

The Reporter

December 2006

Volume 33, Number 4

The Judge Advocate General's Corps

THE YEAR IN REVIEW

AIR FORCE LEGAL SERVICES
IN THE TWENTY-FIRST CENTURY

JAG CORPS 21



**Total Force JAG Corps
Personnel Serve Airmen at
Locations Around the Globe**





NORTH

AMERICA

SOUTH

AMERICA

Hudson Bay

Gulf of Alaska

Gulf of Mexico

Caribbean Sea

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The Reporter is published quarterly by The Judge Advocate General's School for the Office of The Judge Advocate General, U.S. Air Force. Contributions from all readers are invited. Items are welcome on any area of the law, legal practice, or procedure that would be of interest to members of The Judge Advocate General's Corps. Items or inquiries should be directed to The Judge Advocate General's School, AFLOA/AFJAGS (150 Chennault Circle, Maxwell Air Force Base, AL 36112-6418) (Comm (334) 953-2802/DSN 493-2802).

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Editors



Message from The Editors...

With the last edition of *The Reporter*, the editors introduced a significantly updated format and organization with the goal of providing the field ever-more relevant and timely legal information in an interesting and contemporary manner.

With this edition, the editors continue the transformation of this publication with a special year-in-review edition. What is envisioned to be the fourth issue of *The Reporter* each year, the Year in Review has as its goal the daunting task of summarizing and documenting the significant achievements and events involving our Total Force JAG Corps members during the last year.

The 2006 Year in Review is divided into three sections. The first, entitled "Our Corps," contains perspective pieces from our senior leadership and a summary of the JAG Corps 21 initiatives. It also includes a piece describing the efforts to articulate our formal Values and Vision, as well as highlights our JAG Corps major award winners and our scholarly articles and writings.

The second section, entitled "Our Contribution to the Fight," represents our attempt to capture the diverse and varied contributions and sacrifices of JAG Corps members, as well as the appreciation for those efforts by senior leadership both within and outside the Department of the Air Force. For instance, the comments of the U.S. Attorney General and the Secretary of the Air Force from the KEYSTONE Leadership Summit 2006 are included.

This section also contains summaries of the accomplishments and achievements of the full spectrum of JAG Corps legal offices—from Headquarters Air Force, major commands, field operating agencies, direct reporting units, numbered air forces, base legal offices, and area defense counsel. It should be noted that the submissions for each office are based upon the fiscal year in order to permit timely publication.

This second section also contains a number of "Spotlight On..." and "A Day in the Life of..." pieces. These provide an excellent opportunity not only to provide the reader with a more complete picture of the specific work accomplished by members of the JAG Corps everyday, but also to showcase the tremendous efforts of our outstanding performers.

Finally, the third section, "KEYSTONE Leadership Summit 2006," summarizes the event held in Orlando, Florida, the third week in October. After a general overview of the summit is provided, we have then included highlights or transcripts from many of the week's presentations. Although we regret that not all of the inspiring presentations could be reproduced, it is hoped that all members of the JAG Corps will reflect on the messages and wisdom presented at KEYSTONE.

As a first-of-its-kind publication, the Year in Review would not be possible without the participation and support of those in the field. We trust the publication will be interesting and informative for those within our ranks, but perhaps as importantly, to those seeking to learn more about the daily sacrifices and accomplishments of the legal professionals that make up The Judge Advocate General's Corps!

OUR CORPS



Integrity First

Service Before Self

Excellence in All We Do

CORE VALUES



AS AN AIRMAN, MY CORE VALUES ARE

**INTEGRITY FIRST
SERVICE BEFORE SELF
AND EXCELLENCE IN ALL I DO**

AS A MEMBER OF THE JUDGE ADVOCATE GENERAL'S CORPS

I WILL APPLY THEM WITH
WISDOM, VALOR, AND JUSTICE

I begin by building a strong foundation of...

WISDOM

To be *judicious* I must understand the law and the rules of ethics and professional responsibility.

To be *practical* I must understand the Air Force—its history, mission, and culture.

To be *perceptive* I must appreciate the ways and concerns of diverse people.

To be *prudent* I must employ my knowledge with good judgment and common sense.

If I strive to achieve these qualities, I am ready to act with...

VALOR

I must always be ready to display *bravery* in the face of physical danger in the defense of my Nation.

I must be equally *courageous* when advocating for the standards and principles that must prevail.

My *determination* must extend to those moments when I stand alone to express what must be heard.

If I dedicate myself to serve with valor, I am ready to pursue...

JUSTICE

I am sworn to *support and defend* the Constitution of the United States and a Nation ruled by law.

I must constantly insist on due process and strive relentlessly for the *right* result.

I must promote *fairness* in everything I do, from my professional conduct to my personal behavior.

When I vow to act with Wisdom, Valor, and Justice always, then I am ready to be a leader in...

THE JUDGE ADVOCATE GENERAL'S CORPS

JAG CORPS CORE COMPETENCIES

LEGAL INFORMATION MASTERY

The ability to obtain, analyze, and communicate legal information rapidly. This extensive realm includes educating and training, researching, managing electronic and other documents, transmitting analyses and advice to decision makers, and processing JAG Corps analytical data. We analyze information and its implications perceptively, use it creatively, and express it definitively.

AUTHORITATIVE COUNSEL

The ability to provide decision makers at all levels with the information and analysis they need to best evaluate options, assess risks, and make informed decisions within the bounds of international law and domestic law and policy. Advice and recommendations that are timely, accurate, balanced, ethical, and realistic and that reflect the Air Force mission, doctrine, and culture help leaders to resolve complex issues properly. Decisions based on authoritative counsel sustain the confidence of American and foreign citizens in the integrity of the U. S. Air Force.

COMPELLING ADVOCACY AND LITIGATION

The ability to advocate, negotiate, mediate, and litigate in order to preserve command prerogatives so the Air Force can accomplish its mission. In an increasingly litigious world, legal challenges to global military activities continue to grow. We employ, advocate, and negotiate alternative dispute resolutions and litigate measures aggressively and zealously to ensure that desired outcomes are attained.

OPERATIONAL READINESS

The ability to provide the warfighter with a complete set of legal capabilities at any place at any time. We maintain the skills necessary to survive and operate wherever the Air Force goes and the expertise to provide necessary legal support in varied environments ranging from fixed facilities to austere deployed locations.

FAIR MILITARY JUSTICE

The ability to field a disciplined force based upon a fair military justice process. Operational success depends on this key competency. We assist commanders in the administration of military justice as they maintain the morale, good order, and discipline of their forces. We ethically and expertly fulfill advisory, judicial, prosecutorial, defense, appellate, and administrative roles in the military justice system. A military justice system that is fair—in fact and perception—bolsters Air Force Core Values by properly addressing allegations of misconduct, deterring others from wrongdoing, and maintaining the trust of fellow Airmen, host nations, and the American people.

ROBUST LEGAL PROGRAMS

The ability to provide valuable and responsive programs such as legal and income tax assistance, defense services, preventive law, claims, and legal training on a variety of subjects. On an individual level, these programs help Airmen and their families resolve legal problems so they can focus on their responsibilities and better prepare for deployments. On a broader scale, these programs involve substantial Air Force resources and influence anyone who is affected by Air Force activities.





PERSPECTIVE OF THE JUDGE ADVOCATE GENERAL

The following is a transcript of remarks at the KEYSTONE Leadership Summit on 23 October 2006. Minor editing was performed prior to publishing.

It is a pleasure to welcome you to KEYSTONE 2006. The 2005 KEYSTONE Leadership Summit was an unprecedented event for the JAG Corps. Traditionally, we had conducted an annual conference with 100 or so JAG Corps senior leaders to talk primarily about legal updates and issues. Last year, we decided to greatly increase the size of the group—to about 600 people from throughout the JAG Corps. We also increased the range of ranks invited; this year we have senior airman through chief master sergeant, captain through major general, and GS-6 to the Senior Executive Service grades. The entire JAG Corps is represented from all over the world and from virtually every legal office in the U.S. Air Force. Last year's conference was held in Keystone, Colorado, but Keystone is more than just a location. The KEYSTONE Leadership Summit symbolizes the kinds of things we're doing as a Corps.

KEYSTONE'S PURPOSES

In architecture, the keystone is the central wedge-shaped stone that locks all of the other stones into place. And that's what leaders do. By your background, experience, leadership skills, and character, you "lock in" your organization's

professionalism. You're in charge; you're responsible. KEYSTONE has become an effective way to emphasize your role. It has also become a planning focal point and an opportunity for all of us to "get on the same page."

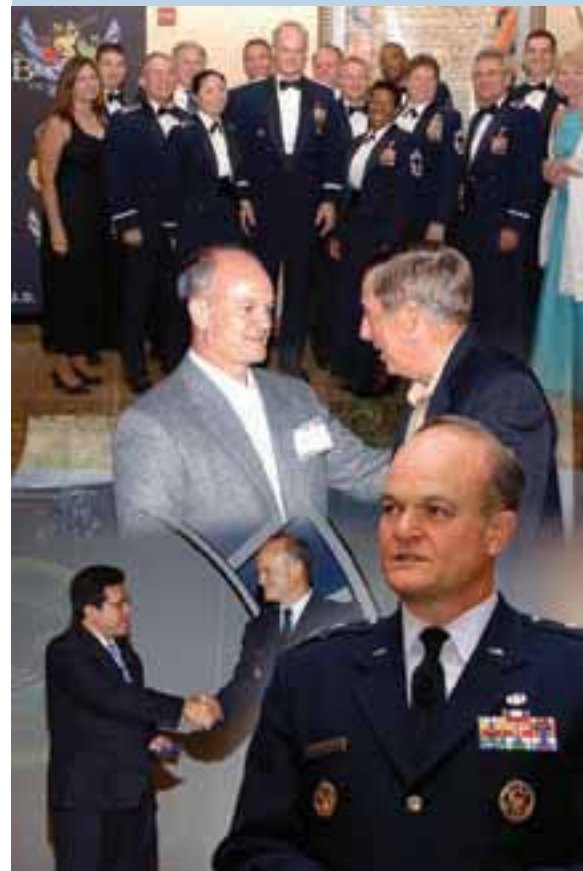
KEYSTONE helps us better understand and leverage our diversity, which is a real strength. We have different genders, races, ethnicities, cultures, and generations in the JAG Corps. We need to understand and respect each other. We need to realize that we cannot get the most out of all of our people if we don't understand them as well as possible. We must respect our differences and do what we can to forge our people into a team.

TEAMS WITHIN TEAMS

KEYSTONE starts with the simple fact that we are better leaders when we understand the people and organizations we work with. Our theme this year is "Teams Within Teams." People in the JAG Corps have a great reputation for taking care of each other. From the time a new paralegal, judge advocate, or civilian is welcomed into the JAG Corps, everyone understands they are a part of something bigger than themselves. They are a part of the JAG Family.



MAJ GEN
JACK L. RIVES
THE JUDGE ADVOCATE
GENERAL



We also need to understand how we fit in the bigger picture. Our legal offices, typically, are the “home team” that is part of a larger organization. It is part of an interlocking network that extends through the major commands, the entire Air Force, the other services, the interagency structure, and our allies and coalition partners.

What does it mean to be a part of a team? In March of 1990, basketball superstar Michael Jordan scored his career high, 69 points. He had a rookie teammate named Stacey King who scored one point that night. After the game, Stacey King was asked for his thoughts, and he said, “I’ll always remember this as the night that MJ and I combined for 70 points.” Those of us in the JAG Corps build upon and take pride in the accomplishments of our colleagues in the JAG Corps. If someone in the JAG Corps does something well at Altus Air Force Base, Oklahoma, and you hear about it at Kadena Air Base, Okinawa, you take pride in those accomplishments of a fellow member of our JAG Corps.

Last year, KEYSTONE convened not long after the devastation of Hurricane Katrina and I described an anecdote about Major Mary Enges. She’s an Air National Guard judge advocate, and she spent several days preparing her unit to deploy to New Orleans to help with post-disaster relief operations. As she stood on the tarmac and watched the last of the planes take off, she was exhausted but she reflected on what was probably her proudest moment in uniform. She had gotten significant assistance from telephone calls, e-mails, and other contacts with people throughout the JAG Corps. She sent an e-mail to some people that eventually reached me, in which

she observed that she had not done it alone. She noted that she felt “an incredible team standing invisibly around her.”

Brigadier General Jim Swanson, a retired judge advocate, has observed that the JAG Corps is “the ultimate team.” I emphasize that our teamwork begins at the local legal office. Each of you—not Chief Master Sergeant Dillard-Bullock and not me—are the face of the JAG Corps at your level. People are going to make decisions about how professional we are and how effective we are based on how you and the staffs you lead present yourselves. That’s critical. You, personally and individually, are the face of the JAG Corps to wing-level officials, to group and squadron commanders, and especially to the talented young JAGs and paralegals who work for you. You need to set a proper tone and establish a cohesive unit.

JAG CORPS PEOPLE

I’d like to highlight some of the things people in the JAG Corps have accomplished over the past year alone.

Master Sergeant Teri Herrera deployed to Al Udeid Air Base, Qatar, last spring and served as the



MSGT TERI HERRERA

law office superintendent. After she had been there for about six weeks, she learned that on relatively short notice we were sending the first permanent party area defense counsel to the area of responsibility and he was going to be based at Al Udeid. MSgt Herrera worked with civil engineering and helped direct the renovation of a gutted building. She ordered furniture and computers and she set up phones. She even obtained a vehicle for the area defense counsel so that from the day he arrived, he could immediately begin serving the community. None of those things were her “job”—except for the fact she’s a dedicated and professional noncommissioned officer. She did all the right things to help establish the new defense counsel in that forward location.



MSGT JOHN JACKSON

Before departing Beale Air Force Base, California, for his remote assignment in Korea, Master Sergeant John Jackson settled his wife and youngest daughter in a house he bought in the Biloxi, Mississippi area. He bought a house nearby for his elder daughter. His wife and elder daughter had good jobs in the area. Upon his return from Korea, MSgt Jackson was assigned to Headquarters, 8th Air Force at Barksdale Air Force Base, Louisiana. The family was

comfortable in the Biloxi area. MSgt Jackson was able to visit his family on many weekends. Last summer, when he learned of the threat to the Biloxi area from Hurricane Katrina, he relocated his family to Barksdale. Hurricane Katrina destroyed one house and severely damaged the other house in Biloxi.

What was MSgt Jackson's reaction? It was one of gratitude that his family was safe. They had lost many material things and his wife and daughter were out of their jobs, but he knew they could make up for all of that. He looked beyond his own problems and felt bad for the people that had lost more than he did. MSgt Jackson immediately organized fundraisers, and I'm told that he personally made some of the biggest contributions. One time when he went to the Biloxi area to check on his homes he learned that one of his elderly neighbors didn't have an

adequate place to live. He brought her back to Louisiana to live with his family. He also offered their home in Louisiana to a child from Biloxi whose school had been destroyed.



**MR. AND MRS.
ANDERSON**

Mr. Henry Anderson and his wife, Mrs. Freidal Anderson, are a wonderful couple. Henry served as an officer in the British Army from 1945 to 1975. They've been married for over 55 years. Both Henry and Friedal have been volunteers in the

legal office at Hickam Air Force Base, Hawaii, for more than 15 years. They have organized the library, helped maintain office statistics, volunteered as income tax advisors, and even worked on hospital recovery actions. These are the kinds of people we have in the JAG Corps.



MR. NELSON SUMMERS

We also have people like Mr. Nelson Summers. Mr. Summers enlisted in the Air Force in 1956. He became

LEGAL CIVILIAN CAREER FORCE PROGRAM

In October 2006, the position of Legal Civilian Force Management Program Administrator was embedded at the Air Force Personnel Center, and Mr. Joseph Kinlin was hired to fill it. The primary function of this position is to execute the decisions and plans of the career program managers, the Air Force General Counsel, and The Judge Advocate General of the Air Force, for the Air Force's legal civilian force.

The mission of the Civilian Force Management Program office is to support command and legal offices at all levels as they recruit, educate, train, develop, and retain the

highest quality civilian employees for the career field; to oversee the civilian employee resources and the personnel policies relating to those resources; to advise, counsel, and inform staff judge advocates, supervisors, and civilian employees on matters concerning civilian employees' professional development; and to ensure a strong pool of qualified individuals ready to assume positions as functional experts and/or senior leaders in the Office of General Counsel and The Judge Advocate General's Corps.

Mr. Kinlin is very enthusiastic about this program, and he has been working with our senior



MR. JOSEPH KINLIN

leaders to get it up and running. He looks forward to meeting our outstanding civilian employees and hearing their ideas about how to make the program a resounding success.

a paralegal in 1966. He's been at the Shaw Air Force Base, South Carolina, legal office for more than 17 years. He's known as a great, comforting mentor to both judge advocates and paralegals. He also gives to the community. He's helped build a number of houses with Habitat for Humanity. He helps the elderly, the sick, and the homebound. He volunteers his time for youth education and youth sports.

Joe Kinlin comes from an Air Force family. His dad retired as a judge advocate after 24 years of service in the Air Force. His sister, Karen, is a colonel in the JAG Corps. Joe entered active duty as a judge advocate in 1989 and served more than 10 years on active duty. Then he went into the Reserves, where he currently serves as a lieutenant colonel. He was recently named as the first career field manager for the Air Force's civilian legal personnel. Note that five out of six civilian attorneys in the Department of the Air Force work in The Judge Advocate General's Corps. More than 95 percent of the civilian paralegals in the Air Force are in the JAG Corps. The JAG Corps provided the manpower slot for Mr. Kinlin's new position and we have a big stake in his success.



CAPT MATT WINFREY

I met Captain Matt Winfrey last January when I visited the

379th Air Expeditionary Wing in Qatar. I learned about one of his legal assistance cases, a reserve staff sergeant who was more than \$40,000 in debt. He owed on delinquent credit lines and had other outstanding debts, including two vehicles that were repossessed with money still owed. Instead of spending a few minutes to commiserate with the staff sergeant and send him on his way, Capt Winfrey devoted more than 30 hours over the next three months for this one client. He made calls back to the United States and sent e-mails and wrote letters on his client's behalf. After three months, the sergeant owed less than \$20,000, and he had a payment plan to get completely out of debt.



BOARD OF TRUSTEES

The Air Force JAG School Foundation Board of Trustees represents a generation of people who wore the uniform before us. They continue to take great pride in the U.S. Air Force, especially the JAG Corps. Every year, they make meaningful contributions to the JAG School's educational programs. Everything they do, including traveling to the school for meetings and devoting a huge amount of their personal time, is done at their own expense. It's a gift of love to the JAG Corps.

Airman First Class Diana Klessel had three years of college when she joined the Air Force because she wanted to serve her country as a paralegal. She was the top graduate

at Basic Military Training and then she attended our Paralegal Apprentice Course. She arrived at her first assignment, Goodfellow Air Force Base, Texas, in June of 2005.



A1C DIANA KLESSEL

A1C Klessel wanted to deploy from the beginning and in January of this year she went to Manas Air Base in Kyrgyzstan to serve as a third-country national escort. She routinely worked 14 hours a day, seven days a week. She also made the time to help people in the local area. Her charity work of choice became the children's ward at the hospital, including the cancer ward and the heart ward. She learned that Kyrgyz doctors were willing to volunteer their time and they had facilities and equipment to perform heart surgery. What they didn't have were oxygenators, and without them they could not conduct the operations. Oxygenators cost about \$560. A1C Klessel went back to her fellow third-country national escorts, some four dozen E-4s and below, and said, "Let's do something to help these people. A little bit of money will go a long way. If we can raise \$560, we can save a life." A1C Klessel led the fundraising efforts and they collected more than \$1,100. Their efforts enabled two young children to have heart surgery, literally saving their lives.

There are many, many more examples of what the dedicated people in the JAG Corps have done through the years. We can all take pride in the accomplishments of each of them.

THE BIG PICTURE AND CSAF'S PERSPECTIVE

As we think about the KEYSTONE theme of “Teams Within Teams,” we need to understand that we’re looking well beyond the local legal office. When you are in your office, I ask you to approach your duties with an attitude that is less office-centric, and less JAG Corps-centric. Look at the bigger picture. JAGs and paralegals are force multipliers throughout the Air Force. Clients and commanders have grown to expect us to reach out and do big things to help people and accomplish the mission. Members of the JAG Corps are participants, not merely spectators. We see the mission of the Air Force up close. We’re a part of it. We are deeply involved at every level.

The Chief of Staff of the Air Force understands this well. General Moseley really wanted to be at KEYSTONE, but it was impossible with his schedule. I presented him with a KEYSTONE coin as a memento, though, and I asked if he had some words for me to pass to you. He quickly responded, “Tell them ‘I love you guys.’” And he really means it. He appreciates all you do, at every level of the Air Force.

Here’s another quote from the Chief: “I wouldn’t go to war without my no kidding operationally savvy and very experienced and insightful JA support.” He means that, too.

In late August in St Louis, the Secretary of the Air Force and Chief of Staff hosted a meeting of all the general officers and

senior civilians in the Total Force. In his presentation to the group, Gen Moseley said a number of very complimentary things about members of the JAG Corps. One of the things he said is “there is not a set of activities in the operational world that our judge advocates are not involved in.” He believes that and he knows it’s important for the senior leadership of the Air Force to understand it as well.

Gen Moseley sees the JAG Corps as representing the very best in the Air Force. He has described members of the JAG Corps as a great example of “utility players.” Utility players in baseball are the ones who can play just about any position, do anything necessary to help the team win. Gen Moseley’s concept of a utility player in the Air Force is people who don’t limit themselves to just their specialty area but who can and will do whatever is necessary to help accomplish the mission. It’s high praise for the Chief of Staff to refer to members of the JAG Corps as the ultimate utility players. Gen Moseley sees us as enablers of everything important to the Air Force.

We are an Air Force at war, and we’ve been at war continuously since Desert Storm began in January 1991. Legal professionals are seamlessly imbedded in operations at all levels of the Air Force. The JAG Corps is, in fact, an operational necessity in today’s complex, highly scrutinized conflicts.

Gen Moseley also said this: “How we fight will much define what—or if—we ‘win.’” Again, Gen Moseley sees his JAG Corps support as critical to doing the right things, the right way. Members of the JAG Corps are not mere observers. We are participants.

CORPS VALUES AND GUIDING PRINCIPLES

As leaders, you need to understand that our primary job is to instill and reinforce values. Our institutional values are clear: Integrity, Service, and Excellence. Indeed, the Secretary of the Air Force, on a number of occasions, has referred to the members of the JAG Corps as the “conscience of the Air Force.” Our core values are relevant and universal. In the JAG Corps, of course, we are fortunate to serve in dual roles—both in the profession of arms and the profession of law.

Last year, we captured the concepts that focus on the JAG Corps contributions to the missions of our Air Force with the words: Wisdom, Valor, Justice. These are the JAG Corps guiding principles. They are aspirations and they also reflect reality.

First, Wisdom. People consider members of the JAG Corps to be intelligent, but wisdom means a lot more than just intelligence. It’s a lot more than just being clever. Wisdom is knowledge tempered by experience. It’s learning the right lessons and applying those lessons effectively. Wisdom encompasses being judicious and practical and perceptive and prudent. It’s the ability to make sound choices and good decisions. It’s having the capacity to make the best decisions under the circumstances and to apply the right information at the right time.

I recently visited Air Force Materiel Command Headquarters. Colonel Tony Dattilo leads their trial team, and he told me a story about the chief judge of the Armed Services Board of Contract Appeals, who likes to say that he has “neither carrots nor sticks.” So it is for members of the JAG Corps.

We are armed with our training, experiences, and advocacy skills, and people have learned that they can rely on us for the best advice under all circumstances. We serve others and we work for people that outrank us. But while we have “neither carrots nor sticks,” we have become indispensable advisors, and that’s because of all you do in the service of your profession. And your wisdom is the key to everything.

The second principle is Valor. Valor is defined in the dictionary as “exceptional or heroic courage when facing danger, especially in combat.” JAGs from all services have proven that aspect of valor in the Global War on Terrorism. I recognize the sacrifices that those from our sister services and allies have made in this regard and offer special respects to our colleagues in the Army JAG Corps, who have had five members killed in action in Iraq and Afghanistan.

In the JAG Corps, there’s an additional dimension to valor, and that is the courage of our convictions. It means reporting misconduct, delivering bad news, holding people accountable, speaking up when things aren’t right, reminding others that legal standards are the floor and not the ceiling, prudently disagreeing with the boss, and telling your commanders what they need to hear, not necessarily what they want to hear. Too many people tell senior leaders what they think the senior leader wants to hear. In my experience, a senior leader wants to receive your best advice, delivered professionally. And that’s what the JAG Corps is known for. Consider this comment from a promotion recommendation form written by a senior commander, who said of his JAG, “He’s always right, even when I don’t want him to be.”

It’s a great honor for me to serve with those in senior positions in our sister service JAG Corps. They, too, may not always say what some may want to hear, but their comments are always provided in a highly professional manner. We’re honored to have them participate in KEYSTONE this year.



JAG CORPS LEADERS TESTIFY BEFORE CONGRESS

Finally, there is Justice. Justice is at the core of our existence. The American public is proud of the military, and there’s a direct correlation between that pride and a disciplined military force. Discipline separates military service from civilian life. In 1757, then-Lieutenant Colonel George Washington observed that “discipline is the soul of an army.” It remains so today. It is critical that we have disciplined troops so they can accomplish the mission. And members of the JAG Corps are the ones who help commanders assure a high state of discipline by holding servicemembers accountable within the military justice system.

The ultimate test for justice is doing the right things—getting the right results for the right reasons. Justice is not a sporting event. Wins and losses are only important to the extent they reflect doing the right things for the right reasons. All of us in the JAG Corps are devoting

our professional careers to achieve justice.

Each of us aspires to be a role model in our personal actions and behavior. As Airmen, our core values are Integrity, Service, and Excellence. As members of the JAG Corps, we’re guided by Wisdom, Valor, and Justice. The key can be found in one word: Pride. No one in the JAG Corps will ever be asked to do anything he or she can’t take pride in. It’s simple: Do the right thing. Some have told me, “that’s easy for you to say.” As I think about that, I say, “you’re right.” When I tell senior leaders or commanders what they don’t want to hear, their immediate reaction may be less than positive. But often, they later tell me either they appreciated the advice...or at least they respect the fact that I’ve told them what I believe they needed to hear. In any event, when you do the right thing for the right reasons, you’ll respect yourself. And you’ll maintain your pride for having done the right thing.

During World War II, a man named Sam Maloof served in the Army. After the war, he returned to California and got married. His house had more rooms than he had furniture. He bought plywood and some simple tools. He taught himself woodworking and began to make furniture. Ultimately, he became so proficient and he had such artistic talent that his craftsmanship as a woodworker is on display in museums all over the world, including the Smithsonian Institution. He is now 90 years old and he still goes to work every day. Sam Maloof says, “Nothing leaves my shop that I am not proud of.” What a great standard for you to have for yourself and the people that work for you: Nothing should leave

your office that you're not proud of. That's part of your role as the face of the JAG Corps.

LEADERSHIP

Charles Barkley, the former basketball player, observed a few years ago that he is not a role model. Well, in reality, athletes are role models, especially for many youths. They are not always good role models, but they are emulated by others. You can't shrink from that responsibility either. As a leader, you are a role model. You are setting an example. And you have control over whether you are a positive role model or a negative role model. We all remember people from whom we learned negative lessons. The way I handle some issues today is a result of deliberately deciding to do things differently than one of my "negative role models." On the other hand, I try to follow the actions of many others who provided very positive examples for me. It's up to you: You can be someone's positive—or negative—example. As General Douglas MacArthur observed, "you are always on parade."

Senator John McCain was a prisoner of war during the Vietnam War. He tells the story of how he and his fellow POWs were horribly tortured. Some died from the abuse. He says that frequently as the level of torture increased, the captors would tell the prisoners, "If you'll make a statement against your country or against the cause you're fighting for, we'll stop the torture. No one is going to know." The response from our prisoners of war was invariably the same, and frequently expressed in three words: "I will know." Think about that when you have decisions to make that involve integrity. You may think that no one is going to find out if you do the wrong thing,

but those three words ring true. "I will know." Hold yourself to the highest standards.

I emphasize that KEYSTONE is a leadership forum. We have other tools, too. The *I Lead!* publication was written by JAG Corps members for JAG Corps members. It has leadership exercises, practical tips, and explanations. It's available in



I LEAD! PUBLICATION

text, PowerPoint, and MP-3 audio versions online on the JAG School's Leadership Development web site. Remember that leadership is not based merely on position or title—it's a philosophy and an approach to service.

THE YEAR IN REVIEW

These are truly historic times for the JAG Corps. Since last year's KEYSTONE, we can point to one huge initiative that has its roots in December of 2005. I was talking with Gen Moseley about a number of issues, and at one point I told him that I was aware of proposals to make significant reductions in the number of people on active duty. I emphasized that the JAG Corps

is prepared to support him and the Secretary in any way possible. We can take reductions, but the people in the JAG Corps already work hard and work smart. If we have fewer people we won't be able to do more, or even perform work at the same level. If our numbers were to be substantially reduced, we would necessarily produce less for the Air Force. Our discussion ended with Gen Moseley telling me something like this, "Look, I'd like you to start with a clean sheet of paper. You have carte blanche to examine everything the JAG Corps is doing today and how you're doing it. Then come back and tell me what legal services the Air Force needs for the 21st Century."

We organized a working group, and Brig Gen Jim Swanson came from retirement to lead the effort. People throughout the JAG Corps, including our retired community, were involved. We interviewed many former chiefs of staff and secretaries of the Air Force, along with all current major command commanders, vice commanders, and command chief master sergeants. We created an online tool that generated some 500 suggestions. We reviewed everything we do and came up with a set of initiatives we eventually called JAG Corps 21.

We developed JAG Corps 21 over the course of just two months. The Chief approved all of the initiatives we briefed, and the Secretary of the Air Force endorsed the plan. To quickly highlight: On the civil law side, we're revolutionizing the way we will provide services in the specialty areas. We'll be doing much of our specialty work in the future through field support centers. The JAG School is now a part of the Air Force Legal Operations Agency and it will become much more

robust. The worldwide judiciary has also changed. Most visibly, the circuit structure that was created during the Vietnam War Era ceased to exist on 1 October 2006.

Just after JAG Corps 21 was approved, we learned of another major development, Program Budget Decision (PBD) 720. This time, the prospects were ominous. The Air Force needs to modernize and



JAG CORPS 21

recapitalize. The leadership of the Air Force decided to reduce the number of active duty officers and enlisted personnel by some 40,000 over the next five years. The manpower and personnel (AF/A1) community developed a model that resulted in enormous cuts to the active duty JAG Corps. If approved, those cuts would severely degrade our ability to serve the Air Force. This was not an academic exercise. The stakes were huge, and they were real.

PBD 720 provided an immediate test of the JAG Corps 21 initiatives. If the recently approved JAG Corps 21 approach was to remain our roadmap, we could improve how we serve the Air Force while achieving some manpower reductions. But if the A1-proposed level of reductions was implemented, JAG Corps capabilities would be significantly degraded, with serious negative impacts for the Air Force.

Ultimately, of course, JAG Corps 21 proved to be the right model for the Air Force. Air Force leaders at all levels—from senior enlisted personnel up to the chief master sergeant of the Air Force, along with squadron, wing, and major command commanders—virtually unanimously, came on line and said they liked what JAG Corps 21 had to offer. They told us, and the A1 community, that there’s no way the Air Force could sustain JAG Corps cuts at the proposed level. Here’s a sample of the senior leader comments:

[The proposed PBD 720 cuts on JA...] “strike at the heart of the commander’s most critical needs: mission readiness, morale, good order, and discipline.”

“Without my JA, I’m an installation manager instead of a wing commander.”

The comprehensive approach that we developed with JAG Corps 21 proved to be invaluable. Because of this initiative, we were able to limit the proposed PBD 720 reductions to a level that is tolerable. Ultimately, the approved reductions to the active duty JAG Corps are about 14 percent, compared with the 29.5 percent that had been proposed. We can continue to perform the mission seamlessly, and those outside the JAG Corps will neither see nor suffer any negative effects from the manpower reductions.

DEALING WITH CHANGE IN THE JAG CORPS

I recognize that change can be uncomfortable, but if managed properly it can produce effective and positive results.

I came on active duty in January of 1977. My first duty assignment was Griffiss Air Force Base,

New York. The primary aircraft there was the B-52. Some of the company grade pilots liked to note that they were flying planes that their fathers had flown 20 years before. Some of the pilots in today’s B-52s are the daughters of those company grade officers I met 29 years ago. But today’s B-52 is not your grandfather’s aircraft. On the outside, it looks pretty much the same to the untrained eye; but its avionics, munitions, and missions have been dramatically transformed. Fifty years ago, the B-52 had a single strategic mission. The crew was on call 24 hours a day, seven days a week, to deliver nuclear weapons against Soviet targets. Now, the B-52 carries a wide array of weapons. They can deliver precision-guided munitions from great distances. Today’s B-52 may look substantially the same as it did in the 1950’s, but it’s undergone an incredible change in missions and capabilities.

The JAG Corps is similar. We could say the JAG Corps is “ever changing but always the same.” We have maintained our fundamental wing-level, commander support-based structure through the years, even as we’ve improved how we deliver legal services by taking advantage of modern technology and communications, new organizations, and developing leadership. So while we’ve been changing constantly, we’ve kept our focus on the essentials. Now we’re about to undergo a period of rapid and dramatic change. It can be uncomfortable, but winners adapt and leaders lead their organizations through such changes.

Try to view things from the perspective of our people. Realize that 43 percent of the active duty

members of the JAG Corps earned their JAG and paralegal badges after 9/11. The significant changes most of us have lived through are the baseline for these people.



SMSGT AND AMN REESE

Take the example of Senior Master Sergeant JD Reese. He started his Air Force service in the administrative career field and has been a paralegal since 1985. JD was talking to me a few weeks ago about some of his JAG Corps mentors, who go back to the time before we had a Uniform Code of Military Justice—which took effect in 1951. JD has three daughters. One of them, Jamie, recently became an Air Force paralegal. Think about it. SMSgt Reese and his mentors go back to the very beginning of the JAG Corps and now they are extending their reach into the newest generation.

If some of our early paralegals had been frozen in time 50 years ago and came into today's world, they would recognize the services we provide. We have added modern technology—computers and cell phones and so forth—but they would recognize what we do and how we do most of what we do today.

Now think about what we're doing with the JAG Corps 21 initiatives. The world that Airman Jamie Reese will experience if she stays for a

full career will look far different. While change has been a constant, its pace is really accelerating now. JAG Corps 21 is our vehicle to accomplish the big changes most effectively. We will of course maintain our tradition of service, support for commanders, and focus on a disciplined force. Winners will adapt and leaders will lead in a way that implements even great change while maintaining the right emphasis on our fundamental values and characteristics.

I received an e-mail from a JAG lieutenant colonel not long ago. She told me that for a long time she had resisted the JAG Corps 21 initiatives. She said she really hadn't bought into it. Then she realized that she and her colleagues need to understand that the world is changing and that they need to see things from today's perspective. We need to challenge ourselves, she wrote, to see the JAG Corps through "pioneer eyes."

The people who are just becoming JAGs and paralegals should learn early on that our guiding principles are Wisdom, Valor, and Justice, and that we are committed to the future through the JAG Corps 21 initiatives. I ask that you not merely try to understand their perspective, but also to see the world through their pioneer eyes. The "good old days" is a relative term. The 43 percent of the active duty JAG Corps who joined us since 9/11 don't share your same "good old days." Looking at the Corps with the help of their fresh perspective can be valuable for all of us.

JAG Corps 21 is our roadmap for the future. Recently, both the Chief of Staff and the Secretary praised the JAG Corps 21 initiatives. The Secretary told me last week that he

has singled out the Claims Service Center and the overall JAG Corps 21 initiatives as helping to define Air Force Smart Operations 21. He sees us as the vanguard to make the changes the overall Air Force needs to make. The Chief of Staff made the same point about JAG Corps 21 with different words. He said, "You guys get it."

JAG CORPS PRIORITIES AND VALUES AND VISION DOCUMENT

The Chief of Staff and the Secretary have identified the following Air Force priorities:

1. Winning the Global War on Terrorism,
2. Developing and caring for our Airmen, and
3. Modernizing and recapitalizing our aircraft and equipment.

We have also introduced draft JAG Corps priorities to complement the Air Force priorities:

1. Providing full-spectrum legal services for Air Force operations,
2. Developing legal professionals for the 21st Century, and
3. Rapidly adapting our organization, manning, training, and information technology capabilities to 21st Century, and challenges through JAG Corps 21.

It's also time to update the JAG Corps Values and Vision document. We last published a "Vision" in 2001 and it has served us well. With the development of a new Air Force Mission and Vision, however, it's time to re-look where we are as a Corps and where we need to go. The JAG Corps Vision will not only describe who we are and what we do for the warfighter, but also who we want to be—and must be—as a Corps.

OUR LEGACY

Your greatest legacy, having served in the United States military, will be found in Airmen of the future. The things you do today to shape the people you lead are critical. One of the things you need to do is to teach people to think for themselves.

In 1898, during the Spanish-American War, President McKinley needed to get a message to a man named Garcia who was somewhere in the hills of Cuba. It was impossible to send a telegram or get a package delivered to Garcia. Finally, someone said: “There’s a man named Rowan. I bet he can find Garcia.” They gave the package to Rowan and told him: “Garcia is somewhere in Cuba, we believe. Take this to him.” Rowan got on a boat and four days later arrived in Cuba. He went up mountains, down valleys, across rivers and streams, and three weeks later, he came out on the other side of the island, mission accomplished. What a great role model! All he needed to be told was: “Deliver this message to Garcia.” And that’s what he did. That’s what we need to do. We need to teach today’s Rowans to accomplish the mission with basic guidance and by use of their own ingenuity.

In 1776, General Washington was in Cambridge outside of Boston, Massachusetts. One of his trusted aides was a Philadelphia attorney named Joseph Reed. Reed had returned to Philadelphia to resume his law practice and to be with his wife and children. General Washington badly wanted Reed to rejoin him. In one of his letters to Reed, General Washington wrote: “It is absolutely necessary to have persons that can think for me as well as execute orders.” As

leaders, we’re very busy. We have the backgrounds, training, and experience to take care of details ourselves. But—too often—we don’t have enough time to do all of the important things by ourselves. We need people that can think for us, and not just execute orders.

CONCLUSION

I ask everyone to spend some time to reflect on why we serve. A JAG major recently told me that he had been a civilian attorney, and in that job he was comfortable economically and saw a good future for himself and his family. But he was missing something. He told me that he frequently thought, “When I’m an old man and I look back at what I’ve accomplished, I’m not going to take any special pride in my life’s work. I’ve taken care of my family, and that’s important, but I didn’t do things that were really meaningful.” He joined the Air Force and became a judge advocate. And he told me that every day, he is proud to wear the uniform. And he knows that when he looks back on his life, he’s going to take great pride in all he accomplished as a member of The Judge Advocate General’s Corps.

We often hear of how people around the world perceive our country and too often it’s negative. Earlier I told you the story about A1C Diana Klessel. She organized the fundraising in Kyrgyzstan that enabled critical surgeries to be performed on children, literally saving two lives. She received a going-away drawing from one of her special friends in the heart ward. The drawing is of a woman with a flower and it says simply: “With Love, Daria.” Consider the image of Americans that A1C Klessel has created for those children in the hospital ward and their

families, friends, and neighbors. You can do the same.

Some things are beyond your control—when you were born, where you were born, and the circumstances of your early years. But we all face decisions that are within our control. We’re responsible for the kind of people we become, and we ultimately choose what we’re going to do with our lives. All of you have chosen to serve your country.



“WITH LOVE, DARIA.”

These are genuinely historic times. You will be able to look back on your service with great pride. If you always do things the right way, you can be as proud of wearing the uniform every day as the major I just mentioned. As you reflect, you’ll know that you’ve done much more than “legal work”—you’re doing things that are very meaningful for your country during a time of war.

Members of the JAG Corps have chosen to live by the Air Force core values and for us, Wisdom, Valor, and Justice are not just words. It’s what we aspire to. It’s what we live by. Wisdom, Valor, and Justice truly define the JAG Corps. I am very proud to serve with each of you.



PARALEGAL PERSPECTIVE

The following is a transcript of remarks at the KEYSTONE Leadership Summit on 26 October 2006. Minor editing was performed prior to publishing.

As your Senior Paralegal Manager, it is a pleasure for me to bring you our paralegal perspective from “heritage to horizons.” To expand upon our theme at the KEYSTONE Leadership Summit, “Teams Within Teams,” let me begin with Major General William Moorman. Maj Gen Moorman brought the JAG and paralegal team to the fight. He showed us how we would support the operators not only at home station, but also forward deployed. Chief Master Sergeant Charles Dufault and Chief Master Sergeant David Haskins embraced this Air Force concept and asked, “How are we going to build a foundation to make paralegals relevant in the horizon?” And they established the philosophy of set-aside training. Their philosophy instilled training, training, and then train some more. In stabilizing that foundation, Chief Master Sergeant Clemencia Jemison sustained a quality paralegal force through the retraining of quality senior master sergeants and the accession of non-prior service students.

We have seen a noticeable growth in our paralegal force. We are currently manned at 91 percent. We have not been this healthy in nearly 10 years. The Air Force has recognized us as the second most educated Air Force specialty code in the Air Force, second only to band members. The American

Bar Association’s (ABA) approval of our Community College of the Air Force (CCAF) degree is a testament to our quality training, skills, and education.

Major General Jack Rives’ vision, encapsulated within JAG Corps 21, is moving us into the horizons. We are moving from the Claims Service Center to judges without borders. We now have “The Judge Advocate General’s School.” Our initial stage of transformation has been challenging, but our results are like none other in the history of the JAG Corps. Where do paralegals fit in this process? We are in the unique position to reinvent ourselves, to launch into substantive legal work. Paralegals are legal force multipliers. We represent 78 percent of the Claims Service Center manning. We are the catalyst at the JAG School in creating JAG and paralegal training. Our enlisted court reporters are supporting joint court reporter taskings in Guantanamo Bay and the U.S. Central Command area of responsibility. We are assigned in operations law, international law, and environmental law.

In the base legal offices, we are working as a judge advocate and paralegal team. We are working as trial teams; we are developing efficient and smarter ways to educate our Airmen on



**CMSGT AVIS R.
DILLARD-BULLOCK
SENIOR PARALEGAL
MANAGER TO THE JUDGE
ADVOCATE GENERAL**



preventive law measures. We're briefing at Newcomers' meetings, at enlisted development seminars, at the First Term Airman's Center, and at first sergeant meetings. We are performing legal research and writing in civil law. That's not all; we are mentoring and developing our new paralegals and JAGs—our JAG Corps leaders of tomorrow. Yes, this road has been a challenge. Yes, we've gone from a manning authorization of 1,078 to an authorization of 876, but we have summed up our perspective in three stages—Plant, Water, and Cultivate.

When I say “plant,” we are going to plant a foundation at The Judge Advocate General's School so that when our 3-levels graduate, they will come out fertile and ready for us to water them, to give them more training, to move to the 5-skill level. And once given that training and confidence, we are going to transition them further. We will provide additional training and return them to the JAG School where they will attend the Paralegal Craftsman Course. Graduating from the Craftsman Course earns the title of “craftsman.” Once you become a craftsman you come with an inherent guarantee, similar to a Sears' Craftsman tool. When someone purchases a Craftsman tool, he purchases it with the confidence that it will perform as designed for life. So when we leave the Craftsman Course and we've been upgraded to the 7-skill level, we also come with an inherent guarantee. We arrive at the base legal office with a secure foundation in paralegal skills.

At this point we are primed to be cultivated, to be given added skills for our tool kit, and additional training. Our training and development does not end because we are being cultivated. This stage is a time for pruning, a cutting

back and trimming of the rough edges. It is at this point, we need the staff judge advocates to help us grow further, tell us what areas we need to polish, and how we can be more of a force multiplier for our JAG Corps. We need that tough mentoring from our leaders.



I say all this to bring into perspective where we were, and where we are. We have moved from the stubby pencil to the electronic age. Yes, our pool will be smaller, but we will work more efficiently and we will work smarter. We have moved into an era where we have the opportunity to create an outstanding JAG Corps.

Before I turn to our statistics, I want you to know where we stand. We stand ready to fight. We stand ready to develop. We stand ready to train. We stand ready to be the leaders of the JAG Corps in the 21st Century.

Our manning level in 2005 was 89 percent. In August of 2006, we were at 90 percent. Let us look at where we are after Program Budget Decision 720 (PBD 720). We can say the glass is half empty, but we want to say the glass is half full. We will move from a paralegal force of 1,078 to 866, but in doing so, we'll move from 90 percent to 100 percent manned. I know this is a play on numbers, but consider it

overall. We have been operating at about the 866 level, so in essence we have been operating at nearly 100 percent. Even though our offices were not staffed at 100 percent, we were still getting 100 percent of the job accomplished. So, we are not getting smaller—we are getting smarter. We are going to work hard and we are going to develop efficient ways to move us from where we were to where we want to be in the 21st Century.

Our ABA approval was a great challenge and an awesome accomplishment. It has taken 10 years to get the ABA to approve our CCAF degree and I will tell you, those who came before us set the foundation in training, training, and more training. Paralegals will have to meet the graduation requirements of the 2005 CCAF catalog to have the ABA-approved paralegal degree. The two major requirements are an ethics course and completion of the Paralegal Craftsman Course.



I would like to end by saying that I am very proud and honored to serve as your Senior Paralegal Manager, and remain committed to transforming our paralegal force under JAG Corps 21 initiatives in a way that maintains our commitment to Wisdom, Valor, and Justice.



AIR FORCE RESERVE PERSPECTIVE

The following is a transcript of remarks at the KEYSTONE Leadership Summit on 27 October 2006. Minor editing was performed prior to publishing.

YOUR AIR FORCE RESERVE LEGAL TEAM—"UNRIVALED WINGMEN"

Thirty-two years ago if you were a judge advocate stationed on an Air Force installation that had an active Air Force wing, an Air National Guard unit, and an Air Force Reserve unit assigned there, members of the Guard would stay on their side of the base, members of the Air Force Reserve would stay on the other, and the active duty folks ran from both. No more! We are one JAG Corps—active, Guard, and Reserve—serving side-by-side, around the world, from Korea to Kandahar. There can be nothing else. The mission requires it. Our country requires it. One team, same fight!

A TOTAL FORCE—ACTIVE, GUARD AND RESERVE

Our mission as an Air Force Reserve is to provide combat-ready judge advocates and paralegals whenever and where ever needed. Frankly, the Air Reserve Component (ARC) is The Judge Advocate General's (TJAG) most experienced legal weapon system. Over 98 percent of the reserve and guard members in the ARC entered active duty before 11 September 2001, and ARC team members have an average of over 17 years of military legal experience. By virtue of their training and experience, reserve and guard judge advocates and

paralegals have become—and must remain—"unrivaled wingmen" for their active duty counterparts. There is no choice—the future of our Air Force and its ability to accomplish our global mission requires it.

OUR CHALLENGES...

We will face some challenges in the years ahead and we must be prepared to tackle and resolve them if we expect our Reserve program to continue to be the "gold standard" for Reserve programs within the Department of Defense. These challenges include readiness, funding, force reductions, recruiting, and program management.

Readiness. As a reserve legal force, we must maintain our focus on readiness despite the current operations tempo. Almost 60 years ago, we were organized as a strategic reserve—a group of "mobilization augmentees" and unit-based reservists, serving on duty one or two days a month and two weeks a year—50 pointers—waiting for the call. No more. We are now an operational Reserve force—a "first responder" in many cases. This past year, your 914 part-time reserve judge advocates and paralegals served over 42,000 days of duty, the equivalent of an additional 162 full-time judge advocates and paralegals—over 200 percent of the



MAJ GEN
RICHARD D. ROTH
MOBILIZATION ASSISTANT
TO THE JUDGE ADVOCATE
GENERAL



annual requirement. If we took a snapshot of the participation records of those Air Force reserve judge advocates who met the most recent major/lieutenant colonel/colonel promotion boards, we would find that the average officer earned 111 points last year. Assuming that one point equals one day of duty—and it generally does, with a few exceptions—those outstanding “part-time” officers spent over three months out of the last 12 on duty around the world. Now, that’s transformation! Obviously, this transformation from a strategic to an operational Reserve has posed, and continues to pose, some challenges for us in the areas of recruiting, training, and funding.

Funding. Due to competing requirements for scarce resources, funding for essential training and mission support continues to be a concern. From Fiscal Year (FY) 1998 to FY01, our Reserve Personnel Authorization (RPA) training dollars increased from approximately \$1.2 million to approximately \$2.15 million, and our available Military Personnel Authorization (MPA) training mandays increased from approximately 6,300 days to 8,900 days. However, since FY02, our RPA training allocation has been steadily reduced from \$2.15 million to approximately \$1 million in FY04 and \$60,000 (initial allocation) in FY05. While we were able to secure additional RPA funding to increase the total allocation to approximately \$500,000 in FY05 and \$700,000 in FY06, money to fund essential operational and non-operational training for reserve judge advocate and paralegal personnel continues to be scarce at a time when training requirements continue to increase. We have experienced

a similar reduction in available MPA mandays for active duty mission support from a high of approximately 17,000 mandays in FY03 to approximately 10,000 mandays in FY06. Clearly in the near future, we must continue to explore ways to effectively train and efficiently provide active duty mission support with less.



Force Reductions. Over the past year, the Air Force has had to grapple with balancing operational and maintenance requirements against the need for recapitalization and has had to adjust the size of the force accordingly—an effort referred to as Program Budget Decision (PBD) 720. This was a Total Force effort, and Air Force Reserve Command (AFRC) was required to eliminate 7,744 AFRC-funded billets. The Chief of the Air Force Reserve had to make some tough calls in arriving at the mandated reduction. The command looked for force reductions associated with standing down units impacted by base realignment and closure and shifting unit missions. Unfortunately, that was not enough. The command was forced to look to the Individual Mobilization Augmentee (IMA) community for additional reductions as part of this force-sizing effort. Some reserve career fields, including

other centrally-managed programs, were reduced significantly. Rumors were rampant that the IMA JAG program would be eliminated. However, because the reserve judge advocate and paralegal team is an extremely lean force, spread around the world performing essential duties—a high demand, low density asset—AFRC made the decision that reserve JAG personnel should not be impacted as part of the PBD 720 reductions. Despite ever-increasing fiscal constraints and constant pressure on AFRC to readjust the force reduction calculus, no reserve IMA judge advocate and paralegal reductions have been approved to date. Since we should anticipate continued pressure on active and reserve end-strength in the future, we must be prepared to continue to demonstrate the tremendous value that reserve JAGs and paralegals bring to the fight through the use of ARC Statistical Reporting System (StaRS), and otherwise.

Recruiting. Recruiting continues to be a challenge for the ARC. A recent snapshot of our manning posture reflects that the ARC manning is approximately 95 percent of authorized end strength for judge advocates and 93 percent for paralegals. Our IMA paralegal force, typically manned at over 100 percent in the past, is now manned at 96 percent. Although there are a variety of possible explanations for this manning shortfall, including the current operations tempo, we must clearly redouble our efforts to secure and retain the best and the brightest in the legal profession. All active duty and ARC members share an equal responsibility in this regard.

Program Management. Since 1972, when the 9005th Air

Reserve Squadron was activated under the command of Colonel Mack E. Schwing, then the Air Reserve Personnel Center (ARPC) Staff Judge Advocate, reserve judge advocates and paralegals have looked to ARPC for the centralized management of TJAG's Reserve IMA program. Frequent contact with ARPC/JA became an essential element of a reservist's military career. Over the past year, that historic relationship between IMAs and ARPC changed when we were directed to consolidate the management of TJAG's IMA program with the management of the AFRC unit judge advocate and paralegal program at Robins Air Force Base, Georgia. While the transition was not easy, we have now completed that reorganization process. AFRC/JAR, with five dedicated reserve and civilian personnel, is now responsible for orders, school tour processing, training, and readiness, and a robust HQ AF/JAR, currently manned by three active and reserve judge advocates and paralegals, is responsible for recruiting, accessions, assignments, reassignments, force development, and strategic planning issues—a Reserve "JAX." While we will need to continue to work the "bugs" out of the system, particularly in the areas of orders processing and attachments/assignments, we are well on the way to a world-class reserve career management program for the 21st Century.

RESERVE CONTRIBUTIONS...

Despite the turbulence and the fiscal constraints under which reservists have been forced to operate, the performance of your reservists has been eye watering! During FY06, reservists performed almost one-third of all Article 32 investigations in the Air Force, reviewed hundreds

of government contract actions valued at well over \$1 billion, drafted thousands of civil law opinions, and prepared thousands of wills and powers of attorney for deploying servicemembers. Clearly, your reserve judge advocates and paralegals are a force multiplier! And, then there were the deployments...

When the Air Expeditionary Force concept was initially conceived, it was anticipated that the ARC would supply approximately 10 percent of the manning required, in addition to "some backfill" for the active duty participants. During Operations DESERT SHIELD/DESERT STORM, only one or two IMA judge advocates, along with a relatively small number of unit judge advocate personnel, were deployed to the area of responsibility (AOR). Today, on a totally volunteer basis, approximately 30 percent of the JAG Corps deployments are sourced from the ARC and about 62 percent of those come from the IMA force—all as volunteers. With regard to home station support, although the ARC comprises less than one-third of the Corps, during the past year, reserve and guard personnel filled over 90 percent of the active duty home station support requests.

Due to world events, more and more reservists are finding themselves at the "tip of the spear" and in harm's way.

First, there's reserve paralegal Senior Master Sergeant Ann Parker. In January 2006, when we needed a talented noncommissioned officer in charge for the Joint Task Force at Guantanamo Bay, Cuba, SMSgt Parker volunteered for that task. She did an exceptional job, completing



SMSGT ANN PARKER

her tour in May 2006. Although she had only been back for a few months, in September 2006 when we put out the call for volunteers to serve on Task Force 134 in Baghdad, Iraq, SMSgt Parker again volunteered for deployment to the AOR where she did an exceptional job.



MAJ MIKE BRANDABUR

Then, there's reserve judge advocate Major Mike Brandabur who also volunteered to serve a tour in Baghdad, Iraq. On 2 April 2006 at approximately 1400 hours, Maj Brandabur was on his way back from Central Criminal Court of Iraq when the Humvee he was riding in was struck by a series of improvised explosive devices rigged for simultaneous explosion and placed approximately four feet apart underneath a highway overpass. After the blast, Maj Brandabur's convoy took some small arms fire until the arrival of Iraqi Security

Forces. The good news is that Maj Brandabur and the other occupants of the vehicle only sustained relatively minor injuries. They were lucky—their Humvee was armored!

