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MODERN DAY LESSONS FROM THE FIRST TJAG

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Timeless Leadership Series: Article Reprint
By Colonel Jeffrey G. Palomino, USAF (Ret.)

In this *Timeless Leadership Series*, we look to the leadership lessons from our first Judge Advocate General, Major General Reginald Harmon, written by Colonel Jeffrey G. Palomino, USAF (Ret.)

The following remarks, which have been edited for this publication, were made by Major Jeffrey G. Palomino at a luncheon hosted by the Judge Advocate General's School on 28 January 2009 to celebrate the 60th Anniversary of the JAG Corps.

While I was deployed to Iraq this past summer, my then 4-year-old son became enamored with a television show from my childhood days. What was the show? It was *The Super Friends*. You remember *The Super Friends*. If you don't, it was an animated television series in the 70s and 80s. It originally featured Superman, Batman and Robin, Wonder Woman, and, my favorite, Aquaman. Ultimately, though, it expanded to include characters such as the Flash, Plastic Man, the Green Arrow, the Wonder Twins, and Gleek. And who could forget their loveable canine companion Wonder Dog? As you remember, the Super Friends worked out of the Hall of Justice

and they, of course, fought super-villains and other societal evils, all the time resolving massive world conflicts within about 15 minutes. In addition, between segments they did short spots giving basic safety lessons, providing basic first aid advice, demonstrating magic tricks, and presenting a two-part riddle featuring the week's primary plotline.

Today, we have occasion to reflect on the 60th Anniversary of the Air Force Judge Advocate General's Corps. When we do this, we inevitably think about the leaders of the JAG Corps both past and present. We think of names like Kuhfeld, Cheney, Vague, and Swigonski. I think of names like Moorman and Rives. Many of these leaders are forever enshrined around The JAG School with rooms named after them. Unfortunately, what happens when we see them in this perspective is that we start to think of these leaders more like the Super Friends—heroic figures who worked out of the

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Hall of Justice and resolved massive world conflicts within about 15 minutes. When we do this, we forget that these leaders were, in reality, regular people who simply did the best they could do for the Air Force and its JAG Corps at their appointed time in history.

No one better illustrates this point—the point of the JAG Corps consisting of regular people doing the best they could at their time in history—than the first Judge Advocate General, [Major General Reginald Harmon](#). Today, I'd like to focus my comments on General Harmon. First, I'll talk briefly about his background and how he became the first TJAG. When you hear how it happened, you'll be surprised. Second, I'll quickly list some of the more interesting positions he held on different topics facing the JAG Department of his day, and I'll ask you to compare these views to life in the modern-day JAG Corps. Finally, after we look at these things, I'll give you two points we can learn from all of this and, hopefully, take with us as we leave here today.



Major General Reginald Harmon, the first Judge Advocate General

Background of General Harmon

General Harmon was born in 1900 on a farm in Olney, Illinois.^[1] Olney, Illinois is a town kind of like Eclectic, Alabama; unless you're from there, you've probably never heard of it. General Harmon did ROTC at the University of Illinois and graduated from the University of Illinois College

of Law in 1927. One fact is very important to understanding General Harmon. If you understand this one fact, it will give you a context into the many decisions he would later make as TJAG. In 1929, when he was only two years out of law school, General Harmon was elected mayor of the city of Urbana, Illinois, which is where the University of Illinois is located. He was the youngest mayor in the history of the city, and he served as mayor from 1929-1933, right during the heart of the great depression.

In 1940, General Harmon was called to active duty as a major. Later that decade, of course, the Air Force formed out of the Army Air Forces and the Air Force JAG Department would form out of the Army JAG Corps. There was widespread speculation that the Air Force's first legal office would be an abysmal failure. Army JAG officers were also actively discouraged from moving to this fledgling Air Force. One officer recalled that when he told the Army TJAG, Major General Thomas Green, he wanted to move to the Air Force JAG Corps, Maj Gen Green called his decision, "unpatriotic, traitorous, and immoral." General Harmon had a similar memory of being discouraged from moving to the Air Force. He speculated that Maj Gen Green decided to let him move just to get him out of his office.

