britain’s war-like acts earlier that summer, he also sealed his reputation as a man “possessing an integrity unsurpassed among the major political figures of our history.” See *id* at 29–48.

leadership lessons can be learned from triumph, tragedy, and from good and bad leaders.²⁰ Readers can venture outside the most popular topics

¹⁹ See, e.g., STEPHEN E. AMBROSE, *THE VICTORS: EISENHOWER AND HIS BOYS: THE MEN OF WORLD WAR II* (1998) (addressing the period when General of the Army Dwight D. Eisenhower was the Supreme Allied Commander in Europe); CLOUD & JAFFE, *supra* note 7 (portraying the following four-star generals: General George Casey, General John Abizaid, General David Petraeus, and General Peter Chiarelli); THOMAS BOOTH, *PARATROOPER: THE LIFE OF GEN. JAMES M. GAVIN* 15, 20, 217–18 (1994) (including the time when the thirty-seven-year-old Gavin was Commander of the 82d Airborne Division and first paratrooper out of the door of his C-47 as the “All Americans” performed the first regimental level parachute assault in history in OPERATION MARKET GARDEN on 17 September 1944); ATKINSON, *supra* note 4, at 181–207, 318 (addressing the period when General Petraeus was the Commander of the 101st Airborne Division (Air Assault) in Iraq from the initial invasion in late March 2003 through February 2004); MOORE & GALLOWAY, *supra* note 15 (describing the time when LTC Hal Moore was the Commander of 1st Battalion, 7th Cavalry Regiment, in Vietnam in 1965); STEPHEN E. AMBROSE, *BAND OF BROTHERS* 13–52, 92–156 (1992) (comparing Captain (CPT) Herbert Sobel when he was the commander of E Company, 506th Parachute Infantry Regiment, 101st Airborne Division from July 1942 until December 1943, with CPT Dick Winters who was in command of the legendary company from D-Day, 6 June 1944, through OPERATION MARKET GARDEN in early October 1944, before, at age twenty-six, he moved up to be the battalion executive officer); ALEX KERSHAW, *THE LONGEST WINTER: THE BATTLE OF THE BULGE AND THE EPIC STORY OF WWII’S MOST DECORATED PLATOON* (2004) (recounting the time when First Lieutenant (1LT) Lyle Bouck was the Platoon Leader for the Intelligence and Reconnaissance Platoon, 394th Infantry Regiment); CRAIG M. MULLANEY, *THE UNFORGIVING MINUTE: A SOLDIER’S EDUCATION* (2009) (recalling the time when the author was a platoon leader in A Company, 1st Battalion, 87th Infantry Regiment, 10th Mountain Division, in Afghanistan in 2004); LARS ANDERSON, *THE ALL AMERICANS* 203–15 (2004) (describing the assault on Omaha Beach in Normandy, France, on D-Day, 6 June 1944, through the eyes of 1LT Henry Romanek, an engineer platoon leader who was wounded in the initial assault); STANTON, *supra* note 10 (exploring the period when CPT Mitch Nelson and CPT Dean Nosorog were Team Leaders in the 3d Battalion, 5th Special Forces Group in Afghanistan in 2001); JOSEPH WHEELAN, *JEFFERSON’S WAR: AMERICA’S FIRST WAR ON TERROR 1801–1805*, at 180–98 (2003) (detailing the heroic exploits of Navy Lieutenant Stephen Decatur at the time he was a squadron commander during the Barbary Wars off the coast of Tripoli in the early 1800s. Decatur’s daring re-capture and burning of the U.S. frigate *Philadelphia* within range of 115 enemy cannons and two warships earned him a promotion to captain (then the Navy’s highest rank) at age twenty-five).

²⁰ ANTON MYRER, *ONCE AN EAGLE* (First HarperTorch paperback ed. 2001) (1968). In this timeless classic of leadership, the author portrays the characteristics and values of great leaders and bad, through an honor-bound hero, Sam Damon, the epitome of selfless service and care of one’s men, and a villain, Courtney Massengale, the epitome of selfish service. The stark difference is displayed in one exchange when Damon, a Division Commander in WWII, is distraught over the devastating loss of his men in a recent battle, and Massengale, his Corps Commander, who sent the Division into the battle, is unsympathetic about the loss and already thinking about the next battle. Damon is enraged at Massengale’s total lack of sympathy over the loss and total willingness to sacrifice more men for his own glory. *Id.* at 1116–18. Massengale taunts Damon into

like the Revolutionary War, Civil War, and World War II or review those topics through a different lens. Whether studying the victorious Generals Grant²¹ and Eisenhower²² or examining the remarkable hardships endured by our predecessors,²³ or a combination of both in the case of

striking him while reminding Damon that if he does, he will be disciplined and stripped of his Division Command. As Damon is about to strike Massengale, an emotional exchange occurs illustrating the stark difference in the commanders' leadership traits. Massengale tells Damon his Division needs him. Damon replies, "What Division is that? They're all [killed in action]—and you put them there! . . . Don't be found out there after dark without your retinue. . . . They know, mister." *Id.* at 1119. Undeterred, Massengale replies, "In point of fact I don't care what they think about me as long as they fear me. That's the driving gear that turns the wheels of war":

Damon felt a despair that sank into the marrow of his bones. . . .
 "You don't know anything, do you? Nothing at all." He started to go
 on and stopped himself: there was nothing to say. Massengale's
 sin—there was none greater—was that he had decided neither grace
 nor nobility nor love existed in this world.

Id.

²¹ WINK, *supra* note 5. While General Grant and the North were victorious, the author highlights how the "defeated" General Robert E. Lee is also a hero to our nation for his decision to surrender on 9 April 1865:

Thus did Robert E. Lee, so revered for his leadership in war, make
 his most historic contribution—to peace. By this one momentous
 decision, he spared the country the divisive guerilla warfare that
 surely would have followed, a vile and poisonous conflict that would
 not only have delayed any true national reconciliation for many years
 to come, but in all probability would have fractured the country for
 decades into warring military pockets.

Id. at 166. *See also* JAMES MCPHERSON, BATTLE CRY OF FREEDOM: THE CIVIL WAR ERA (1988). In preparing for the 58th Graduate Course's Staff Ride to Gettysburg in April 2008, Mr. Fred Borch, the U.S. Army Judge Advocate General's Corps Regimental Historian, commented that McPherson's book is the best single volume work on the Civil War. In his rendition of Lee's surrender to Grant, McPherson relates that, "[a]fter signing the papers, Grant introduced Lee to his staff. As he shook hands with Grant's military secretary Ely Parker, a Seneca Indian, Lee stared a moment at Parker's dark features and said, 'I am glad to see one real American here.' Parker responded, 'We are all Americans.'" *Id.* at 849.

²² AMBROSE, *supra* note 19.

²³ *See, e.g.*, ROY E. APPLEMAN, EAST OF CHOSIN: ENTRAPMENT AND BREAKOUT IN KOREA, 1950 (1987); DONALD KNOX, THE KOREAN WAR: PUSAN TO CHOSIN: AN ORAL HISTORY (1985); II DONALD KNOX, THE KOREAN WAR: UNCERTAIN VICTORY: AN ORAL HISTORY (1988). One of the commanders highlighted in Knox's two-volume set is Captain Norman Allen, the commander of I Company, 5th Cavalry Regiment, 1st Cavalry Division, during his tour of duty in Korea. Prior to this service in Korea, he served in World War II, where he was awarded two purple hearts in the Pacific Campaign. He

General Washington's leadership of the Continental Army through the winter of 1776–1777,²⁴ judge advocates will gain a new appreciation and respect for our military heritage.

With our military's involvement in constant armed conflict since late 2001, officers can keep current and maintain situational awareness²⁵ by reading books on the contemporary "operational environment"²⁶ (COE). While there may not be a "COE" sign or section in a bookstore or library, any book on Iraq or Afghanistan will suffice. Whether a judge

went on to get three more purple hearts in Korea. *Id.* at 2. Many judge advocates will recognize the name—Captain Norman Allen. He went on to retire as a colonel and he is the father of Colonel (COL) Norman F. Allen III, Staff Judge Advocate, U.S. Forces Command (as of summer 2010).

²⁴ DAVID HACKETT FISCHER, *WASHINGTON'S CROSSING* (2004). Before detailing the leadership challenges faced and overcome by General Washington, Fischer describes the history behind the iconic painting that provides the title for, and cover of, his book. *Id.* at 1–6. United States history students may recall the critical role of Thomas Paine's *Common Sense* pamphlet in early 1776, which rallied the colonists behind the call for independence from Great Britain. Fischer reminds us that it was Thomas Paine's first *The American Crisis* pamphlet and its famous opening line: "These are the times that try men's souls" that inspired the colonists and rallied a struggling Continental Army during the "black days" of the winter of 1776 and propelled them to victory in New Jersey. *Id.* at 140–43. Later, Fischer describes how General Washington, on horseback, has to ask underpaid, underfed, under-clothed volunteers to remain and fight after their enlistments expired to keep the Continental Army together during a particularly critical time in the war. Not one man stepped forward after Washington's first plea for volunteers from the New England regiments. "The men watched as Washington 'wheeled his horse about, rode in front of the regiment,' and spoke to them again":

My brave fellows . . . you have done all I asked you to do, and more than could be reasonably expected; but your country is at stake, your wives, your houses, and all that you hold dear. . . . If you will consent to stay one month longer, you will render that service to the cause of liberty, and to your country, which you probably can never do under any other circumstances.

Id. at 272–73. Following this call to action, "[t]he drums rolled again [and] about two hundred volunteers [stepped forward]. . . . They knew well what the cost might be . . . [N]early half of the men who stepped forward would be killed in the fighting or dead of disease 'soon after.'" *Id.* at 273.

²⁵ JAG Corps Pentathletes, *supra* note 11. The Judge Advocate General directed leaders to "[s]tay abreast of current events and always be situationally aware" and to "understand the cultural context in which US forces operate." *Id.*

²⁶ "Operational environment" (OE) is defined as "[a] composite of the conditions, circumstances, and influences that affect the employment of capabilities and bear on the decisions of the commander." JOINT CHIEFS OF STAFF, JOINT PUB. 1-02, DEPARTMENT OF DEFENSE DICTIONARY OF MILITARY AND ASSOCIATED TERMS 395 (12 Apr. 2001 (*as amended through 31 Oct. 2009*)).

advocate's interest lies in the strategic, operational, or tactical levels—from the “road to war”²⁷ and major operations²⁸ down to small unit battles²⁹—there are many options. For young judge advocates, books detailing modern day small unit battles provide insight into the combat lives of their clients, whether they are commanders or the accused. For this reason, understanding the contemporary battlefield is essential to advising clients across the spectrum of the JAG Corps's legal disciplines.

While several reading lists will aid those preparing to deploy,³⁰ judge advocates will find it equally important to continue their education about the COE, especially while they are in it.³¹ Although it may be difficult to remember when and where you read a certain book, under certain circumstances, it may be hard to forget—such as reading about the history of the Taliban while in Bagram³² or the 1st Cavalry Division's

²⁷ LAWRENCE WRIGHT, *THE LOOMING TOWER: AL-QAEDA AND THE ROAD TO 9/11* (2006); *see also* THOMAS E. RICKS, *FIASCO: THE AMERICAN MILITARY ADVENTURE IN IRAQ, 2003 TO 2005* (2006).

²⁸ *See, e.g.*, SEAN NAYLOR, *NOT A GOOD DAY TO DIE* (2005) (addressing Afghanistan); ATKINSON, *supra* note 4 (addressing Iraq).

²⁹ *See, e.g.*, MULLANEY, *supra* note 19 (concerning Afghanistan); SEBASTIAN JUNGER, *WAR* (2010) (concerning Afghanistan); MARTHA RADDATZ, *THE LONG ROAD HOME: A STORY OF WAR AND FAMILY* (2007) (concerning Iraq); JOHN KRAKAUER, *WHERE MEN WIN GLORY: THE ODYSSEY OF PAT TILLMAN* (2009). Corporal Pat Tillman, former Arizona Cardinals football star, gave up a multi-million dollar football contract to enlist in the Army and become a Ranger in the 2d Platoon, A Company, 2d Ranger Battalion, 75th Ranger Regiment. Before he was killed by friendly fire at what is now called “Tillman Pass” in Khost Province, Afghanistan, on 22 April 2004, he also served with his unit in Iraq in 2003. *Id.* at xii, 172, 272–73.

³⁰ *See infra* notes 90 and 99 and accompanying text (discussing deployment reading lists).

³¹ For example, one day in December 2004, when General George Casey was the Commander of Multi-National Forces-Iraq, an aide advised him

to go to the [morning] briefing early one day and ask people what they were reading. If it didn't have something to do with Iraq or Arab culture, [General] Casey should tell them to read something that did. [The aide] suggested building a library and stocking it with classic accounts of past counterinsurgency wars. He could start with David Galula's dissection of the French army's war in Algeria against Arab guerillas

CLOUD & JAFFE, *supra* note 6, at 186 (referring to DAVID GALULA, *COUNTERINSURGENCY WARFARE: THEORY AND PRACTICE* (Praeger Security Int'l ed., 2006) (1964).

³² *See* AHMED RASHID, *TALIBAN* (Yale University Press 2001) (2000) (originally published in 2000, this best-seller from a reporter that covered Afghanistan since 1978, was re-published with a Prologue in late 2001). *Id.* at vii–xv. *See also* PATRICK COCKBURN, *MUQTADA: MUQTADA AL-SADR, THE SHIA REVIVAL AND THE STRUGGLE FOR IRAQ* (2008).

harrowing experience in Sadr City³³ while serving in the shadow of that infamous subsection of Baghdad.³⁴ Studies of past wars, including past counterinsurgencies, are particularly relevant for today's COE.³⁵

Beyond the books about battles, texts on culture are essential for all who interact with host nation officials in the theater of operations. Books written by the world's foremost scholars on the Middle East can familiarize officers with the region, the religion of Islam, and the Arab

³³ See RADDATZ, *supra* note 29. See also CLOUD & JAFFE, *supra* note 6, at 148–52 (describing the 4 April 2004 battle in Sadr City from the perspective of General Peter Chiarelli, who was the Commander of the 1st Cavalry Division during the battle).

³⁴ Forward Operating Base (FOB) Shield, the home of the Law and Order Task Force, is located adjacent to Sadr City. Sadr City, formerly Thawra City, is, despite its name, a subsection of the Thawra District on the Rusafa (or east) side of the Tigris River within Baghdad, Iraq. See COCKBURN, *supra* note 32, at 4.

³⁵ See, e.g., GALULA, *supra* note 31; LIEUTENANT COLONEL JOHN A. NAGL, LEARNING TO EAT SOUP WITH A KNIFE: COUNTERINSURGENCY LESSONS FROM MALAYA AND VIETNAM (Univ. of Chi. Press 2005) (2002); BOOTH, *supra* note 20. Compare THE BEAR WENT OVER THE MOUNTAIN: SOVIET COMBAT TACTICS IN AFGHANISTAN (Lester W. Grau trans. & ed., Nat'l Def. Univ. 10th Anniversary ed., 2005) (1995) [hereinafter THE BEAR WENT OVER THE MOUNTAIN], with ALI AHMAD JALALI & LESTER W. GRAU, THE OTHER SIDE OF THE MOUNTAIN: MUJAHIDEEN TACTICS IN THE SOVIET-AFGHAN WAR (1995). Up until 1993, counter-revolutionary warfare, as part of counterinsurgency (COIN) doctrine, was part of the core curriculum at CGSC. In 1993, operations other than war, primarily peace-keeping operations, replaced COIN studies in the core curriculum, relegating COIN studies to an elective for the next twelve years. Interview with Mr. Geoff Babb, Professor, Command and General Staff College, in Charlottesville, Va. (May 10, 2010). When LTG Petraeus became the Commandant of CGSC in the fall of 2005, two of his biggest changes were adding COIN studies back to the core curriculum and the drafting of an updated COIN manual. See THE U.S. ARMY/MARINE CORPS COUNTERINSURGENCY FIELD MANUAL: U.S. ARMY FIELD MANUAL NO. 3-24: MARINE CORPS WARFIGHTING PUBLICATION NO. 3-33.5 (Univ. of Chi. Press 2007) (2006) (containing forewords by General David H. Petraeus, Lieutenant General James F. Amos, and Lieutenant Colonel John Nagl, and with a new introduction by Sarah Sewell). The re-writing of the Army and Marine Corps's combined counterinsurgency field manual was a project initiated by General Petraeus when he was the Commander of the Combined Arms Center at Fort Leavenworth. See CLOUD & JAFFE, *supra* note 6, at 216–20. We did numerous case studies at CGSC and one included the Soviet's unsuccessful COIN campaign against the tribal insurgency that ultimately defeated them. My small group had an infantry officer from the Ukraine, who, even after the breakup of the Soviet Union in 1991, had been trained in Soviet tactics. In the case studies, officers would play various roles to illustrate the battles and strategies of opposing sides. One of my most enduring memories of CGSC was when Major Mikhal Zabrosky played the role of a Russian commander describing the Soviet COIN tactics in Afghanistan. See Russia Home Page, CIA World Factbook, available at <https://www.cia.gov/library/publications/the-world-factbook/geos/rs.html> (last visited May 10, 2010) (discussing the breakup of the Union of Soviet Socialist Republic into fourteen independent republics in 1991).

culture.³⁶ For example, the phrase “three cups of tea” should have special meaning for any judge advocate who has tried to build a relationship with a counterpart in Iraq or Afghanistan. This term certainly had meaning for an author who traveled through the hinterlands of Afghanistan and Pakistan—the backyard of al Qaeda and the Taliban, unarmed, and with the primary purpose of building schools—for girls.³⁷ Selections on the topic of culture are not limited to “scholarly” works or even “real world” accounts. For example, entertaining bestsellers, such as one describing life through the eyes of two boys coming of age during Afghanistan’s war-torn years, can be just as useful to judge advocates hoping to gain insight on a culture that is foreign to them in more than one sense of the word.³⁸

Among the amazing survival stories throughout history,³⁹ those involving military personnel during wartime can shape an officer’s

³⁶ See, e.g., BERNARD LEWIS, *WHAT WENT WRONG: THE CLASH BETWEEN ISLAM AND MODERNITY IN THE MIDDLE EAST* (2002); BERNARD LEWIS, *THE CRISIS OF ISLAM: HOLY WAR AND UNHOLY TERROR* (2003). Bernard Lewis is Princeton University’s Cleveland E. Dodge Professor of Near Eastern Studies, Emeritus. See Princeton University, Department of Near East Studies Faculty, *available at* http://www.princeton.edu/~nes/faculty_lewis.html (last visited May 10, 2010) (listing the twenty-one books Professor Lewis has written on the Middle East). See also RAPHAEL PATAI, *THE ARAB MIND* (rev. ed. 2003) (1973). Professor Patai, a distinguished cultural anthropologist, folklorist, historian, and biblical scholar who died in 1996, published more than 600 articles and thirty books. *Id.* at ii, iv, and back cover.

³⁷ GREG MORTENSON & DAVID OLIVER RELIN, *THREE CUPS OF TEA: ONE MAN’S MISSION TO FIGHT TERRORISM AND BUILD NATIONS . . . ONE SCHOOL AT A TIME* (2006). This book is a compelling and remarkable story of one man who lived the concept of having “three cups of tea” with tribal elders and warlords in the most dangerous (and rugged) areas in the world. Despite the immense challenges, through perseverance, Greg Mortenson forged relationships throughout the region and built a network of schools for girls. The book leaves the reader wondering, “What if . . . ?” What if everyone understood the concept related throughout the book—would the situation in Afghanistan be different today? In a recent trip to a bookstore with my kids, I saw the book in the Children’s Section and thought someone had left it there. Upon further inspection, sure enough, *Three Cups of Tea* has been republished in a Young Reader’s edition. GREG MORTENSON & DAVID OLIVER RELIN, *THREE CUPS OF TEA: ONE MAN’S MISSION TO FIGHT TERRORISM AND BUILD NATIONS . . . ONE SCHOOL AT A TIME* (Young Reader’s ed., 2009).

³⁸ KHALED HOSSEINI, *THE KITE RUNNER* (2004).

³⁹ Everyone has heard of, and probably read some version of the Herman Melville classic, *Moby Dick*. HERMAN MELVILLE, *MOBY DICK; OR THE WHALE* (1851). Few, however, may know the true story that inspired Melville’s timeless novel—a story that is, at its core, a story of leadership and survival. When the Nantucket whaleship *Essex* was rammed and sunk by an eighty-five-foot sperm whale in November 1820, twenty whalers were set adrift in three small open boats in the middle of the Pacific Ocean with minimal rations thousands of miles from land. What follows is a remarkable (and disturbing)

perspective. Three stories of survival, all from the Pacific Theater during World War II, and all from very different circumstances immediately come to mind. Each story involves multiple Soldiers, Sailors, and Marines surviving one hellacious event, only to be thrown into a second: the survivors of the Bataan Death March spent the next three years in a viciously brutal Prisoner of War Camp in Cabanatuan;⁴⁰ the survivors of the U.S.S. *Indianapolis* torpedoing spent the next three-to-five days in the shark-infested waters of the South Pacific;⁴¹ and the Marines who

account of the sailors' journey, including accounts of cannibalism. NATHANIEL PHILBRICK, *IN THE HEART OF THE SEA: THE TRAGEDY OF THE WHALESHIP ESSEX 80-83*, 91, 164-66 (2001).

⁴⁰ HAMPTON SIDES, *GHOST SOLDIERS: THE FORGOTTEN EPIC STORY OF WORLD WAR II'S MOST DRAMATIC MISSION* (2001). The survivors have been honored annually by servicemembers and civilians since 1989 at the Bataan Memorial Death March in White Sands Missile Range, New Mexico. See *The 22nd Annual Bataan Memorial Death March Will be Held March 27, 2011*, available at <http://www.bataanmarch.com/default.htm> (last visited May 20, 2010).

⁴¹ DOUGLAS STANTON, *HARM'S WAY: THE SINKING OF THE USS INDIANAPOLIS AND THE EXTRAORDINARY STORY OF ITS SURVIVORS 319* (Holt Paperbacks ed., 2003) (2001). In the 1975 movie *Jaws*, as Captain Quint, Chief Brody, and Mr. Hooper hunt a man-eating Great White Shark, Captain Quint tells the story of the shark attacks in the aftermath of the sinking of the *U.S.S. Indianapolis*:

Japanese submarine slammed two torpedoes into our side, Chief. We was comin' back from the island of Tinian to Leyte . . . just delivered the bomb. The Hiroshima bomb. Eleven hundred men went into the water. Vessel went down in 12 minutes. Didn't see the first shark for about a half an hour. Tiger. 13-footer. . . . Noon, the fifth day, Mr. Hooper, a Lockheed Ventura saw us. . . . So, eleven hundred men went in the water; 316 men come out and the sharks took the rest, June the 29th, 1945. Anyway, we delivered the bomb.

