

It Ain't No TV Show:
JAGs and Modern Military Operations*
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Does art imitate life or does life imitate art? The popular television series *JAG* follows the life of several fictional Navy lawyers; the most interesting character is Harm, a former fighter pilot turned military lawyer, or Judge Advocate General (“JAG”). Do the complex and dramatic story lines that find Harm and the other military lawyers at the center of every flashpoint around the world reflect the life of the “normal” JAG? Indeed, JAGs from any service are often asked, “Do you get to fly jets like Harm?” The answer is no, but today’s JAGs do get involved in every aspect of operations (short of flying a jet!) on a daily basis.¹ In fact, the ripped-from-the-headlines scripts of *JAG* very often do contain a kernel of what many JAGs do on a surprisingly frequent basis.

At an increasing pace, military lawyers are becoming more involved in operational issues, as Harm is on *JAG*. Perhaps one of the most significant explanations for this trend is not a sudden infatuation with the law or lawyers, but the harsh impact of Clausewitzian realities of twenty-first century wars.² Clausewitz spoke of the “remarkable trinity” of the people, the military, and the government, whose combined efforts produced victory in war. The US and other Western powers historically focused on collapsing the trinity by neutralizing or destroying the military leg. The rise of overwhelming American

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¹ An interesting historical note: The last flying Air Force JAG was in 1952. The Air Force Judge Advocate General School, 26 (Special History Edition) Reporter 14 (1999) (quoting Major General James S. Cheney, former The Judge Advocate General (“TJAG”).

² The author has discussed Clausewitz and the reality of twenty-first century wars in a previous article. See Col. Charles J. Dunlap, Jr., *Law and Military Interventions: Preserving Humanitarian Values in 21st Century Conflicts* 4, 11 (2001), available online at <<http://www.ksg.harvard.edu/cchrrp/Web%20Working%20Papers/Use%20of%20Force/Dunlap2001.pdf>> (visited Oct 7, 2003).

military power since World War II led adversaries to conceive an entirely different strategy by focusing on separating the “people” portion of the trinity from the “government” and “military” portions in order to achieve victory. Such an approach is completely in accord with Clausewitz’s dictum that war is a continuation of politics by other means. This is especially apropos given the linkage between the support of the people and the political needs of democracies such as the US. Increasingly, America’s adversaries are using legal weapons, or “lawfare”—a form of asymmetrical warfare—to confront the US when they cannot do so through military might. Lawfare is specifically the strategy of using, or misusing, law as a substitute for traditional military means to achieve an operational objective. This use of law to achieve operational objectives brings military attorneys to the forefront today, similar to Harm in *JAG*.

Law touches every aspect of life. Law Professor Lawrence Friedman described the phenomenon of the growing importance of law, stating that “*every* domestic story in the front part of the newspaper, before you get to the recipes and the comics and the sports pages, has a legal angle.”³ Most compelling is the impact of law on international trade and commerce, which cannot take place in countries that lack a solid legal structure. After the fall of the Soviet Union, Eastern European countries quickly recognized the need for a strong legal system, as American and Western European businesses would not open stores or sign business deals without a guarantee that their property purchases and business interests would be respected by the host country’s law and that the host country would have a fair forum for the resolution of disputes. The same is still true today. International trade requires countries to communicate and transact with each other more than ever before—they have to negotiate legal instruments such as contracts and international treaties to secure business ventures, policy initiatives, and military agreements. Law today is very much an essential tool for economic success.

This growth of law in the international economic sphere has spread to the political sphere and infused international armed conflicts. Accordingly, it is not surprising that the Air Force and its sister services are becoming more law-conscious in operational terms and are more frequently turning to military lawyers as fellow warfighters. Paralleling this development is the growth of a specific doctrine for the operation of Aerospace Operation Centers (“AOCs”) that orchestrate the air effort in any combat or contingency operation.⁴ After Operation JUST CAUSE,⁵ part of that effort involves standardizing the role of the military lawyer in all of the AOCs’ processes, from intelligence-gathering to

³ Lawrence M. Friedman, *Law in America: A Short History* 3 (Modern Library 2002).