The story of how General Harmon became TJAG is very interesting. There were four or five candidates ahead of him. No one thought he would get the job, especially him. In the book *The First 50 Years of the U.S. Air Force Judge Advocate General's Department*, Lieutenant Colonel Patricia A. Kerns tells the story of then-Colonel Harmon's interview for the TJAG position:

Colonel Harmon recalled being directed to travel from Wright Field, where he was the SJA, to Washington, D.C., to interview for the position. He was annoyed at having to make the trip since he considered his chances minimal and believed he was being considered only to make it look like the selection team had done a thorough job. On the day of the interview, he was kept waiting in the Office of the Secretary of the Air Force, Stuart Symington, until about three o'clock in the afternoon. He finally

announced to the Executive Officer that he could not stay much longer because he had to catch a train back to Wright Field. His main concern during the interview was whether or not it would end soon enough for him to catch his train. When asked by the interviewers if he thought he had any special assignments that would be of interest to the group, he answered, “no,” simply to get out of the interview more quickly.

Even though many believed he was not a serious candidate, he had worked on some high visibility projects in the Air Force and had received the attention of the Commanding General of Air Materiel Command. This General, who was actually senior in rank to the Chief of Staff, General Vandenberg, was well respected and lobbied for him to get the job. General Harmon was then appointed TJAG on 8 September 1948. He would serve as TJAG for 12 years, until 1960. He was reappointed to the position twice, both times against his own recommendation. In fact, one of his reappointments he learned about in the newspaper and didn't hear about it directly.

General Harmon's More Interesting Positions

While he was TJAG, General Harmon held some extremely interesting positions on a variety of topics facing the new Air Force JAG Department. Before I mention these positions, I must say General Harmon achieved a great deal as TJAG. He addressed a huge backlog of cases and came up with a standardized way of reporting cases, which is still used today. He also worked on codifying Title 10 and getting rid of some of its unnecessary provisions. General Harmon also secured a large portion of civilian attorneys from the Army and greatly assisted in training within the Air Force reserves. That said, let's look at some of his more interesting positions.

The UCMJ

The first and, probably, the biggest is that General Harmon absolutely opposed the Uniform Code of Military Justice (UCMJ). He didn't want it. In an interview later in his life, General Harmon said, “I was not for the Uniform Code of Military Justice and I'm not for it now.” In a 1952 speech,

General Harmon compared the changes happening in the military justice system to a train being pulled too far down a track by too much momentum unable to stop when needed. In a 1954 report to Congress, General Harmon opined that the UCMJ was inferior to the Elston Act, which we know were the first reforms to Articles of War. He noted that courts-martial processing times were 40% higher with the UCMJ, and he cited the higher cost of appellate review. He simply felt the appellate process gave too many rights. General Harmon was especially critical of the Court of Military Appeals (COMA), which we know today as the Court of Appeals for the Armed Forces. He didn't like it and felt civilian oversight of the military justice system was unnecessary. Ultimately, General Harmon believed that if we were to face another World War, the UCMJ would be virtually impossible to administer. It should be noted that in 1960, General Harmon's last year as TJAG, the Air Force did 20,000 courts-martial, so he had some perspective on his position.

Attorney Training

Another interesting position—one we hold near and dear at The JAG School—was that General Harmon believed formal training was unnecessary for new JAGs in the department. He wanted to run the department like a law firm, and he knew of no law firm in the country that paid to train its new attorneys. OJT is what he wanted! By 1950, with the start of the Korean War, the influx of new JAGs, and the new UCMJ, General Harmon finally gave in and allowed some new attorney training. This is when the Judge Advocate General Staff Officer Course or JAGSOC started. By 1953, though, General Harmon felt most new attorneys were proficient, and in 1954 he decided to close The JAG School at Maxwell AFB. The school did in fact close in 1955. General Harmon's rationale was pretty simple: New JAGs at that time had two-year active duty service commitments; it just wasn't cost effective to train them. The commander of Maxwell AFB objected to the school being closed and said that everyone from the Chief of Staff's office down was shocked the school closed. According to the commander, “They hadn't had anybody ever stop anything.” It would be over a decade before formal training would start again for new JAGs.

FLEP

General Harmon also opposed something we call the Funded Legal Education Program or FLEP. This is a program where the military takes officers from other career fields, sends them to law school, and they come back to active duty as JAGs. General Harmon called FLEP attorneys “synthetic lawyers,” and he refused to participate in the program. In fact, he told Congress it should be stopped and the program was curtailed until 1974.

Professional Pay

General Harmon also opposed professional pay for attorneys. In fact, he said publicly that he could get legal brains for “a dime a dozen,” and, honestly, he probably could at that time due to the draft. Again, his views prevailed and it would be over 50 years from that time until the JAG Department obtained special pay for retention. Thankfully, it was right about the time I came into the Air Force.

Specialized Law Degrees and PME

Lastly, General Harmon also opposed specialized law degrees, and he opposed professional military education or PME for JAGs. No rationale was given for this, but it’s likely his views were fiscally motivated—he didn’t want JAGs to be away from the career field.