Memorable Quotes for *Jaws* (1975), available at <http://www.imdb.com/title/tt0073195/quotes> (last visited May 10, 2010) (quoting actor Robert Shaw). See also *JAWS* (Universal 1975). Most, if not all, judge advocates forty years old or older can identify with Douglas Stanton's comment in his Author's Note: "I had heard of the *Indy* before: immortalized by Captain Quint in *Jaws*, the ship occupied a mythical status in American popular history . . . [b]ut, I realized, I knew little about the real-life incident." STANTON, *supra* note 42, at 319. A must read for Sailors, however, this story transcends services. After the Japanese submarine commander fired the first torpedo at the *Indy* and its 1196-man crew at 12:04 a.m. on Sunday, 30 July 1945, it is estimated 200 Sailors were killed at the point of impact before the ship sank within twelve minutes. The story of the 321 survivors' battle with sharks, hysteria, and dehydration until they were rescued between 2 and 4 August, is an amazing account of survival and leadership (four men died at the hospital within a week of rescue). *Id.* at 101, 137, 225-49. See also ANDERSON, *supra* note 19, at 153-76. Chapter 12 of this great book tells a similar story about the sinking of the USS *Meredith* in the South Pacific Ocean on 15 October 1942, and the four-day struggle for survival against sharks and hysteria. Eighty-seven of the 260 men survived.

survived the “assault into hell” at Peleliu were later thrown “into the abyss” at Okinawa.⁴²

Whether we turn to the “military” category, which is the foundation of all professional reading, or the “law” and “history” categories with worthwhile selections unconnected to the military, in the end, any professional reading list will bring us back to military topics and their far-reaching insights for military officers. Military topics “provoke critical thinking about Professional soldiering . . . and a deep understanding of the Army and the future of the profession of arms in the 21st Century.”⁴³

⁴² E.B. SLEDGE, *WITH THE OLD BREED AT PELELIU AND OKINAWA* (Oxford Univ. Press paperback ed., 1990) (1981). The 1st Marine Division staff predicted about 500 casualties on D-Day (15 September 1944) when the 1st, 5th, and 7th Marine Regiments assaulted the heavily fortified 2200 foot beach front at Peleliu. The 10,000 troops of the Japanese 14th Infantry Division, who “fought until the last position was knocked out,” killed or wounded over 1100 Marines on D-Day alone. *Id.* at 51, 53, 62, & 71. The Marines who survived the assault continued to fight in 115 degree heat until they were relieved on 25 September 1944 at the cost of 3946 casualties. *Id.* at 102–04. Once relieved as fighting unit, the 1st Marine Division was then split to support other units and when the Division’s Marines departed Peleliu on 30 October 1944, they had lost 6526 men (1252 dead and 5274 wounded). Conservative estimates of enemy losses were 10,900 dead and 302 taken prisoner. *Id.* at 155.

While the D-Day (1 April 1945) landing on Okinawa for Sledge’s unit was unopposed, the bloody inland fighting continued for more than two-months and as Sledge notes, “On 8 May [1945,] Nazi Germany surrendered unconditionally. We were told the momentous news, but considering our own peril and misery, no one cared much. . . . Nazi Germany might as well have been on the moon.” *Id.* at 187, 223. For all Sledge and his fellow Marines had been through, including a mad dash across “death valley”—an open field under direct fire from Japanese machine guns—he participated in what would be the final battle on Okinawa (Kunishi Ridge), resulting in the end of organized Japanese resistance on Okinawa. In the last twenty-two hours of fighting, Sledge’s company lost 50 of its 235 Marines and overall, between 11–18 June 1945, the Marines suffered 1150 casualties—a remarkable display of heroism and sacrifice. *Id.* at 244–45, 299–301. In March 2010, HBO released a new 10-part mini-series, *The Pacific*, which features E.B. Sledge. See www.hbo.com/the-Pacific (last visited Mar. 23, 2010).

⁴³ Nat’l Def. Univ., Nat’l Def. Univ. Library, available at <http://www.ndu.edu/Library/index.cfm?secID=217&pageID=126&type=section> (last visited May 27, 2010) (describing key attributes of the “The U.S. Army Chief of Staff’s Professional Reading List”). See also *infra* notes 93 and 94.

B. “Law” Books

Finding a professional reading book in the category of “Law” should be an easy task for any lawyer. From the Boston Massacre in 1770,⁴⁴ to the Malmedy Massacre in 1944,⁴⁵ to the My Lai Massacre in 1968,⁴⁶

⁴⁴ HILLER ZOBEL, *THE BOSTON MASSACRE* (1970). “It is . . . a familiar story that each of us has known since first we realized that our country’s freedom grew from bloodshed.” *Id.* at 3. Many remember the general story of what took place five years before Lexington and Concord: “the hated Redcoats tramping through the peaceful town of Boston . . . a few schoolboys harmlessly taunting the soldiers; the troops forming a battle line, loading with military precision, fixing bayonets, aiming carefully, and, on direct order deliberately given, firing a deadly volley at the helpless civilians.” *Id.*

To this basic scenario, some of us learn a sequel. It might be called *The Birth of American Justice*, or . . . *Even the Guilty Deserve a Fair Trial*. . . . Here the star is John Adams[]. We . . . know that purely from a sense of duty, at great risk to his own popularity, lawyer Adams took the impossible case, and somehow convinced an implacably hostile jury to acquit his clients.

Id. at 3–4. In 240 pages leading up to the trials, Zobel takes the reader through the history of His Majesty’s Province of Massachusetts Bay in the ten-year period between 1760 and the 1770, including all of the facts leading up to the Boston Massacre on 5 March 1770. Then in fifty-three pages, Zobel chronicles the two Boston trials, *Rex v. Preston* (the trial against the officer) and *Rex v. Wemms et al.* (the trial against all the enlisted men), from opening statements through the verdicts. *Id.* at 241–94. Interestingly, while *John Adams*, the mini-series, portrays scenes of the Boston Massacre and the trial, the book *John Adams*, on which the mini-series is based only devotes four of its 751 pages to the events. See JOHN ADAMS (HBO Mini-Series, Episode 1, Live or Die, 2008) (on file with author); DAVID MCCULLOUGH, *JOHN ADAMS* 65–68 (2001).

⁴⁵ While there are many books that describe the events surrounding the Malmedy Massacre, few describe the trial of the perpetrators in detail. See, e.g., JOHN M. BAUSERMAN, *THE MALMEDY MASSACRE*, at xi, 1, 109–10 (1995) (covering specific details of the infamous massacre of eighty-two unarmed American prisoners of war on 17 December 1944 in Malmedy, Belgium, by Kampfgruppe (Battlegroup) Peiper, the 1st SS Panzer Regiment led by Lieutenant Colonel Joachim Peiper, but failing to discuss the trial of Peiper); see also KERSHAW, *supra* note 20, at 263–64 (devoting only two pages of Chapter 17, “Justice,” to the trial). Books containing more in-depth discussion of the trials following the Malmedy Massacre include two works by the same author. See JAMES J. WEINGARTNER, *CROSSROADS OF DEATH: THE STORY OF THE MALMEDY MASSACRE AND TRIAL* (1979) [hereinafter WEINGARTNER, *CROSSROADS OF DEATH*]; JAMES J. WEINGARTNER, *A PECULIAR CRUSADE: WILLS M. EVERETT AND THE MALMEDY MASSACRE* 45, 49, 109 (2000) [hereinafter WEINGARTNER, *A PECULIAR CRUSADE*] (describing the trial in detail from the perspective of Colonel Willis Everett, a civilian attorney activated after World War II to serve as a judge advocate in the War Crimes Department, and six other Army lawyers, who along with six German civilian attorneys defended seventy-four German soldiers, including Peiper at a mass trial designated *United States v. Valentin Bersin et al.* beginning on 16 May 1946 and ending on 16 July 1946). During a period of time in our history when the forum to try war criminals has

books about the trials following these infamous events provide in-depth reviews of the facts of the cases and the legal systems responsible for adjudicating them. Other books about courts-martial throughout history, like General George Armstrong Custer's in 1867,⁴⁷ provide an invaluable view of the courtroom prior to the enactment of the Uniform Code of

been debated, the latter Weingarten book describes the three-tiered system of war crimes justice in Germany after World War II beginning in 1945: "By far the best-known component of this system was the International Military Tribunal sitting in Nuremberg, in which twenty-two German leaders and a number of organizations were tried before a panel of judges drawn from France, the Soviet Union, the United Kingdom, and the United States." *Id.* at 39. Many judge advocates may not be familiar with the other two tiers of the system that followed the adjournment of the International Military Tribunal. The second tier was a series of twelve trials with 185 lesser Nazi leaders tried before American civilian judges in Nuremberg between 1945 and 1949. *Id.* "By far the largest number of defendants, 1,672, would be tried in 489 proceedings conducted between 1945 and 1948 before courts established by the U.S. Army. These trials constituted the third tier. [T]he Malmedy massacre trial [was] among them." *Id.* Within this third tier of courts, the Malmedy defendants were tried before a "General Military Government Court, the highest of three grades of military government courts, reserved for important cases." WEINGARTNER, *CROSSROADS OF DEATH*, *supra*, at 46. Although not stated by the author, it can be assumed based on the name of the court these "three grades" of courts within the third tier were general, special, and summary military government courts. These courts had a law officer and line officers served as the members with the senior member serving as the presiding officer. *Id.* at 99.

⁴⁶ Where John Adams is the star of the Boston Massacre, Lieutenant William Calley is the villain in the My Lai Massacre: "On 16 March 1968, in the course of a search-and-destroy mission in a village suspected of harboring crack Vietcong troops, an American infantry officer ordered others to round up, and joined some of them in butchering, unarmed civilians. . . . Hundreds dead when not a shot was fired against American troops." MICHAL R. BELKNAP, *THE VIETNAM WAR ON TRIAL*, at ix (2002). For judge advocates, this book serves the dual-purpose of exposing perhaps the darkest hour of U.S. troops in combat and the details of how the military justice system handled the massacre. The author makes us "feel like we are there, alongside the legal counsel, or with the officers who sat on the bench watching the witnesses and defendants. This is the highest compliment anyone can pay to legal history—that it makes the law live." *Id.* at xi.

⁴⁷ LAWRENCE A. FROST, *THE COURT MARTIAL OF GENERAL GEORGE ARMSTRONG CUSTER* (3d prtg. 1987) (1968). For Law Day 2008, the 1st Infantry Division Office of the Staff Judge Advocate hosted the 6th Graders from the Fort Riley Middle School and presented a mock trial of the court-martial of General Custer with judge advocates (wearing civil war era cavalry outfits) as the prosecutors, defense counsel, accused, and judge and some of the students sitting as panel members in the tradition of a modern court-martial. Benefitting from Frost's impeccably detailed book, the students (and judge advocates) gained insight into facts underlying Custer's 1867 general court-martial for one specification of absence without leave from his command and seven specifications of conduct prejudicial to good order and discipline including failure to rest his horses after taking them on a long and exhausting march before setting out on a second long march for private business (going to see his wife). *Id.* at 99–103. Based on the book, the students were also educated on how trials were conducted under the Civil War era Articles of War.

Military Justice (UCMJ) in 1950.⁴⁸ To this end, there is an interesting nineteen-year period, between 1950 and 1969 when “law officers”—a position created by the UCMJ⁴⁹—provided legal rulings prior the creation of military judge positions in the 1969 amendments to the UCMJ.⁵⁰ The court-martial of Marine Drill Instructor Matthew McKeon in 1956⁵¹ represents the Marine Corps’s harsh treatment of its recruits in the 1950s and provides a glimpse of standard courtroom procedure during this relatively short period in court-martial history when law officers “ruled” the courtroom.⁵²

⁴⁸ MANUAL FOR COURTS-MARTIAL, UNITED STATES (1951) [hereinafter 1951 MCM]. Appendix 2 of the 1951 MCM is called “The Act of 1950” and section “a” of that act is the Uniform Code of Military Justice [hereinafter 1950 UCMJ]. *See also* Pub. L. No. 506, 81st Cong., ch. 169 § 1, 64 Stat. 108 (1950); Title 50 U.S.C. (Ch. 22) §§ 551–736. 1951 MCM, *supra*, at 411.

⁴⁹ 1950 UCMJ, *supra* note 48, art. 26. Article 26 creates the position of “Law officer of a general court-martial” who shall be appointed by the convening authority; who shall be a member of the bar; who is certified by the Judge Advocate General of his service; who shall not have acted as accuser, witness for the prosecution, or investigating officer in the same case; and who shall not consult with the members (except on the form of the findings in the presence of the accused), the trial counsel, or defense counsel. *Id.* art. 26 §§ a–b.

⁵⁰ The 1950 version of the UCMJ was amended on 10 August 1956 and further amended by the Military Justice Act of 1968 (24 October 1968), effective on 1 August 1969. MANUAL FOR COURTS-MARTIAL, UNITED STATES (1969) [hereinafter 1969 UCMJ]. Article 26 of the UCMJ, formerly reserved for the position of “law officer” was changed to “Military judge of a general or special court-martial.” *Id.* art. 26 §§ a–e. Article 26 remains relatively unchanged today, with one huge exception: in the 1969, the convening authority detailed judges to general and special courts-martial. *See* 1969 UCMJ, art. 26a. The language of Article 26a requiring the convening authority to detail the military judge was omitted in 1984. MANUAL FOR COURTS-MARTIAL, UNITED STATES (1984).

⁵¹ JOHN C. STEVENS III, COURT-MARTIAL AT PARRIS ISLAND: THE RIBBON CREEK INCIDENT (1999). On the evening of 8 April 1956, Marine Drill Instructor Staff Sergeant Matthew McKeon marched the seventy-five recruits (including many non-swimmers) of Platoon 71, 3d Recruit Battalion, into the dark, marshy waters of Ribbon Creek at Parris Island, South Carolina. His intent when he took them into the swamp was to “shock his men into working as disciplined and cohesive unit.” Within a matter of minutes, six Marines drowned. *Id.* at 1–10.

⁵² *Id.* at 66–154. Although the My Lai Massacre occurred in March 1968, 1LT Calley’s general court-martial took place in 1970–71 after military judges were on the bench. *See* Belknap, *supra* note 46, at 148–49 (discussing COL Reid W. Kennedy who sat as the military judge in *United States v. Calley*).

Those interested in the Supreme Court can read about “the great decision” of 1803, *Marbury v. Madison*,⁵³ through “the challenge” of 2004, *Hamdan v. Rumsfeld*,⁵⁴ spanning the Court’s history from its infancy to its current views on the war on terror. Following the September 11th terrorist attacks and President George W. Bush’s authorization of military commissions for those who assisted in the attacks,⁵⁵ scholars, including judge advocates, demonstrated renewed

⁵³ 5 U.S. (1 Cranch) 137 (1803). See also CLIFF SLOAN & DAVID MCKEAN, *THE GREAT DECISION: JEFFERSON, ADAMS, MARSHALL, AND THE BATTLE FOR THE SUPREME COURT* (2009). The “Charters of Freedom” Hall at the National Archives contains four national treasures:

[A]fter the Declaration of Independence, the Constitution, and the Bill of Rights, is a single Supreme Court decision from 1803: *Marbury v. Madison*. Unlike the other documents, *Marbury* is unknown to many people. The exhibit explains that it is “one of the cornerstones of the American constitutional system,” the first case in which the Supreme Court struck down an Act of Congress as unconstitutional.

Id. at ix–x. The authors then ask: “Why is *Marbury* considered the greatest decision in American law?” and “What impact has the decision had on the nation?” *Id.* at x. The authors answer these questions and more and state the historic case “is rightly considered a national treasure, for it is a uniquely American icon that vividly stands for the rule of law.” Every judge advocate studied the case in law school, but now, as practitioners who will likely perform rule of law missions overseas, perhaps “the great decision” warrants further examination. See also WILLIAM H. REHNQUIST, *THE SUPREME COURT* 21–35 (rev. ed., 2001) (1987) (investigating the former Chief Justice’s opinion on the place of *Marbury v. Madison* in the history of the Supreme Court and our country).

⁵⁴ 548 U.S. 557 (2006). See also JONATHAN MAHLER, *THE CHALLENGE: HAMDAN V. RUMSFELD AND THE FIGHT OVER PRESIDENTIAL POWER* (2008). “The challenge” refers to the seemingly impossible odds faced by a Navy judge advocate (Lieutenant Commander Charles Swift) and Georgetown Law Professor (Neal Katyal) and their challenge of the President’s Military Commissions at Guantanamo Bay, Cuba. The book takes the reader through the drafting of the legal motions up to Katyal’s argument before the Supreme Court in *Hamdan v. Rumsfeld*. The challengers won the case when the Supreme Court held the President did not have congressional authority to set up the Military Commissions and the commissions did not comply with the UCMJ or the Geneva Conventions. *Id.* In an interesting side note, after the *Hamdan* case, Neal Katyal was hired as the Principal Deputy Solicitor General in January 2009 to argue cases for the Government before the Supreme Court. See Editorial, *Katyal Tapped as Principal Deputy in SG’s Office*, *THE BLOG OF LEGAL TIMES* (Jan. 17, 2009), <http://legaltimes.typepad.com/blt/2009/01/katyal-tapped-as-political-deputy-in-solicitor-generals-office.html>.

⁵⁵ Military Order of Nov. 13, 2001, Detention, Treatment and Trial of Certain Non-Citizens in the War Against Terrorism, 66 Fed. Reg. 57,833 (Nov. 16, 2001). See also LOUIS FISHER, *NAZI SABOTEURS ON TRIAL: A MILITARY TRIBUNAL AND AMERICAN LAW* 159 (2003). For an historical overview and analysis of how past Presidents, Congress

interest in old Supreme Court cases such as *Ex parte Quirin*.⁵⁶ Books followed,⁵⁷ as did federal litigation over detainee issues and presidential powers,⁵⁸ which, in turn, inspired additional authors.⁵⁹ Judge advocates surveying this area will find current books providing in-depth analysis of the President, Congress, and the Supreme Court as they operated during the Civil War, World War II, and, now, the Global War on Terror. Of particular importance to judge advocates entering the debate are books that critically evaluate the Government's (mis)interpretation of the law after September 11th.⁶⁰

True crime stories are also suitable for professional reading, particularly for trial attorneys seeking advocacy tips or expertise in a particular area of the law. Morbid curiosity aside, murder novels that cover the investigatory and judicial stages of a trial can be instructive. In addition to timeless true crime classics,⁶¹ judge advocates may find that the story of a former baseball star's murder trial and his lapse into insanity provides insight on the difficulty of defending a client who is not competent to stand trial.⁶² From a comparative law perspective, judge advocates unfamiliar with the inquisitorial system can read a gripping account of a mass murderer that terrorized Italians for years, also while learning how a case is processed by an investigative judge.⁶³ One of the most intriguing true crime stories involves the Green Beret doctor who

and the Supreme Court viewed military commissions during the Civil War and World War II, see WILLIAM H. REHNQUIST, *ALL THE LAWS BUT ONE* (1998).

⁵⁶ 317 US 1 (1942).

⁵⁷ FISHER, *supra* note 55.

⁵⁸ See *Rasul v. Bush*, 542 U.S. 466 (2004); *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004); *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006); and *Boumediene v. Bush*, 128 S. Ct. 2229 (2008).

⁵⁹ See, e.g., LOUIS FISHER, *THE CONSTITUTION AND 9/11: RECURRING THREATS TO AMERICA'S FREEDOMS* (2008); BRIAN MCGINTY, *LINCOLN AND THE COURT* (2008); MAHLER, *supra* note 54; JACK GOLDSMITH, *THE TERROR PRESIDENCY: LAW AND JUDGMENT INSIDE THE BUSH ADMINISTRATION* (2007); JOHN YOO, *WAR BY OTHER MEANS: AN INSIDER'S ACCOUNT OF THE WAR ON TERROR* (2006).

⁶⁰ See GOLDSMITH, *supra* note 59; FISHER *supra* note 59.

⁶¹ TRUMAN CAPOTE, *IN COLD BLOOD* (1965). Although written before the majority of judge advocates were born, all judge advocates who have read this book would likely concur that it has stood the test of time. See also HARPER LEE, *TO KILL A MOCKINGBIRD* (1960); ROBERT TRAVER, *ANATOMY OF A MURDER* (1958).

⁶² JOHN GRISHAM, *THE INNOCENT MAN: MURDER AND INJUSTICE IN A SMALL TOWN* (2006). See also Major Jeff A. Bovarnick & Captain Jackie Thompson, *Trying to Remain Sane Trying an Insanity Case: United States v. Captain Thomas S. Payne*, *ARMY LAW.*, June 2002, at 13.

⁶³ DOUGLAS PRESTON & MARIO SPEZI, *THE MONSTER OF FLORENCE* (2008).

murdered his pregnant wife and two daughters on Fort Bragg on 17 February 1970.⁶⁴ Judge advocates may find it interesting that, despite the lower standard of proof required, the accused's military case was dismissed at the Article 32 level.⁶⁵ Yet, ten years later, in August 1980, in federal district court in North Carolina, the former Army captain was convicted for murdering his family and sentenced to three consecutive life sentences.⁶⁶ Overall, in the category of "Law," there are no bounds to what might interest a life-long student of jurisprudence.⁶⁷

C. "History" Books

*[T]here is no better way to learn the
military art than to read history.*⁶⁸

From Sun Tzu⁶⁹ to *A Thousand Splendid Suns*⁷⁰ to *Snow Falling on Cedars*,⁷¹ the broad category of "history" encompasses the military and law categories and more. Any book about a president,⁷² particularly

⁶⁴ JOE MCGINNISS, *FATAL VISION* 7 (1984). This is the story of Captain Jeffrey MacDonald who, to this day, proclaims his innocence and steadfastly stands by his 1970 version of events that a drug-crazed bunch of hippies from Fayetteville, North Carolina, entered his quarters on Fort Bragg and murdered his family. See *The MacDonald Case*, available at <http://www.themacdonaldcase.org/> (last visited Feb. 10, 2010).

⁶⁵ MCGINNISS, *supra* note 64, at 196–97.

⁶⁶ *Id.* at 578. See also JERRY ALLEN POTTER & FRED BOST, *FATAL JUSTICE: REINVESTIGATING THE MACDONALD MURDERS* (1997). Where McGinniss concludes MacDonald was guilty of the heinous crimes against his wife and daughters, Potter and Bost support MacDonald's proclamation of innocence and provide their own findings to discount the verdicts. *Id.*

⁶⁷ For a great legal thriller about a civil lawsuit in Massachusetts, see JONATHAN HARR, *A CIVIL ACTION* (1995).

⁶⁸ Jeffrey J. Clarke, Chief of Military History, U.S. Army Ctr. of Mil/Hist. (CMH), available at <http://www.history.army.mil/reading.html> (last visited Feb. 26, 2010) [hereinafter CMH Professional Reading List].

⁶⁹ SUN TZU, *THE ART OF WAR* (Samuel B. Griffith trans., Oxford Univ. Press 1963).

⁷⁰ KHALED HOSSEINI, *A THOUSAND SPLENDID SUNS* (2007). In his follow-up to *The Kite Runner*, the author takes the reader through Afghanistan's volatile history, this time through the eyes of two women.

⁷¹ DAVID GUTERSON, *SNOW FALLING ON CEDARS* (1995). The backdrop to this murder/love story reveals an ugly blemish in U.S. history—the internment of Japanese-Americans in the United States during World War II.