⁴ See, for further discussion on the development of Air Force JAGs in operation, Col. Charles J. Dunlap, Jr., *The Revolution in Military Legal Affairs: Air Force Legal Professionals in 21st Century Conflicts*, 51 AF L Rev 293, 303–07 (2001).

⁵ The US military action in Panama in 1989.

targeting to conduct of combat air flights in the air tasking order (“ATO”).⁶ This increased role developed partially in response to the growing pressure on military leadership and civilian officials to conduct wars according to the strictest of international laws, with a minimum of casualties and damage, both military and civilian. In 1991, Lieutenant General Michael A. Nelson⁷ and Major General David C. Morehouse⁸ signed a letter stating, “We cannot afford to wait for war to bring judge advocates into the operations and planning environment. We need to work together all the time so that we all understand how and why the Law of Armed Conflict (LOAC) must be an essential element of our mission.”⁹

Of course, JAGs today are still not Harm. They do not fly jets and drop bombs when they are not conducting a trial; they do not control a war, but they do actively and aggressively support the wartime commander by providing him with proactive legal support *before* bombs start dropping, *as* operations unfold, and *after* hostilities cease. The latest Air Force doctrine guidance states that “[t]he primary function and responsibility of a judge advocate within the . . . [AOC] is to recommend legally acceptable courses of action to the operational branch of the chain of command.”¹⁰ The JAG’s greatest challenge in doing this job is convincing his or her commanders and fellow airmen that a JAG is not their enemy, but their greatest asset and best advisor.¹¹

I. OVERCOMING STEREOTYPES

A. NO, IT’S NOT ALL LIKE JAG . . . BUT SOME OF IT IS!

Recent episodes of *JAG* have the Navy and Marine JAGs working undercover with the CIA against a drug lord in Paraguay, investigating the disappearance of a nuclear torpedo from a submarine, and commandeering a HUMVEE to locate their boss, the Admiral, after he ejects from a fighter jet.¹² Storylines such as these obviously overdramatize the job of a JAG and leave out

⁶ An ATO is an official order detailing the air mission for each day. The flight of every aircraft flown on each day of a contingency, or operation, begins with an entry on the ATO. For example, the ATO synchronizes phases of a bombing campaign with fighter protection, intelligence “eyes,” tanker support, and command and control (“C2”) coordination.

⁷ At the time, Lieutenant General Nelson, USAF, was the Deputy Chief of Staff for Plans and Operations.

⁸ At the time, Major General Morehouse, USAF, was The Judge Advocate General (“TJAG”).

⁹ Quoted in Air Force Doctrine Document 2-4.5, *Legal Support* i (May 15, 2003) (hereinafter AFDD 2-4.5).

¹⁰ Id at vii.

¹¹ Ironically, the American military is relearning this lesson as well with the media, by integrating reporters instead of alienating them during Operation IRAQI FREEDOM—a technique the military had perfected during the World Wars but forgot in intervening years.

¹² See *JAG Credits & Episode List*, available online at <<http://www.onscreen-credits.com/JAG>> (visited Oct 5, 2003).

the less glamorous aspects. A documentary of what military attorneys really do would show JAGs investigating medical malpractice claims, reviewing multi-million dollar contracts, prosecuting airmen for drug use, defending the Air Force against environmental violations, and helping young families draft their first wills. But these more traditional functions are only part of what JAGs do. What has dramatically changed in a little over a decade is a JAG's increasing involvement in combat operations.¹³ A JAG today participates in a very wide range of activities, including operational planning at headquarters levels and dealing with foreign law enforcement on behalf of his or her service and soldiers when stationed overseas. A JAG does his or her best to keep the military operating legally during war and peace—responsibilities that are similar to many of the underlying stories shown on *JAG*.

