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UNITED STATES ARMY COMBAT DEVELOPMENTS COMMAND

REQUIREMENTS FOR TYPES OF JUDGE ADVOCATE GENERAL SERVICE ORGANIZATION (ACN 3299)

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ACKNOWLEDGMENT

This study has been approved by the Commanding General, U. S. Army Combat Developments Command Combat Service Support Group for publication and distribution. It does not necessarily reflect the views of the U. S. Army Combat Developments Command or the Department of the Army.

The conclusions and recommendations are primarily based upon information gathered and analysis performed by the USACDC Judge Advocate Agency with significant assistance rendered by the Commandant and staff of The Judge Advocate General's School.

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ABSTRACT

This study examines the requirements for types of Judge Advocate General Service Organization (JAGSO) support for the Army in the field and the capabilities of JAGSO to meet these requirements.

SUMMARY

This study was prepared in response to USACDCCSSG study directive of 14 April 1967, subject: "Requirements for Types of Judge Advocate General Service Organization" (JAGSO). It discusses the development of JAGSO and reviews and evaluates its structure and procedures with respect to its ability to provide legal services within the combat service support concept of the theater army. It is concerned primarily with type team requirements.

TOE 27-500G authorizes functional type teams and headquarters teams. The functional teams specialize in claims, war crimes, general courts-martial, legal assistance and procurement law. In the theater army excess judge advocate workload will exist in each of these functional areas. These overloads will arise in variable strength organizations and may exist temporarily in any organization. JAGSO teams are an effective and practical way of meeting these temporary and fluctuating needs. The one exception is the specialized procurement law teams. A requirement exists in the theater army for a one-officer and a two-officer general procurement law detachment but no requirement was found for specialized teams in property law, frauds, labor relations, or fiscal law.

1. PROBLEM.

The purpose of this study is to review, revise, evaluate, and, where necessary develop the organizational and personnel structure, operating system and procedures for the types of Judge Advocate General Service Organization (JAGSO) teams required to provide legal services within the combat service support concept of the theater army. This study is concerned with type requirements. It is only indirectly concerned with team operations, and not at all with basis of allocation.

2. ASSUMPTIONS.

a. That JAGSO teams will remain available for use in the active Army.

b. That sufficient judge advocate personnel will be available to staff any type teams found to be required by this study.

c. That requirements for judge advocate personnel and legal services will not decrease in the time frame covered by this study (1970-1975).

d. That field and combat situations will continue to generate excess judge advocate workloads, and that variable strength organizations will continue to be utilized in a theater of operations.

3. FACTS BEARING ON THE PROBLEM.

a. Adequate professional legal advice is required in order for the Army to accomplish its mission.

b. Current law requires that certain functions be performed by judge advocate personnel (e.g., military justice).

c. Current regulations require that certain functions be performed by judge advocate personnel (e.g., legal assistance, procurement law, claims).

d. Current doctrine provides for professional legal advice to the commander in such areas as war crimes, international law and military affairs.

4. DISCUSSION.

This study describes a system for augmenting legal services for CAAS-75 and is oriented toward an overseas theater of operations. It contains a description of the services presently authorized, the method by which they are provided, and recommendations for change.

The United States Army's Judge Advocate General Service Organization teams are organized under Department of the Army Table of Organization and Equipment No. 27-500G (TOE 27-500G).

The mission of JAGSO teams is

a. To perform the excess operational judge advocate functions in a field or combat situation and to dispose of the

unusual type legal workload generated under conditions of hostility.

b. To provide augmentation as required for variable strength organizations.

c. To effectuate mobility and flexibility of professional personnel commensurate with varying peak workloads within units concerned.

d. To provide maximum efficient utilization of professional personnel.

Six categories of units, for a total of sixteen teams, are authorized. Two of these teams are headquarters or administrative teams. The remainder specialize in claims, war crimes, military justice, general courts-martial, legal assistance and procurement law.

The JAGSO concept was developed in 1957 and 1958 to fill mobilization and training voids in the Judge Advocate General's Corps, USAR. Individual judge advocate units were not authorized prior to this time, but the concept of teams and service organizations dates from World War II when war crimes teams were organized on an ad hoc basis. None of the World War II teams were permanent units nor did they have an authorized table of organization and equipment.

World War II and the Korean conflict revealed a requirement for supplementing judge advocate staffs. Army headquarters at different command levels, logistical command headquarters, and headquarters where strength varied with the mission assigned, all required additional personnel from time to time. These events influenced planning for an independent organization to train Army judge advocate reservists for any future mobilization. No JAGSO teams have been ordered to active duty to fulfill their stated mobilization mission nor are any organized in the active Army.