⁷² See, e.g., DORIS KEARNS GOODWIN, *TEAM OF RIVALS: THE POLITICAL GENIUS OF ABRAHAM LINCOLN* (2005); DAVID MCCULLOUGH, *JOHN ADAMS* (2001); EDMUND MORRIS, *THEODORE REX* (2001) (representing the second book in a three-part series where the author focuses on Roosevelt's two terms as President from 1901–1909).

those presidents that served during a time of war⁷³—or other eminent,⁷⁴ or infamous,⁷⁵ citizens in our country's history—will enhance an

⁷³ See, e.g., JAMES M. MCPHERSON, *TRIED BY WAR: ABRAHAM LINCOLN AS COMMANDER IN CHIEF* (2008); MATTHEW WARSHAUER, *ANDREW JACKSON AND THE POLITICS OF MARTIAL LAW: NATIONALISM, CIVIL LIBERTIES, AND PARTISANSHIP* (2006) (addressing the War of 1812); WHEELAN, *supra* note 19 (discussing the Barbary wars during Jefferson's presidency); H.R. MCMASTER, *DERELICTION OF DUTY: JOHNSON, MCNAMARA, THE JOINT CHIEFS OF STAFF AND THE LIES THAT LED TO VIETNAM* (1997).

⁷⁴ See, e.g., DAVID O. STEWART, *THE SUMMER OF 1787: THE MEN WHO INVENTED THE CONSTITUTION* (2007) (providing a detailed description of the delegates, including many lawyers in their thirties and forties, that debated the issues of slavery, the scope of the newly created executive, and representation in a one or two-house system that summer in Philadelphia resulting in the September 1787 version of our Constitution); WALTER ISAACSON, *BENJAMIN FRANKLIN: AN AMERICAN LIFE* (2003) (providing a view of all of aspects of Franklin's extraordinary life, including his role in the founding of our nation); JOSEPH J. ELLIS, *FOUNDING BROTHERS: THE REVOLUTIONARY GENERATION* (2000); STEPHEN E. AMBROSE, *UNDAUNTED COURAGE: MERIWETHER LEWIS, THOMAS JEFFERSON AND THE OPENING OF THE AMERICAN WEST* (1996) (offering an in-depth historical review of the famous Lewis and Clark expedition of the western frontier between 1803–06); BRUCE CHADWICK, *TRIUMVIRATE* (2009) (examining the critical roles played by James Madison, Alexander Hamilton, and John Jay to get the Constitution ratified).

⁷⁵ Many readers will remember the great explorers, particularly the European explorers, from history classes in school: Christopher Columbus, Ferdinand Magellan, Ponce de Leon, and, of course, the famous American explorers, Lewis and Clark. See AMBROSE, *supra* note 75. Few Americans today likely remember another great American expedition—an expedition greater in size, scope, challenges (and arguably importance) than the much more famous Lewis and Clark expedition. How could a larger, more important, expedition that took place some thirty years after Lewis and Clark's be relegated to practical obscurity and its leader—Lieutenant Charles Wilkes—virtually unknown? Perhaps because Wilkes's voyage ended in infamy—with a court-martial. The U.S. South Seas Exploring Expedition included six vessels and 346 men that traveled 87,000 miles, including mapping 800 miles of coastline in the Pacific Northwest and 1500 miles of the Antarctic coast, surveying 280 Pacific Islands and creating 180 charts.

Just as important would be its contribution to the rise of science in America. The thousands of specimens and artifacts amassed by the Expedition's scientists would become the foundation of the collections of the Smithsonian Institution. Indeed, without the [Exploring Expedition] there might never have been a national museum in Washington D.C. The U.S. Botanical Garden, the U.S. Hydrographic Office, and the Naval Observatory all owe their existence in varying degrees, to the Expedition.

NATHANIEL PHILBRICK, *SEA OF GLORY: AMERICA'S VOYAGE OF DISCOVERY, THE U.S. EXPLORING EXPEDITION, 1838–1842*, at xvii, xix (2003). Because of his “vain, impulsive, and often cruel” treatment of others, Wilkes's crew hated him. *Id.* at xxiv. When their expedition ended he faced a court-martial of naval officers for “illegally attacking natives, excessively punishing sailors and marines, falsely claiming to have seen Antarctica, dressing as a captain, and flying a commodore's pennant,” among other

officer's professional development. Biographies that cover a great figure's entire life can be unwieldy and difficult to complete, making it enlightening at times simply to read a book focusing on particular period in the person's life. For example, the fascinating story of the convergence (and collision) of a future president and one of the greatest athletes of the twentieth century on a football field in November 1912 could have "dramatically changed the future of America."⁷⁶

"Football was the single-most important thing"⁷⁷ in Cadet Eisenhower's life. As Ike was building his legacy at West Point, Jim Thorpe had already secured his at the 1912 Summer Olympics in Stockholm, Sweden. "If [Ike] could stop Thorpe—or, better yet, if he could knock Thorpe out of the game with a blockbuster hit—Ike didn't believe there was any way his team would lose."⁷⁸ On Eisenhower's second attempt to take out Thorpe, it was Eisenhower, not Thorpe that was removed from the game. This injury, exacerbated by Eisenhower's refusal to rest his "wounded knee,"⁷⁹ ended Eisenhower's football career

charges. *Id.* at 320. The most important charge was the allegation Wilkes deliberately lied about sighting Antarctica on 19 January 1842, thereby claiming he had discovered a new continent—a claim on which President Martin Van Buren staked the reputation of a nation. *Id.* at 323. A stretch of the eastern coast of Antarctica, "Wilkes Land," bears Wilkes's name, even though he never set foot on the continent owing to stormy weather and ice that blocked the ships. *Id.* at 169–77.

⁷⁶ LARS ANDERSON, *CARLISLE V. ARMY: JIM THORPE, DWIGHT EISENHOWER, POP WARNER, AND THE FORGOTTEN STORY OF FOOTBALL'S GREATEST BATTLE* (2007). This is the story of the powerful West Point football team and the Carlisle Indians, led by Jim Thorpe, who had won Olympic gold medals in both the pentathlon and decathlon in July of that summer in Stockholm, Sweden. *Id.* at 234–47. In a 1950 Associated Press poll of sportswriters ranking the greatest athletes of the first half of the twentieth century, Jim Thorpe was #1 followed by (in order) Babe Ruth, the boxer Jack Dempsey, and Ty Cobb. *Id.* at 317. As the twentieth century came to a close, in a December 1999 poll, the Associated Press released its one hundred Athletes of the Century poll with Jim Thorpe coming in third behind Babe Ruth (#1) and Michael Jordan (#2). See Associated Press, Ruth named AP athlete of the century (Dec. 11, 1999), <http://www.usatoday.com/sports/ssat1.htm>.

⁷⁷ ANDERSON, *supra* note 76, at 277.

⁷⁸ *Id.* at 277–78. In addition to Eisenhower, the author chronicles the legendary career of Pop Warner, an early football innovator and, among other teams, the coach of the Carlisle Indian School (currently the U.S. Army War College at Carlisle Barracks, Pennsylvania). But the star of this book is Jim Thorpe—his rise to fame and his fall from glory, not from the game against Army, but due to the racism against Native Americans and his battle with alcoholism. *Id.* at 317.

⁷⁹ *Id.* at 287–90 (discussing Eisenhower's "one-two" plan and failed attempts to take out Thorpe with Eisenhower hitting Thorpe high (in the chest) and his teammate hitting Thorpe low (in the knees)). The author's clever use of "wounded knee" in the title of Chapter 14 is not lost on the reader. The irony of the gridiron battle between the Army

and sent him into deep depression when he pondered dropping out of West Point, leading the reader to wonder, “What if . . .?”

Reaching further back in time, a particularly well-written and researched fictional account can be just as worthy of review as a non-fiction book if it brings a past era to life. Great examples include a couple of “first-hand accounts” of the Battle of Thermopylae⁸⁰ and the Peloponnesian War.⁸¹ These vivid narratives recounted by “survivors” of each battle provide convincing accounts of military life and battles during those ancient campaigns.

If the professional reading suggestions above (and below) lead an inquiring judge advocate to new areas of the library or bookstore, then this article has met one of its goals. With that said, this article is not a suggestion for readers to abandon their favorite genre. Judge advocates should consider alternating between reading books for professional development and books for pleasure. Realistically, for newcomers to the professional reading arena, possibly one or two books per year, depending upon their length, is a modest goal. The fact remains that professional reading is suggested as an addition to the onslaught of required reading for those new to a profession. Importantly, for judge advocates with young children, there is one reading program—the Parent Reading Program—that always remains mandatory, covering classics such as *Green Eggs and Ham*,⁸² *Charlotte’s Web*,⁸³ and *Arthur Meets the President*.⁸⁴

cadets and the Indians is that, in Chapter 2, the author recounts the infamous Wounded Knee Massacre in 1890 where Soldiers of the 7th Cavalry Regiment murdered 180 Lakota Indians on the plains of Wounded Knee, South Dakota. *Id.* at 14–15. The descendants of this infamous event would meet on a different field in 1912 and the memory of Wounded Knee and defeating “the Army” was not lost on the Indians. *See also* ANDERSON, *supra* note 19. *The All Americans* is another great book on the intersection of football and the military. In this story, the author details the football careers of two Army and two Navy players who battled each other in the 29 November 1941 Army-Navy football game only to have their lives changed by the Pearl Harbor attack eight days later.

⁸⁰ STEVEN PRESSFIELD, *GATES OF FIRE: AN EPIC NOVEL OF THE BATTLE OF THERMOPYLAE* (1998).

⁸¹ STEVEN PRESSFIELD, *TIDES OF WAR: A NOVEL OF ALCIBIADES AND THE PELOPONNESIAN WAR* (2000). *See also* MICHAEL SHAARA, *THE KILLER ANGELS* (1974) (winning the Pulitzer Prize for its expansive coverage of the Battle of Gettysburg in the Civil War).

⁸² DR. SEUSS, *GREEN EGGS AND HAM* (Random House Beginner Book ed. 1960).

⁸³ E.B. WHITE, *CHARLOTTE’S WEB* (Trophy ed. 1999) (1952).

⁸⁴ MARC BROWN, *ARTHUR MEETS THE PRESIDENT* (First paperback ed. 1991).

III. Professional Reading Lists

It should be no surprise to military officers that numerous reading lists exist. These lists, compiled by senior leaders from all services and various military institutions, provide guidance to officers of different experience levels by recommending books on particular subjects. While almost all lists target non-lawyers, there are a few lists specifically for judge advocates. With the efficiency of Internet searches, it is not necessary to describe every list here, but it may be informative to highlight the primary military professional reading lists and locations where they can be found.

A. The Service's Primary Reading Lists

The National Defense University (NDU) has the best website for professional reading lists,⁸⁵ mainly because it provides links to the primary (and current) military reading lists of the Army, Navy, Air Force, Marines, and Coast Guard, as well as a recommended Joint Service list.⁸⁶ The NDU Commandant also has a professional reading list,⁸⁷ as do all the military education institutions of all services.⁸⁸ The

⁸⁵ The vast majority of Professional Reading Lists are solely comprised of books. However, there are a few reading lists that contain "non-book" readings. For example, the Navy has a President's Watching List that recommends movies; the U.S. Joint Forces Command has a Pre-Deployment Afghanistan Reading List that contains "Commander's Guidance," a "Tactical Directive," "Field Guides," and a "Culture Smart Card"; and The Judge Advocate General's Corps Professional Reading List contains numerous cases. *See infra* Part III.

⁸⁶ *See* The National Defense University's Professional Military Reading List homepage, available at <http://www.ndu.edu/library/ReadingList/PMReadingList.html> (last visited May 10, 2010) [hereinafter NDU Reading List homepage]. This website provides links to The U.S. Army Chief of Staff's Professional Reading List, the U.S. Navy Professional Reading List, the U.S. Marine Corps Reading List, the Chief of Staff of the Air Force (CSAF) Reading List, the Coast Guard Commandant's Reading List, and the Joint Force Staff College Commandant's Professional Reading List. *Id.*

⁸⁷ Commandant's Professional Reading List (May 2009), <http://www.ndu.edu/library/ReadingList/JFCSReading2009.pdf>.

⁸⁸ The homepages for the primary Army, Navy, Air Force, and Marine Corps educational institutions—with a focus on the War College and Command & Staff College equivalents—and their links to various reading lists are:

a. Army:

(1) The National Defense University (NDU) system covers the National War College (NWC) and the Industrial College of the Armed Forces (ICAF). Consequently, the

reading lists for those two colleges are linked back to the NDU Reading List homepage. See NDU Reading List homepage, *supra* note 86. See also The National War College, available at <http://www.ndu.edu/nwc/> (last visited May 10, 2010) [hereinafter CGSC Reading List]; Industrial College of the Armed Forces, available at <http://www.ndu.edu/icaf/> (last visited May 10, 2010). The NDU's primary link for its "Army" Reading list goes to the U.S. Army Center for Military History. See also *infra* notes 93 and 94 and accompanying text.

(2) The U.S. Army War College at Carlisle Barracks, Pennsylvania, has its own Professional Reading Lists homepage. See Professional Reading Lists, available at http://www.carlisle.army.mil/LIBRARY/professional_reading_lists.htm (last visited May 10, 2010) (providing links to twelve different sub-lists, some of which are outdated, although referenced with updates elsewhere in this article).

(3) The U.S. Army Command & General Staff College at Fort Leavenworth, Kansas, has its own reading list homepage with links to twenty-eight separate reading lists. See Professional Military Reading Lists, available at http://www.cgsc.edu/carl/gateway/military_reading_lists.asp (last visited May 10, 2010) [hereinafter CGSC Reading List homepage].

b. Navy: The Naval War College homepage provides a link to a Professional Reading homepage. See Professional Reading, available at <http://www.usnwc.edu/Academics/Professional-Reading.aspx> (last visited May 10, 2010). This site provides links to two primary reading lists:

(1) The Navy Reading homepage. See Navy Professional Reading Program, available at <http://www.navyreading.navy.mil/> (last visited May 10, 2010); see also Reading List, available at <http://www.navyreading.navy.mil/books.aspx> (last visited May 10, 2010) (providing the Navy Professional Reading Program Book List); Supplemental Reading List, available at <http://www.navyreading.navy.mil/supplemental.aspx> (last visited May 10, 2010) (providing the Navy Professional Reading Program Supplemental List).

(2) U.S. Naval War College Homepage, Professional Reading, available at <http://www.usnwc.edu/Academics/Professional-Reading/Presidents-Club.aspx> (follow "Academics" hyperlink; then follow "Menu" to "President's Club") (last visited June 6, 2010); U.S. Naval War College Homepage, President's Club—Reading List, available at <http://www.usnwc.edu/Academics/Professional-Reading/Presidents-Club/President-s-Club---Reading-List.aspx> (last visited June 6, 2010); U.S. Naval War College Homepage, President's Club—Watching List, available at <http://www.usnwc.edu/Academics/Professional-Reading/Presidents-Club/President-s-Club---Watching-List.aspx> (last visited May 10, 2010) (listing the following thirty-four movies: *Gettysburg*, *Black Hawk Down*, *Rescue Dawn*, *The Last Samurai*, *Saving Private Ryan*, *We Were Soldiers*, *Glory*, *To End All Wars*, *Capitaine Conan*, *Band of Brothers*, *Das Boot*, *The Enemy Below*, *The Sand Pebbles*, *The Great Raid*, *Kingdom of Heaven*, *Gladiator*, *In Harm's Way*, *Twelve O'clock High*, *Midway*, *Master and Commander*, *Letters from Iwo Jima*, *A State of Mind*, *The Final Countdown*, *The Bridges at Toko-Ri*, *Spy Game*, *Zulu*, *The Gallant Hours*, *Reilly Ace of Spies*, *The Immortal Admiral Yi*, *Sun Shin*, *Henry V*, *Horatio Nelson*, *Memphis Belle*, *The Cruel Sea*, *Kayaanisqatsi*). See also Major Ann B. Ching, *Lessons from the Silver Screen: Must-See Movies for Military Lawyers*, ARMY LAW., Jan. 2010,

NDU Reading List homepage is only the starting point to view each of the services' primary reading lists. From the service's or educational institution's reading list homepage, the next step is to visit those websites to see what they have to offer. For example, the Army's CGSC reading list homepage⁸⁹ lists twenty-eight different professional military reading lists gathered from a variety of organizations with a focus on deployment preparation for Iraq and Afghanistan.⁹⁰ The Marine Corps University

at 109 (providing reviews of the following five movies: *Judgment at Nuremberg*, *The Caine Mutiny*, *Breaker Morant*, *Paths of Glory*, and *The Best Years of Our Lives*).

c. Air Force: The Air University system includes the Air War College (AWC) and the Air Command and Staff College (ACSC). See, e.g., Welcome to Air University, available at <http://www.au.af.mil/au/index.asp> (last visited May 10, 2010); Coming Events in 2009–2010, available at <http://www.au.af.mil/au/awc/awchome.htm> (last visited May 10, 2010); Welcome to the Air Command and Staff College, available at <http://www.au.af.mil/au/acsc/> (May 10, 2010) (providing links to the Chief of Staff of the Air Force's Professional Reading Program). See also CSAF Professional Reading Program, available at <http://www.af.mil/information/csafreading/index.asp> (last visited May 10, 2010) [hereinafter CSAF Professional Reading Program].

d. Marine Corps: The Marine Corps University (MCU) system includes the Marine Corps War College (MCWAR) and the Marine Command and Staff College (CSC). See Marine Corps University, available at <http://www.mcu.usmc.mil/Pages/College.Schools.aspx> (last visited May 10, 2010).

(1) The MCU homepage provides the link for the comprehensive Marine Corps Professional Reading Program for all of its schools. See Ethics Branch, available at http://www.mcu.usmc.mil/lejeune_leadership/pages/professionalpro.aspx (last visited May 10, 2010) [hereinafter MC Professional Reading Program].

(2) The MCWAR homepage provides a link to its Recommended Reading List. See Marine Corps War College, available at <http://www.mcu.usmc.mil/War%20College%20Documents/Recommended%20Reading%20List.pdf> (last visited May 10, 2010).

(3) The Marine CSC homepage utilizes the MC Professional Reading Program, but also provides an optional Marine Command and Staff College reading list, the Academic Year 2011 Selected Book List. See Command and Staff College, available at <http://www.mcu.usmc.mil/Pages/CSC.aspx> (last visited May 10, 2010); see also Selected Book List: 2010-2011, available at <http://www.mcu.usmc.mil/MCU%20Welcome%20Aboard%20Documents/Encl-2%20AY%202011%20-%20Selected%20Book%20List.pdf> (last visited May 30, 2010).

⁸⁹ CGSC Reading List homepage, *supra* note 88, at a(3).

⁹⁰ *Id.* Thirteen of the twenty-eight reading lists have words such as Iraq, Afghanistan, deployment, counterinsurgency, or cultural awareness in their titles. One example is the Pre-Deployment Afghanistan Reading List published by U.S. Joint Forces Command. See Pre-Deployment Afghanistan Reading List, available at <http://usacac.army.mil/cac2/coin/repository/AFGReadingList.pdf> (last visited May 10, 2010).

Professional Reading Program homepage⁹¹ contains links to seventeen reading lists, including an exceptional 2010 Professional Reading Guide listing seventy-five sources (sixty-seven books and eight doctrinal publications) on one page.⁹²

Even though the NDU Reading List homepage calls the Army's list the "U.S. Army Chief of Staff's Professional Reading List"—the old name for the Army's primary list⁹³—the link actually goes to the U.S. Army Center of Military History (CMH).⁹⁴ The CMH website has the Army's current (as of 5 August 2009) Recommended Professional Reading List which is broken down into four sub-lists based on a Soldier's level of experience.⁹⁵ Of all of the services' supplemental reading lists, the Navy's includes the most diverse sub-topics, including books on critical thinking, diversity, management, and strategic planning,

⁹¹ MC Professional Reading Program, *supra* note 88, at d.(1). The Marine Corps places such an emphasis on professional reading for officers that it is specifically mentioned on Marine Corps officers' fitness reports (the Marine Corps equivalent to the Army's Officer Evaluation Report (OER) (DA Form 67-9)). Under paragraph G, "Intellect and Wisdom," subparagraph 1, "Professional and Military Education (PME)" of the USMC Fitness Report, one clause states: "a personal reading program that includes (but is not limited to) selections from the Commandant's Reading List: participation in discussion groups and military societies." USMC Fitness Report (1610), NAVMC 10835D (Rev. 1-01) (WN 3.1) at 4.

⁹² The Marine Corps Professional Reading Program, *available at* http://www.mcu.usmc.mil/lejeune_leadership/Accreditation/2010ProReadingBrochure.pdf (last visited May 10, 2010) (providing the U.S. Marine Corps 2010 Professional Reading Guide).

⁹³ The Center for Military History (CMH), *available at* <http://www.history.army.mil> (providing the Army's Professional Reading List) [hereinafter CMH Home Page]. The Army's list was called "The U.S. Army Chief of Staff's Professional Reading List," but sometime between 2005 and 2009, the name of the list changed to the "The Center for Military History Professional Reading List." *See supra* note 1; CMH Home Page, *supra*.

⁹⁴ NDU Reading List homepage, *supra* note 86 (providing a link to "The U.S. Army Chief of Staff's Professional Reading List" [sic], *available at* <http://www.history.army.mil/reading.html>, which is actually the U.S. Army CMH Recommended Professional Reading homepage (last updated 5 August 2009) [hereinafter The Army Professional Reading Lists]. Like the NDU Reading List, some non-government, websites call their posted list the "Chief of Staff's Professional Reading List," but they provide a link to the CMH or they post older versions of the list. For example, one website posts the "2009 Chief of Staff's Professional Reading List," and provides a quote from Eric Shinseki (U.S. Army Chief of Staff from 2001–2003). *See* Eric Shinseki, *available at* http://en.wikipedia.org/wiki/Eric_Shinseki (last visited May 10, 2010).

⁹⁵ The Army Professional Reading Lists, *supra* note 88, at a. The list contains the following four sublists: Sublist 1 (Cadets, Soldiers, Junior NCOs); Sublist 2 (Company Grade NCOs, WO1-CW3, and Company Grade Officers); Sublist 3 (Senior NCOs, CW4-CW5, Field Grade Officers); and Sublist 4 (Senior Leaders above Brigade Level). *Id.* *See also* Appendix D.

among others.⁹⁶ The Air Force has the simplest approach; its CSAF Professional Reading Program applies to all Airmen and the entire list of twelve books is displayed on one screen on the Reading Program's homepage.⁹⁷

B. Reading Recommendations for Judges Advocates by Judge Advocates

The Judge Advocate General of the Army also has a Professional Reading List⁹⁸ and a supplemental list for those who are deploying,⁹⁹ each compiled by Colonel (Retired) Fred Borch, the JAG Corps Regimental Historian,¹⁰⁰ himself a prolific writer and primary source of information about our Corps and book recommendations.¹⁰¹ Although not surprising, one of the unique features of TJAG's list are recommendations to read specific court opinions.¹⁰² Another unique

⁹⁶ See The Navy Professional Reading Program Supplemental List, *supra* note 88, at b.(1)(b).

⁹⁷ See CSAF Professional Reading Program, *supra* note 88, at c.

⁹⁸ The Judge Advocate General's Corps Professional Reading List (prepared by the Regimental Historian & Archivist, TJAGLCS) (Mar. 2010) [hereinafter JAG Corps Professional Reading List]. This list can be accessed from the "JAGC Professional Reading List" link on the U.S. Army JAG Corps homepage at JAGCNet.army.mil. See also Appendix C (providing an abridged version of the JAG Corps Professional Reading List and Supplemental List for Deploying Judge Advocates). Appendix C contains all books and cases that appear in the official list, but it omits the brief summaries of each book and case). In 1971, the first edition of *The Army Lawyer* published a reading list called "Books of Interest to Lawyers." The list included twenty titles from the Recommended Reading List compiled by the Office of The Judge Advocate General in 1970. See *Books of Interest to Lawyers*, 1 ARMY LAW., Aug. 1971, at 26, 26-27.

