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THE JUDGE ADVOCATE'S DUAL MISSION IN A  
LOW INTENSITY CONFLICT ENVIRONMENT

CASE STUDY: JOINT TASK FORCE-BRAVO, WHERE  
"CAN I SHOOT THE PRISONERS?" IS NEVER THE QUESTION

A Thesis

Presented to

The Judge Advocate General's School, United States Army

The opinions and conclusions expressed herein are those  
of the author and do not necessarily represent the views  
of either The Judge Advocate General's School, The United  
States Army, or any other governmental agency.

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United States Army

39TH JUDGE ADVOCATE OFFICER GRADUATE COURSE

April 1991

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Abstract

This paper is an analysis of the role of a Judge Advocate (JA) in a Low Intensity Conflict (LIC) environment. It briefly reviews LIC doctrine and the evolution of the current Low Intensity Conflict in Honduras, and then sets out the mission of Joint Task Force-Bravo (JTF-B). With this background, the main body concentrates on the dual mission of a JA in LIC. This mission's two prongs are traditional legal advice in a non-traditional environment and exercise support. Mission goals are formulated through careful, broad-based, pre-deployment research, and carried out through joint efforts with the other staff sections and combined efforts with host nation counterparts. At the

conclusion of the mission, it must be carefully scrutinized, recorded and the reports disseminated for future reference.

Since JTF-B has had a continuing presence in a LIC environment for a substantial period of time, the lessons learned by its CJAs provide the factual basis for the insights and methodologies put forth in this paper.

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## I. PREMISE

Operational Law (OPLAW) is a new concept. It was born of the Grenada experience, and focuses on preparing Judge Advocates to resolve legal issues in an overseas operational environment.<sup>1</sup> As a discipline its seminal year was 1986 when it was defined, a curriculum of study was designed and the Operational Law Hand Book was first published.<sup>2</sup>

Since then the doctrine has continued to develop, focusing on the unique requirements of five distinct deployment scenarios: U.S. forces stationed overseas (under a stationing arrangement); deployment for the conventional combat mission; deployment for security assistance missions; deployment for overseas exercises; and deployment for non-conventional missions.<sup>3</sup> OPLAW doctrine is more settled and complete for legal issues arising out of U.S. forces stationed overseas and deployments for conventional combat missions, and is rapidly developing in the area of security assistance. In these three scenarios, there is a wealth of available primary source materials, and most legal issues have been well documented over a significant



period of time. Their solutions often have been institutionalized in law or regulation.

The doctrine has been less well developed for deployments for overseas exercises, and deployments for non-conventional missions. Although Judge Advocates play key roles in these deployments, the myriad legal issues they face occur and are solved in a field environment. Unfortunately, these solutions often go unrecorded.

This paper will focus on exercise and non-conventional deployment issues arising in Low Intensity Conflict (LIC) environments. LIC presents a unique challenge to the Judge Advocate. As described in Part III below, the phrase "operations against hostile forces" takes on a new meaning in this conflict and the success of Civil Affairs Operations often determines the success of the mission. In LIC, success consists of "achieving U.S. national security objectives that cannot be met with the use of military power alone."<sup>4</sup> The mission is dominated by political, economic and social considerations in a setting where there is no clear distinction between peace and war.<sup>5</sup> The operations are highly visible, and politically

sensitive. They require familiarity with international, U.S. domestic, and host nation law, as well as scrupulous adherence to bilateral and multinational agreements.<sup>6</sup> As will be developed in Part III below, political dominance and legitimacy are two key LIC imperatives. Further, the complexities of the civil-military operations in a LIC environment "require flexible and imaginative adaptations to each situation."<sup>7</sup> Clear vision and the ability to reason logically are the building blocks of adaptability, and the operational lawyer often provides this vision and critical analysis to his commander. In a LIC deployment, the JA will undertake a dual mission. The first prong of this mission is resolving traditional issues in a non-traditional setting. The second prong is exercise support. His success will depend on his ability to establish legitimacy firmly grounded in law, and to supply adaptability based in logical thinking. These are the weapons an operational lawyer brings to the LIC arsenal, and this paper will present a methodology for employing these skills in an Operational Headquarters.

## II. METHODOLOGY

Joint Task Force-Bravo (JTF-B), Honduras will be used as the analytical medium for analyzing the role of a Judge Advocate in a LIC scenario. JTF-B is a logical setting for a number of reasons. (1) The historical development of the LIC scenario in Honduras can be easily traced. (2) Unlike many operational headquarters, JTF-B has had a continuing presence in the same location for a significant period of time. (3) This presence has provided Command Judge Advocates (CJAs) with an opportunity to experiment with various approaches to operational law issues, and record the results. (4) As each Command Judge Advocate built on the experiences of his predecessors, the office took on increased significance and CJA guidance and participation are now considered fundamental prerequisites for mission success at this Headquarter.

The JA's role in LIC will be analyzed in terms of his dual mission and the analysis will focus on the following four factors: typical issues a JA may encounter in a LIC environment; the frame of reference required to resolve these issues; suggested

methodologies for resolving these issues; and the importance of recording, critiquing, and disseminating the results of the actions.

### III. THE CONCEPT OF LOW INTENSITY CONFLICT (LIC)

#### A. DEFINITION

The term "Low Intensity Conflict," like the words "war" and "peace," covers a broad spectrum of activities. Put simply, LIC describes confrontations that are more than peaceful competitions between nations or interest groups in a single nation, but less than conventional warfare.<sup>8</sup>

Although not easily defined, most conflicts of this nature are driven by the same dynamics and bear a common hallmark. The dynamics are change, discontent, poverty, violence, and instability. The hallmark is the presence of a group or groups that attempt to manipulate these dynamics to their political advantage.<sup>9</sup>

A primary strategy used by the United States to assist an ally involved in this type of conflict is Foreign Internal Defense (FID). FID describes the actions undertaken by U.S. forces to help allies, normally in the Third World, help themselves become strong enough to withstand attacks on their legitimacy from without and within.<sup>10</sup> This is an unfamiliar

mission to many military commanders. "The uniqueness of Low Intensity Conflict, especially looking at it from a military person's point of view, is that strategies and solutions must address root causes."<sup>11</sup> These causes are rooted in the public's mistrust of its own government. For this reason, U.S. forces must play a supporting, not dominant, role in these conflicts.

In January 1987, President Reagan underscored the key role of indirect support in LIC scenarios:

The fundamental tenet of U.S. strategy for dealing with Low Intensity Conflict directed against our friends and allies is that military institutions in threatened states must become able to provide security for their citizens and governments. U.S. Low Intensity Conflict policy, therefore, recognizes that indirect, rather than direct, applications of U.S. military power are the most appropriate and cost effective ways to achieve national security goals.<sup>12</sup>

## B. LIC IMPERATIVES

Classic battlefield strategy focuses on the direct application of force in a combat situation. Such factors as superior combat power, direct confrontation and speed are the doctrinal imperatives for success.<sup>13</sup> These imperatives often are unsuited and inimical to LIC objectives.<sup>14</sup>

Indeed, this "conflict short of war" is dominated by political, economic, or social considerations which may place conflicting demands on the application of military power and resources. These considerations require a reorientation of military thought based on the following imperatives for success: political dominance, unity of effort, adaptability, legitimacy, and patience.<sup>15</sup>

These five imperatives push the role of the JA to the forefront in LIC operations.<sup>16</sup> Where political legitimacy and stability are the goals, the prerequisites for success are knowledge of international, domestic, and host country law, and an understanding of multi-national and bilateral agreements.<sup>17</sup> Where military leaders must integrate

their efforts with other governmental agencies, the limits and prohibitions on these joint actions must be defined up front. Where adaptability means skill and ability to modify existing structures, understanding of those structures is key. Finally, where patience means careful, informed analysis and guiding a commander to reject short-term triumph in favor of long-term success, the ability to reason logically and offer practical alternatives can be the difference between mission success and political embarrassment.<sup>18</sup>

### C. OPERATIONAL CATEGORIES

These imperatives are applied in four categories of LIC operations: insurgency and counterinsurgency, combatting terrorism, peacetime contingency operations, and peacekeeping operations.<sup>19</sup> Peacekeeping operations are beyond the scope of this work and will not be discussed.

#### 1. Insurgency/Counterinsurgency

Insurgency is an organized movement aimed at the overthrow of a constituted government through the use of subversion and armed conflict. Counterinsurgency consists of those military, paramilitary, political,



economic, psychological and civic actions taken by the government to defeat subversive insurgency.<sup>20</sup>

Counterinsurgencies are the most common type of LIC operations.<sup>21</sup> They are also the most delicate. Insurgencies begin as protests against social ills. Insurgents style themselves as the voice of the people, crying out to right these injustices. Their causes gain strength and adherents when the grievances are critical (poverty, religious freedom, repression, and political corruption) and the people believe that the government is either unwilling or unable to correct the situation.<sup>22</sup> Here the government retains legitimacy only if it can act for the good of its people. The insurgents have the advantage. They do not have to propose nor carry out programs to relieve these often deeply rooted social problems. They need only point them out and focus their efforts on reminding the population of its misery.

Counterinsurgency is "more a political and psychological struggle than a military contest. It is a battle to 'win the hearts and minds of the people.'"<sup>23</sup> Third World governments often lack the finances, expertise, and personnel to right socio-

economic wrongs and, in the past, the United States has had a tendency to step in and try to correct the situation, often with limited success. The LIC goals for counterinsurgency operations are to train the legitimate government forces and assist them in their struggle to solve these problems. It is the indigenous government, military, and civil leaders who must be seen creating a new order, who must gain the trust of their people, and who must overcome the insurgent violence.<sup>24</sup> This is the concept of "Nation Building." The U.S. military works towards this goal through joint and combined exercises, security assistance, directed psychological operations, civil affairs, and humanitarian and civic assistance programs. The key to success is working through the administrative structures of the host government, scrupulously adhering to agreements and host nation laws, and appearing only in a supporting role to the host nation's lead.

## 2. Combatting Terrorism

Terrorism is the tool of the insurgent. It undermines the legitimacy of the established government through the use of threat, force, and violence.<sup>25</sup> By

striking U.S. military targets, the insurgents are able to show that not only is the government vulnerable to attack, but that it is unable to protect visiting forces in the country. Combatting terrorism in a LIC environment includes cooperation with host nation law enforcement, clearly defined Force Protection Standard Operating Procedures (SOPs), widely circulated Peacetime Rules of Engagement (ROEs), a Crisis Action SOP for responding to terrorist attacks, and follow-up investigation and punishment of the terrorists by the host nation authorities.

### 3. Peacetime Contingency Operations

These are short-term, rapidly mobilized, force deployments focused on a specific problem in crisis situations short of war.<sup>26</sup> They include disaster relief; some drug interdiction activities; protection of U.S. nationals; shows of force; air, land, and sea operations; and search and rescue missions.<sup>27</sup> These operations are politically sensitive and often directed from the National Command Authority.

#### D. GOALS

In conclusion, LIC situations are characterized by the interactions of three distinct groups: host nation forces, U.S. forces, and insurgent forces. Host nation forces struggle toward unity, cohesion, and internal defense and development (IDAD). U.S. forces provide indirect political, military, economic, and training support to further the security objectives of both nations, and bolster the legitimacy of the government in power. Insurgent forces style themselves as the voice of the people crying out against social maladies. Their attack is focused on winning popular support by pointing out the apathy, corruption, and impotence of the government. Their chief weapon is psychological indoctrination, which may include terrorist acts. The U.S. supported national government and the insurgents compete for legitimacy in the minds of the people. The supporting role of U.S. forces in this struggle for political dominance requires reliance on scrupulously drafted agreements, development of expeditious dispute resolution procedures, restrictions on direct intervention, establishment of joint and combined security forces, and unwavering adherence to the

governing law, in all joint, combined, and separate exercises in the host country. The underlying mission in all LIC deployments is to enhance the legitimacy of the host government.

In order to accomplish this mission, a commander must keep legal considerations at the center of mission planning and execution. He can only strengthen the legitimacy of the host national government by acceding to the ruling law. Any failure or perceived failure to do so undermines the mission and provides the insurgents with the advantage.<sup>28</sup>

#### IV. THE EVOLUTION OF THE LIC SCENARIO IN HONDURAS

##### A. FREEZE FRAME 1990

Honduras is the second largest country on the Central American isthmus. It covers approximately 43,000 square miles, which is roughly the size of Louisiana, and has a population of 5,103,772 with a 3.1% growth rate. Ninety percent of this population is Mestizo, a blend of Blacks, Spanish, and Indians. The inhabitants have a life expectancy of 63 years and an illiteracy rate of 60%. In all of Latin America only Haiti and Bolivia provide their people a lower average income level.<sup>29</sup> The Honduran economy is principally based on agricultural production of export crops of coffee and bananas. Industry supplies a small part of the economy, with most factories operating at 60% capacity. The fledgling industries suffer from insufficient investment, a shortage of foreign exchange, and lack of demand for their products.<sup>30</sup>

##### 1. Politics

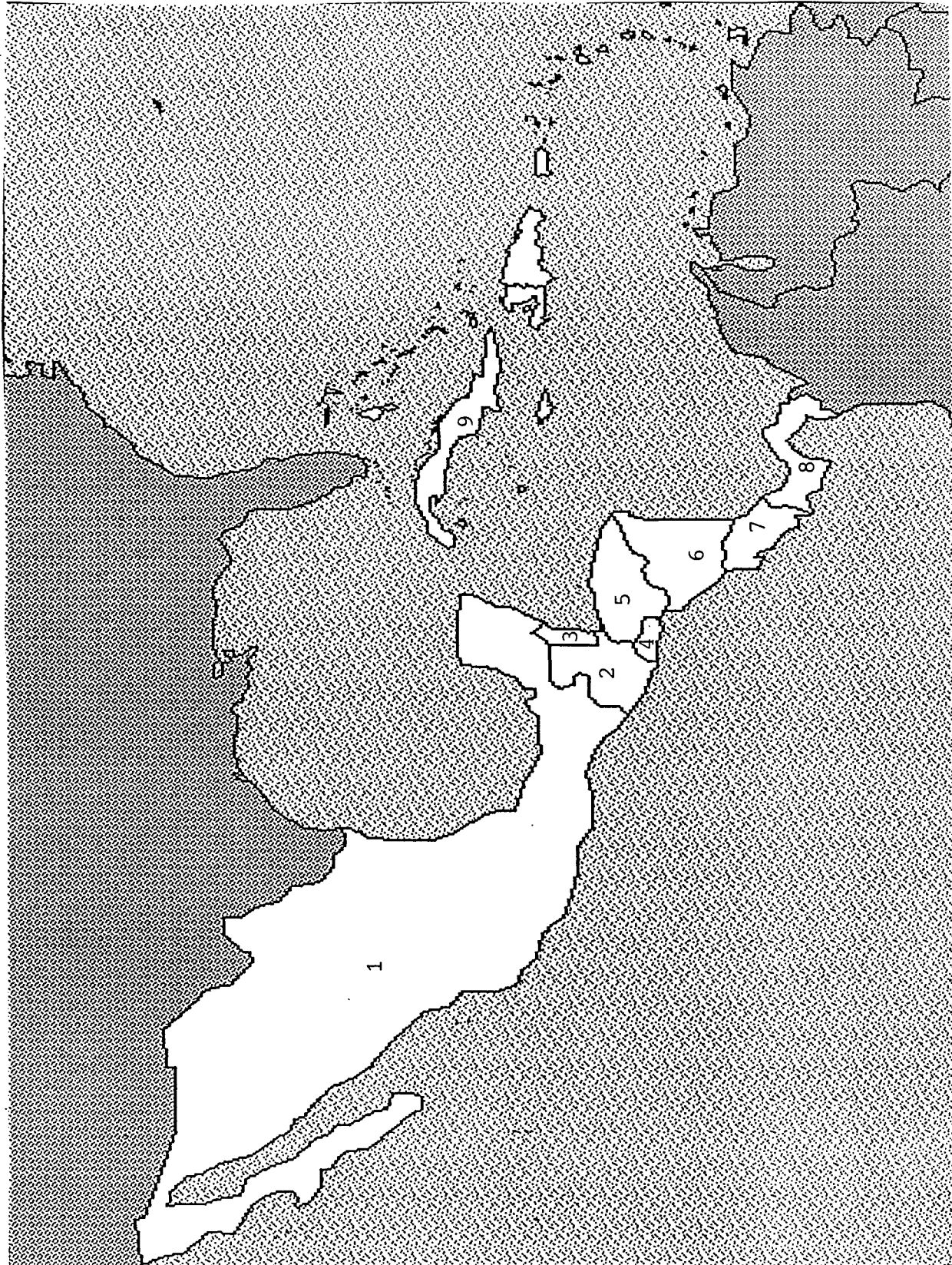
Spain ruled Honduras from the sixteenth century until independence in 1821. Between 1821 and 1981, Honduras was a swirling chaos of military juntas,

coups, reforms, republics, and revolutions. The last military rule officially ended in 1980. In 1981, a free general election brought Dr. Suazo Cordoba to the presidency,<sup>31</sup> and there have been three peaceful transfers of power, by general election, since then. The key to understanding this newborn stability lies in the dynamism and commitment of the Honduran military. In 1981, the ruling military junta voluntarily divested itself of power to allow a free election. The story of modern Honduras is the continuous giving over of power from the military to the civilian government and the military acting as guardian of the state.<sup>32</sup>

## 2. Geopolitics

Honduras is located in the middle of the Central American isthmus. It is the sole Central American country to share borders with three of the four other original republics. (See Figure I.) It borders Guatemala on the west, El Salvador on the southwest, and Nicaragua on the southeast. To the north it borders the Caribbean, where three of its major ports are located. It has one strategic port city on the Pacific which sits between the El Salvadoran and Nicaraguan borders. Because of its central location,

CENTRAL AMERICA



- 1 Mexico
- 2 Guatemala
- 3 Belize
- 4 El Salvador
- 5 Honduras
- 6 Nicaragua
- 7 Costa Rica
- 8 Panama
- 9 Cuba

Figure I



Honduras "has traditionally served as a base for revolutionaries and counterrevolutionaries--thus the United States used it as a staging area to overthrow the Guatemalan government in 1954 and to 'destabilize' the Nicaraguan government in the early eighties."<sup>33</sup>

### 3. Conclusion

Honduras today faces dire poverty, illiteracy, and unemployment, and their accoutrements--disease, suspicion, internal corruption, and foreign exploitation and insurgency. The government is faced with the burden of creating an administrative apparatus for correcting these problems while ministering to the basic needs of its people, while over its shoulder looms the disasters of economic crisis, public discontent, and political chaos.