An evaluation of type teams needed, requires an initial summary of operational principles:

JAGSO teams are theater army troops but are normally placed under the operational control of Headquarters Field Army in the combat zone and Headquarters TASCOM in the communications zone. If no TASCOM is organized they would be controlled directly by Theater Army. Field Army and TASCOM assign the teams to the HHC, FASCOM and the HHC, Area Support Command, respectively, for further assignment to a JAGSO headquarters detachment if one is organized in the FASCOM or Area Support Command. JAGSO teams are thereafter attached to other using units for short periods of time as excess workloads justify. The staff judge advocates, Field Army and TASCOM,

exercise technical control over the teams in their respective zones and operational control in behalf of their commanders. Both technical and operational control is exercised through the commanders of the JAGSO headquarters detachment if organized. When a team is attached to a using unit for a specific mission, the staff judge advocate of the using unit exercises technical control over the team for the purposes of the mission. The above principles are illustrated in the following hypothetical case of the 125 IA (Legal Assistance) Detachment:

The IA team is initially assigned to Headquarters, Field Army. Upon assignment the Commanding General, Field Army assumes operational control and his staff judge advocate technical control over the team. Headquarters, Field Army reassigns the team to Headquarters and Headquarters Company, FASCOM for further assignment to the 68th JAGSO Headquarters Detachment. The headquarters detachment commander acquires full command authority over the 125 IA detachment less the operational control retained by Field Army. A situation now arises in the X Division Area and requires a legal assistance team. Field Army who has operational control directs the commanding officer of the 68th JAGSO Detachment to attach an IA team to the X Division. The 68th commander selects the 125th and issues the necessary orders attaching the 125 IA team to the X Division for a period of one month. The team is

not an augmentation for the X Division staff judge advocate section in the sense that the staff judge advocate has complete discretion over its use. It is a unit attached to the X Division over which the Division SJA exercises technical control for a specific mission. The team always remains under the operational control of Field Army.

An evaluation of type team requirements also requires a summary of the most common functional areas of military law:

These areas are defined by law, regulation, and custom. They include, military justice, claims, legal assistance, procurement, international law, with the residue, mainly in the nature of administrative law, usually labeled "military affairs." All of these common areas will exist in varying degrees whether the unit concerned is in combat or not, or whether in CONUS or in an overseas theater. That is to say, basic legal needs are largely generated by people, and although the unit's mission, location, and the conflict level, etc., all have an effect on legal needs, the existence of the unit itself essentially establishes the need. This means that any organization designed to give or substantially give total legal service on a theater-wide basis will have to satisfy each of the common functional legal areas defined by law, regulation, or custom, viz: military justice, claims, legal assistance, procurement, international law, and military affairs.

These functional areas are described in current doctrine as follows (para 3.47, FM 101-5):

The staff judge advocate--

a. As a member of the personal staff, furnishes legal advice to the commander, the staff, and subordinate commanders.

b. Supervises the administration of military justice within the command:

(1) Communicates directly with the commander on military justice matters.

(2) Examines and recommends to the convening authority appropriate action on charges before they are referred for trial by general courts-martial; reviews records of trial by general courts-martial and military commission; and recommends to the convening authority the action he should take with respect thereto.

(3) Provides counsel who are qualified lawyers within the sense of Article 27(b), Uniform Code of Military Justice, for trial and defense of general courts-martial and as defense counsel when requested at investigations conducted pursuant to Article 32, Uniform Code of Military Justice.

(4) Reviews records of trial by special and summary courts-martial for legal sufficiency and initiates appropriate corrective action where necessary; and is custodian of special and summary courts-martial records of trial.

(5) When required, prepares and processes correspondence concerned with the imposition of nonjudicial punishment under Article 15, Uniform Code of Military Justice; in appropriate cases, reviews appeals from punishment imposed under Article 15 and makes recommendations thereon to the commander.

(6) Recommends policies relating to conditions under which pre-trial and post-trial confinement of military personnel will be imposed; advises and assists other staff agencies and subordinate commands in the enforcement of announced policies relative to confinement.

(7) Supervises military justice training within the command.

(8) Recommends policies relating to liaison with law enforcement and judicial agencies in the civilian community.

c. Furnishes legal assistance and advice to military personnel, their dependents, and other authorized persons concerning personal, civil, and legal problems.

d. Supervises and administers all matters pertaining to claims and recommends action to be taken, including certification for payment, if appropriate.

e. Provides legal opinions and advice on public international law matters, both customary and conventional, e.g., the Hague Regulations, the Geneva Conventions of 1949, status of forces agreements, etc., and on the applicability of United States laws in foreign countries. Provides advice on foreign and private international law problems.

f. Examines procurement contracts, furnishes legal advice in connection with disputes and other problems in the procurement field, and provides counsel in Armed Services Board of Contract Appeals cases tried under the Optional Accelerated Procedure; furnishes legal advice with respect to the utilization and disposal of Government property.

g. Supervises the administration of war crimes matters within the command.

h. Has operational control over judge advocate teams assigned or attached to the command, except for those attached only for logistical support.

The presently organized JAGSO units (TOE 27-500G) consist of functional teams in each of these areas (war crimes considered as a subdivision of international law), with the exception of military affairs, together with two types of headquarters teams, as follows:

a. Headquarters Teams.

There are two types of headquarters teams. Team AA consisting of two officers and two enlisted men is capable of exercising command over one or more teams having a total strength of not less than forty. Team AB has four officers, a warrant officer, and four enlisted men. It can command six or more teams with a total strength of not less than one hundred persons.

The headquarters team commander commands his own team and all other teams assigned to his unit. He is responsible for the administration and training of the subordinate team(s) and makes recommendations to the staff judge advocate of the unit to which his unit is assigned for the proper employment of the teams.