⁹⁹ See Appendix C (providing the Supplemental Reading List for Deploying Judge Advocates) (prepared by the Regimental Historian & Archivist) (Mar. 2010). This list can be accessed from the "JAGC Supplemental Reading List for Deploying JA's" link on the U.S. Army JAG Corps homepage at JAGCNet.army.mil.

¹⁰⁰ See Major General Scott C. Black, *A New Era in JAG Corps History*, TJAG SENDS: A MESSAGE FROM THE JUDGE ADVOCATE GENERAL, vol. 37, No. 6 (Mar. 2006). In his message, then-Major General Black introduced Mr. Borch, "a distinguished author and historian who retired after twenty-five years of service in the JAG Corps," as our first-ever Regimental Historian & Archivist.

¹⁰¹ See FREDERIC L. BORCH, JUDGE ADVOCATES IN COMBAT: ARMY LAWYERS IN MILITARY OPERATIONS FROM VIETNAM TO HAITI (2001); GARY D. SOLIS & FRED L. BORCH, GENEVA CONVENTIONS (2010). See also *infra* note 184 (detailing Mr. Borch's numerous book reviews published in the *Military Law Review* and *The Army Lawyer*).

¹⁰² While all of the opinions are notable, a few of the fifteen cases listed in the JAG Corps Professional Reading List include: *Ex Parte Milligan*, 71 U.S. (4 Wall.) 2 (1866) (invalidating the use of a military commission to try a civilian); *Ex Parte Quirin*, 317

“reading list,” also compiled by our Regimental Historian, is the one displayed in the halls of The Judge Advocate General’s Legal Center and School (TJAGLCS), including one display case devoted to books written by judge advocates.¹⁰³ For those who prefer to purchase books to build their personal library, the “JAG Book Store” and its one shelf of professional reading books is not necessarily the best place to shop.¹⁰⁴

Another primary source of information on books is the TJAGLCS Librarian, Mr. Dan Lavering, who has been at the library for a quarter century.¹⁰⁵ All judge advocates that have come through TJAGLCS have relied on Mr. Lavering for his incredible assistance over the years. Additionally, Mr. Lavering’s relationship with the University of Virginia has opened up the university’s vast library system and its wealth of resources to judge advocates.¹⁰⁶ For everyone outside Charlottesville,

U.S. 1 (1942) (upholding the use of a military commission to try enemy saboteurs); *United States v. Calley*, 48 C.M.R. 19, 22 C.M.A. 534 (1973) (court-martial arising out of the My Lai incident in Vietnam). JAG Corps Professional Reading List, *supra* note 98, at 1-2; Appendix C.

¹⁰³ In the Spring of 2010, seventeen books published by judge advocates since 1974 were on display. Mr. Borch has been showcasing these books since 2008. Interview with Fred L. Borch, JAG Corps Regimental Historian & Archivist, TJAGLCS, in Charlottesville, Va. (Feb. 26, 2010). One book, not yet on display is *Mark Martins, Paying Tribute to Reason: Judgments on Terror, Lessons for Security, in Four Trials since 9/11* (forthcoming 2010); see also MARK MARTINS, *PAYING TRIBUTE TO REASON: JUDGMENTS ON TERROR, LESSONS FOR SECURITY, IN FOUR TRIALS SINCE 9/11* (2d ed. 2008).

¹⁰⁴ Many judge advocates may be familiar with the “JAG Book Store,” the small post exchange (PX) at TJAGLCS. An inspection of the selection of books on 3 March 2010 revealed a dozen different books, leaving the curious browser to wonder how they got there. I asked both Mr. Borch and the PX manager, and learned that some unknown, unnamed AAFES (Army and Air Force Exchange Service) person just threw these random books in a box and shipped it to TJAGLCS. Mr. Borch has attempted to order specific titles since that time. Interview with Fred L. Borch, JAG Corps Regimental Historian & Archivist, TJAGLCS, in Charlottesville, Va. (Mar. 3, 2010) [hereinafter Borch Interview]. As for the twelve different books at the book store on 3 March, I have read three of them (*We Were Soldiers Once . . . And Young*—of which the PX had three copies—*East of Chosin*, and *Makers of Modern Strategy*). See also *infra* note 118 (for a discussion of *Makers of Modern Strategy*). I also bought a book at the book store—*Victory on the Potomac*—in preparation for a portion of a National Security Law class I teach that discusses the Department of Defense Reorganization Act of 1986. See JAMES R. LOCHER III, *VICTORY ON THE POTOMAC: THE GOLDWATER-NICHOLS ACT UNIFIES THE PENTAGON* (2002).

¹⁰⁵ Interview with Dan Lavering, TJAGLCS Librarian, in Charlottesville, Va. (Mar. 3, 2010) (Mr. Lavering became the JAG School librarian on 1 July 1985) [hereinafter Lavering Interview].

¹⁰⁶ The TJAGLCS Online Library Catalog provides a link to the University of Virginia Law School’s Arthur J. Morris Library Home Page. See The Judge Advocate General’s Legal Ctr. & Sch/Online Library Catalogue, available at <http://jag.iii.com/> (last visited

the easiest way to access professional reading materials is through the Library of Congress's Military Legal Resources homepage,¹⁰⁷ which provides links to selections from the TJAGLCS Library's extensive collections of primary source materials. Resources include every issue of the *Military Law Review* and *The Army Lawyer*; historical monographs and select theses; military justice materials; historical collections from the Civil War, World War II, Korea, and Vietnam; and numerous international and operational law materials.¹⁰⁸

The undisputed best room at TJAGLCS is the Regimental Reading Room. The room, located just outside the main library, was redesigned and redesignated as the Regimental Reading Room in 1991.¹⁰⁹ In 2000, the JAG Corps received a windfall, and in what Mr. Lavering called "the quickest decision he ever made," the JAG Corps accepted a monumental donation of an incredible collection of 7000 books—perfectly suited for the Regimental Reading Room.¹¹⁰ The books—the majority of which are out-of-print hardcovers—were donated by Howard S. Levie, who retired as a colonel from the JAG Corps in 1963.¹¹¹ The Levie Collection is amazing, not only for its size, but also for its subject matter. Colonel Levie was an international law scholar with an expertise in prisoner of war matters, and the portion of his overall collection he donated to the library focuses on history, military history, and all matters relating to the 1949 Geneva Conventions and the aftermath of World War II. In an interesting twist of history, Colonel Levie sent about the same number of

Mar. 10, 2010); *see also* Arthur J. Morris Law Library, *available at* <http://www.law.virginia.edu/html/librariansite/library.htm> (last visited Mar. 10, 2010).

¹⁰⁷ Library of Congress Military Legal Resources, *available at* http://www.loc.gov/rr/frd/Military_Law/military-legal-resources-home.html (last visited May 10, 2010) [hereinafter LOC Military Resources homepage].

¹⁰⁸ *Id.*

¹⁰⁹ Lavering Interview, *supra* note 105. *See also* THE ANNUAL BULLETIN OF THE JUDGE ADVOCATE GENERAL'S SCHOOL, UNITED STATES ARMY, 1991–1992, at 11. It was only five years prior to the designation of the Regimental Reading Room: "[o]n 29 July 1986, the JAG Corps became part of the U.S. Army Regimental System, with formal affiliation ceremonies held on 9 October 1986 [when] the JAG School was designated as the "regimental home" of the JAG Corps." THE ANNUAL BULLETIN OF THE JUDGE ADVOCATE GENERAL'S SCHOOL, UNITED STATES ARMY, 1987–1988, at 3.

¹¹⁰ Lavering Interview, *supra* note 105. The donation to TJAGLCS was only a portion of his entire collection. *Id.*

¹¹¹ Borch Interview, *supra* note 104. After his retirement, Colonel Levie became a Professor of Law at St. Louis University School of Law and then an instructor at the Naval War College. At the time he died in 2009, COL (Ret.) Levie was 101 years old; no judge advocate from any service has outlived him. *Id.*

volumes back to Thomas Jefferson's hometown as Thomas Jefferson sent out almost 200 years earlier.¹¹²

C. A Few Good Personal Reading Lists

While all of the professional reading lists mentioned above are compiled by individuals, they are vetted by the organizations' leaders. A number of individuals have also published their own reading list. Although the Air Force's Professional Reading List only contains twelve books, in the last few years, *The Reporter*, an Air Force Judge Advocate General's Corps publication, has posted reading lists from two officers. In 2006, Brigadier General Charles Dunlap wrote an article recommending thirty-one books.¹¹³ Later, in 2008, a second Air Force officer recommended five books (and a number of other sources) for those preparing to deploy to Iraq.¹¹⁴ One former Army captain, a graduate of the U.S. Military Academy at West Point and an Oxford University Rhodes Scholar, published his own comprehensive reading list—containing 132 recommendations—as an appendix to his book.¹¹⁵

¹¹² On 24 April 1800, Congress created the Library of Congress. Initially, the books procured for the library were solely for the use of members of Congress and Supreme Court Justices. The first Librarian of Congress purchased around 3000 volumes during the Library's first twelve years. During the War of 1812, the British burned down the Capitol and the Library and all of the volumes were lost. In 1814, the library collection was replaced when Congress authorized the purchase of Thomas Jefferson's entire library of 6,487 volumes for \$23,940. See Library of Congress Home Page, Preservation, Caring for America's Library: Institutional Growing Pains (Oct. 18, 2006), <http://www.loc.gov/preserv/history/growing.html>.

¹¹³ Brigadier General Charles J. Dunlap, Jr., *Dunlap's Very Subjective Reading List for Air Force Judge Advocates*, THE REPORTER, Mar. 2006, at 4, 4–8 <http://www.afjag.af.mil/shared/media/document/AFD-090107-038.pdf>.

¹¹⁴ Lieutenant Colonel Douglas B. Cox, *A Suggested Reading List for Deployment in Iraq*, THE REPORTER, Winter 2007–08, at 26, <http://www.afjag.af.mil/shared/media/document/AFD-090107-045.pdf>. Lieutenant Colonel Cox includes the *Rule of Law Handbook* among his suggestions. *Id.* at 28. THE JUDGE ADVOCATE GEN.'S LEGAL CTR. & SCH., CTR. FOR LAW AND MILITARY OPERATIONS, THE JUDGE ADVOCATE GEN.'S SCH., U.S. ARMY, *RULE OF LAW HANDBOOK: A PRACTITIONER'S GUIDE FOR JUDGE ADVOCATES* (2009). The *Rule of Law Handbook* is available at the LOC Military Resources homepage. See also *supra* note 107.

¹¹⁵ MULLANEY, *supra* note 19, at 375–77 (including books on literature and philosophy as well as collections of poetry). In addition to being just one of four books on the Supplemental Reading List for Deploying Judge Advocates, *The Unforgiving Minute* also makes my Professional Reading List. See *supra* note 99 and Appendices A & B. See also Major Jeremy Larchick, *Book Note*, ARMY LAW., Nov. 2009, at 57 (reviewing MULLANEY, *supra* note 19).

Appendix A is a compilation of recommendations from JAG Corps leaders, including all of our general officers as of July 2010 and numerous staff judge advocates.¹¹⁶ I have also provided a list of recommended professional reading books.¹¹⁷ It includes only books that I have read (or listened to).¹¹⁸ Not surprisingly, many of the books on my list are on other lists noted in this article. Some, I specifically chose from a list; some I chose unaware they were on a list;¹¹⁹ and, some, I read before they appeared on a list.¹²⁰ For the discriminating book reader, the act of choosing a good book can be time-consuming—literally hours spent perusing the shelves of bookstores or searching on-line, but by no means a waste of time. Another great means of selecting professional

¹¹⁶ See Appendix A.

¹¹⁷ See Appendix B.

¹¹⁸ My criteria for choosing a book are simple: it must be interesting and readable. Brigadier General Dunlap also listed “readability” as a factor for his list. Brigadier General Dunlap, *supra* note 113, at 4. I struggle with uninteresting books, especially those that are long (400–500 pages or more). I realize that “uninteresting” is incredibly subjective, but my objective criteria are basic—if I fall asleep after a page or two and I start another book after a few days, then the sleeper book gets relegated to the “uninteresting” category. There are many books on military Professional Reading Lists I put in the “uninteresting” category. With so many books available and everyone’s differing interests, however, it does not matter who thinks what is interesting or not—there is something for everyone. For example, *Makers of Modern Strategy from Machiavelli to the Nuclear Age*, a 941-page volume of essays on great strategists and national strategies, is as close to a “must read” as you can have for field grade officers. Do I own it? Yes. Would I have bought it if it was not required reading at CGSC? Probably not. Are individual chapters fascinating (Machiavelli, Frederick the Great, Napoleon, Jomini, Clausewitz, Mahan and Hart)? Absolutely. Because this book is on so many other lists and is one of twelve books in the JAG Book Store, I did not feel compelled to add it to my list. *MAKERS OF MODERN STRATEGY FROM MACHIAVELLI TO THE NUCLEAR AGE* 11–31, 91–105, 123–213, 444–477, 598–623 (Peter Paret ed., 1986). See also *supra* note 95 and Appendix D (*Makers of Modern Strategy* appears on the Army Professional Reading List, Sublist 3 for Senior NCOs, CW4–CW5, and Field Grade Officers).

¹¹⁹ *Gates of Fire* appears on the Marine Corps 2010 Professional Reading Guide and BG Dunlap’s Reading List. See PRESSFIELD, *supra* note 80, and notes 92 & 113.

¹²⁰ MULLANEY, *supra* note 19. When Mr. Borch provided me with the Supplemental Reading List, it was great to see that the *Unforgiving Minute* was one of four books on the list. I found the book while reading the Small Wars Journal Blog where it was recommended by LTC (Ret.) John Nagl, an old friend from the 1st Infantry Division (and the author of *Learning to Eat Soup with a Knife*). See NAGL, *supra* note 35. *The Unforgiving Minute* was recommended on the website, and I went and bought it. When, as a faculty member, I had to select a book for the 58th Graduate Course book review program, *The Unforgiving Minute* was an easy choice. See *infra* notes 138–41 and accompanying text; Appendix E. Four students chose my book and Major Jeremy Larchick’s review of the book was published in the November 2009 edition of *The Army Lawyer*. See also Larchick, *supra* note 115.

reading books is the book review, specifically book reviews published by our colleagues in *The Army Lawyer* and *Military Law Review*. In fact, I learned about one of my new all-time favorite books from a recently published book review.¹²¹

IV. Book Reviews by Judge Advocates Published in the *Military Law Review* and *The Army Lawyer*

While the primary intent of this article is to encourage professional reading within our Regiment, a secondary purpose is to promote book reviews as a supplement to the professional reading lists described above. Reading a peer-written book review can sway a reader toward or away from a particular book. Writing, and potentially publishing, a book review is a great way for judge advocates to build their professional credentials. Another type of book review—the oral book review—as part of an office’s professional reading program is discussed in Part V. This section takes a brief detour to discuss book reviews published in the *Military Law Review* and *The Army Lawyer*, the Army’s two preeminent legal journals. In Appendix F, I have summarized all of the book reviews in both publications from October 2004 to December 2009. A more detailed history of the evolution of the book review as part of the Professional Writing Program (PWP) is contained in Appendix G.

The first *Military Law Review* was published in September 1958,¹²² and its first book review appeared in Volume 5 in July 1959.¹²³ For the next thirty-five years, in its first 143 volumes, the *Military Law Review* published 141 book reviews,¹²⁴ which were submitted on a voluntary

¹²¹ Major Kevin Landtroop, *Book Note*, ARMY LAW., Oct. 2009, at 53 (reviewing CLIFF SLOAN & DAVID MCKEAN, *THE GREAT DECISION: JEFFERSON, ADAMS, MARSHALL, AND THE BATTLE FOR THE SUPREME COURT* (2009)). See also SLOAN & MCKEAN, *supra* note 53.

¹²² 1 MIL. L. REV. (1958).

¹²³ Captain Thomas F. Meagher, Jr., *Book Note*, 5 MIL. L. REV. 129 (1959) (reviewing ALFRED ALVINS, *THE LAW OF AWOL* (1967)). Captain Meagher was a member of the faculty. This fact was not listed in a footnote to his book review, but he published another article in the same volume of the law review immediately preceding his book review. See Captain Thomas F. Meagher, Jr., *Knowledge of Article 92 Offenses—When Pleaded, When Proven?*, 5 MIL. L. REV. 118 (1959). (Captain Meagher provides his credentials at the end of his article: “*Member of the faculty of The Judge Advocate General’s School, U.S. Army, Charlottesville, Virginia; member of the Massachusetts State Bar; graduate of Boston College Law School.”) *Id.* at 128.

¹²⁴ See *infra* note 183.

basis by faculty, students, and judge advocates in the field. Students were not required to submit book reviews as part of their academic requirement until the 43d Graduate Course (academic year 1994–1995).¹²⁵

During his first year as Editor of the *Military Law Review* (the 1993–1994 academic year), Captain Stuart Risch realized the law review was in need of articles and one area he considered to increase submissions was the book review.¹²⁶ Around the same time (the summer of 1993), Major Fred Borch was completing a tour as a faculty member in the Criminal Law Division. During his three-year tour, Major Borch had personally contributed more than half of the book reviews published in the *Military Law Review*.¹²⁷ After talking to Major Borch and his boss, Major David Diner, Captain Risch submitted a written proposal to Colonel Lee Schinasi, the Deputy Commandant, requiring Graduate Course students to submit book reviews as part of their studies. Captain Risch's proposal was approved and students of the 43d Graduate Course were required to write book reviews.¹²⁸ With the requirement for student book reviews instituted in 1994, the *Military Law Review* went from publishing an average of four book reviews per year from 1958 through 1994 to an average of eleven Graduate Course student book reviews per year until *The Army Lawyer* began publishing book reviews as well.¹²⁹

¹²⁵ See *infra* note 186.

¹²⁶ Interview with COL Stuart Risch, Staff Judge Advocate, III Corps/U.S. Army Forces, Iraq and Deputy Staff Judge Advocate, Military Law and Operations, U.S. Forces-Iraq, in Iraq (July 8, 2010) [hereinafter Risch Interview].

¹²⁷ Borch Interview, *supra* note 104. See also *infra* note 184. The JAG School's Divisions became Departments beginning with academic year 1995–1996. See ARMY JUDGE ADVOCATE GENERAL'S SCHOOL ANNUAL BULL., 1995–1996, at 11. The JAG School became The Judge Advocate General's Legal Center and School in 2003. See *infra* note 172. The recommendations from Captain Risch and Major Borch were based on a few reasons: they gave the students a chance to read, write, and get published, and the required book reviews would supply the *Military Law Review* with articles. Borch Interview, *supra* note 104 and Risch Interview, *supra* note 126.

¹²⁸ Risch Interview, *supra* note 126. During the period Captain Risch was the Editor of the *Military Law Review*, Captain John Jones was the Editor of *The Army Lawyer* and they both worked under the supervision of Major Diner, a faculty member in the Administrative and Civil Law Division. Colonel Schinasi was the Deputy Commandant and Director, Academic Department. See ARMY JUDGE ADVOCATE GENERAL'S SCHOOL ANNUAL BULL., 1993–1994, at 2. This position is now called the Dean.

¹²⁹ See *infra* note 192.

The Army Lawyer was first published in August 1971;¹³⁰ however, it did not begin publishing book reviews until October 2004 with the 53d Graduate Course.¹³¹ In 2004, Captain Heather Fagan, the Editor of *The Army Lawyer*, suggested, and the Dean approved, the concept of adding book reviews to the journal.¹³² From 2004 to the present, both the *Military Law Review* and *The Army Lawyer* have published student-written book reviews¹³³ with the latter publishing twice as many student-written reviews during that period.¹³⁴

The Professional Writing Program

Between 1994 and 2004, the first ten years student-written book reviews were required, students chose their own books. Faculty book review graders may or may not have actually read the book.¹³⁵ Although unrelated, the addition of book reviews to *The Army Lawyer* and the change to faculty-selected books both came in 2004.¹³⁶

The current Graduate Course “book review program”—the book selection, reading, writing of the book review, and informal book

¹³⁰ 1 ARMY LAW. (Aug. 1971).

¹³¹ See *infra* note 194.

¹³² Telephonic Interview with Major Heather Fagan, Admin. & Civil Law Div., Office of The Judge Advocate Gen., in Washington D.C. (Feb. 26, 2010) [hereinafter Fagan Interview]. When Captain Fagan was the Editor from the summer of 2003 through 2004, she also recommended changing the philosophy of *The Army Lawyer* to focus on publishing shorter articles to meet publication deadlines—a change ideally suited to book reviews and it would give more students a chance at publication. The charts at notes 191 and 192 reflect the overall increase in published student book reviews with the addition of *The Army Lawyer* as a publication source and with the students still in the Graduate Course, the final editing process for those worthy of publication was easy. Interview with LTC Gene Baime, Associate Judge, U.S. Army Court of Criminal Appeals, in Washington D.C. (Mar. 1, 2010) [hereinafter Baime Interview]. Through December 2009, six students in the 58th Graduate Course have already had their book reviews published.

¹³³ See *infra* notes 193 and 194.

¹³⁴ See *infra* note 193. Since 2004, *The Army Lawyer* has published sixty-three student-written book reviews compared to thirty-two in the *Military Law Review*.

¹³⁵ Baime Interview, *supra* note 132. The current requirement for Graduate Course students to write book reviews is part of the Professional Writing Program (PWP). See ADMIN. & CIVIL LAW DEP'T, THE JUDGE ADVOCATE GEN.'S LEGAL CTR. & SCH., U.S. ARMY, PWP MANUAL, 58TH GRADUATE COURSE 14 (Aug. 2009) [hereinafter PWP MANUAL]. See also Appendix G (providing a more in-depth discussion of the PWP).

¹³⁶ Interview with Moe Lescault, Associate Dean, in Charlottesville, Va. (Mar. 23, 2010) [hereinafter Lescault Interview].

discussion—was the idea of MAJ Eugene Baime when he became the PWP Director in the summer of 2003.¹³⁷ At the start of the 2003–2004 academic year for the 52d Graduate Course, volunteer faculty members were asked to select a book published in the previous year related to the “legal profession, leadership, or war/international relations.”¹³⁸ The PWP Director then determines how faculty-selected books get assigned to the students¹³⁹ and the reading and writing process starts. For many, the best part of the book review program in the Graduate Course is the informal discussion after the written review is submitted. A low-stress faculty-lead discussion at an off-site location (such as a coffee shop) allows students to openly discuss the book—the good, the bad, the leadership lessons, and the relevance to judge advocates, if any.¹⁴⁰

Together, the JAG Corps’s two professional legal journals contain a wealth of knowledge to assist judge advocates in all disciplines within our Corps. In addition to the “required” reading of articles within their current area of practice, judge advocates should scan the book reviews in the *Military Law Review* and *The Army Lawyer* for potential leads for their next professional reading book—for suggestions on either what to read or what to avoid. While the focus of this discussion has been student-written book reviews, submissions from the field are equally important for these two journals. Judge advocates in the field that have read a professional reading book published within the past year—whether it is good or bad and whether it chosen from a professional reading list or not—should consider writing a short review. Reviews from the field are not subjected to the stringent page limit requirements of a Graduate Course book review—in fact, a shorter review is better and a great way to get published. Before writing, hopeful authors should check with the legal journal editors to get further guidance.

