Center for Law and Military Operations (CLAMO) Report

The Judge Advocate General's Legal Center & School

The Judge Advocate's Role in Information Operations

Lieutenant Colonel Pamela M. Stahl
&
Captain Toby Harryman

Information is at the very heart of many stability operations . . . . These operations are often sensitive and politically charged where perception and public support may be centers of gravity. In stability operations, IO [information operations] may be the most critical and acceptable means of achieving stated objectives consistent with the ROE.[1]

Judge advocates at all levels of command play an important role in advising commanders and their staffs on information operations (IO) during the full spectrum of military operations—from offensive and defensive operations to stability and support operations.[2] In Operation IRAQI FREEDOM (OIF) and Operation ENDURING FREEDOM (OEF), judge advocates are participating in IO cells and IO working groups (IOWG), effects-coordination cells, and targeting meetings. During past field training exercises at home station and at the combat training centers, units often practiced offensive and defensive operations, and related IO. Few units conducted stability operations[3] exercises, unless as part of mission rehearsals for deployments to Bosnia or Kosovo. In current operations, however, units are conducting the full spectrum of military operations simultaneously, from offensive operations against suspected terrorist cells, to civil affairs projects rebuilding local communities. Developing and implementing IO themes and objectives throughout this spectrum of military operations can be quite complex.

This report provides a broad overview of Army IO doctrine and the judge advocate's role in the IO campaign, in particular in stability operations. Here, IO may become the center of gravity in "winning the hearts and minds" of the local population. Judge advocates assigned as operational law attorneys and those who deploy as part of a brigade operational law team (BOLT) must understand IO and their role in these operations. This report addresses IO at the operational and tactical levels. It does not, however, address specific domestic and international *laws* relating to IO.

Joint and Army Doctrine on Information Operations

First, judge advocates must understand IO in the context of military operations. Army doctrine, consistent with Joint doctrine, defines IO as:

> [T]he employment of the core capabilities of electronic warfare, computer network operations, psychological operations, military deception, and operations security, in concert with specified supporting and related capabilities, to affect or defend information and information systems, and to influence decisionmaking . . . . IO related activities include, but are not limited to public affairs (PA) and CMO [Civil Military Operations].[4]

These activities help the commander gain information superiority.[5] Information superiority is an "enabling operation" that assists the commander in winning the fight.[6] Although this report discusses only IO, there are two related disciplines that also assist the commander in gaining information superiority:

---

1. U.S. Dep't of Army, Field Manual 3-07, Stability Operations and Support Operations para. 2-72 (20 Feb. 2003) [hereinafter FM 3-07]. Joint doctrine defines "centers of gravity" as "[t]hose characteristics, capabilities, or sources of power from which a military force derives its freedom of action, physical strength, or will to fight." Joint Chiefs of Staff, Joint Pub. 1-02, Dep't of Defense Dictionary of Military and Associated Terms chap. C (12 Apr. 2001, as amended thru 17 Dec. 2003).

2. *See* U.S. Dep't of Army, Field Manual 3-0, Operations para. 1-48 (14 June 2001) [hereinafter FM 3-0] (discussing full spectrum operations).

3. *Id.* Stability operations "promote and protect U.S. national interests by influencing the threat, political, and information dimensions of the operational environment through a combination of peacetime development, cooperative activities, and coercive actions in response to crises." *Id.*

4. U.S. Dep't of Army, Field Manual 3-13, Information Operations: Doctrine, Tactics, Techniques, and Procedures paras. 1-53, 1-58 (28 Nov. 2003) [hereinafter FM 3-13]. This IO definition supercedes the one in FM 3-0, *supra* note 2, ch. 11. *See also* Joint Chiefs of Staff, Joint Pub. 3-13, Joint Doctrine for Information Operations para. 1 (9 Oct. 1998) [hereinafter Joint Pub. 3-13] (providing the joint definition of IO).

5. FM 3-13, *supra* note 4, para. 1-37. The information environment includes individuals, organizations, and systems that collect, process, store, display, and disseminate information. Not only does the military use this environment, but national, international, and nonstate actors use it to collect, process, and disseminate information, as well. *Id.*; *see also* Joint Pub 3-13, *supra* note 4, ch. 1, para. 3.h.

6. FM 3-0, *supra* note 2, pt. IV. Commanders direct enabling operations to support offensive, defensive, stability, and support operations. They are usually shaping or sustaining; they may be decisive in some military operations other than war. *Id.*

intelligence, surveillance, and reconnaissance (ISR)[7] and information management (IM).[8] Specific objectives that contribute to information superiority include the following:

- Develop and maintain a comprehensive picture of enemies and adversaries; forecast their likely actions.