## B. THE EVOLUTION OF U.S. INTERVENTION

### IN HONDURAS

#### 1. 1780-1890

##### U.S. Protectionism and Adventurers

The founding fathers of the United States believed they would spread their revolution and republican form of government south throughout Mexico and Central America. Jefferson believed this was the Manifest Destiny of the United States and took a giant step in this direction by purchasing Louisiana.<sup>34</sup> The first landmark proclamation in this vein was the Monroe Doctrine, issued as a warning to the European powers not to meddle in the internal affairs of the Western Hemisphere.<sup>35</sup> In 1848, President Polk put U.S. economic and military might behind these words, forcing Britain to relinquish territory it seized in Nicaragua. The United States then signed bilateral treaties with both Honduras and Nicaragua as a signal to the British Empire that it was unwelcome in the West.<sup>36</sup> The period 1850-1880 saw the migration of U.S. adventurers eager for power and excitement to Central America. The most famous of these was William Walker, who, for a time, actually ruled Nicaragua. Nevertheless, national

attention was fixed on the Civil War and the next major moves in Latin America did not occur until the 1890s.<sup>37</sup>

## 2. 1890-1950

### Annexation by Trade

In the 1890s, the U.S. government undertook a course of trade expansion in Latin America. The government sought peace in order to attain profitable markets for U.S. manufacturers. This expansionism in Honduras evolved into annexation by trade. Between 1890 and 1920, three major U.S. banana companies moved in and established economic dominance of the northern coast of Honduras. "These banana companies bought up lands, built railroads, established banks, and bribed government officials at a dizzying pace. The northern coast became a foreign controlled enclave that systematically swung the whole of Honduras into a one-crop economy whose wealth was carried off to New Orleans, New York, and Boston."<sup>38</sup> By 1913, two-thirds of the country's exports were controlled by the plantations. By 1914, they controlled nearly one million acres of farmland and the entire railroad system in Honduras. Thus between 1890 and 1950 the Era

of Neo-dependency had begun in Honduras. The economic development of that country became tied to a single cash crop, whose market strength was dependent on the interest of the United States, its largest customer.<sup>39</sup> This increased trade was not restricted solely to Honduras, but was the hallmark of U.S. foreign policy in the region. Growing U.S. economic power brought closer political ties with Latin America, culminating in the multilateral Inter-American Treaty of Reciprocal Assistance (Rio Treaty) of 1947 and the Organization of American States, chartered in 1948.<sup>40</sup>

### 3. 1951-1963

#### Creating the New Military

In the post-World War II era of the Red Scare, U.S. policy in Latin America took a dramatic turn toward direct intervention. The U.S. military designed a plan to train Latin American armed forces, under U.S. tutelage, in order to prevent Communist inroads into the region. To this end, Congress passed the Mutual Security Act in 1951.<sup>41</sup> In 1955, Honduras signed a Military Defense Agreement with the United States in accordance with this act, and by 1964, 810 Honduran officers had been trained at the U.S. School of the

Americas in Panama.<sup>42</sup> As a result of this training, the military became the most organized, cohesive, and powerful organization in Honduras, and easily staged a coup in 1963, overthrowing the ineffectual civilian government. However, a collateral result of this training was to ingrain in the military a spirit of loyalty to their country, and a sense of duty to the people. U.S. training had exposed them to the republican ideal and many sought to pursue this goal. This leadership could organize and manage its assets, and applied these skills to building the republic. Military rule ended in Honduras with the armed forces peacefully returning power to the civil leadership. In 1981, free general elections were held. These elections brought Dr. Suazo Cordoba to the presidency.<sup>43</sup>

#### 4. 1960-1975

##### The Sinking Economy

In addition to training the force, the Kennedy administration sought to prime the economies of the Latin American nations through private investments by U.S. banks. This program was known as the Alliance for Progress. Its basic tenet was U.S. investment in

return for matching national investment and social reforms. The administration of this program was poorly conceived and quickly became fraught with corruption so that by 1975, Honduras was in debt to the "Alliance investors" for 135 million dollars, with a continuing downward trend in economic growth and spiraling unemployment.<sup>44</sup>

## 5. 1980-1989

### The United States in Central America and the Insurgent Reaction

#### a. Increased U.S. Involvement

It was against this backdrop of increased military dominance and a plummeting economy that Honduras took on key geopolitical significance for the United States. As was stated above, the United States feared that its national security interests would be threatened by Communist incursions into Latin America.

These fears darkened with the 1979 overthrow of the Somoza government in Nicaragua. Somoza had been a staunch ally of the United States, while the new Sandinista regime flaunted ties to Havana and openly criticized U.S. intervention in El Salvador. The

United States' strong belief that the Sandinista government was the mechanism by which the Communist forces would spread their influence throughout Central America, and particularly into El Salvador caused it to focus on Honduras as the staging area for its counterrevolutionary campaign.<sup>45</sup>

In 1981, President Reagan approved a CIA plan for destabilizing the Nicaraguan government and a military plan to reinforce the Honduran forces. The CIA's objective was to "build popular support in Central America and Nicaragua for an opposition front."<sup>46</sup> The plan called for initial funding of 19 million dollars for the creation of a 500-man force to conduct paramilitary activities. That force, the Contras, was to be based in Honduras and was to be employed against the "Cuban-Sandinista supported infrastructure in Nicaragua and elsewhere in Central America."<sup>47</sup>

In support of Reagan's view of Honduras as "the keystone of the American presence in the Marxist threatened region,"<sup>48</sup> the United States began to pour military and economic aid into the area. Military Assistance Program funds for Honduras grew from \$0.23 million in Fiscal Year (FY) 76 to a high water mark of

\$76.5 million in 1984. Between FY 85 and 90 the figure has fluctuated between 20 and 60 million.<sup>49</sup> In addition to economic support, U.S. military presence also began to grow. In 1983, the Honduran government requested a more visible U.S. military presence in country.<sup>50</sup> The United States responded with joint training exercises and deployments for training which grew to a total of 19,424 U.S. personnel trained in Honduras in 1989.<sup>51</sup>

b. The Insurgent Reaction

The 1980s saw the growth and consolidation of three major insurgent groups within Honduras: the Cinchoneros Popular Liberation Movement, the Lorenzo Zelaya Popular Revolutionary Forces, and the Patriotic Morizanista Liberation Front. Since 1982, these groups have had a history of violent attacks on Honduran leaders and U.S. forces in country.<sup>52</sup>

The Cinchoneros were formed in 1980 as the armed wing of the Peoples Revolutionary Union, a splinter group of the Communist Party. Their strongest support bases are in the capital, Tegucigalpa, and in San Pedro Sula, Honduras' two largest cities. Their goals are the overthrow of the Honduran government and ridding



the country of "U.S. imperialism." They have been involved in a number of kidnappings and hostage takings, and claimed credit for the 1988 bombing of U.S. military personnel in San Pedro Sula.<sup>53</sup>

Lorenzo Zelaya was formed in 1978 and is a violent anti-U.S. terrorist organization. Its spokesmen have publicly stated that its members received training in Cuba and Nicaragua. Its immediate goal is to revive the Honduran guerrilla movement crushed in 1983. It has broad-based support throughout the rural and often isolated provinces of northern and central Honduras, as well as in Tegucigalpa and San Pedro Sula. It has conducted automatic weapons attacks on the U.S. Embassy and a U.S. mobile training team in country. It has also taken credit for a number of bombings in Tegucigalpa.<sup>54</sup>

The Patriotic Morizanista Liberation Front is named for Honduras' foremost hero, Morizan. Its origins are still unclear but its methods and goals are the same as those of its contemporaries. It has claimed credit for the 1990 bombing of a busload of U.S. Air Force personnel outside of Tegucigalpa.<sup>55</sup>

All three groups use propaganda and terrorist acts as their principal weapons to destabilize the government and discredit the United States.

### C. CONCLUSION

Honduras is currently undergoing a Phase 1 insurgency.<sup>56</sup> It is in a state of economic decline and tenuous political stability. The insurgent forces in its neighboring countries and the U.S. efforts to quash these forces using Honduras as a staging area have supplied the Honduran insurgents with valuable propaganda to fuel popular discontent against the government. All U.S. forces currently training in Honduras have the collateral mission of enhancing the legitimacy of the elected government and refuting the insurgents' anti-American rhetoric. The dynamics of instability in Honduras are those common in LIC scenarios: economic depression, strong military, a government without the means to provide for its people, and popular discontent.

A JA deploying into a LIC scenario must understand the interaction of these factors in the host nation. He also must be aware of the perceived role the U.S.

government has played in creating the situation.

Failure to understand these dynamics will undermine his abilities as advisor and negotiator.

## V. JOINT TASK FORCE-BRAVO: MISSIONS AND FUNCTIONS

### A. HISTORICAL ORIGINS

In 1982, Suazo Cordova was inaugurated President of Honduras, ending almost a decade of military rule. He assumed stewardship of a country that was deep in debt and attempting to industrialize. In this already weakened state, Honduras was forced to accommodate growing numbers of El Salvadoran, Nicaraguan and Guatemalan refugees. At the same time it became a base for counterrevolutionary forces to strike at Nicaragua. These responsibilities further retarded national growth and increased the strength and violence of the Honduran insurgent movements.<sup>57</sup> The violent changes taking place in El Salvador and Nicaragua also caused the United States to focus on Honduras as the staging area for implementing its security policy in the region.<sup>58</sup>

For these reasons, the regional policy interests of the two nations merged in the 1980s as both nations sought to "stabilize and correct the serious economic deterioration, and to stimulate multilateral cooperation among democratic states in order to promote collective security."<sup>59</sup> As a result of these joint

objectives, the United States increased the number and size of its military exercises in Honduras. In 1982, the United States funded the renovation of Palmerola Airbase (later renamed Soto Cano) in Comayagua. In February 1983, the first in the series of Big Pine (Ahuas Tara) exercises began in Honduras. These exercises would improve ports and build forward landing strips for contingency missions. In the same year, the Honduran government requested that the United States maintain a visible presence in Honduras. In response to this request and in order to coordinate the growing number of exercises in the region, Joint Task Force-Bravo (JTF-B) was established in 1984 at Soto Cano Airbase.

#### B. ORGANIZATION

JTF-B is a sub-element of the United States Southern Command (SOUTHCOM) headquartered in Panama.<sup>60</sup> Nevertheless, Soto Cano remains a Honduran airbase. It is the site of the Honduran Air Academy and JTF-B is a tenant on a portion of this base. The task force is composed of 1,200 U.S. military personnel from the Army, Navy, Marines, and Air Force, and is divided into

four major sub-elements: the Army Forces Element, the Air Force Forces Element, the Medical Element, and the Civilian Base Operations Contractor (see Figure II). Co-located with JTF-B on Soto Cano, and subject to its operational control, is a separate Military Intelligence Low Intensity (MI/LI) Battalion, whose commander serves the added duty as the J-2 for JTF-B.<sup>61</sup>

#### C. MISSION

The military personnel stationed at JTF-B are not trainers or advisors to the Honduran Armed Forces, nor are there any U.S. combat troops permanently stationed at Soto Cano. As stated in the 1990 JTF-B Mission Briefing,

JTF-Bravo's Mission is threefold: training, contingency planning and support, and nation building. Our missions are intertwined. As we conduct training, we support our contingency operations. Additionally, all units deploying for training complete a military civic action project which is part of our nation building mission.<sup>62</sup>

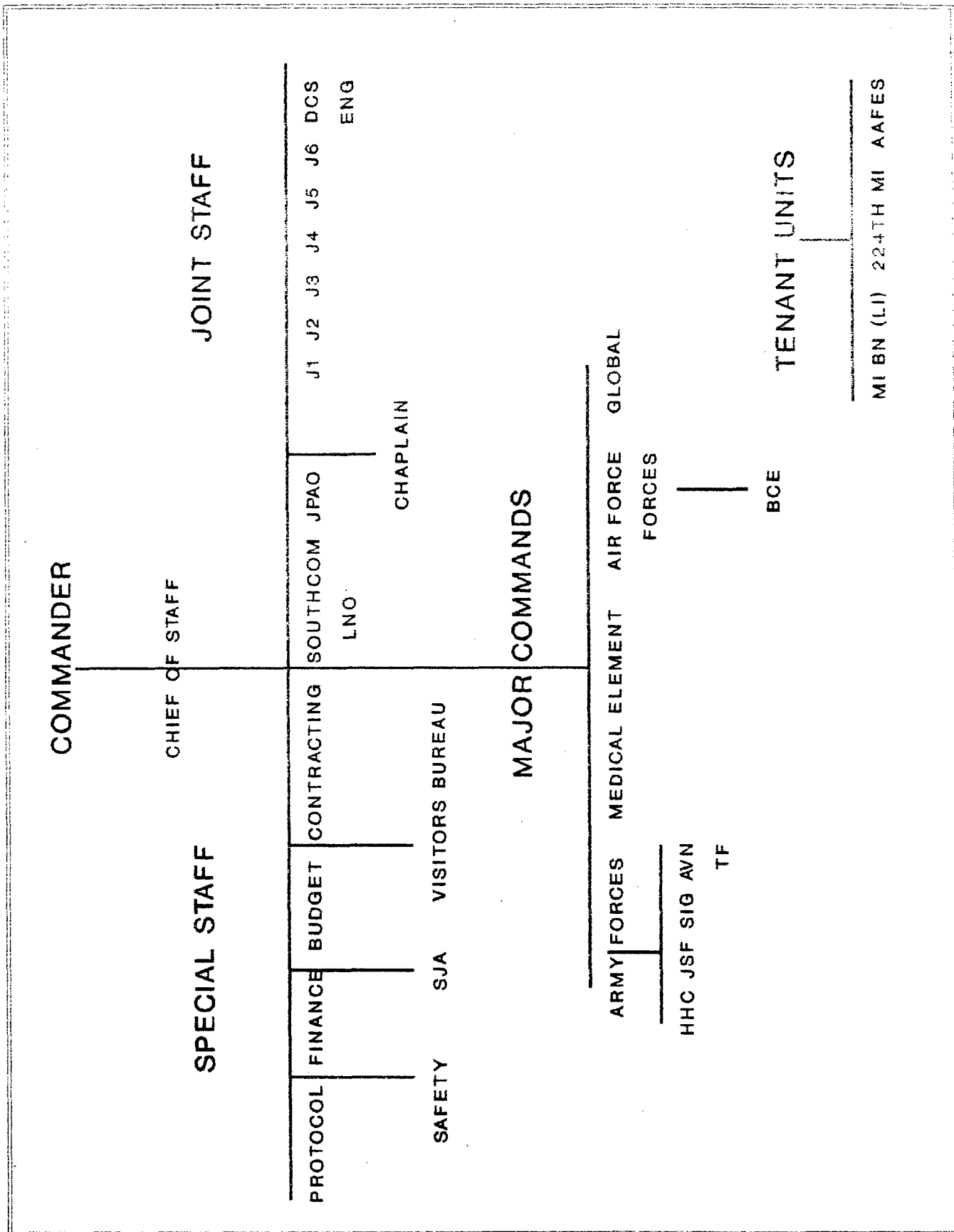


Figure II

JTF-B's Missions are designed around the Mission Essential Task List (METL) received from the Commander-In-Chief, SOUTHCOM (Appendix A-1). The most important of these is "force protection" for the 20,000 service personnel that deploy throughout Honduras during the year.<sup>63</sup>

#### D. TRAINING

The Commander of JTF-B, a colonel, exercises operational control over all military personnel, regardless of branch, who participate in exercises in Honduras.<sup>64</sup> His joint staff must assist these forces with logistics, communication, aviation, procurement, and finance support, and must provide medical, legal, and budget assistance. The joint staff is responsible for developing and overseeing force protection plans and performing liaison duties between the deploying forces and the Honduran civil and military officials.

Four types of training are carried out simultaneously each year in Honduras: Deployments for Training (DFTs), Joint Chiefs of Staff (JCS) exercises, training of JTF-B personnel, and combined Honduran/U.S. training.



### 1. Deployments for Training (DFTs)

JTF-B has the largest DFT program in DOD. In 1989, 65 DFTs were conducted in Honduras. This represents some 5,010 personnel. DFTs can vary in size from one or two specialized technicians to task forces with over 1,000 servicemembers. They are sent by all branches of the service, including the Reserves and National Guard. The bulk of these DFTs are for engineer or medical related training, but they also include support, tactical and logistics operations, including Reserve Judge Advocates from the 4th JAG Detachment.<sup>65</sup>

### 2. Joint Chiefs of Staff (JCS) Exercises

There are currently five JCS exercises that take place annually in Honduras. They require extensive prior coordination and planning. These exercises are normally linked to the primary U.S. national security objectives in this region, such as contingency planning, nation building, and combined U.S./Honduran interoperability training.<sup>66</sup> Each exercise also has its separate objectives and unique composition of forces. "Ahuas Tara" is an active duty engineer exercise concentrating on building and repairing

forward landing strips and performing port renovation for contingency actions. "Fuertes Caminos," to date, has been a National Guard road building exercise, to assist in nation building by linking the agrarian Aguan Valley with the city markets. "Cabañas" is a Special Operations Exercise composed of units from all four U.S. Services training in tandem with the Honduran forces to facilitate combined actions. "Kings Guard" I and II and "Lempera" are small Marine and Navy deployments performing interoperability training with their Honduran counterparts.<sup>67</sup>

### 3. Training JTF-B Personnel

There are approximately 1,200 armed forces personnel stationed at JTF-B. The majority of these are Army and Air Force. The Army personnel are generally assigned for a six-month (179-day) period and the Air Force personnel for four months. Through providing support for all military deployments to Honduras and carrying out the essential tasks for supporting JTF-B's continuing presence, these personnel train by performing their military specialities in an austere, tropical LIC environment.<sup>68</sup>

#### 4. Combined Training

As stated above, "Cabañas," "Ahuas Tara," "Kings Guard," and "Lempera" are JCS combined training exercises. Many medical readiness training exercises (MEDRETES) and other DFTs are also combined training exercises. All Military Civic Action programs, as discussed below, are combined efforts. Finally, the planning and preparation for all exercises normally involve U.S. military and Honduran civil/military leaders.<sup>69</sup>

#### E. CONTINGENCY SUPPORT

Although the majority of its work is with disaster relief, JTF-B has ten U.S. Army Southern Command (SOUTHCOM) directed contingency missions.<sup>70</sup> In the area of disaster relief, JTF-B is frequently called upon by the Honduran government or the U.S. embassy to perform support missions during floods, plane crashes, and epidemics.

#### F. NATION BUILDING

JTF-B's final, and ultimate, mission is nation building--helping a friendly government develop the

infrastructure necessary to survive. This mission embodies the uniqueness of LIC--designing strategies and solutions that attack the root causes of the insurgency.<sup>71</sup> As stated by a former Commander of JTF-B,

LIC, more than any other type of conflict, requires political, economic, and social solutions. The military is only about ten percent of the effort--albeit the most visible; however, in most cases when we resort to direct military action the conflict is lost. The best use of the military in these types of conflicts is in a preventive role to increase the legitimacy of the host nation.<sup>72</sup>

Here, JTF-B is the key to success for U.S. security objectives in Central America. Honduras is currently undergoing a Phase I insurgency and JTF-B is the laboratory for designing and carrying out successful LIC strategies that will help the government help itself.<sup>73</sup> These strategies are the prototypes for future successes in other LIC environments. In this way, JTF-B is more than an ad hoc operational

headquarters created to oversee a burgeoning number of U.S. military exercises. It is at the forefront of the Honduran government's battle to win the hearts and minds of its people. Equally important, through these actions JTF-B carries out the U.S. strategic security objective of establishing a strong democratic state in Central America.<sup>74</sup> Further, lessons learned here can be consolidated into an exportable product adaptable to other LIC scenarios.

Military Civic Action is a fundamental nation building tool. The insurgents in Honduras build their case on the fact that the Honduran government often can not carry out its basic civic responsibilities. The roads are poor or nonexistent, and, thus, cannot facilitate commerce within the country. Further, they leave the "campesinos" (peasant farmers) isolated, which fosters unemployment, poverty, illiteracy, and disease. There are insufficient hospitals and schools to correct this situation and the people are not taught hygiene.<sup>75</sup> The fledgling government lacks the funds and experience to build roads in this very mountainous country and eradicate these other social ills.

The U.S. response was to create a Military Civic Action Program with the United States playing a supporting role to Honduran military and civil officials. In 1989, JTF-B had the largest Military Civic Action Program in the Department of Defense with a budget of 1.4 million dollars.<sup>76</sup> The civic action projects were small and people-oriented. The Honduran military were clearly visible at the forefront of all projects, with the U.S. military playing a supporting role. Volunteers from the benefited communities also participated in the project. This combined effort was accomplished through adherence to the 1/3 rule of civic action.<sup>77</sup>

Stated simply, the 1/3 rule means all civic action projects--wells, schools, and hospitals--will be carried out by 1/3 Honduran military, 1/3 local populace, and 1/3 United States military. Similar guidance is set out for medical civic assistance. JTF-B does not provide "Gringo" charity to Honduras. JTF-B helps with technical information and material, so that the Honduran government can build a nation for its people.<sup>78</sup>

#### G. CONCLUSION

JTF-B is the command and control element for all U.S. forces in Honduras. In this role it is the keystone to U.S. security objectives in the region. Through its three-part mission--training, contingency planning, and nation building--it is formulating the strategy to succeed not only in the conflict in Honduras but also in other such conflicts around the world. The missions it undertakes are new and require intensive legal coordination to insure compliance with law and regulation. Joint and Combined training, civic assistance, and the continuing presence of this force in Honduras create a large and diverse source of legal issues that will, to some degree, be common to most LIC deployments.

VI. LOGIC AND LEGITIMACY: THE WEAPONS A JUDGE  
ADVOCATE BRINGS TO THE LIC ARSENAL

A. THE JTF-B COMMAND JUDGE ADVOCATE'S  
RESPONSIBILITIES: A SELF-DEFINING ROLE

1. Predeployment Preparation

For any JA deploying into a LIC environment thorough, broad-based research is key. Most LIC deployments are for field training and a JA will have few research opportunities after arrival. The preparation sequence outlined below can be modified to fit most of these deployment scenarios. What is essential to remember is that learning the law is only part of the necessary preparations. The weapons a JA brings to a LIC, as will be developed throughout the remainder of this paper, are logic and the legitimacy of law. To use these weapons skillfully the JA in addition to knowing the law, must understand the host country and its government's objectives, the U.S. national security objectives, and the individual mission's goal.