When developing a Professional Reading Program, the Staff Judge Advocate (SJA) and Deputy Staff Judge Advocate (DSJA) can take certain aspects of the Graduate Course book review program, although a

¹³⁷ Baime Interview, *supra* note 132. *See also infra* note 198.

¹³⁸ The requirement for a book published in the previous year could be waived by the PWP Director and frequently was. Also, first year instructors were not required to participate, some did and “there was a strong suggestion that each faculty member choose at least one book during their tenure.” Baime Interview, *supra* note 132.

¹³⁹ *See* Appendix E (providing a list of the faculty selected books for the 58th and 59th Graduate Courses).

¹⁴⁰ Group Book Reviews are also discussed in Part V *infra*.

written product is not recommended, some offices may consider that aspect of the program.

V. A Suggested Professional Reading Program

A. Be Flexible, Be Innovative, Be Creative

While virtually all Offices of the Staff Judge Advocate (OSJAs) implement some form of a Leadership Professional Development (LPD) program,¹⁴¹ the addition of a Professional Reading Program¹⁴² to supplement the LPD program will benefit the judge advocates by expanding their professional horizons. While it is trite to say “reading can be fun,” SJAs and DSJAs can certainly create a program that will make professional reading something to look forward to rather than something to dread. It is nearly impossible to please everyone, so a program that appeals to the vast majority of the office should be the goal. The following is an example of one program that was fairly well-received¹⁴³ at the 1st Infantry Division (IID) from 2006–2008.¹⁴⁴

¹⁴¹ Leadership Professional Development programs that combine “classroom” instruction with practical training and other team-building exercises, all within diverse settings, in and out of the office and on and off the installation, have the potential to be the most successful programs. These programs appeal to the participating officers and have the best chance of developing a cohesive office and future leaders.

¹⁴² At the 1st Infantry Division (IID), our program involved all judge advocates (including those assigned to Brigades), civilian attorneys, the Legal Administrator, and our Command Paralegal Noncommissioned Officer. As the DSJA, I ran the program, but it was approved by both SJAs during my two-year tour at IID: COL (Ret.) Robert Teetsel (2006–2007) and COL Scott Arnold (2007–2008).

¹⁴³ Three officers who participated in the program at the IID responded to three questions as part of an informal survey: (1) Whether they enjoyed the program (yes or no); (2) why or why not; and (3) what they read. The results of the first question were unanimous—all three enjoyed and “loved” the program. The three responses on why they enjoyed the program differed. An officer who read *Not a Good Day to Die* stated that the highlight of the program was the group discussion—“the act of reviewing the book with others, offering comments on their review, and taking challenges to your point of view was very rewarding. The most professional development came in the discussion, the reading of the book was secondary.” A second officer who read *Dereliction of Duty* stated, “[w]e gain great insights into our profession . . . by professional reading. It is important that we have an understanding of history and entertain alternative views on leadership to help us expand our personal abilities.” The third officer, who read *The New Face of War*, replied:

It was a good opportunity to think about operational law issues that were outside my lane [O]ne of the challenges for Judge

All attorneys had to read two books over the course of a year, which, based on the Permanent Change of Station season, ran from summer to summer. One book was required for an Individual Book Review and one book was for a Group Book Review. Attorneys had anywhere from four to ten months to present their Individual Book Review and everyone had about eleven months to complete the book required for the Group Book Review. A brief description of the program follows.¹⁴⁵

B. The Individual Book Review

The Individual Book Review, an informal ten-minute oral presentation, benefits not only the officer conducting the review but the entire group. The essential element for success with the Individual Book Review is to make it as fun as possible, or at least something the participants actually look forward to. It all starts by clearly identifying the program's intent; describing the requirement; providing a timeline; and being as precise as possible on the expectation—all-the-while ensuring it does not appear as an onerous additional task. Because lengthy e-mails from the DSJA tend to have a negative effect, it is best to first discuss the professional reading program at an LPD session. Remind the officers of the purpose behind professional reading, particularly the types of books to be considered, and describe the program to be implemented. This initial discussion provides an open forum for wary officers to ask questions about what will undoubtedly, at first glance, be viewed as an unwelcome intrusion on their free time.

Advocates [JAs] is maintaining visibility of big picture Army issues while also focusing on the legal nuances necessary for the immediate job. A professional reading program can push [JAs] to think beyond short-term duties and projects, and consider significant military concerns.

The three officers I surveyed were MAJ Jeffrey Dietz, Student, 58th Graduate Course, MAJ Shane Reeves, Assoc. Professor, Int'l and Operational Law Dep't, TJAGLCS, and MAJ Chuck Neill, Assoc. Professor, Criminal Law Dep't, TJAGLCS. *See also* NAYLOR, *supra* note 28; MCMASTER, *supra* note 73; BRUCE BERKOWITZ, *THE NEW FACE OF WAR: HOW WAR WILL BE FOUGHT IN THE 21ST CENTURY* (2003).

¹⁴⁴ The program was continued by the next DSJA, LTC Susan Arnold.

¹⁴⁵ In reviewing this article for accuracy, LTC Eugene Baime noted that when he was the DSJA at U.S. Army Recruiting Command from the summer of 2006 through the summer of 2008, his office had a similar reading program, although the participants were required to choose a book that appeared on the Chief of Staff of the Army's Reading List. Baime e-Mail, *infra* note 199.

With the program adequately described, the next hurdle is to allay fears on the book selection process itself. Provide the participants with wide latitude when picking their books. Provide lists or information on how to access the numerous lists discussed earlier in this article. In the end, I found the shelves in my office provided about seventy-five percent of the books chosen by the readers.¹⁴⁶ Some may view this as a double-edged sword—it was easy to obtain a book from my office, but the readers also knew I had read the book. Allow the readers the freedom to choose any book they want, subject to DSJA approval if someone chooses a book that does not appear on any reading list.

Once the books are selected (and a suspense date must be set for this initial step), then publish the Reading Program calendar with three columns: Reader / Book / Date (of their review). The biggest challenge for the DSJA is to synchronize the Reading Program calendar with the office's overall LPD calendar. A Reading Program session should be held at least once a month. Even if a full LPD session is not devoted to the reading program, consider reserving twenty minutes at the end of one session per month for a couple of reviews.

Solicit volunteers to go first, but at a minimum, those first few readers need at least four months to read their books. Sometime prior to the first session, where the officers are required to present their book reviews, the DSJA should lead by example and present a "sample" review. This "demonstration" will go a long way to reducing everyone's apprehension about the program.¹⁴⁷

¹⁴⁶ All of the books on my list that remain in my current library are always available for loan from the shelves in my office, currently located at TJAGLCS.

¹⁴⁷ For example, when initiating the new "1st Infantry Division OSJA Professional Reading Program," I started off with two "sample" presentations in October 2005 with discussions of *The Longest Winter* and *Flags of Our Fathers* to compare and contrast the battles waged in two theaters during World War II. Compare KERSHAW, *supra* note 19, with JAMES BRADLEY, *FLAGS OF OUR FATHERS* (2000). *The Longest Winter* includes accounts of the Battle of the Bulge and the Malmedy Massacre and how the platoon led by 1LT Bouck fought, survived, and were captured during the winter of 1944–45. See KERSHAW, *supra* note 19. *Flags of Our Fathers* and the iconic picture that adorns its cover is about more than the flag raising on Iwo Jima that was immortalized by Joe Rosenthal's photograph on 23 February 1945. It is about the six flag-raisers to be sure, but—more like Eugene B. Sledge's account of Pelelui and Okinawa—it is about the real heroes not captured in the picture on top of Mount Surabachi. It is about the 70,000 Marines in the 3d, 4th and 5th Marine Divisions and their thirty-six day battle for Iwo Jima, and the "25,851 U.S. casualties, including nearly 7,000 dead." BRADLEY, *supra*, at 10. Like Iwo Jima, "[m]ost of the 22,000 defenders fought to their deaths." *Id.* at 151, 210–11.

The best advice for DSJAs running a program is: be flexible, be innovative, and be creative. Be prepared to adjust the schedule—often—when an officer is not ready. Depending on the number of officers in the program, flexibility allows the DSJA to have anyone who has finished a book present their review early. Even if some attorneys ultimately do not present the book review to the office, at least they have read a book and met the primary goal of professional reading. If the DSJA requires one thing, it has to be that the reviews must be short and sweet and without fanfare. Ensure the over-achieving officers keep it simple—no slides, no hand-outs. The essence of the program is its simplicity.

What about the actual review? Basically, once a month, perhaps near the end of day at a neutral location, the attorneys gather, and a pre-determined number of people provide a simple review of their book—the main thesis of the book, what they liked, did not like, any leadership lessons, and an opinion on whether they recommend it to others. All of this can be accomplished in less than ten minutes and the DSJA, as the moderator, must ensure the time limit is followed. Even if the DSJA has not read the book, she should be able to generate a couple of points of discussion if the reviewer has not already done so.

Be creative. The location of the book discussion session is a key factor in creating a relaxed environment. Depending on the size of the office, a variety of sites outside the actual office should be considered: an outdoor setting if the weather permits; the installation club; the SJA's or DSJA's quarters; a museum; a coffee shop; the courtroom—anything but the work environment. A location that allows a transition from business to pleasure helps set the overall tone. Also, depending on the books chosen, each session may have a particular theme, such as Afghanistan, leadership, or history.

A couple of the more memorable moments from the IID Reading Program include a session when two West Point graduates regaled the office with tales of their matriculation at the U.S. Military Academy (USMA) and—totally separate, and equally entertaining—a couple of other officers provided dramatic readings from their selections. West Point graduates can consider using *The Long Gray Line*¹⁴⁸ or the *Unforgiving Minute*¹⁴⁹ as a backdrop to lead an informative discussion of

¹⁴⁸ RICK ATKINSON, *THE LONG GRAY LINE: THE AMERICAN JOURNEY OF WEST POINT'S CLASS OF 1966* (1989).

¹⁴⁹ MULLANEY, *supra* note 19.

life at the Military Academy and provide non-USMA officers a better appreciation for the background of their fellow officers and the majority of the Army leadership. Perhaps the most memorable moment was when a judge advocate unexpectedly launched into a dramatic reading of a book passage. This caught on and, in the next session, another officer gave an encore performance.

Be innovative. Consider pitting officers against each other for a friendly “debate.” In this regard, an astute DSJA will recognize books that present opposing views, or at least contain topics worthy of debate, whether for fun or to stir up controversy. For example, *The Terror Presidency v. War by Other Means*¹⁵⁰ (separation of powers v. the unitary Executive); *Fatal Vision v. Fatal Justice*¹⁵¹ (Was Jeffrey MacDonald guilty or not guilty?); or *Washington v. Eisenhower* (Who was the greater general?).¹⁵² The discussions and give-and-take between participants can prove to be the most worthwhile and entertaining part of the program.

The benefit for the individual officer who has read a professional book and presented views to a peer group is self-evident. However, the reviews expose the entire group to many new books, new topics, and new ideas. It also gives judge advocates an opportunity to present a topic of interest to their peer group, which they may not otherwise have the opportunity to do. As with the dramatic reading mentioned above, peers may gain a new appreciation for someone’s hidden talents. If done in the right setting, a book review session can be a good segue to other events that lend themselves to camaraderie and team building. In a busy office, as most are, a relaxed reading program that includes these informal individual reviews provides a good break from the hectic pace.

C. The Group Book Review

The Group Book Review is slightly different from the Individual Book Review, although the concept of a low threat environment still applies. This second book—chosen by SJA or DSJA—should be more focused on a specific topic the leadership believes is relevant for the

¹⁵⁰ See GOLDSMITH, *supra* note 59; *see also* YOO, *supra* note 59.

¹⁵¹ See MCGINNIS, *supra* note 64; *see also* POTTER & BOST, *supra* note 66.

¹⁵² See FISCHER, *supra* note 24 (discussing *Washington’s Crossing*); *see also* AMBROSE, *supra* note 19 (discussing *The Victors*).

office. For example, if the office is pending a deployment, a book relevant to the area of operations may be appropriate. The topic of leadership, and a well-chosen book, is always an excellent choice. Depending on the size of the OSJA, it may be advisable to have two group book reviews with half the office reviewing one book and half doing a second; this gives the participants an option, even if it is just choosing one of two books. If the office is considering two books, one book on the contemporary operational environment and one book on the unit's history is a good mix. For example, for one group book review at the 11D OSJA, the officers could choose either *The Looming Tower*¹⁵³ or *The Fighting First*.¹⁵⁴

The general concept for the group book review is that everyone gets almost a year to read the book—which is purchased by, and will remain with, the office. This puts some pressure on the SJA/DSJA to choose a book that is considered a “timeless classic” and which will be of use for future officers. The Group Book Review itself is moderated by the SJA or DSJA. If the office is split between two books, then the SJA and DSJA can each lead a discussion (with the entire office sitting in on both sessions). To lead a focused discussion, the moderator can designate certain judge advocates to focus on particular aspects of the book or provide some thought-provoking points in advance to guide the session. Start the group book review session with a five-minute overview of the book for the benefit of those who did not get the chance to read it. While the Group Book Review may seem more burdensome than the Individual Book Review, a good book followed by a spirited discussion makes it worthwhile. At the end of the day, the main idea is to expose judge advocates to professional reading and these suggested reading programs provide options for leaders and judge advocates in this endeavor.

VI. Conclusion

The existence of professional reading lists from the leaders of all military services and military educational institutions' emphasis on those lists provides judge advocates with a clear message that the military expects its leaders in the profession of arms to read more than what is

¹⁵³ WRIGHT, *supra* note 27.

¹⁵⁴ FLINT WHITLOCK, *THE FIGHTING FIRST: THE UNTOLD STORY OF THE BIG RED ONE ON D-DAY* (2004).

required for their daily job. This article highlights general topics suitable for judge advocates with a few suggested readings along the way. If the suggestions here are not of interest, the reader should be able to find something enticing on one of the aforementioned lists or in one of the appendices to this article. In addition to book stores, both actual and on-line, book reviews published in the *Military Law Review* and *The Army Lawyer* provide judge advocates a glimpse of what their peers are reading and recommendations on what to read (or not to read). Reading programs culminating in simple presentations can provide an entire OSJA exposure to numerous good books and provoke interesting discussions on professional topics relevant to military officers.

Consider the question: Have you read any good professional books lately? Now imagine a judge advocate is asked this question by a boss, a commander, a peer, a colleague on the staff, or a subordinate seeking a recommendation.

There are two possible answers.

I would surmise that any judge advocate—a professional military officer and lawyer—would hope to reply in the affirmative and then launch into a lively discussion of the book he is reading.¹⁵⁵ The alternative seems bleak.

¹⁵⁵ For example, if a commander asked a number of officers to discuss the current professional books they were reading, it would be nice to be able to discuss whether General Lee was a hero when he surrendered to General Grant in April 1865, rather than let his Confederate troops engage in hit and run tactics forcing the Union to fight a bloody counterinsurgency battle for many more years. *See supra* notes 5 and 21.

Appendix A

Recommendations from JAG Corps Leaders (Summer 2010)¹⁵⁶

LTG Dana Chipman The Judge Advocate General	Colvin, Geoff. <i>Talent is Overrated: What Really Separates World-Class Performers from Everybody Else</i> (2008); Cloud, David & Jaffe, Greg. <i>The Fourth Star</i> (2010); Mullaney, Craig. <i>The Unforgiving Minute</i> (2009)
MG Butch Tate Deputy Judge Advocate General & Commander U.S. Army Legal Services Agency	Keough, Donald. <i>The Ten Commandments for Business Failure</i> (2008)
BG John Miller ¹⁵⁷ Commander & Commandant, TJAGLCS	McPherson, James. <i>Tried By War</i> (2008); Hammes, Colonel Thomas X. <i>The Sling and the Stone: On War in the 21st Century</i> (2006); MacDonald, Charles B. <i>Company Commander</i> (1947)
BG Mark Martins Deputy Commanding General (Detainee Ops) Joint Task Force 435, Afghanistan	Coll, Steve. <i>Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, from the Soviet Invasion to September 10, 2001</i> (2004)
BG Thomas Ayres Assistant JAG for Military Law and Operations	Massie, Robert. <i>Dreadnought: Britain, Germany, and the Coming of the Great War</i> (1991)

¹⁵⁶ Recommendations were solicited by e-mail or in person between May and July 2010. If a book is listed elsewhere in this article, the short title is used. The *Bluebook* format is used for books within the text. If an officer recommended more than three books, the additional recommendations appear in a footnote.

¹⁵⁷ Brigadier General Miller also recommended: CHARLES ACQUISTO, WISDOM TO GROW ON (2007); JOHN GRISHAM, THE INNOCENT MAN (2006); MITCH ALBOM, THE FIVE PEOPLE YOU MEET IN HEAVEN (2003); KHALED HOSSEINI, THE KITE RUNNER (2003); HAMPTON SIDES, GHOST SOLDIERS (2001); HAROLD COYLE, TEAM YANKEE: A NOVEL OF WORLD WAR II (1998); BERYL BAINBRIDGE, MASTER GEORGIE (1998); SPENCER JOHNSON, WHO MOVED MY CHEESE?: AN AMAZING WAY TO DEAL WITH CHANGE IN YOUR LIFE AND YOUR WORK (1998); ALEKSANDR SOLZHENITSYN, THE GULAG ARCHIPELAGO (1973).

COL David Diner Dean, JAG School	Sajer, Guy. <i>The Forgotten Soldier</i> (1971)
COL Kevan Jacobson ¹⁵⁸ Director, Legal Center	Sledge, E.B. <i>With the Old Breed: At Peleliu and Okinawa</i> (1981); Remarque, Erich Maria. <i>All Quiet on the Western Front</i> (1929); Kipling, Rudyard. <i>Kim</i> (1901)
COL Richard Gross ¹⁵⁹ SJA, CENTCOM	Kissinger, Henry. <i>Diplomacy</i> (1994); Ellis, Joseph J. <i>American Creation</i> (2007); Kilcullen, David. <i>The Accidental Guerilla</i> (2008)
COL Norman Allen SJA, FORSCOM	Halberstam, David. <i>The Coldest Winter: America and the Korean War</i> (2007); Maaniss, David. <i>They Marched Into Sunlight: War and Peace, Vietnam and America, October 1967</i> (2003)
COL Katherine Spaulding-Perkuchin SJA, PACOM	Baker, James E. <i>In the Common Defense: National Security Law for Perilous Times</i> (2007)
COL Renn Gade SJA, SOCOM	Chaleff, Ira. <i>Courageous Followers</i> (2009); Wright, Lawrence. <i>The Looming Tower</i> (2006)
COL Scott Arnold LEGAD, ISAF Joint Command, Afghanistan (July 2009-July 2010)	Jones, Seth. <i>Graveyard of Empires: America's War in Afghanistan</i> (2009)

¹⁵⁸ Colonel Jacobson also recommended: WILLIAM MANCHESTER, *GOODBYE, DARKNESS: A MEMOIR OF THE PACIFIC WAR* (1979); GUY SAJER, *THE FORGOTTEN SOLDIER* (1971); BARBARA TUCHMAN, *STILLWELL AND THE AMERICAN EXPERIENCE IN CHINA, 1911-45* (1970); CHARLES B. MACDONALD, *COMPANY COMMANDER* (1947).

¹⁵⁹ Colonel Gross also recommended: FAREED ZAKARIA, *THE POST-AMERICAN WORLD* (2008); ZBIGNIEW BRZEZINSKI & BRENT SCOWCROFT, *AMERICA AND THE WORLD: CONVERSATIONS ON THE FUTURE OF AMERICAN FOREIGN POLICY* (2008); FAREED ZAKARIA, *THE FUTURE OF FREEDOM: ILLIBERAL DEMOCRACY AT HOME AND ABROAD* (2003); JOSEPH J. ELLIS, *FOUNDING BROTHERS* (2000); BENSON BOBRICK, *ANGEL IN THE WHIRLWIND: THE TRIUMPH OF THE AMERICAN REVOLUTION* (1997).

COL Walter Hudson SJA, I Corps	West, Bing. <i>The Strongest Tribe</i> (2008)
COL Stuart Risch ¹⁶⁰ SJA, III Corps and DSJA, MLO, US Forces-Iraq	Atkinson, Rick. <i>The Liberation Trilogy</i> ; Moore, Harold and Joseph Galloway. <i>We Were Soldiers Once . . . and Young</i> (1992); Ambrose, Stephen. <i>Band of Brothers: E Company, 506th Regiment, 101st Airborne: From Normandy to Hitler's Eagle's Nest</i> (1992)
COL Stephen Berg SJA, XVIII Airborne Corps	McPherson, James. <i>Battle Cry of Freedom</i> (1988)
COL Charles Pede ¹⁶¹ Chief, Criminal Law Div, OTJAG	Morris, Lawrence. <i>Military Justice: A Guide to the Issues</i> (2010); McCullough, David. <i>Mornings on Horseback: The Story of an Extraordinary Family, a Vanished Way of Life and the Unique Child Who Became Theodore Roosevelt</i> (1981); Philbrick, Nathaniel. <i>The Last Stand: Custer, Sitting Bull, and the Battle of Little Big Horn</i> (2010)

¹⁶⁰ Colonel Risch also recommended: MICHAEL GORDON & BERNARD TRAINOR, COBRA II: THE INSIDE STORY OF THE INVASION AND OCCUPATION OF IRAQ (2006); DAVID MCCULLOUGH, 1776 (2005); ELIOT COHEN, SUPREME COMMAND: SOLDIERS, STATESMAN, AND LEADERSHIP IN WARTIME (2002); MICHAEL USEEM, LEADING UP: HOW TO LEAD YOUR BOSS SO YOU BOTH WIN (2001); MARK BOWDEN, BLACKHAWK DOWN (1999); H.R. MCMASTER, DERELICTION OF DUTY: JOHNSON, MCNAMARA, THE JOINT CHIEFS OF STAFF AND THE LIES THAT LED TO VIETNAM (1997); JOHN KOTTER, LEADING CHANGE (1996); CHARLES A. HELLER & WILLIAM A. STOFFT, AMERICA'S FIRST BATTLES, 1776-1965 (1986); MICHAEL SHAARA, THE KILLER ANGELS (1974); CHARLES B. MACDONALD, COMPANY COMMANDER (1947). See also *The Liberation Trilogy* by Rick Atkinson. 1 RICK ATKINSON, AN ARMY AT DAWN: THE WAR IN NORTH AFRICA, 1942-1943 (2002); 2 RICK ATKINSON, THE DAY OF BATTLE: THE WAR IN SICILY AND ITALY, 1943-1944 (2008).

¹⁶¹ Colonel Pede also recommended: RON CHERNOW, ALEXANDER HAMILTON (2004); PAUL COELHO, THE ALCHEMIST (1993); and any Agatha Christie Hercule Poirot Mystery written prior to 1950.