The present types of headquarters teams, Team AA and Team AB, assist the cellular teams in the performance of their mission by providing command, control and administrative support.

They are normally assigned to TASCOM and FASCOM. The need of functional teams for coordinated control and administration is directly proportional to the total number of teams involved. A few teams in a theater could probably be absorbed by the unit to which assigned. As their numbers increase, however, JAGSO teams must find a control and administrative unit to manage their ever increasing administrative problems and complexity of coordinated operations. Fundamental to the control and administration required, is a command fully responsive to and knowledgeable of JAGSO operations. No other type organization appears to satisfy these requirements as well as the JAGSO headquarters team concept. They provide a direct command link with the TASCOM and Field Army commanders for the teams in the field and represent them at the Area Support Command and FASCOM units to which they are attached. They consolidate reports and requests from the teams for transmittal to higher headquarters and act as the nucleus of the JAGSO work from which the teams operate. They provide a centralized command for mobile teams operations and a means of coordinating information and needs of various teams. Their graduated capabilities allow them to be tailored to the number of functional teams which they control. Thus the two types of

headquarters teams, with their respective capabilities appear to be required.

b. Claims Teams.

The staff judge advocate:

"d. Supervises and administers all matters pertaining to claims and recommends action to be taken, including certification for payment, if appropriate." (Para 3.47, FM 101-5)

The investigating team (FA) is the smallest team and consists of one claims officer and three enlisted men. This team is designed solely to investigate or supervise investigations by unit claims officers of claims or incidents which might be expected to generate claims. It may be used to augment a judge advocate section or it may operate as part of a centralized claims service. Normally, this team will not have the authority to adjudicate claims or to certify them for payment.

The Control and Adjudicating Team (FB), consisting of two officers, a warrant officer, and seven enlisted men, is designed to assist in the administration and processing of claims following the initial investigation. This team also has the capability of supervising the activities of three to seven investigating teams (FA). The team director may be designated a one-man claims commission to adjudicate small claims arising under the Foreign Claims Act.

The Claims Adjudicating Team (FC) has three officers, a warrant officer and seven enlisted men. It is designed to operate as a three-man claims commission.

The establishment of a claims service for the Army is the responsibility of The Judge Advocate General. In a large-land-mass theater of operations, it may be anticipated that the establishment of single-service theater claims service will be directed, and responsibility for its operation assigned to the Theater Army. In a theater of operations where there is a theater claims service, its senior officer may also serve on the staff of the theater army judge advocate and operational claims teams would normally be assigned to the theater claims service. If there is no theater claims service, claims teams may be organized at TASCOM and FASCOM levels to provide equivalent services. FC teams may be used as three-man claims commission, FB teams as one-man claims commission and FA teams to investigate or supervise investigation of claims. AA or AB Headquarters Teams could be used to supervise and control their activities.

Claims Teams FA, FB, and FC are capable of performing, or supervising performance of, complete investigative service to include preparation for adjudication and adjudication of all claims arising in the area to which assigned and within the jurisdictional limit of \$15,000 (for the FC team). They provide

actual investigation, collection of evidence in individual claims and contact with claimant.

The three configurations of the claims team are well suited for utilization in a theater of operations. The FA team operates as either a supervisory team, e.g., assisting and supervising battalion or brigade claims officers, or actually investigates incidents in its area of responsibility. The FB team supervises three to seven FA teams and acts as a one-man foreign claims commission to adjudicate claims against the United States within its jurisdictional limit of \$1,000. The FC team acts as a three-man foreign claims commission. It adjudicates all claims filed against the government which are within its jurisdictional limit of \$15,000 and in excess of the jurisdictional limit of the FB teams. All teams are small and capable of rapid deployment to any area of a theater in which their services are needed. The graduated capabilities of the teams enable them to provide efficient total claims service within their area of responsibility.

One example of the feasibility of the claims teams is revealed by the probable operations of the Transportation Command. That command is responsible for movement of personnel and equipment from point of arrival in a theater to the user in combat or communications zones. To provide this service it utilizes water, rail, air and vehicular transportation. This

interzonal transportation service is organized to serve the theater as a whole and it retains control of its operating transport while operating in COMMZ or combat zone areas. Thus, the Transportation Command is responsible for operations which extend from the rear of the COMMZ to the forward combat areas.

The organic legal services of the Transportation Command consists of a five-officer judge advocate section at Command headquarters and small one- or two-officer sections at terminal and motor transportation commands. It is obvious--and experience indicates--that the operation of such extensive transportation and movement services will periodically generate a large volume of claims that will be beyond the processing capacity of the organic judge advocate sections. These claims will range from maritime claims at the port to personal injury and property damage caused by movement of supplies and personnel by air, rail, highway and water. In the event of an overload of claims incidents generated by Transportation Command units, the Transportation Command staff judge advocate would contact the TASCOM judge advocate and request necessary claims teams be furnished to reduce the overload. If approved an appropriate number and type of claims teams would be attached to the Transportation Command to reduce the overload.

It is probable that FA teams will be utilized by other functional commands, as well. For example, the Personnel Command might use the FA team from time to time to handle occasional overloads of personal property claims as a result of losses of baggage by replacement personnel enroute to the theater. The Medical Command may use the FA team to aid its organic judge advocate personnel in assisting patients in processing claims for property damaged or lost in combat.

c. War Crimes Teams.