The point is this—increasingly, judge advocates and paralegals, active, Guard and Reserve, are finding themselves in harm's way, serving our Country. We owe them a debt of gratitude. They are doing an absolutely marvelous job. Clearly, the Maj Brandaburs and the SMSgt Parkers in our program are giving all that they have...and then some! I am very proud of all of them...and I know you are too.

THE FUTURE...

Maintain Participation Flexibility. What should we anticipate for the future? As our Global War on Terrorism continues, we must find ways to maximize participation opportunities if we expect the spirit of volunteerism to continue within the Reserve force. We are going to need flexibility with respect to length of tour requirements, particularly with regard to overseas deployments. We are going to need relief from deployment grade requirements to increase the pool of eligible reserve participants. We are going to have to modify our telecommuting policies to permit the performance of more duty and certainly more training off installation. The delivery of ancillary training needs to be made more efficient and effective. We are going to have to lift the restrictions on the timing of inactive duty and reconsider the existing limitations on the use of the split annual tour. Finally, we may have to once again consider allowing reservists to perform their inactive duty training at locations other than their normal base of assignment or attachment.

Maintain Balance (and Perspective) Within the Force. The Total Force is what it is because reserve judge advocates and paralegals bring their civilian experience to the fight. They come to you from all directions within the profession of law—corporate practice, government practice, and private practice. No one component is more valuable than the other, but all are absolutely invaluable to ensure the proper balance of opinion and viewpoint within The Judge Advocate General's Corps. We must fight to maintain that balance.

Be Ready, Connected, and Accessible. As a reserve force, we are going to have to continue to be ready, connected, and accessible. We have done a good job in the past, but with budget reductions and force sizing we must do an even better job in the future. We had a recent test of the reserve force—an e-mail recall—and over 70 percent of the targeted reserve judge advocate and paralegal force responded within the 48-hour deadline, without anyone sending a repeat e-mail request or making the first telephone call. Considering the fact that reservists live all across the United States, in Europe, and in Asia, and at the time of the recall test most were not connected to a military computer system, the 70 percent result was incredible. But, we must—and we will—continue to improve so that we may remain your unrivaled wingmen!

Provide Relevant and Flexible Training. As long as the demands on the reserve program continue at the current pace and more and more reserve judge advocates and paralegals become “100-point” reservists, we will need to respect our reservists' time and eliminate unnecessary requirements and



activity. For example, in the training arena, we will need to scrub the length of our training programs and learn to effectively utilize distance and alternative learning techniques. We are doing that now with the Reserve Forces Judge Advocate Course (RFJAC)—look for a much leaner and more effective RFJAC in May 2007. And, there is more to come! We owe it to the Corps and to our reservists to do the best we can in this area...and then some.

MY TAKE ON IT...

If I have learned anything after almost 32 years of active military service in the Corps, it is that Air Force lawyers and paralegals—active, Guard, Reserve and civilian—are the moral, legal, and ethical compass for our Air Force. Without Air Force lawyers and paralegals, “good enough” might seem just about right. Clearly, it is not. It never has been. And, it never will be...because of each of you. You are true professionals...and then some!

As your Air Force Reserve Legal Team we intend to remain your “unrivaled wingman”—sometimes in the lead, sometimes in support, but always by your side. If you let us know where you want to go, we will help you get there. Thanks for your support.



AIR NATIONAL GUARD PERSPECTIVE

The past year involved dynamic change for the Air National Guard (ANG) as we struggled to meet our critical state and national obligations in a time of great challenge for our country. Budget cuts, base realignment and closures, force recapitalization, Total Force Integration, extended deployments, and increased domestic responsibilities forced ANG members to reach down to their militia roots for that sustaining volunteer spirit which has been our proud heritage since before we were a Nation.

Energized by that volunteer spirit, ANG judge advocates and paralegals have joined with their Air Force Reserve (AFR) counterparts every day to contribute a wealth of diverse citizen-soldier knowledge, experience, and talents to meet the daunting challenges we face in transitioning the ANG force from a strategic to an operational reserve.

MAJOR GENERAL CLARK, BRIGADIER GENERAL MARSHALL AND CHIEF MASTER SERGEANT POYER RETIRE

The retirements of Maj Gen Jack Clark, ANG Assistant to The Judge Advocate General (TJAG); Brig Gen James Marshall, ANG Assistant to Air Combat Command (ACC)/JA; and CMSgt Rita Poyer, ANG JA Senior Enlisted Advisor, cost the ANG JA team approximately 100

combined years of experienced senior leadership in just a few months' time. Under Maj Gen Clark's solid leadership, the ANG legal team continued its expansion of training and support for Air Force operations, and forged new strategic connections with The Judge Advocate General's Corps and the ANG leadership. Through the dedicated efforts of these former leaders, our legal team now enjoys unparalleled respect among ANG commanders and our active duty and AFR/JA colleagues. These valued emeritus members of our team ensured that we are well positioned to meet future challenges.

NEW TJAG ANG COUNCIL LEADERSHIP

Replacing recently retired ANG JA leaders are Brigadier General H. Ray Starling, ANG Assistant to TJAG; Colonel Jeffrey Lawson, ANG Assistant to Air Mobility Command (AMC)/JA; Colonel Andrew Turley, ANG Assistant to ACC/JA; and Senior Master Sergeant Andy Stadler, Senior Enlisted Advisor to the TJAG ANG Council. The new leadership team stands on the shoulders of some extraordinary past leaders who collectively brought the TJAG ANG Council and the entire Air Reserve Component (ARC) legal team to the highest state of readiness and operational effectiveness in the nearly 60-year history of The Judge Advocate General's Corps.



**BRIG GEN
H. RAY STARLING**
AIR NATIONAL GUARD
ASSISTANT TO THE JUDGE
ADVOCATE GENERAL



NEW ANG JA LEADERSHIP TEAM



BRIG GEN
H. RAY STARLING
 ANG ASSISTANT TO
 TJAG
 HIANG

COL
JEFFREY LAWSON
 ANG ASSISTANT TO
 AMC/JA
 CAANG

COL
ANDREW TURLEY
 ANG ASSISTANT TO
 ACC/JA
 MAANG

SMSGT
ANDY STADLER
 ANG PARALEGAL
 CAREER FIELD
 MANAGER
 INANG

New leadership also arrived at the National Guard Bureau (NGB) this year. Lieutenant General Craig R. McKinley assumed responsibility as Director of the Air National Guard, joining Chief of the NGB Lieutenant General Steven H. Blum to form a very capable NGB team. Lt Gen McKinley immediately directed fundamental changes in the way the ANG operates. His stated priorities are to: 1) reconnect the ANG to the active duty Air Force; 2) improve relations with the adjutants general; and 3) be more responsive to the field. To help accomplish this, Lt Gen McKinley moved his office to the Pentagon and his subordinate directors to the ANG Readiness Center at Andrews Air Force Base, Maryland. He also appointed special general officer assistants to manage development of the new ANG Strategic Planning Program and the Total Force Integration efforts.

The entire Air Force leadership team, from Secretary of the Air

Force Michael Wynne and Chief of Staff General Michael Moseley through Lt Gen McKinley and Lt Gen Blum, has greatly appreciated and cultivated the many strengths JAGs and paralegals bring to the fight. Such appreciation is fostered by personal interaction with TJAG, the Deputy Judge Advocate General and other outstanding JAGs over the years, leading to genuine professional respect at the highest levels. This favorable alignment of the stars at a time of historic change for the Air Force and the ANG presents a unique opportunity for ANG JAGs and paralegals to be directly involved in the shaping of our country's future security structure for years to come.

CRITICAL CHALLENGES

As the ANG reduces costs and integrates more with the active force, one of the most critical challenges faced is the fact that the National Guard serves two distinct roles under the Constitution. First and foremost, the National Guard is a state militia, serving under

the command and control of the respective state governors. In its state role, the ANG is trained and equipped by the federal government for ANG federal missions under Title 32, U.S. Code. But primarily the ANG serves as first responder in state emergencies. In times of national need, the President calls up the National Guard to serve in its role as a reserve of the active duty Air Force. When this occurs, guard members called into federal service switch from the command and control of their respective governors to that of the President.

These two constitutional roles of the ANG kept many JAGs and civilian lawyers busy over the past year as we worked through tough issues resulting from recent initiatives such as Total Force Integration and base realignment and closure. In working through these difficult matters, we improved communications and cooperation at all levels and opened significant new mission opportunities for the ANG.

NEW ANG LEADERSHIP



**LT GEN
STEVEN H. BLUM
CHIEF
NATIONAL GUARD BUREAU**

Both the ANG and the AFR face critical challenges in the areas of recruiting, retention, and employer support in this time of extended tasking of the ARC in both its domestic and federal roles. Although the ANG met its Fiscal Year 2006 recruiting goals, retention is dipping. This is due in part to increased pressure on employers who suffer when their best people are called away to serve with increasing frequency and for longer durations. Significantly, this pressure is felt even among government employers as well. Our future citizen-soldier force depends on the ability to overcome these difficulties and maintain a sense of balance for traditional service in the ANG.

At the JAG and paralegal level, ANG recruiting and retention are stable, with approximately 279 JAGs (99 percent staffed) and 167 paralegals (88 percent staffed) on board at any one time. Most of our force is drawn from the active duty JAG Corps when they depart active duty and some from the JAG Corps of other services. Relatively



**LT GEN
CRAIG R. MCKINLEY
DIRECTOR
AIR NATIONAL GUARD**

few JAGs are accessed directly into the ANG without prior JAG experience. Paralegals, on the other hand, tend to be cross-trainees from other career fields within the ANG. Our ANG legal team serves the legal needs of 106,800 ANG members, commanders, and adjutants general at more than 88 operational units and 54 Joint Force State Headquarters.

Last year, over 50 ANG JAGs and paralegals deployed or were activated for extended tours either overseas or domestically. The deployments included Air Expeditionary Force rotations, deployments to Iraq and Afghanistan, and special tours at the Pentagon and elsewhere. Some guard members spent upwards of a year or more on active duty in the Iraq and Afghan war zones. Although the ANG and AFR met all tasked deployment requirements, the pool of available volunteers is slightly dwindling, especially with the extension of tour lengths to 179 days and beyond. Our challenge is to provide meaningful opportunities to serve, encourage

continued volunteerism, and make available to TJAG the best possible pool of legal talent to meet operational mission needs.

Finally, the ANG is critically challenged today to prepare itself for an ever-expanding scope of domestic military operations, border security, homeland defense, wildfires, pandemic disease, terrorist attacks, weapons of mass destruction, and natural disaster relief. These new or expanding mission areas present unique legal challenges. States expect their citizen-soldier forces to be the first responders on the scene ready to deal with these problems—an awesome responsibility for a part-time volunteer service, especially in light of escalating ANG federal service responsibilities.

ANG JA SECRET WEAPON

Internet connectivity is a cornerstone of ANG legal team effectiveness. The truly heroic support provided by the Legal Information Services Directorate (AFLOA/JAS) is a great force multiplier for our widely-dispersed ANG JA members. Today, we can reach out to folks like never before and keep our members fully apprised about developments within The Judge Advocate General's Corps and the Air Force. Internet conductivity allows us to identify and tap into the myriad of civilian specialties of our diverse legal practitioners. Talent is leveraged for Air Force benefit through searchable databases of legal and practical information made available to all through Federal Legal Information Through Electronics (FLITE).

The ANG has a very active Information Technology Committee led by Colonel John Sheffield (GAANG).

This committee constantly works with JAS and our AFR counterparts to refine ANG JA web site data, Roster fields, and Roster reports to help automate the management process, spot problems by exception, and better use technology to make ANG legal offices and members even more efficient. Most recently, Col Sheffield developed a user-defined Roster Report Generator that can slice and dice Roster data to identify the unique group of ANG legal team members who meet whatever combination of Roster criteria imaginable. The Report Generator may become a favorite tool of all JAG Corps component managers in the not-too-distant future.

Hurricane Katrina relief operations in September 2005 highlight the effectiveness and the power of ANG JA interconnectivity. A significant part of the ANG JA home station mission is preparing their units and members for deployment. The deployment of ANG members in Title 32 status nationwide to support relief efforts in the wake of Hurricane Katrina presented a host of novel legal issues. Hurricane Katrina relief was the first “state” duty involving ANG forces from many states across the nation, all of whom remained under the command of their respective governors, but brought together under a unified force structure in Louisiana and Mississippi.

Facing many tough questions requiring immediate answers, several unit JAGs instinctively reached out to the ANG JA law firm en masse for help through e-mail to all 446 ANG legal team members. Within minutes, detailed answers, suggestions, forms, and other materials flowed into the collective ANG legal team from individual experts across the

nation, many of whom already solved very similar problems in the past or had relevant civilian subject matter expertise. This enabled the ANG JA team as a whole to develop a unified body of consistent legal guidance, coordinated with the Administrative Law Division (HQ AF/JAA), to enable ANG commanders to function in this emergency under a clear set of rules. Also, for the first time, NGB-JA interconnected with the ANG legal team, further enhancing the timeliness and quality of the legal services.

Using technology to tap into and focus the collaborative professional skills of our entire ANG legal team in real time enabled us to quickly resolve legal issues and send ANG units on their way to first responder duties in the Mississippi Gulf, fully prepared with comprehensive and consistent legal guidance. As an added bonus, we discovered the enormous hidden potential of using Internet connectivity to bring together the combined knowledge, expertise, and analytical capability of the ANG JA team’s diverse legal minds to focus on a single issue.

STAYING ENGAGED

In keeping with Lt Gen McKinley’s priorities, the ANG legal team is more directly involved at the planning, training, and operational levels of the ANG and the Air Force than ever before. Lt Gen McKinley sought ANG JA participation in his Strategic Planning Process to map out the ANG’s future direction. A senior ANG JAG presently serves on extended active duty with the Pentagon Total Force Integration group in strategic plans and programs under the auspices of HQ AF/JAA. This JAG develops the legal concepts and legislation necessary to leverage the traditional strengths of the ANG

for the benefit of the Air Force and the nation through a variety of associate relationships and shared missions. ANG JA leadership also has a permanent seat on the Air Directorate Field Advisory Council focusing on operational and command issues for all ANG weapons systems.

Senior ANG JAGs actively teach the highly acclaimed Contemporary Base Issues and Commander Development Courses to hundreds of commanders and senior noncommissioned officers throughout the ANG. In addition, the ANG Law Office Course is taught periodically to new ANG JAGs and paralegals to enable them to better serve the legal needs of a complex force with state and national duties.

Under the uncompromising eye of editor Colonel Victoria Reardon (MIANG), we developed and now maintain the currency of the much-heralded ANG Commander’s Legal Deskbook. The deskbook is a comprehensive reference containing legal analyses and practical advice in layman’s terms for virtually every recurring legal problem area a commander or first sergeant might face. It enhances, but does not substitute for, legal advice by unit judge advocates. The deskbook is now available through the Air Force Portal in searchable electronic form. It can be downloaded to a computer or a personal digital assistant. The deskbook is a top 10 ANG destination on the Air Force Portal.

ANG JA PRIORITIES

ANG JA priorities for the coming year are to develop even stronger connections and working relationships with The Judge Advocate General, the new Director of the ANG, the

active duty Air Force and Air Force Reserve JA components, NGB-JA, our adjutants general, unit commanders, and staff judge advocates. We will continue our strong engagement in Total Force Integration, HQ AF/JA vision, and the ANG Strategic Planning Program. We shall continue to develop technology as an exponential force multiplier.

We will build on the diversity of our team members and ensure that everyone is afforded an equal opportunity to serve and grow

professionally as part of The Judge Advocate General's ARC legal team. In addition, special expertise areas unique to the ANG legal team will be leveraged as capabilities to help preserve peace and stability in the world while protecting both our states and country.

Finally, we shall work very hard to keep the Guard's militia heritage strong as we transition into an exciting new era so the value of the traditional citizen-soldier to our state and national well-being will never be lost.



SPOTLIGHT ON... AN AIR NATIONAL GUARD MEMBER

Colonel Victoria Reardon demonstrated exceptional leadership as the editor for the ANG Commander's Legal Deskbook, a popular authoritative source for command guidance. In this role, she is responsible for ensuring the timeliness and accuracy of all deskbook articles, which is in addition to her primary responsibility as Joint Force Headquarters Staff Judge Advocate for the Michigan Air National Guard.

Accurate information is a most precious commodity. Relying on a cadre of ANG volunteer article authors, Col Reardon ensures the more than 1,000 pages and 400-plus articles of the deskbook stay current and topical by recruiting and supervising subject matter experts, reviewing and revising articles, tracking and following suspense dates for submissions, editing all submissions, and single-handedly publishing new or revised articles in a web-based

format on the Air Force Portal. Her accomplishments include translating the original hard-copy deskbook into a web-based reference, and ensuring the core deskbook and updates are always readily available to commanders, supervisors, and judge advocates.

Col Reardon was commissioned in 1985 as a direct appointee and served on active duty as a judge advocate at K.I. Sawyer Air Force Base, Michigan, before transferring to the ANG as Deputy Staff Judge Advocate, later Staff Judge Advocate (SJA), at Selfridge ANG Base in 1988. In 1992, she returned to full-time ANG duty as Regional Counsel for NGB-JA, representing ANG bases within her area of responsibility in labor law issues. In 1998, she returned to her traditional ANG position as SJA, 127 WG/JA, Selfridge ANG Base, then moving to her present position at the Michigan Joint Force Headquarters in 2003. She was promoted to colonel in



**COL
VICTORIA A. REARDON
JFHQ/SJA
MIANG**

February 2004. In civilian life, Col Reardon is a Senior Assistant Attorney General for Michigan, representing the state in criminal tax fraud, tax, and other revenue-related matters.



COL
JAMES R. WISE
DIRECTOR, JAG CORPS 21
IMPLEMENTATION TEAM



JAG CORPS 21 OVERVIEW

Fiscal Year (FY) 2006 has presented the JAG Corps with great opportunities and challenges, which, taken together, represent one of the most remarkable series of events in the Corps' history. The signature event was the development of JAG Corps 21. The Corps embarked on an enterprise that will fundamentally improve the way we provide legal services to the Air Force. Under this bold new concept, we will reorganize to support field staff judge advocates (SJAs) with a dedicated cadre of experts in key areas such as claims, environmental law, labor law, and contract law. While SJAs will remain the focal point for providing legal services to commanders, they will have a whole new arsenal of expertise at their disposal. This reorganization will be accompanied by reengineering initiatives involving the Air Force Judiciary (AFLOA/JAJ), Civil Law and Litigation Directorate (AFLOA/JAC), and The Judge Advocate General's School (AFJAGS) to knock down bureaucratic barriers and improve responsiveness.

THE CHALLENGE

As one of the most experienced field commanders in the Air Force's history, General T. Michael Moseley, the Chief of Staff of the Air Force (CSAF), has often commented on how he has benefited from JAG Corps support over his career. His experience with the Corps has given him a unique appreciation of our diverse skills, professional

agility, and dedication. In mid-December 2005, he charged Major General Jack L. Rives, The Judge Advocate General (TJAG), to develop a proposal on how the JAG Corps should be transformed to provide the best legal services for the future. As part of the JAG Corps' transformation, he told us to look beyond traditional legal duties and organizational structure and determine how we can expand our support to the Air Force. He charged us to "think big," even to the extent of evaluating whether we should take on entirely new missions. Maj Gen Rives immediately energized the JAG Corps to respond.

Maj Gen Rives set up a task force headed by Brigadier General James W. Swanson, USAF (Ret.), to examine current Air Force legal services, identify areas where the Corps could contribute more to the Air Force mission, assess the overall efficiency of JAG Corps operations, and design an organization and mission that will prepare us for the future. Maj Gen Rives called together the major command (MAJCOM) SJAs, senior paralegals, and other senior JAG Corps members for a kickoff meeting to begin identifying and prioritizing objectives. The group received briefings from the Secretary of the Air Force Michael W. Wynne (SecAF), CSAF, and Air Force senior leaders in manpower and planning.

The task force interviewed dozens of current and former Air Force senior leaders, including secretaries of the Air Force, chiefs of staff and major command commanders. The team solicited and received hundreds of suggestions from JAG family members through a web-based suggestion system. In addition, Maj Gen Rives called together several retired senior JAG leaders, including a number of former TJAGs, to meet with him and review the initiatives and provide guidance.

Maj Gen Rives submitted a multi-faceted series of initiatives developed by the task force to CSAF for his approval and also briefed them to SecAF. CSAF specifically approved the JAG Corps 21 initiatives by Decision Memorandum dated 2 March 2006. The Secretary and the Chief of Staff combined to express a vision and set a tone that encouraged us to make far-reaching proposals and both shared a level of commitment that enabled us to execute them as quickly as possible.

Although JAG Corps 21 was not intended to be a “cut drill” for the JAG Corps, the initiatives were estimated to free up 212 paralegal positions and 36 judge advocate positions. It was anticipated that these manpower savings could be used to provide personnel for new or expanded JAG Corps missions. This concept had to be deferred due to the major manpower cuts driven by Program Budget Decision (PBD) 720.

A CHANGING LANDSCAPE

In the 2006 Air Force Posture Statement, the Air Force announced its priorities: win the Global War on Terrorism (GWOT); develop and care for our Airmen; and modernize and recapitalize our aircraft and equipment. SecAF explained we would “fund transformation

through...organizational efficiencies, process efficiencies, reduction of legacy systems and manpower while sustaining GWOT and ongoing operations in support of the Joint Fight.”

Our planes are old and there simply are not enough appropriated funds available to recapitalize our fleet without saving money in other areas. Cutting personnel slots is the only viable way the Air Force can obtain the funding to modernize its aircraft in view of severe budgetary pressures. PBD 720 formalized and directed that approach. The Air Staff Manpower and Personnel Directorate (AF/A1) was responsible for implementing the manpower reductions and on 15 March 2006 announced the plan to cut 40,000 Total Force uniformed authorizations over a number of years.

The cumulative reduction for the Air Force worked out to an approximate 11 percent cut in manpower. To ensure a uniform approach across the Air Force, the reduction was managed by Headquarters Air Force “functionals.” Some functionals took a lesser percentage of cuts and some took more. JAG was given an initial allocation of a 29.5 percent reduction in our personnel—over 200 paralegals and 364 JAGs.

The JAG Corps described the unavoidable impact of such a massive cut to senior leaders at Headquarters Air Force and the major commands and to a wide range of commanders in the field. Based on our analysis, traditional wing legal offices would have ceased to exist in their current form and would have been replaced by one or two “legal liaisons” on the commanders’ personal staffs. These liaisons—typically company grade attorneys—would have helped

spot legal issues and coordinate advice and services provided by new regional legal offices staffed by more experienced attorneys. The JAG Corps neither preferred nor endorsed this approach, but after examining every alternative, determined it was the only feasible option given the size of the reduction proposed for the Corps.

Commanders across the Air Force strongly voiced their desire to maintain the kind of installation-level legal offices they were convinced they needed to help accomplish their missions. Their comments echoed and reinforced those we had received during the initial JAG Corps 21 interviews with current and former MAJCOM commanders and Air Force senior leaders. JAG Corps 21 proved to be a critical factor since it provided a CSAF-approved end state that we argued would be disabled if the proposed cuts were imposed. In addition, whatever cuts we did sustain would be mitigated by the manpower savings to be obtained through JAG Corps 21 initiatives.

Following discussions between commanders and AF/A1, the JAG Corps cuts were reduced to a proportion approaching the average cuts taken by the majority of the Air Force functionals. We will cut 212 paralegals and 114 JAGs, still a large number, but we will continue to be able to deliver legal services much as we always have at the installation level. But not entirely—with cuts of that size, some diminution of services will have to occur.

THE WAY AHEAD

Gen Moseley’s challenge—and our rapid and comprehensive response—positioned the JAG Corps for the future. The JAG Corps 21 initiatives provide

a model template for a lean, commander-focused Corps that makes the most efficient use of our remaining resources. The JAG Corps 21 initiatives are diverse and far reaching.

JAG CORPS FIELD OPERATING AGENCY TRANSFORMATION -AFLSA TO AFLOA

The Air Force Legal Services Agency (AFLSA) was initially designed to provide judiciary legal services to the field. The organization's role over the years has evolved and grown due to the increase in its civil law responsibilities. Under JAG Corps 21, it will change significantly. First, the name "Air Force Legal Services Agency" no longer reflected its mission. "Air Force Legal Operations Agency" (AFLOA) captures the essence of the dynamic legal services provided to the Air Force and better reflects the concept of full-spectrum legal support offered to the commander in the field through the commander's SJA. AFLSA was redesignated as AFLOA effective 2 March 2006.

Prominent JAG Corps 21 changes include the addition of the new field support centers (FSC) that are described below, and the transfer of The Judge Advocate General's School (AFJAGS) from the Air Education and Training Command to AFLOA. The AFLOA Commander (now a brigadier general slot), commands JAJ, JAC, Legal Information Services (AFLOA/JAS), and AFJAGS.

NEW GENERAL OFFICER BILLET

As mentioned above, the AFLOA Commander will now serve in a brigadier general slot. This resulted from CSAF's recognition that

AFLOA's mission, responsibilities, and manpower would significantly expand under JAG Corps 21, and he authorized the grade increase. The new position was formalized on the unit manning document in June 2006. The JAG Corps now has two major general positions and four brigadier general positions.

FIELD SUPPORT CENTERS

FSCs will consolidate certain legal functions and provide specialized technical expertise and support to field SJAs. SJAs continue to provide the advice to client-commanders; the FSCs will simply enable and enhance that advice with sophisticated technical expertise. The FSCs will also provide rapid reachback capability for deployed forces.

FSCs will not require wholesale centralization, civilianization, or outsourcing. Our objective is to achieve an optimal balance between resources at installation-level legal offices and centralized reachback capability using the right mix of active duty and civilian personnel (supported by our Reserve component). Only those resources and skills that are appropriate for consolidation will go to the FSCs. FSCs will not become unresponsive stovepipes. Commanders will still turn to their SJAs for legal support and the SJAs will have the staffs necessary to perform their missions. But, when SJAs need specialized help with complex issues, they will now have a dedicated resource to call upon.

Installation legal offices will continue to require in-house legal expertise in all functional areas. FSCs are not intended to replace this capability. FSCs will, as part of their responsibilities, supplement the capability of SJAs to successfully overcome their most challenging legal issues.

AIR FORCE CLAIMS SERVICE CENTER

Historically, personnel transportation claims (PT claims) have been filed and adjudicated at base legal offices. We currently have hundreds of paralegals worldwide dedicated to processing these claims. We will take 83 of these paralegal positions and, along with 23 civilian adjudicator and support positions, centralize the processing of PT claims at the new Air Force Claims Service Center (AFCSC) in Kettering, Ohio, 15 miles from Wright-Patterson Air Force Base. Software, similar in concept to "Turbo Tax" software for filing tax returns, has been developed that will walk claimants through the claims process. The AFCSC will have a 24/7 call center to assist claimants. This initiative will save approximately 200 paralegal manpower slots, which will be used to pay a large portion of the manpower bill imposed on the JAG Corps under PBD 720.

Some unexpected benefits developed as the AFCSC plans took shape. We have historically adjudicated claims in less than 10 days and forwarded them to Defense Finance and Accounting Service (DFAS) for payment. Because these payments had to be processed manually, DFAS has historically taken five to six weeks to prepare the check to the claimant. As a result of centralization, the current plan is for all adjudicated claims to be processed by only one DFAS center. Through an unprecedented agreement with DFAS, AFCSC claims will be entered into the DFAS system electronically, enabling payment to the claimant within three to five days of the AFCSC's submission of an adjudicated claim.

The AFCSC will be led by a lieutenant colonel and organized under a consolidated Claims Branch (AFLOA/JACC) headed by a colonel. JACC will be located in Washington D.C. and will fall under AFLOA/JAC.

TORT CLAIMS FSC

The Tort Claims FSC will take on the responsibilities of what is now the Claims and Tort Litigation Branch (AFLOA/JACT). JACT will no longer exist as a separate branch and JACC will supervise both the AFCSC and Tort Claims FSC. The Tort Claims FSC will include branches responsible for aviation law, general torts, medical law, and those international torts not processed by Pacific Air Forces (PACAF) or U.S. Air Forces in Europe (USAFE). Some manpower positions will move from the installation level to the Tort Claims FSC in Washington D.C. to accommodate the substantial workload the FSC will pick up from the field. JACT will add 17 personnel—10 civilians and 7 JAGs—to handle its expanded mission. This FSC will be responsible for all actions described above from cradle to grave. Installations will remain responsible for conducting interviews and gathering evidence as required, but the FSC will pick up all litigation, negotiation, and settlement of cases.

This organization should be fully operational in FY07. The JACC Division Chief will be dual-hatted as the head of the Tort Claims FSC and will be assisted by a GS-15 Deputy.

ENVIRONMENTAL LAW FSC

Currently, JAG Corps environmental attorneys are distributed across many levels of command. A

few large installations warrant a full-time environmental attorney. These attorneys advise commanders and civil engineers and liaise with federal and state regulators on environmental law matters. Those installations that do not have dedicated environmental attorneys rely primarily on their respective MAJCOMs. In addition to the MAJCOM environmental attorneys, there are regional environmental law offices located in Atlanta, Dallas, and San Francisco who work with the Department of Defense and Environmental Protection Agency offices. The Environmental Law Division (AFLOA/JACE), located in Washington D.C., serves as the Air Staff expert in environmental law and also has the responsibility of representing the Air Force in litigation in federal courts and before state boards.

Air Force civil engineering (CE) personnel have major responsibilities for resolving environmental issues. CE has placed their greatest authority at the MAJCOM level. JA has placed our environmental attorneys at the MAJCOM level in order to be near our clients. CE has decided to fundamentally change the way they provide services to the Air Force.

While CE's operational approach is still under development, major aspects of environmental restoration programs and military construction operations will be centralized. Accordingly, the JAG Corps plans to stand up a single FSC to provide environmental law support. JA will populate the Environmental Law FSC with environmental slots currently assigned to the MAJCOM offices, among other billets. The FSC

will be located at an installation in the central United States. The CE centralized office and the installation JA offices will then reach back to our Environmental Law FSC for support.

The Environmental Law FSC will be headed by a colonel who will report to JACE in Washington D.C. JACE will remain an organization subordinate to AFLOA/JAC. The FSC will stand up in summer 2008.

EDUCATION AND INFORMATION FSC

The Air Force Judge Advocate General School has been transferred from Air Education and Training Command to AFLOA and re-designated as The Judge Advocate General's School. Its mission, manpower, and funding will all be expanded to properly meet the needs of the Corps.

The AFJAGS Civil Law Division now performs the legal assistance policy and training functions previously performed by the former AFLOA Legal Assistance Division (AFLOA/JACA). The Military Justice Division is expanding the number of courses it will offer, including a new course for area defense counsel and defense paralegals, as well as hosting six experienced litigators who will focus on instructor duties two-thirds of the time and litigation one-third of the time.

Paralegal instruction will be more closely aligned with the Judge Advocate Staff Officer Course (JASOC) by increasing the size of the paralegal faculty and aligning the Paralegal Apprentice Course and Paralegal Craftsman Course with JASOC to the maximum extent possible. There will also be expanded research and scholarly

writing efforts by the larger faculty, as well as a limited number of new distance-learning products.

An expanded operations law training capability will also be established at AFJAGS. In addition to their current teaching duties, personnel assigned to the Operations Law Division will regularly deploy to maintain first-hand expertise in deployed operations. When not deployed, the personnel assigned to the division will provide reachback support to 9th Air Force, U.S. Central Command, and others. The additional personnel to support the expanded AFJAGS mission have already begun to arrive and we expect the school to receive the bulk of the remaining new instructors by the end of the summer of 2007.

LABOR LAW FSC

Currently, labor law attorneys are assigned to installations throughout the continental United States (CONUS) in addition to those assigned to the Civil Litigation Division (AFLOA/JACL) located in Washington D.C. The field attorneys handle all kinds of labor law issues including Merit System Protection Board (MSPB) and Equal Employment Opportunity (EEO) hearings, labor negotiations, and employee disciplinary actions. JACL represents the Air Force in employment litigation actions in federal courts throughout the United States. We will consolidate all of these capabilities into one office in the National Capital Region. We will populate the Labor Law FSC by taking slots from the field and adding them to personnel currently assigned to JACL. We expect the total number assigned to be approximately 45 military and civilian personnel.

Some Air Force Materiel Command (AFMC) installations have very

heavy labor law case loads. We will not move all of the labor law attorney positions from these locations since the workload justifies having labor law attorneys locally assigned.

Personnel from the Labor Law FSC will represent the Air Force at all hearings, boards, and court proceedings. They will travel extensively to represent the Air Force at various hearings such as those conducted under EEO Commission or MSPB authority. It is expected that more effective representation will be afforded the Air Force due to the wealth and breadth of experience gained by these litigators. Similarly, legal guidance to management on collective bargaining agreements will come solely from this organization. Those personnel currently representing the Air Force in court actions from JACL will continue providing this service.

The Labor Law FSC will be headed by a GS-15, and the deputy will be a lieutenant colonel. The organization will report directly to JACL. We expect to stand up this FSC during the summer of 2007.

MERGER OF JACN AND JAB

We currently have two organizations involved in contract litigation. One is AFLOA/JACN, located in Washington D.C., and the other is the Contract Dispute Resolution Directorate of the AFMC Law Office (JAB) at Wright-Patterson Air Force Base, Ohio. We will merge these organizations to handle Air Force level contract claims from inception to final judgment. We will locate the organization, which will be called AFLOA/JACQ, in the National Capital Region and move all of the positions from JAB no later than 2008.

CONTRACT LAW FSC

Contracting officers and contract law JAGs and civilian attorneys are currently clustered at the installation level. The office of the Assistant Secretary of the Air Force for Acquisition (SAF/AQ) has a plan to regionalize contracting officers. While some purchases are unique to any given installation, the vast majority of purchases are common to all, such as administrative supplies. Every installation has a contract for the purchase of these products. Great savings can be had if one purchase is made for a large number of installations clustered within a region.

SAF/AQ plans on regionalizing their contracting officers into five centers to take advantage of significant cost savings that come from making mass purchases. While SAF/AQ finalizes their plans, the Corps will move ahead by constituting five Contract Law FSCs at bases that are good candidates for regional centers. As the contracting centers stand up, each region's FSC will transfer to the new center. The FSC will be located at the contracting center, but remain within the JA chain of supervision. We will populate the regional contracting offices by taking slots from the installations.

Each Contract Law FSC will be headed by a lieutenant colonel. The FSC will report to the Contract Law Branch (AFLOA/JACQ), which will remain a subordinate organization to AFLOA/JAC. SAF/AQ expects to be fully operational in three to five years.

JUDICIARY REORGANIZATION

There are several facets to the overhaul of our judiciary. They include centralized docketing,

dispersing military judges, reorganizing defense counsel, and dispersing circuit trial counsel. An additional initiative is to “centralize” court reporting duties by harnessing technology rather than by moving personnel.

CENTRALIZED DOCKETING OFFICE (CDO)

Historically, there have been three judicial circuits in CONUS responsible for docketing cases. All required a chief judge and at least one paralegal. An additional paralegal was required in each circuit for budgeting, preparing travel orders, etc. Rarely would chief judges go outside the circuit for assistance when a surge of cases within their circuit occurred. Barring a speedy trial issue or some other compelling reason, they would generally extend out the schedule of trials until the surge resolved. This resulted in periods when some judges were on the road continuously in one circuit while judges in another had a less demanding trial docket.

By centralizing docketing for all CONUS cases in Washington D.C. we have saved some paralegal slots and equalized judicial taskings across CONUS. To provide this service, TJAG has established the new Centralized Docketing Office at Bolling Air Force Base, D.C. While the office is currently manned on a rotating basis by trial judges, a civilian clerk of trial courts position will soon be established to provide continuity over the long term. The clerk, with the assistance of three paralegals, will schedule trials throughout CONUS and manage the budget for trial judges throughout the Air Force. Scheduling recommendations will be forwarded to the Chief Trial

Judge or the Deputy Chief Trial Judge for approval. Due to time zone differences, the Pacific and European Senior Regional Judges will continue to have primary docketing responsibility for their regions.

DISPERSING MILITARY JUDGES

The judiciary will no longer be organized in CONUS along circuit boundaries. For example, rather than clustering CONUS military judges at Bolling Air Force Base, D.C.; Travis Air Force Base, California; and Randolph Air Force Base, Texas, they will be assigned to other locations with the goal of locating them near bases with traditionally high courts-martial rates and/or near major airports. Two judges were assigned to Nellis Air Force Base, Nevada, during the summer of 2006 instead of Travis Air Force Base. Another judge will be assigned to Nellis Air Force Base during the next permanent change of station (PCS) rotation and two will remain assigned to Travis Air Force Base. Judges at Bolling Air Force Base and Randolph Air Force Base will disperse as the PCS cycle allows.

DISPERSING CIRCUIT TRIAL COUNSEL (CTCs)

CTCs will also locate throughout CONUS at installations with historically high case loads. The majority of CTCs will be assigned at numbered air forces (NAFs) and MAJCOMs so counsel can receive the benefit of working at a higher headquarters. CTCs will continue to be rated through the Government and Appellate Trial Counsel (AFLOA/JAJG) channels. One CTC each will be assigned to base offices at Nellis Air Force Base, Nevada, and Offutt Air Force Base, Nebraska, as each

installation has a historically heavy case load and each is a single-base general court-martial convening authority.

CTC taskings will come from JAJG in Washington D.C. A lieutenant colonel will be assigned to JAJG for the purposes of assigning counsel to cases and providing supervision to CTCs in the field. This should help equalize trial taskings throughout CONUS thus enabling bases to get their cases to trial faster than sometimes now occurs.

Three CTCs will be assigned to AFJAGS. They will be fully integrated AFJAGS instructors, responsible for teaching classes and organizing courses and training events, but will continue to litigate cases while assigned to the school. Their rating chain will go through JAJG with input from the AFJAGS Commandant.

REORGANIZING DEFENSE COUNSEL

The Area Defense Counsel (ADC) program will generally remain as organized today. In place of the current Circuit Defense Counsel program, those attorneys will be renamed senior defense counsel (SDC) and will be assigned to 18 defense offices throughout the world. The majority of SDCs will be majors. The SDCs, in addition to litigation responsibilities, will be responsible for supervising ADCs and assigning them to cases.

There will be three lieutenant colonels in CONUS to provide guidance and assistance to the SDCs. The lieutenant colonels will also represent higher ranking military members under investigation or facing criminal charges. Finally, they will be available to represent

military members facing the most serious charges, generally those facing life in prison or death penalty sentences.

Three SDCs will be assigned to AFJAGS. As with the CTCs assigned to the school, these defense counsel will be fully integrated instructors who continue to try cases. They will be responsible for organizing and conducting defense-related courses such as the ADC Orientation Course. Their rating chain will go through the Trial Defense Division (AFLOA/JAJD) with input from the AFJAGS Commandant.

CENTRALIZING COURT REPORTER RESPONSIBILITIES

Installations with heavy justice caseloads keep their assigned court reporters very busy. Those installations with fewer courts provide court reporters the opportunity to perform other tasks. The disparity in court reporting workload is sometimes remarkable. Technology is now available to equalize the workload among court reporters worldwide without requiring travel.

We are in the process of purchasing the latest technology for digitally recording proceedings in a courtroom. We will be able to post the recordings on a cyber-board. We can then task any court reporter at his or her home station to log onto the site, open the case, and transcribe all or portions of any court-martial. This system has been used with great success in civilian courts across the globe.

TJAG AUTHORITY REGARDING JA AUTHORIZATIONS

Gen Moseley, in his 2 March 2006 Decision Memorandum, provided TJAG with unprecedented authority over JAG Corps positions. In conjunction with AF/A1, the JAG Corps will have considerable flexibility regarding the number and location of JAG Corps slots. This was essential to implementing many of the JAG Corps 21 initiatives, especially those involving Field Support Centers, but will also enable force balancing in the years to come.

LINE OF THE AIR FORCE-JUDGE ADVOCATE PROMOTION CATEGORY

An initiative was undertaken to rename the judge advocate promotion category from “J” to “LAF-J.” The abbreviation, short for “Line of the Air Force-JAG,” will inform or remind our fellow Airmen that a JAG is a “line officer.” This change has been implemented and is already being used at promotion boards and in personnel documentation.

CONCLUSION

Some of the JAG Corps 21 initiatives are already in being, some are well underway, and others are in various stages of planning. Without question, the final state of some JAG Corps 21 initiatives will differ from what we are contemplating now. What is certain is that the JAG Corps is making tremendous strides forward during what has proved to be a truly historic time. We are taking a JAG Corps, which always served the needs of commanders and Airmen extremely well, to new levels. We are transforming as the Air Force itself transforms to meet the demands of the new century.

WHAT COMMANDERS SAID ABOUT THE PROPOSED PBD 720 CUTS TO THE JAG CORPS:

The SJA and his staff are critical resources...they are not an “optional commodity.”

[M]y JAG is an advisor and sounding board on a whole myriad of issues outside of the legal arena—I depend on this professional team for their inputs, analysis, and problem solving skills.

My JAGs are key to our wing’s readiness—they are integral to our pre-deployment operations with training, legal assistance, and advice to commanders.

Having an on-site legal office to provide comprehensive, on-the-spot legal guidance is vital to carrying out the mission.

I really can’t fathom functioning without a base SJA.

For commanders at all levels, timely, responsive, and thoughtful legal counsel is absolutely critical to the good order and military discipline of our Air Force.

VALUES AND VISION

As the old adage goes, “if you don’t know where you are going, any path will take you there,” and this applies to the JAG Corps as well. The JAG Corps last published a Vision in 2001, and it has served us well. With the development of a new Air Force mission and vision and the JAG Corps efforts to transform into a lean, agile, and ready force, however, it was an appropriate time to relook at our mission and vision. Major General Jack L. Rives, The Judge Advocate General, asked the Department of Law at the United States Air Force Academy to spearhead this project. Thus, we embarked on an exciting new project of reshaping the JAG Corps vision and mission to meet tomorrow’s challenges.

The *JAG Corps Values and Vision* describes not only who we are and what we do for the warfighter—but also who we want and need to be as a Corps. The Values portion of the document also showcases how we fulfill our mission using our Corps’ guiding principles of Wisdom, Valor, and Justice. It explains what these principles are and demonstrates how we in the JAG Corps apply them when fulfilling our mission. These principles are nothing new to the Corps as they are firmly rooted in our heritage. Recognizing this, the *Values and Vision* highlights those key events in our JAG Corps history upon which we can reflect to prepare for our future.

Perhaps the most crucial part of the *JAG Corps Values and Vision* is the look forward to our horizons—anticipating how our practice and operations will evolve in this dynamic world and how we

as a Corps must transform to meet these new challenges. We are proud of our heritage and equally proud of how we will use this heritage to bridge to our future.

When setting out to develop the *Values and Vision*, we kept several guiding rules in mind. First, the document needs to speak not just to JAG Corps members and their families, but also to audiences both inside and outside our Air Force. From reserve employers and commanders to local bar associations and Airmen on the flightline, those reading the *Values and Vision* will understand our people, mission, and pride—both today and in the future. To further this concept, the document includes quotes from a variety of people including an intern, an Airman paralegal, a commander, a deployed company grade officer JAG, a court reporter, a reservist employer, and a civilian attorney illustrating the various perspectives each brings to our JAG Corps. These quotes also provide our myriad of audiences an opportunity to see themselves within the Vision.

We have developed the *JAG Corps Values and Vision* as an enduring product in order to meet another goal: supporting the JAG Corps for at least a six-year period. In our efforts to write a “timeless” document, we have spoken of “cutting-edge” aspects of the JAG Corps, such as field support centers or changes to The Judge Advocate General’s School in present day terms.

Last, but certainly not least, we designed the *Values and Vision* to



COL PAUL E. PIROG
PERMANENT PROFESSOR
AND DEPARTMENT HEAD
U.S. AIR FORCE ACADEMY

inspire pride, focus, and service among Corps members. Everything that we do—processing claims, providing military justice advice to a commander, litigating a civil tort issue, or drafting rules of engagement—helps the Air Force and the warfighter accomplish their missions better. We hope that when reading the *Values and Vision*, Corps members will see what the JAG Corps brings to the fight and why what we do on a daily basis helps our Air Force and our Nation succeed.

Countless people from across our Corps helped in the development of the *Values and Vision*. We received sage advice from heritage JAG Corps members and forward looking ideas from horizon JAGs (e.g., interns). We counted on inputs from paralegals, civilians, and JAGs across all grades and major commands. Without this valuable insight and the amazing creative work by Air Force Graphics, the Vision would have never taken flight!

TJAG 2005 ANNUAL AWARDS

STUART R. REICHART AWARD

THE OUTSTANDING SENIOR ATTORNEY



MR.
JAMES W. RUSSELL, III

Mr. James W. Russell, III distinguished himself in over 34 years of active duty and civilian service to the Air Force. He excelled in an astonishing range of positions including missile combat crew commander, area defense counsel, chief circuit defense counsel, four-time staff judge advocate, joint task force chief of staff, chief of The Judge Advocate General's Corps' professional development division, and Director of the Air Force Judiciary. Then-Colonel Russell undertook immense challenges as U.S. Central Command Air Forces and Joint Task Force-Southwest Asia Staff Judge Advocate, contributing to critical operations including Operations DESERT FOX and DESERT THUNDER. As Director of the Judiciary, he had a lasting effect on the fair and effective administration of military justice. Mr. Russell helped to develop landmark rules for trials by military commissions, aiding immeasurably in the Global War on Terror. His expertise in framing Air Force and Department of Defense sexual assault policy and instructing all sexual assault response coordinators will have monumental and lasting effects on the military justice system and on victims of sexual assault. The distinctive accomplishments of Mr. James W. Russell, III reflect the highest credit upon himself, The Judge Advocate General's Corps, and the United States Air Force.

ALBERT M. KUHFIELD AWARD

THE OUTSTANDING YOUNG JUDGE ADVOCATE OF THE YEAR



MAJ
CHARLES L. PLUMMER

Major Charles L. Plummer distinguished himself as the dual-hatted Staff Judge Advocate for the 501st Combat Support Wing, Royal Air Force Mildenhall, United Kingdom, and the 423d Air Base Group, Royal Air Force Alconbury, United Kingdom, from 1 January 2005 to 31 December 2005. His outstanding and dedicated leadership resulted in his selection to serve as the first Staff Judge Advocate for United States Air Forces in Europe's newest wing, the 501st Combat Support Wing. His leadership skills were further recognized when his RAF Alconbury office won USAFE's 2005 Dr. Richard S. Schubert Award for outstanding achievement in host nation relations. He was lauded by the Department of Defense as singularly influencing the direction and outcome of the national debate on recruiter access resulting in a unanimous Supreme Court decision and Department of Defense victory in the case of *FAIR v. Rumsfeld*. The distinctive accomplishments of Maj Plummer reflect great credit upon himself and the United States Air Force.

TJAG

2005 ANNUAL AWARDS

KAREN E. YATES-POPWELL AWARD

THE OUTSTANDING PARALEGAL SENIOR NONCOMMISSIONED OFFICER

Master Sergeant Martha J. Meador distinguished herself as Noncommissioned Officer in Charge, Military Justice Section, 341st Space Wing, Malmstrom Air Force Base, Montana, from 1 January to 31 December 2005. MSgt Meador expertly supervised the command's best military justice program, achieving a 99 percent on-time Article 15 processing rate. During Operation IRAQI FREEDOM, she led a deployed joint paralegal team that drove 30 war-time convoys through hostile territory. Her demonstrated excellence resulted in her selection for promotion under the Stripes for Exceptional Performers Program. MSgt Meador's distinctive accomplishments reflect great credit upon herself and the United States Air Force.



MSGT
MARTHA J. MEADOR

STEVE SWIGONSKI AWARD

THE OUTSTANDING JUNIOR PARALEGAL AIRMAN OF THE YEAR

Technical Sergeant Richard A. Cusack, III distinguished himself as the Noncommissioned Officer in Charge, Office of the Staff Judge Advocate, 377th Air Base Wing, Kirtland Air Force Base, New Mexico, from 1 January 2005 to 31 December 2005. TSgt Cusack ensured pivotal continuity upon the retirement of the law office superintendent in one of the Air Force's largest legal offices, including 21 attorneys, 13 paralegals, and 7 support personnel. He flawlessly administered legal operations without mission degradation, despite severe manpower shortages and a five-month office renovation. TSgt Cusack served brilliantly in Baghdad at the Central Criminal Court of Iraq, in support of Operation IRAQI FREEDOM, where he expertly managed the disposition of over 1,500 cases. The distinctive accomplishments of TSgt Cusack reflect great credit upon himself and the United States Air Force.



TSGT
RICHARD A. CUSACK, III

TJAG 2005 ANNUAL AWARDS

REGINALD C. HARMON AWARD

THE OUTSTANDING RESERVE JUDGE ADVOCATE OF THE YEAR



MAJ
SEAN F. CONROY

Major Sean F. Conroy distinguished himself as the Outstanding Reserve Judge Advocate while assigned to the Office of the Staff Judge Advocate, 159th Fighter Wing, New Orleans, Louisiana, from 1 January 2005 to 31 December 2005. During 2005, he performed beyond the call of duty in response to Hurricane Katrina. Despite the loss of his home and dislocation of his family, he selflessly contributed to the evacuation, rescue, recovery, and relief efforts in New Orleans. Assigned as National Guard liaison to Jefferson Parish, Maj Conroy commanded local National Guard units after a complete communications blackout and flood separated him from higher command. His distinctive actions reflect great credit on himself, the Louisiana Air National Guard, and the United States Air Force.

DAVID WESTBROOK AWARD

THE OUTSTANDING RESERVE PARALEGAL



TSGT
MARION HARRISON

Technical Sergeant Marion Harrison distinguished herself as the Individual Mobilization Augmentee, Office of the Staff Judge Advocate, 42d Air Base Wing, Maxwell Air Force Base, Alabama, from 1 January 2005 to 31 December 2005. During this period, while deployed as the noncommissioned officer in charge of a legal office supporting Operations ENDURING FREEDOM and IRAQI FREEDOM, TSgt Harrison provided legal support to over 3,000 joint personnel by conducting briefings on General Order 1A requirements, drafting over 175 power of attorneys, and performing more than 225 notarizations. Hand-chosen for duty at the Air Reserve Personnel Center, she quickly mastered the Air Force Reserve Order Writing System program processing over 1,200 orders. The distinctive accomplishments of TSgt Harrison reflect great credit upon herself and the United States Air Force.

TJAG

2005 ANNUAL AWARDS

JAMES O. WRIGHTSON, JR. AWARD

THE OUTSTANDING CIVILIAN ATTORNEY OF THE YEAR

Mr. Bradford L. Buchanan distinguished himself as Chief of Employment and Government Contract Law, Office of the Staff Judge Advocate, 460th Space Wing, Buckley Air Force Base, Colorado, from 1 January 2005 to 31 December 2005. Mr. Buchanan was hand-picked as counsel for the base's \$75 million Military Housing Privatization project. He provided critical advice to the asset manager and management review committee and researched, drafted, and argued for approval to change the legislative jurisdiction in the area. He reviewed 115 contracts with cumulative awards of over \$28 million, directly impacting 460th Space Wing operations. As government representative, he successfully negotiated and resolved three active Equal Employment Opportunity complaints resulting in zero decisions granted against the United States Air Force. The distinctive accomplishments of Mr. Buchanan reflect great credit upon himself and the United States Air Force.



MR.
BRADFORD L.
BUCHANAN

HAROLD R. VAGUE AWARD

THE OUTSTANDING LEGAL SERVICE CIVILIAN OF THE YEAR

Mrs. Sandra Q. Miles distinguished herself in the performance of outstanding service as a civilian paralegal assigned to Headquarters, United States Air Force Academy, Colorado, from 1 January 2005 to 31 December 2005. During this period, the professional skill, leadership, and ceaseless efforts of Mrs. Miles directly resulted in the overwhelming success of the Cadet Disenrollment Section. As the paralegal responsible for the administration of the Cadet Disenrollment program, Mrs. Miles ensured 98 percent of all actions were timely completed and goals were met, even as the cases volume shattered previous year highs to reach 361 disenrollment actions. Mrs. Miles was recognized as an outstanding performer by the Air Force Inspection team during the 2005 Unit Compliance Inspection and was a major factor in the United States Air Force Academy being rated "Excellent." The distinctive accomplishments of Mrs. Miles reflect great credit upon herself and the United States Air Force.



MRS.
SANDRA Q. MILES

TJAG 2005 ANNUAL AWARDS

THE OLAN G. WALDROP, JR. UNSUNG HERO AWARD

This award is named in honor of Brigadier General Olan G. Waldrop, Jr., USAF (Ret.). Brig Gen Waldrop served with distinction for over thirty years as an Air Force judge advocate. He served as Commander, Air Force Legal Services Agency, and as a staff judge advocate four times. He retired as the Staff Judge Advocate, Headquarters Air Force Materiel Command on 1 February 1999. His career is highlighted by his legal prowess, significant support to others, and dedicated leadership.

The Olan G. Waldrop, Jr. Unsung Hero Award is an ad hoc award presented by The Judge Advocate General based on the recommendations of JAG Corps personnel. It is open to all judge advocates, paralegals, and civilian employees who demonstrate devotion to their duties, support to others, and dedication to the JAG Corps with no regard for recognition.

At the 2006 KEYSTONE Leadership Summit, Major General Jack L. Rives and Brig Gen Waldrop presented the award to two deserving individuals, Master Sergeant John W. Jackson and Mr. James R. Whitaker.



MSGT JOHN W. JACKSON



MR. JAMES R. WHITAKER

MSgt John W. Jackson is the Law Office Superintendent at 8 AF/JA, Barksdale Air Force Base, Louisiana. MSgt Jackson is a true unsung hero—always willing to lend a helping hand to those in need. As Hurricane Katrina approached the Gulf Coast, MSgt Jackson relocated his wife and daughters to Barksdale from their two residences near the coast of Mississippi. Katrina eventually destroyed one house and severely damaged the other. Thankful that his own family was safe, MSgt Jackson immediately reached out to others in the community and organized fundraisers for their benefit. In a display of true selflessness, he invited an elderly neighbor from Biloxi to live with him and his family after learning that she did not have an adequate place to live and opened his home to a child from Biloxi whose school had been destroyed. MSgt Jackson is a true inspiration to others—and the personification of Service before Self.

Mr. Jim R. Whitaker is the Chief, Administrative Division, The Judge Advocate General's School, Maxwell Air Force Base, Alabama. He assumed this position in 1993, not long after 20 years of honorable military service in the Air Force. Mr. Whitaker is truly the pulse and heartbeat of the JAG School. Without his counsel, guidance, and efforts, the day-to-day operations of the school would be impossible. He is a respected supervisor and administrator, who keeps the school's faculty and staff engaged and effective. He has a remarkable ability to direct the efforts of all members of a team, keeping them focused on a single mission: quality legal instruction in more than 30 formal courses at the school, as well as several at other locations throughout the world. His contributions to the JAG Corps and the Air Force are enduring and invaluable.