As you can imagine many of General Harmon’s views were very unpopular and many were criticized. Ultimately though, General Harmon did what we all do; he used his background, training and worldview to do the best he could do for the Air Force and its JAG Corps at his time in history. It was a time in history that we can barely imagine—a time when the slate was clean, but resources were scarce.

In *The First 50 Years of the USAF JAG Department*, Lt Col Kerns said, “As Brigadier General Albert M. Kuhfeld and Major General Reginald C. Harmon Department developed and grew, General Harmon exerted a much a stronger and lasting impression on it than would any subsequent TJAG.” Even so, it’s interesting to consider his views on these subjects in light of what we know actually happened. With the benefit of 60 years of history, we can see that there were new and better ways of doing business. In the Air Force and in the

JAG Corps there is always a better way of doing things on the horizon.

Modern Day Lessons Learned

As we look at General Harmon and some of his more interesting positions on the issues of his day, there are two points we can learn. The first is simply this: The JAG Corps transcends one person. This is true whether that person wears stars or stripes. The JAG Corps was ultimately bigger than General Harmon. It’s bigger than you, and it’s bigger than me. This point humbles us as we seek to do our work in the Air Force.

Many times we get wrapped up into our careers, our performance reports, and our awards. What we constantly do is compare ourselves against our peers. Instead of comparing yourself against your present day peers, I urge you to compare yourself against your peers of the past. As our Judge Advocate General, Lieutenant General Jack Rives said when he pinned on his third star, “Those who came before us built the foundation on which we stand today, and I salute them. This is their moment.”^[2] The JAG Corps was around a long time before you showed up. It will be around a long time after you leave. This is so because the JAG Corps transcends one person.

The second point we learn is this: The JAG Corps is its people. In essence, the sum of the JAG Corps is its parts, its people. You see, the JAG Corps is not a person. The JAG Corps is not a program. People have been and always will be the JAG Corps. Our best resource, our finest innovation, and our most valuable asset has been, and always will be, our people.

Our mission is to deliver professional, candid, independent counsel and full-spectrum legal services to command and the war fighter. That’s something generals do, and it’s something captains do. It’s something chief master sergeant’s do, and it’s something senior airmen do. It’s something active duty military do, and it’s something reservists, guardsmen, and civilians do. The JAG Corps doesn’t depend on one person; it depends on all of us. It depends on you. Your job is to internalize the mission, and as a general I met in Iraq said,

to take it personally, and make it your JAG Corps, a better JAG Corps. So, I ask you: What are you doing today to make it better?

In conclusion, we've seen today that the Judge Advocate General's Corps doesn't come down to a few Super Friends working in the Halls of Justice. It comes down to you, me, and us—regular people doing the best we can do for the Air Force and its JAG Corps at our appointed time in history.

In December, I received an invitation to a change of command ceremony from a friend of mine, Lieutenant Colonel Chris Colbert. Lt Col Colbert and I had met at Altus AFB, when then-Major Colbert was a C-5 instructor pilot. In the middle of December, Lt Col Colbert was taking command of the 22nd Airlift Squadron, Travis AFB, California. I couldn't attend the ceremony out there so I called him to congratulate him. Lt Col Colbert is a friend of mine. He told me he was nervous about taking command the next day. He was going to be asked to make decisions on a whole host of issues that he'd never had to make decisions on before. His views may not be popular with the friends he once had in the squadron. But, he said, completely unsolicited by me, "I've been told that the JAG will be my right-hand man."

Ladies and gentlemen, that is your mission. May the JAG Corps of the next 60 years be even better than its first 60 years. The future of the JAG Corps depends on you!

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Glossary

- **AFB:** Air Force Base
- **COMA:** Court of Military Appeals
- **FLEP:** Funded Legal Education Program
- **JAG:** judge advocate general
- **JAGSOC:** Judge Advocate General Staff Officer Course [now JASOC]
- **JASOC:** Judge Advocate Staff Officer Course
- **OJT:** on-the-job training
- **PME:** professional military education
- **ROTC:** Reserve Officers' Training Corps
- **SJA:** staff judge advocate
- **TJAG:** The Judge Advocate General
- **UCMJ:** Uniform Code of Military Justice
- **USAF:** United States Air Force

Endnotes

[1] All historical references and quotes are taken from Lt Col Patricia A. Kerns, *THE FIRST 50 YEARS OF THE U.S. AIR FORCE JUDGE ADVOCATE GENERAL'S DEPARTMENT* (1999).

[2] *Lieutenant General Rives Reflects on His Promotion*, *THE REPORTER*, Fall 2008, at 5.