The staff judge advocate:

"g. Supervises the administration of war crimes matters within the command." (Para 3.47, FM 101-5)

The investigation of war crimes was a judge advocate responsibility in World War II and the Korean War. Failure to have professionally trained investigating units in many instances prevented prompt and adequate investigations in both wars and pointed up the need for operational teams. It is assumed that enemy activity requiring investigations will be no less frequent in a future conflict than it was during World War II and the Korean War and that war crime trials will normally be delayed until after cessation of hostilities. Collection of evidence would be under the supervision of a central office. Unless a

theater war crimes office is organized, the administration of war crimes matters is a responsibility of the Personnel Command in the COMZ and the FASCOM in the combat zone. Centralized control over war crimes matters is necessary to insure complete and adequate investigation and documentation of alleged war crimes incidents.

War crimes teams function similarly to claims teams. They may operate from a theater wide office, or from subordinate commands with or without judge advocate headquarters teams. They perform a specialized service that is beyond the capability of organic judge advocate sections. The GA teams perform on-the-scene investigations, where possible, and collect evidence. The GB teams exercise supervisory control over three to seven GA teams, compile evidence gathered by GA teams and process it to the central war crimes office or other holding area, as directed. The JAGSO War Crimes teams perform their mission in close coordination with other units and in particular the military police. The fact that a war crime has been committed is often discovered in the course of military police criminal investigation. Whether a JAGSO team, or military police or other personnel would investigate a particular case would depend on command policy. JAGSO teams are specifically trained for this purpose and with assigned judge advocates should be better prepared to evaluate the scope of the alleged crime and the evidence. The size and mobility of

the teams also allow them to go into an area while the evidence is still fresh and before witnesses have dispersed. Here again, it appears that the two types of teams are needed to perform their respective functions: investigation and collection of evidence; and evidence processing and investigating team control.

d. General Courts-Martial Teams.

The staff judge advocate:

"b. Supervises the administration of military justice within the command: * * *." (Para 3.47, FM 101-5)

The number of general courts-martial is usually considered to be directly proportional to the number of troops in a command. However, the number of general courts-martial in divisions of identical strength may vary substantially and the number in a single division often varies greatly from month to month, e. g., the Second Division in the Korean War went from a monthly high of 47 cases to a low of 1. Great fluctuations such as this require there be operational general courts-martial teams available for attachment at times of peak caseloads to prevent the development of backlogs with its resultant damage to military justice and discipline. In headquarters of variable-sized commands such as corps, Field army, and COMMZ area commands, the organic judge advocate section may require additional personnel over a substantial period of time when the strength of such commands remains inflated.

Experience in World War II and Korea indicates that troops assigned to the communications zone will have a greater general court-martial rate than troops in divisions, corps, and armies.

There are two kinds of general courts-martial teams, Team HA and Team HB, which are capable of performing, as a self-contained unit, all operational aspects of general court-martial cases except the law officer function. They are completely mobile and designed to relieve judge advocate sections of excess general courts-martial caseloads. They may handle a case from the time of an accused's request for counsel or the investigation under Article 32b, UCMJ, through the preparation of the post trial review. The accomplishment of these tasks requires, at a minimum, the services of a trial counsel, defense counsel, court-reporter, and drafter of the pretrial advice and review for the SJA. Both teams provide these services. The HA team consists of a team coordinator, a trial counsel, a defense counsel, two court reporters and a clerk typist. It should be able to prepare and try four to eight general court-martial cases per month. The HB team consists of a team coordinator, two trial counsel, two defense counsel, three court reporters, and two clerk typists. It should be able to prepare and try eight to sixteen general court-martial cases per month. The team coordinator is used to coordinate and direct the activities of counsel, consider the

pretrial examination of cases prior to referral to include preparation of the pretrial advice, and review the completed record of trial. The teams are attached to commands exercising general court-martial jurisdiction only for such periods as workloads justify. When so attached they operate under the immediate technical control and supervision of the staff judge advocate. Use of these teams can provide effective use of professional personnel in meeting varying peak workloads within the theater.

e. Legal Assistance Teams.

The staff judge advocate:

"c. Furnishes legal assistance and advice to military personnel, their dependents, and other authorized persons concerning personal, civil, and legal problems." (Para 3.457, FM 101-5)

Legal assistance requirements will normally vary directly with the size of the command. Experience indicates that the legal assistance requirements of 15,000 troops require the full-time services of one judge advocate officer in order to render competent, efficient service. Legal assistance officers should be made available to the troops by assignment to centers of troop population such as rest areas and hospitals where they will be readily accessible. In addition to providing legal assistance in commands where the normal legal assistance personnel

resources are not able to meet the demands for legal assistance, legal assistance teams have the capability of providing legal assistance to commands not having an organic judge advocate section. For example, a team may be attached to a hospital, a base camp, or rest and recreation center for an extended period of time.

The IA team is capable of providing legal assistance to all service personnel and may be employed as circuit riders to assist troops in remote areas. The IB team controls the activities of five to nine IA teams and assists in the more difficult legal assistance problems. Both teams are mobile.