Each Judge Advocate (JA) who has held the position of Command Judge Advocate (CJA) at JTF-B has seen his responsibilities in a slightly different manner. This is due in part to the evolution of the mission, the six-month rotation of CJAs and other staff members, and regional events.

The Legal Annex to the JTF-B Letter of Instruction (LOI) addresses the mission in very broad terms. It establishes the CJA's duty to coordinate with US SOUTHCOM and the US Army South (USARSO) SJA in providing legal services for all service members deployed to Honduras.<sup>79</sup> It then lists generic policies and procedures for five major areas of the law: military justice, legal assistance, claims, international law, and operational law (Appendix A-2), thereby allowing each CJA to develop his own priorities and goals for the tour.

A CJA's specific responsibilities are discovered through his research and investigation prior to deployment and early in his tour, crafted through its duration, and finally briefed to his successor for the next iteration. The information necessary to define these responsibilities is found in regional studies,

histories, U.S. objectives, JTF-B SOPs, the command philosophy, and current events and their effect on the mission.

Careful preparation is essential. There is no learning curve; normal overlap is seven days between CJAs. It is a one-man office, and the mission is dynamic.

During predeployment the deploying CJA gathers all the information available from local specialists, reads the international agreements and other significant documents, and carefully sorts the personal and professional items for deployment. Appendix A-3 contains the standard preparation guidance.

## 2. Upon Arrival

The essential materials to review upon arrival are the following: the CJA mission briefing, which lists the common issues and taskings under each legal category found in the LOI, and the Missions and Functions Book, beginning with the Legal Appendix (Appendix A-4) for an overview. Also, the External SOP and Site Survey Brief will provide an outline of the JA's relationship with the deploying units.

Finally, a review of old Officer Efficiency Report (OER) Support Forms, particularly job descriptions, gives a perspective of the relative importance of the varying duties. With the above information, the bulk of free time during transition is given to reading the files. Familiarization with their arrangement and with topics and issues that are unfamiliar is essential.

As important as a review of the literature is an understanding of the command climate. In addition to the initial briefing from the JTF-B Commander and Chief of Staff, the Executive Officer who is the commander's private secretary, and the other staff section chiefs, provide valuable insights into operations. At a minimum, a CJA should get briefings from the J-3, J-4, J-5, DCS Engineers, Medical and Contract Elements,<sup>80</sup> and discuss these with his predecessor. He must then set his priorities and take charge.

B. THE OPERATIONAL LAWYER'S DUAL MISSION:  
TRADITIONAL DUTIES IN A NON-TRADITIONAL SETTING  
AND EXERCISE SUPPORT

Any JA deploying with his unit into a LIC environment has a dual mission. First, he must provide

traditional legal services in a non-traditional environment. Many of the questions he receives, such as those concerning command and control, funding, and the acquisition of services and goods, may be similar to questions he has handled while in the United States, but their resolution often requires examination of international agreements and host country law, as well as the traditional U.S. legal sources. Where the guidance is unclear or conflicting, the JA must alert his commander to the problem and initiate action to neutralize or correct it.

His second mission is exercise support. Here his responsibilities begin in the planning phase. He must understand the mission, identify potential legal issues, and coordinate these with the staff and higher headquarters. This coordination includes perfecting the legal agreements that govern the operation and establishing procedures to effectuate them. In addition, he must insure that he has the knowledge, manpower, and supplies necessary to perform his duties during the exercise.

During the exercise phase, the JA becomes part of a joint effort with his host nation counterpart.

Together they form the people's point of contact for questions and complaints. All issues raised should be settled quickly and fairly and pursuant to the governing law.

After the exercise is completed, the JA's duties entail recording what occurred, evaluating his activities, and distributing this information to all interested parties.

All JAs who deploy into a LIC environment will, to some degree, undertake the dual mission set forth above. The remainder of this paper focuses on legal issues that have arisen at JTF-B pursuant to this dual mission and that are common to LIC deployments. The goal of this section is to sensitize deploying JAs to both potential legal issues and procedures developed to resolve them. These procedures are not set forth as definitive solutions but rather as examples of how through strict adherence to law and application of legal reasoning JAs were able to guide their commanders toward actions that both improved mission performance and enhanced the legitimacy of the host government.

The Command Judge Advocate at JTF-B supports the continuing presence of the task force in Honduras,

providing administrative law, criminal law, and international law guidance to his commanders. He also performs legal and claims assistance for all members of the command, and provides for the assistance of conflict-free defense counsel as the need arises. These are traditional JA functions whose challenges lie in the uniqueness of the issues, the reference to specific international agreements, and the effect any resolution may have on continued relations with the host country authorities.

Second, he supports JTF-B's mission as an operational headquarters, in support of U.S. exercises in Honduras. The CJA's participation in all phases of exercise planning, coordination, and support is a fundamental prerequisite to mission success.

1. Continuing Presence: Traditional Duties  
in a Non-Traditional Setting

It is beyond the scope of this paper to explore all the issues that arise with regard to the continuing presence of this task force in Honduras. The resolution of particular issues is probably immaterial. As events shape the country and U.S. objectives evolve, new issues may be created and new solutions may be

necessary. Here, the focus is on two types of issues, unique and recurring, and the methods used to resolve them.

## 2. Exercise Support

Exercise-related issues do not fall into neat categories. They often not only challenge the CJA's specific knowledge of the law but also his ability to think logically and move toward resolution under time and event pressures.

The JAG duties at JTF-Bravo went far beyond the traditional duties. These duties required a person capable of dealing at the ministerial level one day, at the hootch maid level the next. The legal requirements for exercises, claims against the U.S. government, allegations against U.S. servicemen in a country with no Status of Forces agreement, as well as the traditional JAG duties expected of a brigade level or higher JAG all required a special type of JAG officer who probably did not arrive with these skills, but had the intellect and

flexibility to acquire them during the  
tour.<sup>81</sup>

In this paper the discussion of exercise support will focus on creating a methodology for providing this service, and institutionalizing the procedures created.

### C. CONTINUING PRESENCE: UNIQUE ISSUES

The two most critical issues that are unique to an Operational Headquarters in a LIC environment are command and control, and money and funding.

#### 1. Command and Control

##### a. Installation Authority

JTF-B is only a provisional unit; its presence on Soto Cano is temporary and it does not pay rent. The Honduran Airbase Commander is the Installation Commander. He controls entry and exit rights, land use, and concessionaires. He has the right to inspect all U.S. facilities on the installation. No changes can be made to the installation without his approval.

All major construction projects are carefully scrutinized by the Honduran Commander. They raise fears of U.S. encroachment and attempts to become a permanent presence. These fears are flamed by



insurgent leaders through press releases and rumor to create popular suspicion against the United States.

b. Inherent Authority

The JTF-B commander retains inherent authority to regulate all matters concerning safety, health, welfare and morale of all U.S. personnel on Soto Cano, and those deploying for exercises. He is a Special Court-Martial Convening authority for administrative actions, i.e., reports of survey and evaluation reports.<sup>82</sup>

In the area of criminal law, the rules become complicated. The guiding thoughts behind these rules are fairness, efficiency, and delegation of authority to the most interested command. U.S. criminal justice jurisdiction in Honduras allows the United States exclusive jurisdiction over actions that are not crimes under Honduran law, and primary jurisdiction over crimes by military personnel against U.S. persons or property, or that occur while the servicemember is on official duty. The Honduran government has exclusive jurisdiction over acts that are only criminal under Honduran law and has primary jurisdiction over all other crimes not listed above. In practice, however, the Honduran government rarely asserts jurisdiction

over U.S. forces.<sup>83</sup> Between U.S. commands the following procedures are used. Most Army personnel can be attached to JTF-B for nonjudicial punishment but not for court-martial jurisdiction. Other services' personnel follow their separate command channels.

Individual soldiers on temporary duty to JTF-B are attached for nonjudicial punishment purposes only and the parent unit retains court-martial authority (Appendix A-5). FORSCOM units deploying to Honduras for exercises remain subject to the UCMJ authority of their home station unless an individual commander decides to attach his unit to JTF-B; if so, this can only be for nonjudicial punishment (Appendix A-6). Sister service units follow their separate chains of command for individuals and units and the National Guard and Reserve Forces remain attached to home station.

#### c. Force Protection

The critical issue under command and control is Force Protection. As stated in Part V above, this is a key task on JTF-B's METL. To accomplish this, the JTF-B commander must be able to enforce his rules. This is done through his operational control over all

deployed forces. Although he normally does not prosecute violations of his policies, the JTF-B commander is the higher authority for all deployed units. They must maintain liaison personnel at JTF-B to keep the commander informed, before, during, and after operations. They must adhere to JTF-B policy memos. If they fail to do so, the commander has expulsion authority, and can ban re-entry into the country for military purposes or can administratively hold units and persons in country for investigation. He can also stop convoys and withdraw all service support. He can request authority for criminal jurisdiction for specific cases. His general court-martial authority for such cases is the Commander United States Army South (USARSO), Panama.

Force protection rules are promulgated to each unit and must be read and signed by each servicemember prior to entry into Honduras. All force protection is a combined U.S./Honduran responsibility and each unit must coordinate through the J-3 and Joint Security Force (JSF) to insure all proper security measures are followed.<sup>84</sup> A copy of the current rules is at Appendix A-7. The health, welfare, and safety of the

deployed forces are the most basic reasons for force protection rules. However, in a LIC scenario these rules take on an increased importance. As stated in Part III above, LIC is characterized by the interactions of three distinct groups: host nation forces, U.S. forces, and insurgent forces. At the heart of the insurgent movement are operations to discredit the government and foment strife. For an insurgency to grow in power, it must insure the failure of social and economic reform programs and demonstrate that the government is weak and ineffective.<sup>85</sup> An ideal vehicle for achieving this end is terrorist acts.

Terrorist acts give the insurgents recognition because they attract universal media attention. They intimidate individuals and groups, especially the poor and uneducated, preventing them from supporting government programs.<sup>86</sup> Nothing will halt local participation in a Civic Action Project faster than violent reprisals against persons taking part in the project. Finally, terrorist acts attempt to coerce the government into abandoning its reform actions.<sup>87</sup> A successful strike against U.S. forces supporting the nation building efforts of the government has the

double value of demonstrating to the people that the insurgents cannot be checked by the joint efforts of the U.S. and Honduran forces and pressures the government to investigate and take action against its own people, thus making it appear the puppet of U.S. forces.

A JA working in this environment needs a strong grasp of these basic concepts. He must assist the command in drafting rules that are not only legally enforceable but prevent the U.S. forces from unwittingly becoming insurgent pawns. The JA, in his preventive law briefings, is the logical person to explain not only the rules but also the nature of the threat and the impact terrorist acts have on the overall LIC mission.

## 2. Money

Here, the issue is currency conversion. In mid-1990, the Honduran government raised the official exchange rate of lempira (Honduran currency) to dollars from 2:1 to 4:1. At the same time SOUTHCOM repealed the regulation which had forced all JTF-B facilities, i.e., the dining hall, the post exchange (PX), and laundry, to run on lempira and prohibited military

personnel from retaining more than \$20 in U.S. currency while in country.

These actions opened the flow of dollars into Honduras and this caused numerous problems. Lempira are exchanged for dollars on the world market at between 5 and 7 to 1. They are being exchanged on the Honduran black market at even higher rates. A flood of U.S. dollars into Honduras would cause widespread inflation and could quickly devalue the lempira.

Currency conversion is a sensitive issue in most underdeveloped countries. The importance of having a well established currency control plan prior to deploying into a LIC environment cannot be overstated. The hallmark of Third World nations is economic instability. They lack the capital to provide employment and social services to their people, and one important U.S. national security objective in these nations is to support the host government in building the infra-structure necessary to provide these social services.<sup>88</sup>

Failure to control the flow of U.S. dollars into these countries encourages black marketing, draws the people to preferring payments for goods and services in

the more secure medium of U.S. dollars, and thus undermines the local currency contributing to the pre-existing cycle of inflation and poverty. JAs should be especially attentive to currency control programs insuring the proper regulations are developed. Regulations in this area must be the result of careful coordination between the finance officer, the JA, and the Provost Marshall (PMO). They should establish the maximum allowable amount of U.S. currency each soldier is allowed to possess, the process for granting exceptions, the amount of dollars a servicemember is allowed to convert during a given time period, and a method of recording transactions, and discovering abuses quickly. Finally, the currency control procedures should be enforceable and workable in the field.<sup>89</sup>

### 3. Funding

Funding of U.S. military activities is an endless source of controversy in Honduras and in other developing nations. Many of the fiscal rules governing training, construction, and humanitarian/civic activities are new or modified in each year's Appropriations Act, and experts often disagree as to

the interpretation and interplay of the legislation. These debates go on at levels far above the Operational Commander; however, a JA must still understand and be able to apply the existing funding guidance. In all LIC deployments, funding will be closely scrutinized, and the ability to account will be essential. Funding problems quickly receive wide notoriety and eclipse mission successes. They can result in adverse administrative and criminal action and mission abandonment. The inquiries and investigations that result from alleged improper use of funds commandeer a great deal of staff time in a headquarters normally unequipped with the extra manpower necessary to take on this additional duty. At a minimum, a JA must understand the funding channels for operation and maintenance (O&M), single service DFTs, JCS exercises, and the special funds for conducting Humanitarian and Civic Activities (HCAs).<sup>90</sup>

His duties, like that of the JTF-B CJA, will fall into two categories: Preventive Law and Command Advocate.



a. Preventive Law

The JTF-B J-5 manages the Humanitarian and Civic Assistance (HCA) program.<sup>91</sup> The chief of this section is routinely a Combat Arms Captain or Major with no training in fiscal law. During the J-5's initial briefings, a CJA can help him by assembling a booklet of the essential statutes and legislative history, and brief him on Honduras' past problems with HCA project funding.<sup>92</sup> He needs to know he has a statutory duty to request and receive approval through channels before beginning any HCA project. It must be emphasized that only HCA funds in the amount approved may be used for HCA projects. At the operational headquarters level, carefully documented approvals and use of only earmarked funds will pass the program through even the closest scrutiny. The corollary to this duty is that the J-5, in his official capacity, cannot mix fund raising and spending activities of private organizations (charities) with his professional responsibilities (Appendix A-8).

This same preventive law tactic of strict adherence to funding guidance and careful documentation

should also be taken with the DCS Engineer and Medical Elements.<sup>93</sup>

b. Command Advocate

Strict adherence to superior authority does not mean passive acceptance in the area of funding. Here the CJA is often called upon to research and compile information that specific staff sections may use to substantiate their requests for alternative funding sources (Appendix A-9). Finally, and perhaps most importantly, the CJA's role in this area of advocacy is briefing and conciliation. JTF-B is on the cutting edge of training in DOD. Nowhere is this more true than in the Medical Element where, for example, physicians learn to identify, diagnose, and treat tropical diseases in an austere environment. These diseases are virtually unknown in U.S. practice, but would threaten troops deploying into most tropical environments. In addition, the physicians learn to synchronize their efforts with Honduran medical personnel to insure interoperability. The training is real and can't be matched by simulation. The problem is the Medical Element also has supervisory authority for all MEDRETEs in country.<sup>94</sup> This includes training

the JTF-B medical staff, the deployed training missions, and the medical missions carried out strictly for humanitarian and civic purposes. These humanitarian medical missions are funded under 10 U.S.C. § 401. As the Medical Commander's advisor, the CJA has to explain the significance of these different funding authorizations and the importance of separating HCA and Operation and Maintenance stock. Here the requirement of records is absolute.

Having convinced the commander of these prerequisites, the CJA in his role as advocate will be at his Commander's side during audits, and will draft the responses to the ceaseless inquiries into funding what superficially appears to be humanitarian action, but in fact is mandated training, with O&M funds.<sup>95</sup> See Appendix A-10.

#### D. CONTINUING PRESENCE: RECURRING LEGAL ISSUES

The goal for resolution of recurring legal issues is to develop Standard Operating Procedures (SOPs) that ameliorate the problem, assure regularity in processing, and provide for review. Unfortunately, the life cycle of many successfully solved recurring issues

is as follows. There is a problem that festers unnoticed until it becomes a crisis. There is immediate action to resolve the catalytic incident. The resolution is reduced to writing either as an SOP or bilateral implementing agreement. Future activity becomes a routine staff action with an established oversight authority.

The clearest example of this process was resolution of JTF-B's ports usage problem. The issue and its resolution are outlined in Appendix A-11. Stated briefly, the U.S. military had accumulated numerous unpaid port bills between 1985 and 1988. In addition, its vessels were charged a wharfage fee from which they should have been exempt under the existing international agreements. The crisis came in January, 1989, when the Empresa Nacional Portuaria (ENP) (Port Authority) threatened to close Honduran ports to U.S. military vessels unless these bills were paid. In response, the J-4 and CJA immediately pressured the most accessible debtors into payment, while the CJA filed a request for assistance with the Auditoria General (AG) (essentially, The Judge Advocate General of the Honduran Forces) for wharfage exoneration. Next

came bilateral meetings of attorneys, ports officials, liaison officers, and contracting officials. Finally, Standard Operating Procedures for Ports Contracting and Wharfage Exonerations were written and approved by U.S. and Honduras authorities, while efforts to collect payment of old bills continued as a J-4/CJA priority action.

The same methodology was followed to alleviate the problem of backlogged Honduran hospital bills for emergency care to U.S. servicemembers, and for landing rights and airport use fee waivers for the Short Take Off and Land (STOL) aircraft that provided a flying shuttle between Soto Cano Airbase and other Honduran airports.

Entry, exit and payment for emergency care issues arise out of any deployment. In countries with whom the United States has a well developed Status of Forces Agreement, there are administrative organizations with standard operating procedures in place to handle these issues, and they do not present a significant problem. However, LIC deployments often travel to countries with whom the United States does not have detailed agreements, there are no procedures in place, and there

is little institutional memory. Most deployments are limited in duration, and large gaps of time may exist between the deployments. In addition, the host nation, still struggling to build its infrastructure, may not be aware of problems until they reach crisis proportions. The longer the problem lies unaddressed, the less likely it is that the personnel, documentation, or other historical evidence necessary for an expeditious legal solution will be present. As part of his predeployment preparation, a JA should research how these issues will be handled, who is authorized to bind the U.S. government, and who has responsibility for making payments and getting waivers. During the pre-deployment coordination phase in the host nation, the JA, his host nation counterpart, and the responsible staff member should brief the appropriate host nation officials on these procedures and develop bilateral enforcement mechanisms. This will have the added benefit of establishing a point of contact so that if problems occur, they will be communicated immediately to the headquarters.

In the wider view, these SOPs and bilateral agreements worked out by lawyers, host nation

officials, and staff supervisors contribute immeasurably to the legitimacy of the host nation. The government has asserted its sovereign authority and the United States, acknowledging this authority, took measures to comply with the governing law.

#### E. EXERCISE SUPPORT

Exercise support begins with predeployment planning, continues through the deployment, is critical in the initial post-redeployment period, and ends with After Actions Reports and Lessons Learned. In this area the JTF-B CJA's responsibilities closely parallel the duties of any deploying JA. These responsibilities can be categorized under four general headings, although in practice it is virtually impossible to separate them. The duties are to

- (1) place cogent legal instructions into the Operations Plans, Exercise Plans, and Memoranda of Understanding;
- (2) educate the commanders and JAs of units deploying to Honduras;
- (3) plan, initiate and follow through on combined U.S. and Honduran legal action for land use agreements, claims, and civil affairs responsibilities;

(4) write After Action Reports and Lessons Learned for appropriate authorities.

1. Developing a Working Relationship:

The Fundamental Prerequisite

In order to successfully carry out the responsibilities listed above, the JTF-B CJAs or any deploying JA must have the commander's and staff's complete confidence that he is a "team player" and his participation from planning to post-redeployment activities is a fundamental prerequisite for success. This idea takes some nurturing. Most commanders know the criminal justice and legal assistance functions of the JAG. At JTF-B they learn that legal reasoning and legitimacy based in law are valuable weapons a JA can bring to their LIC arsenals.

At JTF-B, the command and staff learn this initially by the assistance they receive on continuing presence issues. Moreover, historically CJAs' assistance at JTF-B has gone beyond what is considered purely legal actions. As has been stated in Part III, political decisions and perceived legitimacy are at the heart of LIC. A legally trained mind can contribute ideas and point out flaws that persons not trained in



legal reasoning may overlook. Also, the CJA, because he is an attorney, has inherent credibility with civilian and military leaders, thus making him a logical envoy for problem issues. CJAs also have writing skills and the knowledge of what necessarily should be included in many standard administrative procedures. By becoming involved, offering to help, and taking the time to understand the workings and priorities of other staff sections, a CJA will become a "member of the team" and will soon be regularly consulted on a broad range of issues. This same proactive style can easily be employed by any JA deploying with his unit. The command will appreciate the assistance and quickly come to rely on their JA's judgment. With this reliance comes access to information and trust, which facilitate a JA's ability to perform his mission.