JAG CORPS SCHOLARLY ARTICLES AND WRITINGS

Members of the JAG Corps continue to make significant contributions to academic legal discourse and dialogue, a sample of which is listed below.

Lt Col Barbara B. Altera & Maj Richard S. Pakola, *All the Information the Security of the Nation Permits: Information Law and the Dissemination of Air Force Environmental Documents*, 58 A.F. L. REV. 1 (Spring 2006)

Capt John W. Bellflower, *The Indirect Approach*, ARMED FORCES J. (forthcoming)

Capt John W. Bellflower, *4th Generation Warfare*, 4 SMALL WARS J. 27 (2006)

Lt Col Kenneth Bullock, *Official Time as a Form of Union Security in Federal Sector Labor-Management Relations*, 59 A.F. L. REV. (forthcoming Winter 2006) (written in satisfaction of LL.M. program requirements)

Renee M. Collier & Lt Col Timothy J. Evans, *Department of Defense Affirmative Cost Recovery Against Private Third Parties*, 58 A.F. L. REV. 125 (Spring 2006)

Maj Matthew Van Dalen, *Rumsfeld v. Fair: A Free Speech Setback or Strategic Military Victory?*, J. OF THE LEGAL PROFESSION (forthcoming).

Maj Karen L. Douglas, *Alternative Dispute Resolution for Air Force Contracts: Precision Guided Solutions That are Right on Target*, CONTRACT MANAGEMENT J. (December 2005)

Col Rodger A. Drew, Jr., *An Introduction to the U.S. Military Justice System*, THE JUDGES' J. 6 (Summer 2006)

Maj Gen Charles J. Dunlap, Jr., *Airstrike*, ARMED FORCES J. 48 (October 2006)

Maj Gen Charles J. Dunlap, Jr., *America's Asymmetric Advantage*, ARMED FORCES J. 20 (September 2006)

Maj Gen Charles J. Dunlap, Jr., *Contractors in Conflict: A Perspective on the Conundrums of Outsourcing*, in 12TH ANNUAL FEDERAL PROCUREMENT INSTITUTE, GOVERNMENT CONTRACTING IN A "NEW" ERA: FLEXIBILITIES, CONSTRAINTS AND REALITIES Vol. II, § 6 (2006)

Maj Gen Charles J. Dunlap, Jr., *Legal Issues in Coalition Operations*, in 21ST CENTURY: WEAPONRY AND THE USE OF FORCE, 82 INT'L L. STUDIES (forthcoming 2006)

Maj Gen Charles J. Dunlap, Jr., *Neo-Strategicon: Modernized Principles of War for 21st Century Conflicts*, MIL. REV. 12 (March-April 2006)

Maj Gen Charles J. Dunlap, Jr., *Targeting Hearts and Minds: National Will and Other Legitimate Military Objectives of Modern War*, June 2005, PROCEEDINGS OF THE KNUTE IPSEN SYMPOSIUM (forthcoming 2006)

Maj Gen Charles J. Dunlap, Jr., *Voices from the Stars: America's Generals and Public Debates*, ABA NATIONAL SECURITY LAW REPORT (forthcoming 2006)

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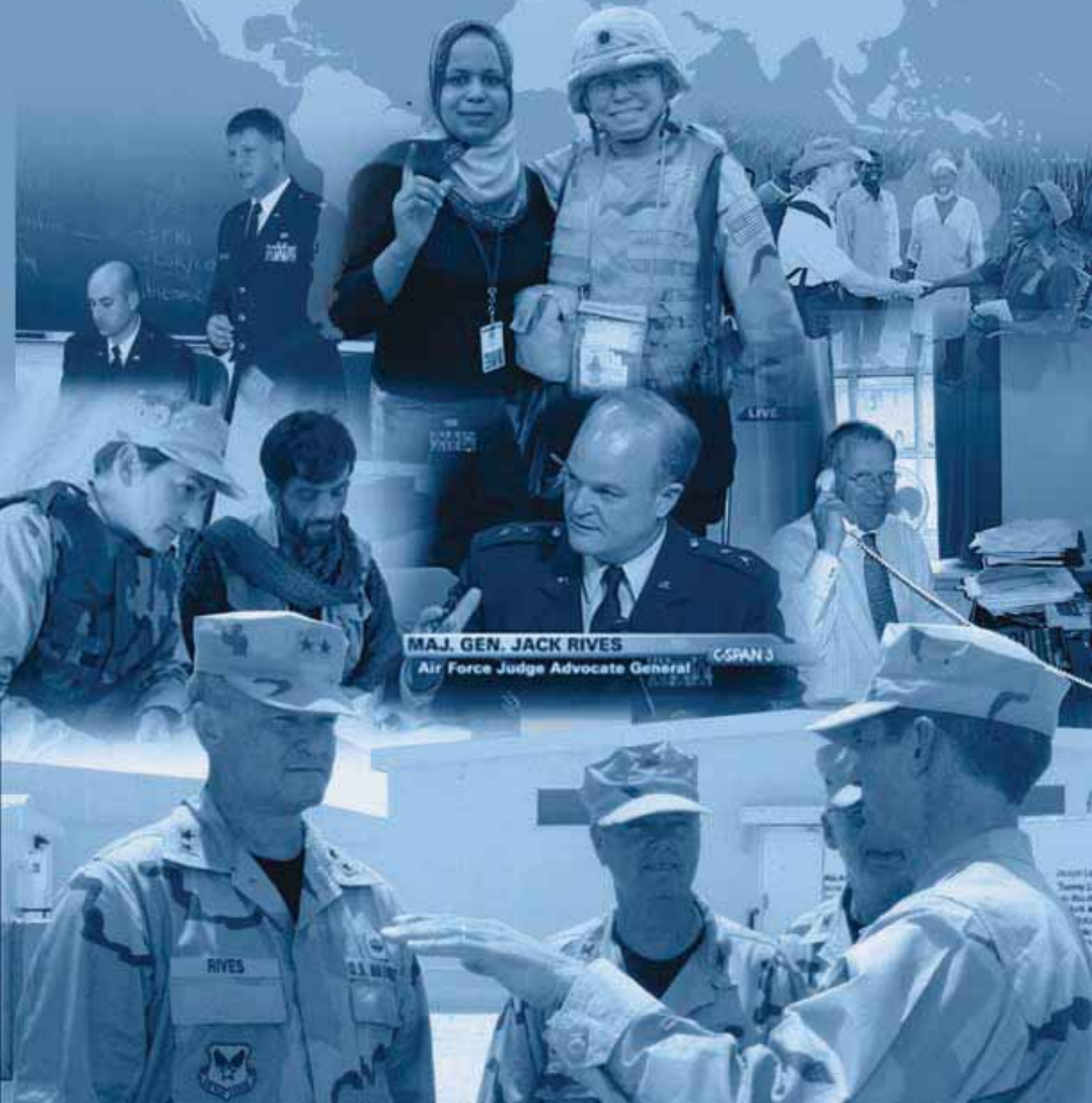
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Maj Jeremy Weber, *When Does Evangelizing Endanger Good Order and Discipline?* (Air Command and Staff College)

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OUR CONTRIBUTION TO THE FIGHT



MAJ. GEN. JACK RIVES
Air Force Judge Advocate General

C-SPAN 3

RIVES





THE HONORABLE
ALBERTO R. GONZALES



PERSPECTIVE OF THE ATTORNEY GENERAL

The following is a transcript of remarks at the KEYSTONE Leadership Summit on 23 October 2006. Minor editing was performed prior to publishing.

As many of you know, my own experiences in the Air Force date back to when I was an 18-year-old airman first class stationed at Fort Yukon Air Station, Alaska. That experience, as well as my two years as a cadet at the Air Force Academy, left me with some appreciation for the work that you, and all of your colleagues in our armed services, do every day. And as a lawyer, I admire the work done by the JAG Corps in particular. Thank you for all you do to keep my family, and all of America, safe.

The theme of the KEYSTONE conference, "Teams Within Teams," is a fitting one for the work we do, and the way in which we do it. The Department of Justice (DOJ) and the Department of Defense (DOD) are, of course, key players on the President's team in our Global War on Terror. And in smaller teams every day we support and rely on each other.

For example, we all know that the military cannot win this war without the service of the Guard and Reserves. More than a thousand DOJ employees took military leave last year, and I am extremely proud and supportive of their sacrifice. And as Attorney General, I am also responsible for enforcing the Uniformed Services Employment and Reemployment

Rights Act, or USERRA. DOJ investigates, mediates, and, if necessary, litigates on behalf of citizen-soldiers to preserve their employment rights.

In one recent USERRA case, the department won a consent decree from an employer who terminated a serviceman named Richard White on the very same day he told his boss he was being called to active duty and deployed to Iraq. The consent decree requires the employer to pay back wages to Mr. White.

What leads an employer to treat a soldier like an inconvenience is something for a higher power to judge. But here on earth, we have USERRA, and we'll use it for Richard White and for soldiers like him, as often as is necessary.

There are many other ways in which the Department of Justice directly supports the Department of Defense. Our new National Security Division works closely with DOD on counterterrorism and counterintelligence investigations and prosecutions including those held at Guantanamo and subject to military commissions. Our civil litigators are defending more than 200 cases pending in federal courts related to detainees, including *habeas* petitions, Freedom of Information Act lawsuits, and tort claims.

The Solicitor General's office represents DOD in a wide range of matters before the Supreme Court. The Office of Legal Counsel helps interpret statutes and Executive Orders for DOD. The Federal Bureau of Investigations is helping to investigate and disrupt potential attacks on military personnel around the world, and to make use of valuable intelligence the military collects on the battlefield. These are but a few examples.

I have also had the opportunity as Attorney General to travel around the world to see Justice, Defense, and other U.S. Government personnel in action. In August I was able to travel to Doha, Qatar, and see firsthand at Al Udeid Air Base the invaluable support the JAG Corps is providing to our men and women on the battlefield. I spoke with the U.S. Central Command Air Forces Commander, Lieutenant General Gary North, and he told me, "My lawyers are indispensable. They help us fight and win wars."

I was particularly impressed by the role the JAGs played in the Combined Air Operations Center. There I witnessed real-world examples of how JAGs are involved in the targeting process, providing advice to the commander on the legality of planned operations under the law of armed conflict and the applicable rules of engagement. I saw how lawyers work with aviators and weaponeers to identify and analyze potential targets, assess potential collateral damage, and recommend courses of action in a time-sensitive, high-stakes environment.

I toured the 379th Air Wing, had lunch with the staff judge advocate and other lawyers there, and learned more about how they support the mission of our soldiers on the front lines. I met with the U.S. Central

Command Commander, General John Abizaid, and discussed the importance of the rule of law in his area of operations, and the important role JAGs play in combat operations.

Also in August I had an opportunity to visit Baghdad for the second time. I saw how Department of Justice and DOD personnel are working with Iraqi officials to rebuild the country's legal and law enforcement infrastructure. I visited the courthouse of the Iraqi High Tribunal and learned more about how we are working together to help the Iraqis prosecute Saddam Hussein and others who have committed atrocities against Iraqi citizens.

The President has made clear that our mission in Iraq and Afghanistan is nothing less than the establishment of the rule of law. The stakes are the highest, and your role is vital.

But the atrocities of September 11th made clear that we must use every instrument of national power to wage the War on Terror. The tools of law enforcement are often critical in protecting our citizens. But any thought that al Qaeda's campaign of global terrorism presented merely a law enforcement dilemma was laid to rest five years ago.

When our enemies are willing to sacrifice their own lives to attack us, when their cause is nothing less than a return to the Dark Ages, and when the cost of each tactical success for the enemy is measured in the hundreds and thousands of innocent lives lost, then we face something fundamentally different from crime—we are at war. Every resource of our Nation, including the military and the intelligence services, must be directed at preventing future attacks before they occur.

Over the past five years, the United States and its allies can point to a number of successes on that front. Our intelligence-gathering efforts were instrumental in capturing dozens of Osama bin Laden's closest henchmen, including the mastermind of the 9/11 attacks, Khalid Sheikh Mohammed, as well as Abu Zubaydah and Ramzi bin al Shibh. And the capture of those terrorists has led to actionable intelligence that has disrupted many other terrorist plots.

These successes, and the vigorous prosecution of the War on Terror, have undoubtedly made us safer, but we are not yet safe. Our enemy is patient and smart. While our successes have weakened and fractured al Qaeda, they have also forced our enemies to adapt. And so we continue to work with our allies around the globe to identify new ways to contain and combat the ever-changing threat of terrorism.

Because we are at war, we must govern our conduct by the Law of War. And we must acknowledge that some of the limitations of the civilian justice system simply do not hold.

In order to defend the security of our citizens, we must have the ability:

- to detain terrorists and remove them from the battlefield,
- to collect from them the vital intelligence that enables us to capture their associates and break-up future plots, and
- to create effective and fair procedures that will allow us to prosecute and punish captured terrorists for their war crimes.

The legal doctrines directed at achieving these ends are not the same as those we would employ

during peacetime. The Supreme Court has recognized this in several of its decisions, including its recent *Hamdan* decision. And Congress has endorsed this view with the Military Commissions Act of 2006, which the President has signed into law. The successful implementation of this act is one of the most important challenges we will face together going forward.

As you know, the military commissions created by this legislation have been the subject of extensive debate, inside and outside the Administration. I personally met with the service Judge Advocate Generals twice on this topic to get the benefit of their input and expertise. Members of my department also consulted with the JAG Corps on many occasions. The input of the JAGs was important in creating an effective system of justice for terrorists, and much of what I heard was incorporated into the final product, such as the decision to use the Uniform Code of Military Justice as a model for the military commissions.

This new law provides for full and fair military trials of captured terrorists, reinforces and clarifies our obligations under the Geneva Conventions, and buttresses our ability to gather vital intelligence to disrupt future terrorist attacks.

For hundreds of years, the United States and other nations have used military commissions—not civilian courts and not courts-martial—to try unlawful enemy combatants. Military necessity does not permit the strict application of all court-martial procedures, and of course, there are important differences between the procedures appropriate for trying our servicemembers and those appropriate for trying the terrorists they fight against.

For instance, courts-martial, like the civilian justice system, provide for strict rules governing the use of hearsay and the collection of evidence. But many witnesses before the commissions are likely to be foreign nationals not amenable to process, and others may be unavailable because of military necessity, injury, or death. And the U.S. military cannot be expected to leave the battlefield to gather evidence like police officers in the course of fighting the enemy.

Military commissions are both necessary and appropriate in prosecuting unlawful enemy combatants. Let me emphasize, however, that they are also venues in which the accused will receive a full and fair trial. The procedures for these commissions, like those of international war crimes tribunals, are adapted to wartime circumstances. But they contain all of the procedural protections that we regard as fundamental:

- trial before an impartial military judge,
- with a defense counsel drawn from the JAG Corps, and
- the presumption of innocence unless proven guilty by competent evidence beyond a reasonable doubt.

The Military Commissions Act entrusts the JAG Corps with serving as the principal prosecution and defense counsel in these critically important trials. And, as your partner, the Department of Justice will continue to rely upon your professionalism and expertise in these terror trials.


Though our enemy shows nothing but contempt for the Law of War and the standards of civilized nations, we provide him with these protections because they are consistent with

the values of the United States. These values are among the many hallmarks of civilization that separate us from them.

While it is rooted in the traditions of the Law of War, the Military Commissions Act gives individuals detained as enemy combatants at Guantanamo Bay greater legal rights than are provided to lawful prisoners of war under the Geneva Conventions. The new law, consistent with history, makes clear that alien enemy combatants may not file *habeas corpus* petitions in the civilian courts. Yet the United States provides every detainee at Guantanamo Bay the opportunity to challenge his detention not merely before a military tribunal, but also with an unprecedented appeal to our own domestic courts.

The act also contains important provisions to reinforce our compliance with the Geneva Conventions, and to clarify for U.S. personnel their international obligations. For instance, interrogations of prisoners have proven to be among the most vital sources of intelligence in the War on Terror, and they have saved the lives of innocent civilians in the United States and around the world. These interrogations employ tough techniques, but the techniques are safe, consistent with our values, and have been carefully reviewed to ensure compliance with the law.

The act buttresses the President's authority under our Constitution to interpret the meaning and applicability of the Geneva Conventions for the United States. It empowers the President to provide our personnel, and particularly our interrogators, with clear and authoritative guidelines for what they must do to comply with the Geneva Conventions.



PERSPECTIVE OF THE SENIOR ENLISTED ADVISOR TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

The following is a transcript of remarks at the KEYSTONE Leadership Summit on 25 October 2006. Minor editing was performed prior to publishing.

I would like to share with you what I have seen from the field, which I think will make you very proud. Coming into the job, General Peter Pace, Chairman of the Joint Chiefs of Staff, gave me marching orders. He said, "Get out and see our services." He wanted me to give him a no-kidding, what's happening on the ground evaluation.

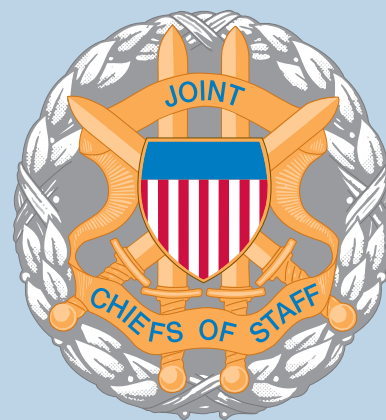
Here is what I have seen. Every service has a culture, and every service needs that culture. You can be blue, you can be green, you can be camouflaged, you can be khaki. But it is important to remember that cultures are important, but we, as leaders, have to take the blinders off and understand that we are truly a joint society now. All you've got to do is spend a little bit of time downrange, and you'll realize we are doing it together.

The first time you're out on patrol and get into a firefight, you look to your left and right and say, "Wow, there's a young Airman here. This is different. There are Marines here. There are soldiers here." Soon we are going to see sailors. That is truly a joint environment. You do not really care what uniform they wear as long as they know how to

pull the trigger and hit targets—and that is a fact! Our young men and women are gifted, and they get it and they are moving out. The rest of us old-timers, we have got to decide to become members of their team or we're going to lose out.

You need to be proud of the services and our servicemembers because I see them every day. I just came back from visiting the Taiwanese Army, the Marine Corps, and the Air Force. When I visited the Air Force, I was sitting there talking to all of these noncommissioned officers. One told me, "I can't be a leader because I'm in more of a technical field." I said, "How many people do you have working in your office?" He said, "Six." I said, "Then be a leader!"

I don't care if you've got one person in your office or you got 175,000 like we had in Iraq; it doesn't make a difference. I told him, "As a matter of fact, with you having six people, you can be more of an effective leader than I ever could hope to be because you can get personal. You can get to know them better than you can get to know 100,000 people." And I said, "Be a leader by setting the example."



CSM
WILLIAM J. GAINEY
(USA)



I was asked to let you, our senior leaders, know what we expect of you. To make it easy, I call it “R triple A.”

The first “R” is Responsibility. Even if you only have five people in your office, give them responsibility—all they can hold. Load them up. Take a ruck-sack and fill it with responsibility. They want it. They crave it. If you don’t believe it, ask them.

The first “A” is Authority. You have to give them the authority to be responsible. Example, you make a subordinate responsible for a task but then tell them, “but don’t do anything unless you ask me first.” What have you given her? Nothing. Give subordinates the authority to be responsible and tell them, “I trust you. I have faith in you.”

The second “A” is Accountability. Hold them accountable as they’re going to hold you accountable—100

percent, 24/7. Make sure to hold them accountable for the good they do as well as the bad. Sometime in the last 32 years, I realized that sometimes we have a tendency to hold people accountable for only the bad stuff, so sometimes we need to hold them accountable for the good as well.

The last “A” is Assist them when they stumble. Every one stumbles. We are at the top of the mountain as far as who we are and where we sit. Our young men and women want to

SPOTLIGHT ON... THE OFFICE OF THE CHIEF PROSECUTOR DOD/OMC

Serving as the Chief Prosecutor, Colonel Morris “Moe” Davis leads the Office of the Chief Prosecutor (OCP), a component of the Department of Defense (DOD) Office of Military Commissions (OMC). The OCP is a joint service team of judge advocates and paralegals from all military services, civilian attorneys from the DOD and the Department of Justice, and support personnel from other federal agencies.

Prosecutors assess information on more than 350 unlawful enemy combatants detained at Guantanamo Bay, Cuba, and recommend cases for prosecution in military commissions. The OCP staff works closely with personnel from other agencies, including the Department of Justice, the Federal Bureau of Investigation, the Central Intelligence Agency, the National Geospatial-Intelligence Agency, and various DOD components. Approximately 26 military and civilian personnel are currently assigned to the OCP.

Charges were approved and referred to trial in 10 military commission cases, and a number of preliminary hearings were conducted at Guantanamo Bay, Cuba, in 2006 prior to the Supreme Court’s decision in *Hamdan v. Rumsfeld*. The OCP staff continues to review and prepare cases for trial in the wake of congressional approval of military commission legislation. In September 2006, the President announced that 14 high-value detainees were transferred to Guantanamo Bay to face trial before military commissions. They include alleged 9/11 mastermind Khalid Sheikh Mohammed, USS COLE bomb plot leader Abd al-Rahim al-Nashiri, and a leader in the 2002 Bali bombings Hambali.

Col Davis believes he and his staff are ready to resume military commission proceedings. “I expect we will be in court again by early 2007, and we will have about 40 to 50 cases in various stages of development at that time. With the transfer of the 14 high-value



COL MORRIS D. DAVIS
CHIEF PROSECUTOR

detainees, I believe in the end we will prosecute about 70 to 75 unlawful enemy combatants,” Col Davis said. “I’m fortunate to lead a very talented, ethical, and dedicated team. We’re all totally committed to ensuring we provide a full, fair, and open trial for each accused, and we understand the importance of showing the world that the United States extends justice to those that deny us the same.” Col Davis concluded, “It’s a privilege to have a role in this historic effort. I’m proud of the entire prosecution team, but most certainly the Air Force JAGs and paralegals, active duty and reserve; they’re representing the Air Force JAG Corps very, very well.”

SPOTLIGHT ON... LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF



**COL
RONALD M. REED
LEGAL COUNSEL TO THE
CHAIRMAN OF THE JOINT
CHIEFS OF STAFF**

For the first time in 25 years, an Air Force judge advocate is serving as the Legal Counsel to the Chairman of the Joint Chiefs of Staff (CJCS). Colonel Ronald Reed was nominated by the Air Force and selected in September 2005 by General Peter Pace, the CJCS, to be his legal counsel.

Col Reed is in charge of a selectively-manned joint legal office and supervises eight senior judge advocates from each of the

services, including two Air Force JAGs: Colonel Joe Heimann and Colonel Mary Beth Harney. The office is responsible for providing legal advice to the Chairman, Vice Chairman, and Joint Staff on all operational and international law matters, including the Law of War, rules of engagement, War Powers, deployments, status of forces and access agreements, intelligence oversight, fiscal law, information operations, combating terrorism, arms control, reserve matters, and homeland security.

During Fiscal Year 2006, Col Reed's office has been involved in every major issue facing the Department of Defense (DOD) including detainee treatment policy, interrogation techniques, post-Katrina efforts to improve DOD support to civil authorities, ongoing military operations in Iraq and Afghanistan, fiscal authorities to improve building partnership capacity, missile defense, and efforts to bring unlawful enemy combatants to justice through military commissions. If you think of every military operation conducted during 2006, Col Reed's staff probably had a part to play in the legal and policy issues

associated with the planning and execution of that operation.

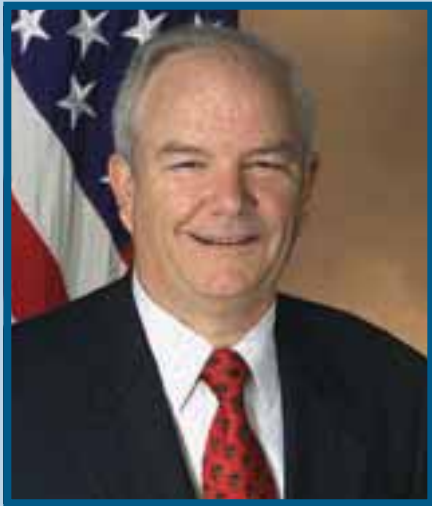
Col Reed's office regularly interacts with the National Security Council, Departments of State and Justice, combatant commands, military departments, defense agencies, and the Congress—as well as in negotiations and other dealings with foreign governments. Col Reed has also represented the CJCS's interests in a number of U.S. interagency matters, such as coordinating security and stability operations with the Department of State or working with the Department of Justice on language for the Military Commission Act of 2006.

Air Force JAGs in the Chairman's office and in each of the combatant commands are working high-level national security issues every day. They are key players in all facets of the Global War on Terrorism. "Judge advocates in joint assignments are at the tip of the spear in fighting the Global War on Terrorism; they are helping commanders make decisions everyday to take the fight to our enemy in a manner consistent with law, policy, and our American values."

be like you, be it one in your office or 100,000 in the field. They look up to you and say, "Wow, I've got to get up there." Throw down the rope of knowledge, help them hang on for the ride. We are going to get you up to the top of the hill, but I am not going to pull you to the top of the hill because I'm just too, too

old. But I will coach you. I'm going to mentor you. I'm going to teach you, and I'm going to train you to get to the top of the hill. As they are working their way up to the top of the hill, when they stumble—pull the rope. When they get to the top of the hill, brush them off, put your hand on their shoulder, you look

them straight in the eye and say, "You have done a good job. I'm very proud of you. I'm proud to be on your team. You're in charge." Then we go to the other side. We walk down the hill because we're in good hands with your men and women. I can promise you that. I promise you we're in good hands!



THE HONORABLE
MICHAEL W. WYNNE



PERSPECTIVE OF THE SECRETARY OF THE AIR FORCE

The following is an excerpt of remarks at the KEYSTONE Leadership Summit on 23 October 2006. Minor editing was performed prior to publishing.

Thank you for your service. It is an honor to be your Secretary of our Air Force.

The theme of the KEYSTONE conference is, "Teams Within Teams." If you go to a NATO group now, you'll find that they are organized in teams. In fact, we just turned Afghanistan over to a British commander; 12,000 American soldiers are working there. A large number of Provincial Reconstruction Teams are run by the U.S. Air Force as a part of our in-lieu-of assignments to help and sustain our brethren in the Army. We run those reconstruction teams and have to deal with the rule sets brought to us by our NATO colleagues. It's almost as if their parliamentarians show up and hand the commander the various rule sets under which he will be required to operate. They usually hand the rule set over to a judge advocate who, on behalf of the commander, has to deal with those rules. The rules may dictate whether they play offense or defense, or whether they will be allowed in certain areas. There are various rule sets and, though we are very pleased by their assistance, it makes for an interesting relationship. Within the joint coalition team, there are teams comprised of great men and women

from all our respective services and all our coalition partners.

You, as members of the JAG Corps, are advising commanders concerning what their activities should be—where the rubber hits the road. We're faced with day-to-day decisions that involve more and more statutory law, but we are also exposed to common law because we're exposed to the creation of law where there was none. Major General Charles Dunlap, the Deputy Judge Advocate General, has coined the term, "Lawfare." Lawfare is the use of our laws against us by terrorists who know no law—who advocate no law. Terrorists, who if given the power, would indorse no law other than the ones that benefit them.

In order to defeat our enemies today, there is a whole new spectrum of warfare emerging. The high transaction rate of information defines its tempo. This is the domain of cyberspace. The role of cyberspace and its effect on our way of war is so dramatic that we made it a war-fighting domain. The mission of the Air Force is now "To fly and fight in Air, Space, and Cyberspace." We made cyberspace a war fighting domain. But you will get involved in it in a different way. How do the

SPOTLIGHT ON... THE AIDE-DE-CAMP TO THE SECRETARY OF THE AIR FORCE

Becoming the Aide-de-Camp to the Secretary of the Air Force (SecAF) is no easy feat! It requires a four-star nomination, a records review board, and a personal interview with SecAF. Selected from a pool of 20 outstanding candidates, Major Michele Pearce is the first judge advocate to ever serve as the Aide-de-Camp to SecAF.

She began her duties in August 2006. In this coveted position, Maj Pearce acts as personal assistant to SecAF, planning and executing a wide-range of administrative and executive support responsibilities for numerous high-visibility events. From coordinating an extensive domestic and international travel schedule, to facilitating events with the Department of Defense, White House, the defense industry, and the media, Maj Pearce expertly manages the details to ensure the Secretary's day-to-day schedule and special

events are executed in a timely manner, with dignity and class.

Event highlights from her first four months on the job include the Air Force Memorial Dedication, a visit to the U.S. Supreme Court, and tours of Southwest Asia, Europe, and the Pacific. Maj Pearce supervises SecAF's personal security staff, acts as executive officer while traveling, and assists with shaping and polishing communications products for a broad range of audiences.

When asked about her job, she remarked, "Seeing how the Air Force functions at this level has been incredibly rewarding, both personally and professionally. On a daily basis, I feel like I'm making a real difference!" Whether it's helping the SecAF prepare for meetings with the Secretary of Defense or assisting



**MAJ MICHELE PEARCE
AIDE-DE-CAMP TO THE SEC AF**

him with events like the dedication of the Air Force Memorial, each day brings new and interesting challenges and rewards."

The JAG Corps is extremely proud of Maj Pearce and all she does to support the Air Force's top official.

laws affect cyberspace? Sometimes I think we have an analog set of laws and we're in a digital society. Often it's up to you to tell us what we need to change about our laws in order to make ourselves a digital law—available for quick reaction.

We need ground human intelligence to advise and help set targets, and ground combat forces need our situational awareness to prosecute successful engagements—strategic and tactical. We need cyberspace and we need the right interpretations to make sure that



we have it available. Cyberspace evidence is our move towards trust in the fighting. We are so dependent upon reachback, whether it's satellites or intelligence or simply to fly a Global Hawk or a Predator, the trust in the information is absolutely critical. The Judge Advocate General's Corps clearly plays an integral role in this new age of warfare. The new age of warfare means the JAG must work at high speed, just in time, with the ground commanders and with the air operations center commanders. This is critical to protecting our

fighters and commanders from post-war criminal prosecution.

You enable our forces to legally prosecute deliberate and time-sensitive targets and you are a vital link in the interdependent fighting that sees the kill chain reduced to seconds. JAGs face partnering challenges in Afghanistan where they work with our coalition partners. They help the Deputy Combined Air Forces Component Commander know to what extent he can employ aircraft from various countries to support the ground forces. They must take into account the legal and public view—the strategic communications view. One errant bomb can result not only in the loss of innocent life, but can destroy years of work in international partnering.



In this new age of warfare, we've seen a rise in the number of non-uniform combatants; but limited formal guidance exists in our doctrine and legal procedures. Likewise, the number of peacekeeping missions has grown, and each nation that contributes continues to struggle with how their troops are to be used in government.

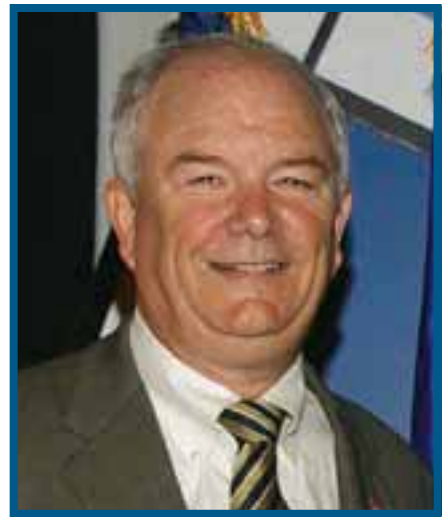
Yet, by expanding our allied roles and building partner capacities, I think we can build a better legal front. We are better able to combat terrorism and it strengthens us overall. But as one German Christian put it, "When they came for the Gypsies, I said nothing. When they came for the Jews, I said nothing. When they came for me, there was no one to speak up."

Helping other nations grow strong and police themselves enhances our collective security. We rely on you, our deployed JAGs, to provide us with expert knowledge of international laws and interpretation of the rules of engagement, allowing us to protect and join other coalition war fighters in building trust with the host country. Make no mistake, the United States stands where rules lead and where rules ought to be. We'll stand there for as long as it takes to establish systems of government that engender respect for the law.

Some of you have deployed and participated in this new warfare and each of you should be proud of the work that you've accomplished. I thank you for your service in the theater, and I thank those people who are going to deploy. Your work ensures our war fighters gather strength and confidence.

As Air Force Secretary, it's my job to organize, train, and equip Airmen for this fight. You are battlefield Airmen, providing confidence to other battlefield Airmen as they proceed into vital roles. As part of that team—you make a terrific difference.

I'd like to now say a few words about the Air Force community and the changes that you're seeing in our Air Force. As the Air Force



Secretary, I have several goals. First is integrity. You need to stand for integrity. You are the last bulwark and so at every level, you must engender integrity. You must lean toward accomplishing the mission—advising commanders at all levels how to best approach mission completion with integrity. We can only be battle ready when we eliminate obstacles that impede our success. I'm relying on you to clear the line of sight and speed up time-sensitive targeting. Whenever a commander needs legal advice or an Airman needs legal assistance, I'm relying on you to provide it. The term "battle-ready Airman" means we instill in the warrior the warrior ethic and a culture that settles for nothing less than success. You are a part of this culture.

As attorneys and paralegals, you play a key role in ensuring our Airmen engage the enemy and win. Your clients and commanders depend upon you every day for advice that is timely and accurate. This will never change. You delivered that capability and it's already changing. Our Air Force leadership recognizes the duty we owe to future Airmen in maintaining, sustaining, and improving our Air Force. It remains our top priority.

In terms of scope, the Air Force is experiencing one of the greatest transformational efforts since its inception. We are undergoing a Total Force reduction to help us recapitalize our aging platforms. We actually came down 40 percent in the 1990s, but it was not a targeted reduction to specifically recapitalize our force. Your Air Force leadership team has made a strategic decision that our Air Force will be smaller. But we will ensure that we have the best-equipped battlefield Airmen and that our pilots are the best-equipped pilots. It's a duty and we are taking it full force. These reductions maximize efficiencies and are prescribed by commanders on a "mission-first" basis. We hope to ultimately empower and flatten our work force so that the commander at the lowest level will always have firm and ready communications capability.

Additionally, there's a longer term Air Force-wide program called Air Force Smart Operations for the 21st Century, AFSO 21. You in The Judge Advocate General's Corps are already fully involved. You have your own initiatives under JAG Corps 21. AFSO 21 demands that we do more than streamline our processes; it challenges us to question their significance. AFSO 21 looks at different approaches to the same task, requiring us to remain open to the possibility that certain steps may be eliminated entirely.

Our young Airmen that you lead today are ready for this change. They are tech savvy, they are knowledgeable, and they want to be held accountable. They have grown up in a world of change. As leaders, it's important to recognize and cultivate this sophistication and push the creativity. Thankfully, our Airmen feel empowered and feel

like we want to work with them, and they feel like, "Bring it on, we are ready for change."

Just as you represent "Teams Within Teams," you have rolled up JAG Corps 21 under AFSO 21. One of the most novel things you've done is to centralize the claims processing. It's a great example of what Air Force Smart Operations is all about. It's not changing what we do; it's changing how we do it. By changing how you process claims, you're going to improve the quality of life for our Airmen. You are enabling them to process claims around the clock and to get payments faster. In fact, as you know, you are now pushing the Defense Finance and Accounting Service because you can do our job faster than they can pay.

You're changing the world of court-martial docketing and redistributing judges and senior counsel. It's an initiative to streamline the court-martial process, save valuable travel dollars, and give defendants speedier trials. Claims and military justice are just a piece of it. JAG Corps 21 has also reorganized how we're postured for legal services. Consolidated centers of excellence will deliver legal support to accident investigation boards, environmental enforcement actions, and contract and labor disputes. Our JAG School, which is now aligned under the Air Force Legal Operations Agency, will be our think tank. It will serve as a super field support center around which all other field support centers will operate. The Air Force will benefit from your collective expertise in a way that is very efficient and responsible.

As you begin transferring legal processes and lending your skills to the wide spectrum of operations,



I encourage you to seek more efficient and innovative ways to perform this mission. New organizational constructs will produce efficiencies and energize other components. Essentially, they will say, "Look what the JAG Corps has done." And don't think they're not watching you. This is the leadership that the JAG Corps brings to the rest of our service. You can step out unafraid, unabashed, providing that kind of simple leadership—leadership by example that really makes a huge difference.

In conclusion, I would like to remind everyone that we are committed to victory in this war on terror. We stand steadfast with our joint international partners as one interdependent team. I thank you for making history, for participating in the law, and for being with us in this struggle. I really appreciate what The Judge Advocate General's Corps does to ensure that we are battle ready, ensuring that our Air Force and our other services remain fully capable, confident of victory, and confident in their future. I am proud to serve with you each and every day. Thank you for your service and may God continue to bless the United States of America.

SPECIAL ASSISTANT TO THE SECAF MR. JOHN P. WHEELER, III

The following is an excerpt of remarks at the KEYSTONE Leadership Summit on 23 October 2006. Minor editing was performed prior to publishing.

Let me start where I will also end, with “Thanks.” Thanks to each of you for your service, and thanks for the privilege to join ranks with each of you, in this Air Force, in this fight. I especially want to welcome the paralegals. As the paralegals know, and the lawyers know, the paralegals are the infantry of the law.

I think I first went on Major General Jack Rives’ radar when he heard that the new guy in the Secretary’s office was researching cookies. But I will come back to that. The Secretary of the Air Force just spoke to us about the fight today—the interdependent fight, and spoke about the role of the American uniformed lawyer in the fight. The Attorney General made the same points. They both went to the Combined Air Operations Center; they both went to see the work that the Air Force JAG is doing in the fight. So let’s start with the Secretary’s remarks in mind and consider this video. (The “How We Fight” video can be viewed at http://www.af.mil/specials/howwefight/howwefight_full.html.) The video portrays that very fight, and each of the domains and issues in which your career draws you. As you watch this video, ask two questions. What legal issues arise from the technology and practices shown here, and how do we advise commanders in real time and with no delay to the battle cycle?

We have just seen the commanders you will have to advise, and the fast-moving fact patterns that your colleagues in the area of responsibility (AOR) will have to master and speak to on a constant basis. The point is this: the American way of war includes the combatant lawyer at the side of our senior commanders. This is because the law is woven deeply in the American culture. This reflects our constitutional and common law roots. It is a grave responsibility and duty.

I want to turn now to some different aspects of the law and about how my own experiences in war and in the practice of law might speak to you in your world. People who know me well know that monuments and what they symbolize mean a great deal to me. Recently, folks in the Department of Defense had a little debate going about what the three spirals of the brand new Air Force memorial symbolize. Some said, “the Thunderbirds.” Others said, “the core values,” or “our Total Force—active duty, Guard and Reserve.” For the Air Force JAG Corps, this seems right: Wisdom, Valor and Justice.

Wisdom is simply knowledge in context. There is a lot of that in this room right now. This is an audience that has hit the books. I remember the hours, the projects and papers, the blue book exams—we have kids that think blue books



MR.
JOHN P. WHEELER, III

are something in the Smithsonian, which they will be. Speaking of wisdom, I heard that Brigadier General Dave Ehrhart is going to brief the Rule in Shelley’s Case!

My own road to the study of the law was just like those of most of us in the room—it had twists and turns. My first year at law school, like many of yours, was miserable. I thought I might just leave, but I went and I saw Professor Myres Smith McDougal, and he pulled me out of the water and he gave me some work to do, and I began to find my way. We learned one thing for sure, and that’s: Get the evidence so that we can cage the facts. There’s a famous law school exchange that apparently really took place at Harvard. The student was William Bundy. The professor says, “Well, Mr. Bundy, tell us about this case.” Bundy says, “Sir, the facts are—” the professor then says to him—“The facts?—Only God knows the facts. Just tell us the evidence.”

I am not sure how it happened, and it wasn't premeditated, but I was involved in building the Vietnam Wall, was the first Chairman and CEO of Mothers Against Drunk Driving, and created the Vietnam Children's Fund. Those are three charities I've worked for. When I was chairing the Vietnam Veteran's Memorial, I witnessed the results of valor—the price and the results—every day. Each name that was put on the wall is an example of valor. Today, we are, as Secretary Wynne said, in the fifth year of a long war. We hear about examples of valor every day. Some of you have recently returned from the AOR. Others may be getting ready to go or one of your attorneys or paralegals is there now. Captain Mike McCoy augmented the team prosecuting Saddam Hussein. He was there when the prosecutor made the opening statement. He was there when the bodies of defense attorneys were found murdered. Lieutenant Colonel Sharon Shaffer and Master Sergeant Michele Hayes-Martinez are the defense team for a particular detainee at Guantanamo. They are doing their job, their mission. They represent valor.

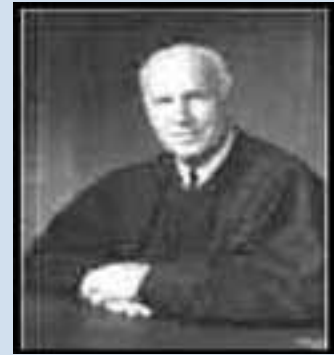
I want to turn now to the idea of justice. The courage of conviction is another type of valor, and it is a powerful component of justice because it can lend strength to the weak. There is a movie that I like; it's not well known, but it resonates with me because it demonstrates the power that can be wielded by the courage of your convictions. In this film, called *The Winslow Boy*, there is this phrase that's repeated over and over again: "Let right be done." That single phrase secured a fair trial for a young cadet accused

of theft. In that example, the cadet had to petition for the chancellor's writ so that right could be done. In our system, we give judges this power. One of the greatest gifts the framers of the Constitution gave to the American justice system was to empower our judges to sit both in law and in equity. This brilliant construction is the quintessential safeguard for ensuring justice is served, for ensuring right is done.

We see this in our military justice system. Commanders have vast power to ensure that right is done. Our commanders have power that is unparalleled in civilian life. You in this room have tremendous influence on that process. You provide your advice, your counsel to ensure that justice is done for both the individual and for the Air Force.

I want to go back now to something I briefly mentioned earlier—cookies. Many years ago, I clerked for Judge George MacKinnon. The judge would come into court, into chambers, maybe once a month carrying cookies he baked himself, usually molasses crinkle cookies. You want to get this cite—105 Federal Rules Decision 251, May 1984—it may be the most useful footnote in the judiciary, as it contains the recipe for molasses crinkles cookies. As a special treat, Chef Walter has baked the molasses crinkle cookies for you today. I hope you like them.

I'm going to end by saying thank you. I want to thank the Secretary of the Air Force for bringing me into this Air Force and this fight. And I want to thank you. It's a privilege to be in your ranks.



JUDGE GEORGE
MACKINNON

THE RECIPE FOR MOLASSES CRINKLES: FNA1 (105 F.R.D. 251)

3/4 c. peanut oil
1 c. dark brown sugar
1 egg
1/4 c. dark molasses
2 1/4 c. flour
2 tsp. soda
1/4 tsp. salt
1/2 tsp. mace
1/2 tsp. cloves
1 tsp. cinnamon
1 tsp. ginger
1 1/2 tsp. lemon extract
1 c. yellow raisins

Mix egg (well beaten), sugar, peanut oil, molasses and lemon extract. Mix dry ingredients and blend in. Roll dough into balls, size of small walnuts and dip one side in sugar. Place balls on cookie sheet 2 inches apart (greased sheet or teflon). Sprinkle sugar side with drops of water. Bake ten to twelve minutes in 375° oven—until crinkles are enlarged.



**MAJ GEN
JACK L. RIVES
THE JUDGE ADVOCATE
GENERAL**



**MAJ GEN
CHARLES J. DUNLAP, JR.
THE DEPUTY JUDGE
ADVOCATE GENERAL**



HQ AF/JA

The Office of the Judge Advocate General (OTJAG), HQ AF/JA, is located in the Pentagon, Washington D.C. The Judge Advocate General (TJAG), in addition to directing the OTJAG, leads the entire Air Force JAG Corps. In that capacity, TJAG is responsible for the professional oversight of more than 2,200 judge advocates, 370 civilian attorneys, 1,400 enlisted paralegals, and 532 civilians in the worldwide Total Force Judge Advocate General's Corps. The Corps provides military justice, operational, international, and civil law legal services at every level of command throughout the Air Force. TJAG also provides advice to the Secretary of the Air Force (SecAF), the Chief of Staff of the Air Force (CSAF), and the members of the Air Staff on a broad range of legal issues.

HQ AF/JA consists of nine divisions. They are: the Administrative Law Division (JAA), the Policy and Project Integration Division (JAG), the Operations Law Division (JAO), the Air Reserve Component Advisor to TJAG (JAR), the Air Force Trial Judiciary (JAT), the Professional Responsibility Division (JAU), the Professional Development Division (JAX), the Senior Paralegal Manager to TJAG (JAY), and the Strategic Plans and Policy Division (JAZ). The JAG Corps 21 Implementation Team is also aligned under HQ AF/JA to carry out the transformation

of the JAG Corps as directed by TJAG and the CSAF. Although not OTJAG divisions, two other major organizations report directly to TJAG: the Air Force Court of Criminal Appeals (JAH) and the Air Force Legal Operations Agency (AFLOA).

NEW TJAG CORPS LEADERSHIP

On 23 February 2006, Major General Jack L. Rives became the 15th Air Force Judge Advocate General and was sworn in on 1 March 2006 by the CSAF. On 10 May 2006, Brigadier General Charles J. Dunlap, Jr. was promoted to the rank of major general and assumed his duties as the Deputy Judge Advocate General (DJAG) later that month. In this position, Major General Dunlap assists TJAG with oversight and management of the JAG Corps.

JAG CORPS 21

In an effort to meet the principles and goals set forth in Air Force Smart Operations 21, HQ AF/JA launched JAG Corps 21 in February 2006. JAG Corps 21 is a suite of major initiatives that will transform the JAG Corps to meet the challenges of the 21st Century. "The Air Force is making dramatic changes to posture itself for the future," Maj Gen Rives said. "As part of that process, the CSAF challenged the JAG Corps to redesign itself to complement Air Force initiatives and to transform legal operations to better align with

new Air Force requirements.” In March, CSAF signed a decision memorandum directing the implementation of the first phase of JAG Corps 21. In June, the JAG Corps 21 Implementation Team stood up in the Pentagon. The first division chief is Colonel James R. Wise. Throughout the year, major transformations took place. The Claims Service Center, located in Kettering, Ohio, began operations. The judicial circuits were dissolved and central docketing came on-line. The judge advocate competitive category for promotion was redesignated as “Line of the Air Force-Judge Advocate.” The JAG School moved under the newly designated Air Force Legal Operations Agency (AFLOA). All

of these changes reflect an agile JAG Corps, able to meet changing Air Force requirements.

PROGRAM BUDGET DECISION 720

The SecAF and CSAF have made it clear that the Air Force needs to modernize and recapitalize. Under the auspices of Program Budget Decision (PBD) 720, the Air Force instituted a reduction of the force by approximately 40,000 personnel. The initial proposed JAG Corps share of these cuts was ominous. Using a model developed under JAG Corps 21, the Corps was able to demonstrate that, if instituted, these cuts would result in a serious degradation of the JAG Corps’ ability to carry out its assigned

missions. The approved cuts were at a level that enables the Corps to maintain the highest levels of legal services to Airmen.

MILITARY COMMISSION TESTIMONY

In 2006, both Maj Gen Rives and Maj Gen Dunlap testified before congressional committees concerning detainee rights and the appropriate response to the U.S. Supreme Court decision in *Hamdan v. Rumsfeld*, 126 S. Ct. 622 (2006). Maj Gen Rives testified before the Senate Armed Services Committee on 13 July and before the Senate Judiciary Committee on 2 August. On 7 September, Maj Gen Dunlap testified before the House Armed Services Committee.

JAA

The Administrative Law Division, (HQ AF/JAA or JAA), provides legal advice and assistance to the Air Staff; elements of the Secretariat including the Personnel Council and the Board for Correction of Military Records and the Discharge Review Board; and command and staff judge advocates on matters relating to the organization, administration, operation, personnel, and functions of the Air Force. It is staffed by over 15 active duty and civilian attorneys and operates through ten branches. Three of the judge advocates are assigned to support the Inspector General’s Senior Official Inquiries Directorate and one judge advocate is assigned to assist the Inspector General’s Complaints Resolution Directorate. During Fiscal Year (FY) 2006, members of JAA served as Panel Chairman, Air Force Board for Correction of Military Records; President, Air Force Personnel

Security Appeal Board; and members of the JAG Corps Ethics Committee.

JAA reviews adverse personnel actions on officer personnel, including officer administrative discharge actions, promotion propriety actions, and other administrative proceedings for legal sufficiency. It provides legal support to the Senior Officer Inquiries Directorate (SAF/IGS) and Complaints Resolution Directorate (SAF/IGQ). It is responsible for maintaining two Air Force policy directives and ten instructions, in addition to overseeing the administration of the policy on homosexual conduct Air Force wide. The division also reviews and takes final Secretarial action on complaints under Article 138, Uniform Code of Military Justice and issues reviews on actions by the Air Force Board for Correction of Military Records.



MR. HARLAN G. WILDER
DIVISION CHIEF

Finally, JAA also provides legal advice on an exhaustive variety of matters including the Freedom of Information Act; the Privacy Act; gifts; fraud, waste, and abuse; homeland security and homeland defense; Air Force Academy issues; political activities; command and doctrine; National

Guard; general officer matters; drug testing; pay and allowances; entitlements; Civil Air Patrol; civilian personnel; discrimination; Air Force Reserves; equal opportunity; sexual harassment; professional relationships and fraternization; religious expression and accommodation; cooperation with civilian law enforcement officials; medical-legal problems including anthrax and AIDS; spouse and child abuse matters; separations; enlistments; promotions; force-shaping; retirements; family housing; and Inspector General and Government Accountability Office investigations.

During FY06, JAA was involved in a number of significant efforts, including:

QUADRENNIAL DEFENSE REVIEW (QDR)

JAA represented the Air Force on the Department of Defense (DOD)-level QDR team, and drafted new legislation for use of the Total Force Integration construct.

TOTAL FORCE INTEGRATION

The integration of active, Guard and Reserve forces represents a continued paradigm shift for the Air Force and presents unique legal challenges, particularly in the area of command and control. JAA has worked closely with the Office of The Deputy Chief of Staff, Plans and Programs (AF/A5), to identify the legal parameters for integrating the active duty and reserve components and craft strategies that will permit the Air Force to leverage the experience and skills of Air Reserve Component (ARC) personnel. In coordination with AF/A5 and the General Counsel, JAA drafted legislative proposals that will expand the permissible roles of ARC personnel with respect to training active duty personnel and supporting operational missions. Both houses of

Congress have adopted these changes in their versions of the FY07 National Defense Authorization Act.

RELIGION AND THE LAW

JAA is an integral part of the team developing Air Force-wide training and education initiatives, which will constitute an integral part of ensuring that the principles of Free Exercise, government neutrality, and Accommodation become an inherent part of Air Force culture.

FEASIBLE PLAN FOR RELOCATING, FUNDING, AND MANNING OF DRUG LAB

JAA took the lead in advocating for a viable and sustainable Air Force Drug Testing Laboratory program in view of changes mandated by the Base Realignment and Closure Commission process and the challenges presented by the Office of the Secretary of Defense.

CLARIFIED SPECIAL PAY RECOUPMENT PROCEDURE

JAA provided guidance on the significant changes made in the law and policy that came into effect in April 2006 concerning the repayment of special pays by Airmen who do not fulfill service agreements. Over 30 different statutes govern special pays available to servicemembers. After studying these statutes, recent agency interpretations, and changes made by the 2006 National Defense Authorization Act, JAA produced a cogent synopsis as well as a suggested procedure to follow when analyzing whether to recoup special pays from separating Airmen.

LEGAL SUPPORT TO THE INSPECTOR GENERAL

JAA advised the Air Force Inspector General (IG) and his staff on senior level and special interest inquiries, ensuring the protection of rights as well as the thorough investigation of allegations of wrongdoing. Cases

investigated included allegations of acquisition fraud, unethical political campaigning, illegal travel, reprisal, improper mental health referrals, and inappropriate sexual relationships with subordinates. They also conducted an inquiry into the actions of senior Air Force officials regarding the billion-dollar purchase of C-130J aircraft that was presented to the Senate Armed Services Committee. Additionally, JAA created a first-ever JAG Guide to IG Investigations and significantly revised the Commander-Directed Investigations Guide.

COMMAND ISSUES

JAA highlighted numerous potential pitfalls associated with placing civilian employees in charge of military units, a position traditionally reserved for military commanders. The use of civilian led units has necessitated the development of novel command relationships since civilian employees, unlike military officers, cannot discipline military members under the Uniform Code of Military Justice or otherwise exercise command authority. JAA has ensured that commands using civilian led units have made appropriate arrangements to ensure unbroken chains of command for military members, responsibility and accountability for command actions, and command succession.

CIVIL AIR PATROL (CAP)

JAA assisted with the revision and standardization of procedures governing the use of CAP assets to perform Air Force non-combat missions, including providing support to civil authorities. JAA also provided substantial input into the development of a concept of operations for the use of CAP assets on the southwest border in support of the U.S. Customs and Border Protection, ensuring the authority and fiscal law issues associated with these civil support missions were properly addressed.

JAG

The Policy and Project Integration Division, JAG, also known as The Judge Advocate General (TJAG) Action Group or the TAG, is a new division within HQ AF/JA. The TAG serves as the focal point of integration for three primary areas of the Office of The Judge Advocate General (OTJAG): Policy, Vision, and Special Projects; Communications; and Executive Support. The division's Policy, Vision, and Special Projects Branch serves as the principle policy advisor to TJAG and conducts and coordinates special OTJAG projects. The Communications Branch collects, consolidates, drafts, and transmits information, briefings, and speeches to internal and external JAG Corps audiences. This branch is responsible for the JAG Corps Online New Service (ONS), the JAG Family News, and much of the JAG Corps strategic communications. The Executive Support Branch serves as the OTJAG focal point for planning and executing JAG Corps events, including: KEYSTONE Leadership Summits, executive conferences, and all ceremonies hosted by TJAG or the Deputy Judge Advocate General (DJAG). In addition, it establishes, controls, and monitors all AF/JA-level suspenses and provides additional administrative and logistical support to OTJAG.

TAG STAND UP

The TAG stood up as a division on 1 April 2006. Led by Lieutenant Colonel Lisa Turner, the TAG integrates the policy and communications functions from the Strategic Plans and Policy Division (JAZ) and the executive services function from the former Executive Services Division (AF/JAES).

The TAG consists of four active duty judge advocates, a retired judge advocate, two active duty noncommissioned officers, and one civilian employee.

KEYSTONE 2006

One of the TAG's first major tasks was organizing and executing the KEYSTONE 2006 Leadership Summit. The Summit was a tremendous success, with more than 700 judge advocates, civilian attorneys, and paralegals attending. The Summit brought together the Total Force senior and mid-grade leaders to discuss the global security environment, current Air Force issues, and leadership. Additionally, the Summit included a number of senior legal military officers from our sister services and from coalition countries.