It is anticipated that with wide dispersion of personnel indicated by present tactical doctrine, legal assistance can be effectively rendered to the most people by these mobile specialized teams, either acting independently or to aid judge advocate sections with peak workloads. Experience indicates that hospitals, ports, and rest and rehabilitation centers are areas with heavy demands for legal assistance. Services provided by these teams will include counselling on wills and estates, taxation, domestic relations, dependents' benefits, marriage, adoption, citizenship, and real property. One example of use for these mobile legal assistance teams is revealed by the troop list for a twelve division force. In addition to surgical and evacuation

hospitals, this size force lists forty-four general and station hospitals over half having a one-thousand bed capacity, widely dispersed in the COMZ.

f. Procurement Law Teams.

The staff judge advocate:

"f. Examines procurement contracts, furnishes legal advice in connection with disputes and other problems in the procurement field, and provides counsel in Armed Services Board of Contract Appeals cases tried under the Optional Accelerated Procedure; furnishes legal advice with respect to the utilization and disposal of Government property." (Para 3.47, FM 101-5)

The JAGSO has five types of procurement law teams: contract law, property law, frauds, labor relations and fiscal law. Although every staff judge advocate has the responsibility of providing his commander with advice on procurement matters, the general centralization of procurement activities ordinarily leaves very little procurement responsibility of any substantial nature to most commanders. In order to ascertain therefore the need for procurement law teams in a theater of operations, initial inquiry should ascertain where procurement is performed in the theater, and what organic legal personnel, if any, are available for advice.

The procurement of supplies, equipment and services in a theater of operations must be tailored to the theater concerned. Hence doctrine on the organization for procurement has been expressed only in general terms. Present day U. S. foreign policy embodies an offshore procurement program backed by mutual assistance agreements with those nations with which we may be aligned in case of conflict with a common enemy. This will result in the establishment in wartime of an international theater procurement organization, dominated by the civilian elements of the governments concerned, similar to those organizations of World Wars I and II. Such a body would allocate to a theater its portion of the available assets of each contributing nation, establish priorities under which the theater commander may levy upon each supply service, and probably provide the procedures for such levies. Under such circumstances the theater commander may well establish a theater general procurement activity to adjust theater allocations and priorities to the particular demands of the theater. This central activity would be responsible for issuance of procurement policy directives and regulations, and for the general supervision of procedures under which major subordinate commands accomplish local procurement.

Pursuant to these directives and regulations, the theater army commander will be responsible for the formulation

and publication of broad plans, policies, and procedures governing local procurement for theater army forces and for coordinating, as necessary, with lateral commands. He can be expected to assign to the theater army support command (TASCOM) responsibility for theater-wide procurement. The supply and maintenance command, a major subordinate command of TASCOM has the mission of providing general support supply and maintenance to theater army and such other elements of the theater as may be designated. The area support command and area support groups of TASCOM have procurement responsibility limited to the making of small local purchases of supplies, and the obtaining of local labor. The mission commands of the TASCOM have no specified procurement responsibilities. In the combat area, the field army commands will be assigned procurement responsibilities commensurate with their mission requirements. The coordination and supervision of any assigned responsibilities to the field army may be further assigned to the field army support command (FASCOM).

Each of the above specified commands has organic staff judge advocate personnel with the responsibility to provide the commander with legal advice on procurement matters. TASCOM has seventeen officers, including a two-officer procurement office. The personnel command has nine officers and the area support command six. The remaining mission commands and

the area support groups have five judge advocates assigned to their organic judge advocate sections.

The Supply and Maintenance Command with the mission of providing general support supply and maintenance to theater army requires a more detailed investigation. This command is responsible for the procurement of supplies, equipment and services for which it has mission jurisdiction. Field procurement detachments which are organized with the general mission of locating resources, carrying out preliminary negotiations and inspecting products are the operating procurement elements of the Supply and Maintenance Command. They are T/D organizations whose strength is dependent upon the volume of business to be transacted. Field procurement detachments are organized in each field depot having a procurement mission and in regional procurement offices. These regional offices are usually established in each country in which procurement is conducted. To provide legal support in procurement matters the Supply and Maintenance Command has, in addition to its organic five officer staff judge advocate section, a one officer section in each of its subordinate field depots. Legal support for the field procurement detachments and regional procurement offices would be provided on a T/D basis.

The study "Supply and Maintenance Command, TASCOM" (ACN 3123) made by the Supply Agency, USACDC concluded that there

was no practical way of forecasting the volume of procurement operations in a theater of operations, and further concluded that the only guidelines for field procurement offices or detachments are the present overseas procurement agencies. The study listed the following legal support for these agencies: U. S. Army Procurement Center, Frankfurt - one officer, one civilian; U. S. Army Procurement Center, Paris - one officer, one civilian; U. S. Army Procurement Agency, Japan - five civilians; U. S. Army Korea Procurement Agency - two civilians. The U. S. Army Procurement Agency, Vietnam currently has three officers. With this listing as a guide, a logical conclusion would be that each country procurement office requires at least two lawyers.

