

INTRODUCTION

By Col. William R. Hagan, U.S. Army, Ret.

Nostalgia is a wonderful thing. When Col. Greg Huckabee told me he was gathering papers for a *GPSolo* issue on legal-assistance issues for activated military personnel, my mind immediately wandered. Although he was under the impression I was still listening to him, I was musing about the wonderful time I had a decade ago in Saudi Arabia when I, and perhaps a few others, won the Gulf War. Later, after listening more closely to Greg's passionate pitch for what is now this special issue of *GPSolo*, I reflected more on reality than reverie, and recalled that war is serious business. There is also more to victory than, as the late philosopher-warrior Col. Harry Summers so colorfully put it, "killing people and breaking things."

War has its legal challenges, and many of those don't meet the eye "til you see the whites of their eyes," that is, until the legal assailants are upon you, like the enemy they are. These legal challenges include, of course, such classic military-legal matters as the law of war, military justice on the battlefield, occupation law, and many other compelling issues. Individual legal problems that confronted military personnel before mobilization are not suspended in amber until the victory parade. If anything, they fester and worsen without prompt and reliable legal help.

The purpose of this interesting and useful anthology of articles is to alert practitioners like you to the fascinating legal problems that arise during mobilization and war, and to prepare you to respond competently. In 1990 and 1991, there were burning issues beyond those in the billowing smoke of oil-well fires and destroyed Republican Guard tank hulks. Taxation, family legal matters, jobs left behind, and myriad other legal cares consumed thousands of soldiers, sailors, airmen, and marines; their commanders; and many military lawyers in the combat theater.

This collection of exceptionally helpful articles by such subject-matter experts as Army Col. Mark Sullivan and Navy Capt. Kevin Flood is a tight and timely shot group, not fluff. If I could have stuffed a copy of something as useful as this issue of *GPSolo* into my rucksack when I deployed to Saudi Arabia in September 1990, I—and a good many other military lawyers who looked to me for guidance—might have been better prepared to fight and win legal battles. As I have told

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many since, active- and reserve-component judge advocates of all branches were nearly all ready, willing, and able to do their jobs. At the same time, the operational tempo tired us quickly, and we found it difficult to respond rapidly to the wide range and huge volume of legal-assistance issues. We needed and got the help of many civilian lawyers then; the call now goes out again: “Rally ‘Round the Flag.”

Today, modern telecommunications and other technological innovations can deceive us into thinking that we can solve legal problems with a few keystrokes. In some respects, that is true. Getting the answer is nice, but knowing the answer is better, especially if “getting” requires electrical power that has a way of disappearing along with the weak when the going gets tough. That is how articles such as these will pay dividends when that trusting American soldier, sailor, airman, or marine looks to the deployed judge advocate for help.

Yet, even if you never hear the sound of an enemy's guns, or do not practice out of a tent, you may see many of these issues in your hometown. After all, that is where fighting Americans come from, where their families remain, and where, one day, with God's grace, they will return. Moreover, if lawyers—not only judge advocates—appreciate the importance of assisting those in uniform with the often-overwhelming legal challenges that can ambush the unwary, judge advocates can focus on operational issues that could make the difference in defeating our enemies.

One very important legal aspect of the situation we face is to make certain that caring citizens realize that fighting Americans cannot focus completely on mobilization, training, or combat if legal problems distract them. *GP Solo* has done a great service for those in the Service by publishing this special edition. It is now our duty as lawyers—civilian and military—to help “find, fix, and kill” those legal challenges, so those great 21st century Americans in desert camouflage uniforms can do their jobs and come home to their families alive, well, and victorious—and one day wax nostalgic about how they won, as they will, the war against terrorism.

So, “Let's Roll!”