POLICY AND PROJECTS INTEGRATION

The Policy, Vision, and Special Projects Branch provides the strategic linkages among the entire spectrum of JAG Corps operations. It focuses on ensuring that validated JAG Corps requirements are the foundation for obtaining manpower and resources and that plans, policies, programs, and the utilization of resources are consistent. During 2006, the branch's activities included helping fashion JAG Corps 21 development and implementation, supporting the JAG Corps response to Program Budget Decision (PBD) 720 proposed reductions, planning and supporting for the KEYSTONE 2006 Leadership Summit, guiding and coordinating the Air Reserve Corps Paralegal Utilization Study, and drafting revised Article 6 Inspection processes.



LT COL
LISA L. TURNER
DIVISION CHIEF

COMMUNICATIONS

The Communications Branch identifies, develops, and implements communication strategies, policies, plans, standards, and procedures for the OTJAG. They act as a liaison with public affairs to plan and facilitate JAG Corps involvement with media outlets, professional organizations, and the general public and facilitate communications between TJAG and JAG Corps senior leaders. Finally, communications personnel support, as required, TJAG speeches, remarks, briefings, and other internal and external communications, including standard and customized letters and direct e-mail to JAG Corps members.

EXECUTIVE SUPPORT

In 2006, the Executive Support Branch organized and executed over 30 ceremonies and special events hosted by TJAG and DJAG, including promotions, retirements, decorations, and investitures. They also provided field legal

offices with protocol support. Additionally, the branch organized the January 2006 kick-off JAG Corps 21 meeting, bringing in

over 80 JAG Corps personnel with nine days notice and provided the support for JAG Corps executive conferences at Hickam Air Force

Base, Hawaii, in March 2006 and in Denver, Colorado, in June 2006.

JAH

Colonel Bruce Brown is the Chief Judge of the Air Force Court of Criminal Appeals (HQ AF/JAH or JAH). Pursuant to its authority to “make Rules for the Government and Regulation of the land and naval Forces,” U.S. Constitution Article I, § 8, Congress directed The Judge Advocate General (TJAG) of each military service to establish a military Board of Review. In 1950, Congress enacted the Uniform Code of Military Justice (UCMJ) to establish uniform procedures among the service branches, as well as provide for one or more military Boards of Review for each of the service branches. In 1968, the Boards of Review were renamed the Courts of Military Review, and in 1994, were again renamed the Courts of Criminal Appeals. The decisions of the respective service Courts of Criminal Appeals are reviewed by the Court of Appeals for the Armed Forces, and are subject to further review by the U.S. Supreme Court.

The Air Force Court of Criminal Appeals hears and decides appeals of Air Force court-martial convictions and appeals *pendente lite*. The Court has jurisdiction over (1) all trials by court-martial in which the sentence includes confinement for one year or longer, a punitive discharge, dismissal of a commissioned officer or cadet, or death; (2) all other cases reviewed by TJAG and forwarded for review under 10 United States Code §

869(d); (3) certain government appeals of orders or rulings of military trial judges that terminate proceedings, exclude evidence, or which concern the disclosure of classified information; (4) petitions for new trial referred by TJAG; and (5) petitions for extraordinary relief.

The court normally sits in panels of three judges or en banc.

The military has a hierarchical source of rights consisting of the Constitution of the United States; Federal statutes, including the UCMJ; Executive Orders of the President, including the Manual for Courts-Martial; Department of Defense Directives; service-specific directives; and federal common law. Military courts operate under Rules for Courts-Martial, which are patterned after the Federal Rules of Criminal Procedure, and Military Rules of Evidence, which are based on the Federal Rules of Evidence.

The Air Force Court of Criminal Appeals rendered 784 decisions in Fiscal Year 2006, 25 of which were written for publication. The court continued its “Project Outreach” program, hearing oral arguments at locations around the country as a means of exposing Air Force members and the public to the appellate process of the military justice system.

During 2006, the court heard argument at Lackland Air Force Base, Texas, on whether the



COL BRUCE T. BROWN
CHIEF JUDGE

convening authority was disqualified because he had administered a referral officer performance report and non-recommendation for promotion that prejudged the appellant’s guilt; whether the appellant was denied an impartial pretrial investigation; whether the case was tainted by unlawful command influence; and whether the evidence was legally and factually sufficient. It also heard argument at The Judge Advocate General’s School at Maxwell Air Force Base, Alabama, on whether the military judge erred in admitting uncharged misconduct and whether the adjudged sentence was appropriate. Additionally, the court heard argument as part of the Western Circuit Conference at Travis Air Force Base, California, on whether the military judge erred by admitting evidence under Military Rule of Evidence 413; as

well as whether there was legal and factual sufficiency to support the findings of guilty; and finally, whether the adjudged sentence was appropriate.

Senior Judge William Orr spoke at the inaugural Post-Trial Processing Workshop hosted by 14th Air Force. Judge Charlie Johnson was awarded

the Thomas L. Bain Leadership Award for the Air Force Cadet Officer Mentorship Program. Judge Christopher Mathews served as adjunct faculty at the National Advocacy Center in Columbia, South Carolina. Each of the senior judges spoke at one of the three circuit conferences held in the United States.

The court lost three senior judges, three associate judges, and one reserve associate judge to reassignment. Subsequently, the court welcomed Colonel David Francis, Colonel Dawn Scholz, Colonel Amy Bechtold, Colonel Laurence Soybel, and Colonel Steven Thompson.

JAO

The Air Force Operations Law Division, (HQ AF/JAO or JAO) advises The Judge Advocate General (TJAG) and the Air Force Chief of Staff on all operational law issues. JAO also assists other Air Staff divisions and provides policy guidance upon request to combatant commands, major commands, numbered air forces, and wing legal offices.

JAO is staffed by approximately five active duty judge advocates, two foreign exchange judge advocates from England and Australia, one senior paralegal, one civilian attorney, and one civilian administrator. Five reserve JAGs are also assigned to JAO. JAO operates through five branches: Stability Operations; International and Coalition Operations; Operations Law; Aerospace Law, Doctrine, and Crisis Action; and Contingency and Air Staff Operations.

LAW OF WAR

Fiscal Year 2006 provided multiple opportunities to substantially advance compliance with the Law of War. JAO vigorously defined and advocated the Air Force position on interrogation practices, detainee treatment, and military commissions in response to

proposed congressional legislation and Department of Defense (DOD) and Department of Justice initiatives. TJAG and the Deputy Judge Advocate General testified before Congress on U.S. compliance with Common Article 3 of the Geneva Conventions in light of international law and the recent Supreme Court opinion in *Hamdan v. Rumsfeld*. JAO also advised on matters involving the international definitions of conflict, the role of civilians operating in a conflict zone, and draft legislation banning “victim-activated” landmines. JAO participated in the DOD Law of War Working Group and continued to refine the status of contractors on the battlefield.

LEGAL ADVICE

JAO reviewed approximately 18 weapons systems and provided advice on information operations, electronic warfare, weapons and equipment transfers, international agreements, and foreign criminal jurisdiction. JAO advised the Joint Non-Lethal Weapons Directorate on a number of systems, most notably the Area Denial System (ADS). JAO also advised the Directed Energy Weapons Task Force on weapons development and the lawful use of laser systems.



COL
LARRY D. YOUNGNER
DIVISION CHIEF

JAO advised the Air Staff and the Joint Staff on 186 Joint Staff actions. Significant issues included renewal of the 1996 North American Aerospace Defense Agreement, implementation of the new stability operations directive, and proposed changes to the Army Field Manual on Interrogations. JAO provided recurring oversight over treaty obligations such as nuclear oversight and officer exchange programs.

JAO also reviewed over 50 joint and service doctrine publications, as well as a number of departmental and

service directives and instructions. Of particular importance to judge advocates is the pending publication of JP 1-04, *Joint Legal Support*. JAO successfully advocated for standards of training that will enable Air Force judge advocates to serve as joint task force staff judge advocates and deputy staff judge advocates. JAO, along with the legal staff of its sister services, also spearheaded the final draft of JP 3-63, *Detainee Operations*, ensuring that command responsibility comported with international and domestic law, and that judge advocates have substantial oversight in both detention and intelligence operations involving captured personnel.

SHAPING THE FUTURE JAG CORPS AND THE AIR FORCE

JAO undertook a study to determine the effect of manpower reductions on deployment and operational support. Projections from this report indicated that the JAG Corps will be able to fulfill its obligations under JAG Corps 21 initiatives.

JAO also guided a number of Air Staff working groups to improve the Air Force “organize, train, and equip” mission. These included the Combined Battlefield Airman

Training and Expeditionary Airman Training program and a new rules of engagement (ROE) working group established in conjunction with “CHECKMATE” to create a common denominator training program for all Air Force personnel.

The two coalition attorneys assigned to JAO as exchange officers spearheaded a coalition operations deskbook, an “off the shelf” guide for deployed judge advocates, regardless of their nationality. It describes and compares the legal and administrative framework of the Royal Air Force, the Royal Australian Air Force, and the U.S. Air Force in the areas of international law, military justice, fiscal and property exchange, investigations into aviation mishaps, and civil matters. When completed, the deskbook will be a force multiplier for deployed judge advocates.

CRISIS RESPONSE

JAO personnel stood up the Crisis Action Team (CAT) during Hurricanes Katrina, Rita, and Wilma and ensured TJAG and Chief of Staff received timely notification of legal issues and

advice. The CAT processed and provided U.S. Air Force input on over 60 U.S. Northern Command disaster assistance orders. Unique issues included command and control of Title 10 and Title 32 forces, force protection, beddown of evacuees on military installations, and the use of unmanned aerial system assets for law enforcement. Additionally, JAO provided specific guidance to deployed commanders on the role of the military in civil operations. The CAT also ensured over 800 guard and reserve personnel deployed with correct orders and equipment.

Other issues addressed by JAO included U.S. state aircraft sovereignty concerns during the response to an aircraft accident in Kyrgyzstan. Additionally, JAO ensured the legal framework was in place to allow over 12,000 guard and reserve Airmen to fill traditional army roles in such areas as explosive ordnance disposal, transport, and detainee control. JAO also reviewed classified execute orders enabling combatant commanders and joint task forces to counter terrorist threats and support humanitarian operations around the globe.

JAT

Responsible for the training and detailing of military judges within the Air Force, the Air Force Trial Judiciary (HQ AF/JAT or JAT) has 21 active duty military trial judges, 11 reserve military trial judges, and 7 noncommissioned officers. Military judges preside over all general and special courts-martial tried in the Air Force; serve as investigating officers in accordance with Article

32, Uniform Code of Military Justice; serve as legal advisors for officer discharge boards and other administrative boards; serve as hearing officers in parole violation hearings; and preside at public hearings held to consider draft environmental impact statements.

In March 2006, Major General Jack L. Rives, The Judge Advocate General (TJAG) directed that

the Trial Judiciary be realigned so JAT now directly reports to TJAG instead of to and through the Air Force Legal Operations Agency Commander. For administrative purposes, the Chief Trial Judge, the Deputy Chief Trial Judge, one noncommissioned officer, and the Chief Reserve Trial Judge are assigned to the Air Force Trial Judiciary, Bolling Air Force Base, D.C.

In Fiscal Year 2006, Air Force trial judges presided over 774 general and special courts-martial, as well as several parole violation and environmental impact statement hearings. Also in March 2006, the judiciary began to reorganize in accordance with the Air Force Chief of Staff's Directive to centralize judiciary circuit management, eliminate regional circuits, and relocate judiciary and circuit personnel as appropriate. Two judge billets were moved from Travis Air Force Base, California, to Nellis Air Force Base, Nevada, and

both were filled in July 2006. In August 2006, Colonel Dawn Eflein became the first female Chief Trial Judge of the Air Force.

Air Force military judges are active in several professional associations, including the American Bar Association, the Federal Bar Association, the National Association of Women Judges, and various state and local bar associations. One of the central circuit judges was also a panel member at the National Association of Legal Placement Conference in San Diego, California.



COL DAWN R. EFLEIN
CHIEF TRIAL JUDGE
OF THE AIR FORCE

JAU

Lieutenant Colonel Mark H. Patterson is The Judge Advocate General's Professional Responsibility Administrator (TPRA). His office, HQ AF/JAU or JAU, processes cases involving alleged professional responsibility violations; provides advice and counsel through informal and formal advisory opinions; publishes new developments in the area of professional ethics and standards; and develops, disseminates, and conducts professional responsibility training. Lt Col Patterson also serves as an advisor to TJAG's Advisory Committee on Professional Responsibility and Standards, which includes as permanent members the heads of the General Law Directorate (JAA), the Civil Law and Litigation Directorate (JAC), and the Judiciary Directorate (JAJ). Lt Col Patterson and a Reserve Individual Mobilization Augmentee, Lieutenant Colonel Lee Gronikowski, staff JAU.

Lt Col Patterson assumed TPRA responsibilities from Colonel Maura McGowan in August 2006. During Fiscal Year 2006, JAU provided formal training to over 500 members of the JAG Corps—active duty, Reserve and Guard. JAU also produced two video training programs, available on DVD and VHS. JAU coordinated the release of advisory opinions, including an opinion addressing the ethics of judge advocate leadership in a non-legal computer-based “community of practice.” The TPRA also provided informal counsel to dozens of attorneys around the world. Finally, JAU closed investigations on 17 attorneys while continuing to coordinate on a half dozen open investigations.

Future plans for JAU include the development of a web-based training module to be used by reserve attorneys worldwide, with potential extension to full-time



LT COL
MARK H. PATTERSON
DIVISION CHIEF

Air Force attorneys. With TJAG approval, JAU will also publish a complete revision of the Air Force Rules of Professional Conduct and Standards of Civility, as well as updates to the Professional Responsibility Program Policy Memorandum.

JAX

JAX – three letters that invoke a variety of feelings for attorneys throughout the JAG Corps. Often a call or e-mail from JAX makes one think, “Where are they going to send me for my next assignment?” or “Did I forget to update my PDI?” But all too often JAG Corps members fail to grasp the extent of what exactly JAX does, not understanding the role it has in shaping the Corps for not only the here and now, but also many years down the road.

The Professional Development Division (HQ AF/JAX or JAX) is much more than just officer assignments. JAX is responsible for implementing and managing all phases of the JAG Corps’ officer professional development by directing personnel programs. These programs include recruiting, accessions, professional education, personnel manpower, and assignments for more than 1,200 judge advocates worldwide. It establishes policy, standards, procedures, and guidelines related to the professional development of judge advocates and JAG Corps civilian attorneys, paralegals, and civilian administrators.

JAX is actively involved in all phases of a judge advocate’s Air Force career. JAX manages base legal offices’ recruiting efforts and coordinates participation in nationwide recruiting fairs. Once prospective judge advocates submit applications through the various accession programs, JAX conducts selection boards and works with each selectee to ensure smooth transition to active duty service. JAX also oversees all phases of education and training, including

continuing legal education, LL.M. opportunities, and professional officer developmental education. Additionally, JAX manages the JAG Corps’ annual recognition programs and non-JAG Corps awards from the American Bar Association and other professional organizations.

In Fiscal Year 2006, JAX has placed renewed emphasis on its recruiting and accessions programs. TJAG Policy Memorandum: Personnel – 1, *Judge Advocate Recruiting and Accessions Responsibilities*, was published, clarifying the duties of base staff judge advocates throughout the recruiting process. Additionally, JAX has been able to streamline recruiting plans and provide unprecedented support to base legal offices in the field through a greater utilization of the on-line Accessions and Recruiting Management System. JAX also worked to maximize and strengthen relationships with career service officers at all American Bar Association-accredited law schools. It again hosted a Career Services Officer conference with Air Force Reserve Officer Training Corps (ROTC) detachment commanders at The Judge Advocate General’s School in an effort to attract the highest caliber applicants for the 21st Century. These combined efforts provided great benefits with more than 700 highly-qualified applicants for 120 available positions in the Corps.

Working in conjunction with the manpower and personnel communities (AF/A1), JAX also strove to maintain the right-sized



**COL
TONYA HAGMAIER
DIVISION CHIEF**

JAG Corps to meet the legal needs of an ever-changing Air Force. This past year has seen a multitude of force shaping initiatives arise that will affect the JAG Corps for years to come. As a result of the Air Force’s Program Budget Directive 720, the JAG Corps must implement cuts of up to 114 judge advocates and 212 paralegal positions. JAX has also been heavily involved in the implementation of such measures as voluntary separation pay, force shaping boards, and selective early retirement boards (SERBs). In each instance, JAX advocated positions that balance the needs of the JAG Corps with the mandatory personnel cuts required by the Air Force. As a recent example of its advocacy for the JAG Corps, JAX was able to convince AF/A1 not to hold a SERB for JAG colonels and lieutenant colonels in 2007. JAX will continue to carefully manage the manpower to ensure a lean yet capable JAG Corps.

SPOTLIGHT ON... AN AIR STAFF ATTORNEY

Major Shannon Ann Bennett currently serves as the Chief of Officer Accessions in the Office of Professional Development. She has held this position for almost two years. As the Chief of Accessions, Maj Bennett is responsible for the accessions pipeline—cradle to grave.

The Judge Advocate General's Corps accesses between 100 and 120 new officers each year. The Accessions Branch processes around 700 applications each year for those slots from nine different accession programs including the Direct Appointment Program (DAP), the ROTC Educational Delay Program, and the Funded Legal Education Program. Maj

Bennett serves as the board recorder for every selection board and personally briefs The Judge Advocate General (TJAG) on the recommendations of every board.

After TJAG selects individuals for entrance to the Corps, the Accessions Branch oversees the accessions process from medical qualification to initial assignment to reporting to Commissioned Officer Training and the Judge Advocate Staff Officer Course (JASOC). Maj Bennett talks to each new accession to try to work an assignment for them that meets their individual needs and the needs of the Air Force. "The most rewarding part of the job is meeting



**MAJ
SHANNON
ANN BENNETT
AF/JAX
PENTAGON,
WASHINGTON D.C.**

the DAP that you accessed during the JASOC trip to Washington D.C."

JAY

The Office of the Senior Paralegal Manager (HQ AF/JAY or JAY) is led by Chief Master Sergeant Avis Dillard-Bullock. As such, she is the primary advisor to The Judge Advocate General (TJAG) on all JAG Corps enlisted matters and also serves as the Career Field Manager for paralegals. CMSgt Dillard-Bullock accompanies TJAG to legal offices around the world for visits under Article 6, Uniform Code of Military Justice, and exercises management responsibility and establishes policy and training requirements for 1,000 active duty and 400 Air Reserve Component paralegals. JAY organizes training and manning levels for paralegals, works with and advises various agencies on

programs affecting paralegals worldwide, and coordinates with sister-service paralegal training managers on inter-service training for professional continuing education programs. JAY also serves as the program coordinator for the Annual Worldwide Senior Paralegal and Executive Workshop, TJAG Enlisted Awards, and other recognition programs.

ABA APPROVES CCAF PARALEGAL DEGREE PROGRAM

The American Bar Association's (ABA) House of Delegates approved the Community College of the Air Force (CCAF) Paralegal Degree Program at its August 2006 meeting. This is the culmination of efforts



**CMSGT AVIS R.
DILLARD-BULLOCK
SENIOR PARALEGAL
MANAGER TO THE JUDGE
ADVOCATE GENERAL**

by CCAF and The Judge Advocate General's School to meet the ABA program approval guidelines, which include preparation of a comprehensive self-study, hosting an ABA site-visit team, and implementing changes to the paralegal curriculum and degree program requirements. Earning an ABA-recognized paralegal degree will not only enhance a member's value to the JAG community and the Air Force, but it will also give the paralegal graduates a valued academic credential recognized by civilian law firms and the legal profession as a whole. The ABA's approval of the CCAF degree is a testament to our quality training, skills, and education. This was a

great challenge and an awesome accomplishment. It has taken 10 years to get the ABA to approve our CCAF degree!

JAG CORPS 21 INITIATIVES WITH PARALEGAL EMPHASIS

On 1 October 2006, the Air Force Claims Service Center (AFCSC) stood up. Paralegals represent 78 percent of the 123 personnel assigned to the AFCSC. With the transfer of The Judge Advocate General's School from the Air Education and Training Command to the Air Force Legal Operations Agency, the Paralegal Apprentice and Craftsman Courses are now developed, taught, and administered by paralegals.

RETENTION OF CHIEF MASTER SERGEANT AUTHORIZATIONS

During 2006, the Air Force personnel community conducted a review of the chief master sergeant authorizations in all Air Force specialties. While some Air Force specialty codes (AFSC) suffered losses of 5 to 37 percent of their chief master sergeant authorizations, JAY successfully demonstrated the mission-essential need for each paralegal chief master sergeant billet. As a result, the JAG Corps did not lose one chief master sergeant billet.

JAZ

The Plans and Programs Directorate, (HQ AF/JAZ or JAZ) is staffed by three attorneys. It manages programming, planning, budgeting, and resources for the Office of The Judge Advocate General (TJAG) and the Air Force Legal Operations Agency (AFLOA), enabling the JAG Corps to provide full-spectrum legal services supporting Air Force people, operations, readiness, and modernization. It serves as TJAG's representative to the Air Force Group, the Air Force Board, and the HQ Air Force Program Budget Review Group and Board. It also analyzes programming decisions and develops field operating agency and HQ AF/JA inputs for Air Force Program Objective Memoranda (POM) process and annual financial plan, managing a \$52 million annual budget and \$9 million annually in transformation initiatives. Finally, JAZ manages over 3,000 JAG Corps manpower positions

worldwide and develops strategic plans and executes them across the JAG Corps.

JAZ participated in a number of significant efforts during Fiscal Year (FY) 2006, which include:

JAG CORPS 21 STUDY

Directed by the Air Force Chief of Staff (CSAF), JAG Corps 21 will revolutionize the practice of law Air Force-wide and yield a \$60 million-plus return on investment to the Air Force. JAZ organized and managed detailed planning by 18 teams to produce JAG Corps 21 transformation initiatives, from the new Air Force Claims Service Center (AFCSC), to specialty law field support centers and restructuring of the field judiciary.

JAG CORPS 21 RESOURCES

JAZ was the resources architect for JAG Corps 21. It hosted a workshop to build the FY08 POM, validated the necessary



MR. DAVID E. SPROWLS
DIVISION CHIEF

resource requirements, and successfully shepherded JAG Corps 21 through the Air Force corporate process as a CSAF special interest item ensuring necessary funding. JAZ was also critical to the acquisition of additional funds from the Secretary of the Air Force to accelerate the centralized AFCSC.

JAG CORPS 21 IMPLEMENTATION

The transfer of The Judge Advocate General's School from Air Education and Training Command to the Air Force Legal Operations Agency was expedited by JAZ's completion of a Program Guidance Letter and Program Change Request. JAZ also created manning documents and moved over 100 positions to stand up the AFCSC, and further reorganized manpower within the Air Force Judiciary to complete the elimination of the judiciary circuits. JAZ will continue to be involved in the manpower transitions as the remaining field support centers are stood up.

PROGRAM BUDGET DECISION 720

JAZ was a critical team member as the JAG Corps responded to the possibility of the most severe manpower reductions since

its inception. A database was designed to track the proposed reductions and deconflict simultaneous efforts across the Air Force. JAZ also coordinated the reduction of 114 JAGs and 212 paralegals with Headquarters Air Force agencies, major command, and field offices to minimize the disruption of JAG Corps 21 initiatives and the delivery of legal support throughout the Air Force.

KEYSTONE LEADERSHIP SUMMIT

JAZ was the team lead for the first JAG Corps Total Force leadership summit, and was involved in every facet of planning and execution, site selection, contract approval, agenda development, and speaker selection. It also leveraged a partnership agreement between the Air Force Academy and host resort to ensure costs were kept within per diem rates. In preparation

for KEYSTONE 2006, JAZ again arranged site, speaker, and support contracts and conducted legal, fiscal, and ethical reviews of 57 aspects of the event.

LEGAL INFORMATION INTEGRATION

JAZ led the Legal Information Integration Study to streamline judge advocate processes and better leverage information technology, education, and training resources. It planned and facilitated review by nine teams of over 100 issues.

COMMON DELIVERY OF INSTALLATION SUPPORT, JOINT BASING

Finally, JAZ worked with Army, Navy, and Marine Corps counterparts to set the Department of Defense-wide standard for installation legal support in preparation for joint basing.

MORE OF WHAT COMMANDERS SAID ABOUT THE PROPOSED PBD 720 CUTS TO THE JAG CORPS:

Commanders have needed and will continue to need attorneys present and active where the mission is—supporting commanders at all levels.

I need every one of the JA personnel assigned to this wing in order to execute our mission.

I rely on my wing legal staff every single day—as do a host of my subordinate commanders, first sergeants, and agency heads.

Replacing a 15–20-year SJA (and all the situational awareness they bring to the table)...will be a huge loss because for every time/resource-consuming issue my JAGs untangle, there are three or four they ensure I avoid.

[Legal assistance] programs assist my Airmen in resolving their personal problems and allow them to focus on priority #1, the airlift and refueling missions.

[M]y JAGs are already overworked and overtasked, and they keep taking on new responsibilities with regularity. I can only anticipate that the proposed cuts will inevitably have serious negative impacts for this wing and for the Air Force as a whole.

[SJAs] function as legal advisors, sounding boards, mission participants, and value-added problem solvers with a broad perspective and situational awareness.



COL
EVAN L. HABERMAN
COMMANDER



FIELD OPERATING AGENCY: AIR FORCE LEGAL OPERATIONS AGENCY

The Air Force Legal Operations Agency (AFLOA) is a field operating agency (FOA) reporting directly to The Judge Advocate General (TJAG). AFLOA is tasked with providing TJAG with civil and criminal law expertise and litigation support, as well as legal education and cutting-edge technological assets. With the recent migration of The Judge Advocate General's School (AFJAGS) from Air Education and Training Command, AFLOA now commands the preeminent source of legal education and training

for the Air Force, as well as three directorates: Judiciary (JAJ), Civil Law and Litigation (JAC), and Legal Information Services (JAS).

During Fiscal Year 2006, AFLOA has undergone considerable change as a result of the JAG Corps 21 initiatives. Most notably, in the late spring of 2006, the name of the FOA was formally changed from the Air Force Legal Services Agency to the Air Force Legal Operations Agency. This new designation was adopted to more accurately reflect the worldwide, expeditionary, and operational nature of the unit's mission in light of the creation of revolutionary field support centers.

Additionally, the AFLOA Commander position was upgraded to a brigadier general position, and Brigadier General Steven J. Lepper became not only the first commander of the Air Force Legal Operations Agency, but also the first general officer to command this FOA. The AFLOA Commander is the only commander billet in the JAG Corps and exercises command authority over more than 500 military and civilian attorneys, paralegals, and support personnel stationed worldwide.

WHAT IS A FIELD OPERATING AGENCY (FOA)?

Generally, a FOA is a subdivision of the Air Force, directly subordinate to a HQ Air Force functional manager. A FOA performs field activities beyond the scope of any of the major commands. The activities are specialized or associated with an Air Force-wide mission. It should be noted, however, that a FOA can also operate subordinate to a major command.

JAG Corps personnel are currently assigned to the following FOAs reporting to HQ Air Force functionals:

- Air Force Center for Environmental Excellence
- Air Force Inspection Agency
- Air Force Legal Operations Agency
- Air Force Office of Special Investigations
- Air Force Personnel Center
- Air Force Safety Center

AFJAGS

The Judge Advocate General's School (AFLOA/AFJAGS or AFJAGS), located at Maxwell Air Force Base, Alabama, is the educational arm of the JAG Corps. The school currently has an active duty faculty of 19 judge advocates, a civilian attorney, and nine paralegals. Additionally, the school has nine Air Force Reserve and Air National Guard judge advocates and paralegals attached for duty and eight full-time personnel providing administrative support for school operations.

AFJAGS experienced revolutionary changes to its role and mission in 2006. First, as part of the JAG Corps 21 initiatives, the school was reassigned to the newly designated Air Force Legal Operations Agency (AFLOA) ending its 35-year affiliation with the Ira C. Eaker College for Professional Development. Also as part of the JAG Corps 21 initiatives, AFJAGS became the office of primary responsibility for legal assistance policy, education, and program management within the Corps, incorporating the mission previously performed by AFLOA/JACA. Finally, in August 2006, the American Bar Association voted to accredit the Paralegal Degree Program through the Community College of the Air Force—an accomplishment decades in the making.

These historic changes provide unprecedented flexibility and resources to meet the changing needs of the JAG Corps and the Air Force. Although the initial charter of AFJAGS was to teach military law to new Air Force judge advocates, that mandate has grown substantially, with

the school now teaching more than 13,000 Airmen and civilians in courses offered at other Air University schools and at various locations around the world each year. For JAG Corps audiences, the school currently presents 30 different resident and nonresident courses in 42 offerings to an annual student body of over 2,600 students—consisting of a select group of active duty, reserve and guard judge advocates, paralegals, and civilian attorneys from the Air Force and the other armed services, as well as many federal agencies.

In Fiscal Year (FY) 2006, AFJAGS adopted several initiatives based on research studies, technological innovations, and other curriculum developments to enhance the ability of graduates to perform their duties in garrison or deployed environments. These initiatives include:

- integrating more hands-on practical procedure exercises into each course,
- creating mentoring opportunities for faculty and students in resident courses,
- integrating distance-learning methodologies and the latest information technology advances into all courses and publications, and
- adding specialized courses and updated training materials to meet the increasing demands of attorneys and paralegals in the field performing the Air Force's newest and most dynamic missions.



COL
DAVID C. WESLEY
COMMANDANT

In addition to the instruction of in-residence students, AFJAGS performs several other educational functions. The school continued to administer the JAG Corps' continuing legal education (CLE) program for Air Force attorneys. In FY06, AFJAGS offered over 2,000 hours of general CLE credits and 119 ethics CLE credits. Moreover, editors at the school published two editions of *The Air Force Law Review*, a general and an environmental law edition; substantially revised and reorganized *The Military Commander and the Law*; and introduced a new format for the Air Force legal magazine *The Reporter* that is published quarterly.

The dynamic mission of the school, the quality of personnel assigned, and the quality of its educational facilities and technology combine to make the school precisely what the Secretary of the Air Force predicted it would be—the hub around which the field support centers perform their critical mission for the Air Force, its commanders, and the Airmen they lead.

SPOTLIGHT ON... A JAG INSTRUCTOR

“Being an instructor at The Judge Advocate General’s School (AFJAGS) has not only been one of the most demanding but also one of the most rewarding positions I’ve held in the JAG Corps.” Major Corea Bergenser joined the faculty in 2005 after serving a remote tour as the Deputy Staff Judge Advocate at Kunsan Air Base, Republic of Korea. She is one of 19 elite judge advocate instructors assigned to AFJAGS. Prior to holding her current position as Executive Officer to the Commandant, she was an instructor in the International and Operations Law Division. She was well-suited for that position since she holds an LL.M. in International and Comparative Law from George Washington University.

The school’s student body is diverse—instructors teach students from all over the Air Force, other

services, and other governmental branches and at all different levels, from brand new judge advocates to senior paralegals. But teaching at AFJAGS does not mean just teaching paralegals and attorneys. It is one of, if not the, busiest schools at Maxwell Air Force Base, teaching students attending nearly every course at Air University. Whether it’s teaching international military officers about our military justice system, officer training students the basics of military law, chaplains the evidentiary rule concerning privilege, or comptrollers the nuances of fiscal law, Maj Bergenser develops leaders across the world. There is never a dull moment with students peppering her with questions as she leads seminars for Air Command and Staff College, Air War College, Senior Noncommissioned Officer Academy or Squadron Officer School.



**MAJ
COREA K. BERGENSER**
INSTRUCTOR
EXECUTIVE OFFICER

As an instructor, Maj Bergenser is part innovator, part mentor, part protocol officer, part advocate, and full-time role model. “Being the Executive Officer to the Commandant has been fascinating as well as eye opening. It’s a great time to be at the school and I am proud to be part of such a fantastic institution.”

SPOTLIGHT ON... A PARALEGAL INSTRUCTOR

As a paralegal instructor at The Judge Advocate General’s School (AFJAGS), Technical Sergeant Cedrick Powell has the privilege of directing the Paralegal Apprentice Course (PAC) six times a year. He is responsible for providing advice and guidance to instructors, reviewing and approving lesson plans, performing instructor evaluations, counseling students in regards to academic and non-academic issues, training new instructors, and

maintaining instructor records. With approximately 30 students per class, he finds this to be a time-intensive but very rewarding responsibility. “Even though I am the course director, I still get in front of the students to conduct classroom instruction in six substantive areas.”

Serving as an instructor has also allowed TSgt Powell to pursue his education. In January 2006, he earned his Associate Degree



**TSGT
CEDRICK E. POWELL**
INSTRUCTOR
SUPERVISOR

in Paralegal Studies from the Community College of the Air Force (CCAF) and his CCAF Degree in Instructor of Technology and Military Science. In June 2006, he also received a line number for promotion to master sergeant.

TSgt Powell believes that being an instructor can be very challenging; however, it is also extremely rewarding. "I have not

held any position previously that gives me the gratification I feel when I am in front of the students. We invest a lot of time getting students to 3-level paralegal status, but seeing those students walk across the stage on graduation day makes the long days more than worthwhile."

Interestingly, he thinks he has learned as much from his students

as they have learned from him. "Working with such intelligent students requires us to master a wide array of both practical and substantive issues. I find myself reading or studying legal material almost daily. Do that for six weeks at a time six times a year and you are bound to retain something. The rewards of the position definitely outweigh the challenges!"

JAC

The Civil Law and Litigation Directorate (AFLOA/JAC or JAC) administers all civil litigation involving the Air Force in federal district courts, the U.S. Court of Federal Claims, federal appellate courts, and the U.S. Supreme Court, as well as before local, state, and federal administrative bodies. JAC additionally oversees the Air Force Claims Program. The Directorate is led by Colonel Gregory Girard, who replaced Colonel Evan L. Haberman in July 2006. Col Girard supervises over 200 judge advocates, civilian and reserve attorneys, paralegals, and administrative personnel at nine locations across the United States.

JAC is composed of four litigation divisions: Claims and Tort Litigation (JACC), Environmental Law and Litigation (JACE), General Litigation (JACL), and Commercial Litigation (JACN)—as well as the newly implemented Air Force Claims Service Center (AFCSC).

JACC

The Claims and Tort Litigation Division resolves all non-contract, non-environmental claims against the Air Force; defends litigation against the United States arising

from worldwide Air Force aviation mishaps, medical malpractice, and general tort events; and recoups funds owed the United States under the Air Force pro-government tort program. The division also oversees Air Force accident investigations and manages the Air Force medical law program, including training and supervising medical law consultants (MLCs). The work is divided among five branches: General Claims, General Torts, International Torts, Aviation and Admiralty Law, and Medical Law.

The General Claims Branch oversees the process of compensating military members and certain civilian employees for personal property lost or damaged incident to their service and recovers a portion of that compensation from liable parties, such as household goods carriers and warehousemen. It also oversees programs for recouping the cost of medical care rendered to Air Force beneficiaries as a result of injuries caused by third parties and for obtaining compensation from insurance companies and other responsible parties for damages to Air Force property. In Fiscal Year (FY) 2006, General Claims spearheaded



**COL
GREGORY GIRARD
DIRECTOR**

the development of the Flyaway Claims Team (FACT) program to insure immediate response to natural disasters—such as hurricanes—and the efficient, consistent adjudication of resulting claims. The branch's most significant achievement was creating and putting into operation the AFCSC, a centerpiece of the JAG Corps 21 initiative that will eventually transfer general claims management functions from base offices worldwide to the AFCSC. A Tort Claims Field Service Center is being constructed to provide similar centralization

of claims handled by the other branches within JACC.

The General Torts Branch adjudicates and provides litigation support for all tort claims that do not fall within the scope of one of the other branches. While many of the claims involve motor vehicle accidents, others arise from a variety of activities, including security and law enforcement, contractors and their employees, and nonappropriated funds instrumentalities, such as the base exchange and clubs. In addition to litigation support, General Torts is responsible for handling substitution and removal actions for Air Force members being sued in their individual capacities and for releasing official Air Force testimony or information in third party litigation involving Air Force interests. The branch also provides Air Force-wide policy and guidance on investigating duty-related ground accidents resulting in death, serious bodily injury, or significant property damage.

The International Torts Branch manages Air Force investigation and settlement of claims arising overseas and coordinates with foreign military offices to resolve third party claims falling under international cost-sharing agreements. In FY06, the branch aggressively pursued settlement of, and coordinated payment on, the remaining Turkish claims generated during Operation NORTHERN WATCH, limiting U.S. liability to 75 percent of their adjudicated value. In another significant achievement, the International Torts Branch overcame numerous cultural and logistical hurdles to settle and pay two highly contentious claims in politically-sensitive Venezuela at a savings of more than a half million dollars.

The Aviation and Admiralty Law Branch adjudicates tort claims and supports the defense of litigation arising from Air Force aviation and admiralty activities. The majority of claims are in the aviation arena, seeking damages for death and personal injury as well as property damage arising from low overflights, sonic booms, and aircraft crashes onto private property. In FY06, the branch supervised the resolution of 39 claims totaling more than \$1.25 million for damages to buildings, crops, and livestock caused when Air Force practice bombs sparked an extensive grass fire that consumed nearly 26,000 acres. The branch also supervises the Accident Investigation Board (AIB) process and maintains a public web site containing executive summaries of all completed AIB reports. Aviation and admiralty law attorneys also teach AIB procedures at more than a dozen Board President Courses presented at the Air Force Safety Center, Air University, and major commands throughout the world.

The Medical Law Branch adjudicates claims and defends lawsuits alleging medical malpractice by Air Force health care providers and provides guidance throughout the Air Force on policy issues involving patient privacy, training agreements, medical ethics, professional certification and regulation, and other medical law issues. In FY06, the branch significantly increased its efforts to initiate early settlement discussions in potentially meritorious cases to avoid the growing trend of large awards in litigated cases, achieving a historical high in the proportion of settlements to litigation. The branch has also been very assertive in negotiating settlement of cases in litigation, partnering

with Assistant U.S. Attorneys to assure fair settlements and avoid excessively high judgments. Anticipating a sea change in the way the military medical community conducted business as a result of downsizing medical centers into community hospitals or outpatient clinics, the branch won Surgeon General support of proposals to ensure the MLC program remains a vital source of medical legal counsel that continues to assure medical readiness, protect patient safety, and advise JAGs and medical providers in the field of cutting-edge bio-ethical and regulatory issues.

JACE

The Environmental Law and Litigation Division is actively engaged in efforts to preserve and protect air, land, and other precious resources central to the successful performance of the Air Force mission. JACE provides firm and steady assistance to Air Force clients requiring legislative and regulatory resolutions to environmental issues impacting the mission. It is divided into four branches: Compliance; Environmental Litigation and Torts; Airspace, Ranges, and Sustainment; and Restoration. Moreover, JACE also maintains three regional counsel offices.

The Compliance Branch provides proactive guidance to installations to assist them in meeting all environmental requirements and continue to foster the Air Force's role as a steward of the environment. Minimizing potential impacts to the Air Force mission is critical and ensuring compliance with environmental laws is part and parcel of that minimization goal. It is essential that the Air Force manage its natural infrastructure

SPOTLIGHT ON... THE MEDICAL LAW CONSULTANT

Medical law consultant (MLC) positions are staffed by highly-qualified and experienced JAGs, like Major Kim London. In her fourth assignment, this powerhouse JAG who loves medical law leads the Medical Law Office at the Wright-Patterson USAF Medical Center and advises a region of six medical treatment facilities (MTF) and base legal offices. “MLCs serve and work with the best clients, military medical professionals, treating all our military members and beneficiaries.”

In addition to the expected gamut of medical malpractice, risk management, and regulatory compliance work, Maj London recently defused a tense situation created by a summons for records from the state attorney general, initiated when a deceased patient’s family filed for compensation under the state Crime Victim’s Compensation Act. They alleged

that an Air Force physician committed a “homicide” since the patient expired under his care.

Additionally, due to the substantial role health providers have in the sexual assault restricted reporting program, Maj London served as a legal and medical representative to her wing’s Sexual Assault Response Committee chaired by the deputy wing commander and was recognized amongst many MTFs and legal offices as the go-to JAG in the field when implementing the Department of Defense (DOD) policy. Furthermore, as a true champion of patient safety, Maj London has both litigated and arbitrated medical credentials hearings involving suspected problem physicians in order to protect the DOD’s patient population.

“I have been called to the obstetrics ward when they needed to know within minutes what they



MAJ KIM LONDON
88 MDG/SGJ
WRIGHT-PATTERSON AFB, OH

could or should ‘legally’ do when a mother’s life was in grave danger during a complicated delivery. I was used to making tactical decisions on my feet during courts-martial, but MLCs have to give immediate legal counsel during medical procedures when lives are at stake, and yes, potential major malpractice liability as well. You always have to be right, and often you have to be fast.”

in a way to protect natural and cultural resources, while still allowing our operators to perform their mission. To this end, the Compliance Branch interfaces with local communities on our Air Installation Compatibility Use Zones in an effort to avoid the impacts of encroachment upon mission-essential airspace. For example, the Air Force successfully worked with a local community to prevent the expanded operations of a landfill near one installation. These new operations would have been an attractive nuisance that

brought many birds to an area near the airfield. The Compliance Branch monitors any enforcement actions taken by regulatory agencies against the Air Force and ensures any imposed penalty has a sound legal basis.

The Environmental Litigation and Torts Branch defends approximately 50 cases in litigation at any given time. A recent estimate of the potential liability in the cases defended is \$365 million. In addition, the branch aggressively pursues affirmative cost recovery

(ACR) cases, with the potential to return scarce remediation funds to Air Force coffers. Also, branch attorneys, in cooperation with attorneys in the regional offices, negotiate potential Air Force liability for contamination at over 100 sites located outside installation boundaries, but at which the Air Force is alleged to have contributed to contamination. The potential liability that these efforts seek to avert was recently estimated at \$403 million. The branch also adjudicates environmental tort claims worth over \$130 million

under the Federal Tort Claims Act (FTCA). With preservation of limited resources such as water being a significant issue of concern particularly in and around our installations in western states, the Environmental Litigation and Torts Branch supports the Compliance Branch in pursuing and defending water rights. There are currently four active and potential water rights adjudications in four different states and an additional two affirmative actions pursuing judicial recognition of water rights in the state of Colorado. Branch efforts helped ensure that installations will continue to have sufficient high-priority water rights in the future.

The Airspace, Ranges, and Sustainment Branch safeguards the Air Force against threats to the flying and training missions, prevents encroachment on Air Force operations, and promotes sustainment of installations and resources to ensure maximum future operational flexibility. The branch actively works with the operational community to ensure that legal obligations regarding planning as well as natural and cultural resources are satisfied in a manner that avoids negative mission impact.

Restoration Branch personnel have teamed with key Air Force environmental cleanup policy and program personnel in revising

policy, instructions, and guidance aimed toward more streamlined and performance-based processes and actions. This incorporates the principles of the President's management agenda direction for federal agencies to focus on performance and results, as opposed to process and documentation. Branch personnel have co-authored some, and significantly revised significant portions of other, program documents. Branch personnel have cultivated more extensive and periodic consultation and communication, not only within the Air Force and among Department of Defense (DOD) service components, but also externally with environmental regulators.

SPOTLIGHT ON... AN ENVIRONMENTAL LAW ATTORNEY

Having recently finished his Environmental Law LL.M. with highest honors from George Washington University Law School, Major Jonathan Porier applies his education as JACE's liaison to the Environmental Defense Section of the Department of Justice (DOJ). Maj Porier was hand-selected for this very competitive position, which JACE has filled since the early 1990s.

In this position, Maj Porier serves as counsel for the United States in federal district courts and he is responsible for defending the Air Force as well as any other federal defendant involved in cases on his docket. Maj Porier not only serves as a litigation attorney conducting discovery, depositions, and appearing in court on behalf of the United States, but he is also responsible for developing a

winning strategy when mediation is agreed upon by the parties or ordered by the court. Currently, Maj Porier is assigned to eight cases in the federal district courts with approximately \$400 million at risk.

Prior to his selection as JACE's DOJ liaison, Maj Porier served as the Deputy Chief of JACE's Restoration Branch where he was deeply involved in assisting installation and major command personnel with legal issues arising in the \$400 million Air Force environmental cleanup program. His ability to quickly grasp the crucial aspects of this technically difficult area contributed greatly to his selection as an instructor on restoration law at The Judge Advocate General's School's Basic Environmental Law Course and at JACE's annual Environmental Law Workshop.



**MAJ
JONATHAN P. PORIER
AFLOA/JACE**

While serving as the Restoration Branch Deputy, Maj Porier also had significant responsibilities within JACE's Environmental Litigation and Torts Branch where he had a docket including numerous multi-million dollar tort and environmental cleanup matters.

JACE also has three regional counsel offices (RCOs) co-located with the regional offices of the Air Force Center for Environmental Excellence. Each RCO has responsibility for working with regulators—federal, state and local—and legislators in each of the three assigned regions to ensure continued Air Force missions and operations occur in a clean and safe environment. The RCOs actively support the litigation branch's ACR program. In addition, each RCO has an active program seeking to avoid litigation through negotiation of potential liability related to contamination at sites not owned and operated by the Air Force.

JACL

The General Litigation Division is the Air Force's largest litigation division and handles a broad range of cases in federal and state courts, and various administrative forums. JACL's litigation mission is to defend the Air Force and its personnel in federal litigation and administrative proceedings worldwide in actions involving civilian and military personnel, constitutional torts, information law, utility rates, and unfair labor practices. Other responsibilities include: reviewing all Freedom of Information Act (FOIA) appeals, accepting service of process on behalf of the Secretary of the Air Force, managing the Air Force civil litigation witness program, advising field and higher headquarters staffs on civilian labor law issues affecting the Air Force's 143,000 civilian employees, and teaching the Basic and Advanced Labor Law Courses at The Judge Advocate General's School (AFJAGS).

JACL is composed of five branches: the Central Labor Law Office,

the Employment Litigation Branch, the Information Litigation Branch, the Military Personnel Litigation Branch, and the Utility Litigation Team. It has enjoyed spectacular success in defending the Air Force and its officials in hundreds of judicial and administrative cases with billions of dollars at risk. Several of these cases have been extremely high profile and have had DOD-wide impact.

The Central Labor Law Office (CLLO) is the repository of labor law expertise in the Air Force. Its primary litigation responsibility is to represent the Air Force in unfair labor practice cases before the Federal Labor Relations Authority (FLRA) and in employment class actions before the Equal Employment Opportunity Commission (EEOC). In FY06, CLLO worked approximately 200 new unfair labor practice charges filed by federal unions and defended 19 new complaints issued by the FLRA. CLLO defeated every class action brought against the Air Force before the EEOC. CLLO staff also taught the Basic and Advanced Labor Law Courses at AFJAGS and achieved the highest student ratings in the advanced course's history. Furthermore, several CLLO attorneys have played key roles in the creation and implementation of the National Security Personnel System.

The Employment Litigation (EL) Branch represents the Air Force in litigation involving allegations of discrimination under the various civil rights statutes. Staffed with eight active duty judge advocates, two reserve judge advocates, and one civilian paralegal, the branch handles a caseload of approximately 100 cases at any given time. EL routinely secures representation for active duty, Air Force Reserve

and Air National Guard officials in employment litigation cases where members are sued individually. During FY06, EL closed 47 cases in which over \$40 million had been at risk. Six of the 47 cases were settled and two resulted in judgments against the Air Force, resulting in combined losses of only \$285,000. In the other 39 cases, EL attorneys, working with U.S. Attorneys' offices, obtained dismissals, summary judgments, or favorable judgments after trial. EL attorneys also orally argued two cases before the U.S. Court of Appeals for the Federal Circuit and handled one appeal on briefs to the Sixth Circuit Court of Appeals. Finally, teaming with CLLO and the Department of Justice (DOJ), the branch is currently defending one class action suit.

The Information Litigation (IL) Branch represents Air Force interests in federal court in cases involving information litigation, taxes impermissibly assessed against the United States, and allegations of constitutional torts. In FY06, IL cases included suits brought under the FOIA, the Privacy Act, the Right to Financial Privacy Act, and related statutes. The branch reviews and processes all FOIA administrative appeals from throughout the Air Force and advises the Office of the Secretary of the Air Force on final actions in these appeals. IL attorneys also provide advice and guidance throughout the Air Force regarding responses to requests for Air Force personnel to appear as witnesses concerning official matters in civil and criminal litigation and requests for the release of official Air Force information outside the FOIA.

The Military Personnel Litigation (MP) Branch defends the Air

SPOTLIGHT ON... A CENTRAL LABOR LAW OFFICE ATTORNEY



**MR.
DAVID W. CHAPPELL
TRIAL ATTORNEY**

The primary task facing Central Labor Law Office (CLLO) attorneys is to defend—through teaching, counseling, negotiation, and litigation—the Air Force and to give Air Force commanders and managers maximum flexibility in accomplishing the mission. The CLLO attorneys are highly-trained and specialized professionals who routinely assist installations in litigation before the Merit Systems Protection Board, labor arbitrators, and in individual Equal Employment Opportunity Commission cases.

Mr. Dave Chappell came to the CLLO team four years ago after retirement from active duty in the Air Force. According to Mr. Chappell, “Working in CLLO is the dream of every Air Force labor lawyer.” Mr. Chappell obtained his LL.M. in labor law in 1986 from Georgetown University and has worked numerous labor law issues over his 30-year career prior to joining CLLO. “CLLO has the whole spectrum of members—young active duty majors fresh from their LL.M.s, seasoned judge advocates, and veteran civilian employees—all with a treasure trove of energy and expertise,” says Mr. Chappell.

Currently, Mr. Chappell is the lead Air Force counsel in a complex Title VII class action lawsuit in U.S. district court. At the same time, he is responsible for defending against union attacks on command in unfair labor practice proceedings and advising installation judge advocates on myriad of labor law issues.

The attorneys of CLLO are the mainstay of labor and employment law training in the Air Force. They serve as adjunct faculty members at The Judge Advocate General’s School—creating, organizing, and teaching a five-day Basic Labor Law Course and a three-day Advanced Labor Law Course for the Corps’ new and veteran labor lawyers. They also teach the labor law basics to staff judge advocates at the Staff Judge Advocate Course. Mr. Chappell says, “Teaching our Air Force lawyers is one of the most rewarding experiences in CLLO.”

The Air Force’s civilian workforce is critical to mission accomplishment. CLLO plays an essential part in defending the Air Force in this area, ensuring discipline in the civilian workforce and as well as fairness and evenhandedness in the treatment of Air Force employees. Mr. Chappell is proud to serve such an integral role in making this mission happen.

Force against all federal civil court challenges to Air Force military personnel practices and programs. It defends claims for military pay and benefits in the U.S. Court of Federal Claims. Many of these claims challenge adverse personnel actions that resulted in the early termination of military careers and applications for relief denied by the Air Force Board for Correction of Military Records. MP also defends Air Force personnel decisions challenged in the various federal district courts under the Administrative

Procedures Act. While many of the complaints handled by the branch involve individual personnel actions, several recent cases have challenged entire programs. MP, for example, defended several cases alleging Equal Protection violations in promotion and mandatory early retirement boards. MP attorneys played an active role in defending the Solomon Amendment cases, including participating in the preparation of the Solicitor General’s oral argument to the U.S. Supreme Court in *FAIR v. Rumsfeld*. MP

responds to all *habeas corpus* petitions filed by former and current Air Force members serving court-martial sentences. Currently, MP is involved in defending a challenge to DOD’s anthrax inoculation program and a putative class action seeking to certify a class consisting of all members of the Army and Air National Guard.

The Utility Litigation Team (ULT) represents the Air Force and other federal executive agencies before state and local regulatory bodies

in matters involving electric, gas, water, and sewage rates and service, and serves as the Air Force's utility law experts. The ULT provides support to installations on matters relating to the provision of utility services as well as legal issues regarding payment of fees and taxes relating to utility service. A unique attribute of the ULT is its function as the federal executive "lead agent" in those regions where the General Services Administration has delegated responsibility to the Air Force to represent all federal utility customers, currently 16 states. The ULT is the legal half of the joint Judge Advocate/Civil Engineer Utility Rate Management Team that provides advice and contract negotiation support for the same commodities. The Utility Litigation Team participated in several important utility rate cases in FY06. Most notable were two cases in Oklahoma and Missouri. In October 2005, the ULT secured approval of a first-ever Military Base Tariff Credit in Oklahoma, wherein Tinker Air Force Base was "held harmless" from a \$2.2 million rate increase. Additionally, in January 2006, the ULT efforts resulted in a reduction in the share of revenue increases born by Whiteman Air Force Base, Missouri, resulting in yearly savings nearing \$600,000.

JACN

The Commercial Litigation Division is divided into five branches: Bankruptcy and Surety, Bid Protest, Claims and Disputes, Intellectual Property, and Housing Privatization. Attorneys assigned to JACN serve as trial attorneys and work with DOJ in civil cases involving Air Force government contracts. These cases include lawsuits filed in the U.S. Court of Federal Claims, appeals from

the Armed Services Board of Contract Appeals and the U.S. Court of Federal Claims, before the U.S. Court of Appeals for the Federal Circuit, and temporary restraining orders and preliminary injunctions filed in the U.S. district courts and the U.S. Court of Federal Claims. The attorneys are responsible for representing Air Force interests in bid protests before the Government Accountability Office (GAO) and the U.S. Court of Federal Claims. JACN also handles bankruptcy cases involving Air Force contractors that are filed in various bankruptcy courts throughout the United States as well as administrative claims against the Air Force for patent and copyright infringement. Additionally, JACN provides representation for Air Force privatization programs. Notable Events from FY06 include:

Bid Protests. The current trend in acquisition appears to be fewer contract actions but with each action having larger scopes of performance, longer periods of performance, and greater dollar amounts. Under these circumstances, failure to receive a contract award not only affects the contractor's current work but can greatly impact a contractor's future ability to compete. This in turn creates a greater incentive for a nonselected contractor to protest the award of a contract to another contractor.

JACN's workload remains constant. The complexity of the cases and the aggressiveness in which the cases are pursued by the protestors continues to create a greater demand on the JACN workforce. It is not uncommon for an unsuccessful protester at the GAO to continue fighting the matter by filing suit in the U.S. Court of Federal

Claims. Additionally, JACN's workload increased in February 2006 when it assumed responsibility for the *pro se* protests, a function previously conducted by Air Force Contracting, with no additional manning. *Pro se* protests represent approximately one-third of the protest workload.