## 2. Perfecting Written Legal Guidance

Each exercise will have an Operations Plan or Exercise Plan and the more extensive exercises may have Memoranda of Understanding. The key to providing clear, concise, and timely information in these documents is to communicate directly with the

Operations and Operational Law Officers who advise the Plans, Operation, and Training Group. Model legal annexes and appendices tailored to mission requirements should be prepared and sent to them. They can ensure these documents are reviewed and published. Appendix B-1 is a model annex and claims appendix formulated jointly by the JTF-B SJA and US Army South (USARSO) Operational Law Officer.

With regard to Memoranda of Understanding (MOUs), the JTF-B CJA (or, in other scenarios, the JA who is most closely involved in bilateral planning) should be given authority to create initial drafts of these documents.<sup>96</sup> The JTF-B CJA is on the ground, privy to the U.S./Honduran negotiations, and can forward the documents to higher headquarters for approval after negotiation.

Finally, there are many internal documents that require predeployment review. Any deploying JA must review input from other staff-sections that may have legal ramifications and ensure all guidance sent out is in compliance with treaties, regulations, and policy guidance.

### 3. Education of Deploying Commanders and Judge Advocates

A commander, whether deploying into a LIC environment for a limited or prolonged period, will rely on his JA for certain basic information. Much of this information has already been discussed. It includes criminal jurisdiction, entry-exit requirements, responsibility for force protection, and claims settlement. In addition, he will want information about the type of support he can expect from the host country and the obligations the United States may incur as the result of the exercise.<sup>97</sup>

In performing this advisory duty, the JA can underscore factors that will contribute not only to the success of the immediate mission but to the LIC. He can emphasize the importance of strict adherence to the governing law, rules, and specific agreements that govern the exercise.

In briefing host country support, he can describe those actions that the host government would view as an infringement of its authority, thus incorporating the LIC imperatives of political dominance and legitimacy into the brief. The JA can stress the correlation

between the behavior of U.S. forces in country and the legitimacy of the government in the eyes of the people. In clear and basic terms, he can help his commander see that unauthorized conduct by his unit will undermine the legitimacy of the government. The U.S. will be perceived by the people as an imperialist force dictating to the host country government, which in turn will strengthen the insurgent cause; then, regardless of technical achievements, the mission will be a failure.

The JA can explain the importance of bilateral action to settle disputes and claims with the U.S. officer always playing the supporting role. Finally, he can emphasize the importance of force protection in terms of a host government/insurgent struggle, and stress throughout the importance of U.S. military officials never appearing to take the lead in combined actions. These themes should be woven through the basic technical advice before the operation begins.

At JTF-B, deploying Task Force Commanders require one of three types of CJA support: total support because they will not deploy with a judge advocate, heavy pre-deployment support because they will deploy

with a duration Judge Advocate in their main body, or heavy pre-deployment and post-redeployment assistance because they will rotate JAs through on a periodic basis. In each case the initial contact is the same. It takes place in the initial site survey briefing during which the site survey team briefs its mission and a representative of each staff section briefs the assistance they can provide, and what they require from the deploying unit in order to assist them. Each section briefs for an average of three minutes. A CJA stresses four points: the need for a personal discussion prior to departure, the lead time necessary for land use agreements, a personnel tasking for a claims investigator, and the need to begin coordination with the deploying JA (if one is deploying) immediately. Appendix B-2 is the transcript of a typical site-survey briefing. During the personal discussion at the CJA office following the briefing, a file is opened on the deployment with essential information concerning the dates, nature of deployments and points of contact (Appendix B-3). The second document in the file is a check list of potential claims issues (B-4). This helps the CJA outline his

responsibilities for the deployment and keep track of the status of his preparation. This will become invaluable in creating an overall SOP for the year's activities and allocating time and human resources during exercise season.

Appendix B-5 is an example of a typical Claims SOP. It stresses action during all phases of the exercises, recognizes the importance of national and regional events, sets not just legal but LIC goals, and adopts bilateral U.S./Honduran action as an integral part of the procedures. Finally, it addresses special concerns for the exercise season. The specific content of each interview will depend on each Commander's questions, the sites he has chosen, and whether or not he intends to deploy with a JA. When a Commander will deploy with a JA, a standard packet of material is sent back which includes a welcome letter, international law references, claims material, and criminal law material (Appendix B-6), as well as a pre-deployment check list and a foreign claims checklist (Appendix B-7). Commanders deploying without a JA will receive claims pre-deployment materials and any other of the above named material they request. At the subsequent

briefing of JAs or Claims Investigating Officers (CIOs), they are supplied with bilingual claims material and given more detailed instruction. Support to the JAs or CIOs continues throughout their deployments.

Prior to their redeployment to the United States, it is critical that the exercise JA outbrief the JTF-B CJA concerning all outstanding legal actions, claims and potential issues.

#### 4. Combined Actions: U.S./Honduran Military Lawyers Working Together

Here, as nowhere else, the JTF-B CJA or any JA in a similar environment moves to the front line of Low Intensity Conflict. The five LIC imperatives dealt with in Section III of this paper are: political dominance, unity of effort, adaptability, legitimacy, and patience. The CJA, working in cooperation with Honduran JAs, helps his commander move toward these goals. Combined action means more than merely following the SOUTHCOM mandate for bilateral action.<sup>98</sup> It means building a spirit of teamwork with the Honduran colleague, and together briefing commanders of Honduran and U.S. forces, governors, mayors, government

ministers, and the people. The issues presented are not merely the U.S. exercise needs, but include the benefits that will accrue to the local areas, and these benefits are briefed as procured by the Honduran government. These briefings also alert the people to the fact that they have a point of contact for questions or problems. This point of contact is a member of the Honduran military. For example, lease negotiators who bargain for a fair price with U.S. officials on behalf of the landowners and create legally binding contracts usually are Honduran JAs. A Honduran officer speaks with leadership authority; a Honduran JA adds the legitimacy of the civil law. The law for land use and the law for claims settlement is the law of Honduras. It is key that the civil population knows this and knows that their military is there to safeguard their rights.

Appendix B-8 is a typical list of objectives for a predeployment combined U.S./Honduran JA site survey. Here, as is often the case, a member of the Advanced Party for the deploying force accompanies the survey team, thereby establishing liaison with civil and military officials and giving the JAs first-hand



information on the proposed exercises. The objectives and trip reports are generated in English and Spanish and forwarded up the respective chains of command. The LIC imperatives of adaptability and patience come into play with the short-fused modifications in operations that must be quickly approved up and down the local chain, from civic leader to private land owner. Adaptability and patience are necessary to communicate with a population that often has never seen the military might or technological sophistication of the U.S. armed forces. The importance of these skills cannot be over emphasized. For example, as part of the 1990 Ahuas Tara exercise, the 11th Transportation Group performed Joint Logistics Over the Shore Exercises (J-LOTS) at a tiny beach town called Punta Raton, in Southern Honduras. Punta Raton is a fishing community. The fishermen go out each day in small craft and the women dig clams. There is no electricity, running water, plumbing, or gas or oil burning stoves in this town. Approximately one in ten persons cannot sign their names. Some do not even know their proper names because they have been called by nicknames all their lives and are unable to read their ID cards.

In order for the Liaison Officer, JA, and J-4 to explain to these people what to expect, the J-4 action officer rigged an overhead projector to a generator that ran off the jeep borrowed from the local Honduran commander. The pictures were shown on a white sheet hung in the town square during the evening, after the fishing boats came in.

Once the mission is briefed and liaison established, accessibility, prompt action, and strict adherence to all agreements are critical in winning the people's trust. The people listen and remember. Bilateral JA commissions must be visible before, during, and after the exercises. The simplest way to be readily identifiable is to wear a white arm band or other visible mark. This accessibility assists in preventing problems and disposing of claims quickly. The JAs are the people's point of contact and the commander's representative to them.

Post-redeployment is the time during which the military and government are most vulnerable to insurgent propaganda. When the commanders and units are gone, it is expedient to attribute all manner of damage and wrongful action to them. This leads to

press reports, leftist media releases, and undermines the mission's achievements. It sets the U.S. forces against the people with the Honduran authorities in the middle. A bilateral survey team including a member of the "stay behind" party should identify lingering problems and close the door to future specious claims.

Here again, adaptability and patience are key. At the conclusion of the JLOT operation referred to above, all claims checks had to be destroyed and payment made in cash because the people did not understand the value of the checks, did not own vehicles and were fifteen miles, much of which was unimproved road, from the nearest bank.

#### 5. After Action Reports

By this time, it takes personal dedication to sit down, relook, count, and organize the actions of the exercise seasons. If this information is not captured, organized, and disseminated it will be lost. JTF-B's greatest handicap is the six-month rotation which severely limits institutional memory. Yet, by having a continuing presence over a significant period in a specific area, it has a greater ability to institutionalize knowledge than other task forces and

deploying units. Whether at JTF-B or in a deploying unit, Lessons Learned are only preserved at the unit level through After Action Reports (AAR) and other accountings of significant activities. The guidance on these issues for the CJA at JTF-B and deploying JAs in general is identical. In addition to contributing to unit AARs, a JA should also send relevant information through channels to operational lawyers who advise the planning cells for upcoming exercises, and to higher headquarters. Finally, and most importantly, a JA must, by way of transition memos and historical files, insure this information is accessible and understandable not only to his immediate successor but to future deploying personnel. By way of example, the after action briefing from Ahuas Tara 90 is at Appendix B-9. It allows a future Judge Advocate sufficient information to anticipate problems, allocate resources, and brief the incoming JTF-B commander and unit task force commanders on past errors.

## VII. CONCLUSION

All JAs who participate in LIC deployments have a dual mission. First, they must provide traditional services in a non-traditional environment and second, they must provide exercise support. In order to prepare for this mission they must develop a thorough understanding of the law, rules, and agreements governing the exercise. They must also acquire a broad based understanding of the host nation's history and current goals, the U.S. national security goals, and unit mission goals for the exercise. Having acquired this understanding, they will be able to formulate their mission goals and assist their commanders. This assistance results from the JA directing his logical thinking abilities toward LIC objectives and insuring that all U.S. actions are legitimate in the eyes of the people. To achieve these goals he works as a team player on the staff and in a supporting role with his host nation counterpart.

When the exercise is through, it is extremely important that he document his efforts and disseminate this information.

The value of LIC deployment experience cannot be overstated. Law normally is practiced far from a field environment, and the lesson learned from the Grenada Operation is that there is a great diversity of legal issues involved in operational deployments that are not addressed in traditional International Law and Law of War training. These issues range from unpaid bills for transportation and room and board, to treatment of noncombatants and settling non-traditional claims. A JA who is a member of a deploying force will experience many of these issues. He must understand them and give sound, well reasoned advice. He will also take on increased civil military responsibilities as a logical point of contact for many civilian complaints. Walking around mumbling, "Don't shoot the prisoners," will not be the correct solution when a commander finds his convoy blocked by an angry landowner seeking compensation.<sup>99</sup> Patience, adaptability and joint action will be. In LIC, a JA has the opportunity to make a significant contribution to the mission, but he must be aware of the contribution he can make and how to do so.

The CJA at JTF-B learns how to contribute to an operation headquarters. He has the dual mission of supporting the continuing presence of JTF-B and supporting the exercises in Honduras. This dual mission requires him to harmonize his responsibilities to JTF-B, the deploying units, his Honduran counterpart and the people. He learns to anticipate operational problems. He learns to take combined action with his Honduran counterpart, thereby strengthening the ties between the countries. Such action also fosters confidence in the Honduran military system and increases the credibility of U.S. personnel. The CJA learns to participate in multiservice and combined training, and also learns the importance of planning not merely legal procedures but also logistical needs-- transportation, fuel, access to cash, and personnel allocation. Finally, he participates in a Civil Affairs Mission unparalleled in the U.S. Army. To the people of Honduras, his uniform means authority. His profession brings a stamp of legitimacy to his acts, and his support of his Honduran colleagues shows him to be a friend, not an oppressor.

In this manner, the CJA at JTF-B contributes to the synergy created by the joint and combined activities of the host nation, and U.S. civil/military operations. Each day he actively works to strengthen the legitimacy of the U.S. and Honduran governments in the eyes of the people, thus advancing U.S. national security interests and chipping away at the foundations of insurgency.

Because JTF-B is a prototype for units deploying into LIC environments, the lessons learned by its CJAs provide valuable insights into the role of a JA in a LIC environment and increase the body of knowledge available concerning deployments for non-conventional missions. Low Intensity Conflict is won through logic and legitimacy and the success of a LIC deployment may very well rest on a JA's understanding of this fact.



ENDNOTES

1. Graham, Operations Law: A Concept Comes of Age,  
The Army Lawyer, July 1987, at 10.
2. Id.
3. Id. at 7.
4. Ayers, Brothers, Clem, Crouch, Dixon, Furr, Glynn,  
Townsend, Turner, Walters, Yang, Operational  
Considerations for Military Involvement in Low  
Intensity Conflict, 1987 Army-Air Force Center for  
Low Intensity Conflict 1.
5. See Furr, Low Intensity Conflict Imperatives for  
Success, 1987 Army Air-Force Center for Low  
Intensity Conflict 3.
6. See Center for Land Warfare, U.S. Army War  
College, Theater Level Planning and Operations for  
Low Intensity Conflict Environments, A Practical  
Guide to Legal Considerations (1986). This text  
is a guide for military members not trained in  
law. It seeks to acquaint them with the legal  
issues associated with LIC.
7. See Ayers, Brothers, Butler, Clem, Crouch, Dixon,

Furr, Glynn, Townsend, Turner, Walters, Yang,  
supra note 4, at 2.

8. A more formal definition of LIC is found in Dep't of Army, Field Manual 100-20, Military Operations in Low Intensity Conflict, at 1-1 (4 Aug. 1989) [hereinafter FM 100-20].

Low-intensity conflict is a politico-military confrontation between contending states or groups below conventional war and above the routine, peaceful competition among states. It frequently involves protracted struggles of competing principles and ideologies. Low-intensity conflict ranges from subversion to the use of armed force. It is waged by a combination of means, employing political, economic, informational, and military instruments. Low-intensity conflicts are often localized, generally in the Third World, but contain regional and global security implications.

There is a great deal of scholarly debate concerning the true definition of Low Intensity Conflict (LIC). Some commentators argue that the

term is devoid of meaning and is merely an artificial category designed as a catch-all for a wide variety of operations. See McInnis, A Nonsense Phrase, Military Review, May 1988, at 59. See also Gates, The Humpty Dumpty Approach to Doctrine Development, Military Review, May 1988, at 59.

9. FM 100-20, at 1-2.
10. See FM 100-20, at 2-18, 2-19.
11. Letter from Colonel (COL) James D. Hallums to Captain Ann Castiglione-Cataldo (Jan. 10, 1991). COL Hallums has been associated with LIC since 1968 in Vietnam. He served in El Salvador in 1983, and was the Commander of Joint Task Force-Bravo, Honduras, from July 1989 to July 1990. He currently commands the U.S. Military Group in Bolivia. COL Hallums holds a graduate degree in International Studies and has published on LIC issues in El Salvador. He is tri-lingual (English, Spanish, and Portuguese). This letter was written in response to interview questions concerning LIC and the role of a Judge Advocate in

this type of conflict [hereinafter Hallums Letter].

12. The White House, National Security Strategy of the United States (1988).
13. See Dep't of Army, Field Manual 100-5, Operations, at 22 (6 May 1986) [hereinafter FM 100-5].
14. Although the imperatives change for a LIC scenario, the tenets of the AirLand Battle Doctrine, i.e., initiative, synchronization, depth, and agility, can be adapted to Low Intensity Conflicts. See FM 100-20, at 1-1 to 1-5. See also FM 100-5, at 14-17.
15. Furr, Low Intensity Conflict Imperatives for Success, 1987 Army-Air Force Center for Low Intensity Conflict 3.
16. Complete definitions of these terms are found in FM 100-20 at 1-5 and 1-6. Stated briefly:  
"Political dominance" means that political objectives drive military decisions. "Unity of effort" means that military leaders must integrate their efforts with other government agencies.  
"Adaptability" is the skill and willingness to modify operations in order to accommodate new

situations. "Legitimacy" is respect for lawful civil and military authorities and the actions of these authorities. "Perseverance" is steadfastness of purpose during the often protracted conflicts.

The relative importance of each of these imperatives depends on the situation; however, political dominance and legitimacy are always critical for success.

17. See generally Center for Land Warfare, U.S. Army War College, Theater Level Planning and Operations for Low Intensity Conflict Environments, A Practical Guide to Legal Considerations (1986).
18. FM 100-20, at 1-9 and 1-10.
19. Id. at 1-11.
20. Joint Chiefs of Staff, Publication 2, Unified Action Armed Forces, at 4 (Dec 1986).
21. Dixon, The Role of Reserve Forces in Low Intensity Conflict, 1987 Army-Air Force Center for Low Intensity Conflict 5.
22. Ayers, Brothers, Clem, Crouch, Dixon, Furr, Glynn, Townsend, Turner, Walters, Yang; supra note 4, at 9.

23. Id. at 10.
24. M. Kittle, Low Intensity Conflict in Central America 18-19 (June 16, 1989) (available in Defense Technical Information Center).
25. See FM 100-20, at 1-11, 2-5 to 2-15.
26. Dixon, supra note 21, at 9.
27. Ayers, Brothers, Butler, Clem, Crouch, Dixon, Furr, Glynn, Townsend, Turner, Walters, Yang, supra note 4, at 17-19.
28. See FM 100-5, at 2-39.
29. Central Intelligence Agency, World Factbook 1989, 1287-1290 (1990).
30. Id. at 1289.
31. See generally Foreign Area Studies, The American University, Honduras, A Country Study 149-187 (1986).
32. Id. at 178-181.
33. W. LaFeber, Inevitable Revolutions, at 9 (1984).
34. Id. at 19.
35. See C. Breunig, The Age of Revolution and Reaction, 1789-1850 135 (1970). In 1822 President James Monroe recognized the independence of the Latin American republics. In 1823 events in

Europe caused him to fear British and Spanish attempts to colonize this area. In order to thwart any effort to do so, he published the Monroe Doctrine in which he proclaimed that the Americas were henceforth closed to European colonization and intervention. See also H. S. Commager, *The American Mind: An Interpretation of American Thought and Character Since 1880* 47 (1974). President Roosevelt and many of his successors relied on this doctrine as the foundation for establishing U.S. hegemony in the Western Hemisphere.

36. W. LaFeber, supra note 33, at 29.
37. Id. at 30.
38. Id. at 43.
39. Id. at 17.
40. Between 1890 and 1950 the United States entered into a number of agreements with its Latin American neighbors, the most important of which was the Inter-American Treaty of Reciprocal Assistance, Sept. 2, 1947, 62 Stat. 1681, T.I.A.S. No. 1838 [hereinafter Rios Treaty]. The Rios Treaty is a collective self defense treaty signed

by the United States and most Latin American countries. It was drafted under the authority recognized in U.N. Charter art. 51 for nations separately or collectively to exercise their inherent right of self defense. The key section of the Rios treaty, Article 3(1), states, "an armed attack by any State against an American state shall be considered as an attack against all American states."

The Organization of American States, April 30, 1948, T.I.A.S. No. 6847 at 724, 2 U.S.T. 2394, is the instrument used by the signatory nations to carry out the Rios Treaty responsibilities. In addition to reaffirming the right to collective self defense it underscores prohibitions against direct or indirect intervention into the affairs of a Sovereign State. Articles 16 and 17 stress that such prohibited interventions include economical, political or "coercive" measures. In this manner the Organization seeks to prevent any intervention cloaked in the authority of collective self defense.



41. Mutual Security Act, Title IV-American Republics, § 401, 63 Stat. 714 (1951) (current version at 22 U.S.C. §1819 (1977)). This Act authorized funds to train the Latin American military and instruct them in how to build an efficient organization. However, in the Military Defense Agreements signed by each nation receiving this instruction, the recipient country pledged that these armies would only be used for internal security and not as offensive fighting forces.
42. W. LaFeber, supra note 33, at 180.
43. See Honduras, A Country Study, supra note 31, at 34.
44. W. LaFeber, supra note 33, at 177-184, 206.
45. Id. at 233-238, 293.
46. Honduras: Portrait of a Captive Nation 311 (N. Peckenham & A. Street ed. 1985).
47. Id. at 295, 311.
48. Wallace, Honduras: U.S. Linchpin in Central America, U.S. News & World Report, Nov. 28, 1983, at 29-30.
49. Ervin, Strategy and the Military Relations

Process, 11 The DISAM Journal of International Security Assistance Management 60-64 (1988).