- Deny enemies and adversaries information about friendly forces and operations.

- Influence enemy and adversary leader perceptions, plans, actions, and will to oppose friendly forces.

- Influence noncombatants and neutrals to support friendly missions or not to resist friendly activities.

- Inform noncombatant and neutral organizations so they can better support friendly policies, activities, and intentions.

- Protect friendly decision making processes, information, and information systems.

- Continually provide relevant information (including intelligence) to the commander and staff in a useable form.

- Destroy, degrade, disrupt, deny, deceive, and exploit enemy decision making processes, information, and information systems, and influence those of adversaries and others.[9]

There are two types of IO—offensive and defensive. During operations, commanders synchronize offensive and defensive IO to produce complementary and reinforcing effects. Under Army doctrine, "[o]ffensive IO supports the decisive operations, while defensive IO protects friendly force critical assets and centers of gravity."[10] Offensive IO includes psychological operations (PSYOP), operational security (OPSEC), and military deception and may apply attack options such as electronic warfare (EW) and physical attack to produce the desired effect against an adversary's information systems.[11] United States forces conduct defensive IO through information assurance,[12] information security, physical security, OPSEC, counterdeception, counterpropaganda, counterintelligence, EW, and special information operations.[13] Additionally, IO requires integration with several other processes, to include intelligence preparation of the battlefield and targeting.[14]

In stability operations, which are often sensitive and politically charged, information may be the decisive operation.[15] As reflected in current operations, they require a great deal of attention to civil considerations, such as political, social, economic, and cultural factors. Unlike combat operations, the center of gravity is likely not a particular military unit or terrain feature, rather it is restoring basic services and influencing public support.[16] Military forces can expect that adversaries and

---

7. Intelligence supports planning, decision-making, target development, targeting, and protecting the force. Surveillance and reconnaissance are the means to collect information that is used to produce intelligence; these assets focus primarily on collecting information about the enemy and the environment for the priority intelligence requirements. *Id.* para. 11-17.

8. *Id.* para. 11-28. *Field Manual* 3-0 defines IM as:

> [T]he provision of relevant information to the right person at the right time in a usable form to facilitate situational understanding and decision-making. It uses procedures and information systems to collect, process, store, display, and disseminate information (*see* FM 6-0). IM is far more than technical control of data flowing across networks. It communicates decisions that initiate effective actions to accomplish missions and fuses information from many sources. Successful IM adds meaning to information as it is processed, so decision makers can focus on achieving understanding instead of processing or evaluating information. IM consists of two supporting components: information systems and relevant information.

Id. para. 11-28. *See* U.S. Dep't of Army, Field Manual 6-0, Mission Command: Command and Control of Army Forces (11 Aug. 2003) [hereinafter FM 6-0].

9. *Id.* para. 11-11.

10. FM 3-13, *supra* note 4, para. 1-70.

11. Joint Pub. 3-13, *supra* note 4, ch. 2, para. 1.b.

12. *Id.* glossary. Information assurance operations are those operations that protect and defend information and information systems. *Id.*

13. *Id.* ch. 3, para 1.a.

14. FM 3-13, *supra* note 4, para. 5-1.

15. FM 3-07, *supra* note 1, para. 2-72.

16. *Id.* paras. 2-72, 2-73.

other organizations will use propaganda and disinformation against coalition forces to influence the public. Therefore, in stability operations, offensive IO is very important to promote legitimacy and reduce bias and confusion. Everyone must understand the objectives and motives of friendly forces, including the scope and duration of friendly action. Offensive IO can persuade, educate, coordinate, and influence.[17] Of course, coalition forces must also practice defensive IO to protect the force and the mission.[18]

The Judge Advocate's Role in Information Operations

Once judge advocates understand basic IO doctrine and how it contributes to the unit mission, they must learn their role in supporting the commander's IO campaign. To begin, judge advocates should consult *Field Manual 27-100, Legal Support to Operations*,[19] for the Judge Advocate General's Corps (JAGC's) doctrine on IO support. Under the JAGC doctrine, IO is part of the operational law support to commanders.[20] Not only do staff judge advocates (SJAs) and their deputies provide legal advice regarding IO, but operational law attorneys and those assigned to BOLTs do so as well. At division and above, SJAs should consider assigning a separate judge advocate to the IO cell, because meetings may be conducted simultaneously with other G-3 (assistant chief of staff, operations) meetings that an operational law attorney must attend.[21]

Army IO doctrine specifically tasks the SJA to advise the G-3 and the G-7 (assistant chief of staff, information operations) on legal aspects of IO.[22] The SJA's IO-related responsibilities include the following:

- Advise the G-7 on the legality of IO actions being considered during planning.