The Air Force continues to be impacted by the criminal actions of Mrs. Darleen Druyun, a former senior-level Air Force acquisition executive. JACN is still defending Air Force interests in bid preparation cost claims submitted by the protesters who successfully challenged contract awards based on her admitted bias. In August 2006, JACN defeated a protest raised by a contractor based on the July 2006 release of a DOD/Inspector General (IG) investigation report. The Air Force sought summary dismissal of the case based on the protest not being timely filed in 2004 when the bias involving Mrs. Druyun was first disclosed. The GAO concurred. As there are other similar DOD/IG reports to be released, this is a significant victory for the Air Force.

Housing Privatization. The Air Force has awarded 17 housing privatization projects with a goal to award 22 additional projects involving 38 bases in FY07. This compressed increase in activity will significantly increase future workload. Also, as the Air Force completes the award phase of its housing privatization program, an increase in bid protests is expected. JACN and DOJ successfully defended a protest of a housing privatization project award in January 2006.

Litigation. During 2006 the Air Force has averaged over 90

cases in litigation before various federal courts and administrative forums, with over \$2.4 billion at risk, including 19 administrative claims and/or court cases alleging patent infringement. While all the cases arise from contracts, the issues involved are varied and include allegations of defective pricing, costs of environmental

clean-up, and the application of warranty terms after the contract is terminated. In March 2006, the U.S. Court of Appeals for the Federal Circuit concurred with the Air Force's assertion of the applicability of the foreign manufacturer exclusion in a patent infringement case and successfully removed a major weapon system

from the litigation. One of JACN's largest cases continues to be a claim filed by Northrop-Grumman Corporation with the U.S. Court of Claims in 1996 for costs incurred in its attempts to design and develop a reliable, affordable Tri-Service Standoff Attack Missile; costs, profit, and interest could exceed \$1 billion.

JAJ

The Judiciary Directorate (AFLOA/JAJ or JAJ) oversees the administration of military justice throughout the Air Force from the pretrial level through appellate review. JAJ also provides guidance to The Judge Advocate General (TJAG) as well as the Secretary of the Air Force (SecAF) on all matters pertaining to military justice policy and develops and advocates the Air Force position on military justice legislation and executive orders. The directorate is led by Colonel Roberta Moro, who replaced Colonel Rebecca Weeks in July 2006. Col Moro supervises approximately 300 assigned personnel worldwide.

JAJ accomplishes its mission through its five divisions: Appellate Defense (JAJA); Trial Defense (JAJD); Government Trial and Appellate Counsel (JAJG); Military Justice (JAJM); and Clemency, Corrections, and Officer Review (JAJR).

JAJA

The Appellate Defense Division advances the Air Force mission by promoting justice and strengthening confidence in discipline by vigorously providing the best-possible defense services for military personnel. This includes

assistance to appellants at all stages of the appellate process, from submission of written briefs to conducting oral arguments before the Air Force Court of Criminal Appeals (AFCCA), the U.S. Court of Appeals for the Armed Forces (CAAF), and the U.S. Supreme Court. The Appellate Defense Division is led by Colonel Nikki Hall.

In addition to representing appellants before the various appellate courts, detailed counsel work closely with trial defense counsel and clients in preparation of strategy and development of tactics in cases tried throughout the judiciary. Counsel also assist JAJD in the administration of, and instruction at, the Area Defense Counsel Orientation Course, as well as the annual defense counsel conferences.

Appellate defense counsel contribute to "Project Outreach," sponsored by CAAF and the AFCCA, by conducting oral arguments before audiences at places such as the U.S. Air Force Academy, the Judge Advocate Staff Officer Course, Howard University, and the American Bar Association Convention in New York. The "Project Outreach" program educates personnel about the



COL ROBERTA MORO
DIRECTOR

fairness and professionalism of the military justice system.

In Fiscal Year (FY) 2006, the Appellate Defense Division processed a record 638 cases to the AFCCA. FY06 showed appellant counsel briefing more client cases than in the previous five fiscal years and over 57 percent more initial briefs than the previous fiscal year. But even more remarkable was the fact CAAF granted review on 33 cases in FY06, with the Air Force receiving 30 percent of the total granted issues from CAAF. This is proof positive that the individuals selected to work in the division are the very best the Corps has to offer.



**THEN-MAJ
VANCE H. SPATH
CHIEF CIRCUIT TRIAL
COUNSEL, EASTERN CIRCUIT**

Having tried well over 100 courts-martial, then-Major Vance Spath believed he was prepared for just about anything. He supervised all of the government circuit counsel on the east coast of the United States, a group of captains and majors always eager to get in the courtroom. But when he heard there had been a double murder at Warren Robbins Air Force Base, Georgia, Maj Spath knew that the case was going to be difficult.

Senior Airman Andrew P. Witt was ultimately charged with two specifications of premeditated murder and one specification of attempted premeditated murder. The government trial team was composed of Maj Vance Spath, Major Rock Rockenbach, Captain Scott Williams, Master Sergeant

SPOTLIGHT ON... A CIRCUIT TRIAL COUNSEL

Melissa Cavanaugh, and Staff Sergeant Cynthia Salge. SrA Witt was represented by a team of defense counsel.

The trial team spent thousands of hours preparing, traveled across the country to interview and prep witnesses, and reviewed thousands of pages of documentary evidence. After 15 months of investigation and preparation, the trial was held from 12 September 2005 until 13 October 2005 in Courtroom A of the local Macon County Courthouse. Over 60 witnesses testified at the trial. The evidence introduced included 80 prosecution exhibits, 100 defense exhibits, and 250 appellate exhibits.

SrA Witt was convicted and his sentencing proceeding resulted in

SrA Witt being the first Airmen sentenced to death since the case of *United States v. Simoy*, tried at Andersen Air Force Base, Guam, in 1992. This case also marked the very first Air Force case under the new rules for capital punishment, to include the requirements of a unanimous verdict of at least a 12-person jury. As Maj Spath recalls, "After the announcement of the death sentence, the courtroom, filled with approximately 100 people, sat quietly for a few long minutes. The only sound heard was the weeping of the victim's family in the otherwise hauntingly silent courtroom."

Lieutenant Colonel Spath is now the Staff Judge Advocate, 90 SW/JA, F.E. Warren Air Force Base, Wyoming.

THE OPENING LINES OF THE GOVERNMENT'S CLOSING ARGUMENT IN *UNITED STATES V. WITT*:

July 5th of 2004. Senior Airman Andy Schliepsiek lay bleeding on his living room floor paralyzed from the waist down. He was crying out in horror as he watched Airman Witt stab his wife, Jamie, with a combat knife. Soon Jamie would be dead, sprawled behind the bedroom door in a blood soaked T-shirt and underwear; her bloodstained skirt a few feet away on the floor. Soon Andy would be dead, too, with Airman Witt's combat knife through his heart and his open cell phone just out of reach, disconnected from 9-1-1.

Across the street, their friend, Jason King, lay bleeding in a driveway as the paramedics raced against time to save his life. He begged anyone who would listen, "Please help and tell my wife and daughter that I love them." It was the day that Airman Witt decided to end their lives, and they never saw it coming...

Appellants obtained very favorable rulings from the appellate courts that clarified the rights of the accused and contributed to the improvement of the practice of military justice at the trial level. In FY06, the

AFCCA clarified that testimony on direct examination that the accused "pled guilty to what he was guilty of" doesn't open the door for trial counsel to comment on not guilty pleas to other charged offenses. Also, the CAAF

determined that a litigated speedy trial motion under Article 10 of the Uniform Code of Military Justice (UCMJ) is not waived by a subsequent unconditional guilty plea. CAAF also set aside findings and sentence where the

BRIEF HISTORY OF THE CIRCUIT PROGRAM

The circuit program was initiated on a trial basis from 1971 to 1972. During this time, a test circuit was established in the southeast United States in which three judges and twelve circuit trial or defense counsel were assigned. Considered an overwhelming success, the program was adopted Air Force wide on 1 September 1972.

For most of the next two decades, the circuit program was broken into seven judicial circuits. The seven circuits were organized geographically as follows:

- First Circuit (19 active duty bases) spanned the northeastern section of the continental United States (CONUS), and included Iceland and the Azores.
- Second Circuit (19 active duty bases) covered the southeastern section of CONUS, and included Howard Air Base, Panama.
- Third Circuit (18 active duty bases) was composed of the south-central portion of CONUS.
- Fourth Circuit (15 active duty bases) spanned the northern-tier bases, as well as Oregon, Washington, and Alaska.
- Fifth Circuit (19 active duty bases) included California, Nevada, Utah, Arizona, and Hawaii.
- Sixth Circuit spanned all of Europe and the Middle East.
- Seventh Circuit was composed of the Pacific region, to include Guam, Japan, Korea, and the Philippines.

The circuit program consistently displayed the flexibility needed to meet changing demands and requirements. For example, an eighth circuit was located in Thailand during the Vietnam Conflict and was closed following the drawdown. The 1st and 2d Circuits shifted responsibility for Wright-Patterson Air Force Base as manning dictated. Circuit offices were also moved to accommodate changing situations: the Pacific Circuit Office relocated from Clark Air Base, Philippines to Yokota Air Base, Japan; and the European Circuit Office moved from Sembach Air Base, Germany, to nearby Ramstein Air Base, Germany.

In 1990, responding to the Secretary of Defense's call for force reduction, and in anticipation of the three rounds of worldwide base closures, the Air Force Judiciary established a Judiciary Working Group (JWG) tasked with devising a plan to reorganize the judiciary. In addition to pending base closures, the group was sensitive to the transportation costs for circuit travel, the span of control for the chief circuit defense counsels, and ultimate caseload for both judges and circuit counsel.

That portion of the JWG's analysis addressing circuit organization resulted in six proposed options. The JWG recommended the CONUS, two-circuit option, which provided favorable transportation costs, a large force reduction, but a significant caseload imbalance between the circuits. It was suggested that district offices be established to provide for additional transportation cost savings. For example, it was suggested that a district office located at Lowry Air Force Base, Colorado, could service the northern-tier bases from the convenient airline hub in Denver. A district office was also suggested at Randolph Air Force Base, Texas, which would service the south-central bases.

The two-circuit recommendation was not adopted. Ultimately, a CONUS, three-circuit option was implemented which effectively collapsed the 1st and 2d Circuits into the Eastern Circuit located at Bolling Air Force Base, D.C.; established the Central Circuit at Randolph Air Force Base, Texas, responsible for the 3d Circuit and the northern tier of the 4th Circuit; and expanded the 5th Circuit north along the coast to create the Western Circuit located at Travis Air Force Base, California.

By 2005, leadership recognized the need to centralize supervision, budget, and case management along with a reallocation of trial counsel in order to better allocate mission resources. This resulted in a transformation of the circuit trial program under JAG Corps 21. Ultimately, approximately 19 trial counsel will be redeployed to 12 operating locations including The Judge Advocate General's School (AFJAGS). Specialized trial counsel will be detailed to handle only the most serious cases while the new partnership with AFJAGS will improve training opportunities and communication within the JAG Corps community. These changes are part of the official standing down of the judicial circuits that occurred on 1 October 2006.

government failed to provide the defense with an “adequate substitute” expert based on the fact that the expert provided was not reasonably comparable to the government’s expert.

The Appellate Defense Division continues to carry out the statutory duty of TJAG to provide defense for

Airmen during all stages of appeal. Attorneys assigned to the division proudly defend those who defend America.

JAJD

The Trial Defense Division is responsible for the provision of defense services to all Air Force members. Led by Colonel James

C. Sinwell, the division consists of 26 circuit defense counsel (CDC), 84 area defense counsel (ADC), and 77 defense paralegals (DP) who zealously defend Air Force members worldwide in proceedings initiated under the UCMJ such as courts-martial and nonjudicial punishment proceedings under Article 15; adverse personnel

SPOTLIGHT ON... AN APPELLATE DEFENSE COUNSEL

Following then-Captain Christopher Morgan’s assignment as the Area Defense Counsel at Vandenberg Air Force Base, California, he joined a group of 10 attorneys at the Appellate Defense Division (AFLOA/JAJA) in Washington D.C. “I particularly enjoyed motion practice at the trial level and looked forward to concentrating primarily on the law at the appellate level.” He got that opportunity while preparing numerous briefs as well as arguing cases before the Air Force Court of Criminal Appeals (AFCCA) and the U.S. Court of Appeals for the Armed Forces (CAAF) and managing a docket averaging from 40 to 75 cases.

What Capt Morgan found especially interesting was the specific application in the military context of both well-established legal principles and cutting edge developments in the law. For example, one case that he argued, *United States v. Roderick*, 62 M.J. 425 (CAAF 2006), involved not only a traditional analysis of First and Fifth Amendment issues, but the unique application of those principles as further modified under military jurisprudence. “The challenge was in convincing the court that while it’s true that

military members don’t enjoy certain constitutional rights on par with civilians, they nonetheless shouldn’t be left to guess what is and is not constitutionally protected activity.”

During oral argument before the five CAAF judges, Capt Morgan urged that the court should adopt a test recognized by several federal circuit courts for determining whether certain materials fall within the protections of the First Amendment. The court did so in its opinion and set aside the Appellant’s conviction to one of the specifications. CAAF also addressed whether Congress, pursuant to the Double Jeopardy clause, intended that the Appellant be convicted at a single court-martial under different statutes (one under the federal code and the other under the Uniform Code of Military Justice) for the same conduct. While ultimately holding that the charges at issue were not legally multiplicitous, CAAF clarified that dismissal of unreasonably multiplied charges is a remedy in a military trial court and that the military judge should have dismissed three specifications. Applying Due Process principles, CAAF also reviewed whether the Appellant’s



**THEN-CAPT
CHRISTOPHER
S. MORGAN
AFLOA/JAJA**

admissions during the guilty plea inquiry were sufficient to demonstrate his understanding that his conduct constituted a military offense irrespective of whether his actions would have been a crime in civilian society.

“I used to grapple with these very issues at the trial level and so it’s satisfying to have played a part in the establishment of proper analytical frameworks for these issues by the highest court of military review.”

Major Morgan is now the Executive Officer to the Director of the Judiciary (HQ AF/JAJ).

actions, such as involuntary administrative discharges, flying evaluation boards, and medical officer decredentialing actions; and provide counsel to subjects of criminal investigations.

In FY06, the Air Force stood up a new ADC office at Al Udeid Air Base, Qatar, located on the Arabian Peninsula. Captain Jason Robertson and Technical Sergeant Stacey Snider were the first ADC and DP assigned to the new office. Before the opening of the new office, the Ramstein Air Base ADC office in Germany provided the needed services to the Air Force members in Southwest Asia.

The division also worked to implement the changes to the defense structure that the JAG Corps 21 transformation will bring about in mid-2007. This will ensure a smooth transition to the new structure and no interruption in the provision of defense services. Ultimately, the ADCs will retain their current roles at their respective bases. However, the CDCs will be replaced by senior defense counsel (SDC) who will supervise approximately four to five ADCs. These SDCs will be dispersed between 18 locations in order to have closer management of their personnel.

Also in FY06, with the help of the Legal Information Services Directorate, JAJD has created a web-based database called Area Defense Electronic Reporting, or ADER. Among other things, this defense-only database will make it easier for division leadership to monitor the workload of all Air Force defense counsel and track the status of pending cases and adverse actions. The program is expected to be fully functional in January 2007.

JAJG

The Government Trial and Appellate Counsel Division provides the United States with trial and appellate services, thereby promoting morale and preserving good order and discipline in the U.S. Air Force. The division is led by Colonel G. Roger Bruce, who replaced Colonel Gary Spencer in July 2006. Although not formally organized into separate branches or sections, JAJG lawyers are divided between trial counsel (prosecutors) and appellate counsel duties.

Circuit trial counsel (CTC) are assigned around the world to provide strategic coverage for the prosecution of crimes anywhere in the Air Force and ensure prosecution expertise at the trial level. CTCs prosecute the most complex cases in the Air Force, and are also available for detail to serve as government representatives in administrative discharge boards, investigations, and other proceedings, as resources allow. Additionally, CTCs provide training to base-level assistant trial counsel.

In the past year, CTCs represented the government in 324 courts-martial and 109 other proceedings. In one notable case, CTCs prosecuted a capital murder case and secured the first death penalty in the Air Force in many years. Currently there are three murder cases being prosecuted in Air Force courts-martial around the world, and six CTCs are assigned as the lead prosecutors.

Appellate government counsel provide appellate advocacy on behalf of the United States, ensuring that court-martial convictions are upheld on appeal. Appellate counsel also provide military justice expertise

to circuit counsel and to field judge advocates, both on trial practice and military justice administration. In their primary role, appellate government counsel research and draft legal briefs and present oral argument at the AFCCA and CAAF and, with the Solicitor General, before the U.S. Supreme Court.

In FY06, appellate government counsel filed almost 600 pleadings with the AFCCA and CAAF, and presented oral argument in 40 cases, with 25 of those arguments presented at CAAF. The largest number of pleadings—over 200—consisted of Answers to Assignments of Error at AFCCA. At CAAF, appellate government counsel filed 30 Answers to Supplements to Petitions for Grant of Review, waived Answer in 175 cases, and filed Final Briefs in 17 cases. Counsel defended the United States on a variety of issues including search and seizure, the psychotherapist-patient privilege, whether a “check card” transaction can be prosecuted as a “bad check,” government provision of expert consultants and witnesses to the defense, court member challenges, consensual homosexual and heterosexual sodomy, child pornography, “human lie detector” testimony, a constructive force instruction in a rape case (based on perpetrator’s status as a medical technician), DOD’s Mandatory Supervised Release program for inmates, post-trial delay, and the Incompatibility and Appointments Clauses of the U.S. Constitution.

Appellate government counsel also serve a de facto role as the “solicitor general” of the Air Force, taking interlocutory appeals from the rulings of military judges in courts-martial to the AFCCA, and then on

to the CAAF, as necessary. Such an appeal gained national attention in FY06 when a civilian social worker refused to produce records of her counseling sessions with the victim of an alleged rape for the military judge to review *in camera*. The social worker and her client, the purported victim in the case, filed for an injunction in federal district court and then appealed to the U.S. Tenth Circuit Court of Appeals, losing there also. Despite losing their case in the civilian courts, the counselor's records were never released and the military judge in the court-martial elected not to allow the prosecution to proceed without the records. The Air Force appealed the judge's ruling, and eventually CAAF ruled the appeal was not ripe for decision until the United States pursued enforcement of a writ of attachment through the U.S. Marshals Service.

Additionally, advocacy training has historically been a key function of the division. In addition to serving as adjunct faculty for the Trial and Defense Advocacy Course (TDAC) and the Advanced Trial Advocacy Course (ATAC) at The Judge Advocate General's School, division counsel have participated in other training activities, to include trial counsel workshops, generally sponsored annually by each of the former "circuit" offices, and in publishing training materials, such as the Trial Counsel Deskbook, Advocacy Continuing Education (ACE) resources, a monthly electronic newsletter, and periodic Appellate Updates.

JAJM

The Military Justice Division, divided into eight branches, performs a myriad of functions involving field support of ongoing

cases and Air Force policy. JAJM is led by Colonel Scott Martin who replaced Colonel William Druschel in July 2006.

JAJM is responsible for disseminating changes in military justice practice and procedures resulting from legislation, court decisions, or policy decisions. It represents the Air Force on the Joint Service Committee (JSC) on military justice and its working groups that draft proposed legislation and executive orders for the Manual for Courts-Martial (MCM). The division promulgates and updates regulations establishing Air Force policies and procedures for the conduct of courts-martial and other proceedings. JAJM facilitates designation for the exercise of military justice, preparing SecAF documents and Department of the Air Force special orders designating convening authorities. The division makes recommendations to the judiciary and TJAG for changes in military justice policy and completes staff taskings as requested.

JAJM members answer high-level inquiries from the White House, members of Congress, and the SecAF, after obtaining all necessary information. JAJM action officers review applications to the Air Force Board for Correction of Military Records (BCMR) on military justice issues. After review of the records and research of the issues, the division provides the BCMR with an evaluation, including an interpretation of the request, an opinion of the applicant's contentions, and recommendations for disposition. The division performs post-trial reviews for TJAG under Article 69(a), Uniform Code of Military

Justice (UCMJ), and reviews applications for relief under Article 69(b). JAJM also prepares memorandum opinions and actions for consideration by TJAG on Article 73, UCMJ, applications for new trial.

The division monitors officer and other special interest cases, preparing a monthly consolidated report for the Chief of Staff and TJAG. JAJM reviews officer resignations in lieu of court-martial and prepares advisory opinions for the SecAF. Action officers review and process requests by civilian jurisdictions for return of overseas Air Force members, review and process requests for inter-major command (MAJCOM) permanent change of station or temporary duty of accused members for courts-martial, review and process Article 15 appeals from MAJCOMs, act on special requests for Air Force counsel, and participate in the Drug Abuse Screening Coordinating Committee.

Division personnel manage the web-based Air Force Centralized Witness Funding program and furnish fund citations and procedural instructions. They also oversee the Automated Military Justice Analysis and Management System (AMJAMS), which includes consolidating data, preparing statistical analysis reports, preparing the final TJAG inputs to all records of trial, and providing statistical data in response to special inquiries.

JAJM maintains the file repository for all courts-martial records of trial. The Appellate Records Branch processes all records of trial undergoing appellate review, distributing necessary copies, and

preparing correspondence directing actions taken by appellate courts.

FY06 has been particularly demanding for the division. For example, over 360 Freedom of Information Act requests were processed, over 125 requests for information from the media were responded to, and a \$480,000 central witness funding budget was managed providing travel orders to over 400 witnesses. The Appellate Records Branch, hard hit with manning shortfalls, received and processed over 975 records of trial. The branch reviewed over 600 final orders and forwarded almost 400 cases to CAAF.

Of particular note was the work done by division personnel on military commissions following the U.S. Supreme Court Decision in *Hamdan v. Rumsfeld*.

JAJM personnel worked with representatives of our sister services and key congressional members on the Detainee Treatment Act and the Military Commissions Act of 2006.

JAJM was heavily involved in the arduous task of establishing policies on sexual assault and domestic violence. JAJM was responsible for providing legal training on domestic violence prevention and response capabilities to the Air Force's new cadre of sexual assault response coordinators (SARC). JAJM members participated in DOD and Air Force working groups advising the Secretary of Defense, SecAF, and SAF/IG (Inspector General).

The National Defense Authorization Act for FY06 contained a major change to the way rape and sexual assault will be charged and prosecuted under the UCMJ. The changes go into effect on 1 October

2007. Article 120, UCMJ, was completely redrafted to incorporate a wide range of criminal sexual acts that were previously contained elsewhere in the MCM. JAJM personnel, working with other service representatives on the DOD Joint Service Committee, worked on conforming instructions and directives in preparation for this major shift in this very complicated area of practice.

JAJR

The Clemency, Corrections, and Officer Review Division is responsible for making clemency recommendations on court-martial cases to TJAG and the SecAF, and also serves as counsel to Security Forces on corrections matters, including the Air Force Return to Duty Program. JAJR is headed by Mr. Thomas S. Markiewicz.

Following completion of the appellate process, JAJR reviews all officer and cadet cases involving dismissals and makes recommendations to SecAF on whether the punitive discharge should be approved. In the more than 20 cases prepared in FY06, the Secretary followed the recommendation of JAJR, including two for clemency that resulted in administrative discharges being substituted for dismissals.

Culling from among the hundreds of decisions issued during the year and the recommendations of trial and appellate court judges and counsel, the staff identified the cases suitable for clemency action by the SecAF. In each case, SecAF adopted the recommendations for action.

JAJR attorneys serve on two Air Force review boards. First, JAJR attorneys represent TJAG on the Air Force Clemency and

Parole Board on which they acted on nearly 200 cases, paroling almost 60 percent of inmates applying for conditional release. Former members were returned to productive service in the community at the highest rate of any service after serving periods of confinement, meeting the interests of justice and with the lowest parole revocation rate of any service. Second, SecAF appointed Mr. Markiewicz as Chairman of the BCMR for the second year. He led more than a dozen panel chairman and two dozen board members reviewing over a thousand applications and correcting military records containing errors or injustices. In case after case, the BCMR's decisions were left undisturbed by subsequent court action.

In recognition of his extensive experience in the area of corrections and joint operations, Mr. Markiewicz was appointed by Deputy Assistant Secretary for Defense Dr. David Chu to chair a DOD working group to explore a new structure for DOD corrections following base realignment and closure implementation. A compromise was forged among service representatives to recommend the creation of a new organizational entity that will meet the mission requirements of all services, in peacetime and war.

A memorandum of understanding between the Air Force and the Navy to house intermediate sentence length inmates at consolidated brig on both coasts was negotiated and drafted by JAJR attorneys. The Air Force's need for bed spaces was satisfied for dollars and minimum staff, preserving security forces authorizations for wartime missions.

As the Air Force representative on the DOD Corrections Council, JAJR attorneys crafted the language in the

DOD directive to implement a new sentence abatement policy. The focus has shifted from length of sentence to

earning abatement by participation in rehabilitation and education programs and outstanding work performance.

JAS

Located on Maxwell Air Force Base, Alabama, the Legal Information Services Directorate, (AFLOA/JAS or JAS) is led by Colonel Pamela Stevenson. The staff of approximately 40 personnel consists predominantly of civilian personnel.

JAS provides a broad range of computer and software products to Air Force and Department of Defense (DOD) legal communities. Its goal is to automate and standardize routine processes such as office suspense programs, document storage and retrieval, claims, legal assistance, and administrative discharges, thereby making the JAG Corps more efficient and lessening the learning curve as personnel undertake new responsibilities.

JAS is also responsible for the JAG Corps Information Technology (IT) program. This initiative provides legal research technology; facilitates web site hosting; and provides training in research and web site management. Additionally, JAS provides expertise in procuring data as well as Air Force specific hardware and software. It also produces deployment products and develops justice and claims management programs. In short, JAS is the information technology office for The Judge Advocate General's Corps and is a center of excellence for innovation and initiatives in the legal information technology field.

During Fiscal Year 2006, JAS has been involved in a number of notable projects, including:

ADER

The Area Defense Electronic Reporting (ADER) Database application, currently under development, is designed to assist area defense counsel offices in documenting and keeping track of their cases.

JDS

The Judicial Docketing System (JDS) was developed to support the central docketing of all Air Force courts-martial as necessitated by JAG Corps 21 initiatives.

SUPPORT TO THE AIR FORCE CLAIMS SERVICE CENTER

The consolidation of claims processing at the newly created Air Force Claims Service Center (AFCSC) required computer hardware, software, and technical guidance. JAS has ensured that the AFCSC had the proper equipment to standup and continues to ensure that the computers are equipped with the proper software to facilitate a smooth migration to the AFCSC.

JADE

The Judge Advocate Distance Education (JADE) was developed in response to the need for current training to reach JAG Corps members in a rapid, cost-effective manner. JADE provides the capability to develop and launch distance education training modules. This software also provides courseware development tools to instructors and subject matter experts, allowing the experts to develop, deliver, and track highly interactive web-based



**COL
PAMELA D. STEVENSON
DIRECTOR**

training programs using minimal programming skills. The goal is to match rapid eLearning development with an organic learning management system, allowing the JAG Corps to provide important “just-in-time” training to attorneys and paralegals in the field.

THE FUTURE OF JAS

JAS is at the front-line of new developments in the JAG Corps, providing the technical ability, the technical skill, and the technical support to allow the JAG Corps to dominate in this technological age. The products produced by JAS are even used beyond the Air Force component and are relied upon throughout the DOD. With continued advances and support from the field, JAS will ensure that the JAG Corps remains a vital part of the Air Force mission.



COL PAUL E. PIROG
PERMANENT PROFESSOR
AND DEPARTMENT HEAD



DIRECT REPORTING UNIT: USAFA DEPARTMENT OF LAW

As faculty members of a premier educational institution in the United States, the Department of Law (DFL) at the U.S. Air Force Academy (USAFA) teams with 32 other academic specialties to “educate, train, and inspire men and women to become officers of character, motivated to lead the U.S. Air Force in service to our nation.” Although individual instructors “command classrooms,” the entire department works together to “raise the bar” in academic learning and leadership development.

With a major encompassing a choice of more than 15 law courses, including the Air Force Academy’s core course in the study of law—Law for Air Force Officers, taken by every graduate of the Air Force Academy for more than 45 years—the faculty in DFL focuses its efforts to meet the academy’s mission through expansive student writing, oral advocacy, and critical thinking. This focus has led cadets, year after year, to rank the core course “Number 1” in usefulness of the course text (a DFL publication), value of questions raised, intellectual challenge, course relevance, instructor effectiveness, amount learned, and course as a whole, among others. These rankings are due in no small part to the energetic military and civilian faculty and

staff in the DFL.

Although teaching is the primary duty for all military and civilian attorneys assigned to DFL, it is just one way in which the faculty strives to accomplish the academy’s mission. DFL attorneys also step outside the classroom to help advise the cadet-run Wing Honor System. In Academic Year 2005-2006, DFL faculty members provided primary legal advice in 98 percent of all cadet honor case investigations and in 95 percent of all cadet wing honor boards. By guiding cadets through these processes, DFL helps ensure fairness, respect for laws and regulations, and that future Air Force officers understand how best to interact with attorneys. DFL also brought law to the academy by hosting a hearing of the Court of Appeals for the Armed Forces and a lecture by Supreme Court Justice Samuel Alito, both in front of large cadet audiences that impressed the jurists with their insightful questions and comments.

Realizing that cadet development goes beyond the classroom, the Secretary of the Air Force tasked DFL to create, plan, and execute an in-depth orientation covering the Uniform Code of Military Justice (UCMJ) for every cadet entering the Air Force Academy. In the past year, DFL trained and educated more than 1,400

cadets, involving more than 144 hours of contact time, in the fundamental legal tenets arising under the UCMJ, as well as the Air Force policies on drug use, sexual harassment, and unprofessional relationships. Team DFL was also at the “pointy end of the spear” in the development and implementation of USAFA-wide Respect for the Spiritual Values of Others—RSVP—training in the wake of perceived religious intolerance at the academy. DFL members helped draft the policy, design the script and training components, and serve as facilitators in group discussions.

“Raising the Bar” in educating, training, and inspiring cadets doesn’t stop at the academy gates. Because only so much learning can be done by focusing on textbooks in the classroom, DFL

also exposed cadets to “real-world” issues through a variety of faculty-led, cadet learning initiatives. The DFL-sponsored Mock Trial Program allows cadets to expand their advocacy and critical thinking skills in a fast-paced area of responsibility. Competing against teams from universities and colleges across the Nation, the cadet Mock Trial Team—comprised of cadets from across the cadet wing and from numerous academic majors—won the Great Southern Regional Mock Trial Tournament at Southern Methodist University.

Knowing that the law of armed conflict (LOAC) is a high-visibility issue in which all Airmen are involved, DFL also led four cadets to a first-place finish in the Joint Inter-Academy LOAC Competition

in the Fall of 2005, outscoring teams from West Point, Annapolis, the U.S. Coast Guard Academy, and the Canadian Royal Military College.

Drawing on the experience from winning the inter-academy competition, DFL led three cadets to the San Remo International LOAC Competition in San Remo, Italy. Competing against service academy teams from around the world, a USAFA cadet joined a Russian and Israeli cadet to win the combined team competition. DFL also led three cadets to the Concours Jean-Pictet International Humanitarian Law Competition in Serbia-Montenegro, where the team performed superbly as the only U.S. undergraduate institution competing against 31 other teams in graduate law programs or their equivalent.

A DAY IN THE LIFE OF... AN AIR FORCE ACADEMY LAW PROFESSOR

Challenges never cease for professors in the Department of Law at the U.S. Air Force Academy. The academic day runs from 0700 until 1600 for the cadets, and my day usually starts with final preparations for class. I currently teach one section of our core law class, which covers everything from basic criminal law and torts to constitutional law and law of armed conflict, and co-teaching a Space Policy and Law Course. Whether watching a cadet’s face light up as the basic tenets of Due Process click or listening as one of the Air Force’s future leaders reasons her way through a command discretion issue, teaching tomorrow’s officers the importance of the rule of law is far and away the best part of my day.

After class, I might work with one of the Dean of the Faculty’s tiger teams on improving written and oral communications across the curriculum or provide extra instruction for a cadet writing a paper on the legal issues surrounding weapons in space. I also help train cadets on various professional military education topics as an Associate Air Officer Commanding for Cadet Squadron 12. Each afternoon normally consists of class preparation for the next lesson, developing assessments, and coaching the Academy’s Mock Trial Team. Grading normally occurs at home once my kids are in bed!

Every day I come to work at the Air Force Academy, my alma mater, is a dream come true. I work



**CAPT
LINELL A. LETENDRE**

with some of the finest JAGs in the Corps, I teach a subject matter that I love, and I help develop future officers of our Air Force. What could be better in a day’s work!

DFL found Academic Year 2005-2006 to be a year dedicated to focusing on learning, with each of its

members contributing significantly to the mission of your Air Force Academy. It will continue to do its

best to educate, train, and inspire tomorrow's Air Force Leaders!

WHAT IS A DRU?

A Direct Reporting Unit (DRU) is a subdivision of the Air Force, directly subordinate to the Chief of Staff (CSAF), and is separate from any major command (MAJCOM) or field operating agency due to unique missions, legal requirements, or other factors. A DRU performs a mission that does not fit into any of the major commands, but has many of the same administrative and organizational responsibilities as a major command. A DRU is also different from Headquarters, U.S. Air Force, consisting of the Secretariat, the Secretary of the Air Force and the Secretary's principal staff, and the Air Staff headed by the CSAF.

Before January 2005, the Air Force had five DRUs: the 11th Wing (Bolling Air Force Base), the Air Force Doctrine Center, the Air Force Operational Test and Evaluation Center, the Air Force Studies and Analyses Agency, and the U.S. Air Force Academy.

In July 2005, however, the CSAF formally activated the newest DRU, the Air Force District of Washington (AFDW), to which the 11th Wing now reports. AFDW is the Air Force's single voice for working cross-service issues throughout the National Capitol Region (NCR). AFDW organizes, trains, equips, and deploys combat forces for the Air and Space Expeditionary Forces (AEFs), homeland defense, civil support, national special security events, and ceremonial missions within the NCR. Through a systematic phased

implementation, AFDW now has four subordinate units: the 11th Wing, the 316th Wing, the 844th Communications Group, and the 79th Medical Wing.

The AFDW Commander (AFDW/CC) has MAJCOM- and numbered air force-level responsibilities and serves as the general court-martial convening authority (GCMCA) for Headquarters Air Force, AFDW subordinate wings, and worldwide Air Force elements. The AFDW/CC is also dual-hatted as the Air Force National Capital Region (AFNCR) Commander. As the Air Force component to Joint Task Force-National Capital Region (JTF-NCR), AFNCR provides the Commander Air Force Forces (COMAFFOR) for all Air Force assets assigned or attached to JTF-NCR.

AFDW/JA provides full-spectrum legal services to AFDW/CC and staff directors, focusing on operations law and military justice. AFDW/JA also provides strategic policy guidance and "MAJCOM-like" support to functionally subordinate legal offices at the 11th Wing and 316th Wing. AFDW/JA has a robust contract law division and provides civil law advice, usually in the fields of fiscal law and ethics. The contracting section handles contracting matters ranging from long term ongoing Air Force level weapons systems service contracts to base level construction projects for the entire NCR. For Fiscal Year 2006, AFDW/JA's primary focus has been to stand up the new AFDW organizations. Now that AFDW has



COL LEELEN COACHER
AFDW/SJA

found its identity and most questions as to the direction of the organization have been answered, AFDW/JA's focus is transitioning to operational-level legal support and integrating into the HQ JTF-NCR legal staff. AFDW military justice personnel provides full-service GCMCA military justice support. Operations law personnel have contingency, crisis action, and adaptive planning responsibilities, as well as domestic operational law training and response duties. AFDW/JA's reserve support is extraordinary; while AFDW waits for manning to catch up with mission requirements, reserve support has been its backbone.

It should be noted that a DRU can also be a subdivision of a MAJCOM. A MAJCOM DRU reports directly to the MAJCOM commander and performs a mission that does not fit into any of the MAJCOM's primary subordinate units.



MAJOR COMMAND LEGAL OFFICES

Staffed with anywhere from eight to thirty legal professionals representing active duty, civilian, and reserve members, the nine major command (MAJCOM) legal offices provide full-spectrum legal services to the MAJCOM commanders and headquarters staff, including

unique command issues, to ensure operational success. In addition, the MAJCOM legal teams provide professional oversight to the field on military justice, civil law, ethics, operational law, intelligence law, environmental law, labor law, commercial law, aviation and space law, acquisition law, and ethics.

ACC



**BRIG GEN
RICHARD C. HARDING**

The Air Combat Command (ACC) legal office, ACC/JA, located at Langley Air Force Base, Virginia, advises the Commander of ACC. Notably, attorneys oversee all aircraft accident investigation board and ground accident investigation board processes for ACC assets. They manage the

JAG Corps selection process and oversee worldwide deployments of JAG Corps resources by the Air and Space Expeditionary Center. ACC attorneys also advise ACC staff and assist higher headquarters in ensuring operations comply with the law of armed conflict and provide analysis and legal reviews of Air Force, joint, and allied operations publications.

In Fiscal Year 2006, ACC/JA managed the deployment of a record-setting number of JAGs and paralegals to operations around the world. A total of 365 taskings were sourced this year, all requiring extensive coordination with active, Reserve, and Air National Guard offices. Additionally, attorneys arranged combat skills training, air operations center training, and ensured the very best people were sent forward.



Military justice attorneys standardized the court member selection process throughout ACC to ensure compliance with the Article 25, Uniform Code of Military Justice, requirements that the convening authority select “such members of the armed forces as, in his opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament.”

A sample court member nomination letter, court member nomination spreadsheet, and a court member data sheet were provided, although bases remain free to determine required nomination numbers based on local requirements.

ACC operations law attorneys accomplished 322 legal reviews of operational plans, doctrine, and instructions, including research and reports to the Headquarters Air Force Operations Law Division (HQ AF/JAO) and U.S. Northern Command concerning

compliance of MAJCOM tactics, techniques, and procedures with Common Article 3 of the Geneva Conventions. Attorneys also reviewed and provided advice on international issues ranging the full gamut from beddown to operational support to termination of foreign military training activities at ACC bases related to a robust security assistance program.

Attorneys from the Environmental Law Division successfully countered a demand from the South Carolina Department of Health and Environmental Control (DHEC) that Shaw Air Force Base, South Carolina, purchase restrictive easements from all property owners within range of a chemical plume that had migrated off base. After strong legal arguments were presented by the Air Force, DHEC officials agreed that the appropriate tool to protect the health and safety of the public would be the use of bilateral agreements between the

Air Force and affected property owners. While the agreements are undergoing final DHEC review, the ultimate result will provide the highest level of public protection at a significantly reduced cost to Shaw Air Force Base.

ACC/JA has set two specific challenges for the upcoming year. First, to improve docketing of courts-martial in ACC, they will urge the strict implementation of the “30-day rule” and encourage ACC bases post-referral to initially agree to no trial date more than 30 days after service, without full justification and to do the same when dry-docketing, based on the anticipated referral date. Second, they plan to align all JAG Corps personnel Air Force wide against a unit type code (UTC), reported in the Air Expeditionary Force Reporting Tool (ART), with sufficient information in ART’s remark fields to enable the use of ART as a viable deployment tool.

AETC

Located on Randolph Air Force Base, Texas, the Air Education and Training Command’s (AETC) mission is to develop America’s Airmen today...for tomorrow by providing the best air and space education and training. In an effort to provide the premier education and training programs, many unique challenges arise. Some of AETC’s most significant challenges during Fiscal Year 2006 arose as a result of budget cuts, manning reductions, and the need for increased/improved combat training.

As a result of Operations IRAQI FREEDOM and ENDURING FREEDOM and increased

deployments, the Air Force recognized the need to develop better combat training for our Airmen. Beginning in late 2007, the length of Basic Military Training (BMT) will increase from 6-1/2 weeks to 8-1/2 weeks. AETC will also establish a Common Battlefield Airman Training (CBAT) Course. Initially, battlefield and special operations weather teams, combat controllers and special tactics officers, pararescue and combat rescue officers, and tactical air controllers will attend the training. Eventually, all Airmen will attend CBAT immediately following BMT to further expand their ground combat skills. Along with our Civil Engineer Directorate,



COL

DWIGHT D. CREASY

AETC/JA has been intimately involved in the development and implementation of CBAT. Through

close coordination, AETC attorneys were able to find a solution to expedite the environmental impact analysis required before making a final decision on the location of this training. We are now one step closer to making CBAT a reality.

AETC/JA attorneys guided the command through a series of thorny acquisition issues which were crucial to the successful execution of AETC's over \$2 billion acquisition program that included complex aircraft maintenance, base operating support (BOS), air combat training systems, A-76 cost studies, recruiting marketing programs, cooperative agreements, and privatization initiatives. The award of the \$178 million Initial Flight Screening program will

provide a complete "turn-key" operation for all training, equipment, and BOS logistics to screen-rated officer candidates, ensuring future aviation candidates receive the best and safest standardized training.

Attorneys also revised the AETC supplement on unprofessional relationships to ensure that trainees, during their training programs, could focus on their training without fear of inappropriate conduct by their instructors. The instruction now clearly prohibits relationships between students and instructors throughout the training pipeline (i.e., from BMT through technical training).

AETC processed two Ground Accident Investigation Boards and

two Accident Investigation Boards. Three of these investigations involved fatalities. AETC/JA attorneys were intimately involved in finalizing the reports for public release and preparing the Board Presidents for next-of-kin briefings.

In March 2006, AETC/JA held its first annual open house. Among the invitees were local retired JAGs, paralegals, and their spouses. The attendees toured the office and received the AETC mission brief, an Air Force Recruiting Service (AFRS) mission brief, the AETC/JA mission brief, and a JAG Corps 21 brief. The event concluded with a reception where AETC/JA, 12 FTW/JA, 19 AF/JA, AFRS/JA, and 37 TRW/JA personnel had an opportunity to meet with the retirees.

AFMC

Air Force Materiel Command (AFMC)/JA is located at Wright-Patterson Air Force Base (WPAFB), Ohio. With a staff of approximately 22 personnel, it has oversight responsibilities for more than 330 attorneys and nearly 200 paralegals at 18 locations including one field operating agency (FOA), three air logistics centers, three product centers, and two test centers. Its mission is to provide effective, timely, and full-spectrum legal services to the commander and directors to enable them to shape the workforce and infrastructure to develop, field, sustain, and test war-winning expeditionary capabilities in a legally supportable way!

In Fiscal Year 2006, AFMC/JA hosted the Competitive Sourcing for Legal Professionals Course, which provides instruction in the Air Force's competitive sourcing

efforts under the new Office of Management and Budget Circular A-76. Legal professionals from around the command were brought to WPAFB for three days of intensive instruction in the policies and procedures of the circular. Materials covered included A-76 policy, process, and players, as well as how the circular affects the manner in which source selections are conducted. This interactive course was designed for all command lawyers who will have A-76 competitions at their installations in the near term.

AFMC has 28 acquisitions in excess of \$100 million projected for award in the next two years. AFMC/JA is part of a select team tasked with developing strategy and model processes to involve the commander in the acquisition of services where the projected dollar value exceeds this \$100 million threshold. This model construct



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includes an early phase participation in Acquisition Strategy Panels and membership on the Source Selection Advisory Councils.

Attorneys also participate in the Lend/Lease Program, a renewed effort by AFMC to instill

accountability for the more than \$80 million of Air Force property controlled by AFMC but that contractors and other government

entities wish to borrow for specific purposes. This is a process team group whose goal is to develop and distribute standardized policies and

procedures for installations to use when lending government property and ensuring that the property is returned.

AFMC LEGAL OFFICE

Located at Wright-Patterson Air Force Base, Ohio, the AFMC Legal Office (AFMCLO) is a field operating agency (FOA) reporting to AFMC/JA. AFMCLO represents the Air Force in litigation before the Armed Services Board of Contract Appeals and serves as the primary legal advisors to the Aeronautical Systems Center (ASC) Program Executive Office, Air Force Research Laboratory, Air Force Security Assistance Center and Development, and Fielding Systems Group on acquisition law and acts as General Counsel to the National Museum of the Air Force. AFMCLO also serves as the command-wide expert for ethics issues, the fraud remedies program, environmental, real estate, privatization related to military family housing, and utilities—and is even the Air Force-wide expert for intellectual property!

In Fiscal Year (FY) 2006, the Contract Law Division (AFMCLO/JAN) provided pivotal support to the ASC on major weapons systems programs crucial to the Air Force's recapitalization priorities, to include: source selection advice to the CSAR-X (new combat search and rescue platform); legal advice to the KC-X (new tanker platform); legal support to the F-22A, including multi-year contracting and Lot 6 definitization; high-visibility conversion of the C-130J from FAR Part 12 (commercial item) to FAR Part 15 (traditional) contract;

and outstanding legal support to the Predator, Reaper (MQ-9), and Global Hawk systems.

The Intellectual Property Division (AFMCLO/JAZ) provided the great majority of the intellectual property legal advice and services to the Air Force Research Laboratory (AFRL) and AFMC in FY06. They negotiated a copyright license for the digitized tiger stripe design incorporated in the new Air Force Battle Dress Uniform. JAZ provided key support in developing the government's backup plan for continued use of BlackBerrys by Department of Defense and government contractor employees in the event an injunction was issued in the *RIM, Ltd. v. NTP, Inc.* patent litigation. Along with the Department of Justice (DOJ) and the Air Force Legal Operations Agency (AFLOA), JAZ settled the suit by Honeywell for patent infringement related to on board oxygen generating systems (OBOGS) used on the Joint Primary Aircrew Training System (JPATS) trainer. The suit was settled with no money paid by the Air Force and with a favorable royalty rate for future purchased OBOGS units. JAZ also provided key litigation support in *Zoltek Corp. v. United States* (carbon fibers used in B-1 and F-22) and *Night Vision Corp. v. United States* (panoramic night vision goggles) cases, both of which favorably resulted in no liability to the government.

The Contract Dispute Resolution Division (AFMCLO/JAB) represented ASC, AFMC, and other Air Force activities in disputes before the Armed Services Board of Contract Appeals. For its efforts and accomplishments, AFMCLO/JAB was awarded the Air Force General Counsel's Alternative Dispute Resolution (ADR) Organizational Award for Acquisition Disputes. JAB was recognized for leading the way and serving as role models for the U.S. Air Force acquisition community in the effective use of ADR processes and techniques to achieve early resolution of numerous significant contract disputes. The division's attorneys have also been instrumental in conducting important outreach to the acquisition community, briefing more than 1,800 contracting officers and attorneys on the benefits of early involvement and use of ADR to resolve issues without resort to litigation.

The Industrial Facilities Division (AFMCLO/JAK) was newly established in FY06. Already it has completed negotiations with Raytheon for a new operating lease for Air Force Plant 44 (the main aircraft missile production facility for the U. S. Air Force). JAK attorneys advised on the successful acquisition of the National Full Scale Aerodynamic Complex (NFAC) at NASA's Ames Research Center at Moffett Field, California. This project involved numerous unique legal

issues due to differing statutory authorities and accounting systems and conventions between the two agencies. The NFAC is the largest wind tunnel in the world. They also advised on the negotiation of a modification to the Kirtland Housing Privatization to provide a developer owned and operated electrical distribution system (required by an unanticipated state law issue relating to the authority of the local regulated public utility to provide service inside the federal enclave) that kept the project on schedule was revenue neutral. JAK also provided legal support to the negotiation and closing of the Air Force's first Enhanced Use Lease with New Mexico Institute of Mining and Technology (New Mexico Tech) at Kirtland Air Force Base, New Mexico.

The Ethics and Fraud Remedies Division (AFMCLO/JAF) provided

advice and opinions to AFMC/CC and all two-letter organizations on ethics questions and issues affecting the command. Ethics attorneys completed an extensive update of the ethics web site (<http://afmcethics.wpafb.af.mil/>), recognized by the Office of Government Ethics as a premier authoritative source of information and which is widely used by judge advocates throughout the JAG Corps to research answers to ethics inquiries from client activities. After transformation efforts, the fraud remedies function for the entire command is now centralized in AFMCLO/JAF. Each significant fraud case is worked directly by an acquisition fraud counsel in JAF who is responsible for preparing the remedies plan as well as coordinating the pursuit of remedies on each case.

The Environmental and Real Estate Law Division (AFMCLO/JAV)

along with AFLOA and DOJ concluded the Air Force's first-ever Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cost recovery case against outside entities for remediation costs of contamination on Air Force property (*United States v. Coffee County et. al*). JAV attorneys also recovered costs of \$225,000 from a county and two municipalities who contributed waste to an Air Force-owned landfill near Arnold Air Force Base, Tennessee. Major James Kennedy (JAV) also received the Air Force General Counsel's Alternative Dispute Resolution Award for designing an ADR process to negotiate settlement of the long-running CERCLA liability dispute with Lockheed-Martin Corporation in connection with contamination of the Air Force Plant 44 property, located in Tucson, Arizona.

AFRC

The Air Force Reserve Command (AFRC) with headquarters at Robins Air Force Base, Georgia, plays an integral role in the day-to-day Air Force mission and is not just a force held in reserve for possible war or contingency operations. AFRC has 35 flying wings equipped with their own aircraft and nine associate units that share aircraft with an active duty unit. Four space operations squadrons share satellite control mission with the active force. There also are more than 620 mission support units in AFRC, equipped and trained to provide a wide range of services, including medical and aeromedical evacuation, aerial port, civil engineer, security force, intelligence,

communications, mobility support, logistics, and transportation operations among others.

The AFRC/JA staff supports the full spectrum of command missions by providing advice to the commander, HQ AFRC staff, three numbered air forces, and their subordinate wings, groups, and units worldwide with over 76,100 personnel. In addition to the AFRC/JA staff, six active duty judge advocates are assigned to AFRC/JA but are attached to major Air Reserve bases throughout the country including: Dobbins Air Reserve Base, Georgia; Grissom Air Reserve Base, Indiana; General Mitchell



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Air Reserve Base, Wisconsin;
Joint Reserve Base, Texas; March

Air Reserve Base, California; and Westover Air Reserve Base, Massachusetts. The Air Reserve base (ARB) staff judge advocates provide the full spectrum of legal services to their respective installations and other assigned ARBs, as well as perform law school recruiting duties for the JAG Corps. Integral to the AFRC/JA staff support of the AFRC mission is functional oversight to over 200 Category A (unit) and over 776 Category B (individual mobilization augmentee or IMA) judge advocates and paralegals. In July 2006, AFRC/JA experienced a change in leadership positions with Colonel William A. Druschel taking over the position of staff judge advocate from Colonel Joseph F. Dent.

Notable events from Fiscal Year (FY) 2006 include: The National Defense Authorization Act (NDAA) for FY07 modified full-time active duty reservist (Active Guard Reserve or AGR) duties under 10 United States Code § 12310 of “organizing, administering, recruiting, instructing, or training the reserve components” to permit reserve members to support active duty operations and train active duty members as an additional duty, to the extent it does not interfere with the member’s primary AGR duties. Prior to the referenced amendment, AFRC/JA conducted a major command (MAJCOM)-wide inventory, assessment and legal review of the Air Force’s use of full-time reservists (ARTs and AGRs) for training capabilities. The inventory included all AFRC directorates, but ultimately concentrated on training provided within the operational community. Use of full-time reservists is a Total Force

Initiative that takes advantage of the great amount of experience reservists “bring to the fight” and their relative stability given that they typically remain at the same installation for greater periods than their active duty colleagues. The AFRC/JA report was consistent with an Air Force Audit Agency’s findings and recommendation of the development of formal mission statements by gaining MAJCOMs to authenticate the use of full-time reservists to provide this much needed training support. The NDAA FY07 amendment clarified any ambiguity permitting the effective employment of Air Force Reserve AGR personnel.

AFRC/JAR continues efforts to improve the IMA orders system, Air Reserve Orders Writing System (AROWS), and the automated registration process for the Annual Survey of the Law (ASOL). The NDAA FY97 directed the Secretary of the Air Force to assign all Air Force Reserve personnel stationed in the continental United States (CONUS) to the Air Force Reserve Command. In response, AFRC stood up the Readiness Management Group (RMG) to standardize IMA administrative management and JAR works closely with the RMG fulfilling judge advocate IMA requests.

On behalf of Major General Richard D. Roth, the Mobilization Assistant to The Judge Advocate General, AFRC/JA introduced the inaugural Command Legal Issues Course (CLIC) at Minneapolis-St Paul Air Reserve Station (MSP ARS) on 18-19 October 2006. The course is appended to the AFRC Commander, First Sergeant, and Senior ART Workshop, also known as “TRIAD.” The CLIC portion of the course added

CAT A judge advocates and addressed an array of legal topics through lecture, student interaction, and seminar. The primary goal of CLIC was to allow key leaders and their judge advocates to tackle command legal issues as a team. CLIC received an overwhelming positive response from attendees and will be offered in conjunction with the TRIAD course at least two times per year.

Air Force Reserve judge advocates and paralegals continue to step forward and volunteer for a growing number of deployment opportunities throughout CONUS and outside the CONUS (OCONUS) locations, with tours ranging from 60 to 365 days. CONUS locations include Washington D.C. and northern Virginia, as well as Panama City and Tampa, Florida. OCONUS locations include Germany, Italy, Kyrgyzstan, Afghanistan, Iraq, and Qatar. During the past year, approximately 48 Cat A and Cat B judge advocates and paralegals deployed in support of the Global War on Terrorism, an average of 16 deployments per Air Expeditionary Forces cycle. In March 2006, 11 reservists answered a call from the Secretary of Defense for an immediate plus up of judge advocates and paralegals in support of Task Force 134 in Baghdad, Iraq. The judge advocates and paralegals offered unique civilian judicial and prosecutorial expertise, performing detainee case reviews and substantially reducing a backlog of detainee cases. One judge advocate was wounded when the Humvee he was riding in was struck by an improvised explosive device and for his injuries, he received the Purple Heart. In addition to much needed deployment support, AFRC judge advocates also filled a critical shortage of government contract law positions supporting ongoing reconstruction and rebuilding

efforts, as well as law enforcement and security training initiatives, in Iraq. AFRC/JA also established an “operational reserve” of judge advocate and paralegal volunteers

for the 2006 hurricane season (1 June – 31 October 2006) in support of potential operations similar to last year’s Hurricane Katrina and Rita relief efforts.

In 2007, AFRC/JA’s goals include the deployment of an electronic line of duty (LOD) and administrative discharge processes.

AFSPC

The Air Force Space Command legal office (AFSPC/JA) located at Peterson Air Force Base, Colorado, advises the Air Force Space Command Commander, staff, and numbered air force, center and wing commanders on high-interest policy matters and concerns while overseeing a \$20 billion Command Acquisition Program, including space/missile systems procurement, source selection actions, and short-suspense Government Accountability Office protest litigation. Unique to the Air Force, the office advises on high-altitude operations and outer space issues affecting Air Force relationships with international communities and oversees foreign criminal jurisdiction matters involving Canada for all Department of Defense (DOD) members. The office also provides legal oversight on use of Air National Guard and Reserve forces in federal space operations missions.