The above summary locates the procurement responsibility in a theater of operations and the corresponding legal support, as the basis for a consideration of the JAGSO procurement teams. At the outset it should be noted that procurement legal matters in a theater differs from other judge advocate areas of responsibility--military justice, claims, legal assistance, war crimes--in at least two respects. (1) Procurement responsibility is essentially centralized in the Support and Maintenance Command as contrasted with responsibility of every commander exercising GCM jurisdiction for military justice, claims, legal assistance, and war crimes. (2) Procurement matters in a theater of operations are largely planned and controlled

operations and not necessarily a function of total strength. This can be contrasted with numbers of general courts-martial cases which can be considered a function of total strength, and are certainly "unplanned," even though they can be anticipated. It is not envisioned that procurement law teams like courts-martial, claims, legal assistance and war crime teams would be used in a "fire brigade" capacity for a limited period of time in one location and then withdrawn to another location. However, this is not to say that no requirement for these teams exists in a theater of operations. On the contrary analysis shows that procurement law teams are required in a theater of operations (1) to perform excess procurement law functions in the TASCOM and (2) to provide maximum efficient utilization of procurement law specialists in field procurement offices and detachments.

As previously indicated procurement and procurement law problems are not necessarily proportional to theater size or strength. A small theater could have many procurement law problems and a large theater could have few. With legal procurement activity such an unknown quantity, there has been no basis for providing the organic staff judge advocate offices with personnel sufficient to handle substantial procurement workloads. The situation is demonstrated with the Supply and Maintenance Command. This command with general procurement responsibility

for the theater has a staff judge advocate section of five officers, considered at best a bare minimum for any command exercising general court-martial jurisdiction. This office would not be capable of absorbing any sizeable procurement law functions for which the Supply and Maintenance Command may have responsibility, and although each staff judge advocate has the responsibility for providing procurement law advice to his commander, procurement law is essentially a legal specialty and requires personnel with expertise in the field for other than routine matters. The requirement, therefore, is not one for lawyers in general, but specifically for procurement law personnel. Also to be recognized is that the Supply and Maintenance Command--as other TASCOM subordinate commands--varies in strength depending on the size force supported. A type 8 division force has a Supply and Maintenance Command strength of 20,902; a 12 division force, 28,022 with no corresponding increase in the organic staff judge advocate section. Although procurement law problems are not necessarily a function of troop strength, this is not to say they are always totally unrelated.

Procurement law teams are also required to provide maximum efficient utilization of procurement law specialists in field procurement offices and detachments. As previously outlined, such offices and detachments are normally organized on a

T/D basis. Regardless of the mechanics of organization, however, a requirement will exist to provide these variable strength units with responsive legal support. Procurement law teams would augment the T/D legal section if one is provided, or substitute temporarily if one is not provided. Procurement law teams established in peacetime appear to be the best way for assuring that such personnel will be available for assignment in wartime.

Although there is a demonstratable need for procurement law teams within the JAGSO, a final question remains of what types of procurement law teams are required. The current types with capabilities and basis of allocation (TOE 27-500G) are as follows:

Procurement Law Teams

Team JA, Contract Law.

Capabilities: Contract Law Team reviews contracts and related documents for legal sufficiency and conformance with regulations and policy. Assists contracting officers in the general negotiation of contracts and contracts clauses. Interprets law and regulations pertaining to contracts; promulgates necessary regulations; maintains liaison with other government agencies and furnishes legal advice as to all phases of the administration of contracts.

Basis of Allocation: Normally assigned to Army or corresponding logistical commands or base section in a communications zone, as required by its particular mission.

Team JB, Property Law.

Capabilities: Property Law Team acts for commander on legal problems concerning disposal, sale, lease, loan, etc. of property, and use thereof in and of military or civil authority. Interprets and promulgates necessary regulations. Reviews industrial facilities and government owned, contract operated contracts and renders advice as to all aspects of the administration of contracts.

Basis of Allocation: Normally assigned to Army, corresponding logistical command, or base section in a communications zone, as required by its particular mission.

Team JC, Frauds.

Capabilities: Frauds Team takes appropriate action on matters involving suspected criminal conduct or fraudulent activity on the part of military personnel or civilian employees of the Department of the Army or by private companies, organizations, or individuals, in connection with procurement activities.

Basis of Allocation: Normally assigned to Army, corresponding logistical command, or base section as required by its particular mission.

Team JD, Labor Relations.

Capabilities: Labor Relations Team acts for the commander to prevent labor stoppages which might adversely affect military procurement. Considers non-compliances with labor laws by government contractors. Maintains liaison with other government agencies in this field.

Basis of Allocation: Normally assigned to Army or corresponding logistical command as required by its particular mission.

Team JE, Fiscal Law.

Capabilities: Fiscal Law Team takes appropriate action on all matters pertaining to taxes imposed by governmental taxing authorities against army contracts and/or any instrumentalities; government financing by advance payments and guaranteed loans; import, export duties and excise taxes.

Basis of Allocation: Normally assigned to Army, or corresponding logistical command, at base section as required by its particular mission.

The contract law team has an officer strength of four; property law, two; frauds, two; labor relations, four; fiscal law, three.