- Include IO instructions in the legal appendix to the service support annex.

- Provide an SJA representative to the IO cell.

- Provide legal advice on IO rules of engagement (ROE).

- Review IO plans, policies, directives, and ROE issued by the command to ensure their consistency with *DOD Directive 5100.77*[23] and the law of war.

- Ensure that IO law of war training and dissemination programs are consistent with *DOD Directive 5100.77* and the law of war obligations of the [United States].

- Advise the [deception working group] on the legality of [military deception] operations and the possible implications of treaty obligations and international agreements on it.[24]

In addition, through participation in IO planning, judge advocates gain visibility over their unit's intelligence collection efforts such as computer network exploitation. Therefore, judge advocates also must be familiar with the laws relating to intelligence collection operations.[25]

To properly advise the command, judge advocates must understand the legal issues associated with IO. As recognized in joint doctrine, "IO may involve complex legal . . . issues . . . . Information operations planners must understand the different legal limitations that may be placed on IO across the range of military operations."[26] Because of these legal considerations, the judge advocate must be an integral part of the planning and execution of IO to provide proper legal advice. This advice includes: the legal limitations placed on IO in peacetime, crisis, and conflict; a law of war analysis of the intended wartime targets; special protection for international civil aviation, international banking, and cultural or historical property;

---

17. *Id.* paras. 2-75, 2-76.

18. *Id.* para. 2-77.

19. U.S. Dep't of Army, Field Manual 27-100, Legal Support to Operations (1 Mar. 2000) [hereinafter FM 27-100].

20. *Id.* paras. 2.4.1, 3.2.

21. *See generally id.* para. 5.5.4.

22. *See* FM 3-13, *supra* note 4, para. F-32.

23. *See* U.S. Dep't of Defense, Dir. 5100.77, Law of War Program (9 Dec. 1988).

24. FM 3-13, *supra* note 4, para. F-32 (emphasis added).

25. *See generally* FM 27-100, *supra* note 19, para. 6.6.7; Int'l. & Operational Law Dep't, The Judge Advocate General's Legal Center and School, U.S. Army, JA 422, Operational Law Handbook ch.14 (2004) [hereinafter OpLaw Handbook] (outlining the legal considerations related to intelligence collection).

26. Joint Pub. 3-13, *supra* note 4, ch. 1, para. 1.a.

and actions expressly prohibited by international law or convention.[27]

Judge advocates should review the *Operational Law Handbook, Information Operations*, chapter 19,[28] for the specific *legal* aspects of IO. That chapter summarizes the applicable laws relating to IO and is an excellent starting point for researching legal issues. It also contains an explanation of the elements of offensive and defensive IO and related activities, outlines the international legal considerations in IO, and discusses foreign and domestic law, and law enforcement aspects of IO. For example, during an IOWG meeting, participants may discuss conducting an offensive PSYOP mission against the local populace. Judge advocates must analyze the legal constraints of conducting these missions. Once they understand the legal issues associated with IO, judge advocates must then understand where they fit into the IO process—normally through participation in an IO cell.

The Information Operations Process

Generally, an IO cell coordinates objectives and tasks with their counterparts at higher and lower echelons and identifies IO targets, which are then nominated at separate targeting meetings.[29] The IO cell states objectives in terms of the commander's desired effect. Normally, objectives are written in terms of causing an adversary or other group to do or not to do something. An example would be to deny the insurgents' ability to create civil unrest to maintain a safe and secure environment for reestablishing civilian control in Iraq.[30] Information operations tasks are developed to support or accomplish an IO objective; they tell a unit to do something, such as use PSYOP assets to broadcast certain information to the local populace.[31]

The IO cell uses the military decision-making process (MDMP) to plan and synchronize IO. Judge advocates need to be thoroughly familiar with the MDMP to effectively participate in IO cells and working groups.[32] In addition, units in both OIF and OEF generally conduct effects- based planning using the doctrinal targeting process of decide, detect, deliver, and assess (D3A). To participate in IO planning, judge advocates need to be familiar with Joint and Army doctrine on the targeting process.[33]

---

27. *Id.* chap. 1, para. 4.a.

28. OpLaw Handbook, *supra* note 25, ch. 19.

29. FM 3-13, *supra* note 4, para. 1-87. *See also* FM 6-0, *supra* note 8, para. 6-105 (providing that "[t]argeting is a logical process that synchronizes lethal and non-lethal fires . . . includ[ing] offensive information operations effects").