50. See Honduras, A Country Study, supra note 31, at 50 and 96-99. In the early 1980s, waves of refugees from El Salvador and Nicaragua flooded into Honduras. The fighting in El Salvador spilled over into border areas with Honduras and Honduran relations with Nicaragua became strained. The revolutionary forces at work in its neighbors energized the Honduran Left. The country attempted to maintain an official position of neutrality. This became progressively more difficult; thus, in May 1983, General Alvarez Martinez, Commander-in-Chief of the Honduran Armed Forces, flew to Washington to lobby for increased military assistance. His actions and the agreements reached were later ratified by President Suazo Cordoba.
51. Joint Task Force Bravo, Mission Briefing (1990).
52. Joint Task Force Bravo, Command Briefing 5 (1989).
53. See the Vice President's Task Force on Combatting Terrorism, Terrorist Group Profiles 78-80 (1988).
54. Id. at 87-88.

55. See United States Department of State, Patterns of Global Terrorism 21 (1988).
56. Insurgencies typically pass through three phases of development: Latent and Incipient phase (Phase 1), Guerrilla Warfare (Phase 2), and War of Movement (Phase 3). Phase 1 insurgencies concern themselves with organizing, educating, and proselytizing. They then organize political action such as strikes and labor actions which fan the fires of discontent in order to prepare for the transition to Phase 2 violence. See FM 100-20 at D4, D32.
57. Honduras, A Country Study, supra note 31, at 49-50.
58. The Bilateral Military Assistance Agreement Between the United States of America and the Government of Honduras, May 20, 1954, 59 Stat. 1031, T.I.A.S. NO. 1838.
59. Honduras, A Country Study, supra note 31, at 197-198.
60. Ervin, supra note 49, at 56. The United States Southern Command (SOUTHCOM) is the unified command responsible for overseeing and directing U.S.

military operations in Central and South America. Its key missions and taskings are derived from U.S. regional policy for Latin America and national security objectives.

61. Joint Task Force-Bravo, Missions and Functions Book, Appendix E (1990). The J2 is the intelligence directorate and is the principal staff element for all matters related to intelligence support activities.
62. Joint Task Force Bravo, Mission Briefing, supra note 51.
63. Id.
64. There are a few specific exceptions to this authority including members of the U.S. Military Group, Honduras, the Marine Security Guard at the U.S. Embassy in Honduras, and some specialized intelligence personnel.
65. Joint Task Force Bravo, Mission Briefing, supra note 51.
66. Interoperability can be defined as the synchronization of independent forces to achieve a common objective. It is a critical facet of any combined action. Interoperability goes beyond

mere compatibility training for military effectiveness. It extends into issues of unit cohesion, pride, and political-military objectives. See FM 100-5, at 164-165.

67. Joint Task Force-Bravo Mission Briefing, supra note 51.
68. Id.
69. Id.
70. Id. Some of the unclassified support JTF-B has provided includes aerial reconnaissance and provision of water and tentage to persons displaced by flooding, MEDEVAC trauma centers, medicines, and forensic teams during disasters.
71. Hallums Letter, supra note 11.
72. Id.
73. Joint Task Force-Bravo, Mission Briefing, supra note 51.
74. Ervin, supra note 49. This article provides a detailed review of U.S. national security objectives in the region.
75. See Honduras, A Country Study, supra note 31, at 101-147.

76. Joint Task Force Bravo, Mission Briefing, supra note 51.
77. Id.
78. Id.
79. Joint Task Force-Bravo, Missions and Functions Book, Appendix A (1990). The U.S. Army South (USARSO) is the Army Element of the unified command SOUTHCOM.
80. The J-3 is the principal staff element for all matters related to planning and coordinating all operations and deployments to the Honduras. The J-4 serves as logistical advisor to the JTF-B Commander and provides support and advice to all incoming units. The J-5 is the Civil Military Officer (CMO) and is charged with managing the Humanitarian and Civic Assistance (HCA) Program. DCS Engineers provide technical guidance, resource procurement, host country coordination and assist in the mission planning and development for all deployments to Honduras.

The Medical Element coordinates medical support for all U.S. forces in Honduras and has oversight authority for all Medical Readiness

Training (MEDRETES) and HCA medical activities. The Medical Element also coordinates all medical activities with Honduran civil-military leadership.

The Contract Element is responsible for the local procurement of supplies and services within Honduras for JTF-B and all deploying units.

A detailed description of the responsibilities of each staff section can be found in the Joint Task Force-Bravo, Missions and Functions Book (1990).

81. Hallums Letter, supra note 11.
82. Joint Task Force-Bravo, Missions and Functions Book, supra note 79.
83. Protocol II to the 1954 Bilateral Military Assistance Agreement, supra note 58 (unpublished) 1989.
84. Joint Task Force Bravo, Mission and Function Book, supra note 79 at Appendices F, S.
85. Kittle, supra note 24, at 19.
86. Ayers, Brothers, Butler, Clem, Crouch, Dixon, Furr, Glynn, Townsend, Turner, Walters, Yang, supra note 4, at 14-15.

87. Id.
88. See FM 100-20 at 238-239.
89. For the current method of dealing with this delicate problem, see Policy Memorandum 89-21, Joint Task Force Bravo, subject: Control Conversion of Honduran Currency, 19 Oct 1989.
90. The following statutes, regulations and guidance will provide a solid foundation for further research into these issues. 10 U.S.C. § 2805 (1982), 10 U.S.C. § 2010 (1986), 10 U.S.C. §§ 401 & 402 (1986), Army Reg. 37-47, Contingency Funds of the Secretary of the Army (15 Jan. 1990), Army Reg. 415-35, Minor Construction, Emergency Construction, and Replacement of Facilities Damaged or Destroyed (15 Oct. 1983), Joint Task Force Bravo, Missions and Functions Book, Appendix K (1990).
91. Joint Task Force Bravo, Missions and Functions Book, Appendix H (1990).
92. The proper funding sources for HCA activities in Honduras was a hotly contested issue in the past and the guidance is still not completely clear.



In the early 1980s, the deploying units were using their Operations and Maintenance (O&M) funds to perform HCA projects. In 1984 the Comptroller General published a legal decision finding that this was improper use of these funds. See 63 Comp. Gen. 422 (1984). In response to the funding void created by this decision, Congress passed 10 U.S.C. § 401 (1986). This statute created a specific funding source and approval procedures for HCA projects. Congress did not clearly define the limits of this authority; moreover, § 401(c) authorizes minimal expenditures from other funding sources for HCA projects.

The definition of "minimal expenditures" is not defined in the statute. The statute is also silent as to approval, accounting, and reporting procedures for these minimal expenditures.

93. Joint Task Force Bravo, Missions and Functions Book, Appendix J (1990).
94. Id. at Appendix Y.
95. Letter of Instruction, USCINCSO, subject: U.S. Presence in Honduras, Appendix 3 to Annex D (Medical Services), 20 Feb 1984.

96. Army Reg. 550-51, Authority and Responsibility for Negotiating, Concluding, Forwarding, and Depositing of International Agreements, Para. 3, 4, 5 (1 May 85) [hereinafter AR 550-51]. Memoranda of Understanding (MOUs) are international agreements. The negotiation of these for many LIC issues is delegated to the MACOM head who has authority to redelegate this responsibility.
97. Brothers, Overseas Deployment Training: A LIC Task Force Primer, 1988 Army-Air Force Center for Low Intensity Conflict 37.
98. Letter, HQ, United States Southern Command, subject: United States Declaration on Payment of Compensation, 21 May 1985. This document is a letter from the Unified Command of SOUTHCOM to the Commander in Chief of the Honduran Armed Forces, with the Claims Operating Procedures for U.S. military forces in Honduras attached. In summary, it states that U.S. JAs and Honduran JAs should work in tandem to investigate, process and settle claims brought against U.S. military in Honduras.

99. Graham, Operations Law: A Concept Comes of Age,  
The Army Lawyer, July 1987, at 9-10.

APPENDIX A

- A-1 JTF-B Mission Essential Task List (METL) 1990
- A-2 JTF-B ANNEX L (Legal) to Implementing Letter of Instruction (LOI): U.S. Presence in Honduras
- A-3 Transition Letter to CPT Brannan, 19 MAR 90
- A-4 Joint Task Force-Bravo, Missions and Functions Book, Appendix P (Command Judge Advocate)
- A-5 Disposition Form, Subject: Administrative Instructions for Army Personnel TDY to JTF-BRAVO, 8 JULY 1987
- A-6 Message, CINCFOR FT McPherson GA, Subject: UCMJ Attachment of FORSCOM Units Performing TDY in Other Commands 31 OCT 88
- A-7 Personal Security and Force Protection Standards for All U.S. Personnel Assigned to Joint Task Force Bravo
- A-8 Letter to J-5, JTF-B, Subject: Unit Sponsor Program, 24 SEPT 1987
- A-9 Letter to the JTF-B Budget Officer, Subject: Funding Sources for FY 90 Military Civic Assistance Project, 4 OCT 1989
- A-10 Questions and Responses in Reference to Medical Funding Issues
- A-11 Fact Sheet Concerning 1989-1990 Ports Issues

APPENDIX A-1

JOINT TASK FORCE BRAVO, Mission Briefing (1990).

## JOINT TASK FORCE METL

- EXERCISE OPERATIONAL CONTROL OF DESIGNATED US MILITARY
- EXERCISE AREA COMMAND TO ENSURE UNITY OF EFFORT
- COLLECT AND DEVELOP THREAT INTELLIGENCE
- SUPPORT JOINT/COMBINED EXERCISES
- MONITOR, DIRECT AND SUPPORT ENGINEERING AND CIVIL ACTION  
FUNCTIONS/ACTIONS
- SUPPORT US MILGRPS - HONDURAS, EL SAL, AND GUATEMALA
- CONDUCT AND SUPPORT CONTINGENCIES
- COORDINATE SECURITY FOR US MILITARY
- MAINTAIN AND SUSTAIN BASE SUPPORT AND ADJUNCT FACILITIES
- MAINTAIN COMMUNICATIONS SUPPORT FOR COMMAND AND  
CONTROL NETWORK
- MAINTAIN LIAISON WITH EMBASSY, HONDURAN GENERAL STAFF,  
AND MILGRP
- FORCE PROTECTION

APPENDIX A-2

ANNEX L (LEGAL) To JTF-B Implementing Letter of Instruction (LOI):  
U.S. Presence in Honduras (U)

1. (U) REFERENCES:

- a. (U) Uniform Code of Military Justice; and Manual for Courts Martial, 1984.
- b. (U) AR 27-3, Legal Assistance, 1 April 1984.
- c. (U) AR 27-10, Military Justice, 10 July 1987.
- d. (U) AR 27-20, Claims, 10 July 1987.
- e. (U) FM 27-10, The Law of Land Warfare.
- f. (U) Bilateral Military Assistance Agreement between the Government of Honduras and the Government of the United States, signed 20 May 1954.

2. (U) GENERAL: This annex establishes responsibilities, policies, and procedures for legal services in support of Joint Task Force-Bravo (JTF-B).

3. (U) RESPONSIBILITIES: In coordination with USSOUTHCOM and USARSO OSJA, the Staff Judge Advocate (SJA), JTF-B, is responsible for the supervision of all legal services provided to JTF-B and other U.S. Forces deployed in Honduras.

4. (U) POLICIES AND PROCEDURES:

a. (U) Military Justice:

(1) (U) Military justice for Army forces will be administered IAW references a and c. Military justice for Air Force and Navy forces will be administered IAW appropriate service regulations.

(2) (U) USAR and National Guard exercise components deployed to Honduras will be performing duties under Title 10, U.S. Code, and will remain under the jurisdiction of their CONUS headquarters. Each headquarters will ensure appropriate orders are published to implement their status.

b. (U) Legal Assistance: Legal assistance services will be provided IAW reference b.

c. (U) Claims: Claims by U.S. personnel present in Honduras are processed IAW reference d. Claims by Honduran nationals or Honduran Government agencies are processed IAW reference d and appropriate bilateral agreements.

d. (U) International Law: Jurisdiction over US Forces is determined by reference f and related agreements with Honduras. Necessary instructions concerning jurisdiction and status of forces is provided by the SJA, JTF-B, in coordination with USSOUTHCOM OSJA.

ANNEX L (LEGAL) To JTF-B Implementing Letter of Instruction (LOI):  
U.S. Presence in Honduras (U)

e. (U) Operational Law: All military operations in Honduras are conducted IAW principles of international law, to include the Law of War (see reference e). The SJA, JTF-B, provides input to operations planning to insure compliance with these principles.

APPENDIX A-3

DEPARTMENT OF DEFENSE  
Headquarters Joint Task Force-Bravo  
APO Miami 34042

JTF-B-SJA

19 March 1990

Office of the SJA  
ATTN: CPT Brannan  
US Army South  
Ft. Clayton, Panama  
APO Miami 34004

Subject: Transition Letter

Dear CPT Brannan:

1. I am very glad you were selected to follow me at JTF-B, I personally believe you are USARSO's best officer, and will hit the ground running at JTF-B. To facilitate our change over, I am forwarding the following predeployment information to you. The more you prepare, the easier it will be to do your job here. Unfortunately, there are no guide books covering much of what we do, so you must consult the experts to get an information base. As a corollary, I might add, you should never guess in this job, either be sure or be still! The stakes are too high.

2. There are many legal issues here that are unique to Central America. The United States does not have a Status of Forces Agreement with Honduras, instead it



has a general bilateral agreement that is augmented by an annex, technical arrangement, airport use agreement, and protocols.

3. The JTF-B JAG should know these cold. They govern our continuing presence, and operations in this country, and set the perimeters for Memoranda of Understanding (MOUs) (you should be prepared to identify issues that need MOUs, to write, and negotiate them, and finally to monitor their enforcement). The most important MOU you will work on will be Fuertes Caminos 91.

4. In addition to the international agreements, the other major legal issue that is peculiar to Central America is the investigation and payment of Foreign Claims. In most overseas commands there are procedures in place that either augment or replace those outlined in Chapter 10, AR 27-20, Claims. That is not the case in Honduras. The Command Claims Service of the United States Army South (USARSO) has single service responsibility for Honduras and there are no agreements with the host country to alter the procedures laid out in this regulation. There are, however, requirements to work jointly with Honduran military JAs in this

area. The procedures used in Honduras are presented in a detailed appendix to the Legal Annex of the Fuertes Caminos 90 Op Plan.

5. The third major issue is land usage and lease agreements. The procedures used are unique to Honduras, because our leases must comply with Honduran law. I'll brief you on these when you get here.

6. Other significant issues you should be acquainted with include:

a. General Overview of Exercises in Honduras-- Start by talking to LTC Ogeron at SOUTHCOM OSJA. Then go to Bldg 95 and talk to members of DCSOPS Exercise Division and DCSENG Military Engineering Div. They'll all give you an overview of exercise activity in Honduras. Finally, make an appointment to talk to the TRADOC LNO; he can give you an overview of our strategy in the region and give you basic information on the theory of Low Intensity Conflict.

b. Exercise Funding Issues--Meet/talk to members of the Exercise Support Group Program, Budget Division. Specifically see Mrs. Becky Airheart--she has been here often and understands our funding. Also see Mr. Shaw on the Continuing Presence Funds.

c. Rules of Engagement--I can send you these for review. They are new and tailored to the needs of JTF-B.

d. International Agreements--Review the files in the OPS LAW office on MOUs. You should also review everything on the Protocols and other agreements with Honduras. Understand the difference between situations where you can draft MOUs and where an International Agreement is necessary.

7. Your TDY Orders. You probably have another few weeks before Mr. Shields starts to work on your orders. He's never done them before, so he may not know exactly what to include. Some suggestions--make sure your TDY orders have the following:

Variations Authorized block checked. All transportation blocks checked. Statements that say-- Use of special conveyances in and around TDY points is authorized. Reimbursement of Passport/Visa fees is authorized. Temporary storage of household goods is authorized (if you want that). Shipment of 600 pounds HHG is authorized. Excess baggage is authorized, 200 pounds.

8. I have a tremendous amount of material on order for the law library here, and I don't think you will need to bring up too much for reference. Do bring your MCM, and any of the TJAGSA general materials/form books for admin law or legal assistance.

9. What else to bring: Before I came, I prepared a list of essential items, and have added a few things over the months in hopes of sharing it with others.

The following are things you must bring:

- 4-5 sets of jungle fatigues or summer BDUs
- 1 Class B uniform
- passport
- rain gear
- alarm clock (battery back-up recommended)
- 2 pairs running shoes
- 5-6 sets of civilian clothes (casual shirts worn off post must have a collar, no T-shirts)
- LBE/Kevlar helmet
- 10 sets of underwear
- 10-15 brown shirts (sounds like a lot, but you'll need them)
- 4-5 towels
- extra sets of glasses/contacts if you wear them

The following items are nice to have:

camera

scuba or snorkeling gear (you might be able to get away to the Bay Islands)

extension cords

a clip-on light that you can put at the head of the bed

flashlight

tape player/radio with earphones

10. The only other thing I would strongly recommend that you do over the coming weeks is work on your Spanish as much as possible. Between Foreign Claims, working with Honduran JAGs, and international law issues, you can't really do your job as a functional illiterate. I would suggest you start reading newspapers. There are so many English cognates you can pick them up fast. A passive vocabulary is better than none.

11. You will arrive here during a slack period, the end of exercise season. It is my goal to leave you a clean slate, and transition memos. About 10 weeks after you arrive, you'll deal with your first major exercise and start work on the FC 91 MOU.

12. You can do a lot in this job. Activities and decisions of apparently minor import may take on an enhanced political significance. Broken promises, unpaid bills and wanton destruction, have caused strained relations and political embarrassment in the past. You, as a JAG, must be prepared to work to prevent or repair this type of damage, and always keep an open flow of communication with your Commanders, other Staff Sections, as well as your counterparts in the Honduran military and civil government. You need patience, energy, and a sense of humor. It will be worth it in the end.

13. I am looking forward to future correspondence. If I can be of any assistance do not hesitate to call 296-5154, Office of the Staff Judge Advocate, JTF-Bravo, APO Miami 34042.

ANN CASTIGLIONE-CATALDO  
CPT, JA  
Command Judge Advocate

APPENDIX A-4

JOINT TASK FORCE-BRAVO  
Missions and Functions Book

APPENDIX P

COMMAND JUDGE ADVOCATE

1. DUTIES: Principal legal advisor to the Commander, JTF-B, and all staff and subordinate commanders, the Command Judge Advocate, Joint Task Force-Bravo, operates in a low intensity conflict environment, at the headquarters for command, control, and coordination of U.S. Forces in Honduras, Central America. Provides the commander, staff, and subordinate commanders with legal advice, and ensures command compliance with US/Honduran Bilateral Agreements, JCS directives, and applicable law and regulation. Exercises supervisory assistance and control over Judge Advocates who deploy into Honduras and serves as their higher headquarters for foreign claims processing. Furnishes primary legal support to DFTs unaccompanied by JAs. Interacts extensively with Honduran military and civilian counterparts in resolving all manner of legal issues

related to the conduct of U.S. military operations in the emerging democracy of Honduras.

2. RESPONSIBILITIES:

a. Operational/Exercise Law. Unique issues related to overseas deployment.

b. International Law. Interpretation and Application of Bilateral Agreements and Protocols.

c. Claims: Maneuver Damage and Personnel Claims.  
Claims from Honduran Medical Facilities for Emergency Treatment Rendered to U.S. Military Personnel.

d. Administrative Law. Command and Control, Law of the Military Installation.

e. Criminal Law. Joint and Several U.S./Honduran Jurisdiction, Adverse Personnel Actions and UCMJ.

f. Legal Assistance. The Deployed Soldiers' Advocate.