COL Michael Smidt SJA, 1st Infantry Div, Iraq	Myrer, Anton. <i>Once an Eagle</i> (1968); Moore, Harold and Joseph Galloway. <i>We Were Soldiers Once . . . and Young</i> (1992)
COL Jon Guden SJA, 3d Infantry Div, Iraq	Maxwell, John C. <i>Leadership 101</i> (2001); <i>The 17 Essential Qualities of a Team Player</i> (2006)
COL Michael Lacey SJA, 10th Mountain Div	Mortensen, Greg. <i>Three Cups of Tea</i> (2006)
COL William Kern SJA, 101st Airborne Div, Afghanistan	Moore, Harold and Joseph Galloway. <i>We Were Soldiers Once . . . and Young</i> (1992)
LTC Ian Corey SJA, 1st Armored Div, Iraq	McPherson, James. <i>Tried By War</i> (2008); Myrer, Anton. <i>Once an Eagle</i> (1968)
LTC George Smawley SJA, 25th Infantry Div	Cole, Juan. <i>Engaging the Muslim World</i> (2009); Stromseth, Jane, David Wippman, and Rosa Brooks. <i>Can Might Make Rights?: Building the Rule of Law After Military Interventions</i> (2006); Richards, Peter. <i>Extraordinary Justice: Military Tribunals in Historical and International Context</i> (2007)
LTC Lori Campanella SJA, 82d Airborne Div	Gladwell, Malcolm. <i>Outliers: The Story of Success</i> (2008)
LTC Randy Swansiger SJA, US Army Medical Center and School	Bryson, Bill. <i>A Short History of Everything</i> (2003)
LTC Michelle Ryan FG Assignments Officer, PP&TO	Boot, Max. <i>Savage Wars of Peace: Small Wars and the Rise of American Power</i> (2002)
LTC Susan Arnold Military Judge, Third Judicial Circuit	Churchill, Winston. <i>The River War</i> (1899); Oren, Michael. <i>Power, Faith and Fantasy: America in the Middle East: 1776 to the Present</i> (2007)

Fred Borch Regimental Historian	McPherson, James. <i>Tried By War</i> (2008)
LTC Jeff Bovarnick Chair, Int'l & Op Law Dep't	Junger, Sebastian. <i>War</i> (2010); Stewart, David. <i>Summer of 1787: The Men Who Invented the Constitution</i> (2007); Rashid, Ahmed. <i>Taliban</i> (2000)
LTC Dan Brookhart Chair, Criminal Law Dep't	Bugliosi, Vincent & Curtis Gentry. <i>Helter Skelter: The True Story of the Manson Murders</i> (1974)
LTC Mike Mueller Chair, Contract & Fiscal Law Dep't	Karsh, Efraim. <i>Palestine Betrayed</i> (2010)
LTC Jack Ohlweiler Chair, Admin. & Civil Law Dep't	Krakauer, Jon. <i>Where Men Win Glory: The Odyssey of Pat Tillman</i> (2009)
LTC Jon Howard Director, Professional Communications Branch	Joseph, Sister Miriam. <i>The Trivium: The Liberal Arts of Logic, Grammar, and Rhetoric</i> (1937); Heinrichs, Jay. <i>Thank You for Arguing: What Aristotle, Lincoln, and Homer Simpson Can Teach Us About the Art of Persuasion</i> (2007)
MAJ Laura Calese Assistant Dean, JAG School	Egan, Timothy. <i>The Worst Hard Time: The Untold Story of Those Who Survived the Great American Dust Bowl</i> (2006)
COL James Robinette Director, Combat Developments	Phillips, Melanie. <i>The World Turned Upside Down: The Global Battle Over God, Truth, and Power</i> (2010)
COL Michael Sainsbury Director, Training Developments	Atkinson, Rick. <i>The Long Gray Line: The American Journey of West Point's Class of 1966</i> (1989)
LTC Rodney Lemay Director, Center for Law and Military Operations	Wittes, Benjamin. <i>Law and the Long War: The Future of Justice in the Age of Terror</i> (2008)
LTC Jay McKee Director, Future Concepts	Frederick, Jim. <i>Black Hearts: One Platoon's Descent into Madness in the Triangle of Death</i> (2010)

Appendix B**Author's Professional Reading List****Military**

Junger, Sebastian. *War*. New York: Hachette Book Group, 2010.

Cloud, David and Greg Jaffe. *The Fourth Star: Four Generals and the Epic Struggle for the Future of the United States Army*. New York: Random House, 2009.

Krakauer, Jon. *Where Men Win Glory: The Odyssey of Pat Tillman*. New York: Doubleday, 2009.

Mullaney, Craig. *The Unforgiving Minute: A Soldier's Education*. New York: Penguin, 2009.

Stanton, Douglas. *Horse Soldiers: The Extraordinary Story of a Band of U.S. Soldiers Who Rode to Victory in Afghanistan*. New York: Simon & Schuster, 2009.

Kilcullen, David. *The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One*. Oxford: Oxford University Press, 2008.

Raddatz, Martha. *The Long Road Home: A Story of War and Family*. New York: G.P. Putnam's Sons, 2008.

Atkinson, Rick. *In the Company of Soldiers: A Chronicle of Combat*. New York: Henry Holt & Co., 2005.

Naylor, Sean. *Not a Good Day to Die: The Untold Story of Operation Anaconda*. New York: The Berkley Publishing Group, 2005.

Anderson, Lars. *The All Americans*. New York: St. Martin's Press, 2004.

Kershaw, Alex. *The Longest Winter: The Battle of the Bulge and the Epic Story of World War II's Most Decorated Platoon*. Cambridge, MA: Da Capo Press, 2004.

Kershaw, Alex. *Bedford Boys: One American Town's Ultimate D-Day Sacrifice*. Cambridge, MA: Da Capo Press, 2003.

Nagl, John. *Learning to Eat Soup with a Knife: Counterinsurgency Lessons from Malaya and Vietnam*. Westport, CT: Praeger Publisher, 2002.

Boot, Max. *The Savage Wars of Peace: Small Wars and the Rise of American Powers*. New York: Basic Books, 2002.

Sides, Hampton. *Ghost Soldiers: The Forgotten Epic Story of World War II's Most Dramatic Mission*. New York: Doubleday, 2001.

Stanton, Douglas. *In Harm's Way: The Sinking of the USS Indianapolis and the Extraordinary Story of its Survivors*. New York: Henry Holt & Co., 2001.

Pressfield, Steven. *Tides of War: A Novel of Alcibiades and the Peloponnesian War*. New York: Doubleday, 2000.

Bowden, Mark. *Blackhawk Down: A Story of Modern War*. New York: Atlantic Monthly Press, 1999.

Ambrose, Stephen. *The Victors: Eisenhower and His Boys: The Men of World War II*. Helena, MT: Ambrose-Tubbs, Inc., 1998.

Pressfield, Steven. *Gates of Fire: An Epic Novel of the Battle of Thermopylae*. New York: Doubleday, 1998.

Ambrose, Stephen. *D-Day: June 6, 1944: The Climactic Battle of World War II*. Helena, MT: Ambrose-Tubbs, Inc., 1994.

Ambrose, Stephen. *Band of Brothers: E Company, 506th Regiment, 101st Airborne: From Normandy to Hitler's Eagle's Nest*. New York: Touchstone, 1992.

Moore, Harold C. Lt. Gen (Ret.) and Joseph Galloway. *We Were Soldiers Once ... and Young*. New York: HarperCollins, 1992.

Atkinson, Rick. *The Long Gray Line: The American Journey of West Point's Class of 1966*. New York: Henry Holt & Co., 1989.

Sledge, E.B. *With the Old Breed: At Peleliu and Okinawa*. Novato, CA: Presidio Press, 1981.

Myrer, Anton. *Once an Eagle*. New York: HarperCollins, 1968.

Galula, David. *Counterinsurgency Warfare: Theory and Practice*. Praeger Security International, 1964.

MacDonald, Charles B. *Company Commander*. Random House Publishing, 1979 (1947).

Law

Sloan, Cliff and David McKean. *The Great Decision: Jefferson, Adams, Marshall, and the Battle for the Supreme Court*. New York: Public Affairs, 2009.

Fisher, Louis. *The Constitution and 9/11, Recurring Threats to America's Freedoms*. Lawrence, KS: University Press of Kansas, 2008.

Mahler, Jonathan. *The Challenge: Hamdan v. Rumsfeld and the Fight over Presidential Power*. New York: Farrar, Straus, and Giroux, 2008.

Preston, Douglas and Mario Spezi. *Monster of Florence*. New York: Hachette Book Group, 2008.

Wittes, Benjamin. *Law and the Long War: The Future of Justice in the Age of Terror*. New York: Penguin Press, 2008.

Goldsmith, Jack. *The Terror Presidency: Law and Judgment Inside the Bush Administration*. New York: W.W. Norton & Co., 2007.

Grisham, John. *The Innocent Man: Murder and Injustice in a Small Town*. New York: Doubleday, 2006.

Belknap, Michael R. *Vietnam War on Trial: The My Lai Massacre and the Court-Martial of Lieutenant Calley*. Lawrence, KS: University Press of Kansas, 2002.

Stevens, John C. III. *Court-Martial at Parris Island: The Ribbon Creek Incident*. Naval Institute Press, 1999.

Rehnquist, William. *All the Laws But One: Civil Liberties in Wartime*. New York: Random House, 1998.

Harr, Jonathan. *A Civil Action*. New York: Random House, 1995.

Potter, Jerry Allen and Fred Bost. *Fatal Justice, Reinvestigating the MacDonald Murders*. New York: W.W. Norton & Co., 1995.

Rehnquist, William. *The Supreme Court*. New York: Random House, 1987.

McGinnis, Joe. *Fatal Vision*. New York: G.P Putnam's Sons, 1984.

Zobel, Hiller. *The Boston Massacre*. New York: W.W. Norton & Co., 1970.

Frost, Lawrence A. *The Court-Martial of General George Armstrong Custer*. Norman, OK: University of Oklahoma Press, 1968.

Capote, Truman. *In Cold Blood*. New York: Random House, 1965.

Lee, Harper. *To Kill a Mockingbird*. New York: HarperCollins, 1960.

Wouk, Herman. *The Caine Mutiny: A Novel of World War II*. Boston, MA: Little, Brown and & Co., 1951.

History

Chadwick, Bruce. *Triumvirate: The Story of the Unlikely Alliance that Saved the Constitution and United the Nation*. Naperville, IL: Sourcebooks, Inc., 2009.

McPherson, James. *Tried by War: Abraham Lincoln as Commander in Chief*. New York: Penguin Group, 2008.

Anderson, Lars. *Carlisle v. Army: Jim Thorpe, Dwight Eisenhower, Pop Warner, and the Forgotten Story of Football's Greatest Battle*. New York: Random House, 2007.

Hosseini, Khaled. *A Thousand Splendid Suns*. New York: Penguin Group, 2007.

Stewart, David. *Summer of 1787: The Men Who Invented the Constitution*. New York: Simon & Schuster, 2007.

Mortenson, Greg & David Oliver Relin. *Three Cups of Tea: One Man's Mission to Fight Terrorism and Build Nations . . . One School at a Time*. New York: Penguin Group, 2006.

Wright, Lawrence. *The Looming Tower: Al-Qaeda and the Road to 9/11*. New York: Random House, 2006.

Langguth, A.J. *Union 1812: The Americans Who Fought the Second War of Independence*. New York: Simon & Schuster, 2006.

Goodwin, Doris Kearns. *Team of Rivals: The Political Genius of Abraham Lincoln*. New York: Simon & Schuster, 2005.

McCullough, David. *1776*. New York: Simon & Schuster, 2005.

Fischer, David Hackett. *Washington's Crossing*. Oxford: Oxford University Press, 2004.

Whitlock, Flint. *The Fighting First: The Untold Story of the Big Red One on D-Day*. Boulder, CO: Westview Press, 2004.

Hosseini, Khaled. *The Kite Runner*. New York: Penguin Group, 2003.

Isaacson, Walter. *Benjamin Franklin: An American Life*. New York: Simon & Schuster, 2003.

Lewis, Bernard. *The Crisis of Islam: Holy War and Unholy Terror*. New York: Random House, 2003.

Philbrick, Nathaniel. *Sea of Glory: America's Voyage of Discovery: The U.S. Exploring Expedition, 1838-1842*. New York: Penguin Group, 2003.

Seierstad, Anse. *The Bookseller of Kabul*. Boston, MA: Little, Brown and & Co., 2003.

Wheelan, Joseph. *Jefferson's War: America's First War on Terror, 1801-1805*. New York: Carroll & Graf, 2003.

McCullough, David. *John Adams*. New York: Simon & Schuster, 2001.

Morris, Edmund. *Theodore Rex*. New York: Random House, 2001.

Winik, Jay. *April 1865: The Month That Saved America*. New York: HarperCollins, 2001.

Bradley, James. *Flags of Our Fathers*. New York: Random House, 2000.

Philbrick, Nathaniel. *In the Heart of the Sea, The Tragedy of the Whaleship Essex*. New York: Penguin Group, 2000.

Rashid, Ahmed. *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia*. New Haven, CT: Yale University Press, 2000.

McPherson, James. *Battle Cry Freedom: The Civil War Era*. Oxford: Oxford University Press, 1988.

Frazier, Charles. *Cold Mountain*. New York: Grove Press, 1997.

McMaster, H.R. *Dereliction of Duty: Johnson, McNamara, the Joint Chiefs of Staff, and the Lies That Led to Vietnam*. New York: HarperCollins, 1997.

Ambrose, Stephen. *Undaunted Courage: Meriwether Lewis, Thomas Jefferson, and the Opening of the American West*. New York: Touchstone, 1996.

Booth, T. Michael and Duncan Spencer. *Paratrooper: The Life and Times of General James Gavin*. New York: Simon & Schuster, 1994.

Guterson, David. *Snow Falling on Cedars*. New York: Harcourt Brace & Co., 1994.

United States Army. *The Army Lawyer: A History of the Judge Advocate General's Corps, 1775–1975*. Washington, D.C.: Government Printing Office, 1975.

Kennedy, John F. *Profiles in Courage: Decisive Moments in the Lives of Celebrated Americans*. New York: Harper & Brothers, 1956.

Appendix C

JAG Corps Professional Reading List & Supplemental List for Deployment¹⁶²

Cases

Ex parte Milligan, 71 U.S. (4 Wall.) 2 (1866)
Ex parte Quirin, 317 U.S. 1 (1942)
Application of Yamashita, 327 U.S. 1 (1946)
Little v. Barreme, 6 U.S. (2 Cranch) 170 (1804)
Reid v. Covert, 354 U.S. 1 (1957)
Solorio v. United States, 483 U.S. 435 (1987)
Trial of Sawada, V Law Reports of Trials of War Criminals 1 (1946)
Weiss v. United States, 510 U.S. 163 (1994)
Loving v. United States, 517 U.S. 748 (1996)
United States v. Jacoby, 29 C.M.R. 244 (1960)
United States v. Ezell, 6 M.J. 307 (C.M.A. 1979)

Classic military justice cases

Swaim v. United States, 165 U.S. 553 (1897)
United States v. Calley, 48 C.M.R. 19, 22 C.M.A. 534 (1973)
United States v. Cruz, 25 M.J. 326 (1987)
United States v. Von Leeb (Judgment of the Tribunal) (1948)

Books¹⁶³

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

JUDGE ADVOCATES IN VIETNAM: ARMY LAWYERS IN SOUTHEAST ASIA 1959 TO 1975 (Combat Studies Institute, 2003).

THE ARMY LAWYER: A HISTORY OF THE JUDGE ADVOCATE GENERAL'S CORPS, 1775–1975 (1975).

¹⁶² See *supra* notes 99 and 100 (In the official published versions of both lists, Mr. Borch provides brief descriptions following each item.).

¹⁶³ I am using the *Bluebook* format for books within the text.

PATRICIA A. KERNS, *FIRST 50 YEARS: THE AIR FORCE JUDGE ADVOCATE GENERAL'S DEPARTMENT* (2004).

GEORGE S. PRUGH, *LAW AT WAR: VIETNAM, 1964–1973* (1975).

GARY SOLIS, *MARINES AND MILITARY LAW: TRIAL BY FIRE* (1989).

WILLIAM WINTHROP, *MILITARY LAW AND PRECEDENTS* (2d ed. 1920).

International Law and Law of Armed Conflict

MARK DANNER, *TORTURE AND TRUTH: AMERICA, ABU GHRAIB, AND THE WAR ON TERROR* (2004).

LEON FRIEDMAN (ed.), *THE LAW OF WAR: A DOCUMENTARY HISTORY* (1972).

JOSHUA GREENE, *JUSTICE AT DACHAU: THE TRIALS OF AN AMERICAN PROSECUTOR* (2003).

DANIEL LANG, *CASUALTIES OF WAR* (1969).

GUENTHER LEWY, *AMERICA IN VIETNAM* (1969).

WILLIAM R. PEERS, *THE MY LAI INQUIRY* (1979).

JEAN S. PICTET, *COMMENTARY, GENEVA CONVENTIONS I – IV* (1952–58).

EDWARD F. L. RUSSEL, *KNIGHTS OF THE BUSHIDO: A SHORT HISTORY OF JAPANESE WAR CRIMES* (2002).

EDWARD F. L. RUSSEL, *SCOURGE OF THE SWASTIKA: A SHORT HISTORY OF NAZI WAR CRIMES* (2002).

GARY SOLIS, *SON THANG: AN AMERICAN WAR CRIME* (1997).

TELFORD TAYLOR, *THE ANATOMY OF THE NUREMBURG TRIALS* (1992).

UNITED KINGDOM, MINISTRY OF DEFENSE, *THE MANUAL OF THE LAW OF ARMED CONFLICT* (2004).

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

AKHIL R. AMAR, *AMERICA'S CONSTITUTION: A BIOGRAPHY* (2005).

JONATHAN HARR, *A CIVIL ACTION* (1995).

THOMAS A. MAUET, *FUNDAMENTALS OF TRIAL TECHNIQUES* (1988).

JAMES W. MCELHANEY, *MCELHANEY'S TRIAL NOTEBOOK* (1995).

Military Justice

JACK H. CROUCHET, *VIETNAM STORIES: A JUDGE'S MEMOIR* (1997).

JOSEPH.DIMONA, *GREAT COURT-MARTIAL CASES* (1972).

EUGENE R. FIDELL & DWIGHT SULLIVAN, *EVOLVING MILITARY JUSTICE* (2002).

WILLIAM T. GENEROUS, JR., *SWORDS AND SCALES: THE DEVELOPMENT OF THE UNIFORM CODE OF MILITARY JUSTICE* (1973).

Kenneth J. Hodson, *Military Justice: Abolish or Change*, 22 KAN. L. REV. 31 (1973).

WILLIAM B. HUIE, *THE EXECUTION OF PRIVATE SLOVIK* (1954).

JONATHAN LURIE, *MILITARY JUSTICE IN AMERICA: THE U.S. COURT OF APPEALS FOR THE ARMED FORCES, 1775 TO 1980* (2001).

MARY MCCARTHY, *MEDINA* (1972).

CHARLES M ROBINSON, *THE COURT-MARTIAL OF LIEUTENANT HENRY FLIPPER* (1994).

ROBERT SHERRILL, *MILITARY JUSTICE IS TO JUSTICE AS MILITARY MUSIC IS TO MUSIC* (1970).

JAMES E. VALLE, *ROCKS AND SHOALS* (1980).

Supplemental Reading List for Deploying Judge Advocates

CRAIG M. MULLANEY, *THE UNFORGIVING MINUTE: A SOLDIER'S EDUCATION* (2009).

DAVID FINKEL, *THE GOOD SOLDIERS* (2009).

James Gant, *A Strategy for Success in Afghanistan: One Tribe at a Time*, available at <http://blog.stevenpressfield.com>.

Warner F. Volney, *Afghanistan: Context and What's Next*, *JOINT FORCES Q.* vol. 56, at 18-24 (Jan. 2010), available at http://www.ndu.edu/inss/Press/jfq_pages/i56.htm.

Appendix D**U.S. Army Professional Reading List¹⁶⁴****Sublist 1 (Cadets, Soliders, Junior NCOs)**

Atkinson, Rick. *An Army at Dawn: The War in Africa, 1942–1943* (2002).

Boot, Max. *The Savage Wars of Peace: Small Wars and the Rise of American Power* (2002).

Crane, Stephen. *The Red Badge of Courage* (1982).

Constitution of the United States.

Hogan, David W. Jr. *Centuries of Service: The U.S. Army, 1775–2005* (2005).

Keegan, John. *The Face of Battle* (1985).

Kindsvatter, Peter S. *American Soldiers: Ground Combat in the World Wars, Korea, and Vietnam* (2003).

McCullough, David. *1776* (2006).

McPherson, James M. *For Cause and Comrades: Why Men Fought in the Civil War* (1997).

Moore, Harold G. and Joseph L. Galloway. *We Were Soldiers Once . . . and Young* (2004).

Stewart, Richard W. *American Military History, Vol. II: The United States Army in a Global Era, 1917–2003* (2005)

¹⁶⁴ See *supra* notes 94 and 95 (in the official version, the CMH provides brief descriptions following each book). The same format followed in the official version (alphabetical by author, book title, and date published) is used in the text.

Sublist 2 (Company Grade NCOs, WO1-CW3, and Company Grade Officers)

Atkinson, Rick. *The Day of Battle: The War in Sicily and Italy, 1943-1944* (2008).

Appleman, Roy E. *East of Chosin: Entrapment and Breakout in Korea, 1950* (1987).

Bolger, Daniel. *Savage Peace: Americans at War in the 1990's* (1995)

Brown, Todd S. *Battleground Iraq: Journal of a Company Commander* (2007).

Fischer, David Hackett. *Washington's Crossing* (2003).

Galula, David. *Counterinsurgency Warfare: Theory and Practice* (2005).

Heller, Charles E. and Stofft, William A., eds. *America's First Battles: 1776-1965* (1986).

Knox, MacGregor and Murray, Williamson, eds. *The Dynamics of Military Revolution, 1300-2050* (2001).

MacDonald, Charles B. *Company Commander* (1947).

Parker, Geoffrey, ed. *Cambridge Illustrated History of Warfare* (2000).

Van Creveld, Martin. *Supplying War: Logistics from Wallenstein to Patton* (1977).

Sublist 3 (Senior NCOs, CW4-CW5, Field Grade Officers)

Birtle, Andrew J. *U.S. Army Counterinsurgency and Contingency Operations Doctrine, 1942-1976* (2006).

Clodfelter, Mark A. *The Limits of Air Power: The American Bombing of North Vietnam* (2006).

Dobak, William A. and Thomas D. Phillips. *The Black Regulars, 1866–1898* (2001).

Gordon, Michael and Bernard Trainor. *Cobra II: The Inside Story of the Invasion and Occupation of Iraq* (2007).

Grossman, Dave. *On Killing: The Psychological Cost of Learning to Kill in War and Society* (1995).

Grotelueschen, Mark E. *The AEF Way of War: The American Army and Combat in World War I* (2006).

Linn, Brian McAllister. *The Philippine War, 1899-1902* (2000).

McPherson, James. *Battle Cry of Freedom: The Civil War Era* (1988).

Neustadt, Richard E. and Ernest May. *Thinking in Time: The Uses of History for Decision Makers* (1986).

Palmer, Dave R. *Summons of the Trumpet: U.S.–Vietnam in Perspective* (1995).

Paret, Peter, ed. *Makers of Modern Strategy: From Machiavelli to the Nuclear Age* (1986).