30. FM 3-13, *supra* note 4, paras. 5-90, 5-92.

31. *Id.* paras. 5-94, 5-95.

32. *See id*. paras. 5-1 – 5-8. To describe and direct IO, commanders use the mission statement, concept of support, objectives, and tasks. The IO mission statement is a short paragraph or sentence describing what the commander wants IO to accomplish and its purpose; the concept of support is a statement of where, when, and how the commander intends to focus the IO element of combat power to accomplish the mission; the objectives are defined and obtainable aims that the commander intends to achieve using IO; and the IO tasks are developed to support accomplishment of one or more objectives. *See id.* Using the MDMP process, the IO cell conducts mission analysis to define the tactical problem and determine feasible solutions. During mission analysis the staff: analyzes the higher headquarters order; conducts the intelligence preparation of the battlefield; determines specified, implied, and essential tasks; reviews available assets; determines constraints; identifies critical facts and assumptions; conducts a risk assessment; determines initial commander's critical information requirements; determines the initial ISR annex; plans use of available time; writes the restated mission; conducts a mission analysis briefing; approves the restated mission; develops the initial commander's intent; issues the commander's guidance and warning order (WARNO); and reviews facts and assumptions. *Id.* para. 5-31. After the mission analysis briefing, the staff develops courses of action (COAs) for analysis and comparison based on the restated mission, commander's intent, and planning guidance. During the COA analysis, the G-7 develops or refines the following IO products to support each COA: concept of support; objectives; tasks to support each objective; input work sheets; synchronization matrix; IO-related target nominations; and critical asset list. The staff then conducts a COA-analysis (war-gaming) comparison. Next, in a COA decision briefing, the staff makes a recommendation to the commander. The IO concept of support for the approved COA becomes the IO concept of support for the operation. The G-3 then issues a WARNO, which contains the IO's contributions to the commander's intent and concept of operations; IO tasks requiring early initiation; and a summary of the IO concept of support and IO objectives. Finally, the staff refines the approved COA and issues an operations plan or operations order. *See generally id.* paras. 5-12 – 5-130.

33. *See* U.S. Dep't of Army, Field Manual 6-20-10, The Targeting Process ch. 2 (8 May 1996). In the decide phase, the staff addresses targeting priorities and briefs high-pay-off target lists, the intelligence collection plan, target selection standards, and the attack guidance matrix to the commander for decision. *Id.* In the detect phase, the targeting team develops the information needs for target detection. These needs are expressed as priority intelligence requirements (PIR) and intelligence requirements (IR). *Id.* Targets and suspected targets are then passed to the targeting team by a number of means, to include intelligence from subordinate units, IOWG, etc. *Id.* The deliver function of the targeting process executes the target attack guidance and supports the commander's battle plan once the staff locates and identifies the high pay-off targets. *Id.* Tactical decisions that must be made in this phase include when to attack, the desired effect, degree of damage, or both, and the attack system to be used. Based on these decisions, a unit is then assigned to conduct the attack. Finally, to complete the targeting cycle, a combat assessment is made of the executed mission, to include a battle damage assessment, munitions effect assessment, and a reattack recommendation. *See id.*

The IO cells include representatives from PSYOP, Public Affairs (PA), and Civil Affairs (CA). The PSYOP representative integrates, coordinates, deconflicts, and synchronizes the use of PSYOP with other IO tools and missions. These PSYOP missions may include operations planned to convey selected information to the local population to influence their emotions, motives, objective reasoning, and ultimately the behavior of foreign governments, organizations, groups, and individuals.[34]

A PA representative is also a member of the IO cell. Public Affairs supports IO through print and electronic products, news releases, press conferences and media facilitation.[35] Although PA does not shape the beliefs and attitudes of a population, it assists IO by providing factual information that enables the staff to make informed decisions.[36] Finally, the CA representative to the IO cell synchronizes CA activities with the IO themes and mission.[37] In stability operations, CA and IO work hand-in-hand to ensure that CA projects support IO themes, such as the United States restoring a safe and secure environment for the local population.