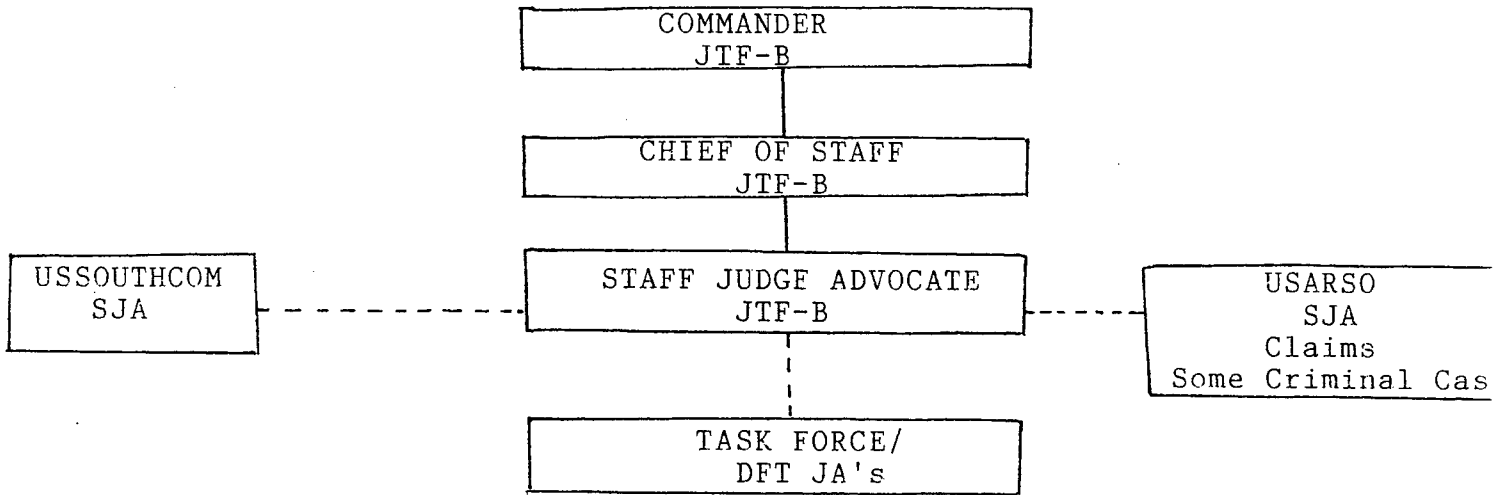
g. Land Leases and Land Use Agreement. Assists J-3, and DCSENG in Procuring Land Use Agreements. Works in tandem with Mobile District Engineers and Auditoria General in Drafting Land Leases.

h. Host Nation Coordination.



JOINT TASK FORCE - BRAVO  
OFFICE OF THE STAFF JUDGE ADVOCATE

LINES OF AUTHORITY



**DISPOSITION FORM**

For use of this form, see AR 340-15; the proponent agency is TAGO.

REFERENCE OR OFFICE SYMBOL FCJA-ML (27-1a)	SUBJECT Administrative Instructions for Army Personnel TDY to JTF-BRAVO
---	---

TO Directorate of Operations, <sup>FROM</sup> J3 SJA DATE 8 JUL 1987 CMT 1  
 ATTN: FCJ3-OC MAJ Stewart/smw/2517  
 MAJ Caughran

1. General Palastra approved the attachment of FORSCOM soldiers performing TDY for 179 day periods at Joint Task Force-Bravo to the Commander, Joint Task Force-Bravo for the purposes of administration of non-judicial punishment. This applies only to individual soldiers; it has no effect on soldiers performing TDY as part of a unit. It applies only to non-judicial punishment; court-martial authority remains with parent unit. (Encl 1)
2. Accordingly, we request that you issue an amendment to your administrative instructions constituting initial guidance for issuing TDY orders and preparing 179 day personnel for deployment in support of U.S. continuing presence in Honduras. The following language is suggested for your amendment to the administrative instructions:
  - "9. LEGAL:
    - A. SOLDIER SEL WILL IMMEDIATELY CONTACT SERVICING LEGAL ASSISTANCE OFFICE TO ENSURE PERSONAL LEGAL AFFAIRS ARE IN ORDER.
    - B. SOLDIER WILL BE ATTACHED TO JOINT TASK FORCE-BRAVO FOR ADMINISTRATION OF NON-JUDICIAL PUNISHMENT. COURT-MARTIAL AUTHORITY REMAINS WITH PARENT UNIT. SOLDIER MAY BE FURTHER ATTACHED TO SUBORDINATE ELEMENTS OF JTF-BRAVO FOR THIS PURPOSE AS DETERMINED BY THE CDR, JTF-BRAVO. TDY ORDERS SHOULD REFLECT THE ATTACHMENT FOR NON-JUDICIAL PUNISHMENT PURPOSES."
3. POC, this office, is MAJ Stewart, 2517/2518/3529.

Encl

*for Charles L. Schwabe, LTC*  
 LEROY F. FOREMAN  
 Colonel, JA  
 Staff Judge Advocate

PAGE 01 of 02	DTG/RELEASE TIME			PRECEDENCE		CLASS	SPECAT	LMF	CIC	ORIG-MSG IDENT
	DATE TIME	MONTH	YR	ACT	INFO	UUUU	AT			3051630Z
BOOK	MESSAGE HANDLING INSTRUCTIONS									

FROM: CINCFOR FT MCPHERSON GA//FCJA-ML//

TO: AIG 7571

INFO CINCSO QUARRY HEIGHTS PM//SCJA//

CDRUSARSO FT CLAYTON PM//SOJA//

CDRJTF-BRAVO COMAYAGUA HO//JA//

ACCT DA-BHCSVD

UNCLAS

PASS TO SJA AND G-3/DPT

SUBJ: UCMJ ATTACHMENT OF FORSCOM UNITS PERFORMING TDY IN OTHER COMMANDS

REF: CINCFOR MSG 141630Z JUL 87, SUBJ: ARTICLE 15 JURISDICTION OVER FORSCOM SOLDIERS PERFORMING TDY WITH JTF-BRAVO

1. THIS MSG WILL CLARIFY THE CINCFOR POSITION CONCERNING UCMJ ATTACHMENT OF FORSCOM UNITS TO THE COMMAND WHERE THE UNIT WILL BE PERFORMING TDY.

2. NORMALLY, FORSCOM UNITS WILL REMAIN SUBJECT TO THE UCMJ

JURISDICTION ESTABLISHED BY HOME STATION INSTALLATION AND WILL NOT

BE ATTACHED TO THE TDY COMMAND FOR UCMJ. HOWEVER, IF THE UNIT

COMMANDER DESIRES TO ATTACH HIS UNIT TO THE TDY COMMAND, HE MAY DO

SO WITH THE CONCURRENCE OF THE TDY COMMAND. ANY SUCH ATTACHMENT

DISTR:

FCJA-ML FCJ3-0X  
 FCJL-P0 FCJ3-0C  
 FCAG-PS FCPM-0RP

JOHN R. STEWART, JR., MAJ, JA  
 PLANS AND OPERATIONS OFFICER  
 FCJA-ML 2517/2518/3836

SPECIAL INSTRUCTIONS

LEROY F. FOREMAN, COL, JA, SJA, 2262

*[Signature]*

SECURITY CLASSIFICATION  
 UNCLASSIFIED

DATE TIME GROUP

Official Government Material

PAGE	DTG/RELEASE TIME			PRECEDENCE		CLASS	SPECAT	LMF	CIC	ORIG MSG IDENT
	DATE TIME	MONTH	YR	ACT	INFO					
02 of 02	311630Z	OCT	88	PP	PP	UUUU	AT			3051630Z
BOOK	MESSAGE HANDLING INSTRUCTIONS									

WILL APPLY ONLY TO NON-JUDICIAL PUNISHMENT. COURT-MARTIAL JURISDICTION WILL ALWAYS REMAIN WITH THE HOME STATION INSTALLATION, EXCEPT AS PROVIDED IN PARA 3, BELOW.

3. IN APPROPRIATE CASES, UNIT CDRS MAY ATTACH SOLDIERS TO THE TDY COMMAND FOR NON-JUDICIAL AND COURT-MARTIAL PURPOSES. SUCH CASES WILL NORMALLY ARISE WHEN ALL CDRS CONCERNED AGREE THAT THE TDY COMMAND IS THE APPROPRIATE PLACE TO DISPOSE OF ALLEGED MISCONDUCT. CDRS SHOULD CONTACT THEIR SERVICING STAFF JUDGE ADVOCATE WHEN THEY DESIRE TO ATTACH A SOLDIER FOR THE PURPOSE OF COURT-MARTIAL.

4. NOTHING CONTAINED IN THIS MSG CHANGES THE POLICY ANNOUNCED BY REF {CINCFOR MSG 141630Z JUL 87} CONCERNING INDIVIDUAL SOLDIERS PERFORMING INDIVIDUAL TOURS OF TDY OF 179 DAYS AT JTF-BRAVO.

5. POC IS MAJ STEWART, AV 572-2517/3836.

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OFFICIAL GOVERNMENT MATERIAL

DISTR:

DRAFTER TYPED NAME, TITLE, OFFICE SYMBOL PHONE		SPECIAL INSTRUCTIONS	
TYPED NAME TITLE OFFICE SYMBOL AND PHONE L.F.F.		4	
RELEASER SIGNATURE	SECURITY CLASSIFICATION UNCLASSIFIED	DATE TIME GROUP	

APPENDIX A-7

PERSONAL SECURITY AND FORCE PROTECTION STANDARDS FOR  
ALL U.S. PERSONNEL ASSIGNED TO JOINT TASK FORCE BRAVO

PURPOSE:

To establish a comprehensive policy for all U.S. military and civilian personnel for personal security and force protection. To explain measures that will be taken to decrease the threat to U.S. personnel while operating in Honduras.

APPLICABILITY:

This policy applies to all U.S. military and civilian personnel assigned to JTF-B, and all other U.S. military personnel performing duty within the Republic of Honduras. Violations of this policy by members of the armed forces constitute disobedience of a lawful written order and may subject military violators to adverse disciplinary action under appropriate provisions of the UCMJ and/or administrative regulations. Civilians subject to these policies who violate them may be subject to adverse administrative actions including but not limited to suspension or

withdrawal of privileges to use U.S. military facilities in Honduras.

POLICY:

To ensure personnel are aware of, and provided with information to reduce vulnerabilities to themselves. The following policies are directed:

RESTRICTIONS ON U.S. MILITARY PERSONNEL  
IN HONDURAS

1. All discos are off limits to U.S. military personnel in the Republic of Honduras except those in the authorized hotels in which military personnel are allowed to stay.
2. Personnel who are off Soto Cano Air Base or Task Force Base Camp performing official business are required to return to the military compound or hotel no later than 1800 hours.
3. Vehicles will be locked securely by 1800 hours daily, regardless of location. Appropriate key control will be established by commanders or OICs. No vehicles will be driven prior to 0600 hours without the permission of the commander or OIC. This permission will only be given to meet

critical mission requirements or emergency conditions.

4. When personnel are performing official duties off Soto Cano Air Base or Task Force Base Camp and are not able to return before 1800 hours, they must remain overnight at the nearest military compound first, or an approved hotel, second. If an aircraft must RON in an unsecured area and is not close to one of the above places the crew will remain with the aircraft.
5. Houses of prostitution are off limits.
6. While on approved MSA trips, personnel will remain on hard surfaced roads.
7. U.S. military personnel will avoid demonstrations, rallies and large gatherings of people while off base.
8. Alcoholic beverages will not be consumed in vehicles or aircraft while in transit.
9. When conducting official duties off Soto Cano Air Base, or Task Force Base Camp, personnel will travel with two vehicles operating north of Comayagua and a minimum of one armed person will be in each vehicle.

## PERSONAL SECURITY MEASURES AND PRECAUTIONS

1. Know what the current terrorist threat is for your area of assignment.
2. Know what tactics are being employed by terrorists who target Americans in your area of assignment.
3. Understand that taking individual precautions can substantially reduce the probability of your being the victim of a successful terrorist attack.
4. Maintain a "low profile" by not attracting local news media coverage, by not wearing attention-getting clothes, and by not exhibiting unusual behavior. Do not travel in groups of less than two or more than four. Avoid establishments where other U.S. forces personnel arrived before you.
5. Do not wear your uniform during travel in the civilian community. Avoid wearing military headgear while traveling by vehicle. Do not wear t-shirts which identify units or with unit insignia or crests.
6. Be alert to emergency situations; mentally plan possible courses of action you would take if an emergency occurred. Render prompt assistance to



any U.S. forces personnel who may have fallen victim to a terrorist incident.

7. Know and avoid high-risk areas; be cautious while mingling in crowds. Stay in well lighted areas, out of alleys, and away from known trouble spots.
8. Avoid establishing predictable personal routines by varying routes and travel patterns.
9. Be alert to possible surveillance at all times. In the event that you believe you are being followed, proceed to the nearest FUSEP station or FUSEP patrolman and explain your situation.
10. Exercise caution when interacting with strangers and avoid casually giving out personal information such as your address, telephone number, or job. Do not give any information about your group's itinerary, location of hotel or designation.
11. Know your host country's language and customs as well as possible; master emergency phrases in the language and be able to use the local telephone system.
12. Do not be predictable in your daily behavior; vary your travel times, your routes, and your mode of transportation whenever possible.

13. Check the area around the vehicle, the exterior of the vehicle, and then the interior of the vehicle before starting the engine.
14. Know the locations of "safe havens" (e.g., police and fire stations) along your routes.
15. Install appropriate mirrors, locks, and other devices to secure your car against tampering.
16. Safeguard car keys at all times.
17. Lock your car, especially at night.
18. Park in well-lighted areas if you must park on the street.
19. Always fasten seat belts, lock doors, and close windows when driving or riding in a car.
20. Be alert for surveillance and be aware of possible danger when driving or riding in a car.
21. Drive immediately to a "safe haven" when surveillance is suspected.
22. All off-post humanitarian civic aid projects and medical exercises must coordinate through JSF for security.
23. All official business/MSA trips will make all attempts to obtain a Spanish linguist to accompany them while off post.

24. When traveling off post, one person will remain with the vehicle when stationary. If unable to remain with the vehicle, a thorough search of the vehicle will be made for explosive devices upon return.

I have read and fully understand the contents of this policy.

\_\_\_\_\_  
Name

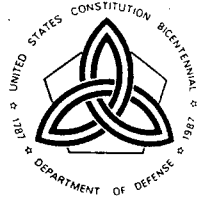
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



REPLY TO  
ATTENTION OF

**DEPARTMENT OF DEFENSE**  
HEADQUARTERS JOINT TASK FORCE - BRAVO  
APO MIAMI 34042



JTF-B-SJA

24 September 1987

MEMORANDUM FOR: J-5, JTF-B, Palmerola AB, Honduras

SUBJECT: Unit Sponsor Program

1. Upon reviewing your proposed letter concerning the Unit Sponsor Program I want to make the following recommendations.
2. The Honduran Charity Organization (HCO) is considered a Private Organization (PO). As such, its functions are governed by AR 210-1. Paragraph 2-2e, AR 210-1, states that a PO will not be administered by DoD personnel acting in an official capacity or on behalf of an official purpose. You as the J-5, cannot be involved in the funding decisions of the HCO. That funding is being used for a charity/humanitarian assistance purpose, a purpose that falls under your duties as J-5. It is legal however, for the HCO to fund projects like the ones that are being proposed, and also, it is legal for JTF-B units to hold certain fundraising activities to support the HCO.
3. Although it may be difficult, you must separate your Humanitarian and Civic Assistance functions from the function of the HCO, which is strictly charity work. Soon, I will brief Col Carlton on the current status of the HCO.

DAVID F. GUERRERO  
CPT, USA  
Staff Judge Advocate



REPLY TO  
ATTENTION OF

**DEPARTMENT OF DEFENSE**  
HEADQUARTERS JOINT TASK FORCE - BRAVO  
APO MIAMI 34042

JTF-B-SJA

4 October 1989

MEMORANDUM FOR: JTF-B Budget Officer

FROM: Command Judge Advocate

SUBJECT: Funding Sources for FY 90 Military Civic Assistance Project

In response to your request for an analysis of the sources available for funding Military Civic Assistance (MCA) Projects, I can provide you the following information.

Minimal expenditures, for the purpose of funding Humanitarian and Civic activities may be funded out of any available funding source, absent a written prohibition for this use. The authority for making these "deminimis" expenditures is found in 10 U.S.C. § 401(c)(2) (Enc 1). The description of "deminimis" activities is in the legislative history of Title 10. Although not strictly defined, these activities should be modest in scope and "commonplace on foreign exercises for decades." (Enclosure 2).

The second available source is the funds allocated under Title 10, specifically for Humanitarian and Civic Assistance projects which fit within the statutory prerequisites of 10 USC 401. (Enclosure 6). There is a specific dollar ceilings on the allocation of these funds and reporting requirements for their use.

The final available funding authorization is the Stevens Amendment to the DOD Appropriations Act. The Steven's Amendment is not permanent legislation, it must be reenacted each years as a rider to the DOD Appropriations Act. Steven's only applies to JCS directed or coordinated exercises. The funds used for the MCA projects are paid straight from the exercise's O & M funds. There is no separate pot of money for MCA under this amendment. Projects undertaken pursuant to Steven's are not subject to the restrictions of Title 10 and approval authority is the operational commander. (Encl 3,4,5).

MCA activity using the Stevens Amendment has virtually been non existent in Honduras since the enactment of 10 USC § 401. Now, in light of the cut in Title 10 funds, it is time to re-examine the use of this authorization, if it is reenacted as an amendment to the 1990 Appropriations Act.

Prior to using this authority, guidance and coordination should be made with the OSJA of both USARSO and SOUTHCOM to insure that one coherent, articulable opinion exists among the commands with vested interest in these activities. To this end, I am forwarding a copy of this legal opinion and enclosures to both offices.

*Ann Castiglione-Cataldo*  
ANN CASTIGLIONE-CATALDO  
CPT, JA  
Staff Judge Advocate

APPENDIX A-10

Questions and Responses in Reference  
to Medical Funding Issues

Additional Questions: Medical Support to Hondurans

These questions were sent to the JTF-B Medical Element from the Finance Office in USARSO in response to the Medical Element's request for funding of an additional contracted Honduran physician.

- What is the percentage of total funds that are OMA/HCA?  
What is the reason for such a percentage?
- Why are OMA funds being used for services which seem primarily HCA in nature?
- What is the stated purpose for treatment of Honduran nationals?
- How much of the Honduran physician's duties involve liaison activities and how much involve actual medical treatment?
- What are the training benefits derived from treating Honduran nationals?

- Are the medical services provided considered de minimis? If so, why?
- Are the medical services provided considered incidental? If so, why?

ADDITIONAL QUESTIONS

(MEDICAL SUPPORT TO HONDURANS)

1a. HCA funds as defined in Title 10-401 USC, are only spent on specific projects whose approval chain runs from J-5, JTF-B, through SOUTHCOM to DOD.

-b. The reason for following these procedures are the mandates of Title 10-401.

2,3,5. The JTF-B Medical Element's mission is set out in Appendix 3 to annex D to USCINCSO LOI: US Presence in Honduras: Medical Services, -3, para d,e,f, & g.

(encl)

- Train U.S. Military Forces to counter identified health threats and conduct medical operations in an austere field environment.
- Test issues, concepts and equipment which support the development of Low Intensity Conflict (LIC) Doctrine with operational capabilities.
- Contribute to the medical intelligence data base.
- Support and participate in the Tropical Medicine Training and Research Programs.

The primary purpose for treating Honduran nationals, other than during approved HCA projects, is to accomplish the missions set out above. U.S.



physicians learn to identify and treat diseases and deformities which though indigenous to the tropics are virtually unknown in the United States. These include Chagas Disease, Leprosy, Congenital Defects, i.e., Cleft Lips/Palates, numerous intestinal parasites, dysentery, and dehydration. More importantly, the doctors learn to treat these maladies in an austere field environment with minimal resources. This training allows the doctors to become proficient in the practice of medicine in a Low Intensity Conflict Environment in Central America. With this training, they will be able to perform future missions in this area.

4. Approximately 90% of the Honduran physician's duties involve liaison-work between the JTF-B Medical Element and Honduran Civil/Military authorities. 10% is devoted to performing triage and other supervisory duties associated with organizing and performing MEDRETEs.

6&7. The medical services provided are neither "de minimis" nor incidental. The process of learning to identify, treat and cure tropical infirmities in a field environment, is the primary purpose of these

activities. Training is the mission. Any benefit to the persons treated is incidental.

Additional questions concerning these activities, their legal basis, and historical precedent may be referred to the Office of the Staff Judge Advocate, JTF-B, POC, CPT CATALDO, 296-5154.