Environmental law attorneys played a key role in a Department of Justice lawsuit challenging Colorado’s asbestos regulations. This action prevented the imposition of millions of dollars of additional expenses to military installations in Colorado. In addition, environmental attorneys assisted in time-sensitive negotiations on Air Force measures to abate lead-based paint in historic houses at F.E. Warren Air Force Base, Wyoming. The division also assisted commanders at

Vandenberg Air Force Base, California, in protecting against mission encroachment from a proposed California marine protected area, and worked closely with Safety and Environmental staff members to appropriately address unexploded ordinance clearance and remediation issues at several Space Command installations.

Space Command attorneys were also instrumental in assigning a JAG at the National Security Space Institute (NSSI), a DOD-sponsored school for space education and training in Colorado Springs, Colorado. The NSSI-assigned JAG develops the space law curriculum and teaches space law to Air Force space professionals and personnel from NASA, Department of the Army, and other government entities.

The Space Law Division continues to be actively engaged in developing a strategic plan for space law and operations, including developing proposals for changes in policy. Recently, international law attorneys drafted a set of proposed rules of engagement for future space operations, to be initially used and tested in the Schriever IV Wargames. Space law attorneys also wrote a textbook chapter on space law that will be used to teach future leaders attending the U.S. Air Force Academy.

The Commercial and Fiscal Law Division drafted a legislative



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proposal to bolster the Air Force’s space missions affecting the Commercial Space Launch Act for Air Staff action and continued to support the headquarters (HQ) staff in implementing a Fiscal Year 2001 legislative initiative, adopted by Congress, to provide space situational awareness to non-U.S. Government entities. Attorneys spearheaded efforts to recover a \$12 million claim against a contractor for damages to the Patrick Air Force Base, Florida, Officer’s Club, which was destroyed by fire in 2005. Attorneys also developed a new government/contractor procurement ethics training program for HQ staff. Finally, attorneys enlarged the command’s management oversight program to review fraud remedies plans and engineered the reuse by AFSPC

of a substantial portion of the over \$500 million settlement of the Boeing fraud/ethics violation

cases, including active budget authority to the tune of \$59 million in the Missile Procurement and

Research, Development, Testing and Evaluation.

AFSOC

Air Force Special Operations Command (AFSOC), America's specialized air power, is located at Hurlburt Air Force Base, Florida. Leading the fight in the Global War on Terrorism (GWOT), they provide Air Force special operations forces (SOF) for worldwide deployment and assignment.

AFSOC/JA's mission is to maximize SOF freedom of action, consistent with legal and ethical considerations, through comprehensive legal counsel and other support. AFSOC operational law attorneys analyze the legal authorities necessary to conduct specific missions including complex fiscal law issues. They review command tasking and execution orders, operational concepts and plans, and targeting, as well as rules of engagement for legal sufficiency for both training and live operations—joint and combined. To timely meet these global challenges, AFSOC has placed operational legal advisors at two overseas SOF groups with great success. Finally, attorneys administer AFSOC's single general court-martial jurisdiction, the only major command (MAJCOM) with that direct military justice duty.

In Fiscal Year (FY) 2006, AFSOC/JA's experience with officer misconduct cases led to extensive recommendations for revisions to the officer separation Air Force instruction to expedite the process while fully protecting the rights of the officer. AFSOC's worldwide support to accident investigation

boards also included development of a next-of-kin briefing which is now used as the gold standard in JAG legal advisor training materials.

With the return of Moody Air Force Base, Georgia, and the combat search and rescue mission to Air Combat Command (ACC), AFSOC/JA attorneys developed a detailed implementation plan to ensure seamless military justice jurisdiction and the provision of operational legal advice. The last pending general court-martial from Moody Air Force Base went to trial in October 2006 and will be administratively processed by AFSOC/JA.

In order to meet the unprecedented growth in AFSOC, attorneys drafted and implemented a memorandum of agreement with ACC enabling a short notice stand-up of the 3d Special Operations Squadron at Creech Air Force Base, Nevada. Manning the MQ-1 Predator unmanned aerial vehicle, the 3 SOS has flown worldwide missions providing a "global unblinking eye." At the same time, a second new squadron, the 319th Special Operations Squadron, was created to fly single-engine U-28As in support of SOF. AFSOC/JA was involved in the acquisition of six U-28As and supported the stand-up of an initial cadre of about 45 Airmen to fly and maintain the planes. The squadron was officially reactivated on 1 October 2005 at Hurlburt Field and began flying operations six days later. Amazingly,



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operators were ready for their first combat mission in January 2006.

One of the larger investments of time and energy involved working the proposed beddown of a second wing of SOF personnel and weapons systems at Cannon Air Force Base, New Mexico, providing a highly-desired "western" base of operations for AFSOC. Environmental attorneys have been fully engaged in the Environmental Impact Statement (EIS) process required under the National Environmental Protection Act. As this EIS has been identified as an Air Force "lean" process, AFSOC attorneys have traveled to literally dozens of meetings in New Mexico and Washington D.C., including public hearings during a three month time period to ensure significant milestones were met. Close monitoring of all proposed plans and hearings are required based upon the proposed actions

resulting from the 2005 Base Realignment and Closure process.

Attorneys have conducted intensive and ongoing reviews of training program developments and operational plans based on the upcoming delivery of the CV-22 Osprey to Hurlburt Field and the drawdown of existing platforms.

An increase in the number of personnel providing specialized operations is in full motion. To meet that demand, AFSOC has integrated a SOF-knowledgeable, operational attorney with the 6th Special Operations Squadron, the Air Force's only combat foreign aviation advisory unit. The attorney has been heavily involved in funding questions and reviewing the

status of forces participating in joint combined exercises for training. Similarly, AFSOC attorneys have analyzed operations and provided advice to commanders of Operation ENDURING FREEDOM (OEF)-Philippines and OEF-Trans Sahara.

Experienced AFSOC operational attorneys are a low density, high demand asset and deploy at an accelerated tempo. Deployments range from sustained support for GWOT operations to the recent emergency evacuation of U.S. citizens from Lebanon. Their expertise was central to developing a rebuilding plan for the Iraqi Air Force which was deemed visionary by the Chief of Iraqi Armed Forces. The greatest

demand on AFSOC legal assets during FY06 was occasioned by a huge increase in demand for SOF-knowledgeable legal advisors in OEF and Operation IRAQI FREEDOM (OIF). AFSOC deployed four field grade JAGs to the Combined Joint Special Operations Component, Iraq. Additionally, AFSOC deployed two judge advocates to the Joint Special Operations Task Forces-Arabian Peninsula (JSOTF-AP), Iraq, in support of OEF/OIF special forces operations, with a significant level of work devoted to detainee processing operations. In total, with AEF deployments from AFSOC personnel, eight judge advocates and one paralegal deployed; eight of whom served in the U.S. Central Command combat zone.

AMC

The Air Mobility Command legal office (AMC/JA), located on Scott Air Force Base, Illinois, is staffed by approximately 18 personnel. AMC/JA's mission is significantly tailored to support AMC's responsibility for the Air Force's mobility assets.

Contract law attorneys tackled the Herculean task of providing the legal counsel and expertise necessary to sustain AMC's airlift contracting—a truly vital activity serving the entire Department of Defense (DOD), the U.S. Department of State, and our foreign allies. Compelled by the needs of the Global War on Terror, AMC's international airlift contracting tripled, mushrooming from a peacetime level of \$800 million to \$2.4 billion annually, expanding even more in complexity, sensitivity, urgency, and legal challenges.

Specifically, through their efforts the United States tapped into a previously unthinkable source to meet this need—the acquisition of outsized commercial air cargo capability from the former Soviet Bloc. AMC/JA's legal guidance and business recommendations ultimately led to the capability to charter this much-needed airlift by incorporating it into AMC's flagship Civil Reserve Air Fleet contract. This new capacity is now readily available to combatant commanders and provides highly beneficial partnering opportunities to U.S. civil carriers.

AMC contract attorneys also guided the command through contracts with U.S. and foreign air carriers to perform vital airlift in remote areas, such as Afghanistan, under hostile threat in austere and primitive conditions. AMC/JA's efforts



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led to the expansion of command prerogatives and the enhancement of soldiers' morale. When theater combatant commanders identified an urgent need to procure short-duration intra-theater airlift in remote locations around the world

without the delays attending the DOD's necessary but cumbersome air carrier safety inspection and approval process, AMC contract attorneys secured a swift and effective solution by obtaining a change of policy to allow the combatant commanders to conduct the inspections locally while also preserving safety standards. As a consequence, combatant commanders now have greater flexibility and increased responsiveness for hard-to-source air missions in their areas of responsibility.

Aviation law attorneys oversaw 11 Accident Investigation Boards, including three in combat zones. The most noteworthy investigations involved the KC-135 collision with a TU-154 at Manas Air Base, Kyrgyzstan, an investigation made more difficult by having to deal with state aircraft sovereignty issues; the super-high-visibility C-5B crash at Dover Air Force Base, Delaware; the C-130E brake fire at Al Asad Air Base, Iraq, which resulted in totaling of the aircraft; the C-5A brake fire at Andrews Air Force Base, Maryland, where the aircraft landed heavily with 40 percent flaps; and the C-17 that landed with two wheels off of the runway at Bagram Air Base, Afghanistan.

AMC aviation lawyers also guided a Ground Accident Investigation Board involving a Services employee paralyzed by a tree limb. Further, during a domestic airline strike, their advice to divert mission aircraft from a civil airport to a military location removed the imminent risk that civilian aircrews would ground indispensable cargo aircraft by refusing to cross a picket line, while also protecting the Armed

Force's obligation to remain neutral in labor disputes.

Environmental law attorneys provided critical legal counsel to ensure AMC/A7's Installation Development Environmental Assessment (IDEA) initiative satisfied the requirements of federal law and regulations. The IDEA initiative takes a holistic approach for assessing environmental projects under numerous plans, including the Base General Plan, Facility Utilization Board, Base Realignment and Closure (BRAC) 2005 recommendations, and other proposed actions. The IDEA program involves performing a single "fence-to-fence" environmental assessment (EA) across AMC installations, rather than individual EAs on projects. The goal of the IDEA is to: 1) streamline the Environmental Impact Assessment Program (EIAP) review process to remove procedural redundancies, accelerate staff reviews, reduce repetitive engineering and legal efforts, and reduce costs in AMC; 2) coordinate land use planning and EIAP on an installation-wide basis, thereby saving time and funding currently expended on an individual EA project basis; and 3) develop an environmental planning baseline for proper application of categorical exclusions, tiering, and supplemental EIAP analysis in the future.

Administrative law attorneys took the lead over joint-basing issues. Four of the 12 BRAC-directed joint bases involve AMC bases. Two of these AMC bases were included in a pilot study. Attorneys also cleared numerous logjams to achieve a memorandum of agreement between the Aeronautical Systems Center

F-15 System Group and Boeing Corporation, paving the way for the delivery of 40 F-15K aircraft to the Republic of Korea.

Operations and International law attorneys oversaw the deployment of 44 AMC legal personnel in FY06 in support of the Global War on Terrorism. They regularly resolved issues of international dimensions, to include: complying with Irish landing notification requirements, reducing the burden and intrusiveness of German and Pakistani custom searches of U.S. aircraft, eliminating Spanish restrictions impeding Air Force criminal investigations, and ensuring that the misconduct of a foreign exchange officer was quickly and appropriately resolved. In the face of Yemeni threats to deny overflight and landing rights, their quick response enabled command to anticipate, collect, and analyze data that verified the amount of U.S. debt to Yemen for its ground support of American aircraft, thus enabling U.S. authorities to pay that debt and avert a potentially mission-crippling closing of Yemeni airspace.

PACAF

The Pacific Air Forces legal office (PACAF/JA) is located on Hickam Air Force Base, Hawaii. With an office staff of approximately 13 personnel, PACAF/JA provides advice and general counsel to the Commander, Pacific Air Forces (COMPACAF), 18 Headquarter Staff Directors, and 15 subordinate numbered air force (NAF) and wing legal offices. The Pacific Theater is the largest and most diverse in the world. It contains 105 million square miles, 16 time zones and 60 percent of the world's population, with 43 countries and over 1,000 languages and dialects. It also includes North Korea, an unpredictable regional threat, and China, a rising military superpower. The PACAF mission is to provide Pacific Command integrated expeditionary Air Force capabilities to defend the Homeland, promote stability, dissuade/deter aggression, and swiftly defeat enemies.

One of the most significant accomplishments during Fiscal Year (FY) 2006 was the stand-up of the Kenney Warfighting Headquarters, now 13th Air Force, a NAF-component headquarter, at Hickam Air Force Base. This concept has revolutionized JA's involvement in planning for and executing contingencies and warfighting operations.

Attorneys from the Operations and International Law Division oversaw the successful deployment of 18 PACAF JAGs and paralegals to 10 different locations in FY06 to support Air Force operations overseas. They helped craft a plan to cut through Title 10 and Title 32 issues to enable COMPACAF

to bed down the first PACAF C-17 unit at Hickam Air Force Base, a Total Force Integration initiative benchmark. Attorneys were also heavily engaged with the Operations and Planning Directorates to guarantee successful initiation of the Global Hawk mission at Andersen Air Force Base, Guam, and the stand-up of a Red Flag Alaska exercise at Eielson Air Force Base, Alaska. Finally, attorneys conducted reviews of all PACAF major war plans to ensure legal sufficiency and proper integration of legal support.

The proactive participation of environmental law attorneys early in the planning of the F-22A beddown at Elmendorf Air Force Base, Alaska, resulted in the signing of the National Environmental Policy Act environmental assessment within six months. This paved the way to the F-22A beddown implementation, ensuring the newest air superiority platform will be present in the Pacific theater.

The military justice division tracked more than 50 serious criminal cases from throughout the Pacific requiring special interest reports, and reviewed 10 to 15 officer discharge cases and promotion propriety actions.

When a multinational dispute erupted, acquisition attorneys cut through a morass of host national telecommunication laws to help provide Airmen serving in an isolated area with high speed internet, digital telephone, and cable TV system—and the ability to connect with loved ones.



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Every year, PACAF/JA hosts the Pacific Joint Operations Law Exercise (PACJOLE) at the Pohakuloa Training Area, Big Island, Hawaii. The objective for this exercise is to provide a JAG/Paralegal unit type code (UTC) real-life deployment experience in an austere environment. Although the primary audience for PACJOLE is reserved for PACAF JAGs and paralegals scheduled to deploy, the exercise has been opened to other major commands, other services, and international students. To date, PACAF/JA has hosted students from the U.S. Army and the armed forces of Canada, Japan, Australia, Bangladesh, Indonesia, Mongolia, Thailand, and India.

In March 2006, PACAF/JA also hosted the annual Executive Conference (EXCON) where the JAG Corps' senior leaders, major command staff judge advocates, HQ AF/JA directors, and the Senior Paralegal Advisor gathered to discuss the JAG Corps 21

implementation and a range of important Air Force and JAG

Corps issues. EXCON attendees were also flown to the Big Island

to see PACJOLE's training opportunities first hand.

USAFE

The U.S. Air Forces in Europe legal office (USAFE/JA) is located on Ramstein Air Base, Germany. During Fiscal Year (FY) 2006, USAFE underwent a significant transformation. Two traditional general court-martial convening authorities (3d Air Force at Royal Air Force Mildenhall, United Kingdom, and 16th Air Force at Aviano Air Base, Italy) were combined into a single Air Command Europe (ACEUR) located at Ramstein Air Base, Germany. At the same time, manpower positions were shifted to Ramstein Air Base to ensure a seamless transition of military justice and other activities. USAFE/JA also supported the successful closure of Rhein Main Air Base, Germany, and the ensuing relocation of its mission to Ramstein Air Base and Spangdahlem Air Base, Germany.

Attorneys in the Military Justice Division were responsible for *United States v. Hill*, a capital murder case in which an Airman is charged with the premeditated murder of a fellow Airman at Naval Air Station (NAS) Keflavik, Iceland. The division has been integrally involved with the charging and the preparation of this high-profile and complex case for trial. After the military judge issued an order to the government to ensure the crime scene was protected from contamination and secured for future viewing, attorneys from USAFE/JA spearheaded the request to the Government of

Iceland to maintain security of the crime scene. This coordination was especially challenging since all U.S. forces formally left NAS Keflavik on 30 September 2006.

Military Justice personnel have also played a key role in training. USAFE/JA attorneys and paralegals conducted the annual Military Justice Administration and Advocacy Training (MJAAT), which assists base-level JAGs and paralegals to prepare and prosecute courts-martial, as well as process Article 15s and other administrative actions. The attorneys, in conjunction with Headquarters Air Force Office of Special Investigations (AFOSI) agents, also spearheaded the first annual AFOSI-JA training that focused on the processing and prosecution of sexual assault cases.

Attorneys from the Civil Law Division are vitally involved in ethics issues within USAFE, ensuring that general officers and other applicable personnel are in compliance with financial disclosure requirements. In the last year, attorneys have also conducted numerous legal reviews concerning the travel of spouses on military aircraft.

The International Law Division diligently worked to relocate the Tactical Leadership Program, a multinational training organization currently located in Belgium but recently approved for relocation to Spain. Attorneys have also negotiated technical arrangements impacting all Air Force installations in Italy.



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During FY06, USAFE's environmental law attorneys also worked to rewrite the final governing standards for Portugal, which had not been revised since 1994.

Attorneys from the Operations Law Division played a key role in Austere Challenge '06, a training exercise and operations readiness inspection for the USAFE Air Operations Center (AOC). As a result, the AOC was certified as a Joint Force Air Component Headquarters in October 2006. The Operations Law Division also instituted Expeditionary Law Training, in which two operations law attorneys trained attorneys and paralegals at all of the USAFE installations in preparation for deployment.

SPOTLIGHT ON... A MAJCOM ATTORNEY

As an attorney in the International Law Division of USAFE/JA, Mr. Van Orsdol is primarily responsible for monitoring and influencing the formulation of European Union law and regulations that may impact U.S. Air Force operations and missions in Europe, and for providing the commander, staff, and subordinate commands legal advice on all international environmental law issues across USAFE and on specific international law issues arising within the Mediterranean countries within USAFE. The division contains three U.S. civilian attorneys, a German and an Italian attorney, a German paralegal who provides an official interface between U.S. personnel and the German court system, and an American paralegal who centrally manages the Foreign Criminal Jurisdiction and Foreign Civil Litigation Programs for the command.

Mr. Van Orsdol joined the International Law Division approximately three years ago following his retirement from a 30-year active duty career. While on active duty he served a total of seven overseas assignments including staff judge advocate at base, numbered air force and joint command levels; chief of international and operations law at USAFE; and as NATO's senior judge advocate. "Returning to USAFE to serve in the International Law Division was the professional opportunity of a lifetime and fulfilled a personal dream of once again living and

working in Europe," says Mr. Van Orsdol.

Recently, Mr. Van Orsdol provided legal support to the negotiating team that concluded an eight-nation agreement to relocate the multinational Tactical Leadership Program from Belgium to Albacete Air Base in Spain, and orchestrated winning approval from Defense Logistics Agency, U.S. European Command, the Ambassador, and the Government of Turkey to permit disposal of U.S. Forces-generated hazardous waste within Turkey for the first time. It is estimated that hazardous waste disposal in Turkey will save the U.S. Air Force several million dollars in disposal costs in the first year of its application alone.

USAFE has chosen to staff the International Law Division with civilian attorneys who can provide greater continuity and corporate memory to the command. USAFE's international law challenges often extend over many years or even decades. Mr.



MR.
JAMES R. VAN ORSDOL
ATTORNEY-ADVISOR
HQ USAFE/JA

Van Orsdol says, "I'm fortunate to be able to assist the USAFE staff in its vital challenges of mission accomplishment, protecting our operational prerogatives, and ensuring the highest standards of quality of life for our military personnel, civilian employees, and their families overseas."





NUMBERED AIR FORCE LEGAL OFFICES

With a staff of experienced and capable personnel, numbered air force (NAF) legal offices advise and assist NAF commanders and their staffs located across the globe on a wide variety of legal issues. Much of this advice is necessarily concerned with the administration of the military justice system, since the majority of NAF commanders also serve as general court-martial convening authorities. In addition to military justice, however, NAF staff judge advocates and their staffs provide critical advice on matters such as environmental law, labor law, international law, civil law, and contract law—not only to the NAF personnel, but also to the base legal offices aligned beneath them.

A number of significant organizational transformations occurred during Fiscal Year (FY) 2006 at the NAF level. For instance, in May 2005, Commander, Pacific Air Forces (PACAF), moved 13th Air Force from Andersen Air Force Base, Guam, to Hickam Air Force Base, Hawaii, as part of PACAF's effort to reorganize command and control (C2) functions as envisioned in the CSAF's C2 Enabling Concept and Program Action Directive 06-09.

Moreover, on 1 November 2005, Third Air Force inactivated while Air Command Europe (ACEUR), United States Air

Forces in Europe's (USAFE) Management Headquarters was activated at Ramstein Air Base, Germany. ACEUR assumed responsibility for running day-to-day operations for USAFE. During contingency operations 16th Air Force, also located at Ramstein, served as USAFE's Warfighting Headquarters, and commands attached forces. 16th Air Force, Detachment 3 (16 AF-Det 3), Royal Air Force Mildenhall, United Kingdom, was activated on the same date, with the commander serving as European Command's single point of contact with Her Majesty's Government within the United Kingdom. Although occurring in FY07, it should be noted that 16 AF-Det 3 was reorganized again in December 2006 and the legal office is now designated 3 AF-UK/JA.

A few of the important accomplishments from representative NAF legal offices include:

2 AF/JA (AETC), KEESLER AFB, MS

During FY06, Second Air Force continued recovering from Hurricane Katrina, took on a new mission, reorganized its headquarters, and supervised a busy military justice workload.

After Hurricane Katrina, Major General Michael C. Gould, 2 AF

NUMBERED AIR FORCE SJAS

First Air Force/AFNORTH (ACC), Tyndall AFB, FL	Lt Col Robert C. McNeil
Second Air Force (AETC), Keesler AFB, MS	Col William Gampel
Third Air Force (USAFE), Ramstein AB, Germany	Col William W. Pischnotte
Fourth Air Force (AFRC), March ARB, CA	Col Martin C. O'Brien
Fifth Air Force (PACAF), Yokota AB, Japan	Col Daniel E. Rogers
Seventh Air Force (PACAF), Osan AB, Korea	Col Odell Grooms
Eighth Air Force (ACC), Barksdale AFB, LA	Col Christopher F. Burne
Ninth Air Force/USCENTAF (ACC), Shaw AFB, SC	Col Mary V. Perry
Tenth Air Force (AFRC), NAS Forth Worth Joint Reserve Base, TX	Col Russell A. Friemel
Eleventh Air Force (PACAF), Elmendorf AFB, AK	Col Paul M. Barzler
Twelfth Air Force (ACC), Davis-Monthan AFB, AZ	Col John A. Dyer
Thirteenth Air Force (Kenney Warfighting HQ (P)) (PACAF), Hickam AFB, HI	Col Jeffrey P. Wilcox
Fourteenth Air Force (AFSPC), Vandenberg AFB, CA	Col Ralph A. Bauer
Sixteenth Air Force-Det 3 (USAFE), RAF Mildenhall, United Kingdom	Col Dean C. Rodgers
Eighteenth Air Force (AMC), Scott AFB, IL	Col Craig A. Smith
Nineteenth Air Force (AETC), Randolph AFB, TX	Col Timothy D. Wilson
Twentieth Air Force (AFSPC), F.E. Warren AFB, WY	Col Ronald A. Rodgers
Twenty-Second Air Force (AFRC), Dobbins ARB, GA	Col Theresa A. Negron

Commander, met with Mississippi Governor Haley Barbour to offer assistance with state recovery efforts. As a result, 2 AF took the lead in processing applications by Gulf Coast Department of Defense (DOD) personnel and retirees under the Mississippi Homeowner's Grant program, a state-sponsored, federally-funded initiative providing financial assistance to affected homeowners living outside designated flood zones. 2 AF, in cooperation with the Governor's office, hosted the "Keesler Service Center" which fielded over 2,000 phone calls, scheduled personal appointments for 473 grant applications, and expended 1,700 man hours in this effort. Grant applications totaling \$75.6 million were processed on behalf of almost 500 DOD beneficiaries.

2 AF then took on the new "in-lieu-of" (ILO) training mission. General T. Michael Moseley, the Chief of Staff of the Air Force (CSAF), and General William R. Looney, III, AETC Commander, directed the 2 AF Commander to create a command structure for Airmen being trained in Army ground combat skills for Army combat missions "outside the wire," or outside the traditional garrison-based, Air Expeditionary Force (AEF) deployments to the area of responsibility (AOR). The mission is, "providing Airmen cultural and non-traditional ground combat training required to succeed at ILO training locations and to survive while deployed 'outside the wire.'" 2 AF established and continues to refine an overarching Air Force command and control structure for Airmen training with the Army. 2 AF/JA supported this effort by participating in the development of the concept of

operations (CONOPS) and by drafting language for the execution orders and contingency exercise deployment orders. 2 AF/JA also provides legal support to newly created Air Force detachments at various Army training installations and ILO Airmen while in training.

2 AF also completely reorganized to more fully reflect its new operational emphasis. The new 2 AF is organized around a training operations center (TOC) which contains four divisions: Strategy, Plans, Operations, and Analysis. The JA function remained a staff function reporting directly to the commander. 2 AF/JA assisted in the organizational planning for the new structure and continues to provide support primarily in the areas of military justice and adverse actions.

During FY06, 2 AF wings completed 85 courts-martial, approximately 9 percent of the Air Force total, and processed approximately 12 percent of the Air Force total of Article 15 actions.

5 AF/JA AND USEF/J06 (PACAF), YOKOTA AB, JAPAN

The mission of Fifth Air Force and the Office of the Staff Judge Advocate, U.S. Forces, Japan and is to provide timely, quality legal support to the Commander, Fifth Air Force and U.S. Forces, Japan, and in support of his multiple roles and missions; to assist U.S. forces in Japan in conducting military, diplomatic, and political engagement; to ensure the continued strength of the rule of law as one of the ties that bind the United States and Japan; and to assist in policy development. Additionally, the office provides

supervisory legal guidance and policy direction to all U.S. forces in Japan, over 45,000 military personnel at 15 major facilities. The office is the primary legal liaison to the Government of Japan (GOJ), Japanese Joint Staff, the Japan Self Defense Forces, and Japanese judicial officials for all DOD activities in Japan.

During FY06, the office had the unique mission as Single Service Claims Authority for all claims relating to the military filed in Japan. In this role, the office is responsible for adjudicating claims for and against the United States and its personnel in Japan. It is a liaison with Japanese claims and diplomatic officials, and members of Japanese Defense Facilities Administration Agency under the status of forces agreement (SOFA). In FY06, in-depth research into Japanese tort law allowed a savings of \$4 million on a claim for a building damaged in the crash of a Marine CH-53 helicopter into a Japanese University building. 5 AF/JA's quick payment of 14 claims totaling \$1.9 million, however, helped reverse negative outcry regarding the crash.

In 2006, the outstanding bilateral relationship long enjoyed between 5 AF/JA and the GOJ Ministry of Justice benefited all DoD personnel serving in Japan. Following the brutal murder of an elderly Japanese national at the hands of a U.S. servicemember, 5 AF/JA coordinated activities among the GOJ Ministry of Justice and the Ministry of Foreign Affairs and the U.S. Department of State and DOD in an effort to quell public outcry over the crime. As a result of this coordination, and in an unprecedented step,

SPOTLIGHT ON... A NUMBERED AIR FORCE ATTORNEY

Major Larry Lohman has been the Chief, Contingency Contracting and Deployed Fiscal Law, at 9th Air Force/U.S. Central Command Air Forces since completing his LL.M. (specializing in contracting and fiscal law) at the Army Judge Advocate General's Legal Center and School in Charlottesville, Virginia. "The most rewarding aspect of working at 9 AF/USCENTAF is assisting commanders and JAG Corps members deployed in support of the Global War on Terror with various fiscal and contract law issues on a daily basis." As he explains, "Fiscal law impacts almost every aspect of contingency operations from acquiring supplies and services necessary for the mission, assisting coalition and host nation forces, to providing humanitarian assistance."

Maj Lohman's duties at 9 AF/USCENTAF are unique in that his focus is supporting the contingency

operations, vice continental United States operations. Recently, Maj Lohman provided advice on the various legal authorities for a 9 AF/USCENTAF team to train and equip Iraq and Afghanistan's air forces in coordination with Multinational Security Transition Command Iraq. "This issue was particularly challenging because Congress has broadened the scope of support the United States may provide to coalition forces." Another recent challenge involved a contract protest over food services at a deployed location. Maj Lohman worked with the base JAG and the attorney at the Commercial Litigation Division (JACN) to resolve this issue without interrupting food services, a mission-critical need. "Our support to the deployed Airmen and our coalition forces is critical to the success of our operations."

"In fiscal and contingency contract law, the judge advocate's



**MAJ
LARRY O.Y.C LOHMAN
9 AF/USCENTAF
SHAW AFB, SC**

job is to create and maintain the commander's flexibility and options to carry out the mission within the law, and I look forward to coming to work each day to assist deployed JAGs and paralegals!"

Japanese authorities permitted a U.S. representative to be present during the interrogations of the accused as a matter of right. The subsequent smooth transfer of custody prior to indictment resulted in numerous commentaries, press and private, regarding the ability of the U.S. and Japan to cooperate in serious criminal cases. Thanks to the efforts of 5 AF/JA, a tragic crime with potential long-term public relations and strategic consequences has thus far resulted in neither. Instead, the result has been an increase in the due process protections afforded to all DOD

personnel serving in Japan and increased trust of the U.S. armed forces by the Japanese people.

13 AF/JA (PACAF), HICKAM AFB, HI

Thirteenth Air Force, formally the George C. Kenney Headquarters (Provisional) (KHQ), serves as PACAF's Warfighting Headquarters and is the Air Force's first operating NAF Component Headquarters as envisioned in the CSAF's C2 Enabling Concept and Program Action Directive. These documents capture the CSAF's vision of reorganizing Air Force command

echelons to have standing Air Force Component organizations dedicated to command and control of Air Force forces assigned to the Unified Combatant Commanders. Air Force Component Organizations are organized to support a Falconer Air Operations Center, and support an Air Force Forces (AFFOR) staff focused on supporting Air Force forces conducting contingency and steady-state operations. Within the Pacific Command (PACOM) area of responsibility (AOR), 7 AF supports U.S. Forces Korea

and 13 AF supports all other PACOM, subunified commands, and joint task forces in the PACOM AOR.

In FY06, 13 AF efforts included command and control of intelligence, surveillance, and reconnaissance missions, Operation NOBLE EAGLE and homeland defense operations, support to deployed forces for the deployed continuous bomber presence and theater security package forces, and conduct of Operation DEEP FREEZE, the resupply operation to Antarctica. In addition, 13 AF responded to humanitarian assistance/disaster response operations following mudslides in the Philippines, a massive earthquake in Indonesia, and in reconstitution efforts following Super-typhoon Ioke's landfall over Wake Island. 13 AF provided Joint Force Air Component Commander (JFACC) support to numerous PACOM-directed exercises and supports contingency planning efforts. In addition, 13 AF reorganized on 6 October 2006 to provide NAF component oversight for the 36th Wing at Andersen Air Force Base, Guam, and the 15th Airlift Wing at Hickam Air Force Base, Hawaii.

13 AF/JA provided full-spectrum legal support to 13 AF commanders and staff agencies. Furthermore, it provided embedded legal support to the Strategy Division, Plans Division, and Combat Operations Division and AFFOR Staff during contingency and exercise surge operations. 13 AF/JA also worked closely with Air Staff division chiefs to ensure proactive legal support in planning and executing C2 and support of deployed Air Force assets with particular emphasis on status of

forces agreements (SOFA), mutual support logistics agreements, foreign clearance guide criteria, and force protection issues.

Specific KHQ/JA accomplishments include establishing "Smart Books" and operating instructions for JA positions in the Pacific Air Operations Center Strategy, Plans, and Combat Operations Divisions; establishing model command and control language setting forth operational control (OPCON) and specified administrative control (ADCON) of deployed personnel; reviewing all major theater operational plans and drafting legal and rules of engagement (ROE) annexes for these plans; developing legal annex for theater response to pandemic influenza contingency operations, touching on unique international law issues involved in quarantine and force protection in overseas locations; and hosting a PACOM component ROE conference to facilitate discussion and coordination of ROE development for PACOM operations.

14 AF (AFSPC), VANDENBERG AFB, CA

14 AF/JA advises the 14th Air Force Commander (14 AF/CC), the general court-martial convening authority for five AFSPC air force bases—Vandenberg, Peterson, Schriever, Buckley, and Patrick—including a total active duty population of over 8,100 personnel. 14 AF/JA also provides legal support to HQ 14 AF Air Staff leadership and 14 AF units including the 614th Space Operations Group, the 614th Space Intelligence Group, and the 1st Space Control Squadron. 14 AF/JA advises on space and operational law matters in support of 14 AF's Joint Space

Operations Center, a functional air and space operations center providing direct support and space effects to theater combatant commanders. On 17 July 2006, the Commander, United States Strategic Command, directed implementation of the Joint Functional Component Command for Space, and designated 14 AF/CC as the Joint Functional Component Commander for Space with Global Space Coordinating Authority exercising OPCON over nearly all DOD space forces.

In April 2006, 14 AF/JA hosted the inaugural Post-Trial Processing Workshop attended by over 40 JAGs and paralegals from across the Air Force. The workshop was developed primarily by 14 AF/JA staff together with personnel from Military Justice Division (AFLOA/JAJM) and The Judge Advocate General's School. The 2006 Workshop furthered the goal of reducing or eliminating errors in post-trial processing that cause or contribute to lengthy delays in the appellate process and finalizing military criminal convictions. Overall, this training will improve the functioning and efficiency of the military justice system and help maintain its key role in preserving good order and discipline in the Air Force.

14 AF/JA continues to provide leadership, oversight, and training to the five wing-level legal offices, in particular regarding their administration of military justice. During FY06, 14 AF/JA's vigilance and attention to detail has increased the number of general courts-martial completed to action within 160 days from 75 percent to 91 percent. Over 80 percent of special courts-martial for both years have been completed within 75 days.

Article 15 nonjudicial punishment actions have improved from 82 percent to 94 percent completed within 20 days.

16 AF/JA-DET 3 (USAFE), RAF MILDENHALL, UK

(Re-designated 3 AF-UK/JA as of 1 December 2006)

The 16 AF/CV-UK is the senior DOD representative regarding all matters related to the presence and operation of U.S. military forces within the United Kingdom. His legal staff is responsible for all legal matters that have United Kingdom-wide implication for U.S. forces. They are actively engaged in all issues that involve interpretation and application of the North Atlantic Treaty Organization (NATO) Status of Forces Agreement (SOFA). These issues range widely to include protection, operation, and expansion of rights, privileges and immunities to which the U.S. forces and associated personnel are entitled. As Country Representative, he negotiates and resolves sensitive issues involving Her Majesty's Customs and Excise, Home Office, Immigration and Naturalization Service, Department of the Environment, and Transport and the Regions ministries. 16 AF/JA-Det 3 interacts with the Crown Prosecution Service on foreign criminal jurisdiction cases of import.

Protestors on U.S. bases in the United Kingdom are a significant problem. This past year saw the use of the so-called Indonesian Hawk Defense to the charges of trespass and destruction of property whereby defendants seek to justify their crimes by asserting their actions are preventing higher or greater crimes, in this case war crimes in Iraq. The issue of the legality of the United State's actions

in Iraq made it to the House of Lords—U.K.'s supreme court—with significant contributions to case and argument preparation made by 16 AF/JA-Det 3. The issue was ruled moot for purposes of the intruders' prosecution and the cases were allowed to proceed to trial.

NATO has decided to create an Intelligence Fusion Center at Royal Air Force Molesworth. It will be the first-of-its-kind international intelligence sharing center to be manned by officers from 21 different NATO member nations. 16 AF/JA-Det 3 led the interactions needed with all the U.K. ministries involved to allow this new international military headquarters to enjoy many of the rights, privileges, and organizational benefits enjoyed by U.S. personnel in the United Kingdom.

Since 9/11, new force protection and antiterrorism procedures have been needed and many changes in fence lines, gate barriers, and public rights-of-way have been put into place at U.S. bases in the United Kingdom. 16 AF/JA-Det 3 has been the office of primary responsibility for rewriting the 1980's era memorandum of understanding on force protection and law enforcement interactions with the United Kingdom. Spearheading coordination with the U.S. Embassy, European Command, USAFE, and the Ministry of Defense, the JA staff is finalizing the document that will govern U.S.-U.K. force protection and cost sharing for years to come.

18 AF (AMC), SCOTT AFB, IL

18 AF/JA provides legal support to the 18th Air Force Commander, the general court-

martial convening authority for 54,000 active duty military personnel assigned to 11 wings, two Expeditionary Mobility Task Forces, and the Tanker Airlift Control Center and advises staffs of 11 wing legal offices on the application of the Uniform Code of Military Justice (UCMJ), rules of evidence and procedure, pre- and post-trial processing of courts-martial, production of orders preserving succession of command, and all nonjudicial punishment actions. They also coordinate UCMJ issues with the MAJCOM and Air Staff. 18 AF/JA advises investigating officers in special interest cases; advises the commander and subordinate units on civil and administrative law matters including government ethics, reports of survey, and line of duty determinations; and authors legal reviews and provides guidance to 11 wing legal offices on civil law and officer disciplinary matters. They are responsible for processing officer Article 15s and subsequent administrative actions and counseling command officials on officer promotion propriety actions.

In FY06, military justice attorneys and paralegals from 18 AF/JA improved the on-time rate for general courts-martial processed within 160 days of prefferal of charges from 48 percent to 71 percent, reducing the average number of days from 214 to 151. The NAF staff processed 17 officer nonjudicial punishment actions flawlessly, including all related officer selection record entries. 18 AF/JA conducted the Second Annual Numbered Air Force Chiefs of Military Justice Conference, where 16 attendees from eight NAFs and higher headquarter military

justice agencies attended and crossfed ideas, concerns, and processes. They also conducted the Third Annual Base Chief/ Noncommissioned Officer in Charge of Military Justice Workshop, teaching critical military justice processes to 23 attendees from 12 AMC legal offices. 18 AF/JA also discovered shortcomings in accounting for expenditures associated with payment of defense expert consultant and witness services, and quickly developed a standard

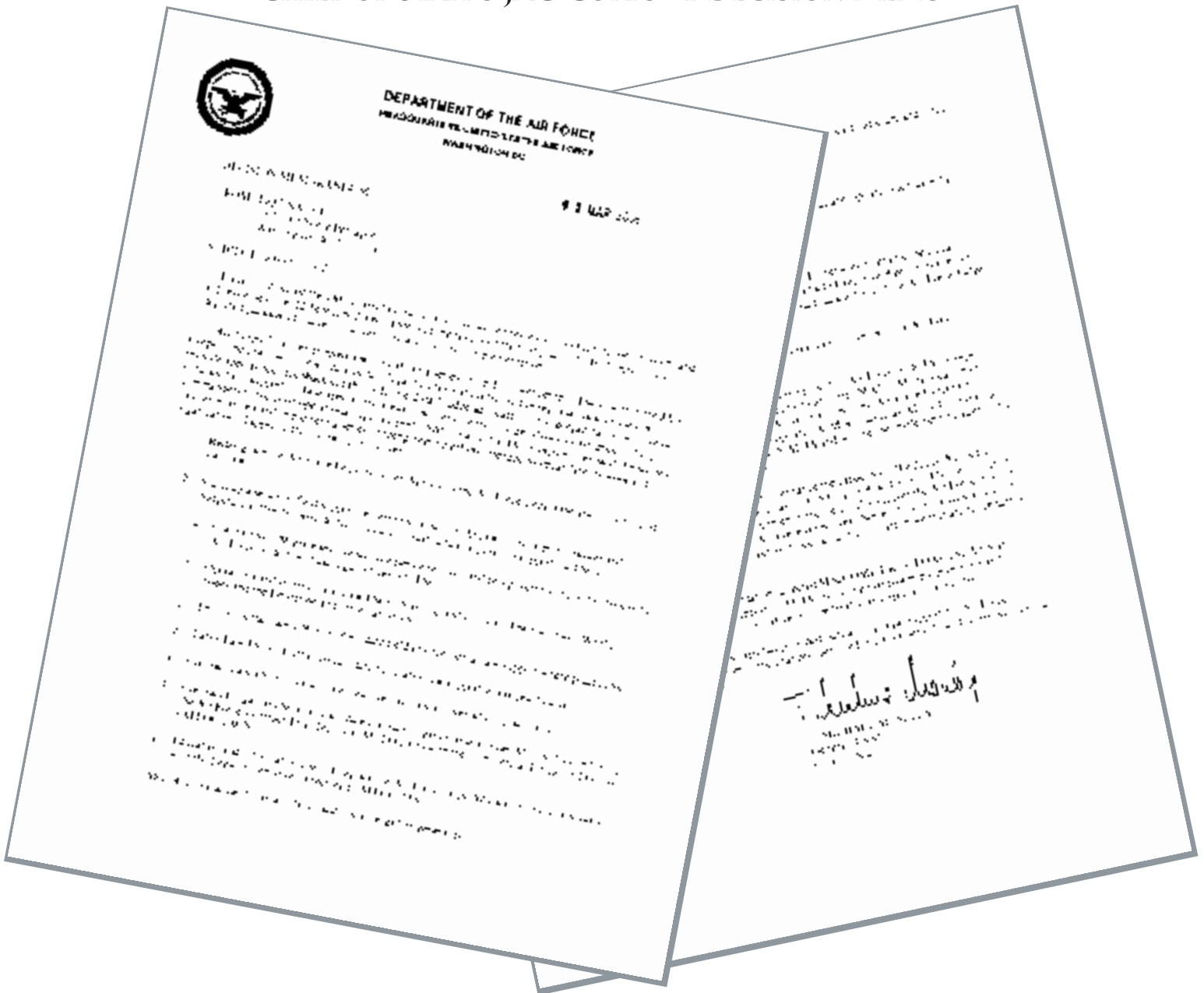
procedure to document and verify expenditures with defense counsel prior to payment.

18 AF attorneys also augmented and advised the team chief and investigating officer on a sensitive, high-visibility commander-directed investigation pertaining to the Dover Port Mortuary. They discovered and resolved a Due Process flaw in the way aviation termination packages were being processed in the command. Finally, 18 AF/JA augmented the AMC

Inspector General team, both attorney and paralegal personnel, during unit compliance inspections at AMC wing legal offices and deployed operational readiness inspections at the Alpena and Volk Field Combat Readiness Training Centers.

During FY06, 18 AF completed 159 courts-martial, approximately 11 percent of the Air Force total, and processed 862 Article 15 actions, approximately 17 percent of the Air Force total.

CHIEF OF STAFF'S JAG CORPS 21 DECISION MEMO





BASE LEGAL OFFICES

The JAG Corps personnel assigned to base legal offices across the globe engage in an extremely diverse practice of law, providing legal services and advice to military members of all ranks, be that the newest Airman or the base commander.

The base legal office is directed by the staff judge advocate (SJA), a seasoned JAG who acts as the primary advisor to the base commander. The SJA is aided by a deputy staff judge advocate (DSJA), most often in the rank of captain or major, and the law office superintendent (LOS), most often the senior enlisted paralegal in the office and who maintains significant leadership responsibility for the paralegals in the office. Additional personnel in a base legal office include assistant staff judges advocates (ASJA), who can hold such positions as the Chief of Military Justice, Adverse Actions, Labor Law, Civil Law, International Law, Environmental Law, and Preventive Law and Legal Assistance. Most ASJAs, regardless of their primary duties, will also serve as government trial counsel for courts-martial, often within months if not weeks of arriving at the base office. Many ASJAs will also rely heavily upon the skill of a noncommissioned officer in charge (NCOIC) of each section and the cadre of paralegals. In some offices, civilian attorneys provide

necessary expertise and continuity for specialized local needs, such as labor law or environmental law. Finally, most base legal offices rely on a dedicated civilian court reporter responsible for records of trial during the many courts-martial.

While it would be nearly impossible to document all of the varied legal issues addressed by our base legal offices, or to list all of the accomplishments and significant events during Fiscal Year (FY) 2006, the following is a representative sample:

Attorneys from 97 AMW/JA completed a memorandum of understanding (MOU) with the City of Altus, Oklahoma, automatically giving Altus Air Force Base jurisdiction of Air Force members arrested off base for violating various municipal infractions such as driving under the influence of alcohol, public intoxication, and actual physical control of a motor vehicle while intoxicated.

67 NWW/JA, Lackland Annex, Texas, provided key legal advice to wing and squadron leadership on the rules of engagement (ROE) in network warfare. In conjunction with the Air Intelligence Agency, attorneys prepared and presented the wing's first network warfare ROE and law of armed conflict briefing.



SPOTLIGHT ON... A BASE LEVEL CIVILIAN ATTORNEY

Upon his retirement in 1996, after serving 25 years as an Army judge advocate, Mr. Jon Jepperson returned to his native Utah, purchased a couple of Air Force blue civilian dress shirts and began a civil service career in the legal office at Hill Air Force Base, Utah. "The top-notch professionals I serve with on a daily basis coupled with the varied and unique legal workload associated with a dynamic logistics center has easily made this the best assignment I've ever enjoyed in my 35 years of government service."

The legal issues and actions at an Air Force Logistics Center are comparable to a major, industrial corporation. Civil law division personnel—five attorneys and one paralegal—respond to diverse legal issues generated by a 20,000+ base populace. A normal work week is guaranteed to include reoccurring taskers involving commander-directed and security investigations; information releases in accordance with the Freedom of Information Act and the Privacy Act; reports of survey; cyberlaw questions and applications; private organization/fundraising inquiries; foreign gifts and gifts to the Air Force issues; and fiscal law counsel and advice. Additionally, he responds to constant, near-daily requests for organizational and personal ethics advice pursuant to

the Joint Ethics Regulation and Air Force policy.

Another distinctive element of the job is working legislative initiatives that make you think "outside the box." Such actions are usually generated to overcome a bureaucratic rule that tends to "stifle" progress. Recently, for example, Mr. Jepperson successfully worked changes to Utah statutes making it easier for foreign liaison officers (FLOs) to obtain a Utah Driver's license and secure utility services for rented homes without the normally required social security numbers. He also assisted with an interesting legislative project that secured Secretary of the Air Force approval for a \$5 million gift from the state of Utah to Hill Air Force Base for the purchase of new logistics center equipment.

However, civil law's bread and butter is labor law work. Like attorneys in a regional Central Labor Law Office, Mr. Jepperson represents the Air Force in all administrative forums associated with the personnel law business. He reviews proposed and final discipline actions generated by the 14,000 base civilian employees and appears before the Merit Systems Protection Board, Equal Employment Opportunity Commission, Fair Labor Relations



MR.
JON W. JEPPELSON
CHIEF, CIVIL LAW DIVISION
OGDEN AIR LOGISTICS
CENTER
HILL AFB, UT

Authority, and arbitrations when discipline or management actions are contested. His division also represents the Air Force before the Office of Special Counsel and the Utah Unemployment Insurance Commission.

"It's a great privilege to serve in the Air Force JAG Corps—I look forward to coming to work each day and reviewing my 'to-do' list. My personal mission and challenge is to constantly provide my clients with on-point advice and counsel, ahead of schedule."

Trial counsel from 88 ABW/JA prosecuted a second lieutenant, assigned to the Air Force Research Lab at Wright-Patterson Air Force Base, Ohio, for murdering his

five-week old son. Under a pre-trial agreement, the accused was sentenced to a dismissal, total forfeitures, and 25 years of confinement.

After noticing that many units were not following the Fitness Improvement Program (FIP) requirements, 70 IW/JA, Fort Meade, Maryland, converted a

legal sufficiency checklist into a document any orderly room could use to uniformly improve the process. They have witnessed a dramatic improvement in the contents of the FIP packages and the number of legally sufficient discharge requests.

Attorneys from the Odgen Air Logistics Center and 75 ABW/JA, Hill Air Force Base, Utah, successfully proposed legislation amending the Utah Drivers License Code to allow foreign liaison

officers and their accompanying family members assigned to military installations within the state to secure a Utah drivers license without a social security number or tax identification number. The legislation requires recognition of a foreign driver's license and recognition of the individual's official presence in the state via military orders.

After two enlisted members from Spangdahlem Air Base, Germany, were arrested in Lithuania during a

North Atlantic Treaty Organization (NATO) deployment. Lieutenant Colonel James Bitzes, 52 FW/JA, traveled to Lithuania with a U.S. Air Forces Europe (USAFE) Public Affairs Officer to secure the release of the Airmen. Lithuania is a new NATO partner, and this event constituted the first exercise of Article VII, foreign criminal jurisdiction, of the NATO Status of Forces Agreement in that country. Working in concert with the Ambassador, a formal release to return to home station was

A DAY IN THE LIFE OF... A STAFF JUDGE ADVOCATE

As I started to work on a Tuesday morning in June, I was worried about an officer general court-martial (GCM) that was on-going. I planned to write two end-of-tour awards and finish off performance reports for personnel assigned to the office before my upcoming leave.

The officer's GCM had taken a bad turn the day before because the circuit trial counsel had become seriously ill during motion hearings. The assistant trial counsel (ATC) on the case had been a judge advocate for about a year. While the ATC conducted successful voir dire of the nine colonel court members, the replacement circuit counsel arrived on schedule and the case proceeded.

I had not gotten to my personnel actions yet, but another officer discharge action was moving along. We were also preparing for a second big day of claims from a huge hail storm that hit the base two weeks before.

At about 1345 hours, the military justice section was in my office for our weekly justice meeting. I looked out my window and saw a grass fire immediately below my office. As we prepared to evacuate, my crisis action team (CAT) pager went off, which was immediately followed by the fire alarm. I ran to the courtroom to tell the judge that there was really a fire and to use the alternate evacuation route. I grabbed the bailiff to get the court members together for evacuation. We successfully evacuated the building. Luckily, the CAT was in a nearby building so I sent the deputy staff judge advocate (DSJA) into the CAT while I ensured accountability of all office and court personnel.

Then my cell phone rang immediately. An Air National Guard F-16 was down in eastern Colorado. I sent the DSJA home to prepare for 24/7 operations in the CAT. Within two hours, my senior captain was on a Black Hawk helicopter accompanying the on-scene commander to the crash site.



**THEN-LT COL
POLLY S. KENNY
21ST SPACE WING,
PETERSON AFB, CO**

The administrative paperwork would have to wait until tomorrow. Each day as an SJA is different and challenging...no "job" could be more rewarding!

Colonel Kenny is currently the Staff Judge Advocate, 316th Wing, Andrews Air Force Base, Maryland.

secured and Lithuania formally waived its right of jurisdiction over both Airmen. 52 FW/JA also coordinated the payment of a minor *ex gratia* claim in connection with the incident.

With the impending closure of the flight line to facilitate much-needed runway repairs, 55 WG/JA, Offutt Air Force Base, Nebraska, expeditiously completed a well-researched and focused legal review resulting in the lease of 393,000 square yards of aircraft parking apron and a 105,000 square foot building for wing operations in Lincoln, Nebraska.

In FY06, the McConnell Air Force Base Law Center, Kansas, has drafted over 350 legal reviews on civil law issues, saw over 1,500 legal assistance clients, and drafted over 3,000 documents. The law center also established "Operation Night Hawk," opening legal assistance hours from 2200-0100 to better serve shift workers.

A student pilot "cheating scandal" at Columbus Air Force Base, Mississippi, that gained national media attention culminated in FY06 with the administrative separation of nine specialized undergraduate pilot training students and the approval of a resignation in lieu of for the instructor with a service characterization of under other than honorable conditions (UOTHC). This process was an all-consuming undertaking over the course of nearly two years for the chain of command, 14 FTW/JA, Inspector General, and defense community.

30 SW/JA, Vandenberg Air Force Base, California, organized and ran a New Squadron Commander

Orientation Course for base's new commanders. The course built upon the Air Force Space Command Squadron Commander's Course by orienting the commanders to Vandenberg mission areas, leadership, programs, and facilities.

The Whiteman Air Force Base, Missouri, legal office contributed over 16 articles to the base paper. Topics included identity theft, separation of powers, code of conduct, 2005 tax program, deployment tax tips, Servicemembers Civil Relief Act, Servicemembers' Group Life Insurance beneficiaries, quarterly military justice reports, four result-of-trial articles, and a tribute to Martin Luther King, Jr. The claims division also contributed to an article on renter's insurance.

Responsible for the largest recruiting area in the United States, judge advocates from McGuire Air Force Base, New Jersey, recruited at 14 law schools, New York City job fairs, and taught courses at four ROTC detachments. The SJA interviewed over 30 direct appointee applicants.

37 TRW/JA, Lackland Air Force Base, Texas, is an integral part of the Kelly Air Force Base, Texas, reuse team. Attorneys closely coordinated with counsel at the Air Force Real Property Agency to promote efficient resolution of issues involving the joint-use runway, responsibility for cleanup of environmental contamination, and space utilization. 37 TRW attorneys also worked with the contracting officer to remove a leaseback dining hall from the dining hall contract, freeing it for use by the Federal Emergency Management Agency to feed Hurricane Katrina evacuees housed at Kelly.

Prior to 2006, the last court-martial held at Royal Air Force (RAF) Alconbury, United Kingdom, was in 2003. During FY06, trial counsel from 423 ABG/JA prosecuted four courts-martial, to include a summary court-martial and a general court-martial convened by Air Force authorities. Given the Joint Analysis Center's (JAC) structure, they are also the servicing legal office to the JAC Commander, who is an Army colonel designated as a special court-martial convening authority. In that regard, they also prosecuted an Army special court-martial and a Navy general court-martial. The joint justice mission includes advising on all manner of Army, Navy, Marine, and Air Force justice issues.

Attorneys from 1 FW/JA, Langley Air Force Base, Virginia, closely advised command on the integration of an entire Virginia Air National Guard Wing (192 FW) with the 1 FW, making crucial calls on command structure and authority, the appropriate scope and terms of an MOU between the wings, and disciplinary procedures and options in a "blended" wing, among other complex issues arising from this cutting-edge initiative.

Along with the chaplains at the Air Force Officer Accession and Training Schools (AFOATS), the AFOATS legal office crafted religious respect policy and training. Every single AFOATS cadet, student, and officer trainee receives this centrally-created training. Policy and training on religious respect was also taught to all AFOATS instructors.

92 ARW/JA, Fairchild Air Force Base, Washington, orchestrated the beddown of an Army National Guard UH-60 helicopter

squadron and approximately 200 personnel, coordinating complex environmental, fiscal law, jurisdiction, and contract issues to ensure superb legal support.