As reflected in the above examples, IO campaign objectives include many disciplines. For example, information about a weapons turn-in policy and collection sites may be disseminated through a variety of means, to include direct contact by CA personnel with the local population; PSYOP print and broadcast products; or PA news releases or press conferences.[38]

Information operational planning is conducted at all levels of command. At the Joint Forces Command (JFC), an IO cell develops and promulgates IO guidance and plans, and then passes them to the components and supporting organizations and agencies for mission planning and execution. At the JFC, the operations officer (J-3) usually has responsibility for IO. The J-3 normally designates an IO officer to supervise the IO cell. The IO officer also serves as the IO representative to the Joint Targeting Coordination Board.[39] The IO cell contains select representatives from each staff element, component, and supporting agency responsible for integrating IO capabilities and related activities, including a judge advocate.[40]

The Joint Task Force (JTF) also conducts IO. An excellent example of this process and how it nests with effects-based operations at the JTF level of command is Combined Joint Task Force 180 (CJTF-180) in Afghanistan. At CJTF-180, IOWG meetings plan and synchronize all IO components two weeks out, to include PAO, combat camera, PSYOP and EW. The operational law planner attends these meetings and both the chief, operational law and the fiscal law attorney review the recommended tasks, including PSYOP products such as posters, handbills, and leaflets.[41]

Combined JTF-180 uses the Joint and Army doctrinal targeting concepts of D3A to conduct joint targeting and the effects process. As such, the IOWG is just one group that contributes to effects-based mission planning through the joint effects working group (JEWG). Others include the operational effects working group (EWG), the operations planning group (OPG), and the assessment working group (AWG).[42]

First, in the *decide phase* of the targeting process the EWG meets to determine any changes to operational guidance, as interpreted from U.S. Central Command and Joint Chiefs of Staff planning orders, and to define the effects that the CJTF would like to achieve in their area of operation (AO) from both lethal and nonlethal fires. The resulting guidance is published in an effects tasking order (ETO). The ETO is then used in the *detect phase* to develop, validate, nominate, and prioritize targets. The OPG uses the ETO in the tactical MDMP to plan tactical operations three weeks out. The operational law planner's focus at these meetings is on the impact of the ROE on the tactical combat operations.[43] Also based on receipt of the ETO, the

---

34. *See* U.S. Dep't of Army, Field Manual 3-05.30, Psychological Operations paras. 8-5 – 8-8 (19 June 2000).

35. U.S. Dep't of Army, Field Manual 3-61.1, Public Affairs Tactics, Techniques and Procedures para. 9-14 (1 Oct. 2000) [hereinafter FM 3-61.1].

36. *Id.* para. 9-24.

37. U.S. Dep't of Army, Field Manual 3-05.401, Civil Affairs Tactics, Techniques, and Procedures para. 1-28 (23 Sept. 2003).

38. FM 3-61.1, *supra* note 35, para. 9-3.

39. Joint Pub. 3-13, *supra* note 4, ch. IV, paras. 1, 2.

40. *Id.* The following staff elements are generally represented in the IO cell: intelligence (J-2), logistics (J-4), plans (J-5), command, control, communications, and computer systems (C4) (J-6), operational plans and interoperability (J-7), PSYOP, EW, OPSEC, military deception representative, special technical operations, counterintelligence, PAO, SJA, CA, SOF, and a targeting representative. Other potential representatives include the Defense Information Systems Agency (DISA), the Information Operations Technology Center, and the National Security Agency. *Id.* chap. 4, para. 2.c.

41. *See* E-mail from CPT Marie Anderson, CJTF-180 Operational Law Attorney, to the author, subject: IOWG (1 Jan. 2004) [hereinafter E-mail from CPT Anderson] (on file with CLAMO). CJTF-180 has found that IO planners must have a sound historical and cultural perspective of Afghanistan to make sound recommendations on IO objectives and tasks. Planners must understand the religion (Islam), tribal social hierarchy, diverse ethnic demographics, warlords, the drug trade, and the shattered economy. *See* CJTF-180 Presentation to the 2003 Senior Fires Conference (21-24 Oct. 2003), *available at* http://sill-www.army.mil/conf/briefings/ (last visited Mar. 9, 2004) [hereinafter CJTF-180 briefing] (Powerpoint slides on file with CLAMO).

42. *See* E-mail from CPT Anderson, *supra* note 41.