ANN CASTIGLIONE-CATALDO

CPT, JAGC

Staff Judge Advocate

APPENDIX A-11

Fact Sheet Concerning 1989-1990 Ports Issue

COMMANDER'S SMART BOOK 1989

CJA

FACT SHEET

O Issue: Outstanding Port's Bills. Payment of overdue port's bills to the Empresa Nacional Portuaria (ENP). Last year's delinquent payment caused a threatened closure of the ports to U.S. military vessels during exercise season.

- Total outstanding bill L. 193,359.02
- Exoneration for 1987 Navy Diplomatic Mission  
L. 42,539.62
- Exoneration for 1989 wharfage charges L. 61,026.79
- Equipment Usage Bills, 1989 L. 891.25
- Nicor Navigator and Cygnus Bills, 1986-87, Brigade  
L. 66,392.21
- Miscellaneous bills

Settlement of Delinquent Accounts Problem:

- (1) Procuring retroactive exonerations for Navy vessels.

- (2) Procuring exonerations for past and future U.S. military chartered vessels charged wharfage by the ENP.
- (3) Insuring payment for leased port equipment by deploying task forces after they redeploy.
- (4) Getting the \_\_\_\_\_ Bde to pay ports bills.

BACKGROUND: Between 1985-1988, there were not adequate controls in place to insure that bills were directed to the proper organization and expeditiously processed. Equipment rentals by the task forces were not carefully scrutinized to insure all payments were made prior to redeployment. Exonerations were not requested in a timely manner, and the \_\_\_\_\_ brigade simply has not taken action on its bill.

SOLUTION:

- (1) Procuring retroactive exoneration for Navy vessels requires a petition from Commander Strum DAO, U.S. Embassy to General Regalado. We will draft this for him.
- (2) Procuring exoneration from past and future wharfage charges begins with a request to the Ministry of Hacienda, approved by the Embassy, and endorsed by the Auditoria General to exonerate

U.S. from payment of three existing bills then coordination among the above named parties to develop a process for exoneration of vessels used in future exercises.

(3) (a) Insuring payment for leased port equipment by the task forces will require a Ports Contracting SOP monitored by the J-4 and Contracting.

(b) Payment of past bills for equipment rental and services will require coordination with JTF-B Contracting, possible request to higher headquarters for ratification of unauthorized commitments.

(4) \_\_\_\_\_ Bde bills, the point of contact is \_\_\_\_\_. Since July 1987, the Brigade has accepted responsibility for these bills. They must expend the effort and energy to access 1986-1987 funds and pay these bills.

COMMANDER'S SMART BOOK 1990

CJA

FACT SHEET

SUBJECT: Ports Summary

DISCUSSION: In June 1989, we had numerous backlogged ports bills totaling over \$100,000, currently there is one bill left from the backlog: Cygnus \$1,500.00. New Ports Contracting SOP and Wharfage Exoneration SOP are in effect and adopted by the Empresa Nacional Portuaria (ENP).

To Date: We have taken the following action to extinguish port bills.

- Exoneration for 1987 Navy Diplomatic Mission L. 42,539.62 accomplished.
- Exoneration for 1988-1989 wharfage charges L. 61,026.79 accomplished.
- Equipment Usage bills, 1989, L. 891.25. Paid.
- Nicor Navigator bills, 1986-1987, L. 63,293.82. Paid. Cygnus bills forwarded with documentary evidence to MTMC for payment.
- William Sutton bills, 1985-1986, L. 23,139.62. Paid.

CONTRACTS

- L. 18,000.00 in miscellaneous unauthorized commitments, MAJ Dean gathered up these bills; hand carried them to USARSO, and received ratification to pay them. On 26 January, we received the reimbursement check and paid the bill.

CONCLUSION:

- Bottom Line. We still owe ENP, L. 1505.92 on the Cygnus. All supporting evidence has been gathered and forwarded. We have positive proof that this vessel was chartered by \_\_\_\_\_ during the period in question. Despite this, the \_\_\_\_\_ commander is having problems procuring funds to pay this bill.

APPENDIX B

- B-1 Legal Annex and Appendix
- B-2 Site Survey Brief
- B-3 Exercise File Header Sheet
- B-4 Checklist Potential Claims Issues
- B-5 Claims SOP HONDURAS 1990
- B-6 Letter, JTF-B SJA, Subject: Future Duration Judge Advocate, Task Force 420, 420th Engineer Brigade, 28 August 1989
- B-7 Site Survey Checklist and Foreign Claims Checklist
- B-8 Objectives 19-22 Feb Site Survey
- B-9 Ahuas Tara After Action Briefing



APPENDIX B-1

Legal Annex and Appendix

ANNEX L

LEGAL (U)

1. (U) References:

a. International Agreements

(1) Bilateral Military Assistance Agreement between the Government of Honduras and the Government of the United States signed 1954.

(2) Protocol I. To above, concerning criminal jurisdiction signed 1985.

(3) Protocol II. To above, concerning Exercises signed 1989.

(4) Protocol III. To above, concerning construction and facilities initialed only but considered binding.

(5) Compensation Declaration, U.S. Policy for Claims Payment and Procedures, 1985.

b. Manual for Courts-Martial 1984.

c. Army Regulations.

(1) AR 27-3, Legal Assistance, March 1984, and comparable regulations for other service components.

(2) AR 27-10 Military Justice, 18 March 1988,  
and comparable regulations for other service  
components.

(3) AR 27-20 Claims 10 July 1987.

(4) AR 27-50/AF-R 110-112, Status of Forces  
Policies, Procedures and Information, 1 December 1984.

(5) AR 190-28 Use of Force by Personnel Engaged  
in Law Enforcement and Securities Duties, 1 August  
1980.

(6) AR 550-51, Authority and Responsibility for  
Negotiating, Concluding, Forwarding and Depositing of  
International Agreements, 1 May 1985.

(7) AR 600-8-1, Army Casualty and Memorial  
Affairs and Line of Duty Investigations AR 600-8-1.

(8) AR 735-11 Accounting for Lost, Damaged or  
Destroyed Property

(9) AR 15-6 Procedures for Investigating  
Officers and Boards of Officers

(10) AR 385-40, Collateral Investigations

(11) AR 608-99, Family Support, Child Custody  
and Paternity, 4 November 1985.

(12) AR 600-15, Indebtedness of Military  
Personnel, 15 November 1979.

(13) AR 600-8-2, Suspension of Favorable  
Personnel Actions.

d. Army Updates or Service Equivalents  
Enlisted Ranks Personnel Update 14,  
8 June 1988.

All Ranks Personnel Update 13, 16 March 1988.  
Officer Ranks Personnel Update 12,  
13 April 1988.

AR 600-20, Army Command Policy and Procedure,  
20 August 1986.

DOD Directive 5515.8 Single Service Claims  
Responsibility.

e. Department of the Army Pamphlets, or Service  
Equivalents

DA Pam. 27-153 Contract Law,  
25 September 1986.

DA Pam. 27-1-1 Protocols to the Geneva  
Convention.

DA Pam. 27-1 Treaties Governing Land Warfare.

DA Pam. 27-21 October 1985, Military  
Administrative Law.

DA Pam. 27-166 August 1981 Soldiers and Sailors  
Civil Relief.

SOUTHCOM REGS.

SC Reg 1-20 Currency Control Honduras.

SC Reg 27-3, 25 September 1981, DOD Law of War Program.

SC Reg 95-4, 15 January 1986, Honduran Buffer Zone Flight Procedures.

JTF-B POLICY LETTERS.

89-15, 21 February 1989, Use of Force ROE.

89-16, Control of Conversion of Honduran Currency (Lempira) to U.S. Postal Money Orders and Dollars.

2. (U) GENERAL

This annex establishes responsibilities, policies and procedures for legal services in support of operations during \_\_\_\_\_ 90. It also establishes specific instances where coordination must be made with the Staff Judge Advocate, USSOUTHCOM (SJA, USSOUTHCOM), USARSO, or the Staff Judge Advocate, Joint Task Force-Bravo (SJA, JTF-B).

3. (U) SJA Responsibilities

a. The SJA, USSOUTHCOM, will provide supervisory support, as needed, to the SJA, JTF-B, and attached TF judge advocates for all legal issues except claims. Coordination will be made by the SJA, USSOUTHCOM, with

the SJA, United States Army South (SJA, USARSO), or CONUS SJA offices, when appropriate.

b. The SJA, USARSO, in conjunction with the Chief, Command Claims Service (Panama), will provide supervisory support to the SJA, JTF-B, and attached TF judge advocates for all claims-related issues. Coordination will be made by the SJA, USARSO, with the Commander, United States Army Claims Service (Commander, USARCS), when appropriate.

c. The SJA, JTF-B will be responsible for supervision and coordination of all legal support services for the exercises. The SJA, JTF-B, will advise commanders and staff on exercises-related issues and all issues concerning the International Agreements and Protocols listed in 1a above. The SJA, JTF-B is physically located at Soto Cano AFB. However, the SJA, JTF-B, will deploy to \_\_\_\_\_ 90 field sites when necessary to investigate/settle claims or to perform other legal functions. Any coordination with SJA, USSOUTHCOM, or USARSO, will be done through the SJA, JTF-B.

d. TF must deploy with sufficient legal personnel to provide field legal support on a day-to-day basis.

At a minimum, one judge advocate, one legal clerk (71D) and one bilingual claims Investigating Officer, duties described in 4(c) below, should be attached to each TF. Such personnel, in coordination with the SJA, JTF-B, will provide legal advice to the TF commands and staff, and supervise the administration of military justice actions, claims, and other legal services.

(1) Attached TF legal personnel must deploy with sufficient reference material and supplies since the JTF-B SJA Office is not designed to provide such support to deployed units. JTF-B will provide all bilingual materials for processing claims UP chapter 10 AR 27-20. At a minimum the deploying JA should bring the following forms:

Telephone Directory SJA/field

DA Form 2627-2

DD Form 457--Confinement Order

DD Form 458--Charge Sheet

DA Form 31--Leave Request

DA Form 268--Flag

DA Form 543--Request for Records

DA Form 2627--Art 15

DA Form 2627-1--Sum Art 15

DA Form 2823--Sworn Statement

Form 3881--Right Warning

DA Form 4187--Personnel Actions

DA Form 285 United States Army Accident

Investigation Report

DA Form 1574--for 15-6 Investigations

DA Form 4856--General Counselling Form

DA Form 4697, Report of Survey

Cook Book language for Special Power of Attorney

Special Power of Attorney (blanks) EA Form 949 (Dec  
85)

General Power of Attorney (blanks) EA Form 827 (Dec  
86)

Revocation of Power of Attorney

Stay--Soldiers and Sailors Civil Relief Act Form

(2) Additional Materials

Extensive guidance has been prepared by the  
office of the Judge Advocate General as to what items  
should be brought from CONUS in support of OCONUS SJA  
field operations.

(3) Rotation of judge advocate officers and  
legal clerks is expected; however, deployed legal  
personnel should each stay in country a minimum of

three weeks to preserve continuity. All judge advocates rotating into Honduras must report to the SJA Office on Soto Cano to receive a briefing, bilingual materials, and orders necessary to perform their claims function in Honduras. Prior to rotating out, each JA must brief the SJA at Soto Cano on actions performed and pending potential legal issues.

4. (U) Policies and Procedures

a. International Law

(1) Jurisdiction over U.S. forces shall be determined by references a and b of this annex and any related agreements with the host country pertaining to the exercise. Necessary instructions concerning jurisdiction arrangements with respect to U.S. forces will be issued by the SJA, JTF-B.

(2) IAW references a and b, the government of Honduras will retain primary jurisdiction for offenses committed by U.S. forces, except:

(a) Offenses considered as crimes only under U.S. law (i.e., offenses only under the UCMJ or extraterritorial provisions of the U.S. code).

(b) Crimes solely against the property, security, and persons of the U.S.



(c) Crimes that occur while the service member is on official duty.

(3) Any incident which may result in judicial action by host nation civil authorities must be immediately reported to the SJA, JTF-B. Also, the SJA, JTF-B, must be notified immediately if any U.S. service member or DOD civilian employee is apprehended by host country civil or military authorities. The SJA, JTF-B, will make all necessary coordination with the U.S. Embassy to secure the release of any apprehended individual.

(4) To document their status, U.S. military personnel participating in the exercise must have on their person at all times DD Form 2A, U.S. Armed Forces Identification Card.

b. Military Justice

(1) Military Justice for active duty Army forces will be administered in accordance with references c and e. AR 27-10, military justice for active Air Force and Navy forces will be administered IAW reference c and appropriate service regulations.

(2) Deployed USAR and National Guard exercise components will be performing duty under the

jurisdiction of their CONUS headquarters. Each headquarters will ensure appropriate orders are published to implement their status. The SJA, JTF-B, will coordinate with the concerned CONUS headquarters to arrange transfer of jurisdiction to HQ, USARSO (Panama) for courts-martial as cases arise.

(3) The SJA, JTF-B, will coordinate requirements for military judges, trial and defense counsel, and court reporters in support of exercise components, if needed. Other required support, including transportation and communication, will be furnished by exercise units.

(4) Unit commanders will submit a report to the SJA, JTF-B, concerning any incident that may involve action under UCMJ, including Article 15s. Include the name and unit of the individual involved, a brief summary of the incident, and contemplated command action. The report will be in memorandum format.

c. Operations

All operations under this plan will be conducted in accordance with principles of international law, to include the Law of War, the Bilateral Agreement of 1954, specific Protocols and

Annexes, and Memoranda of Understanding. All questions or problems relating to legal status of personnel or any other issues will be referred to the SJA, JTF-B, for resolution.

d. Legal Assistance

Due to the nature and location of exercise units, the availability of legal assistance services for deployed personnel in Honduras is limited. Potential problem areas, such as powers of attorney, wills, disputed debts, and personal finances, should be handled prior to deployment. Deployed judge advocates and legal clerks will provide legal assistance services on an as-available basis. The SJA, JTF-B, will provide legal assistance on an emergency basis or when the resources of the deployed legal personnel are not adequate to provide the requested legal advice.

e. Trial Defense Service

JTF-B does not have an assigned military defense attorney. Most defense counseling, to include advice on nonjudicial punishment and Article 31 rights/warnings, is provided telephonically by the Trial Defense Service, Fort Clayton, Panama. A CONUS TDS judge advocate should deploy on an intermittent

basis to provide defense and legal assistance services to \_\_\_\_\_. Where this is not possible, sister service attorneys simultaneously deployed have TDS authorization to give Article 15 counseling.

APPENDIX--1--- TO ANNEX --N--- TO JTF-B EXPLAN

REFERENCES:

DOD DIR. 5515.8 SINGLE SERVICE ASSIGNMENT OF  
RESPONSIBILITY FOR CLAIMS (3 JUNE 1987).

AR 27-20 LEGAL SERVICE-CLAIMS (10 AUGUST 1987).

AR 405-15 ACQUISITION OF REAL PROPERTY AND  
INTERESTS THEREIN (25 MAY 1970)

DA PAM 27-162, LEGAL SERVICE CLAIMS (15 DEC. 1984)

WARNER, PLANNING FOR FOREIGN CLAIMS OPERATIONS  
DURING OVERSEAS DEPLOYMENT OF MILITARY FORCES, THE ARMY  
LAWYER, JULY, 1987 AT 61.

MARK L. WARREN, "CLAIMS OPERATIONS IN GRENADA  
ACTION REPORT/LESSONS LEARNED," 9 MARCH 1984,  
HEADQUARTERS, XVIII AIRBORNE DIV, FT BRAGG, NC.

(Area studies, country law study of host country)

Prosser: Basic Handbook on Tort Law

Webster's Ninth New Collegiate Dictionary.

1. GENERAL.

A. MISSION. The primary mission of the exercise  
claims judge advocate (ECJA) is to promptly investigate  
claims for personal injury, death, and property damage  
caused by U.S. military personnel and civilian

employees of DA which are the result of training, field exercises, and maneuvers, to adjudicate and pay claims within his monetary authority, and to expeditiously forward investigative results for claims beyond his monetary authority to the appropriate foreign claims commission (FCC) or other claims authority for adjudication. These duties will be carried out pursuant to the guidance set out in AR 27-20, Chapter 3, and 10. The ECJA will perform other duties as required including investigating and forwarding to the proper claims authorities personnel claims brought by military personnel and DOD civilians UP AR 27-20, Chapter 11.

B. ASSUMPTIONS. Current agreements for host nation support will remain in effect.

2. CONCEPT OF OPERATION. The United States Army Claims Service (USARCS) will supply complete legal support to ensure the efficient processing of claims arising out of AHUAS TARA 90. During the pre-deployment phase, the deploying commander will coordinate with the local SJA to request the appointment of a staff attorney as the ECJA.

The SJA US Army South, Ft. Clayton, will appoint as a foreign claims commission (FCC) the attorney who is on orders to be the ECJA for the operation, and will notify the Chief of the Command Claims Service U.S. Army South of his appointment. The ECJA as a one man FCC may adjudicate and settle any claim of \$1,000 or less, and claims for over \$1,000 which can be settled for less than \$1,000. He has no denial authority. The ECJA will schedule a pre-deployment briefing with the Command Judge Advocate and at that time receive the HHC USARSO fund cite for foreign claims only. The Chief of Command Claims Service, USARSO, will immediately initiate procedures to have the ECJA integrated into the USARSO claims operations as a special claims processing officer, IAW 27-20, para 1-8(4). ECJAs deployed to Honduras will forward their claims to the command Judge Advocate at Soto Cano. Upon conclusion of his deployment, and prior to exiting this theater, the ECJA will outbrief the Command Judge Advocate, Soto Cano. At this time he will account for his expenditures.

### 3. ASSIGNMENT OF TASKS

A. The deploying commander will be responsible for supplying the (ECJA) with all logistical support, transportation, and administrative personnel, including the appointment of Class Agents and Exercise Claims Investigators (ECI) in the rank of E-6 and above where necessary.

B. The Staff Judge Advocate will:

(1) Effect all pre-deployment coordination with the command.

(2) Appoint an ECJA.

(3) Coordinate with the Staff Judge Advocate, USARSO, to have a staff attorney from the deploying unit's JAG office placed on orders to be an FCC, and forward notice of this to USARCS.

(4) Ensure the ECJA has sufficient legal personnel, equipment, and supplies to carry out his duties.

(5) Ensure the ECJA and staff have all necessary travel documents and clearances to participate in the operation.



C. The Chief, Command Claims Service, USARSO:

(1) Will supervise, direct, and coordinate the integration of the ECJA Claims Operation as a Special Processing Center.

D. The Command Judge Advocate at Soto Cano:

(1) Will ensure the ECJA is adequately briefed and supplied with bilingual forms and other briefing materials.

(2) Will supply the fund cite.

(3) Will expeditiously process and forward claims forwarded by the ECJA for adjudication by the three member foreign claims commission at the USARSO JAG Office when necessary.

(4) Will supply information, guidance, and assistance as needed.

E. The ECJA will be responsible:

(1) For investigating claims UP AR 27-20, Chapters 3, 10, and 11.

(2) For adjudicating those claims that are within his monetary jurisdiction of \$1,000.

(3) For forwarding claims beyond his monetary jurisdictional limits to the appropriate FCC or claims approval authority.

(4) For coordinating with and supplying information to the USARSO Claims Service.

(5) For coordinating the adjudication and payment of Chapters 11 and 3 claims with his home JAG Office.

(6) For keeping logs accounting for the claims he receives and processes.

(7) For coordinating with the S-5 for appointment of Exercise Claims Investigators (ECI), and Class A Agents, and for the implementation of field payment procedures.

(8) For supervising the investigations of ECI.

F. The ECI:

(1) Will be a bilingual officer or NCO in the rank of E-6 or above.

(2) Will assist any civilians who ask to file a claim for compensation for injuries, death, or damage caused by the activities of the unit.

(3) Will assist any military personnel in the unit who wish to file a claim for the loss, damage or theft of personal property arising in connection with the exercise.

(4) Will follow the guidance and directions provided by the ECJA.

(5) Will immediately notify the ECJA of any serious incident that may result in a claim against the government.

(6) Will forward completed claims incident reports to the ECJA.

(7) Where no ECJA is appointed will coordinate activities directly with the SJA, JTF-B.

APPENDIX B-2

Site Survey Brief

JTF-B-SJA

20 February 1990

Office of the Staff Judge Advocate Joint Task Force-  
Bravo

Located in building E-78B, co-located with Public  
Affairs Office

AUTOVON Number 449-3154/3546

The Office of the Staff Judge Advocate can supply  
deploying units mission support in the following areas:  
Legal Assistance, Administrative Law, Claims, Military  
Justice, Status of Forces, International and  
Operational Law. The principal areas of concern for  
most deploying units are Claims, Military Justice and  
Status of Forces.