Sublist 4 (Senior Leaders above Brigade Level)

Cohen, Eliot A. *Supreme Command: Soldiers, Statesmen, and Leadership in Wartime* (2002).

D'Este, Carlo. *Eisenhower: A Soldier's Life* (2002).

Habeck, Mary. *Knowing the Enemy: Jihadist Ideology and the War on Terror* (2007).

Huntington, Samuel. *The Clash of Civilizations and the Remaking of World Order* (1996).

McMaster, H.R. *Dereliction of Duty* (1998).

Reid, Michael. *The Forgotten Continent: The Battle for Latin America's Soul* (2008).

Segal, David R. *Recruiting for Uncle Sam: Citizenship and Military Manpower Policy* (1989).

Slim, Viscount William. *Defeat Into Victory: Battling Japan in Burma and India 1942–45* (2000).

Stoler, Mark A. *George C. Marshall: Soldier-Statesman of the American Century* (1989).

Strassler, Robert., ed. *The Landmark Thucydides: A Comprehensive Guide to the Peloponnesian War* (1998).

Yates, Lawrence A. *The U.S. Military Intervention in Panama* (2008).

Appendix E¹⁶⁵**E-1. 58th Graduate Course (2009–2010) Faculty Book Selections**

Accidental Guerilla, David Kilcullen

American Lion: Andrew Jackson in the White House, Jon Meacham

Bad Advice: Bush's Lawyers in the War on Terror, Harold Bruff

The Challenge: Hamdan v. Rumsfeld and the Fight over Presidential Power, Jonathan Mahler

A Constitution of Many Minds: Why the Founding Document Doesn't Mean What It Meant Before, Cass Sunstein

The Crisis of Islamic Civilization, Ali Allawi

A Failure of Capitalism: The Crisis of '08 and the Descent into Depression, Richard A. Posner

The Forever War, Dexter Filkins

Gallipoli, Robin Prior

The Gamble, Thomas Ricks

The Great Decision: Jefferson, Adams, Marshall, and the Battle for the Supreme Court, Cliff Sloan and David McKean

The Green Zone: The Environmental Costs of Militarism, Barry Sanders and Mike Davis

Hunting Eichmann, Neal Bascomb

In a Time of War, Bill Murphy

Joker One, Donovan Campbell

¹⁶⁵ I am only listing the book title and author in this appendix.

Kesslering's Last Battle: War Crimes Trials and Cold War Politics, Kerstin von Lingen

The Limits of Power: The End of American Exceptionalism, Andrew Bacevich

The Mission, The Men, and Me: Lessons from a Former Delta Force Commander, Pete Blaber

Outliers, Malcolm Gladwell

Prisoner of the State: The Secret Journal of Premier Zhao, Ziyang Zhao, Ziyang

Reagan's Secret War: The Untold Story of His Fight to Save the World from Nuclear Disaster, Martin Anderson

A Safe Haven: Harry S. Truman and the Founding of Israel, Ronald Radosh

Seven Deadly Scenarios: A Military Futurist Explores War in the 21st Century, Andrew F. Krepinevich

The Scientific Way of Warfare: Order and Chaos on the Battlefields of Modernity, Antoine J. Bousquet

Tanker War, Lee Alan Zatarain

The Tokyo War Crimes Trial, Yuma Totani

Triumvirate, Bruce Chadwick

The Unforgiving Minute, Craig Mullaney

Warrior King, Nathan Sassaman

War of Necessity, War of Choice, Richard Haass

Wired for War, P.W. Singer

E-2. 59th Graduate Course (2010–2011) Faculty Book Selections

American Civil-Military Relations: The Soldier and the State in a New Era, Suzanne C. Nielsen (editor) and Don M. Snider (editor)

Black Hearts: One Platoon's Descent into Madness in the Triangle of Death, Jim Frederick

Counterinsurgency, David Kilcullen

Court-Martial at Parris Island: The Ribbon Creek Incident, John Stevens

Cyber War, Richard Clarke

Dogface Soldier: The Life of General Lucian K. Truscott, Jr., Wilson Heefner

The Ends of Life: Roads to Fulfillment in Early Modern England, Keith Thomas

Forces of Fortune: The Rise of the New Muslim Middle Class and What It Will Mean for Our World, Vali Nasr

The Fourth Star: Four Generals and the Epic Struggle for the Future of the United States Army, Greg Jaffe and David Cloud

The Good Soldiers, David Finkel

Greetings from Afghanistan, Send More Ammo, Benjamin Tupper

The Guantanamo Lawyers: Inside a Prison Outside the Law, Jonathan Hafetz

In the Graveyard of Empires: America's War in Afghanistan, Seth Jones

Jefferson's War: America's First War on Terror 1801–1805, Joseph Wheelan

The Last Stand, Nathaniel Philbrick

Makers of Ancient Strategy, Victor David Hansen

The Most Dangerous Place: Pakistan's Lawless Frontier, Imtiaz Gul

Operation Mincemeat: How a Dead Man and a Bizarre Plan Fooled the Nazi and Assured an Allied Victory, Ben Macintyre

Palestine Betrayed, Efraim Karsh

Rocks and Shoals: Naval Discipline in the Age of Fighting Sail, James E. Vale

The Secrets of Abu Ghraib Revealed: American Soldiers on Trial, Chris Graveline

Tortured: When Good Soldiers Do Bad Things, Justine Sharrock

The Ultimate Weapon is No Weapon: Human Security and the New Rules of War and Peace, Shannon D. Beebe and May H. Kaldor

The Untold War: Inside the Hearts, Minds, and Souls of Our Soldiers, Nancy Sherman

War, Sebastian Junger

The War Lovers: Roosevelt, Lodge, Hearst, and the Rush to Empire, 1898, Evan Thomas

Where Men Win Glory, John Kraukauer

The World Turned Upside Down: The Global Battle over God, Truth, and Power, Melanie Phillips

Appendix F

Student Book Reviews Since October 2004¹⁶⁶**F-1. *Military Law Review* (October 2004–December 2009) (32 student book reviews)¹⁶⁷**

Solving the War Puzzle: Beyond the Democratic Peace, Major Rich DiMeglio, 182 MIL. L. REV. 152 (Winter 2004).

The Mission, Waging War and Keeping Peace with America's Military, Major Julie Long, 182 MIL. L. REV. 160 (Winter 2004).

Imperial Hubris: Why the West is Losing the War on Terror, Major Jeremy Ball, 183 MIL. L. REV. 187 (Spring 2005).

Washington's Crossing, Major Jonathan Cheney, 183 MIL. L. REV. 199 (Spring 2005).

The Vietnam War on Trial: The My Lai Massacre and the Court-Martial of Lieutenant Calley, Major Deon Green, 184 MIL. L. REV. 202 (Summer 2005).

The Darkest Jungle, Major Charles Ormsby, Jr., 184 MIL. L. REV. 212 (Summer 2005).

Lost Triumph, Lee's Real Plan at Gettysburg—And Why it Failed, Major Timothy Hayes, Jr., 186 MIL. L. REV. 188 (Winter 2005).

Gettysburg July 1, Major Jerrett Dunlap, Jr., 186 MIL. L. REV. 195 (Winter 2005).

¹⁶⁶ October 2004 was the month that student book reviews were published in both the *Military Law Review* and *The Army Lawyer*. In this section of the appendix, book reviews appear in chronological order in the following format: book title, student reviewer, publication volume, page, and date.

¹⁶⁷ The four non-student book reviews published in the MLR during these five years are: Colonel David A. Wallace, *Pierce O'Donnell's In Time of War*, 188 MIL. L. REV. 96 (Summer 2006) (book review); Fred L. Borch III, *Stanley Weintraub's 15 Stars: Eisenhower, MacArthur, Marshall: Three Generals Who Saved the American Century*, 193 MIL. L. REV. 202 (Fall 2007) (book review); Mitchell McNaylor, *A.J. Liebling's World War II Writings*, 196 MIL. L. REV. 170 (Summer 2008) (book review); and Fred L. Borch III, *David Zabecki's Chiefs of Staff: The Principal Officers Behind History's Great Commanders*, 200 MIL. L. REV. 208 (Summer 2009) (book review).

Becoming Justice Blackmun: Harry Blackmun's Supreme Court Journey, Major Emily Schiffer, 187 MIL. L. REV. 174 (Spring 2006).

America's Splendid Little Wars, Major Keith Parrella, 187 MIL. L. REV. 174 (Spring 2006).

Public Enemies: America's Greatest Crime Wave and the Birth of the FBI, 1933-34, Major Jimmy Bagwell, 188 MIL. L. REV. 174 (Summer 2006).

Cobra II: The Inside Story of the Invasion and Occupation of Iraq, Major Daniel J. Sennott, 189 MIL. L. REV. 112 (Fall 2006).

American Theocracy: The Peril and Politics of Radical Religion, Oil, and Borrowed Money in the 21st Century, Major Bruce Page, Jr., 190/191 MIL. L. REV. 175 (Winter 2006/Spring 2007).

Scapegoats of the Empire, The True Story of Breaker Morant's Bushveldt Carbineers, Lieutenant Commander David Furry, 192 MIL. L. REV. 127 (Summer 2007).

A War like No Other: How the Athenians and Spartans Fought the Peloponnesian War, Major Eric Young, 192 MIL. L. REV. 134 (Summer 2007).

Hubris: The Inside Story of Spin, Scandal, and the Selling of Iraq, Major Geoffrey DeWeese, 194 MIL. L. REV. 170 (Winter 2007).

The Shia Revival: How Conflicts Within Islam Will Shape the Future, Major Joseph Jankunis, 194 MIL. L. REV. 179 (Winter 2007).

Mayflower: A Story of Courage, Community, and War, Major Doug Choi, 194 MIL. L. REV. 189 (Winter 2007).

The Looming Tower: Al-Qaeda and the Road to 9/11, Major Jeffrey Thurnher, 195 MIL. L. REV. 203 (Spring 2008).

The Fall of Carthage: The Punic Wars 265-146 BC, Major Brian Harlan, 195 MIL. L. REV. 211 (Spring 2008).

Andrew Jackson and the Politics of Martial Law: Nationalism, Civil Liberties and Partisanship, Major Paul Golden, 196 MIL. L. REV. 163 (Summer 2008).

Not a Suicide Pact: The Constitution in a Time of National Emergency, Major Matthew Hover, 197 MIL. L. REV. 164 (Fall 2008).

Copperheads: The Rise and Fall of Lincoln's Opponents in the North, Major Scott Dunn, 197 MIL. L. REV. 173 (Fall 2008).

The Terror Presidency: Law and Judgment Inside the Bush Administration, Major Brian Gavula, 198 MIL. L. REV. 210 (Winter 2008).

The Post-American World, Major Walter Kwon, 198 MIL. L. REV. 219 (Winter 2008).

Mirror of the Arab World: Lebanon in Conflict, Major Ronen Shor, 199 MIL. L. REV. 135 (Spring 2009).

The Dark Side: The Inside Story of How the War on Terror Turned into a War on American Ideals, Major Kevin McCarthy, 199 MIL. L. REV. 144 (Spring 2009).

Private Sector, Public Wars: Contractors in Combat—Afghanistan, Iraq and Future Conflicts, Major Steve Berlin, 199 MIL. L. REV. 153 (Spring 2009).

Culture and Conflict in the Middle East, Major J. Nelson, 200 MIL. L. REV. 217 (Summer 2009).

Sway: The Irresistible Pull of Irrational Behavior, Major Michael O'Neill, 201 MIL. L. REV. 217 (Fall 2009).

7 Deadly Scenarios, Major Ann B. Ching, 202 MIL. L. REV. 283 (Winter 2009).

The Tokyo War Crimes Trial: The Pursuit of Justice in the Wake of World War II, Major Jennifer Neuhauser, 202 MIL. L. REV. 291 (Winter 2009).

F-2. *The Army Lawyer* (October 2004–December 2009)¹⁶⁸ (64 student book reviews)¹⁶⁹

The Bowden Way, Major John P. Jurden, Oct. 2004, at 30.

Brothers in Arms: The Epic Story of the 761st Tank Battalion, WWII's Forgotten Heroes, Major Italia A. Carson, Nov. 2004, at 27.

Founding Mothers: The Women Who Raised Our Nation, Captain Heather J. Fagan, Nov. 2004, at 33.

The Bedford Boys: One American Town's Ultimate D-Day Sacrifice, Major John G. Baker, Feb. 2005, at 25.

Imperial Hubris: Why the West Is Losing the War on Terror, Captain Brian C. Baldrate, Feb. 2005, at 29.

Solving the War Puzzle: Beyond the Democratic Peace, Major Billy B. Ruhling, II, Feb. 2005, at 35.

Founding Mothers: The Women Who Raised Our Nation, Captain Alyssa M. Schwenk, Mar. 2005, at 43.

The Carolina Way: Leadership Lessons from a Life in Coaching, Major Michael S. Devine, Apr. 2005, at 89.

The Carolina Way: Leadership Lessons from a Life in Coaching, Major Jayanth Jayaram, Apr. 2005, at 94.

¹⁶⁸ In this section of the appendix, *The Army Lawyer* book reviews appear in chronological order by book title, reviewer, publication date, and page).

¹⁶⁹ The five non-student book reviews published in the *Army Lawyer* since it began publishing book reviews are: Lieutenant Colonel Anthony R. Tempesta, *Scott Waddell's The Right Thing*, ARMY LAW. 24 (Oct. 2004) (book review); Colonel Thomas D. Arnhold, Paul Dickson & Thomas B. Allen's *The Bonus Army: An American Epic*, ARMY LAW. 95 (Sept. 2005) (book review); Lieutenant Colonel Walter M. Hudson, *Jack L. Goldsmith & Richard Posner's The Limits of International Law*, ARMY LAW., Sept. 2006, at 31 (book review); Lieutenant Colonel John Siemietkowski, *Michael J. Durant & Steven Hartov's In the Company of Heroes*, ARMY LAW., Nov. 2006, at 61 (book review); and Major James A. Barkei, *David E. Mosher et al.'s Green Warriors: Army Environmental Considerations for Contingency Operations from Planning Through Post-Conflict*, ARMY LAW., Dec. 2008, at 86 (book review).

Founding Mothers: The Women Who Raised Our Nation, Major Mary E. Card, May 2005, at 99.

In Harm's Way: The Sinking of the USS Indianapolis and the Extraordinary Story of Its Survivors, Major Eric R. Carpenter, June 2005, at 48.

The Darkest Jungle: The True Story of the Darién Expedition and America's Ill-Fated Race to Connect the Seas, Major Susan E. Watkins, July 2005, at 52.

Washington's Crossing, Major Devin A. Winklosky, Aug. 2005, at 55.

Spy Handler: Inside the World of a KGB "Heavy Hitter," Major John C. Johnson, Oct. 2005, at 60.

Lincoln's War: The Untold Story of America's Greatest President as Commander in Chief, Captain Tamar Tavory, Oct. 2005, at 65.

A Question of Loyalty: Gen. Billy Mitchell and the Court-Martial that Gripped the Nation, Captain Jennifer L. Crawford, Nov. 2005, at 46.

The Boys of Pointe du Hoc: Ronald Reagan, D-Day and the U.S. Army 2nd Ranger Battalion, Major Michael Freyermuth, Dec. 2005, at 72.

Three Nights in August: Strategy, Heartbreak, and Joy: Inside the Mind of a Manager, Major Roseanne Bleam, Feb. 2006, at 29.

First In: An Insider's Account of How the CIA Spearheaded the War on Terror in Afghanistan, Major Howard H. Hoege, Feb. 2006, at 33.

In Time of War: Hitler's Terrorist Attack on America, Major Christine M. Schverak, Mar. 2006, at 23.

Gulag: A History, Major William J. Dobosh, Jr., Apr. 2006, at 95.

Gettysburg July 1, Major Robert A. Broadbent, May 2006, at 28.

The Vietnam War on Trial, Major Andras M. Marton, June 2006, at 74.

General George Washington, A Military Life, Captain Sean M. Condrón, July 2006, at 35.

Lost Triumph: Lee's Real Plan at Gettysburg—and Why It Failed, Major Jason M. Bell, Aug. 2006, at 35.

Guests of the Ayatollah: The First Battle in America's War with Militant Islam, Major Patrick D. Pflaum, Oct. 2006, at 39.

AWOL: The Unexcused Absence of America's Upper Class from Military Service—and How It Hurts Our Country, Major Charles Kuhfahl Jr., Feb. 2007, at 38.

His Excellency: George Washington, Major Robert A. Vedra, Mar. 2007, at 47.

Team of Rivals The Political Genius of Abraham Lincoln, Major Aaron Wagner, Mar. 2007, at 52.

Grant and Sherman: The Friendship that Won the Civil War, Major Olga M. Anderson, Apr. 2007, at 46.

James Madison and the Struggle for the Bill of Rights, Lieutenant Commander David M. Gonzalez, Apr. 2007, at 51.

Washington's Spies, Captain Robert L. Martin, June 2007, at 76.

Confessions of an Economic Hit Man, Major Kay K. Wakatake, June 2007, at 80.

State of War: The Secret History of the CIA and the Bush Administration, Major Danyele M. Jordan, Aug. 2007, at 67.

Revolutionary Characters: What Made the Founders Different?, Major Kyle D. Murray, Aug. 2007, at 72.

Just Americans: How Japanese Americans Won a War at Home and Abroad, Major Jason S. Wrachford, Sept. 2007, at 42.

Charlie Wilson's War: The Extraordinary Story of the Largest Covert Operation in History, Major Eric D. Magnell, Oct. 2007, at 94.

Nixon and Kissinger: Partners in Power, Major Shane Reeves, Nov. 2007, at 79.

American Patriot: The Life and War of Colonel Bud Day, Major Kirsten M. Dowdy, Dec. 2007, at 81.

Blood Money: Wasted Billions, Lost Lives, and Corporate Greed in Iraq, Major Timothy Austin Furin, Feb. 2008, at 50.

This Mighty Scourge: Perspectives on the Civil War, Major William E. Mullee, Feb. 2008, at 56.

Band of Sisters: American Women at War in Iraq, Major Tyesha E. Lowery, Mar. 2008, at 46.

The Price of Liberty: Paying for America's Wars, Major S. Charles Neill, Mar. 2008, at 51.

Lincoln the Lawyer, Major Tonya L. Jankunis, Apr. 2008, at 51.

Nuclear Sphinx of Tehran, Major Tom F. Jasper Jr., USMC, May 2008, at 43.

State of Denial: Bush at War, Part III, Major Daniel A. Woolverton, Aug. 2008, at 72.

Palestine: Peace Not Apartheid, Major Marc B. Washburn, Nov. 2008, at 67.

Final Salute: A Story of Unfinished Lives, Major Patricia K. Hinshaw, Jan. 2009, at 59.

Contractor Combatants: Tales of an Imbedded Capitalist, Major Patricia K. Hinshaw, Jan. 2009, at 64.

Setting the Desert on Fire, Major Jennifer Clark, Apr. 2009, at 62.

Descent into Chaos: The United States and the Failure of National Building in Pakistan, Afghanistan, and Central Asia, Major William Johnson, Apr. 2009, at 69.

The Dirty Dozen, Major Jonathan Hirsch, June 2009, at 50.

How Judges Think, Major Casey Z. Thomas, June 2009, at 55.

Standard Operating Procedure, Major Kenneth Bacso, July 2009, at 55.

Lincoln and the Court, Major Robert C. Stelle, Aug. 2009, at 54.

The Day Freedom Died: The Colfax Massacre, The Supreme Court and The Betrayal of Reconstruction, Major Phillip Griffith, Aug. 2009, at 59.

Retribution: The Battle for Japan, 1944–45, Major Bailey W. Brown, III, Sept. 2009, at 48.

Your Government Failed You: Breaking the Cycle of National Security Disasters, Major Matthew Kemkes, Sept. 2009, at 53.

The Great Decision, Major Kevin W. Landtroop, Oct. 2009, at 53.

The Limits of Power: The End of American Exceptionalism, Lieutenant Paige J. Ormiston, Oct. 2009, at 57.

The Unforgiving Minute: A Soldier's Education, Major Jeremy M. Larchick, Nov. 2009, at 57.

War of Necessity, War of Choice: A Memoir of Two Iraq Wars, Major Jeri Hanes, Nov. 2009, at 62.

Gallipoli, The End of the Myth, Lieutenant Commander Brian W. Robinson, Dec. 2009, at 47.

Prisoner of the State: The Secret Journal of Zhao Ziyang, Major E. John Gregory, Dec. 2009, at 52.

Appendix G

History of the Book Review in the *Military Law Review* and *The Army Lawyer*

Judge advocates in the 1st Judge Advocate Officer Advanced Course (1952–53) did not have to submit a book review, yet every student in the 58th Graduate Course (2009–10) had to submit one.¹⁷⁰ This appendix provides a brief history of the book review as a Graduate Course requirement within the Professional Writing Program and the publication of select student written reviews in the *Military Law Review* and *The Army Lawyer*.

From the Advanced Course to the Graduate Course

Although the JAG Corps has provided legal services to the Army since 1775, formal legal training and instruction did not begin until 1942¹⁷¹ and later, the permanent home of the JAG School was established in Charlottesville, Virginia, in 1951.¹⁷² During its first year,

¹⁷⁰ PWP MANUAL, *supra* note 135, at 14–15.

¹⁷¹ REPORTS OF THE JUDGE ADVOCATE GENERAL'S SCHOOL, 1951–1968, at 1 (This book is a compilation of The Judge Advocate General's School records from 1951–1968 bound together in one volume. The first section of the bound volume contains a report entitled *The Judge Advocate General's School, 1951–1961*. Thereafter, there are annual reports for each academic year from 1961–62 through 1967–68.) [hereinafter JAG SCHOOL REPORTS]. The National University Law School, now George Washington University National Law Center, was the initial site used for judge advocate legal training in February 1942. ARMY JUDGE ADVOCATE GENERAL'S SCHOOL ANNUAL BULL., 1977–1978, at 1 [hereinafter 1977–1978 ANNUAL BULL.]. The “Home of the Army Lawyer” moved to the University of Michigan Law School in Ann Arbor in August 1942, but was “deactivated in 1946 during the general demobilization after World War II.” *Id.* With the passage of the UCMJ in 1950 and the start of the Korean War, a temporary school was established at Fort Meyer, Virginia, and Colonel Charles L. Decker began the search to establish a permanent JAG School. Colonel Decker narrowed the search to the University of Tennessee and the University of Virginia. “Ultimately, the invitation from President Colgate W. Darden, Jr., was accepted . . . [because the] University of Virginia possessed the most ideal facilities, . . . reasonable rental costs, and a location in close proximity to the Office of the Judge Advocate General in Washington D.C.” *Id.* On 30 July 1951, the Department of the Army signed a year-to-year lease with the University of Virginia to rent space for \$46,000 per year and by 27 August, the JAG School began operations in Charlottesville JAG SCHOOL REPORTS, *supra*, at 3.