In preparation for Japan's implementation of a jury system, the 374 AW/JA, Yokota Air Base, Japan, trained more than 70 local Japanese prosecutors, judges, and law school professors on the American jury system. To better understand how jurors affect the legal process, the briefings covered everything from jury orientation and selection to how to argue to jurors and keep them focused during trial.

The environmental attorneys at 460 SW/JA, Buckley Air Force Base, Colorado, drafted a precedent-setting asbestos-soil removal plan, which was approved by the Colorado Department of Public Health and Environment. Cleanup of long-standing soil piles began in summer 2006. Fostering a working relationship with key Colorado legislators, the legal office contributed to a concurrent jurisdiction bill for Buckley's new family housing area. The bill was passed and signed by the governor one year ahead of schedule.

Approximately four days prior to the 2006 Air Show at Scott Air Force Base, Illinois, the private organization that agreed to run an off-base parking area backed out of the deal. Faced with the prospect of figuring out where to park an additional 10,000 cars, attorneys from 375 AW/JA and AMC/JA attacked the problem. They turned, staffed, and completed a complex real property transaction in just over four days! Parking went without a hitch, and the air show was an unprecedented success.

20 FW/JA, Shaw Air Force Base, South Carolina, sought to supplement the need for operations law training for all JAGs and paralegals by developing its own internal "War Week" training. During this week-long exercise, JAGs and paralegals received various instructional briefings and were tasked in various "exercises," including setting up a processing line, JAG and paralegal teams working a variety of processing line and in-theater scenarios, discovery/response to improvised explosive devices (planted throughout the office), MOPP4 drills (a chemical suit configuration), building sweeps in MOPP4, and more.

After being redesignated as the 36th Wing due to its increasing operational importance in the Pacific Air Forces area of responsibility (AOR), the 36 WG, Andersen Air Force Base, Guam, became a single base general court-martial convening authority (GCMCA) in September 2006. 36 WG/JA also assisted with downsizing Air Force operations in Singapore, including closeout of numerous contractual and bilateral matters and effective provision of support to remaining Air Force personnel.

314 AW/JA, Little Rock Air Force Base, Arkansas, created a Wingman's Guide To Avoiding DUIs/DWIs—statement of understanding (SOU) to be used as a tool to reduce driving under the influence (DUIs). This SOU educates Airmen on the obvious and hidden costs and consequences of getting a DUI. The SOU was implemented wing wide and all active duty personnel are required to be briefed on this by their supervisor. DUIs are down more than 20 percent from the 2005 and 2004 statistics.

From July 2005 to March 2006, 355 WG/JA, Davis-Monthan Air Force Base, Arizona, tried and convicted 12 Airmen at general court-martial on related cocaine trafficking charges stemming from a federal law enforcement anti-corruption operation conducted in southern Arizona. A joint undercover investigation was conducted by the Southern Arizona Corruption Task Force, which is comprised of personnel from various federal agencies and the Tucson Police Department. Ultimately, over 55 government employees were netted, including the 12 Airmen tried by 355 WG/JA. In each of these cases, the Airmen transported several kilograms of cocaine, while in uniform and using a government vehicle, from Tucson to Phoenix, Arizona.

In July and August 2006, the 39 ABW, Incirlik Air Base, supported the Lebanon American Citizen Evacuation Operation. The legal office helped 1,681 evacuees process safely through Turkey. During this operation, the legal office also responded to several incidents where an evacuee refused recommended medical care. They ensured the evacuee made the decision with full knowledge of the potential risk while limiting any potential U.S. liability.

Attorneys at the Arnold Engineering Development Center (AEDC/JA), Tennessee, negotiated the Air Force's first enhanced-use lease with NASA for the National Full-Scale Aerodynamic Complex, located at the Ames Research Center, Moffett Field, California.

The 501 CSW/JA team, RAF Mildenhall, United Kingdom, negotiated an international agreement with the Ministry of

50 QUESTIONS FROM WING COMMANDERS

The following questions, posed by wing commanders to their base-level judge advocates during Fiscal Year 2006, represent the breadth and depth of legal advice JAG Corps members are called upon to provide. Do you know the answers?

1. Can I test the entire wing for illegal drugs?
2. Can I submit a claim against the Columbian government for damage a Columbian aircrew did to our runway?
3. Can I fire a civilian employee for having a crack pipe in plain view in her vehicle?
4. Can we permit a private company to attempt to set a new land speed record with a jet car on our runway?
5. Can I ban certain breeds of dog from base housing areas?
6. Can I let our explosive ordinance disposal team go off base to help local police disarm or collect explosive devices and bring them back on base for disposal?
7. Can we put a military member facing criminal prosecution in a foreign court in pretrial confinement?
8. Can I order contractors to participate in noncombatant evacuation operations and exercises?
9. How do we properly dispose of Peacekeeper missile fuel tanks under current environmental regulations?
10. Can we use official mail to send Christmas cards to local businesses and community leaders?
11. How can I get copyright protection for the design of the wing coin?
12. Can the wing “tax” private organization fundraisers, and if so how can the money be legally collected and used?
13. Can security forces investigators record or listen to a voice mail left for an active duty member at billeting?
14. Can our deployed medical team help transport two children with tracheotomy tubes to a facility 115 miles from the base to receive life-saving care?
15. Do I as the installation commander have authority to regulate the behavior of a tenant organization when the commander of the tenant organization is senior to me?
16. Can I accept a local businessman’s gift of several acres of land near the base?
17. Can we ban smoking for all students in technical training?
18. An elderly widow claims our flying routes near her home are reducing her property value and wants us to buy the property—are we liable and do we have to pay?
19. Can a group commander hire his wife as the Department of Defense school liaison contractor?
20. Can I authorize the purchase of bottled water for civilians who live near the base whose underground wells have been contaminated by a pollution plume from the base?
21. I suspect several subcontractor employees are illegal workers—what can I do about that?
22. Is the wing required to provide signers or interpreters for hearing impaired relatives at graduation parades?
23. How do I respond to a criminal complaint filed by foreign nationals in the local foreign court over alleged noise pollution violations?

24. Can I use my staff car to take my wife to an off-base function?
25. As an overseas commander, can I disapprove a marriage between a military member and a foreign national?
26. Can I force the neighboring landowner to cut down trees that are creating a hazard along the approach to the runway?
27. Can I have an Air Force doctor obtain a blood or urine sample from military members hospitalized off base to determine if they were drunk or incapacitated after they were injured?
28. What religious symbols, if any, may Air Force members or civilian employees display at their workstations?
29. Can I require the transportation contractor to paint the buses blue and attach the Air Force emblem?
30. Can a commercial airline use our runway to divert aircraft after an accident closed the only operational commercial runway on the island?
31. What factors might delay the court-martial process?
32. Can an Air Force Junior ROTC Color Guard participate in a Veteran's Day ceremony where a house of worship is the only facility large enough to accommodate the ceremony?
33. Is a certificate of education from India a valid document to certify birth?
34. Should we have our base wildlife conservation program controlled by the state conservation program to prevent duplication of effort?
35. Can we do drug testing for contractors on base?
36. Can I issue an order prohibiting alcohol possession and consumption in the dormitories?
37. Can we use appropriated funds to pay for an autopsy on a retiree who died while using the sauna at the base fitness center?
38. If a military member is prosecuted by the local authorities, can we prosecute him under the UCMJ?
39. Can I accept a free ticket to an event off base?
40. Can Department of Defense schools charge admission to sports events at the school or on the base football field?
41. Can I have security forces conduct an "exit search" of civilian employees as they leave their place of employment on the installation? What if we ask for consent?
42. Can I give a referral officer performance report after just five months of supervision?
43. Can an active duty doctor be discharged for allegations of pre-service misconduct involving a patient even though the state medical licensing board has not yet acted on the case?
44. Is there increased liability for the wing if we establish a parking area for vehicles of deployed personnel?
45. What can I do with civilian family members who disrupt good order and discipline on an overseas installation?
46. Can I sign a non-binding agreement with the city to explore the possibility of allowing the general public to use our Air Force facilities located on base?
47. Can we invite another laundry service to come onto base and compete with the current laundry provider?
48. Can tithing funds collected by the chaplains be used for community outreach programs like Habitat for Humanity?
49. Can I order an Airman with a history of alcohol abuse not to drink alcohol?
50. Is it okay to hand out special promotion items and give a speech at a Boy Scout conference?

Defence Police for military working dog support at three bases. U.K. working dogs now screen over 19 million pounds of mail flowing annually through the central distribution point for all mail in-bound/out-bound to all U.S. bases in the United Kingdom.

50 SW/JA secured the first-ever claims jurisdiction for Schriever Air Force Base, Colorado. Schriever's claims jurisdiction extends from eastern Colorado into Kansas. Previously Peterson Air Force Base, Colorado, had claims jurisdiction over the entire region.

With one of the heaviest labor law workloads in the Air Force, the representation provided by the Oklahoma Air Logistics Center Legal Office, Tinker Air Force Base, Oklahoma, continues to shine. In FY06, the labor law division did not lose either an

A DAY IN THE LIFE OF... A DEPUTY STAFF JUDGE ADVOCATE



**MAJ
PATRICK W. FRANZESE
81 TRW/JA
KEESLER AFB, MS**

Each day starts off by with the simple act of checking my e-mail. Then, much like the opening bell indicating that stock trading can begin, the first issue arises and off I go. It might be an e-mail from a commander, a simple question such as "who will be covering legal assistance," or a status update request made by the staff judge advocate (SJA) as to a hot project. Regardless the source, once the first issue arises I know I am going to be busy non-stop until the end of the day.

One of the greatest challenges everyday is keeping up with the

work that is being done in the office so that I can answer the numerous questions posed to me, properly monitor the office workload and morale, and ultimately ensure that the work is getting done. As important, I often fill in for an assistant staff judge advocate, and even the SJA, and my ability to immediately assume those responsibilities and know the issues being worked is vital for smooth office operations. Simply put, the less I am at my desk during duty hours, the more effective I am as the deputy staff judge advocate (DSJA)—and very often due to the wide range of issues we encounter, I feel as if I learn more on a given day than I actually teach others.

There is never a shortage of meetings during a day, whether they are formal office division meetings or a base organization meeting on which the legal office has a representative. However, the vast majority of meetings are informal office meetings on various subjects ranging from the legal office's position on a military justice matter to office deployment training to inspection prep to personnel issues.

One of the most important responsibilities I feel is ensuring that both the SJA's priorities are being taken care of in the office

and the SJA's vision for the office is being instilled. Thus, constant and effective communication with the SJA is vital. In fact, the one person I have the most contact with on the average day is the SJA. I know I am doing my job when I am asked a question as to office policy, position, or priorities and can immediately give that person an answer because I know how the SJA would answer.

The most rewarding part of the job is the ability to closely work with and impact a large number of people throughout any given day. Nearly every facet of the DSJA's responsibilities requires interaction with other people and it provides a unique opportunity to help people grow both professionally and personally. Helping write award packages, performance reports, or letters of recommendation is what I view as perhaps my most important role.

When the day finally ends, often only the SJA and I remain in the office. I am able to finally close my e-mail, log off my computer, and leave for home and family. I look back and realize that I am more than just a deputy. I am a mentor, teacher, worker, leader, ambassador, cheerleader, advocate, advisor, enforcer, filter, sounding board, student, confidant, and role model.

Merit Systems Protection Board (MSPB) or an Equal Employment Opportunity (EEO) case. Their unblemished record includes 33 EEO and 33 MSPB cases won.

The Charleston Air Force Base, South Carolina, legal office created country-specific mobility line briefings for use during real-world deployments. Paralegals are appropriately trained and then tasked to give these briefings, increasing their utilization.

JAG Corps personnel from the Air Armament Center and 96 ABW legal offices at Eglin Air Force Base, Florida, participated in a program called “Teen-Court” at the local city government court house where JAGs volunteer their time to help troubled teens understand the court process and the roles court personnel play.

Warner Robins Air Logistics Center and 78 ABW/JA, Robins Air Force Base, Georgia, partnered to successfully prosecute the *United States v. Witt* double murder court-martial, in which the Robins prosecution team obtained the first adjudged death penalty sentence in the Air Force in over 10 years.

Largely due to the outstanding contributions of temporary duty personnel, the Keesler Air Force Base Legal Office, Mississippi, processed 819 Hurricane Katrina-related claims with a total amount claimed of over \$8 million in FY06 and paid out over \$2 million. Also, despite the fact that the medical center was not fully functional for most of FY06, the office asserted 83 hospital recovery actions for a total of \$238,115.

Attorneys at the 754th Electronics Systems Group (ELSG), Maxwell-Gunter Air Force Base, Alabama,

rescued the Air Force from a potential bill of \$20 million to \$30 million for software licenses for almost 900,000 users. Due to their outstanding research and legal reasoning, Oracle withdrew its claim alleging the Air Force was misusing its license by allowing access to other military users and automated devices. ELSG/JA also ensured the license was renewed just hours before a 52 percent discount expired.

43 AW/JA, Pope Air Force Base, North Carolina, created “50+ Questions Every Legal Professional Should Know.” The booklet, modeled on the 50+ Questions Every Airman Should Know, was ultimately posted on the “I LEAD” web site.

47 FTW/JA has been actively involved in the ongoing transformation of Laughlin Air Force Base, Texas. Attorneys worked closely with contracting and civil engineering on 10 major construction projects totaling more than \$60 million.

After eight cases involving charges of Basic Allowance for Housing (BAH) fraud occurred at Kunsan Air Base, Republic of Korea, a BAH problem unique to remote members on unaccompanied tours was identified—members reporting false addresses for stateside dependents in order to collect higher BAH. Under counsel of 8 FW/JA, the wing implemented a powerful deterrence program. The 8 FW Commander and First Sergeant personally brief all newly arrived Airmen on BAH fraud before the Airmen in-process through finance. The successful prosecution of recent cases, with sentences ranging from 9 to 12 months confinement, has further driven the point home.

92 ARW/JA, Fairchild Air Force Base, Washington, implemented a streamlined court member selection process. This provided greater predictability to command while easing the administrative burden on the legal office. Moreover, it reduced the number of “ad-hoc” taskers to commanders.

MacDill Air Force Base, Florida, excelled in their hospital recovery (HR) program for FY06 by achieving a 200 percent increase in dollars recovered to the general treasury (\$500,000) and a 350 percent increase to the local military treatment facility (\$60,000). In addition, their HR program collected \$300,000 for the Brooks Army Burn Center. 6 AMW/JA’s new HR paralegal collected nearly \$860,000 this year—a 340 percent increase over last year.

51 FW/JA, Osan Air Base, Republic of Korea, directly impacts the defense of the most forward deployed permanently based wing in the Air Force, providing mission ready Airmen to execute combat operations and receive follow-on forces. Paralegals directly contributed to this mission by augmenting the security forces. During FY06, 12 paralegals trained to and defended the base providing over 2,160 hours as security forces augmentees.

The RAF Fairford Legal Office celebrated Law Day 2006 by hosting a special U.S.–U.K. event. Year 10 students from the local school were invited to participate in a two-day legal seminar that culminated in a mock trial with student participation. Because of its historical connection with both the United States and England, the trial was based upon the sinking of the Titanic. Approximately 20 students

A DAY IN THE LIFE OF... AN ASSISTANT STAFF JUDGE ADVOCATE

An assistant staff judge advocate's (ASJA) day is filled with a wide array of both common and not-so-common challenges and opportunities. I am amazed at all of the astounding experiences we are challenged with on any given day!

After physical training at the base fitness center, I am in the office prioritizing my goals and tasks for the day, and reviewing e-mails and phone messages. The morning might be spent reviewing, analyzing, drafting, updating and responding to a myriad of legal and administrative issues. The afternoon might then be spent meeting with legal assistance clients, overseeing the day-to-day affairs of the claims section, advising first sergeants and commanders on various legal issues and managing an active case load of pending courts-martial. For example, I might draft charges and a proof analysis, respond to discovery requests, and interview witnesses for an upcoming court.

The breadth and diversity of the issues encountered and the tasks accomplished on a given day are what make this position so challenging and so rewarding. For example, in addition to appearing in military courts-martial, I also

represent the government as a Special Assistant U.S. Attorney in Federal Magistrate Court. I also communicate on a daily basis with military and civilian law enforcement agencies regarding various justice related issues to help ensure the safety and security of our base.

There are also a multitude of assignments and tasks that, while perhaps atypical by civilian attorney standards, are considered nothing out of the ordinary for a day in the life of an ASJA. For example, I regularly respond and provide critical legal input to activations of the base's disaster control group, as well as to frequent stand-ups of our deployment line. Similarly, when the U.S. Air Force was recently called upon to assist in the evacuation and repatriation of thousands of U.S. citizens from war-torn Lebanon, I was proud to play a role in this humanitarian endeavor. I did so by providing legal guidance to our base's planning committee and by simply being one of the many volunteers that assisted evacuees and their families as they disembarked the planes and made their way through the processing center and comfort stations we had prepared.



**CAPT
ETIENNE J. MISZCZAK
CLAIMS OFFICER
305 AMW/JA
MCGUIRE AFB, NJ**

These experiences—and so many others that ASJAs get to see so relatively early in their professional careers—make us excellent ambassadors for JAG Corps recruiting efforts at area law schools and ROTC detachments. During these visits, prospective applicants can meet with and ask questions of ASJAs usually not much older than themselves about what it is truly like to be an attorney in the JAG Corps.

Ask any ASJA, particularly if they have been deployed overseas, and he or she will tell you that the above list of tasks and experiences represents only a small portion of daily responsibilities. In short, a day in the life of an ASJA is filled with extraordinary challenges, exciting developments, cases of first impression, and an endless array of opportunities to do something more than just a typical job!



A DAY IN THE LIFE OF... A LAW OFFICE SUPERINTENDENT

As a law office superintendent, my day is usually controlled chaos! Some days require that I arrive long before everyone else. There are parts of my day that are non-negotiable. The first is time with my paralegals. As a personal rule, I will always be in the office before any of my paralegals so they can come to me with any issue they may have and the morning is often better for them. Also, at 0730 hours every day, I make my rounds throughout the office just to check on everyone. I always do this with a smile. It's important to me to be a positive influence on the very beginning of their day.

The second is to see if my boss has a priority for me that I haven't prioritized myself. Each day consists of many conversations with the staff judge advocate and the deputy staff judge advocate. Our mini-meetings ensure that we are focused on our priorities and coordinating our efforts. We coordinate on issues such as security forces augmentees for the next exercise; the office budget;

leave and medical concerns for the office; enlisted performance reports, decorations, going-away celebrations; and process improvement, just to name a few. We operate as a team within a team—we are equally focused on the direction of our office and equally responsible for our results.

I also spend a great deal of one-on-one time with my paralegals. This is one of the most important and satisfying parts of my day. I enjoy sharing my experiences with them and hope they learn something from my successes and my failures. I'm very proud of each of them.

The remainder of the day is ruled by "pop-ups." I'm never more than about 15 minutes from a tasker from the wing, the numbered air force, or the major command. My job is to assist them in doing their job because I know that my role and my influence over my office is vital to mission accomplishment...and that's what I'm here for.



MSGT ROB J. DOUGLAS
51 FW/JA
OSAN AB, ROK

Being a law office superintendent requires focus on being an noncommissioned officer (NCO). Mastery of NCO skills will prepare you for the next level of leadership. Additionally, you must know your mission. The mission is your roadmap that guides daily activities. Next, you have to want to take care of people. Empower them, develop them, and appreciate them. You will get results!

participated in the event, which was lauded by the Fairford Council.

37 TRW/JA, Lackland Air Force Base, Texas, provided key legal support for all aspects of the first security guard contracts in Air Force history—an \$80 million plus effort—thereby providing the manpower essential for meeting post-9/11 heightened security needs at installations nationwide.

The McGuire Air Force Base *Can Do* legal team provided legal support to over 16,835 military,

civilian employees, family members, and tenant organizations. This number will more than double as McGuire Air Force Base, New Jersey, assumes the Air Force's only tri-base lead for joint basing. 305 AMW/JA served on the Joint Base Partnership Council and helped build the joint-basing blueprint for McGuire Air Force Base, Fort Dix, and Lakehurst Naval Air Station.

In November 2005, a flare from a B-1 out of Dyess Air Force Base, Texas, started a wildfire on the

Melrose Range. The wildfire consumed more than 26,000 acres of grassland. The Cannon Air Force Base, New Mexico, claims team sprung into action, mobilized a team of JAG, paralegal, and civilian members and responded directly into the affected community. After inspecting nearly 26,000 acres of charred land and interviewing 44 potential claimants, they compiled a comprehensive damage assessment and identified those in need of immediate assistance. 27 FW/JA processed \$669,000 in advance

A DAY IN THE LIFE OF... A NONCOMMISSIONED OFFICER IN CHARGE

The morning starts by joining the rest of the office staff at 0700 hours for our physical training session at the local fitness facility. Once I arrive in the office, as always I begin my day reviewing e-mails and the security forces squadron blotter for potential military justice matters.

As Noncommissioned Officer in Charge (NCOIC) of General Law, I then review the pending Magistrate Court docket and start preparing for the next court date. For every Magistrate Court session, I contact the Central Violation Bureau automated system to verify payment of violation notices, such as speeding tickets, failure to stop, or failure to carry license. I review the pending cases and prepare proffers for the attorneys, interview witnesses when necessary, contact the defendants' civilian counsel, and answer discovery requests. After my initial preparation, all of the cases are given to the assistant staff judge advocate that has been appointed a Special Assistant U.S. Attorney for his or her review.

Since tax season is approaching, I then start preparing an overhire

request form, order tax forms, and prepare my recommendations of which paralegals should attend the annual tax training.

I also conduct a review of four administrative discharge packages that were prepared by our new administrative discharge clerk. I then complete my final reviews of the corrected administrative discharge packages as well as my initial drafts of legal reviews for those packages that have been completed by the squadrons and are awaiting final action by the wing commander. Through consultation with the Chief of Adverse Actions, we arrive at a final product.

Finally, I meet with the civilian administrative assistant to discuss the list of appointments/walk-in hours to ensure we will have enough office support on hand to assist with notaries and will executions for the next day. After I confirm that the office "to-do" list is done, I answer any e-mails that cannot wait until tomorrow and then I leave for home to be with my family and continue my nightly studies toward my MBA degree!



**MSGT
TYWANNA D. FRAZIER
NCOIC OF GENERAL LAW
43 AW/JA
POPE AFB, NC**

Throughout the day, I find time to visit the other section chiefs and paralegals. The staff is fairly young in age and experience, so as a 22-year master sergeant and with over ten years in the career field, it is my duty to engage with the junior staff members in mentoring sessions. Just another rewarding day for an NCOIC!



payments and so far paid out more than \$1 million in claims.

CAP-USAF/JA, Maxwell Air Force Base, Alabama reviewed an MOU between the Civil Air Patrol (CAP) and state and local agencies. This task consumed significant time, but a final standardized MOU was agreed upon between CAP General Counsel and CAP-USAF/JA during 2006. The new standardized MOU has helped expedite the review process.

After a trial court ruling adverse to the government, 16 SOW/JA, Hurlburt Field, Florida, took the ruling to task. Recognizing the issue early on, enormous effort was spent pretrial building a solid chronology. After the adverse ruling, three paralegals and four court reporters transcribed a 500+ page record well within the appeal window. The Air Force Court of Criminal Appeals overturned the ruling—a result made possible with support from personnel at

the circuit as well as Holloman Air Force Base, New Mexico; Lackland Air Force Base, Texas; and Beale Air Force Base, California.

When Services (SVS) Headquarters rejected the use of nonappropriated funds instrumentality (NAFI) vehicles to support the 35 FW Commander's top anti-DUI program, 35 FW/JA attorneys found solid legal and practical footing that saved the wing program. In

A DAY IN THE LIFE OF... AN ENLISTED COURT REPORTER

What is a day in the life of a court reporter like? It is normally feast or famine. My day starts early, usually making the 0400 hours trip to either the San Francisco or Sacramento Airport to travel to the court-martial or administrative board I have been designated to take. The days before my trip are spent ensuring I have the charge sheet, convening order, and counsel's names to put into my computer so that my voice recognition system will recognize them and their respective spelling. I will prep the covers for the record of trial since every minute saved will mean a quicker turn around back to the base.

I usually arrive at my destination a day prior to make sure the courtroom is set up and the recording equipment is operational. The day of the court, I start by ensuring all the exhibits are marked and test the recording equipment to ensure it still works. The court is usually a flurry of activity with documents flying, arguments being made, and witnesses being questioned on the stand.

My job is to first and foremost capture audio and translate it as the intelligent filter through which the spoken word is translated into written form. I keep counsel and the judge alerted to anything that would hinder my recording—low talkers, talking over each other, and the occasional wandering counsel require me to keep a sharp ear on what they are saying. I also take care of marking and keeping track of all the exhibits being submitted, which can be numerous. As all of this activity is going, I continue to repeat everything that is said into my mask and describe the animation by counsel and witnesses onto the record. The accuracy of the record is of benefit not only to the accused but also to the prosecution, to the defense, and to the judge. The accuracy in the record can assist in changing laws or setting someone free.

Basically, I put all who read the record of trial in the gallery, next to the counsel, or in the witness chair so they get the whole picture of what is going on. This is a process where nothing can



**TSGT
SHAWN L. BAUER
WESTERN CIRCUIT
JUDICIARY
TRAVIS AFB, CA**

get lost in translation—lives and integrity count on it.

Once a case is over, I head back to Travis Air Force Base and begin retelling the story of what just happened. Translating, editing, and distributing the record is the next order of business, but that is another day!

A DAY IN THE LIFE OF... A CIVILIAN COURT REPORTER

The bailiff is running toward my office yelling, "Come quick, they started the court without you!" I am the most important person in the courtroom, or so I try to convince anyone who will listen—I am the court reporter. As "Keeper of the Record," it is my job to make a verbatim transcript of the proceeding. This requires many abilities: strong vocabulary, familiarity with medical, legal, and scientific terminology, as well as an ability to hear and understand words spoken by experts, people with accents, speech impediments, extremely emotional witnesses, and people who speak quickly and/or on top of one another. I not only must write every word spoken, but I must also identify the speaker. I sit silently in the courtroom. Most people don't even realize I'm there until they hear, "I'm sorry. I didn't hear/understand you. Please repeat that." Then the spectators look around the room in amazement wondering, "Who said that? Where did that voice come from?"

I set my equipment up early in the morning the day of trial. I want to make sure I have all my supplies: steno machine, disks, tapes, papers, pencils, as well as anything the attorneys might be missing or the traveling judge might need. Then it's time to start and the court comes alive. I help mark exhibits and make copies of necessary documents for the trial. Every court is different; not only the accused and the charges, but every detail varies from court to court. Some courts can take just a few hours, some can last many

days. A court may begin as a simple half-day guilty plea tried before a judge alone, and then one comment from a witness or a quick thinking attorney can change the direction of the court instantly. We thought we'd be done by lunch, and now we will go into tomorrow to afford the attorneys an opportunity to contact new witnesses and collect new evidence. Or, you could be in trial for several days, sometimes late into the evening, and then boom—mistrial—and the whole case disappears like it never happened. It can be very exciting and is constantly changing. There is NEVER a dull moment in the military justice section here at Lackland Air Force Base. Sometimes people do the most bizarre things or behave in the most unusual ways, and as the court reporter I hear every detail of the offense(s) as I write every word spoken by every person called to testify during the proceeding on my steno machine.

When the government and the defense have finished presenting all their evidence and have made their arguments, the judge makes a ruling. If we have court members, they are responsible for deciding the outcome of the case. When the decision has been announced, it is time for me to pack up my steno machine and head back to my office where the real work begins—transcribing the proceedings on my computer. Today's court ended in a mistrial after two grueling days of motion practice and testimony from many witnesses. First, I will transcribe more than 550 pages of this court



MS. MARY MOTT
37 TRW/JA
LACKLAND AFB, TX

to preserve the proceedings. If it should be decided to retry this accused, the proceedings would be appended to the record of trial (ROT) in the next trial.

After I have transcribed the ROT, I proofread it, send it to trial counsel and defense counsel for review, and then on to the military judge for authentication. Once that's accomplished, I will make any noted corrections, make multiple copies of the ROT and all exhibits, and deliver them to the appropriate parties. Lastly, when all of this is completed, Allied papers (all pretrial and post-trial documents) must be inserted into each copy of the ROT. Meanwhile we have 11 more courts/proceedings between now and Christmas. Thank goodness we have three court reporters at this base. Speaking of which, I've got to get back to my transcript. I think I was on page 327...

short, the legal office's solution led to the termination of existing unreimbursed NAFI vehicle use, returned the vehicles to the existing fleet of 35 SVS self-sustaining rental vans, made them available to all Services eligible patrons, and identified a private organization willing to fund SVS vehicle rentals to support the Misawa Air Base, Japan, program.

90 SW/JA's staff secured funding for a total remodeling of the F.E. Warren Air Force Base, Wyoming, legal office, to include constructing a brand new, state-of-the-art courtroom, jury deliberation room, judge's chambers, and court reporter's office. The funding for the remodeling effort was \$1.7 million, and the courtroom electronic and audio visual equipment was an additional \$25,000.

USAFWC/JA used "Docu Center" for quick turn-around on Article 15s by scanning and e-mailing the documents to customers. Although they are one of the busiest military justice bases, this process helped Nellis Air Force Base, Nevada, process 92 percent of nonjudicial punishment actions within 20 days

48 FW/JA, RAF Lakenheath, United Kingdom, instituted the "Wills to Your Door" program. Under this program, teams of attorneys and paralegals provide wills and powers of attorney upon request to an organization at their duty location. Typically, three or four attorneys will spend the day doing wills and at least one paralegal attends to prepare and execute the full range of powers of attorneys.

When an Air Force staff sergeant molested an Okinawan school-girl, a firestorm of local protest and acrimony threatened the "KEYSTONE of the Pacific." While local prosecutors won only a token sentence against the staff sergeant in district court, 18 WG/JA, Kadena Air Base, Japan, broke the code on translating a foreign criminal conviction into mandatory stateside sex offender registration, while simultaneously employing all of the tools in the quality force toolbox. The staff sergeant left the Air Force with a UOTHC discharge, A1C stripes, and a mandatory lifetime sex offender registration requirement in the United States.

Dover Air Force Base, Delaware, suffered the loss of a C-5 that crash landed short of the runway in April 2006. The aircraft, which was a total loss, split into three pieces on impact. All 17 passengers and the crew survived, although some crew members sustained serious injuries. 436 AW/JA provided immediate assistance and advice to the wing commander and on-scene commander as part of the crisis action team and disaster control group and assisted the Accident Investigation Board, serving as host unit and providing the board Recorder.

The National Air and Space Intelligence Center Staff Judge Advocate, Major Brett Coakley, was selected to lead a 25-member team of intelligence analysts overseeing national intelligence production involving the North Korean Taepo Dong 2 missile launch in July 2006. The commander selected Maj Coakley to insure the products presented a logical argument with proper supporting information. The products have been briefed to the Secretary of Defense, the theater combatant commander, and foreign governments.

CONGRESSIONAL COMMENTS ON THE ROLE OF JAG CORPS PERSONNEL MILITARY COMMISSIONS HEARINGS, JULY & AUGUST 2006

"I think you represent not only the best in military officership but the best in what we're trying to accomplish as a nation in the war on terror."
– Senator Lindsey Graham, South Carolina

"I wanted to become a JAG officer because they've been trying to uphold the best military justice tradition, and I thank them for their services."
– Senator Patrick Leahy, Vermont

"I'd like to point out again, for the record, the reason why we rely on the JAGs is because they're the military individuals, in uniform, who have been practicing the UCMJ and these laws. And they're going to be the ones that are going to be required to carry out whatever legislation we pass."
– Senator John McCain, Arizona

"And each of you, through your skills, has achieved an eminence and a recognition—by becoming the judge advocates—of your distinguished group of younger lawyers and associates throughout your respective commands."
– Senator John Warner, Virginia



AREA DEFENSE COUNSEL PROGRAM



The Air Force JAG Corps currently has 84 area defense counsel (ADC) stationed at 71 bases worldwide. Typically serving in their second or third assignment, ADCs are responsible for zealously representing Air Force clients at proceedings initiated under the Uniform Code of Military Justice (UCMJ), such as courts-martial and nonjudicial punishment proceedings under Article 15; adverse personnel actions, such as involuntary administrative discharges; and providing counsel for the subjects of criminal investigations, flying evaluation boards, and medical officer decredentiaing actions.

ADCs are normally selected from among judge advocates in the legal office at the base where an ADC defense counsel vacancy occurs. This permits the selection of an attorney who has considerable knowledge of local base personnel, policies, and concerns. Since the program started, The Judge Advocate General (TJAG) has always made it clear that ADC vacancies are to be filled from among the most highly qualified judge advocates available. Once a person is selected, he or she no longer reports to the base staff judge advocate and local commander.

An integral member of the ADC team is the defense paralegal (DP). DPs are typically noncommissioned officers (NCO)

with multiple years of base legal office experience. DP duties include not only managing the law office, but they also handle day-to-day logistics and budgeting for the defense office. Additionally, DPs are instrumental in assisting the ADC with the in-take of clients, investigations, witness interviews, and overall case preparation whether it is assisting a client in responding to a letter of reprimand or preparing for a general court-martial.

Like the ADCs, DPs are normally selected from the best candidates available from the legal office and, in addition to having overall military and paralegal knowledge, must be mature, professional, and enthusiastic. Their organizational skills become the bedrock of every ADC office and ensure the ADC and DP function as a team.

Since 1974, defense counsel report to TJAG rather than commanders in the field, thereby guaranteeing their ability to zealously represent their clients. Although the structure of the supervisory chain for ADCs will change significantly in Fiscal Year (FY) 2007 with the implementation of JAG Corps 21, defense counsel have historically been able to call upon the services of circuit defense counsel, who are more experienced trial advocates, to assist in the defense of particularly complex courts-martial. ADCs are formally supervised by chief circuit

defense counsels, who report directly to the Chief of the Trial Defense Division (AFLOA/JAJD) stationed at Bolling Air Force Base, D.C., thereby removing the defense counsel from the base command channels.

During FY06, defense counsel participated in a total of 935 courts-martial, of which 341 were general courts-martial, 455 were special courts-martial, and 139 were summary courts-martial. ADC teams also provide representation for Airmen being punished under Article 15, UCMJ, and approximately 7,685 Article 15s were finalized in FY06.

Through a tremendous amount of hardwork and diligence, our 84 ADC teams ensured that Air Force personnel around the globe received zealous representation in a wide variety of forums concerning an extremely diverse set of issues. When one thinks about all the work ADCs accomplish day to day, many people will focus on trial preparation. In this fiscal year alone ADCs have represented clients in a capital murder case at Robins Air Force Base, Georgia, a murder for hire prosecution at Lackland Air Force Base, Texas, as well as various sexual assault, drug cases, and other charges brought around the globe.

In addition to courts-marital, however, a sample of the many forums and issues ADCs and DPs deal with on a daily basis include:

After courts-martial charges were preferred against a military member for assault against her child, the detailed ADC filed a sanity board request in which the military member was evaluated to determine her mental state at the time of the alleged incident. The sanity board found the military member did not appreciate the nature and quality of her conduct. Charges were

immediately withdrawn and the military member was processed for discharge with an honorable characterization.

An Air Force member was brought before an administrative discharge board for mental disorders after having suicidal thoughts. The ADC was able to present testimony from a doctor and argued the member did not possess disqualifying mental disorders but instead was going through a difficult time due to a loved one's sexual assault. In addition, the ADC was able to present the board a defense package prepared by the DP that illustrated the member's outstanding service over a six-year period prior to this incident. The Air Force member was retained.

An ADC provided representation to an NCO who was in danger of losing his flying status at a flying evaluation board. Although the military member was having difficulties learning procedures with a new aircraft, the ADC was able to demonstrate to the flying board, through witness testimony and the member's previous record, that the member should be allowed to keep his flying status. The NCO was returned to his previous aircraft and was allowed to keep his flying status.

An ADC assisted an Air Force officer accused of sexual harassment of military members under his command. The ADC went with the officer to an interview conducted by the Military Equal Opportunity (MEO) office and aided the officer in drafting his response to the allegations. In addition, the ADC wrote a memorandum to both MEO and the member's commander advocating that the allegations, if they were to be believed, did not rise to the level of sexual harassment based on the legal definition.

In a medical dec credentialing investigation, an ADC was able to assist a military physician through the investigation and advocate to the physician's commander that a medical dec credentialing board was not necessary. The ADC successfully argued another alternative that was in the best interest of both the Air Force and the member.

A senior airman sought assistance from an ADC after receiving a referral enlisted performance report (EPR). After reviewing the EPR, the ADC informed the member's unit that certain required procedural safeguards had not been followed and the EPR contained improper comments. The unit withdrew the EPR and made corrections before re-serving. The ADC and the DP then assisted the member in drafting a response to ensure that facts and circumstances surrounding the EPR were properly documented.

After being served with an administrative demotion action for driving under the influence, a NCO sought assistance from an ADC. The ADC was able to not only aid the member in her response but was also able to help arrange a personal hearing in front of the commander and call other Air Force members to speak on behalf of the NCO even though this right was not established by the regulation.

An Air Force NCO deployed to an Army base sought assistance from an ADC after being accused of negligence under the report of survey program for loss of equipment in which he was the custodian. The ADC advocated to both an Air Force and Army commander that, due to operational necessity, some of the equipment was loaned to other units. The NCO was found to have acted reasonably and was not held

A DAY IN THE LIFE OF... AN AREA DEFENSE COUNSEL

From the minute I arrive at work until my last e-mail of the day, my activities revolve around my commitment to ensuring fair treatment for all my clients. Much like our civilian counterparts, area defense counsel (ADC) preserve the fairness of the American legal system by vigorously defending the rights of our clients. After two assignments as an assistant staff judge advocate, I am honored to serve as one of three ADCs at Ramstein Air Base, Germany.

On a typical day, I arrive at the office around 0730. After checking e-mail and phone messages and discussing office plans with my defense paralegal, I begin advising clients, either in person, via e-mail, or over the phone. Often the clients are deployed. In fact, until recently, the Ramstein ADC was dedicated to downrange clients, but we now have a new ADC office at Al Udeid Air Base, Qatar. We still represent deployed clients, though, when the downrange ADC has a conflict of interest.

Although many picture a defense counsel only in court, much of my workload is comprised of assisting

clients with administrative matters, such as Article 15 proceedings, letter of reprimands, letters of admonishment, letters of counseling, referral performance reports, and administrative discharges. In every case, I meet with the client, explain the process, review the facts, explain the client's options, and if necessary help the client prepare written responses to their commanders. I also do not hesitate to contact commanders directly to argue on behalf of my clients.

In between my conversations with clients, I also prepare for upcoming courts-martial and Article 32 hearings. This preparation includes meeting with witnesses, drafting motions, and researching case law. I often consult with other European defense counsel while preparing for trial. As an ADC, I frequently communicate with trial counsel at various bases in Europe to schedule dates for hearings and courts-martial or to negotiate pretrial agreements for my clients.

After arranging travel for an upcoming court-martial at Royal Air Force Lakenheath, United



**CAPT
TIFFANY M. WAGNER
RAMSTEIN AB, GERMANY**

Kingdom, I then meet the rest of the Ramstein ADC office at the gym for a group workout. Then it's back to the office, where I finalize a Chapter 4 discharge in lieu of a court-martial request for a client and prepare to appeal a pretrial confinement decision for another.

Around 1900 it's time to go home, with a file in my briefcase for some nighttime reading. The days are long, but it is satisfying to know I'm defending those who defend America!

monetarily liable for the lost equipment.

The ADC's office was able to assist a staff sergeant with a response to an Article 15 in which he was accused of assaulting a civilian on base. The DP was able to find video evidence from a surveillance camera which demonstrated the military member acted in self defense. After presenting this evidence to the commander,

the Article 15 was withdrawn and replaced with a letter of counseling (LOC). The ADC and DP assisted the member in responding to the LOC.

An ADC assisted as a military legal advisor to an Air Force member under charges for vehicular manslaughter in a foreign court. Although the ADC could not represent the military member in the actual court, the ADC was

able to advise the military member of possible consequences to his military career and was able to provide the civilian defense counsel with information which was helpful in the court proceeding.

It is obvious why most former ADCs and DPs will tell you that their time in the ADC office was one of the most demanding, yet rewarding, experiences in the JAG Corps!



JAG CORPS PERSONNEL IN THE OPERATIONAL SETTING

BY LT COL CHRISTOPHER
SUPERNOR AND
MAJ JOSHUA KASTENBERG

“Nothing goes on in the operational Air Force in which the JAG Corps is not involved...I love you guys!”

*– General T. Michael Moseley
Chief of Staff, USAF*

For members of the U.S. Air Force, the term “operational setting” applies whether personnel are deployed to Baghdad, Iraq, or guiding air and space operations from Nellis Air Force Base, Nevada. Airmen are truly a bulwark of our military’s operational success worldwide!

With a proud history of service in operational settings, members of the JAG Corps continue to play a prominent role in combat operations around the globe—a trend that continues to grow. In terms of mere quantity, over half of the judge advocates between the ranks of lieutenant colonel and captain with four years in service will have gone “downrange” by the end of Fiscal Year (FY) 2007. Moreover, the average length of our deployment tours has also increased since August 2004

when virtually all of JAG Corps deployment requirements were 90-day tours. By April 2006, the 120-day deployment tour became the standard, and recently there has been a significant increase in 179-day deployment requirements coinciding with the increase of our joint deployments.

During the last fiscal year, judge advocates and paralegals have deployed to Air Expeditionary Wing legal offices, fulfilling roles most similar to those found in a base legal office. JAG Corps personnel also fill more specialized legal positions, such as deployed area defense counsel teams and positions within the air operations centers. The JAG Corps is especially proud of the service of our JAG Corps teams supporting the joint warfighter under difficult conditions in locations across the globe and in non-traditional JAG Corps positions. These achievements and sacrifices are being made by the entire JAG Corps family—active duty, Reserve, and Guard!



AIR EXPEDITIONARY WING LEGAL OFFICES

As might be expected, JAG Corps members deploy to the same locations as our deployed aircraft in order to provide legal services to our Air Expeditionary Wings (AEW). During 2006, within the U.S. Central Command (CENTCOM) area of responsibility (AOR), deployed staff judge advocates (SJA) and law office superintendents served expeditionary wings and groups in locations such as: Balad Air Base, Iraq; Kirkuk, Iraq; Ali Al Salem Air Base, Kuwait; Al Udeid Air Base, Qatar; Al Dhafra Air Base, United Arab Emirates; Diego Garcia in the British Indian Ocean Territory; Bagram Air Base, Afghanistan; and Manas Air Base, Kyrgyzstan.

In a deployed setting, AEW legal offices provide the same full spectrum of legal services that would be expected of a garrison legal office in the United States. For example, the staff at the Al Udeid Air Base legal office consists of three attorneys and two paralegals. The SJA at Al Udeid is the primary legal advisor to the wing commander, seven group commanders, and 22 squadron commanders. The SJA supervises the provision of legal services for over 6,000 personnel at this remote Middle Eastern base, as well as two geographically separated units. Tens of thousands of U.S. military members process through al Udeid Air Base each year. The legal office provides a range of legal services to assigned, attached, and transient Air Force, Navy, Army, Marine, and coalition force personnel, as well as civilian contractors and Department of Defense employees. The SJA advises command on all civil, international, operational, military justice, and contracting legal issues. The SJA also advocates on behalf

of the AEW with local authorities concerning criminal jurisdiction and compliance with the country-to-country agreements.

“During my four-month deployment to Ali Al Salem Air Base, Kuwait, the military justice workload remained steady during the entire rotation—overall we processed approximately 50 Article 15 actions. In addition, I had to be comfortable fielding contracts, fiscal law, and ethics questions. We also had a relatively constant flow of legal assistance clients from all the services. WebLIONS was very useful, and both the JAG and paralegal need to know how to maximize its capabilities.”

– Capt Rick E. Alford, USAF

Our JAG Corps members provide unique legal advice tailored to the specific operational setting. For instance, judge advocates have been instrumental in drafting local rules of engagement, and were even recently called upon to explain to mission planners why coalition and allied forces were unable to conduct certain missions because of that coalition partner’s legal restraints on the transport of cluster munitions. In another instance, a local commander believed that U.S. Air Force pilots could operate Norwegian fighter aircraft if the active combat missions were labeled “training missions,” and the judge advocate astutely advised the commander that U.S. pilots could operate the foreign aircraft only if the Secretary of Defense permitted it.

CRIMINAL DEFENSE SERVICES

JAG Corps members continue to play a crucial role in the administration of the military

justice system, even in operational settings and deployed environments. However, prior to August 2006, Airmen in Southwest Asia needing the services of a defense attorney were required to obtain such services via phone and e-mail contacts with an area defense counsel at Ramstein Air Base, Germany. In August 2006, an area defense counsel and defense paralegal deployed to Al Udeid Air Base, Qatar, to provide a physical presence for our deployed Airmen seeking defense services. The current area defense counsel is fulfilling a 179-day deployment tour, although this position will transition to a one-year remote assignment. The defense paralegal position will likely remain a 120-day tour.

AIR OPERATIONS CENTERS

Members of the JAG Corps also provide critical legal advice within specialized air operation centers (AOCs), where military personnel direct and deconflict aircraft and targets, and control intra-theater airlift. AOCs are in essence the hub of all air activity in the AOR. Judge advocates with specialized training staff the AOCs, providing targeting advice and liaison between the services, allies, and coalition partners.

The Coalition Air Operations Center (CAOC) at al-Udeid Air Base, Qatar, is the strategic, operational, and tactical command and control facility for all air operations in the CENTCOM AOR. Normally, three judge advocates are deployed at one time to the CAOC on 120-day rotations, with an additional judge advocate on 365-day orders assigned as the SJA. At Tyndall Air Force Base, near Panama City, Florida, three deployed judge advocates and a deployed paralegal also serve at a Combined Air Operations Center in support of Operation NOBLE EAGLE. These individuals provide

legal advice to support U.S. Northern Command's mission to ensure the air sovereignty and air defense of the continental United States.

SUPPORTING THE JOINT WARFIGHTER

"It is in the arena of joint deployments where the Air Force Judge Advocate General's Corps showcased its versatility to the other service branches, as well as to the United States government."

– Major General Charles J. Dunlap, Jr.
Deputy Judge Advocate General, USAF

It may surprise some that nearly 75 percent of our JAG Corps deployment requirements call upon judge advocates and paralegals to operate in a joint environment with our sister services. Joint taskings typically require an attorney or paralegal to focus on a specific subject matter expertise such as contracting, administrative/civil law, fiscal law, international law, environmental law, domestic operations, claims, or operations law.

In FY06, the JAG Corps deployed to numerous joint units, such as:

- Combined Forces Command – Afghanistan (CFC-A);
- Combined Joint Special Operations Task Force – Arabian Peninsula (JSOTF-AP);
- Combined Joint Task Force 76 (CJTF-76);
- Criminal Investigative Task Force (CITF);
- Joint Contracting Command – Iraq (JCC-I);
- Joint Improvised Explosive Device Defeat Organization (JTF-IED);
- Joint Interagency Task Force – High Value Individuals (JIATF-HVI);

Joint Task Force – Civil Support (JTF-CS);

Joint Task Force – Guantanamo (JTF-GTMO);

Multinational Force – Iraq (MNF-I);

Multinational Security Transition Command – Iraq (MNSTC-I);

Office of the Administrative Review of the Detention of Enemy Combatants (OARDEC);

Office of Security Cooperation – Afghanistan (OSC-A);

Regime Crimes Liaison Office (RCLO); and

Task Force 134 – Iraq (Detainee Operations).

"The deployed judge advocates [in TF-134] are doing fantastic work under extremely difficult circumstances as all of their locations are subject to incoming fire. A mortar landed on the embassy compound while we were there, and unexplained gunfire and the sound of explosions were not uncommon."

– Major General Charles J. Dunlap, Jr.
Deputy Judge Advocate General, USAF

Deployments occur in a very fluid environment, and some of the organizations listed no longer exist. Organizations are created, dissolved, and merged to meet new or evolving mission requirements. It remains vital, however, to match the specific duty responsibilities for each tasking to the individual capabilities of our JAG Corps members.

By far, the most common type of JAG Corps deployment tasking is in support of detainee operations. Deployed judge advocates and paralegals support detainee operations in both Afghanistan and Iraq, but the vast majority of JAG Corps personnel work detainee

issues for Task Force 134 – Iraq (TF-134) where legal personnel at TF-134 advise the commander and staff on all laws and policies that apply to detainee operations in Iraq. In fact, in 2006, over 80 judge advocates and paralegals deployed to Task Force 134—the largest single source of deployments within the Corps—insuring basic human rights obligations to detainees within Iraq were met. Additionally, over 15 judge advocates and paralegals deployed to Multinational Force (MNF-I) Iraq and Multinational Security Transition Command – Iraq (MNSTC-I), providing crucial advice to coalition command elements on the rule of law, Law of War, fiscal law, and international training exchange programs.

"We received notice approximately one week before the deployment. Preparations included coordination with the unit deployment manager on shot records and required equipment. This was the first deployment for my paralegal and me, as such we were unsure what to expect. But, when we got to TF-134, we found a number of our peers from all service branches ready to bring us on the team."

– Deployed JAG

As it relates to detainee operations, JAG Corps members also provide crucial legal oversight in areas such as intelligence law and international human rights law. For detainees at Guantanamo Bay, judge advocates oversaw interrogation plans and intelligence sharing amongst federal agencies. Likewise, judge advocates deployed to the CENTCOM AOR often were employed in similar roles.

Despite the prevalence of deployment taskings directly

involving detainee operations, JAG Corps members also provide critical legal advice in a number of different joint contexts. For example, JAG Corps members support Joint Contracting Command – Iraq, providing advice on all acquisition and fiscal law issues while reviewing all contracts with a dollar value in excess of \$1 million for both the Iraq and Afghanistan theater of operations. JAG Corps personnel also support the Regime Crimes Liaison Office, assisting the Iraqi government with the investigation and prosecution of members of the former Iraqi regime and the Iraqi Ba’ath Party for crimes against humanity and other crimes within the jurisdiction of the Iraqi High Tribunal.

NON-TRADITIONAL JAG CORPS DEPLOYMENTS

“When I got to MNF-I’s Strategy Plans and Assessments (SPA) Directorate, I quickly found out I was considered another strategist on the SPA staff who also happened to be a lawyer. Ninety percent of my work was outside the traditional JAG lane—I even found myself presenting the daily intelligence briefs. The general looked to his judge advocate for common sense advice on matters ranging from interpreting State Department positions to identifying and providing solutions for complex national legal impediments to the successful execution of strategic-level campaign plans. Often times this involved reconciling the positions of various U.S. government agencies and departments as well as those of subordinate commands and even the Iraqi government.”

– Major Jack O’Connell
New Jersey Air National Guard

The respected capabilities and recognized expertise of JAG Corps personnel have led senior military leaders to call upon the services of judge advocates and paralegals in a variety of non-traditional settings. For example, five judge advocates and one paralegal were embedded into Army civil affairs battalions at five separate locations in Iraq and one location in Afghanistan in 2006. Legal personnel conducting civil affairs functions work closely with a Provincial Reconstruction Team to assist Iraq’s provincial governments with developing a transparent and sustained capability to govern. This promotes increased security and rule of law, political and economic development, and it provides provincial administration necessary to meet the basic needs of the population. Specific duty responsibilities for legal personnel can include such matters as conducting rule of law assessments; monitoring contract performance; coordinating with Department of State, USAID, and nongovernmental organizations; and advising on excess property and fiscal law issues.

“Military lawyers were the true combat multipliers in Iraq. They were not only invaluable in dealing with a host of operational law issues, they also made enormous contributions in helping resolve a host of issues that were more than a bit out of legal lanes. In essence we “threw” lawyers at very difficult problems and they produced solutions. In virtually every case—often under very challenging circumstances and in an uncertain security environment. The qualities that make a great military lawyer—a person who is smart, hard-working, logical in

thought, a good writer, and an adjudicator—were precisely the qualities most in demand in the environment in which we found ourselves in Iraq, where we were both fighting and rebuilding. I tried to get all of the lawyers we could get our hands on, and then sought more.”

– Then-Major General David Petreaus
Commander 101st Airborne Division,
USA

Additionally, some deployed judge advocates and paralegals may be tasked to perform in roles that fall outside the traditional role of a legal advisor based upon our superb communication and analytical skills—whether that be a request to draft fragmentary orders or strategic/coalition policy recommendations as part of a strategy and plans cell.

TOTAL FORCE CONTRIBUTIONS

The JAG Corps successfully meet all 2006 deployment requirements through the combined efforts of the active duty, Reserve and Guard participation. In fact, reserve and guard attorneys and paralegals were responsible for filling approximately 27 percent of our overall deployment taskings. It should be noted that every individual who deployed from the Reserves or Guard did so in a volunteer status.

CONCLUSION

As the Global War on Terror continues, the trend of increasing deployment requirements is likely to continue. However, every member of the JAG Corps is an expeditionary Airman and we will continue our great tradition of providing the full spectrum of legal services to support the warfighter!



THE DEFENSE INSTITUTE OF INTERNATIONAL LEGAL STUDIES PROGRAM

BY MAJ NATHAN KEARNS

Assigned in a joint operational environment, I am very fortunate to be the sole Air Force representative at the Defense Institute of International Legal Studies (DIILS).

DIILS uses a highly-qualified team of motivated professionals who represent a cross-section of military and civilians, academics, lawyers, and operators in cooperation with other Department of Defense (DOD) and non-DOD agencies to facilitate frank, relevant, and timely discussion concerning legal infrastructure development, enhancement, modification, and review. In Fiscal Year (FY) 2006, more than 20 Air Force JAGs have participated in DIILS missions throughout our multinational operations to all regions of the world. Our Corps' contribution to the fight has been pivotal to helping foreign governments, militaries, legal communities, and operators further U.S. national security and foreign policy objectives.

As the lead DOD agency for providing professional legal education and training to international military

officers and civilian government officials in furtherance of U.S. national security and foreign policy objectives, DIILS fosters close ties with U.S. international partners and friends, leading professional resident and overseas forums for discourse and the exchange of ideas between military and civilian professionals. In a complementary function, DIILS provides education and training to U.S. nationals who have a direct mission in support of U.S. foreign policy objectives.

DIILS provides expertise in over 350 legal topics including military law, justice systems, and the rule of law, with an emphasis on the execution of disciplined military operations through both resident courses and mobile education teams. Participants from 150 nations have taken part in DIILS Mobile Education, Resident, and Model Maritime Service Code programs. DIILS has presented programs to over 27,000 senior military and civilian government officials in 106 countries worldwide since its inception 15 years ago. Typically, the program is accomplished through multiple



phases that allow for tailoring curriculum to the host country. The U.S. presenters are members of the U.S. military services and civilian subject matter specialists. Seminars are designed for an audience of 40 to 60 military and civilian executive personnel from the host country.