B. ARE LAWYERS FRIEND OR FOE?

Seldom does any person run to his or her lawyer with good news. Lawyers mostly interact with clients after something has gone wrong. This can be true in the military as well. JAGs are often called in after an incident, to participate in accident investigation boards or flight evaluation boards, or to deal with disciplinary issues, environmental problems, or legal assistance problems. In terms of combat operations, it is obviously counterproductive to raise legal issues after the fact, but it is almost as counterproductive to raise legal objections at the last moment. The conduct of air operations requires a multitude of individual actions by thousands of troops in often widely separated locations. It is the role of Air Force operations to orchestrate this enormously complex task. Injecting legal friction late in the game only creates inefficiencies that can be lethal on the battlefield. Consequently, JAGs must insert themselves into the process well before the first bomb is loaded. The services recognize that once a catastrophic, albeit unintended, event occurs—for example, the killing of noncombatants or striking of an inappropriate target—the political goals of the use of force are frustrated by incidents that suggest lawlessness, wholly apart from legal and moral aspects. Democratic governments that are sensitive to views of the public simply cannot tolerate, as strategists W. Michael Reisman and Chris T. Antoniou point out, the perception that force has been improperly used.¹⁴

Without proactive involvement, JAGs would be seen as the “enemy” of an operator,¹⁵ because late-breaking legal demands that would override the

¹³ Consider Dunlap, 51 AF L Rev at 293 (cited in note 4) (describing the increased role of JAGs in the revolution in military affairs).

¹⁴ See W. Michael Reisman and Chris T. Antoniou, *The Laws of War* xxiv (Vintage 1994).

¹⁵ The term “operator” often refers to the warfighter—pilots and their crews, information operations personnel, missileers, and others.

operator's hard work do not make for cooperative working conditions. While senior leaders and JAGs understand the interaction of political goals with the law and use of force, junior officers often do not, as they are not privy to the same information. For example, during Operation ALLIED FORCE, intelligence operators spent time and effort to develop time-critical targets—targets that must be hit quickly—for on-call F-15s or F-16s to strike at the earliest opportunity. Often fifty to sixty intelligence operators plus pilots were involved in the effort. But the lawyers in the Combined Air Operations Center (“CAOC”), under processes then in existence, were sometimes among the last people in the targeting loop. When that happened, much frustration resulted as they were obliged to recommend disapproval of a target at such a late stage.¹⁶ If the operators had brought the JAGs into the process earlier, wasted time and effort could have been spared. But for operators, as they are hectically trying to gather intelligence and prepare the target imagery needed, remembering to consult the JAG earlier must be second nature—we are not there yet. The process is not second nature yet, but much progress has been made.

Challenges persist. For example, as the battlefield becomes increasingly flexible, JAGs, senior leadership, and operators continue to work together to figure out how to make warfare more efficient while retaining legal and political oversight in this fast-paced environment.¹⁷ New technology continually allows the American military to compress the “kill chain” or targeting cycle¹⁸ to locate and strike time critical targets, which are highly mobile and hard to find. Normally the targeting cycle stretches over a few days to allow development of the target, obtain the proper approval, and build the best sortie (planes and

¹⁶ Discussions with Captain Jennifer Maceda, former intelligence officer and Missions Operations Commander for the U-2 ground station during Operation ALLIED FORCE. In discussing her experience, she noted that during ALLIED FORCE, the U-2's intelligence gathering capabilities shifted from solely gathering strategic information toward what was then known as time-critical targeting. Once identified, targets that were only briefly “seen,” such as SA-6 launchers, were packaged with targeting information and quickly passed to the AOC. There, targeteers finalized the targets and supporting information to push out to awaiting on-call fighters. At the final stages of this process, once all the intelligence and targeting data was finalized, and often after the fighters had received the target information and began target acquisition, the AOC and its lawyers cancelled some strikes on these “hot” targets over concerns for collateral damage. While these targets were probably rightfully scrapped, doing so at such a late point in the target development and execution process wasted valuable manpower. See also John A. Tirpak, *Kosovo Retrospective*, 83 AF Mag 28 (Apr 2000) (discussing the Kosovo conflict with senior military leadership; note especially F. Whitten Peters and Gen. John P. Jumper's comments about the U-2 intelligence efforts in finding highly mobile targets and “single-digit minute[]” targeting, respectively); see generally Richard J. Newman, *Reachback*, 83 AF Mag 42 (June 2000) (explaining the reachback process and its flexibility in future conflicts).

