I wrote this book because it needed to be written. Over the last thirty years as a uniformed judge advocate and then civilian attorney for the Marine Corps, I have learned that, sadly, the tiny percentage of Americans who risk their lives in defense of our nation is routinely targeted by certain types of sales and scams and, for a variety of reasons, is especially vulnerable to abusive commercial practices. Having worked with colleagues in the other branches of the armed forces, I am acutely aware that this problem is not confined solely to the Marine Corps. Further, within that vulnerable group of active-duty service members, those junior members exposed to the greatest dangers overseas are also most likely to be in the crosshairs of commercial predators. This special group needs and deserves some special protection. This book is meant to assist in that endeavor.

Commercial predation obviously harms service members and their families, but it also adversely affects the efficiency of the armed forces. Financial problems are the most prevalent reason for loss of security clearance. Such problems also provide a dangerous distraction to troops in the performance of their demanding and often dangerous duties. As a nation, do we really want the fighter pilot in the ready room receiving calls from debt collectors? Don’t we want that Marine with his finger on the trigger fully focused on the job at hand and not on whether some creditor in the United States is repossessing the only car his wife and child have to get around? Do we want troops to be dealing with identity-theft issues while training for war? Or buying cars that can’t even make it back to the base?

I have seen firsthand how hard it is to fix problems once Marines and sailors hand over their hard-earned cash in exchange for the false promises of car salesmen, lenders, or others. I have seen the same scams and problems over and over, the same frustration on the faces of ripped-off Marines. I have seen how troops are lured into making bad financial deals.
Sometimes, the military legal-assistance attorneys, financial counselors, and service-relief societies are able to correct or ameliorate the situation, sometimes not. Sometimes, recourse to our courts is a viable option, but usually it is not. In every case it would have been far better had the Marine avoided victimization in the first place.

This book is a tool to educate troops and their military supervisors so that rip-offs can be recognized and prevented, and in the event such rip-offs cannot be prevented, this book can facilitate remedial action. This book will also be useful to military legal-assistance attorneys and other lawyers, which is one of the reasons I included citations for cases and statutes. Finally, this volume can inform military and civilian authorities: commanders, law-enforcement agents, legislators, regulators, those who may be in a position to take action that may help, or further harm, our troops.

Most military legal-assistance attorneys are junior officers, generally serving their first tour on active duty. The front lines of the military legal-assistance community—these smart, dedicated, hard-working officers—will see a steady stream of service members and their families, presenting them with family-law issues, consumer problems, or basic estate-planning requirements in connection with military deployment. A year or so later, these officers will be assigned to some other task, such as advising a commander in some capacity or serving as prosecutor or defense counsel at military courts-martial. Few will ever be assigned to legal assistance again. These attorneys are smart, dedicated, and resourceful, but they are relatively inexperienced and sometimes overwhelmed by the sheer volume of clients. This book can help them and, by extension, their clients.

The rip-offs, countermeasures, and concepts outlined in this book are universal and generally applicable throughout the country. Nonetheless, readers will find statutory references not only to federal law but also to North Carolina law, the center of my geographical area of practice. In many cases, these statutes are illustrative and typical of statutes in other states. In any event, this book will be useful to all service members, their families, and their legal-assistance attorneys, irrespective of location, and it will be especially useful to those in North Carolina.

I served in the Marine Corps for twenty years, and once a Marine, always a Marine. But my concern is not limited only to Marines. I have had the
honor of working with colleagues from all of the branches of the armed forces. I have been particularly honored to work closely with my army brethren from the XVIII Airborne Corps at Fort Bragg and the North Carolina State Bar Committee on Legal Assistance for Military Personnel (NC LAMP). This volume should be instructive to members of all branches of our armed forces. Furthermore, though my principal concern is the prevention of troop rip-offs, some of the frauds and tricks used to harm troops, or variations thereof, are used to gouge civilian consumers as well.

Chapters in this volume contain a short list of actions to respond to consumer fraud. The “Fight Back” section contains a description of some federal and state agencies that may be able to provide assistance to consumers. I am happy to report that, in the past few years, there has been an increased awareness among federal and state agencies of commercial victimization of troops and a growing cooperation between the armed forces and such agencies. But there is still a long way to go. The “Fight Back” section also discusses the use of the media, shaping legislation, and the civil suit as tools to help military as well as individual consumers.

I sincerely hope that this book will have a place of honor on the shelf of legal-assistance attorneys of all of our armed forces, and that they will use it often. It is also designed to be accessible to individual Marines, sailors, soldiers, members of the coast guard, and pilots, who can protect themselves by gaining the benefit of my experience. I especially want our young officers and noncommissioned officers to use this book to teach, protect, and help their even younger troops, our young lions who keep us all safe from harm. Take care of your troops, and they will take care of you.

—Michael S. Archer
Major, USMC (Retired)