IOWG begins planning two weeks out to identify operational and tactical requirements and targets. As part of the targeting process, the IOWG nominates targets and recommends particular weapons to engage the targets. In this sense, weaponeering is not limited to lethal platforms, but may include the production of leaflets, stories, radio messages, etc.[44]

The OPG and IOWG nominated targets are then forwarded to the JEWG. The JEWG integrates the operational and tactical priorities into one consolidated briefing to the Director of the Combined/Joint Staff at the Joint Effects Coordination Board, which is similar to a targeting board. The relevant elements of the IOWG, EWG, AWG, and OPG are integrated into the JEWG for de-confliction and synchronization.[45] The director typically approves several targeting missions, which are integrated into the following day's fragmentary order (FRAGO). The FRAGO contains information on targeting priorities and high payoff targets, priority PSYOP missions, PA and CMO recommendations, and specific ROE.[46] Subordinate units then conduct mission planning and force execution in the *deliver phase* to engage these targets. Once engaged, the AWG works in the *assess phase* of the targeting process to measure the success of the mission, including both lethal and nonlethal effects missions.[47] At the tactical level, the missions are tracked on an effects synchronization matrix to capture all lethal and nonlethal assets across the battlefield in priority.[48]

At the corps and division levels, the G-7 has coordinating staff responsibility for IO through the G-7 section or the IO cell. The IO cell is located in the main command post and is comprised of representatives of organizations responsible for all IO elements and related activities. The following representatives normally participate in the IO cell: G-1/AG (personnel), G-2 (intelligence), G-3 (operations), G-4 (logistics), G-6 (command, control, communications, and computer operations), chemical officer, space operations officer, fire support officer, and engineer.[49] In addition, the IO cell includes representatives from PA, CMO, and the SJA.

The primary function of the cell is to synchronize IO throughout the operations process. The cell members may coordinate during meetings (such as an IOWG meetings) or over a local area network.[50] Currently, divisions deployed in support of OIF typically conduct IOWG meetings, the products of which are briefed at subsequent targeting or effects coordination cell meetings. The operational law attorneys attend these meetings and provide advice on legal issues that arise and review IO products, tasks, and objectives.[51] One of the greatest challenges is getting information out to the local population on the multitudes of projects being conducted by the divisions. Judge advocates may assist in this process by suggesting alternative forums, such as local newspapers with different target audiences.[52]

At the brigade level, each type of maneuver brigade has its own IO capabilities. These brigades include: the Stryker brigade combat team (SBCT), the Army National Guard enhanced separate brigade (ESB), and the division maneuver brigade. The SBCT includes an IO element embedded within the Fire and Effects Coordination Cell (FECC).[53] An IO coordinator (IOCOORD) supervises the IO section, which acts as the principal staff element for all civil-military operations, and includes IO, CA, and PSYOP personnel.[54] In the SBCT, the BOLT is also located in the IO section.[55] The second type of brigade, the ESB, has an S-7 who plans the brigade's IO efforts.[56] The S-7 assists in developing target lists, estimates, and assessments;

43. *Id.*

44. *See* CJTF-180 briefing, *supra* note 41.

45. *Id.*

46. *Id.* The FRAGO integrates any new requirements identified in the subordinate maneuver brigade's targeting meeting, which is held the same day. *Id.*

47. For example, a decision may be made to gain the support of key friendly leaders in a particular town. A unit or agency is selected in the detect phase, and that unit conducts operations to influence and gain support in the deliver phase. These operations could include dropping leaflets and transmitting radio broadcasts to inform the townspeople of the coalition's friendly intent, and providing humanitarian assistance. In the assess phase, the unit's missions are measured by the non-lethal effects, such as leaders and towns people that have reported weapons caches or turned-over guerilla leaders to coalition forces.

48. *See* CJTF-180 briefing, *supra* note 41.

49. FM 3-13, *supra* note 4, paras. F-19 – F-32.

50. *Id.* para. 1-86.

51. *See, e.g.*, E-mail from LTC Sharon Riley, Staff Judge Advocate, 1st Armored Division, to the author, subject: IO (24 Dec. 2003) (copy on file with CLAMO); E-mail from LTC Richard Whitaker, Staff Judge Advocate, 101st Airborne Division (Air Assault), to the author, subject: lessons learned (8 Jan. 2004) [hereinafter E-mail from LTC Whitaker] (copy on file with CLAMO).

52. E-mail from LTC Whitaker, *supra* note 51.

53. U.S. Dep't of Army, Field Manual 3-21.31, The Stryker Brigade Combat Team para.1-28c(2)(F) (13 Mar. 2003) [hereinafter FM 3-21.31].

54. *Id.* Civil-military operations include the civilian impact on military operations and the impact of military operations on the local population. *Id.*

directs, manages and controls all IO assets and performs IO tasks; recommends IO priorities; and coordinates offensive and defensive IO.[57]

Unlike the SBCT and ESB Brigades, division maneuver brigades are not doctrinally staffed with organic IO assets such as an IOCOORD or S-7. In today's full spectrum operations, however, maneuver brigades must also plan and execute IO, and IO-related tasks. Instead of an IO cell, the executive officer (XO) or fire support officer (FSO) generally coordinates IO; the S-2 conducts physical security operations and executes counter-intelligence operations; the S-3 conducts OPSEC operations, executes counter-deception operations, and directs and monitors PSYOP; the S-5 monitors CMO and ensures attached CA teams support brigade and division CA missions; the S-6 is responsible for information assurance; and the fire support officer plans and executes IO-related physical destruction targets.[58] As these brigades transform into the unit of action model, IO planning may change, as well.