¹⁷ Adam J. Hebert, *Compressing the Kill Chain*, 86 AF Mag 50 (Mar 2003).

¹⁸ A targeting cycle or “kill chain” is the process by which the commander's goals for an operation translate into what targets to hit and with what aircraft and weapons.

bombs) to attack. But beginning with Operation ALLIED FORCE, Air Force leadership pushed to “strike mobile and emerging targets in fewer than 10 minutes.”¹⁹ In these situations, a relatively junior troop under wartime stress may have the ability to call in overwhelming airpower on the target, which causes concern for military lawyers. With proper LOAC and rules of engagement (“ROE”) training for all forces, however, junior troops are better equipped to make the proper decision. The experiences of more recent operations, the implementation of revised procedures in exercises, and doctrinal changes will help break old stereotypes about lawyers and ensure that the right people are consulted at the right time.

II. INTEGRATING TRADITIONAL OPERATOR FUNCTIONS BEFORE WAR

A. CURRENT STATE

The Air Force recently published a comprehensive doctrine document on legal support to air operations, AFDD 2-4.5.²⁰ This document leads JAGs through the nature of legal support and outlines how to provide that legal support to Air Force operations generally, the AOC, and operational readiness tasks. This new document is the first such doctrine document for Air Force JAGs. It also serves as an aspirational document for JAGs, setting the benchmark for operations’ expectations for them.

The Air Force Judge Advocate General School teaches the basic Judge Advocate Staff Officer Course (“JASOC”) and additional courses on specific subject matters. A significant innovation is the integration of operational law in every phase of a JAG’s training from JASOC to the Staff Judge Advocate course to additional specialized courses. The school teaches an operational law class that focuses mostly on operational and strategic issues, but not specifically on Air Force weapon systems—attorneys must be proactive to learn operational terminology and employment.²¹ In reality, law is often the easiest part of operational law for the JAG to master. In the high-stakes environment of combat operations, a JAG must have credibility with the operator, which comes more easily if the lawyer is a fellow military member and if he or she has a

¹⁹ Hebert, 86 AF Mag at 50 (cited in note 17).

²⁰ AFDD 2-4.5 (cited in note 9).

²¹ The Air Force International and Operations Law division has a guide to Air Force operations posted on its website that all Air Force JAGs may access. This guide provides an overview of the targeting process, command and control, and weapons systems, but cannot be a replacement for a JAG knowing what he or she is talking about with pilots or intelligence operators. See US Air Force, Judge Advocate General’s Department, International and Operations Law Division, *Air Force Operations and the Law—A Guide for Air and Space Forces* (2002) (on file with author).

working fluency in the language of the operator's system. This can be a daunting challenge for a new JAG, especially one assigned to a smaller base without robust flying operations. Not only must a JAG learn weapon systems, but he or she must also learn a new vocabulary related to deploying troops, designing operational missions, and integrating everything into the planning process.

In providing support to the pilots and their commanders, a JAG must be able to apply the law in the context of aircraft and weapon capabilities and limitations.²² A JAG must know the expected damage from all types of weaponry, from cluster bombs to precision-guided munitions. Targeting programs can predict damage patterns and collateral damage on specific targets, but in time-critical situations, targeteers may not have time to run these programs to choose the "best" weapon for the target. The JAGs may need to advise the commander on collateral damage issues based on what weapons an on-call fighter has available and the JAG's own knowledge of the target and its surroundings. Adversaries will try to use the speed of American operations as a propaganda weapon against the Air Force, so a JAG's understanding of weapons systems and weaponeering²³ is crucial to avoid harmful lawfare incidents. International pressure from media and other countries may mount quickly during a conflict under allegations of excessive collateral damage, civilian casualties, and inappropriate targets. These allegations may either be averted by proactive JAGs before the questionable damage occurs or addressed quickly in a post-incident response by a knowledgeable JAG.