CLAIMS: All claims for loss or damage of personal  
goods made by members of the U.S. Armed Forces are  
processed through their home station. Foreign Claims,  
Maneuver Damage Claims. The US Army South through the  
JTF-B Staff Judge Advocate Office has "single service  
jurisdiction" for these claims. Each unit must either  
bring a JAG or appoint a bilingual NCO in the grade of  
E-6 or above to serve as the Claims Investigating

Officer during their deployment. This person will report to the OSJA and receive a briefing and all necessary materials and serve as a satellite of this office for the length of the deployment.

MILITARY JUSTICE: All units must insure that the deployment orders of the personnel coming to Honduras state on the front of the orders to whom the service members are attached for UCMJ action.

STATUS OF FORCES: The United States does not have a formal SOFA with Honduras. Instead, we have a Bilateral Agreement, Series of Protocols, Annexes and Memorandums of Understanding that govern our rights and duties. Protocol I governs criminal jurisdiction. The Honduran government has primary jurisdiction over all offenses except those committed while in Official Duty Status, or crimes that are strictly U.S. to U.S. The Honduran government has no right to hold a U.S. servicemember in custody. Should this occur contact this office immediately.

OPERATIONAL LAW: All units must be aware in order to conduct exercises on private property we must procure permission of the landowner. This permission is in the form of a land contract or land use agreement depending

on the nature or duration of the use. A six-minute instructional videotape is on file at the J-3, DCENG, and the SJA Office. It is required that this be reviewed prior to the initial site survey. Land leases take up to 60 days to conclude and should be initiated as early as possible.

UNIT REQUIREMENTS: Each unit upon its initial visit to JTF-B must make personal contact with the SJA Office to outline the type of support anticipated. Deploying JAs should make contact not later than 1 month prior to deployment to receive instructional materials. All Claims Investigators must report to this office prior to going to their field assignment then return prior to departure to debrief and account.

APPENDIX B-3

Exercise File Header Sheet

EXERCISE NAME

DATES

PLACE OF DEPLOYMENT

NATURE OF DEPLOYMENT

EXERCISE CLAIMS JUDGE ADVOCATES

NAME(S)

ADDRESS

PHONE

FAX

IN BRIEFING DATE SCHEDULED

PREDEPLOYMENT MATERIALS MAILED

COORDINATION MADE WITH LOCAL FCC

INBRIEFING

ALPHA NUMERIC COMMISSION CODE ASSIGNED

FUND SITE ASSIGNED

USARCS BRIEFED

OUTBRIEFING

ACCOUNTING

COMMENTS:

THIS DOCUMENT SHALL REMAIN ON FILE UNTIL THE END OF THE FISCAL YEAR

## Checklist Potential Claims Issues

## CHECK LIST \_\_\_\_\_ POTENTIAL CLAIMS ISSUES

I. ISSUES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

II. TF/DFT/Other \_\_\_\_\_

- Site Survey Before, During After
- Before \_\_\_\_\_
- During \_\_\_\_\_
- After \_\_\_\_\_
- Coordinate with Auditoria for a person on survey \_\_\_\_\_
- Coordinate with unit for a claims JA or Investigations Officer \_\_\_\_\_.
- Brief unit rep and supply materials \_\_\_\_\_.
- Contact local landowners.
  - Leases \_\_\_\_\_
  - Land use agreement \_\_\_\_\_
- Notification of exercise dates and what will occur \_\_\_\_\_
  - a) verbal \_\_\_\_\_
  - b) paper \_\_\_\_\_
  - c) town meeting \_\_\_\_\_
- Notification of POC for claims \_\_\_\_\_

Preparation for event

- Coordinate persons, meals, accomodations, orders, transportation, \_\_\_\_\_.

Coordinate materials

- Claims packet, phone books, Class A agents, cards, camera, film, notes \_\_\_\_\_.

Monitor Event

- Personnel on the scene as it occurs.
  - Investigate reported damage immediately.
- (Heavy drops walk the area and ask soldiers and locals if damages occurred) \_\_\_\_\_.

Assist Claimants

- Insure claims are forwarded. Insure a clear address exists or POC exists \_\_\_\_\_.

Process Claims/Pay \_\_\_\_\_.



**CLAIMS S.O.P**

**HONDURAS**

**FOR 1990 EXERCISE SEASON**

# PROCEDURE

## 3 PHASES

PRE-DEPLOYMENT

DEPLOYMENT

POST REDEPLOYMENT

# **POLITICAL FACTORS**

**THIRD WORLD COUNTRY**

**PHASE ONE INSURGENCY**

**RECENT ELECTIONS**

**MILITARY ASSISTANCE FUNDS CUT**

**ECONOMIC DETERIORATION**

**MOST LOYAL ALLY**

**NO S.O.F.A. AGREEMENT**

# **GOALS**

**MINIMIZE DAMAGE**

**EXPEDITE SETTLEMENT**

**PROMOTE**

**INTER-OPERABILITY**

**NATION BUILDING**

**PRE-DEPLOYMENT**

**SITE SURVEY**

**COORDINATION**

**CIVIL \ MILITARY LEADERS**

**LAND OWNERS**

**INVESTIGATING OFFICER**

# **DEPLOYMENT**

**CLAIMS INVESTIGATOR IN ADVON  
INVESTIGATE, FORWARD, RECOMMEND**

**JTF-B JAG**

**PROCESS AND RETURN CLAIMS  
PROVIDE GUIDANCE AND ASSISTANCE**

**CIVIL \ MILITARY LIASON**

**POST RE-DEPLOYMENT**

**BILATERAL SITE REVIEW**

**FINAL INVESTIGATIONS**

**OUT-BRIEF OFFICIALS**

**NO FURTHER CLAIMS ACCEPTED**

# **SPECIAL CONCERNS**

**MARINE EXPEDITIONARY BRIGADE**

**JOINT LOGISTICS OVER THE SHORE**

**BLAST DAMAGE**



**CONCLUSION**

**PUBLIC OPINION**

**GOOD WILL THRU INTEGRITY**



Letter, JTF-B SJA, Subject: Future Duration Judge Advocate,  
Task Force 420, 420th Engineer Brigade, 28 August 1989

**DEPARTMENT OF DEFENSE**  
HEADQUARTERS JOINT TASK FORCE - BRAVO  
APO MIAMI 34042

REPLY TO  
ATTENTION OF

JTF-B-SJA

28 August 1989

MEMORANDUM FOR: Future Duration Judge Advocate, Task Force 420, 420th Engineer  
Brigade

SUBJECT: FC 90

1. During Col Otto's recent visit to JTF-B, I had the opportunity meet him and discuss JAG issues. He gave me some information about your background and credential and it sounds like he made an excellent choice for a duration Judge Advocate. I'm looking forward to working with you. By this letter, I hope to begin a predeployment information exchange so that when you arrive, you can hit the ground running.
2. There are many legal issue here that are unique to Central America. The United States does not have a Status of Forces Agreement with Honduras, instead it has a general bilateral agreement that is augmented by an annex; protocols, and memoranda of understanding. It is important for any J.A. deploying into this country to have a general knowledge of the scope of these agreements and an appreciation for the diplomatic aspect of his mission in Honduras.
3. In addition to the international agreements, the other major legal issue that is peculiar to Central America is the investigation and payment of Foreign Claims. In most overseas commands there are procedures in place that either augment or replace those outlined in Chapter 10, AR 27-20, Claims. That is not the case in Honduras. The Command Claims Service of the United States Army South (USARSO) has single service responsibility for Honduras and there are no agreements with the host country to alter the procedures laid out in this regulation. The procedures used in Honduras are presented in a detailed appendix to the Legal Annex of the Fuertes Caminos 90. Ops Plan.
4. One final note, coordination with my office is mission essential. Activities and decision of apparently minor import may take on an enhanced political significance. Broken promises, unpaid bills and wanton destruction, have caused strained relations and political embarassment in the past. You and your JAG's must be prepared to work as satellites of this office, always keeping an open a flow of communication, you need patience, energy and a sense of humor. We will give you our support and our highest priority.
5. I am looking forward to future correspondence. I have enclosed the below listed materials for your information and dissemination. If I can be of any assistance do not hesitate to call 37-5301, ext. 154 or 546, Office of the Staff Judge Advocate, JTF-Bravo, APO Miami 34042.

*Ann Castiglione-Cataldo*  
ANN CASTIGLIONE-CATALDO  
CPT, JA  
Staff Judge Advocate

CF:

- Commander JTF-B
- USARSO
- OSJA SOUTHCOM

International Law

1. Fact Sheet Bilateral Agreement 1954
2. Fact Sheet Protocol I: Criminal Jurisdiction
3. Protocol II: Operations
4. Fact Sheet Protocol III: Construction

Claims

5. Foreign Claims guide to Honduras
  6. Model Foreign Claims checklist Appendix to the OPLAN - (See FC 90 Legal Annex for further specifics)
  7. Sample Bilingual Claims Material
  8. Sample Class A Agent Orders
  9. Sample Voucher Certifying Authority grant.
  10. Sample Appointment Orders for a one man Foreign Claim's Commission.
- Please send the information contained in the sample to me and I'll have USARSO appoint you as a one man Foreign Claims Commission.

Criminal Law

11. Art 15 request form
12. Sample Art 15 work sheets
13. Sample 1-18 counseling and explanatory DF
14. Sample BAR to Reenlistment certificate

Checklist of Miscellaneous References, Regulations and Forms

I can supply you with named local regs and Policy letters.

APPENDIX B-7

Site Survey Checklist and Foreign Claims Checklist

JTF-B-SJA

SUBJECT: SITE SURVEY CHECKLIST FOR DEPLOYING JAs

- | 1. LEGAL PERSONNEL:   | YES   | NO    |
|---|-------|-------|
| a. Has a deployment Judge Advocate<br>(JA) been appointed?  | _____ | _____ |
| b. Has at least one 71D Legal<br>Specialist been assigned to assist<br>him/her?   | _____ | _____ |
| c. Has a bilingual exercises claims<br>investigating officer in the rank<br>of E6 or above been appointed and<br>briefed concerning his duties? | _____ | _____ |
| <br>2. INTERNATIONAL LAW REFERENCES:  |       |       |
| a. Does the deploying Judge Advocate<br>have the following reference<br>materials:  |       |       |
| (1) Bilingual Military Assistance<br>Agreement of 1954.   | _____ | _____ |
| (2) Protocols I, II, and III.   | _____ | _____ |

	YES	NO
(3) Compensation Declaration and Procedures, 1985.	_____	_____
(4) Memorandum of Understanding for this exercise.	_____	_____

3. ARMY REGULATIONS OR SERVICE EQUIVALENTS:

a. AR 27-3, Legal Assistance	_____	_____
b. AR 27-10 or equivalent	_____	_____
c. AR 27-50/AFR 110-112, Status of Forces.	_____	_____
d. AR 190-28, Use of Force	_____	_____
e. AR 550-51, International Agreements	_____	_____
f. AR 600-8-1, Line of Duty	_____	_____
g. AR 735-11, Accounting for Lost or Destroyed Property	_____	_____
h. AR 15-6, Investigations	_____	_____
i. AR 385-40, Collateral Investigation	_____	_____
j. AR 608-99, Family Support, Child Custody	_____	_____
k. AR 600-15, Indebtedness of Military Personnel	_____	_____

	YES	NO
1. AR 600-8-2, Suspension of Favorable Personnel Actions	_____	_____
m. AR 600-20, Command Policy and Procedure	_____	_____
4. UPDATES OR SERVICE EQUIVALENTS		
a. Enlisted Ranks Personnel Update	_____	_____
b. Officer Ranks Personnel Update	_____	_____
c. All Ranks Update	_____	_____
5. DEPARTMENT OF THE ARMY PAMPHLETS		
a. DA PAM 27-153, Contract Law	_____	_____
b. DA PAM 27-1-1, Protocols to the Geneva Convention	_____	_____
c. DA PAM 27-1, Land Warfare Treaties	_____	_____
d. DA PAM 27-21, Military Administrative Law	_____	_____
e. DA PAM 27-166, Soldier's and Sailor's Civil Relief Act	_____	_____
6. SOUTHCOM REGULATIONS		
a. SOUTHCOM Reg 1-20, Currency Control, Honduras	_____	_____

	YES	NO
b. SOUTHCOM Reg 95-4, Honduran Buffer Zone Flight Procedures	_____	_____
7. JOINT TASK FORCE-BRAVO - POLICY LETTERS/ROES		
a. JTF-B Rules of Engagement	_____	_____
b. 89-15, Use of Weapons and Ammunition, Use of Force	_____	_____
c. 89-16, Currency Control	_____	_____
8. DEPARTMENT OF THE ARMY FORMS		
a. DA Form 2627	_____	_____
b. DA Form 2627-1	_____	_____
c. DA Form 2627-2	_____	_____
d. DA Form 2823	_____	_____
e. DA Form 3881	_____	_____
f. DA Form 4187	_____	_____
g. DA Form 31	_____	_____
h. DA Form 285	_____	_____
i. DA Form 1574	_____	_____
j. DA Form 4856	_____	_____
k. DA Form 4697	_____	_____
9. DEPARTMENT OF DEFENCE FORMS		
a. DD Form 457	_____	_____

YES NO

b. DD Form 458 \_\_\_\_\_

10. MISCELLANEOUS FORMS

a. General and Special Power of  
Attorney Forms \_\_\_\_\_

b. Stays of Soldier's and Sailor's  
Civil Relief Act Forms \_\_\_\_\_

11. FOREIGN CLAIMS CHECKLIST

a. Administrative Requirements

(1) Has an Exercise Claims Officer  
(ECO) been appointed for the unit? \_\_\_\_\_

(2) Has the ECO been appointed an  
FCC by the SJA, USARSO, Ft Clayton,  
Panama? \_\_\_\_\_

(3) Has the ECO reported to the  
JTF-B, CJA for a required  
orientation? \_\_\_\_\_

(4) Has he received his FCC # and  
fund site? \_\_\_\_\_

(5) Does the ECO have in his  
possession the following:

(a) FOREIGN CLAIMS ACT GUIDE-- \_\_\_\_\_

HONDURAS



	YES	NO
(b) Access to AR 27-20	_____	_____
(c) SF 95s (Spanish version)	_____	_____
(d) 3x5 Claim Information Cards	_____	_____
(e) DA Form 1666	_____	_____
(f) Vouchers	_____	_____
(6) Is primary translation support available and prepared to deploy with the ECO?	_____	_____
(7) Does the ECO have access to a camera? transportation?	_____	_____
(8) Before redeploying has the ECO out briefed the CJA Soto Cano on all claims paid, denied or investigated?	_____	_____
b. On-Site Claims Procedures		
(1) Is the claimant a proper party claimant IAW Chapter 10, AR 27-20?	_____	_____
(2) Did the ECO properly determine the incident/accident to be cognizable U.P. of para 10-2 and para 10-8, AR 27-20?	_____	_____

	YES	NO	
(3) Was assistance provided to the claimant in completing the SF 95s?	_____	_____	
(4) Does the ECO have a good address/phone number/exact geographical location for the claimant?	_____	_____	
(5) Is the ECO preparing the following supporting evidence (if applicable):	YES	NO	NA
(a) Statement by the claimant (either written by himself or recorded through a memorandum for record (MFR) made after an interview with the claimant)	_____	_____	_____
(b) Eyewitness statements (sworn or unsworn)	_____	_____	_____
(c) MP/SP report	_____	_____	_____
(d) CID/OSI report	_____	_____	_____
(e) Host country police report (FUSEP)	_____	_____	_____
(f) Report of Survey investigation	_____	_____	_____

	YES	NO	NA
(g) Line of duty investigation	—	—	—
(h) AR 1506 investigation	—	—	—
(i) Weather report	—	—	—
(j) Local media articles	—	—	—
(k) Photograph of accident scenes, injuries, and/or damaged property	—	—	—
(l) Diagrams of accident locations	—	—	—
(m) Medical reports	—	—	—
(n) Opinion letters from treating physician/PA	—	—	—
(o) Itemized estimated cost or repair or paid bill for repair	—	—	—
(p) Proof of ownership (title, vehicle registration, statement by disinterested party, etc.)	—	—	—
(q) Accident report by military vehicle driver	—	—	—
(r) Copy of claimant's national identification card or driver's license	—	—	—

	YES	NO	NA
(s) Copies of insurance policies held by the claimant, U.S. soldiers and/or U.S. civilian employees which could compensate the claimant for his loss	—	—	—
(6) Was SJA, JTF-B notified of the claim payment IAW the Foreign Claims Act Guide--Honduras?	YES	NO	
	—	—	

12. SETTLEMENT PROCEDURES

a. Was the claim properly adjudicated IAW paras 10-8 and 10-10, AR 27-20?	—	—	
b. Is the SF 1034 completed properly, i.e., reviewed by SJA JTF-B?	—	—	
c. Is the fund site correct?	—	—	
d. Was DA Form 1666, Claims Settlement, properly prepared and executed by the claimant?	—	—	
e. If applicable, did the ECO explain reconsideration procedures to the claimant IAW para 10-16, AR 27-20?	—	—	

YES NO

f. Was the completed file forwarded to \_\_\_\_\_  
SJA, JTF-B for proper disposition?

POC: JTF-B SJA, AV 449-3546/3154.

B-7j

APPENDIX B-8

OBJECTIVES 19 - 22 FEB SITE SURVEY

- o Coordinate with 15th Bn Commander
  - Brief on the 6th MEB Maritime Pre Positioning Force Operation, convoy security.
  - Partial payment of wrongful death claim.
  
- o Coordination with local civic leader
  - Brief local mayors on MEB operation.
  - Review Catastro records.
  - Contact land owners.
  - Execute land use agreement where appropriate.
  - Confirm other land use where appropriate
    - 1) Soccer Field
    - 2) Abandoned air field
    - 3) Latrines
    - 4) Property on lateral limits of the airfield at Trujillo
  - Set up dates for land contracts.
  - Set up date for town meeting.
  
- o Coordinate with local naval commander.
  - Brief on the exercise.
  - Brief on participation/assistance necessary.
  - Hydrographic Survey
  - Navy Security
  - Liaison
  
- o Coordinate with Recursos Naturales.
  - Investigate fishing and other related activities that occur in this area.
  - Investigate tourist trade.
  - Investigate other environmental issue for Fuerza Naval JAG to do an environmental impact.
  
- o Survey entire loading area, and access road for other potential problems.
  
- o Conduct detailed engineering recon of beach and beach egress route at Trujillo.

APPENDIX B-9

Ahuas Tara After Action Briefing

# AHUAS TARA CLAIMS

<u>TASK FORCE</u>	<u># TYPE CLAIM</u>	<u># SETTLED</u>	<u># PENDING</u>	<u>NUMBER</u>
820	N/A	0	0	0
MPF	DAMAGED HOUSE -1 DAMAGED FENCE -1 PORT DAMAGES -1 TELEPHONE LINES -2 PRIVATE ROAD -1 QUARRY SITE -1	0	7	7
MAGTAF 1-90	POWER LINES -1	1	0	1
MAGTAF 2-90	N/A	0	0	0
8TH ENGINEER	N/A	0	0	0
11TH TRANS	DAMAGED HOUSES -3 DAMAGED CROPS -1 LOSS OF INCOME -173	177	0	177
1 MEB	FIRE DAMAGE -3	1	2	3
TOTALS		179	9	188

# AHUAS TARA CLAIMS (TASK FORCE 20)

NUMBER  
172

# PENDING

# SETTLED

# TYPE CLAIM

DZ OPS

DRAINAGE PIPE -1

LIVESTOCK LOSS -1

FIRE (DEMO) -5

VEHICLE ACCIDENTS -2

BLAST DAMAGE -103\*  
-56\*\*

103 - SETTLED  
25-27 APRIL

56 - INSPECTED  
25-27 APRIL

TRESPASS -1

REAL PROPERTY -2

FENCES -1

TOTALS

11

161

172

\* 103 - NO RESPONSE FROM TF-20; LOCALS HIRED A LAWYER.

\*\* 56 - RECEIVED THROUGH 101 BDE



**LEGAL ISSUES**  
**TF-20**

**LAND**

**WRONGFUL USE, AND DAMAGE TO VIRGINIA MEDENCIES' LAND**  
**OBSTRUCTED ACCESS TO HER LAND**

**CLAIMS**

**INACCESSIBLE TO POPULAR COMPLAINTS**  
**ADDITIONAL LAWYER'S FEE**  
**BAD PRESS FOR JTF-B**