¹⁷² JAG SCHOOL REPORTS, *supra* note 171, at 3. The JAG School was originally located in the Hancock House on the main campus of the University of Virginia campus. *Id.* at 24. The JAG School's current location on the North Grounds next to the University of Virginia's School of Law was completed and dedicated in June 1975 (during the same

the JAG School ran a series of eight week courses in military law.¹⁷³ The 1st Judge Advocate Officer Advanced Course was held from October 1952 through May 1953.¹⁷⁴ The name changed to the “Graduate Course” with the start of the 28th Judge Advocate Graduate Course in August 1979.¹⁷⁵

From the 1st Advanced Course in the early 1950s through the Graduate Courses in the late 1970s, there was a competitive selection process for attendance at the Advanced/Graduate Course.¹⁷⁶ This

month as the JAG Corps’ 200th birthday). 1977–1978 ANNUAL BULL., *supra* note 171, at 1–2. The U.S. Army Judge Advocate General’s School became The Judge Advocate General’s Legal Center and School in July 2003. ARMY JUDGE ADVOCATE GENERAL’S SCHOOL ANNUAL BULLETIN, 2003–2004, at 3 [hereinafter 2003–2004 ANNUAL BULL.].

¹⁷³ The “Regular Course” was held twenty-seven times between 1951 and 1955. It was later expanded to an eleven week “Special Course.” JAG SCHOOL REPORTS, *supra* note 171, at 6.

¹⁷⁴ The Advanced Course retained its name from the 1st Advanced Course (1952–53) through the 8th Advanced Course (1959–1960). *Id.* at 65–69. Although the 8th Advanced Course retained its name, “[d]uring 1959–60, the Advanced Course was redesignated, by the Continental Army Command, as the Judge Advocate Officer Career Course.” *Id.* at 9. The “Career Course” designation was used for the 9th Career Course (1960–61) through the 14th Career Course (1965–1966) and then was changed back to Advanced Course for the 15th Advanced Course (1966–1967). *Id.* at 69 (within the 1951–1961 Report), 10 (within the 1965–1966 Annual Report, and 12 (within the 1966–1967 Annual Report).

¹⁷⁵ ARMY JUDGE ADVOCATE GENERAL’S SCHOOL ANNUAL BULL., 1978–1979, at 9 and 17 [hereinafter 1978–79 ANNUAL BULL.]. Unrelated to the students, another interesting change for the 1978–79 academic year was that a “sabbatical program was established for instructors to be relieved of other duties for a period of up to six weeks for scholarly research and writing.” *Id.* at 4. The following chart displays the course name changes between 1952 and 2010.

<i>Academic Years (Course No.)</i>	<i>Course Name</i>	<i>Length</i>
1952–53 (1st) to 1959–60 (8th)	Advanced Course	32–35 weeks (Oct–May)
1960–61 (9th) to 1965–66 (14th)	Career Course	35–36 weeks (Sep–May)
1966–67 (15th) to 1978–79 (27th)	Advanced Course	41 weeks (Aug–May)
1979–80 (28th) to 2009–10 (58th)	Graduate Course	41 weeks (Aug–May)

The data for the chart was compiled from a review of the JAG School’s Annual bulletins. In 1956, the course was increased from thirty-two to thirty-four weeks. In the 1960s, the course was increased to nine months beginning in September rather than October. In the early 1970s, the course started in August as it remains today.

¹⁷⁶ See 1977–1978 ANNUAL BULL., *supra* note 171; 1978–1979 ANNUAL BULL., *supra* note 175, which both state: “Attendance at the [Advanced Course/Graduate Course] is competitive, with selection of Army lawyers made by a board of officers convened by The Judge Advocate General.” *Id.* at 9 (for both bulletins). The selection rate was approximately one-third of the eligible officers. As expected in any competitive process,

“competitive selection” process ended in the early 1980s when essentially all eligible active duty Army judge advocates were required to attend the Graduate Course.¹⁷⁷ The addition of sister service students, reservists and international students came at different times.¹⁷⁸ Although

those who attended the Advanced/Graduate Course were among the vast majority of those selected for promotion. Borch Interview, *supra* note 104. The number of active duty Army judge advocates attending the Advanced/Graduate Course has dramatically increased over its fifty-eight year history. In the 1950s there was an average of twenty active duty Army judge advocates (out of an average class size of twenty-five students). The overall average class size rose steadily to an average of fifty to sixty students per year from the late 1970s through the mid-1980s. In 1986, the overall average rose to between sixty and eighty-five students per class. Recently, the 57th and 58th Graduate Courses (2008–2009 and 2009–2010) both had approximately 115 students (data compiled from reviewing Graduate Course “Facebooks”) (on file with author).

¹⁷⁷ As late as 2002–2003, the *Annual Bulletin* retained the comment that “[s]election at the Graduate Course is competitive.” While the statement is true in the sense that promotion to Major is “competitive,” it is a different connotation than that conveyed in the annual bulletins through the late 1970s where only a third (and not all) of the eligible officers were selected to attend the Graduate Course. ARMY JUDGE ADVOCATE GENERAL’S SCHOOL ANNUAL BULLETIN, 2002–2003, at 10. See also Borch Interview, *supra* note 104.

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Student Enrollment at TJAGLCS by First Year of Matriculation				
<i>Matriculation Source</i>	<i>First Year of Matriculation</i>	<i>No. of Students</i>	<i>Course Name</i>	<i>2009–2010*</i>
Army	1952–53	19	1st Advanced Course	80
Navy	1955–56	5	4th Advanced Course	6
Marine Corps	1957–58	1	6th Advanced Course	9
International	1957–58	1 [†]	6th Advanced Course	4 [‡]
Coast Guard	1957–58	1	6th Advanced Course	1
Females	1964–65	2	12th Career Course	30
Army Reserve	1989–90	2	38th Graduate Course	3
National Guard	1989–90	1	38th Graduate Course	2
Air Force	1990–91	1	39th Graduate Course	10
DA Civilian	1996–97	1	45th Graduate Course	0

* 58th Graduate Course

† Philippine Army

‡ Egypt, Israel, Tunisia, and Turkey

See JAG SCHOOL REPORTS, 1951–1968, *supra* note 171, at 66 (for Naval student data), 68 and 85 (for international student data, including app. XII with a list of all international students to attend courses during the JAG School’s first ten years), 68 (for Marine Corps and Coast Guard student data), and 11–12 (within the 1963–1964 *Annual Bulletin* for female student data). While the JAG Corps Personnel Directory does not list National Guard and Army Reserve students with their active duty Graduate Course classmates until 2000-01 and 2001-02, respectively, interviews revealed National Guard and Reserve students first attended the 38th Graduate Course in 1989–1990. Interview with Dan Lavering, TJAGLCS Librarian, in Charlottesville, Va., Mar. 23, 2010 (an e-mail from

the 28th Graduate Course was “comparable to an LL.M. program,”¹⁷⁹ the first LL.M. was awarded upon successful completion of the 37th Graduate Course in 1988.¹⁸⁰

COL John Hoffman, a member of the 38th Graduate Course confirmed that his wife, Sharon, then a U.S. Army Reservist, also attended the 38th Graduate Course—the first to do so—along with another student who was in the USAR and a student from the Minnesota National Guard) (on file with author). Mr. Lavering also provided the data on the U.S. Air Force student’s attendance in the Graduate Course. *See also* JAGC PERSONNEL AND ACTIVITY DIRECTORY AND PERSONNEL POLICIES, JAG PUB 1-1, at 174–75 (2000–2001) (for National Guard student data); and JAGC PERSONNEL AND ACTIVITY DIRECTORY AND PERSONNEL POLICIES, JAG PUB 1-1, at 163 (2001–2002) (for Army Reserve student data). *See* JAGC PERSONNEL AND ACTIVITY DIRECTORY AND PERSONNEL POLICIES, JAG PUB 1-1, at 143 (1996–1997) (for DA civilian student data).

¹⁷⁹ Along with the name change from the “Advanced Course” to the “Graduate Course” there was also a slight change in the description of the studies. The *1977–1978 Bulletin* for the 27th Advanced Course states: “The Advanced Course is comparable to a graduate law degree study program.” *See* 1977-1978 ANNUAL BULL., *supra* note 171, at 9. The *1978–79 Bulletin* for the 28th Graduate Course states: “The Graduate Course is comparable to an LL.M. program.” *See* 1978–1979 ANNUAL BULL., *supra* note 175, at 9.

¹⁸⁰ Although the LL.M. was first awarded to the 37th Graduate Course, this topic is complicated (and perhaps contentious) when discussed with graduates of the 35th and 36th Graduate Courses. “On December 4, 1987, The Judge Advocate General’s School became the nation’s only government agency statutorily authorized to confer the degree of Master of Laws (LL.M.) in Military Law.” Editorial, *TJAGSA Gains Statutory Authority to Award a Master of Laws (LL.M.) in Military Law*, ARMY LAW., Jan 1988, at 3 (while no author is listed on this two-page article, it was drafted by Mr. David Graham, Deputy Director, TJAGLCS). Interview with Mr. David Graham, Deputy Director, TJAGLCS, in Charlottesville, Va. (Mar. 15, 2010). *See also* ARMY JUDGE ADVOCATE GENERAL’S SCHOOL ANNUAL BULLETIN, 1988–1989.

Following receipt of this statutory authorization [in December 1987], the School awarded an LL.M. to graduates of the 36th Graduate Course (1987–1988). In August 1988, the ABA formally acceded to the award of the degree, with specific provision for award of an LL.M. in military law. Graduates of the 37th Graduate Course (1988–1989) and all subsequent graduates have been awarded an LL.M. in military law.

Memorandum For Record, Maurice A. Lescault, Jr., Assoc. Dean, TJAGLCS, Retroactive Award of TJAGSA LL.M. para. 1 (Apr. 10, 2006). After students from the 35th Graduate Course (1986–1987) inquired about a retroactive award of the LL.M., the School inquired with the ABA and the ABA denied the request for a retroactive award of the degree they accredited. *Id.* para. 2. As a result of the ABA’s accreditation of the LL.M. and subsequent disapproval of any retroactive award of the degree, the JAG School implemented the following policy for transcripts of students that attended the Graduate Course in 1986–1987 (35th), 1987–1988 (36th) and 1988–1989 (37th): “1987 transcripts do not reflect award of an LL.M. 1988 transcripts reflect award of an LL.M. with a “military law” characterization, and 1989 transcripts reflect award of the LL.M. in military law.” *Id.* para. 3.

Book Reviews in the Military Law Review and The Army Lawyer

Since the first *Military Law Review* was published in September 1958,¹⁸¹ there have been 202 volumes published through the Winter 2009 issue.¹⁸² As discussed in Section IV, above, the first 141 book reviews published in the *Military Law Review* between July 1959¹⁸³ and mid-2004 were voluntarily submitted by students, faculty, and other judge advocates. Based on the suggestion of Major Fred Borch and the approved proposal of Captain Stuart Risch,¹⁸⁴ the first “required” student book reviews were published in the Spring 1994 edition (Volume 144) of the *Military Law Review*.¹⁸⁵

Volume 144 contained a total of six book reviews, including three from the 43d Graduate Course students.¹⁸⁶ With the new requirement

¹⁸¹ See *supra* note 122. See also Fred L. Borch, *The Military Law Review: The First Fifty Years (1958–2008)*, 197 MIL. L. REV. 1 (2008) (providing a detailed history of the *Military Law Review*, including its origins, editors and staff, and content).

¹⁸² 202 MIL. L. REV. (Winter 2009).

¹⁸³ The total number of book reviews (141) in the first 143 volumes of the *Military Law Review* (from 1958–1994) was determined by reviewing the Book Review Indices for Volumes 1–96 and then scanning each individual volume from Volume 97–143. See 81 MIL. L. REV. 381 (Summer 1978); 91 MIL. L. REV. 270 (Winter 1981); and 96 MIL. L. REV. 201 (Spring 1982). The practice of publishing book review indices ended with Volume 96 (Spring 1982). See 101 MIL. L. REV. 167 (Summer 1983) (stating that indices will be published in every tenth issue, however, “the book review indices have been discontinued.”). *Id.*

¹⁸⁴ See *supra* notes 126–28. Research of all the book reviews published in the *Military Law Review* revealed that Major Borch wrote a staggering twenty-one of the thirty-seven total book reviews published during his tenure on the faculty between 1991–1994. He wrote a review for nearly every volume of the *Military Law Review* between Volumes 131–142, including multiple reviews in some volumes. The breakdown of Major Borch’s book reviews, appearing by volume and number within a published volume of the *Military Law Review*, is: 131 (1), 133 (1), 134 (2), 135 (2), 136 (5), 137 (1), 138 (1), 139 (5), 141 (1), and 142 (2).

¹⁸⁵ Even though Volume 144 of the *Military Law Review* is designated “Spring 1994” and Volume 145 is “Summer 1994,” the volumes were not published until late 1994 because they include book reviews from the 43d Graduate Course that began in August 1994.

¹⁸⁶ See Major Douglas S. Anderson, 144 MIL. L. REV. 168 (1994) (reviewing PICKETT’S CHARGE! EYEWITNESS ACCOUNTS (Richard Rollins ed., 1994)); Major Jackie Scott, 144 MIL. L. REV. 174 (1994) (reviewing SHE WENT TO WAR: THE RHONDA CORNUM STORY (Presidio Press, 1992)); and Major Vickia K. Mefford, 144 MIL. L. REV. 180 (1994) (reviewing HAROLD LIVINGSTONE, NO TROPHY, NO SWORD: AN AMERICAN VOLUNTEER IN THE ISRAELI AIR FORCE DURING THE 1948 WAR OF INDEPENDENCE (1994)) (Majors Anderson and Mefford were Air Force students and Major Scott was an Army student). Volume 144 also included a review from LTC Borch who had moved on to the Criminal Law Division at the Office of The Judge Advocate General. See Lieutenant Colonel Fred

set, fifteen students from the 43d Graduate Course went on to publish book reviews in the *Military Law Review*.¹⁸⁷ The length of the early student-required book reviews is comparable to current book reviews (about five pages), but there is a striking difference in the number of footnotes: an average of five footnotes in the 43d Graduate Course book reviews,¹⁸⁸ compared to an average of forty-nine footnotes in the 58th Graduate Course reviews.¹⁸⁹ After the requirement for student book reviews was set in 1994, the *Military Law Review* published 114 student books up through 2004¹⁹⁰ when *The Army Lawyer* was opened up for book reviews as well.

The Army Lawyer, first published in August 1971,¹⁹¹ began to publish book reviews in October 2004 with the 53d Graduate Course.¹⁹² Since 2004, book reviews have been published in both legal journals,¹⁹³

L. Borch, *Red Reeder's Born at Reveille: The Memoirs of an American Soldier*, 144 MIL. L. REV. 178 (Spring 1994) (book review).

¹⁸⁷ The 43d Graduate Course published seven more book reviews in Volume 145 and five in Volume 146. See also 145 MIL. L. REV. 179–207, 211–17 (Summer 1994) and 146 MIL. L. REV. 275–93, 297–301 (Fall 1994).

¹⁸⁸ Not counting the asterisks annotating information about the book (its number of pages and cost) and the review's author, Major Anderson's six page review had seven footnotes, Major Scott's four page review had no footnotes; and Major Mefford's four page review had one footnote. See Anderson, *supra* note 186, at 168–74; Scott, *supra* note 186, at 174–77; and Mefford, *supra* note 186, at 180–83. The low number of footnotes in these early student book reviews was clearly the norm at the time considering even LTC Borch's review in the same volume had no footnotes. See Borch, *supra* note 186, at 178–80.

¹⁸⁹ Through December 2009, six students in the 58th Graduate Course have published book reviews, two per volume in the October, November and December 2009 issues. See ARMY LAW., Oct. 2009, at 53 and 57; ARMY LAW., Nov. 2009, at 57 and 62; and ARMY LAW., Dec. 2009, at 49 and 54.

¹⁹⁰ During the first forty-six years of the *Military Law Review* (1958–1994) when student book reviews were not required, 141 reviews were published in volumes 1–143. Over the next ten years (1994–2004), after student book reviews were required, there was a total of 151 book reviews (including 114 student written reviews from the 43d to the 52d Graduate Course) published in volumes 143–182 of the *Military Law Review*. The yearly average for the non-student written reviews has remained relatively stable: just over three book reviews published per year from 1958–1994 (141 reviews in the forty-six years) and just under four per year from 1994–2004 (37 non-student written book reviews in ten years).

¹⁹¹ 1 ARMY LAW. (Aug. 1971).

¹⁹² There was actually one carry-over from the 52d Graduate Course that made Volume 182 (Fall 2004). See Major John P. Jurden, ARMY LAW., Oct. 2004, at 30 (reviewing BOBBY BOWDEN, *THE BOWDEN WAY* (2001)).

¹⁹³ The following chart depicts all book reviews published in both the *Military Law Review* and *The Army Lawyer*, including how many were student-required reviews:

with *The Army Lawyer* publishing twice as many Graduate Course student written book reviews during that period.¹⁹⁴

The Professional Writing Program

From their inception in 1958 and 1971, respectively, through 1997, the *Military Law Review* and *The Army Lawyer* were published under the direction of the Developments, Doctrine, and Literature (DDL) Department.¹⁹⁵ The “Writing Program” (which was not under DDL) was expanded during the 1994–95 academic year when intermediate level research and writing were added to the curriculum.¹⁹⁶ In July 1998, the Literature section of DDL split out and became a new fifth academic department: the Legal Research and Communication (LRC) Department

Book Reviews						
Date	Military Law Review (1958–2009)		The Army Lawyer (1971–2009)		Total	
	All	Student	All	Student	All	Student
1958–1994	141	0			141	
1994–2004	151	114			151	114
2004–pres.	35	32	69	63	104	95
TOTAL	327	146	69	63	396	209

¹⁹⁴ The following chart depicts breakdown by publication for each Graduate Course book review published after *The Army Lawyer* was added as a source beginning with the 53d Graduate Course and halfway through the 58th Graduate Course in December 2009:

Graduate Course	Academic year	Military Law Review	The Army Lawyer	Total
53d	2004–2005	6	14	20
54th	2005–2006	5	10	15
55th	2006–2007	5	12	17
56th	2007–2008	7	10	17
57th	2008–2009	7	11	18
58th	2009–2010	2	6	8

For the 43d through the 52d Graduate Course, an average of eleven student book reviews per year were published for each Graduate Course. See chart, *supra* note 193. For the 53d through 57th Graduate Course, the average increased to seventeen book reviews published per Graduate Course (the 58th is not included since the year is not complete). The overall average of student written book reviews published per year is thirteen since the requirement began with the 43d Graduate Course through the 57th Graduate Course.

¹⁹⁵ 1977–78 ANNUAL BULL., *supra* note 171, at 3.

¹⁹⁶ Risch Interview, *supra* note 126. See also ARMY JUDGE ADVOCATE GENERAL’S SCHOOL ANNUAL BULLETIN, 1996–1997, at 15.

which assumed responsibility for the Professional Writing Program (PWP) as well as control of the *Military Law Review* and *The Army Lawyer* publications.¹⁹⁷

In 2003–2004, the LRC was discontinued as a separate academic department and the *Military Law Review* and *The Army Lawyer* were placed under the Journals and Periodicals section within the Administrative and Civil Law Department.¹⁹⁸ In June 2004, prior to the 2004–05 academic year, PWP assumed full responsibility for the *Military Law Review* and *The Army Lawyer*.¹⁹⁹ This final step completed the synchronization of efforts for current requirement Graduate Course book review program, including the publication of select reviews in the two legal journals.²⁰⁰

With the faculty requirement to select books, the TJAGLCS librarian was authorized to purchase multiple copies of each book for the faculty member and the students. The PWP Director limited each book selection to no more than five students so the workload among the faculty would

¹⁹⁷ ARMY JUDGE ADVOCATE GENERAL'S SCHOOL ANNUAL BULLETIN, 1998–1999, at 6–7, 17.

¹⁹⁸ ARMY JUDGE ADVOCATE GENERAL'S SCHOOL ANNUAL BULLETIN, 2003–2004. The LRC remained an independent section responsible for the *Military Law Review* and *The Army Lawyer* publications from 1998–2003 (the three Directors during this five-year period were LTC Jackie Little (1998–99), LTC Alan Cook (1999–2001), and MAJ Michael Boehman 2001–03)). See generally Army Judge Advocate General's School Annual Bulletins from 1998–1999 through 2002–2003. During the 2003–2004 academic year, the Journals and Periodicals section fell under the supervision of the Vice-Chair of the Administrative and Civil Law Department, LTC Tim Tuckey, and the Professional Writing Program (PWP) fell under MAJ Gene Baime within the Administrative and Civil Law Department where it remains today. E-mail from LTC Gene Baime, Associate Judge, U.S. Army Court of Criminal Appeals (Apr. 23, 2010, 12:41 EST) [hereinafter Baime e-mail] (on file with author) and Interview with Chuck Strong, Technical Editor, *Military Law Review* and *The Army Lawyer*, Prof'l Commc'ns Branch, in Charlottesville, Va. (Mar. 8, 2010) [hereinafter Strong Interview].

¹⁹⁹ Baime e-mail, *supra* note 198; Strong Interview, *supra* note 198.

²⁰⁰ Baime Interview, *supra* note 132, and Lescault Interview, *supra* note 136. See also Fagan Interview, *supra* note 132. Major Baime was the PWP Director within the Administrative and Civil Law Department from 2003–2006. With the approval of the Department Chair, LTC Moe Lescault, and the Dean, COL Jim Gerstenlauer, MAJ Baime and his team of editors, implemented the changes. Although book reviews were not added during her tenure as the Editor of *The Army Lawyer*, CPT Fagan's suggestions to open the journal to shorter, more current articles from the field, paved the way for the addition of book reviews. One of the first few student book reviews to be published in *The Army Lawyer* came from CPT Fagan when she was a student in the 53d Graduate Course. See Captain Heather J. Fagan, ARMY LAW., Nov. 2004, at 27 (reviewing COKIE ROBERTS, FOUNDING MOTHERS: THE WOMEN WHO RAISED OUR NATION (2004)).

be somewhat balanced. The final challenge was figuring out a fair way for students to select their book, which was now from a limited pre-selected pool with some books more popular than others. Lieutenant Colonel Baime “tried a race to the library (that did not go well) and a lottery system, which went better, but still left students who got later choices upset.”²⁰¹ The most recent selection process, implemented by Major Daniel Sennott, was a random lottery for coveted seat selection in the Graduate Course room, where students sit for the entire academic year. Then, the book selection process was simply the reverse order of seat selection—with the last person to select their seat being the first to choose their book.²⁰²

For the incoming 2010 class, Lieutenant Colonel Jonathan Howard plans to implement a different system of assigning books not tied to seat selection. Regardless of the book assignment process, the core concepts of the book review program will be maintained: faculty-selected books,²⁰³ a written book review, and a small group discussion. Additionally, select students will get their book reviews published in either the *Military Law Review* or *The Army Lawyer*, thus benefitting all judge advocates searching for their next book for professional reading.

²⁰¹ *Id.*

²⁰² There are 115 students in the 58th Graduate Course (academic year 2009–2010). Thirty-one faculty members participated in the book review program. A maximum of five students could choose the same book. The thirty-one books were laid out in room 130 and in reverse order of their seat selection, students came into the room and chose their books. Interview with LTC Jonathan Howard, Director, Prof'l Commc'ns Branch, in Charlottesville, Va. (Mar. 8, 2010). See Appendix E (providing a list of the thirty-one faculty selected books reviewed by the 115 students in the 58th Graduate Course).

²⁰³ See Appendix E (providing a preliminary list of faculty-selected books for the incoming 59th Graduate Course (academic year 2010–2011)).