Knowledge of weapons systems and the command and control process also lends essential credibility to military attorneys. As with any client, operators do not want their lawyers to simply say no but to offer options on how to reach their goal. If lawyers are well informed about operations and weaponry, they are in the perfect position to offer that advice. The "operator world" of the Air Force is a tight community where an outsider—any non-rated officer or noncommissioned officer—must prove he or she knows the language, understands the problems, and can interact with operators. Unless a JAG either shows great willingness to learn quickly or already has a comprehensive understanding of Air Force operations, his or her essential analysis will often go unheard. The necessity for commanders and all members of the Air Force to trust their JAGs remains high. Military attorneys start off on the right foot by being fellow uniformed members, but they must continue to build trust through understanding Air Force operations and processes.

²² See Lt. Col. Robert A. Coe and Lt. Col. Michael N. Schmitt, *Fighter Ops for Shoe Clerks*, 42 AF L Rev 49 (1997).

²³ Weaponeering is part of the targeting process and involves specifically matching the right weapon system, ordinance, and flight pattern to each target.

Military lawyers are transforming themselves from faceless staff officers immersed in the Byzantine world of legal bureaucracy to equal players standing immediately behind their commanders. General Hal M. Hornburg, now the Commander of Air Combat Command, stated in a speech, "I was in the CAOC during Desert Fox. Who do you think was standing right behind me? It was my JAG."²⁴ Again, the rising importance of JAGs does not reflect a sudden affection for the legal profession but represents what it takes to succeed in today's conflicts. JAGs will still perform a largely advisory role, but that role will start to resemble that of a targeteer—key to operations, with a decisive impact on daily events. JAGs will plan counter-lawfare tactics from the onset of hostilities, not waiting to be "attacked" first by lawfare before raising defensive measures.

B. OTHER COUNTRIES' MILITARY JAGS—HOW DO THEY PLAY?

As American JAGs deploy into the field, they are finding relatively few JAGs from other countries at coalition sites. Operation IRAQI FREEDOM did see two Australian and two British JAGs joining a robust contingent of ten American JAGS in the AOC at Prince Sultan Air Force Base in Saudi Arabia. But that said, few other countries have military JAGs in their operations centers. Instead, most countries look to support from civilian counsel at home. In the absence of lawyers from coalition countries, American JAGs' legal interpretations can carry the day. Problems can arise, however, because many countries are parties to treaties (for example, Protocol I of the Geneva Convention and the Ottawa Convention) that the US has not signed or ratified. Also, other countries may have differing domestic concerns to take into account before using force. American JAGs do their best to work around these issues, but that may not always be possible.

Of course, there are also things American JAGs can learn from their coalition counterparts. Brigadier General Jerry Pitzul, former Judge Advocate General of the Canadian Forces, spoke on May 1, 2001, to the Air Force Judge Advocate General School's Operations Law Course about the Canadian perspective on operational law.²⁵ At the strategic level, Brigadier General Pitzul described, the JAG's staff is "actively involved" in each phase of planning, especially in providing legal reviews of mission mandates, rules of engagement,

²⁴ Gen. Hal M. Hornburg, *Importance of Legal Professionals in Air Force*, Address to Staff Judge Advocate and Law Officer Manager Courses, Maxwell AFB, Alabama (June 27, 2001), available online at <<http://www.aetc.randolph.af.mil/pa/Library/speeches/cc06.htm>> (visited Sept 8, 2003).

²⁵ Brig. Gen. Jerry S.T. Pitzul, *Operational Law and the Legal Professional: A Canadian Perspective*, 51 AF L Rev 311 (2001).

and status of forces agreements.²⁶ At the operational and tactical levels, Canadian legal officers deploy with their forces, usually collocated with the operational commanders. During Operation ALLIED FORCE, two Canadian legal officers deployed to Aviano and Vicenza, Italy. These two lawyers not only worked closely with the coalition during the planning phase but also personally reviewed each target and the actual bombing run plans for each mission, requiring them to understand fully F-18 weapon capabilities. Brigadier General Pitzul relayed that, thanks to the close work of the lawyers with the pilots, the pilots' doubts about the moral and legal justification of their mission disappeared. The pilots also showed extreme discipline following the CAOC Special Instructions ("SPINS"), especially regarding concerns over human shields, as a result of this close interaction.