Today, at the Army's Combat Training Centers, maneuver brigades practice planning and executing IO and IO-related tasks. Without organic IO and IO-related assets, traditional maneuver brigades must build their own IO staff. These brigades practice a wide range of staff structures to accomplish necessary IO missions. Some brigades use the S-5 as the IO director. This director coordinates all non-lethal effects at daily IOWG meetings using the D3A targeting methodology. Other brigades use the FSO as the IO director who coordinates non-lethal effects at daily non-lethal fires meetings. In both instances, the judge advocate serves as a critical advisor, providing guidance on a wide-range of IO-related issues.

In current real-world operations, division maneuver brigades often conduct weekly meetings to coordinate IO tasks and objectives into overall brigade operations. For example, one brigade in Iraq conducts weekly IO targeting meetings focused on effects-based operations. Representatives from each of the battalions attend, as well as the XO, S-2, and S-3. In addition, the brigade commander conducts weekly IO strategy meetings to ensure that the brigade's tactical IO missions are nested with the higher command's strategic objectives. The XO, S-2, S-3, public affairs officer (PAO), and political advisor attend the strategy meetings. The brigade also conducts daily lethal targeting meetings; the IO representative attends these meetings to ensure unity of effort, but the effects-based and lethal targeting meetings are not combined.[59] A brigade in Afghanistan does not conduct a separate IOWG, but integrates IO objectives and tasks into FECC meetings, which synchronize all brigade lethal and nonlethal fires.[60]

Another brigade deployed to Iraq uses its FSO to perform duties as both the IO officer and the PAO. The brigade synchronizes effects through their "team village" coordination cell meetings, which the judge advocate attends.[61] The IO officer integrates all command information, PA, and PSYOP into the brigade IO campaign. For instance, the command publishes a brigade newspaper containing stories on positive activities within the brigade area of operation and other topics of interest to the civilian population.[62] The IO officer, acting as the PAO, has built friendly working relationships with several U.S. journalists. In exchange for information on impending operations that may be of interest, the journalists provide the PAO with the opportunity to respond to negative stories. The brigade has found that these journalists are often more apt to cover positive news stories, such as the opening of schools, when they already have good relationships.[63] The brigade also uses face-to-face communications through the Neighborhood and District Advisory Councils and key leader meetings to disseminate their command message.[64] An attached PSYOP team broadcasts their messages via loudspeaker systems and handbills.[65]

---

55. *Id*. para. 1-28(a)(3).

56. FM 3-13, *supra note* 4, para. F-38.

57. *Id.*

58. *Id.* paras. F-39, F-40.

59. *See* E-mail from MAJ Laura Klein, Advanced Operational Law Studies Fellow, to author, subject: IOWG (23 Dec. 2003) (on file with CLAMO) (discussing how the 173d Airborne Brigade conducted IO in OIF).

60. *See* E-mail from CPT Marie Anderson, Operational Law Attorney, CJTF-180, to author, subject: IOWG (6 Jan. 2004) (on file with CLAMO).

61. *See* Memorandum from CPT Jeffrey A. Miller for Staff Judge Advocate, 1st Armored Division, Baghdad, Iraq, subject: IO in the 3rd Brigade Combat Team, para. 6.a. (30 Dec. 2003) [hereinafter CPT Miller memo] (on file with CLAMO).

62. *Id*. paras. 2, 3. The IO officer has established a relationship with the professor at the Baghdad University, who edits newspaper articles in a manner consistent with Iraqi dialect. The IO officer also consults with the editor of a large Iraqi newspaper. *Id.* para. 3.

63. *Id.* para. 6.a.

64. *Id.* para. 4.

Finally, the brigade has been very successful in using their PSYOP and CA teams to quell protestors and disperse crowds. In these cases, they dispatch team members to the scene of disturbances to provide information and counter the usual inaccurate anti-Coalition message that initially incited the crowd.[66]

Regardless of the theater of operation, at the brigade level, IO can be confusing to more junior judge advocates. During IO planning, brigade judge advocates should understand that they are expected to provide general advice on production of IO messages and ideas, and look for potential unintended consequences to U.S. forces of IO messages.[67] Additionally, judge advocates frequently review PSYOP products, although most products are generally created above the brigade level. Judge advocates also review suggested CA projects, such as those to rebuild schools and hospitals. Fiscal law and contracting advice are critical when targeting these projects.