In seeking to analyze the need for specific types of procurement law teams, the use of analogy to the present overseas

Procurement agencies seems persuasive. As previously indicated, the study made by the Supply Agency, CDC, "Supply and Maintenance Command, TASCOM" concludes that these organizations provide the only present guidelines. A survey of these present overseas procurement agencies shows that the majority have a legal staff of two lawyers. It seems a reasonable inference, therefore, that a two officer procurement team would be an appropriate size for theater field procurement offices and detachments. The same size team would also appear appropriate for augmenting a staff judge advocate section. (For example, the staff judge advocate section, TASCOM has a two officer procurement law office.) Inquiry discloses that the present legal offices of the overseas procurement agencies, however, do not specialize in "contract law," "property law," "frauds," "labor relations," or "fiscal law." Although a particular area of law may predominate, they are all essentially "general" procurement law offices, providing whatever legal advice on procurement matters that the commander or contracting officer requires. The present organization, therefore, indicates a requirement for a two officer general procurement law team, a type team not presently in the JAGSO. The capabilities of the property law, frauds, labor relations, and fiscal law teams are too narrowly defined to satisfy a general procurement law requirement, and the contract law team although somewhat more general

in capability, is a four-officer team. What is required is a new two-officer procurement team to provide general procurement advice. In addition, a requirement exists for a one-officer general procurement law team to provide maximum efficient utilization of procurement law specialists particularly in field procurement offices and detachments. As previously stated these field offices and detachments are organized on a T/D basis and may vary greatly in size depending on the scope of procurement activities. If these activities are relatively minor, the depot judge advocate can normally absorb the function. Experience indicates, however, that this one-officer depot legal section reaches a saturation point quickly and that any substantial procurement activity would require additional personnel. The two-officer procurement law team would be too large for efficiency in many such situations. The requirement is for a one-officer team.

The total requirement in theater army is for one-officer and two-officer general procurement law teams.

g. Other Functional Teams.

No requirement can be found for JAGSO teams in the functional area of international law other than war crimes.

No requirement can be found for "military affairs" teams. At theater army level and below, the term "military affairs" generally indicates the residuum for those legal matters

not included in a specific functional area. It would be difficult to define the mission of such a multi-functional team and more difficult to demonstrate how a need would arise for its use. Organic judge advocate sections appear best suited to handle the military affairs type problems, turning over other type legal problems to JAGSO teams as workload requires.

5. CONCLUSION.

From the foregoing discussion, the following conclusions are submitted:

a. Use of JAGSO teams is an effective and practical way to perform the excess operational judge advocate functions in the theater army and to provide augmentation as required for variable strength organizations.

b. There is a requirement in the theater army for administrative and control teams and for operational teams in the five functional areas of claims, war crimes, courts-martial, legal assistance and procurement law.

c. TOE 27-500G satisfies the requirement for administrative and control teams and for operational teams in the five functional areas, except for procurement law.

d. The present fragmented procurement law teams should be replaced by one-officer and two-officer teams with the appropriate administrative support.

6. RECOMMENDATION.

That the foregoing conclusions be approved.

ANNEX A



DEPARTMENT OF THE ARMY
HEADQUARTERS
UNITED STATES ARMY COMBAT DEVELOPMENTS COMMAND
COMBAT SERVICE SUPPORT GROUP
FORT LEE, VIRGINIA 23801

CSSG-DD

14 April 1967

SUBJECT: Combat Developments Study Directive: "Requirements for Types of Judge Advocate General Service Organization"

TO: Commanding Officer
US Army Combat Developments Command
Judge Advocate Agency
Charlottesville, Virginia 22901

1. General. Request that a study be undertaken to review, revise, evaluate and, where necessary, develop the Judge Advocate General Service Organization support for the Army in the field in consonance with paragraph 1421h, Combat Development Objective Guide.

2. Objective and Scope. This study will examine present organizational and operational concepts and, if indicated, revise and develop a new organizational and personnel structure, operating system and procedures of the Judge Advocate General Service Organization (JAGSO) required to support all areas of legal activity within the combat service support of the Army in the field. It will form the doctrinal basis for utilization of JAGSO in support of Judge Advocate General 1975 and, subsequently, Combined Arms and Support 1975.

3. References. A minimum listing is at Inclosure 1.

4. Assumptions.

a. That JAGSO teams will remain available for use in the active Army.

b. That sufficient judge advocate personnel will be available to staff any teams developed by this study.

c. That requirements for judge advocate personnel and legal services will not decrease in the time frame covered by this study (1970-1975).

5. Guidance. This study will include, but is not limited to, the following:

a. A discussion of the evolution of the JAGSO concept.

b. An analysis of the mission and organization of the JAGSO teams presently contained in TOE 27-500G.

CSSG-DD

14 April 1967

SUBJECT: Combat Developments Study Directive: "Requirements for Types of Judge Advocate General Service Organization"

c. An analysis of the practicability of the present teams and suitable alternatives if needed.

d. The ability of the present or proposed organization to respond to the requirement of accomplishing the various Army tasks.

6. Administration.

a. Coordination. Coordination will be accomplished as follows:

- (1) All USACDCCSSG agencies.
- (2) The Judge Advocate General's School, Charlottesville, Virginia.
- (3) Assistant Executive for Plans, Office of the Judge Advocate General, DA.
- (4) All USACDCCAG agencies.
- (5) Staff Judge Advocate, USARPAC.
- (6) Staff Judge Advocate, USAREUR.
- (7) Staff Judge Advocate, USSTRICOM.
- (8) USACDCEA,
- (9) USACDCINTA.

b. Suspense date. Coordinated draft to USACDCCSSG - 15 June 1967.

c. Distribution.