As it may not be possible or desirable to put an American lawyer in every tactical situation as the Canadians did, the United States instead leverages its JAG force at the operational and strategic levels. The Air Force combines this placement with a yearly training program designed to teach LOAC at the tactical level, putting in place the necessary tools for young airmen and officers to complete their missions within the bounds of international law. Wherever and whenever possible, American military attorneys strive for close interaction with the operational units to augment those units' LOAC training and build trust for the future. Although Brigadier General Pitzul did not address it in his speech, his legal officers probably knew and had worked with the pilots before they left for Italy, and that is a crucial component to developing trust during a contingency operation.

III. HUNKER DOWN WITH THE GAS MASKS. . .

Not many civilians in law school think that one day, just maybe, they will be in full chemical gear, briefing a general officer on the legal aspects of his targeting list or his anticipated assault into a large city. But that is a very possible and real prospect for a JAG during wartime. A commander's lawyer is wherever the commander is, whether that be on board a Navy carrier, at an AOC, or at an Army brigade headquarters. These scenarios are exactly what every military attorney should train for. To perform a JAG's functions well takes the right type of individual, training, and experience.

A. THE RIGHT INDIVIDUAL

Are blue-suiters the right lawyers for the Air Force? Civilian lawyers have always played a vital role in legal oversight and policy for the armed forces. A cadre of civilian lawyers, leveraged in the right way, is necessary to help sustain a

²⁶ Id at 313.

large standing force. However, there is a limit to the ratio of civilian lawyers to JAGs that the Air Force or its sister services can employ efficiently. Military lawyers, by nature of their military upbringing and training, bring essential skills to support their commanders and fellow servicemen and women. The JAG Corps strives to grow the right JAG: through time, multiple assignments, and a constantly changing array of experiences, JAGs learn to interact well with their fellow officers and enlisted members. And while there is no formal secret handshake, operators and commanders instinctively trust a fellow military member.

Military attorneys in specialty areas beyond operational law and military justice more readily gain the confidence and support of military members and families than do their civilian counterparts. While these specialists are not always on the front lines when the war begins, they are part of the whole-force effort. Experience in areas such as military justice, environmental law, contract law, claims, and administrative law in addition to international and operational law helps front-line JAGs advise their commanders. JAGs and civilian lawyers are not interchangeable: JAGs, whether deployed or at their home station, bring a unique perspective that only those wearing the uniform possess. Soldiers instinctively trust their fellow servicemembers in ways that they do not trust civilians, however well-intended, primarily because soldiers know that their comrades-in-arms understand their unique problems and will not lead them astray.

B. THE RIGHT TRAINING

Operating in a high-stress environment such as an AOC can strain any individual, but services train their troops to excel in high-pressure situations. Fighter pilots fly in live-fire exercises such as RED FLAG. All career fields participate in a command and control exercise called BLUE FLAG.²⁷

JAGs participate in many of these exercises, but one uniquely suited to Air Force JAGs is JAG FLAG, held in conjunction with the Air Force Operation Law course at Maxwell Air Force Base. JAG FLAG trains lawyers and their paralegals to deploy and support a commander under the most austere conditions. Legal professionals accustomed to performing their research on cushy internet-based search engines such as Lexis or Westlaw no longer have these services readily available, but they still must provide top-notch, quick legal

²⁷ RED FLAG and BLUE FLAG are just two examples of Air Force exercises. RED FLAG is one of the world's premier exercises, held at Nellis Air Force Base, Las Vegas, Nevada. Utilizing Nellis' bombing ranges, fighter and bomber aircraft, supported by C2 and Intelligence, Surveillance, and Reconnaissance ("ISR") aircraft, hone their warfighting skills. BLUE FLAG, on the other hand, concentrates on higher levels of command by simulating the AOC and putting leadership through its paces in running possible future wars.

analysis to general officers. JAGs support a number of training initiatives along these lines, from including JAGs in the formal training process for a future AOC formal training unit ("FTU")²⁸ to participating in Air Force-developed training programs designed to bring functional specialists who deploy together in a field training exercise to practice their skills before they are needed.