Brigade judge advocates, and those at higher echelons of command, can also contribute to the IO campaign by ensuring that their own missions are woven into IO themes and objectives. A claims scenario illustrates this point. A brigade judge advocate learns that a tank from her unit on a routine night patrol, not related to combat activities, fails to stop at a stop sign crashing into a small tractor being driven by a farmer and his wife. The tractor is destroyed and the farmer's wife is killed. Local leaders and the press immediately denounce the incident and local friends and family stir up unrest in the brigade sector based on this incident. The farmer personally (accompanied by a local reporter) lodges a complaint with the local commander regarding the loss of his tractor and his wife's death. The commander dispatches his judge advocate, who has been appointed as a Foreign Claims Commission, to investigate the incident and determine what, if any, payments are appropriate based on the farmer's claim. The farmer and the local press are detected targets at this stage of the non-lethal targeting process and added to the IO target synchronization matrix. The judge advocate determines the claim may be paid under the Foreign Claims Act, and delivers an offer to the farmer. The farmer accepts and tells his friend that the U.S. made him whole again (as best it could) with a claims payment. Brigade patrols meeting and talking to the local population assess the public reaction to the United States' actions. What a judge advocate regards as a routine claim, is an integral part of the IO targeting process and campaign.

Another example of how judge advocates can contribute to IO is the *Army Regulation* (*AR*) *15-6*[68] investigatory process. The following scenario illustrates this contribution. A U.S.

Soldier fires into a vehicle at a checkpoint killing its allegedly innocent occupants—two local teenage males. Local leaders and the press immediately denounce the United States' action and the local media publish negative reports in the brigade AO. The brigade adds the leaders and media (because of their influence on the local populace) to the IO targeting synchronization matrix. This is the detect phase of D3A targeting. The brigade commander immediately initiates, with guidance from his judge advocate, an *AR 15-6* investigation. The investigation reveals the car's teenage occupants were known members of a local paramilitary organization and the car trunk contained an unexploded improvised explosive device. The judge advocate reviews the *AR 15-6* report of investigation and finds it to be legally sufficient. The judge advocate then advises the brigade PAO to publish the results of the investigation in the locally produced brigade newsletter, which is delivered to brigade Soldiers, CA, and PSYOP teams (after the judge advocate reviews it). This is the deliver phase of targeting, and the delivery platforms are Soldiers, CA, and PSYOP. Brigade patrols and local bilateral meetings then assess whether the local population accepts the results of the investigation, or whether the leaders and press need to be re-engaged to further reduce the tensions created by the shooting incident. What a judge advocate may initially view as a routine investigation is actually an integral IO function.

Other JAGC disciplines fall into the same category. Rules of engagement drafting, cards, and training protect not only U.S. Soldiers, but also reduce the number of potentially negative ROE incidents involving locals (*e.g.*, checkpoint shootings and operations in religious buildings and areas). A reduction in negative ROE incidents through judge advocate drafting, education, and training directly affects a brigade's ability to win the hearts and mind of the local population. It also satisfies a likely IO targeting objective aimed at influencing the populace to support the United States and not paramilitaries.

Once brigade judge advocates understand targeting, IO, and how their missions relates to IO, they can use this common language to communicate effectively with commanders and staff. A large portion of the judge advocates' tasks at the brigade level can be packaged within the IO targeting process and campaign. The above explanation of IO in relation to brigade legal functions should help junior judge advocates understand IO. Also, packaging legal skills to a commander and staff using the D3A and IO targeting methodology lends additional credibility to an already trusted advisor.

---

65. *Id.* para. 5.

66. *Id.* para. 6.b.

67. *Id.* para. 7.a.

68. U.S. DEP'T OF ARMY, REG. 15-6, PROCEDURES FOR INVESTIGATING OFFICER AND BOARDS OF OFFICERS (30 Sept. 1996).

Conclusion

Joint and Army doctrine recognizes that IO involves complex legal considerations that require the advice of judge advocates. To properly provide this advice, judge advocates not only must understand legal issues that impact IO, but must be familiar with IO planning and execution and how they fit into the process. To effectively participate in IOWGs and other effects-based mission planning, they need to understand the MDMP process and doctrinal targeting concepts. As reflected in current full-spectrum operations, IO is integral to winning the hearts and minds of the local population. Once judge advocates understand IO and the planning process, they can play a very important role in accomplishing their unit's mission.