- (1) Coordinated draft - 15 copies to USACDCCSSG.
- (2) Final draft - Recommended distribution list will be submitted with final draft.

7. Correlation. This project is identified as USACDC Action Control Number 3299 and supports the following:

CSSG-DD

14 April 1967

SUBJECT: Combat Developments Study Directive: "Requirements for Types of Judge Advocate General Service Organization"

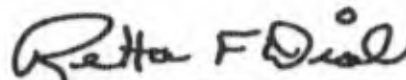
- a. Army Concept Army 75
- b. Study "Judge Advocate General 75 (1970-1975)"
USACDC Action Control Number 6505
- c. Army Tasks
 - 1. High Intensity Conflict
 - 2. Mid Intensity Conflict
 - 3. Low Intensity Conflict Type I
 - 4. Low Intensity Conflict Type II
 - 5. Military Aid to US Civil Authorities
 - 7. Complementing of Allied Land Power.
- d. Phase Doctrine
- e. Function Service Support

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RETTA F. DIAL
Major, GS
Act Asst AG

REFERENCES

1. Study - Combat Service to the Army (CO-STAR II (2d Revision)).
2. Study - The Administrative Support Theater Army - 1970 (TASTA-70).
3. Manual for Courts-Martial, United States, 1951, with changes.
4. TOE 27-500, Judge Advocate General Service Organizations.
5. DA Pam 27-5, The Staff Judge Advocate.
6. Study - Requirements for Judge Advocate Personnel and Legal Services, USACDCJAA 65-3.
7. Study - Combined Arms 1970 (CA-70).

ANNEX B

REQUIRED FOLLOW-ON ACTION

1. Approval of this study will require deletions in Sections I, II and III of TOE 27-500G of those matters pertaining to current procurement law teams, and substitution in these sections of a one and two officer team with appropriate administrative support. These changes could be made at a presently scheduled TOE review or if required the review could be rescheduled for an earlier date.

2. References to the current procurement law teams in doctrinal literature (FM 101-10 and FM 54-8 (Test)) can be changed at scheduled reviews.

ANNEX C

COORDINATION

All comments received on the coordination draft have been included or resolved. The study has been coordinated with the following:

USACDC Civil Affairs Agency
USACDC Intelligence Agency
USACDC Military Police Agency
USACDC Supply Agency
USACDC Personnel and Administrative Services Agency
U. S. Army Civil Affairs School
U. S. Army Intelligence School
U. S. Army Military Police School
U. S. Army Quartermaster School
U. S. Army Adjutant General School
The Judge Advocate General's School, U. S. Army
Office of the Judge Advocate General, Department of the Army
Staff Judge Advocate, USARPAC
Staff Judge Advocate, USAREUR
Staff Judge Advocate, USSTRICOM
USACDC Institute of Combined Arms and Support
USACDC Combat Support Group
USACDC Combat Arms Group

ANNEX D

REFERENCES

1. Study - Combat Service to the Army (CO-STAR II (2d Revision)).
2. Study - The Administrative Support Theater Army - 1970
(TASTA-70).
3. Manual for Courts-Martial, United States, 1951, with changes.
4. TOE 27-500, Judge Advocate General Service Organizations.
5. DA Pam 27-5, The Staff Judge Advocate.
6. Study - Requirements for Judge Advocate Personnel and Legal Services, USACDCJAA 65-3.
7. Study - Combined Arms 1970 (CA-70).
8. Study - Supply and Maintenance Command - TASCUM.
9. FM 8-16-1 (TEST), Medical Service, Field Army.
10. FM 8-17-1 (TEST), Medical Service Communications Zone.
11. FM 12-2-1 (TEST), Adjutant General Functional Support to FASCUM.
12. FM 14-3-1 (TEST), Comptroller Service - TASTA-70.
13. FM 19-3-1 (TEST), Military Police Support - TASCUM.
14. FM 29-6-1 (TEST), Personnel Command, TASCUM.
15. FM 41-15 (TEST), Civil Affairs Support, TASTA-70.
16. FM 54-5-1 (TEST), The Supply and Maintenance Command.
17. FM 54-8 (TEST), The Administrative Support Theater Army,
TASTA-70.
18. FM 55-55-1 (TEST), Transportation Terminal Operations.
19. FM 100-5, Staff Officer Field Manual, Staff Organization
and Procedures.

20. FM 100-10, Field Service Regulations, Administration.

UNCLASSIFIED

Security Classification

DOCUMENT CONTROL DATA - R&D

(Security classification of title, body of abstract and indexing annotation must be entered when the overall report is classified)

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11. SUPPLEMENTARY NOTES		12. SPONSORING MILITARY ACTIVITY US Army Combat Developments Command Combat Service Support Group Fort Lee, Virginia 23801	
13. ABSTRACT <p>→ This study examines the requirements for types of Judge Advocate General Service Organization (JAGSO) support for the Army in the Field and the capabilities of JAGSO to meet these requirements. () ←</p>			

14. KEY WORDS	LINK A		LINK B		LINK C	
	ROLE	WT	ROLE	WT	ROLE	WT
Claims War Crimes General Courts-Martial Legal Assistance Procurement Law						

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