C. THE RIGHT EXPERIENCE

A common problem for all career fields in the military is the necessity of sending young troops into high-stress situations without much real-life experience. This dilemma is true for JAGs as well. The majority of Air Force JAGs enter the service as O-2s, or second lieutenants, and six months later become O-3s, or captains. Their captain officer peers normally have at least four years of Air Force experience (often plus ROTC or USAF Academy time) and perhaps two different assignments by this point. The young JAGs are in a race not only to learn their jobs as military attorneys but also to learn Air Force values, doctrine, and operations. Deploying these same individuals within the first few years of their careers would not be in the best interest of a contingency theater,²⁹ nor would it be in the officers' best interests. In removing these JAGs from the deployable list, finding sufficiently experienced JAGs suddenly gets a bit easier, but the pool from which to select decreases at the same time. The reality, however, is that very young lawyers deploy from time to time, and remarkably, they have performed admirably.

A deploying JAG needs to have not only experience in operational and international law and military justice for when the troops misbehave but also a well-rounded background in other areas to handle the unexpected issues that arise. For example, if a host country alleges that the military damaged its property, the JAG will need to know how to process the claim to the satisfaction of both parties. JAGs cannot rely on the civilian attorney working for the military at state-side bases, as the civilian will not deploy or be available on short notice to handle these types of problems.

Each service has a few JAGs who served in various other career fields before attending law school and crossing into the JAG department. The services support this transition to provide greater operational depth within the JAG department for field commanders. Often these JAGs gravitate toward military justice and operational law naturally, providing the right experience to deploy

²⁸ Although this FTU is still on the drawing board, planners contemplate a six-week program that will not only discuss the AOC process but will include hands-on training on many complex and unique computer and communication systems.

²⁹ An example of a contingency theater is Southwest Asia—an area where American forces are often, but not always, forward deployed from their home stations supporting an ongoing military operation.

when needed. These JAGs come closest to Harm on the popular television show, but only in that they have operational experience prior to law school. Few are pilots, as the services are reluctant to release a pilot from flying duty, and few ever have the opportunity to go back to their former career fields. The exception is the Coast Guard JAGs, who retain their original duty specialty and can alternate assignments between the two career fields.

Finding lawyers with these three traits can be a struggle, but with a robust JAG Corps, the Air Force—and surely its sister services, too—will be able to meet the twenty-first century national security needs of the United States.

IV. CONCLUSION

The life of a real JAG, of course, is not a television program, but it does involve a great deal of excitement and a variety of issues—often dramatically different from the topics and issues seen in a civilian law firm—that continue to spice up a JAG's career. Instead of specialization in a narrow area of the law, JAGs can expand their horizons to encompass a plethora of legal topics. Every military lawyer begins by learning the basics of trial practice. The same skills of legal research, dynamic public speaking, and quick thinking important in civilian lawyering are the backbone of an excellent JAG practicing in *any* realm of military law.

All the services experienced a rush of JAG applicants after September 11, 2001. It is amazing that so many lawyers are willing to sacrifice high-paying law firm jobs to join the military ranks where the pay is less and the job demands the ultimate sacrifice—a willingness to risk one's life to defend and protect the United States. During Operation IRAQI FREEDOM, for example, an Army and Marine JAG were wounded during the conflict. Despite the risks, most JAGs will say that their profession is a rewarding one for all. In fact, notwithstanding the stereotype of a male-centered military, military law does attract women: 26.6 percent of JAGs are women, a higher percentage of women than in the Air Force overall, and the Air Force traditionally has the highest percentage of women of all the services.³⁰

As with any endeavor, there are downsides to being a military attorney and to the ways JAGs operate within the Air Force, but these aspects are only a small part of the bigger picture. This bigger picture instead shows an enormously talented group of individuals rising to the challenge of advising their commanders on operational issues, aiding their fellow airmen and women through a myriad of legal issues, protecting Air Force interests at home and abroad, and acting proactively to meet the threats of lawfare. It may not be

³⁰ JAG numbers are kept by HQ USAF/JAX. See *Air Force Demographics*, Flyer (Langley AFB) 1 (July 11, 2003), for the most recent Air Force percentages (19.6 percent women) (on file with author).

television, and they may not be flying fighter jets, but they are serving their country proudly and doing what they love.