DIILS works closely with the embassy team and the host country to develop appropriate seminars that are practical, timely, and effective. Seminar topics concern legal-related topics, but the majority of audiences are non-lawyers who need a better understanding of how to operate within the parameters of international law and regulations. Seminar topics include peace operations, law of the sea, air operations, domestic operations, legal aspects of multinational operations, rules of engagement (ROE)/rules for use of force (RUF), seminars for instructors, legal and ethical concerns in public agencies, and quality force management—to name just a few!

Our international courses include the International Law of Military Operations, which is designed for military officers and civilian officials who are engaged in military operations, operational planning, or in providing legal advice and need to increase their knowledge of the international law governing military operations.

The Legal Aspects of Combating Terrorism Course addresses the many legal questions that arise out of this developing issue. Topics include international law and treaties relating to terrorism, human rights issues, financial underpinnings, money laundering, investigation of terrorism, prosecution of terrorism, interagency cooperation, military response to terrorism, coalitions, rule of engagement, terrorism as an internal armed conflict, cyberterrorism, and maritime operations.

Air Force judge advocates and civilian attorneys have provided expertise to DIILS since its creation. The Judge Advocate General's School (AFJAGS) has been designated as the Air Force point of contact for DIILS participation and all requests for instructors must come through the school.



During the summer of 2006, Major General Jack L. Rives, Colonel Lindsey Graham, Colonel Mary Perry, and Colonel Andrew Turley joined a DIILS mission in Kabul, Afghanistan. The mission was to work with Afghanistan concerning the Afghan National Army's new Code of Military Justice. Brigadier General Mohammad Shir, the Afghan equivalent of our judge advocate general, hosted the seminar for his newly minted appellate and trial judges, trial counsel, and defense counsel. Maj

Gen Rives and Col Graham were featured speakers on the topics of the roles and missions of The Judge Advocate General and the military appeals process. Their seminars were a huge success!



Maj Gen Rives explained how the nature and scope of our practice as judge advocates extends well beyond the confines of military justice and embraces the full range of command legal issues. Col Graham, drawing upon his expertise as both an Air Force reserve officer and U.S. Senator, heavily engaged in promoting institutionalization of the rule of law around the world. He addressed many key considerations in implementing the new Afghan Code of Military Justice and establishing a viable and responsive military appellate structure. His themes stressed fairness, accountability, and the responsibility of senior leaders to maintain good order and discipline through the rigorous enforcement and observance of the rule of law in the military. Col Graham's presentation underscored one of the key strengths of our JAG Corps reserve program: the value our reservists bring to their military duties from both their civilian and military experience.

The Afghan National Army's fierce determination to implement an effective military justice system continues with the support of Air

Force JAGs. In September 2006, Colonel Bruce Brown, Colonel Steven Thompson, and Lieutenant Colonel Joseph Jacobson graciously hosted a stateside team brought to the Air Force Court of Criminal Appeals. Our work in Afghanistan continues, and in December 2006 we led an all Air Force JAG Corps team (Col Thompson, Lt Col Jacobson, and Major Adam Oler) to Afghanistan where we trained military trial and appellate judges and conducted an immediate follow-on training for trial and defense counsel. AFJAGS also allowed Major Charles Wiedie and Major Michael Goldman to be part of the DIILS mission in Afghanistan in support of the continuing U.S. efforts there.

DIILS also completed a program on the Legal and Operational Challenges in a Multinational Environment in February 2006, with attendees from the Czech Republic and Slovakia.

During a follow-on training in the Czech Republic, Lieutenant Colonel Jimmy Bardin was also in attendance since the Czech Ministry of Defense asked for two presentations regarding Kosovo. Lt Col Bardin's deployed experiences in this area of responsibility gave him great credibility when briefing two blocks on Kosovo's recent history and current challenges.

Additionally, Colonel Randy Hummel served as an adjunct faculty member for a seminar on "Legal and Ethical Concerns in Public Agencies" presented in Mozambique. The focus of this course was to provide members of the Mozambican military and Ministry of Defense with a basic understanding of anti-

corruption practices. It also served to provide examples of practical and pragmatic ways to help cope with this growing problem. Col Hummel was particularly helpful in this arena as his briefings on the Racketeer Influenced and Corrupt Organizations Act and money laundering were in line with his work as a U.S. Attorney in Miami. The importance to Mozambique of tackling the problem of corruption was clearly recognized by how well the seminar was received. In fact, at the end of the course it was revealed to us that a number of Mozambican attendees were selected to deploy to different parts of the country to present our exact materials to government and military members not in attendance throughout the country. The success of this mission fostered a Mozambican stateside visit with one of their chief military officers and the head of the Mozambican anti-corruption unit.

Major Catherine Fahling traveled to Albania where the focus was also on legal and ethical concerns in public agencies. A unique aspect of the Albanian legal system is that a large portion of their new attorneys, officers, and government officials are women.

In the spring of 2006, DIILS conducted back-to-back Combating Terrorism programs in Cambodia and Thailand. Colonel Russ Friemel was a key member on both missions. Members of the Thai government lectured and co-presented a total of four blocks of instruction. One lecture in particular highlighted the recent Thai deployments in Iraq and the unfortunate deaths of two Thai military members by suicide bombers. In particular, we were able to provide lectures and interactive presentations to instruct

the Thai military on ROE, to include interactive scenarios.



During our DIILS program in Nepal, Lieutenant Colonel Jeff Palmer, a former Country Program Manager at DIILS, led the second week of the program and highlighted the command's reliance upon a knowledgeable legal advisor, staff judge advocate, and public affairs officer. The first week of instruction began with presentations on human rights and military operations, including internal armed conflicts RUF and ROE, to include suicide attacks. The week progressed with command responsibility, the U.S. judicial process, and the U.S. military's role in a crisis situation. This training was especially timely as the Nepalese military and police forces struggle to fight and maintain peace with the Maoists. The second week of instruction began with presentations on investigations and procedures, including evidence collection, interview techniques, and effective interrogation. This portion of the training was particularly relevant to the Nepalese Army attendees as legislation empowering the Army to investigate war crime allegations was enacted during the seminar.

During FY06, DIILS has been working with Major Cornelia Weiss to help the Colombians

transition from an inquisitorial legal system to an accusatorial system. Under their accusatorial system, prosecutors and defense counsel advocate their positions before an impartial trier of fact. The shift to the accusatorial system is not only a shift in legal strategy, but a shift in legal culture that will require extensive training for Colombian lawyers and affiliated legal personnel. Maj Weiss, an Air Force reserve officer assigned to the U.S. Embassy in Bogota, Colombia, asked DIILS to create a one-week trial advocacy course including instruction periods and practical application exercises. She asked that the course be taught by U.S. military personnel who are fluent in Spanish. Three Air Force JAG Corps officers responded

to the call—Air Force Captains Aaron Drake, Charles Gartland, and Roberto Ramirez. All have military justice experience and are fluent in Spanish. They worked for two weeks in Columbia teaching the adversarial system to senior and junior Colombian legal persons. Each were assigned approximately 25-30 Colombians to work with, and they instructed them on such topics as opening statements, direct examination, cross-examination, and closing statements. All proved to be outstanding instructors and were well received by the attendees.

It has been a pleasure to serve with JAG Corps team members on a wide variety of DIILS missions. Each has represented our country

and our Corps with professionalism and dignity and proven that JAGs truly have a global impact. We look forward to serving with more outstanding JAG Corps members on future projects!



MORE OF WHAT COMMANDERS SAID ABOUT THE PROPOSED PBD 720 CUTS TO THE JAG CORPS:

“Regional Legal Support Offices” would grow the wrong kind of JAGs—JAGs who have never supported an operational unit other than as a “legal liaison” or on a temporary basis.

I rely on my SJA and his staff every day to provide legal counsel, resolve issues, and give me, my command section, and my commanders the tools necessary to ensure good order and discipline.

Some of the work my JAGs do is highly visible...[m]uch of the time, their work is behind the scenes, putting out fires on a variety of fronts and keeping my wing operating legally and efficiently.

With an SJA and legal office on my staff, I know I will receive responsive, timely legal solutions to issues impacting the wing as well as just good common sense advice.

The importance of [JAGs’] firsthand, local knowledge of the issues cannot be understated.

I view what [installation JAGs] do as a very crucial part of the good order and discipline that is fundamental to mission accomplishment.

I have discovered over my career while serving as a squadron, group, and wing commander that my JAGs are invaluable in helping me sort through problems when there may not be a “legal” answer.

KEYSTONE LEADERSHIP SUMMIT 2006



Leveraging Your
Leadership

Executive
USAF
October



KEYSTONE OVERVIEW

Key-stone [kee-stohn] (noun) - the wedge-shaped piece at the summit of an arch, regarded as holding the other pieces in place. – Dictionary.com

The concept behind the KEYSTONE Leadership Summit can best be described by starting with the important question it answered. How does a large worldwide organization most effectively impart and discuss vital leadership principles in the context of the Air Force, national, and global environments? Despite the immediacy and breadth of today's electronic communications, repeated experience has taught us that face-to-face interactions have the most impact. And, the long-term value is maximized when as many senior and mid-level Total Force JAG Corps leaders as possible gather to hear those messages. KEYSTONE 2005 was, in many ways, an experiment. The feedback was so positive that we met again in 2006, but added electives and more presentations over the week. Again, the feedback was extremely encouraging and planning is already underway for KEYSTONE 2007, which will feature additional refinements designed to increase the kind of broad dialogue that can't be done otherwise.

The KEYSTONE 2006 Leadership Summit was held 22-27 October 2006 at the Buena Vista Hotel in Orlando, Florida. More than 700 Total Force JAG Corps members attended. In addition to JAG Corps personnel, attendees included the senior military counsel from our sister services and from Australia, Canada, Chile, Israel, South Africa, and the United Kingdom.

The 2006 theme, "Teams Within Teams," captured the essence of JAG Corps service—legal professionals working within a broad range of other teams—from their local legal offices and Air Force organizations; to the joint and interagency arenas; and beyond to the international, space, and cyberspace environments. Using this Teams Within Teams framework, attendees received compelling briefings emphasizing leadership traits and responsibilities.

The week also featured multiple breakout meetings, panel discussions, and working groups. Focus groups examined aspects of JAG Corps 21, helping to further refine the initiatives. The new JAG Corps draft *Values*

and *Vision* document was introduced, with all attendees receiving an in-depth briefing and the opportunity to provide feedback. Additionally, a focus group of 50 JAG Corps leaders met to review the draft and provide detailed inputs. Other sessions included meetings tailored for senior paralegals, Air Reserve Component members, civilian lawyers, host nation legal advisors, newly-selected colonels, and international senior military officers. At the end of the week, major command staff judge advocates conducted separate conferences for their command's attendees.

Centered on leadership development for legal professionals, KEYSTONE 2006 featured an array of nationally known speakers. Featured speakers included United States Attorney General Alberto R. Gonzales; Department of Defense General Counsel, the Honorable William J. Haynes; Secretary of the Air Force, the Honorable Michael W. Wynne; Special Assistant to the Secretary of the Air Force, the Honorable John P. Wheeler, III; Department of the Air Force General Counsel, the Honorable Mary L. Walker; author and former CNN Vice President, Ms. Gail Evans; Director of the Center for Terrorism Law, St. Mary's University School of Law, Dr. Jeffrey F. Addicott; Anti-Defamation League Associate Director, the Reverend Pamela Moore; Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, Sergeant Major William J. Gainey; Mobilization Assistant to the Pacific Air Forces Commander, Major General James W. Graves; and former National Football League coach Dan Reeves.

A number of speakers touched on issues of leadership. Attorney General Gonzalez emphasized the importance of an effective interagency relationship between the Department of Justice and Department of Defense. Secretary Wynne discussed the integral role the JAG Corps plays in the interdependent fight. Ms. Walker discussed the Air Force reorganization and the importance of an organization's ability to adapt to new cultures. Maj Gen Graves offered "The American Experience," his dynamic presentation of how the United States became the great country it is today. He explored issues of leadership, through a vivid exploration of American history, and demonstrated how critical leadership principles (inclusion, diversity, intuition, and patriotism) led to, and sustains, America.

The week also featured three insightful panel discussions. The first panel was comprised of senior attorneys from our sister services, including Major General Scott C. Black, The Judge Advocate General of the Army; Rear Admiral Bruce E. MacDonald, The Judge Advocate General of the Navy; Rear Admiral William D. Baumgartner, The Judge Advocate General of the Coast Guard; and Colonel Edward M. McCue, III, Assistant Judge Advocate General for Military Justice, U.S. Marine Corps. The second panel featured senior military attorneys from six foreign nations. The panelists were: Air Vice Marshal Richard A. Charles, Director of Legal Services, Royal Air Force, United Kingdom; Air Commodore Simon J. Harvey, Director General, Australian Defence Force Legal Service; Brigadier General Ken W. Watkin, The Judge Advocate General, Canadian Forces; Major General Segomotso Bailey Mmono, Chief, Military Legal Services Division, South African National Defence Force; General Renato Nuño Luco, Auditor General, Chilean Air Force; and Major General Avichi Mandelblit, Military Advocate General, Israeli Defense Forces. The third panel explored the status of military commissions and the way-ahead for the commission process. The panelists were: Colonel Dwight Sullivan, U.S. Marine Corps; Colonel Morris Davis, U.S. Air Force; Professor Robert Chesney, Wake Forest School of Law; and Mr. Jess Bravin, Wall Street Journal reporter.

Between sessions and after the daily events, attendees enjoyed time networking and sharing ideas. Old friends renewed their acquaintance and most attendees met and made new ones. The JAG Corps Crud Tournament proved to be a lively event with hundreds of attendees participating or cheering on their major command team. The winners, Air Education and Training Command, received thunderous applause as Major General Jack L. Rives recognized them on Friday morning. JAG Na Na, a group of JAG Corps singers, also performed three times during the week.

Over 100 spouses attended KEYSTONE 2006, many of whom participated in the JA Spouse Connection. Created and led by Mrs. Joy Dunlap, the JA Spouse Connection connected spouses with each other, military members, the JAG Corps, and the Air Force. The spouses attended many of the plenary sessions. Special sessions were also held for spouses, including time with Mrs. Barbara Wynne, the Secretary of the Air Force's spouse, and Maj Gen Rives.

The decision to move the JAG Corps' annual awards dinner to take place during KEYSTONE has proven very popular. The presentation of the awards and the recipients' remarks become much more meaningful when they occur in front of the entire array of JAG Corps leaders. This upbeat celebration of excellence has become a highlight of KEYSTONE, and this year's event was a spectacular way to cap off our last evening together.

At the conclusion of the Summit, attendees were charged to take fresh insights, new tools, and practical tips on what it takes to lead effectively back to their duty stations. Summaries of all the presentations at KEYSTONE were distributed via the JAG Corps On-Line News Service. KEYSTONE's continuing benefits are felt across the JAG Corps and beyond as attendees bring these lessons back to their offices and share them with their staffs and peers. They also return with a renewed sense of the meaning and value of the "JAG Family."

KEYSTONE remains a tremendous opportunity for our leaders to learn from others and grow. As Maj Gen Rives stated at the inaugural KEYSTONE Leadership Summit, "[w]e should understand that 'keystone' is a lot more than just a place. In architecture, the keystone is the central, wedge-shaped stone at the top of an arch that locks the other stones in place. That's what you do as leaders. You provide the example, you provide the leadership, and you bind everything together so that we can accomplish the right things."



WHAT YOUR AIR FORCE IS DOING TODAY

BY LT GEN CARROL H. CHANDLER

The following is a transcript of a presentation at the KEYSTONE Leadership Summit on 25 October 2006. Minor editing was performed prior to publishing.

I would like to take this opportunity to share with you what your Air Force is doing today.

COMBATANT COMMANDER SUPPORT

We have a significant number of our people deployed—approximately 25,000. The preponderance of our deployed force is in the U.S. Central Command area of responsibility (CENTCOM AOR), which should not surprise any of us. But if you look closely at what we are doing today around the globe and consider the number of people currently deployed forward in Korea, Pacific Air Forces (PACAF), and U.S. Air Forces in Europe (USAFE)—our Air Force deployment number begins to get quite a bit larger. If you look at what we do for combatant commanders (CCDRs) every day in terms of inter- and intra-theater airlift—we have an Air Mobility Command aircraft launching somewhere in the world every 90 seconds—or the 500 Intercontinental Ballistic Missiles is on alert status today, you will see that we have approximately 40 percent of your Air Force engaged. You do not have to be deployed to be employed.

AIR RESERVE COMPONENT PARTICIPATION

I would like to emphasize the Air Reserve Component (ARC) contribution. Some people outside of the military do not believe that the Air Force is fully engaged in the War on Terror. But we are, and we have the ARC fully employed as well. They are a full partner in everything we do. We have used 77 percent of our guardsmen in the War on Terror since 2001, and we continue to have a number that are eligible to deploy. We have more than twice the number of ARC personnel volunteering to deploy than we actually have mobilized. That drives my Army and Marine Corps counterparts absolutely crazy. How do we keep our level of volunteerism so high? We do it with the Air Expeditionary Force (AEF) construct. The AEF gives our ARC personnel the flexibility to look ahead and volunteer to help with those efforts that are compatible with their abilities and availabilities. It also speaks to the Total Force, the Total Force



LT GEN CARROL H. CHANDLER
DEPUTY CHIEF OF STAFF
OPERATIONS, PLANS & REQUIREMENTS

Initiatives, and to the employer support for the Guard and Reserve. I ask you to thank those employers that make this kind of teaming available because when we deploy there's virtually no difference in capability between the active duty, the guardsman, and the reservist.

CURRENT AIR OPERATIONS

The Air Force has flown over 45,000 sorties in Operation NOBLE EAGLE since 9/11. We've flown 82 percent of coalition sorties in Operation IRAQI FREEDOM (OIF), and for Operation ENDURING FREEDOM (OEF) the percentage of sorties is in the high seventies. In OEF, we have been in combat longer than we were involved in World War II. We also continue to fly sorties in support of the drug war in South and Central America.

OTHER OPERATIONS AROUND THE WORLD

Every CCDR has training requirements and every major command (MAJCOM) is supporting. We continue to be engaged around the world in the Pacific and the Korean Peninsula. Look at Africa, specifically the Horn of Africa, as well as other places where we continue to train. Today, Major General Anthony Przybyslawski, who runs the Air Force Personnel Center, is sourcing somewhere in the vicinity of 108 forward operating locations to the tune of almost 25,000 people.

CENTCOM AIR OPERATIONS

Who would have thought of B-1s flying close air support for troops in contact? We are using the B-1 over both Iraq and Afghanistan to employ Joint Direct Attack Munitions on enemy forces in contact with our troops. We still do a lot of strafing with the guns of the A-10, F-16 and F-15E. This is why General Moseley, the Chief of Staff (CSAF), worked so hard to keep a gun in the F-35 Lightning II. We learned this during Vietnam, by the way, when we built the F-4 without a gun because we thought we were not going to need it anymore. We also fly about 400 sorties every day over Iraq and Afghanistan, roughly broken down into two-thirds airlift and refueling sorties, and the other third strike and intelligence, surveillance and reconnaissance sorties. It is impressive to look at the amount of trucks and personnel that airlift has been able to take off the roads and away from improvised explosive devices. Your intra- and inter-theater airlifters are doing great work right now in the AOR, and it is noticed.

AIR FORCE IN-LIEU-OF TASKINGS

All of us have been touched in some way by in-lieu-of (ILO) taskings. As the senior officer who works this issue, I can tell you that we have Air Force personnel supporting approximately 5,000 ILO taskings in medical, communications, security, civil engineering, and convoy duty. Some tasks are in our core competencies; some of them are not. If we have the capability to help the Army and Marine Corps fight the War on Terror, we are doing all we can to get the job done. In the end, the sooner we get it done, the better for all of us.

We do have some “redlines” that are designed to maintain Air Force readiness and combat capability. If an ILO request will take us out of our AEF rotation for that career field, then we take a real hard look at it to see if we really should do that. If the tasking

is going to push us beyond a one-to-two deployment ratio—a year in the theater and two years out of theater, which is the Department of Defense (DOD) standard for OEF and OIF—then we take a hard look at that also.

This consideration fits nicely with the AEF cycle, because if we are down to a one-to-two rotation base, then we are reaching ahead two AEFs and are no longer able to sustain the AEF rotation for those career fields.

We are also asked to do tasks that are outside our core competencies, which is something the CSAF has asked me to closely monitor. Sometimes we can support the requests, other times we cannot. Sometimes those non-core competency tasks are split 50-50 between the Navy and the Air Force, and we do them anyway. That is where you find Air Force personnel performing duty as combat convoy drivers, interrogators, and other duties that fall outside of our core competencies. Some believe we shouldn't support ILOs, but we will continue to support them. We need to fill those ILO taskings that are within our core competencies and take a hard look at those that are outside because when we do train and deploy truck drivers, we pay the training tab. In the case of interrogators, that's about an 18-month process including the train-up and the time in the AOR, which takes that Airman out of his or her career field. Ultimately, as we draw down 40,000 people, ILO tasks will begin to impact our ability to do our primary job in some areas.

CURRENT SPACE OPERATIONS

The Air Force is doing great things in space. Some forget that your Air Force provides broad “utilities” for DOD and our Nation as a whole. We provide communications, surveillance, weather surveillance, and positioning, navigation and timing for DOD, our Nation, and other nations. Of course, there is also our nuclear response option where we still have 500 missiles, manned 24-7 by young men and women. While we are working very hard to recapitalize our aging air-breathing fleet, the satellite fleet that we have on orbit is every bit as old, or in some cases older.

U.S. AIR FORCE TRANSFORMATION— THE WAY AHEAD

We must restructure our Air Force organization in addition to simply drawing down the force. We also need to adjust some of the legacy weapons systems and move on to more efficient weapons systems. From

a manpower angle, we have an issue of moving faces and spaces around to ensure we have the right Airmen in the right jobs. Total Force Integration is a big, big part of what we do, and as we come down 40,000 people across the force, we are going to continue to find ways to integrate the total force.

Historically, we have completed organizational restructuring very, very well. We have been ahead of the game since the early '90s. We restructured ourselves in terms of an Expeditionary Air Force, and I do not think anyone can argue that we are in a pretty good position as a whole.

We are now in an era where we need to find a better way to present Air Force forces to CCDRs. That is what the Air Force Component Headquarters is all about. To reemphasize, we are reorganizing because we want to provide a dedicated and standardized presentation of Air Force forces to CCDRs. Those who have worked at a numbered air force (NAF) or MAJCOM, or perhaps worked in an air and space operations center (AOC), know that it was not a standardized presentation. In many cases, we had a pick-up game where the pick-up team showed up on opening day which often did not work to our advantage.

We have an opportunity to de-layer what we are doing in the Air Force today and develop a consistent presentation of forces to the CCDR, while dealing with the drawdown of 40,000 people. Take PACAF as an example; we will still have a four-star general, but his MAJCOM staff is going to be considerably smaller [Figure 1]. The PACAF Commander will deal at the strategic level with a component commander and set the conditions for

success in PACAF. The 13th Air Force Commander, the NAF commander, provides the day-to-day face to the CCDR to work warfighting plans, humanitarian systems plans, or other air and space power needs that might arise. Put differently, the MAJCOM commander will work at a strategic level and the NAF commander will work at the operational and the tactical level.

Now, a lot of what makes us nervous is the drawdown of the MAJCOM staff and the reliance on reachback. We are centralizing the management of some tasks, such as base operating support. This is not unlike how we do personnel actions today in terms of the Air Force Personnel Center. We can look at the Air Force Personnel Center today as one of those field operating agencies that we will use as a reachback capability.

The Air Force has not been particularly happy in the past with this centralized approach to management. One example I would use is our air bases themselves, which are the envy of the DOD. The Army and Navy, for reasons that are good for them, manage bases in a different way and it's all centrally managed. How do we continue to succeed at managing our bases as we try to centralize base operating support? The answer to that is your mission support group commander, who is still going to be the face on the installation for the wing commander to turn to and is responsible for how the base looks and how the base functions.

If we look at Air Combat Command and 9th Air Force, the 9th Air Force Commander wears a blue hat and a joint hat. He has a direct link to the CCDR just as today Lieutenant General North, 9th Air Force and U.S. Central Command

Figure 1

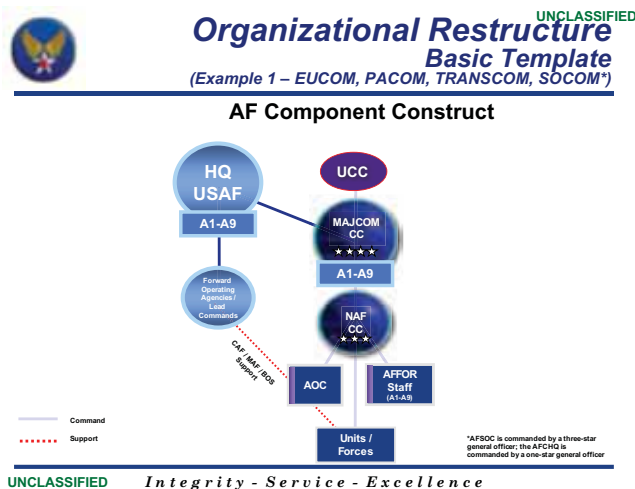
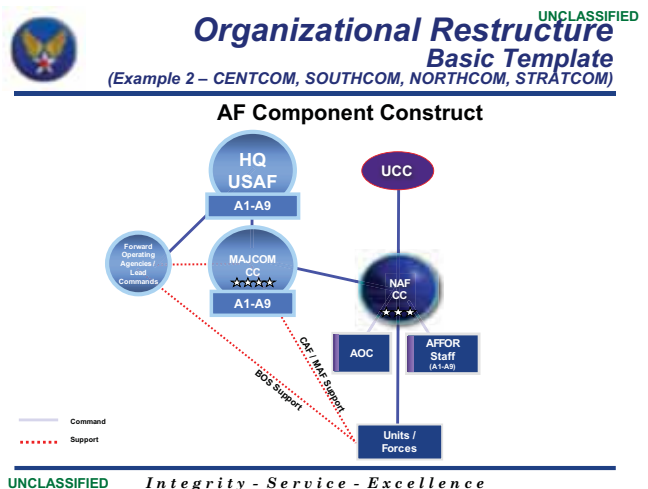


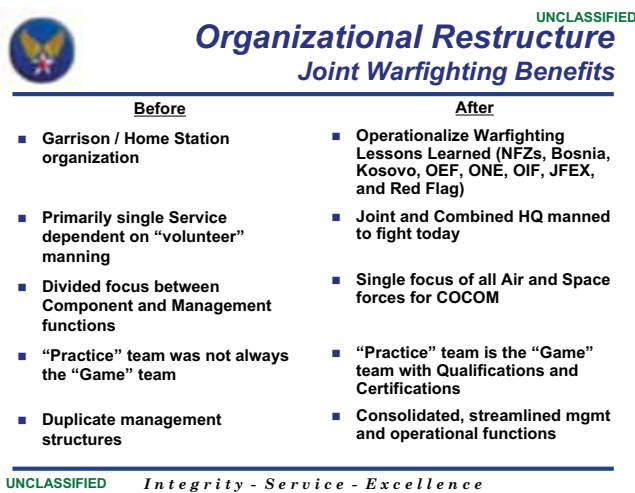
Figure 2



Air Forces Commander, does to General Abizaid, the CENTCOM Commander. The NAF commander is operating at the operational and tactical levels and still presenting that one face to the CCDR [Figure 2].

There are some subtle differences in this organization if you examine where we are in terms of organizing, training, and equipping, and where we are operating in terms of the strategic and operational levels of war. In the end, both the AOC and the Air Force forces staff provide the single face to the CCDR. At no point in time do we ever cut the MAJCOM commander completely out of the chain.

Figure 3



All of these changes posture us for success [Figure 3]. It moves us from that garrison force to an expeditionary force with a better way to present forces to the CCDR. It allows us to make our AOC more of a joint activity and is working very well at 13th Air Force where other services have been brought into the AOC. The bottom line through all of these efforts is to eliminate the duplication and delay our organizations, thereby cutting out the organizational bureaucracy, so we can streamline the processes and present forces to CCDRs in a more coherent fashion.

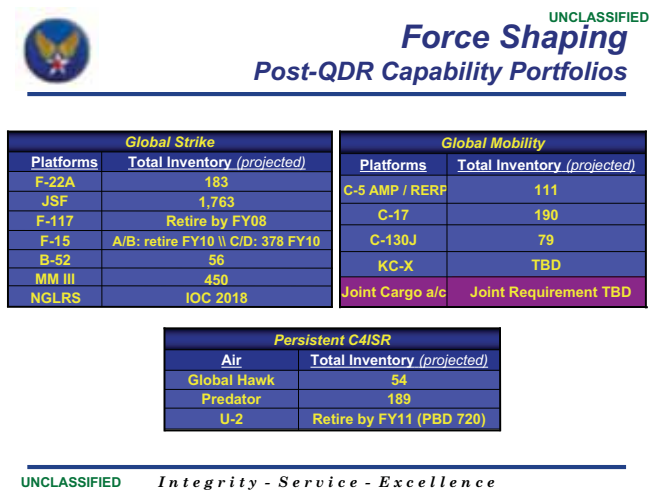
FORCE SHAPING

When the CSAF talks about how we came out of the Quadrennial Defense Review (QDR) or how we worked our way through the QDR, we talk about four portfolios: Persistent C4ISR, Global Mobility, Global Strike, and Agile Combat Support. I would like to discuss the first three [Figure 4].

Figure 4 indicates where we ended up and where we intend to take the force. For example, the F-22A

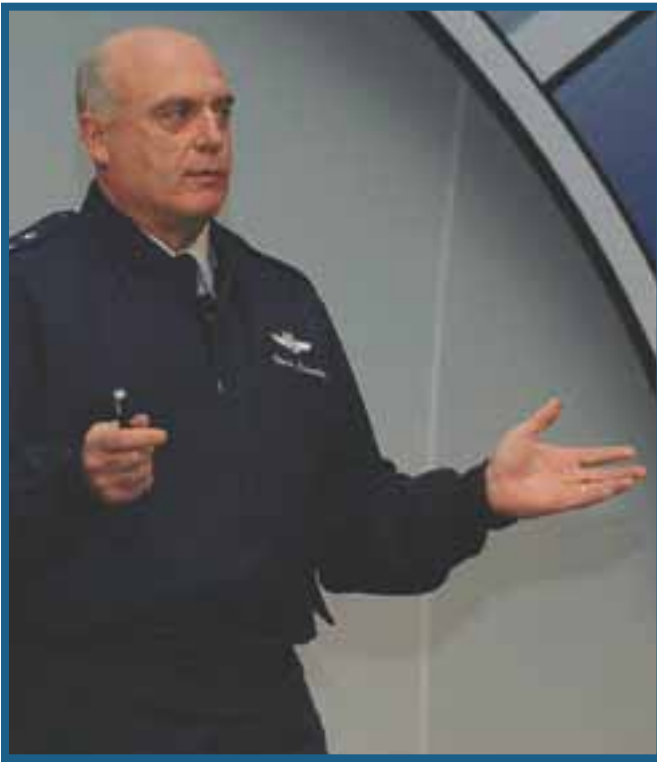
budget number is 183. We retire the F-117, a great airplane that is basically a clear-weather, night fighter, and replace it with a plane that has all-weather capability. We'll reduce the number of F-15s in our inventory, and we will decrease the number of B-52s as we work our way toward our next generation long-range strike platform. We will continue to modernize and improve the legacy bombers that we have in the force today, and we can see the results of those efforts given the work done by these aircraft in the CENTCOM AOR. We intend to bring the number of Minutemen missiles and silos from 500 down to 450. We are also going to try to field the next generation of long-range strike aircraft by 2018.

Figure 4



We are also focused on the next generation tanker, which is sorely needed when we examine the state of the current KC-135 fleet. By summer 2007, we believe we will actually select the next generation tanker from a number of competitors.

The joint cargo aircraft (JCA) started out as the light part of our aircraft acquisition. The Army undoubtedly needs to replace its Sherpa aircraft, which should amount to about 75 JCA for operational and training requirements. The Air Force has been asked why this was not a joint program, and I think that is a good question. There is a niche, if you will, somewhere between a helicopter and a C-130 for an aircraft that can haul about two pallets worth of cargo and 20 or so people into high-elevation, short runways. We have seen that need as we have operated in Afghanistan, which was recognized by a former CSAF, General John Jumper. There is a need for the JCA, not only in the AOR, but also in some important homeland security applications.



Regarding the Global Hawk and U-2, we are able to take a system, limited by a person in the cockpit, and replace it with a system that does not have that limitation and has great persistence with very similar capabilities. But we do not want to pull the U-2 off line before we have the full Global Hawk capability available for the CCDR.

So in the end, we actually came out of the QDR much better than we went in. That was due in large part to the efforts of our CSAF who fought hard for us. Your Air Force and these portfolios are very well positioned. We just need to follow through with what we have on the books, and work the programs and procurement process to be able to recapitalize.

Recapitalization is a big issue with our CSAF. When I came in the Air Force, the average age of the fleet that I was flying was eight years old. Today, the average age of the fleet of your Air Force is about 25 years. The airplanes that I flew at Kadena Air Base, Japan, on my first fighter assignment are still being used. At least one fellow general officer's son is flying those same airplanes. They were not designed for this long of a life span, and there is a lot we do not know about flying airplanes of this age. Recapitalization is an important issue to this CSAF, and he simply refuses to hand over a continually aging fleet to his successor.

We must also recapitalize our space assets. Many of our existing systems are in the process of acquisition or recapitalization. In the past, sometimes our reach exceeded our grasp in terms of trying to design and field programs that were beyond our technological ability. Dr. Ronald Sega, the Under Secretary of the Air Force, has taken us back to a building block approach for satellites just like we build blocks for airplanes. That is why we went from the F/A-22 back to an F-22A. We drew the line and said this is what we are going to deliver for this cost because we cannot afford any more and we are going to control the cost. We are taking the same approach to satellites, because we have the same sense of urgency to recapitalize space assets that we do with airframes.

In terms of process efficiencies, the Secretary of the Air Force and CSAF are big drivers of Air Force Smart Operations 21 (AFSO 21) [Figure 5]. If we are going to remain an essential part of this country's defense, then we have got to recapitalize and we have got to get on with process efficiencies. It does not do this Nation good to have an Air Force that's not relevant—it's not good for the Air Force, it's not good for the Nation.

Figure 5



UNCLASSIFIED

Haven't We Heard This Before?

- Numerous past attempts at AF Process Improvement
 - Zero Defects, MBO, TQM (QAF), others
- Met with varied but limited success due to:
 - Mistakes in implementation
 - Lack of leadership support and continuity
 - Form versus results
- Lean shares some of the same tools and techniques, but with fundamental differences:
 - Creates an end-to-end system, not a series of stand-alone processes
 - Output based and outwardly focused on the mission
 - Eliminates waste / unnecessary work

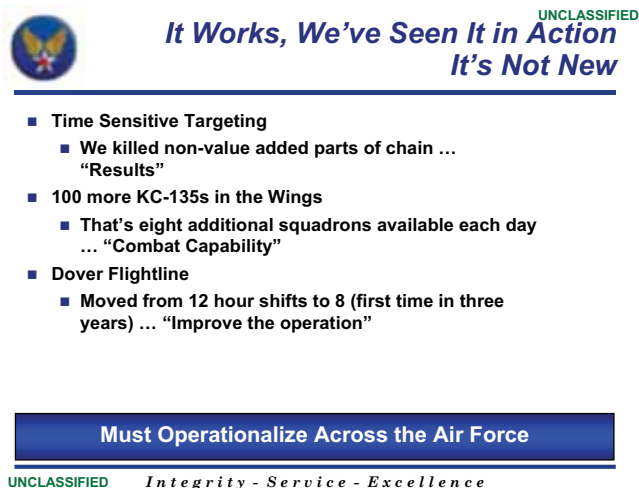
The Goal is Increased Combat Capability

UNCLASSIFIED Integrity - Service - Excellence

Some in the field say, "I've heard this all before." Let me tell you that there is a lot of difference between what we tried to do with the Quality Air Force and what we are trying to do with AFSO 21 [Figure 6].

We made some mistakes in implementation in the past and we did a lot of unnecessary training. But that is why we have started to train people only when we think that training is valuable, and why senior leaders

Figure 6



need to make sure that their folks understand that this, in fact, is a clean sheet of paper. We have not thrown away the regulations, which was another mistake we made during the Quality Air Force. The business that we are in is dangerous enough, and we cannot do it without a set of business practices that ensure we can do it safely and efficiently. The bottom line is to get at waste in our system and improve combat capability. There should be no penalty for original thinking or prudent risk-taking, and we want and need the ideas and suggestions of our Airmen. We need to build on the successes that we have had in the past or refine those successes and make them better without the bureaucracy that we labored under with the Quality Air Force.

Our approach to AFSO 21 is not totally new, for we have had some huge victories, particularly in the logistics area, with lean process improvements. If you look at the kill chain, we killed al-Zarqawi because we were able to get good intelligence on the ground, then when the timing was ideal, got somebody to the place where we could pull the trigger and employ an effect in single-digit minutes.

Because of the work we did at the tanker depot at Tinker Air Force Base, we have eight squadrons of KC-135s on the ramp that would otherwise be sitting waiting to be worked upon outside the hangar at Tinker. That is combat capability. And, of course, any time you can give your folks regular working hours, that's a victory. We were able to do that because people looked at and improved their processes. In a Quality Air Force, we had little segments of goodness and there was a lot of good work being done by good

people. But we didn't connect the dots between all that good work to make it an end-to-end improvement; it was only pockets of improvement. AFSO 21 is contagious when senior leaders believe in what they're doing and that's where you come in to help operationalize this across the Air Force.

Today, the readiness levels in the Air Force are at their lowest that we have seen them in many, many years. This is not true of every system, but enough to drive down the overall readiness statistics. Depending on how the budget goes, our readiness will either level off or continue to decline. But what are the drivers? Well, it's all those things you would anticipate, all those systems that we have not been able to recapitalize, or reconstitute would be a better word, since we started the War on Terror—combat communications, security forces, low density/high demand assets that are a part of Air Forces Special Operations Command—all of those systems that have operated at surge rates or above since the beginning of the War on Terror. These are the principal drivers that continue to lower our readiness levels.

So how do we get at fixing our readiness? Basically, we get at that with what was discussed in terms of restructuring and reshaping the force—both systems and people, as well as the process efficiencies.

Our Air Force is the most combat experienced force ever and our role in the defense of our Nation and the Global War on Terror continues daily on a global operations scale.

Lieutenant General Carrol H. "Howie" Chandler is Deputy Chief of Staff for Operations, Plans, and Requirements, Headquarters U.S. Air Force, Washington D.C. Lt Gen Chandler is responsible for formulating Air Force policy supporting air, space, nuclear, counter-proliferation, homeland security, weather, and information operations. Additionally, Lt Gen Chandler, as the Air Force Deputy to the Joint Chiefs of Staff, determines operational requirements, capabilities, and training necessary to support national security objectives and military strategy. Lt Gen Chandler is a command pilot with more than 3,900 flying hours in the T-38, F-15, and F-16.

MILITARY COMMISSIONS PANEL

*The following is a transcript from a panel discussion at the KEYSTONE Leadership Summit on 24 October 2006.
Minor editing was performed prior to publishing.*



MODERATOR, MR. JIM RUSSELL, III:

Military Commissions have been a topic of discussion for judge advocates since 9/11 and with the passage of the Military Commissions Act (MCA) of 2006, are an evermore timely topic.

Military commissions are well-established in American military practice, and date in some form all the way to the Revolutionary War. Their first widespread use was in the Mexican War in 1846 when General Scott established commissions to fill a jurisdictional void and to handle common-law crimes that were being committed in territory under American control.

In the Civil War, the Union Army also established military commissions. Congress stepped in and specifically authorized commissions to try guerillas for violations of the law and customs of war. They were used repeatedly, including the prosecution of those involved in assassinating President Lincoln, when eight people were tried and convicted at Fort McNair, with four sentenced to be hung and four sentenced to life imprisonment.



MR. JIM RUSSELL, III
AIR FORCE LEGAL OPERATIONS AGENCY
MILITARY JUSTICE DIVISION

Congress became very active during and immediately after World War I. In the Articles of War, the predecessor to the Uniform Code of Military Justice (UCMJ), they expressly recognized that the Articles of War did not deprive military commissions of jurisdiction to try offenders for violations of the laws of war.

World War II saw extensive use of military commissions throughout Europe and the Pacific. Additionally, although many people do not realize Hawaii was essentially under martial law from 1941 to 1944, military commissions were widely used since the civil courts were not open. About 25,000 people were tried for war crimes by military commissions after World War II. These military commissions produced significant U.S. Supreme Court guidance with foundational decisions shaping where we are today.

The passage of the UCMJ continued the recognition of the jurisdiction of military commissions. The same time period saw the Geneva Conventions passed, which limited the jurisdiction of military commissions to some extent.

Following 9/11, the military order of 13 November 2001 established military commissions. The Secretary of Defense set out rules for these commissions and in August 2004, we saw the first military commissions convened at Guantanamo Bay, Cuba. Litigation soon followed culminating in the Supreme Court decision of *Hamdan v. Rumsfeld*, which ultimately led to the Military Commissions Act of 2006.

From an Air Force perspective, the process of developing the Military Commissions Act of 2006 saw extensive consultation within the Air Force, the Department of Defense, other agencies, and certainly with Congress. We know that The Judge Advocate General, Major General Jack L. Rives, along with the Deputy Judge Advocate General, Major General Charles J. Dunlap, Jr., had the opportunity to testify in front of several committees of Congress, both in the House and the Senate.

The White House fact sheet on the Military Commissions Act of 2006 ends with a statement: military commissions authorized by this legislation are lawful, fair, and necessary. That provides a good framework for our first question: what purpose do military commissions serve?

PROFESSOR ROBERT CHESNEY:

One has to ask, what is the point of pursuing military



PROF. ROBERT CHESNEY
ASSOCIATE PROFESSOR
WAKE FOREST SCHOOL OF LAW

commissions as opposed to other alternatives? There are two ways to look at this question. It could be a question of why prosecute rather than simply detain. We can, of course, simply detain people when engaged in armed conflict so there's a question of why prosecute in addition to that.

Secondly, even if you have a satisfactory answer to why prosecute, there's a question of why do it through military commissions? Why not the UCMJ process? Why not use Article III for domestic criminal prosecutions?

I don't pretend to have the final answers to either question, but let me begin by addressing the first step: why prosecute instead of simply detaining? I think it helps to think of at least two purposes behind the drive and impetus to prosecute. One has to do with preventive detention. Perhaps the irregularity of the conflict and the combatants creates questions about the propriety of indefinite detention until the end of the armed conflict. By pursuing prosecutions, there's a sense in which we regularize the detentions—that we will eliminate some of the questions that plague us both internationally and domestically if we go through the commission process.

A second important part is one that Mark Drumbl has described as the expressive function of military commissions. When you prosecute someone for war crimes, there's inevitably an expressive component to the act of prosecution and, hopefully, to the conviction

that follows. When you prosecute, you're standing up for some norm of civilized behavior. When you secure that conviction you are putting a stamp not just of legal disapproval, but of moral disapproval on that war crime behavior.

As to the second question: why military commissions and not Article III courts or the UCMJ process? That's the difficult question. The germ of the idea goes back to the Lockerbie bombing of the flight over Scotland. There was debate on how to properly try the perpetrators of this heinous atrocity.

Could we do it in Article III courts? It wasn't clear you would have admissible evidence with the type of intelligence information that might be relevant; it wasn't clear if you'd be able to use it in a domestic criminal prosecution. It also wasn't necessarily desirable to proceed with an international tribunal as ultimately happened. That ended up working, at least to an extent, but beforehand there were a lot of questions about whether that would work. Eventually, someone raised the possibility of using the military commission process if and when the perpetrators of the bombing were detained. Some viewed the bombing as armed conflict, after all. Not traditional armed conflict, perhaps, but armed conflict nonetheless.

The 9/11 attacks opened the door to an affirmative embrace of the armed conflict model with respect to terrorism, and that, in turn, opened up the door to the use of military commissions, with more flexible procedures with respect to the rights that are going to be afforded to the defendant. That, in turn, increases the ability of the government to make use of classified and other sensitive evidence. But I don't think we've quite figured out exactly how to reconcile the need to use that evidence with the rights of the defendant.

MR. RUSSELL:

Who is subject to actual trial?

COLONEL MORRIS DAVIS:

There's been a lot of confusion about who is and is not subject to being prosecuted before a military commission. Clearly, the Act says alien, unlawful enemy combatants. We've heard horror stories about some grandmother in Switzerland sending a donation to a charity and then being hauled off to Guantanamo Bay. That's not the case. We have done a disservice to the public by allowing falsehoods to go uncorrected. We have a good story to tell and we haven't done a very good job of telling it. The prosecution's job is



COL MORRIS DAVIS
CHIEF PROSECUTOR
OFFICE OF MILITARY COMMISSIONS

to prosecute alleged terrorists, and we do so without prejudice or apology.

COLONEL DWIGHT SULLIVAN:

There are some aspects in which the Military Commissions Act of 2006 expressly reaches beyond those who are engaged in hostilities, quoting from the new 10 United States Code § 948(a). It defines unlawful enemy combatant. It says a person who is engaged in hostilities or who has purposefully and materially supported hostilities against the United States. So there is this aspect where someone can be charged by military commission not for having engaged in hostilities, but for having done some act that has supported hostilities.



COL DWIGHT SULLIVAN
CHIEF DEFENSE COUNSEL
OFFICE OF MILITARY COMMISSIONS

The definition of unlawful enemy combatant expressly includes someone who is part of the Taliban as an unlawful enemy combatant. Yet the section that defines lawful enemy combatant defines a lawful enemy combatant as including a member of a regular armed force who professes allegiance to a government engaged in such hostilities, but not recognized by the United States. There's a very good argument that before the Northern Alliance prevailed over the Taliban, a member of the Taliban would fall under the Geneva Convention category for prisoner of war status as the regular armed force of an unrecognized state. So there are some problems within the definition of the Military Commissions Act both in terms of its breadth to those who "materially support" and in terms of an apparent inconsistency between the definitions of lawful enemy combatant and unlawful enemy combatant.

MR. RUSSELL:

Criticism has been leveled that the MCA purports to remove access to the courts by banning *habeas corpus*.

COL DAVIS:

In my opinion, the federal courts have been used inappropriately just to clog up and prolong the process. Along with that, some attorneys representing alleged terrorists have tried to make the process as painful and embarrassing to the American public as they can possibly make it. They do so in hopes of avoiding ever having to face the facts in a courtroom. It's the old maxim: If you know you can't beat up the facts then you do your best to beat up the process and beat up the participants.

The Supreme Court said in *Hamdan* that it wasn't clear from the wording of the Detainee Treatment Act whether Congress intended the limitations on access to the federal courts to be retroactive. There's certainly no doubt in the wording of the new bill that Congress' intent is to take away the use and abuse of the federal courts in this process.

The Preamble to the Constitution says the authority for the Constitution is "We the people of the United States," and it says the purpose is to secure benefits of the Constitution "to ourselves and our posterity." It doesn't say the benefits are for everyone in the entire world. There is case law that says the Framers chose the words they used in the Constitution very deliberately. If you look at Article I, Section 9, you see that they chose the word "privilege," not "right," in the discussion on the writ of *habeas corpus*. I think the MCA's *habeas* provision will be challenged, but I think it's absolutely

clear in the new legislation that Congress took away the ability for alleged terrorists to abuse the privilege in federal court.

PROF. ROBERT CHESNEY:

Let me give you an overview of the *habeas* arguments that likely are going to be when challenges to the MCA are brought.

There are two jurisdiction-stripping provisions in the *habeas* statute. One focuses on who gets *habeas* itself. It says no *habeas* for aliens that are enemy combatants in U.S. custody, without geographic restriction (you may recall that the Detainee Treatment Act only removed *habeas* jurisdiction as to Guantanamo detainees). Second, there is a separate provision that strips jurisdiction from any court or justice or judge with respect to any other action against the United States or its agents relating to detention, transfer, treatment, trial, or conditions of confinement. So, whether you are talking about interrogation standards, rendition, or detention by the Central Intelligence Agency, all other actions are precluded.

With that in mind, here are some issues that are going to come up. First, detainees certainly are going to argue at some point that the MCA violates the Suspension Clause of the Constitution, which provides that Congress has the power to suspend *habeas corpus* when public safety requires it in the event of invasion or rebellion.

Several questions arise at the threshold. First of all, there's a question of whether any non-citizen detainee at Guantanamo has a constitutional right to *habeas corpus*. If we were talking about folks detained at Bagram or Camp Crocker or someplace that doesn't have the rather unique characteristics of Guantanamo, *Eisentrager* arguably would still control and it would be very hard for such detainees to obtain constitutional *habeas* rights. But Guantanamo is a special case, as we have all learned (contrary to the expectations of the Office of Legal Counsel back in 2002). The Supreme Court in *Rasul* hinted—though it did not decide—that the Constitution might apply to detainees at Guantanamo. Thus, our bringing detainees to Guantanamo may have had the effect of extending jurisdiction to them.

Another question is whether the MCA's jurisdiction stripper is actually broad enough to really constitute a suspension triggering a constitutional analysis. The Detainee Treatment Act and the Military Commissions

Act do provide for some judicial review, after all. Specifically, the D.C. Circuit still has authority to hear challenges to determinations by Combatant Status Review Tribunals concerning enemy combatant status, and also challenges from the final decisions of military commissions. The scope of that review is not yet certain, and it may matter a great deal whether the review extends to fact finding.

If a court ultimately finds that the MCA does constitute a suspension of the writ, a number of questions would arise. Are the conditions for suspension met? Would the suspension be problematic because it is a permanent rather than temporary removal of jurisdiction? The Supreme Court has never said whether or not Congress can suspend on a permanent basis. There is also the question of whether or not the suspension decision is a political question that the courts ought not to decide.

Hopefully that will give the audience some orientation of where we are going from here.



COL SULLIVAN:

It strikes me as remarkable to criticize the individuals who were detained at Guantanamo for engaging in the litigation thus far. Let me quote from the Supreme Court's holding in *Hamdan*. "The rules specified for Hamdan's trial are illegal." The rules that were in place for the old military commission system have been rejected, justly rejected. The rules were criticized by the current uniformed leadership who stood up before Congress and said there should not be procedures under which an individual can be tried, convicted, and potentially sentenced to death without seeing the evidence against him. Of course, Maj Gen Rives was one of those leaders and I think that was a very proud moment when all of the uniformed leaders of every branch of our services stood up and said to Congress that you shouldn't use coerced evidence and you shouldn't allow convictions on evidence the

accused hasn't seen. In fact the old system allowed such procedures and in fact Hamdan and Hicks were removed from their own commissions proceedings at one point. So we have procedures that have been rejected by the Supreme Court as being against statute and violating Common Article 3. There was nothing inappropriate about challenging these procedures and saying "I should not be subject to conviction and deprivation of liberty based on these procedures."

Now, the United States could at any time it wished try these individuals in U.S. District Court or by general court-martial. The jurisdiction of a general court-martial under Article 18 is co-extensive to try a war crime with that of a military commission that's recognized under Article 21. So any offense that was triable by commission is necessarily triable by general court-martial. The Department of Justice in June 2006 put out a press release trumpeting that it had convicted 261 individuals since 9/11 of terrorism-related offenses. There were clearly other means of trying these individuals, so I don't think any criticism is warranted for these individuals going into court and objecting to these particular means being used.

A second point on the Suspension Clause: it doesn't appear in the Bill of Rights. It was part of the original Constitution. It's in Article I, Section 9. Our founders recognized the right of *habeas corpus* pre-existed our system of government. They saw it inherent in the rights of the people.

COL DAVIS:

The defense had two main criticisms of the old military commission procedures. First, an accused didn't have the right of self-representation. Also, he could be convicted without being able to see all of the evidence against him. The Military Commissions Act addressed both of those criticisms. Under the MCA an accused has the right to represent himself, so long as he follows the rules and isn't disruptive. Also, the MCA says the accused has the right to see and hear everything the court members see and hear. Now that those criticisms have been addressed I'm sure there'll be new ones.

As for why these cases can't be prosecuted in regular federal district court or in a court-martial, those are domestic criminal courts. If you look at the terrorism cases that have been tried in the federal courts, they stemmed from law enforcement investigations, not combat operations. In warfare, the first objective is surviving the firefight; then preventing the enemy from achieving its objective; then keeping the enemy

from reengaging in hostilities; and then gaining intelligence on the enemy's future plans. Prosecution would fall about fifth in the order of considerations, so typically you don't have things like a chain of custody for evidence or rights advisements for detainees. Folks have to remember that we're at war—these are not domestic crimes we can prosecute like they're ordinary criminals in our domestic criminal courts.

COL SULLIVAN:

David Hicks was apprehended in a taxi stand. He wasn't apprehended on the battlefield. Al Sharbi, Al Qahtani, and others were apprehended by law enforcement officials in Pakistan and not on the battlefield. So this notion that we can't do these cases because they are battlefield apprehensions in many instances is simply inapplicable. Moreover, we've tried somewhere around 400 courts-martial of our own servicemembers on the battlefield. The UCMJ is portable. It is meant for wartime. Professor David Glazier from Loyola has written some articles stating that through most of our history the procedures used to try military commissions were the same as those used for courts-martial. There was parity.

I would also state that I don't believe self-representation is one of the top two concerns with military commissions. One of the main problems with military commissions—and this is a problem that may show up in the new commission system—is the lack of any meaningful right to confrontation. For example, you have an investigator taking statements from someone in Afghanistan, using a translator, and then some time later writing down a statement. We've all heard of the game of telephone, and by the time you get through these iterations, it is likely that much in the final statement is inaccurate. Should we allow someone to be convicted and potentially executed based on evidence like that or should we insist there is a meaningful right of confrontation such as the confrontation rules for the International Criminal Tribunals in Yugoslavia and Rwanda?

COL DAVIS:

There's been at least one positive thing that has come out of all this: I think Congress and the public understand the military justice process better than they ever did before. The critics of the commissions kept holding up the UCMJ as the gold standard of criminal processes. It was acknowledged as the best system available. It extends rights beyond what ordinary U.S. citizens get in federal district court. I don't believe Congress and the public recognized that before. Also, the uniformed lawyers have consistently stood up for doing the right thing throughout the debate over issues

related to the War on Terror, so the esteem and respect for judge advocates, in my view, has never been higher.

MR. RUSSELL:

Talking about fair trials raises an indispensable judicial guarantee: the press has a role to play in providing coverage. How well has the press done?



MR. JESS BRAVIN
SENIOR SPECIAL WRITER
WALL STREET JOURNAL

MR. JESS BRAVIN:

Covering military commissions is covering stories within stories because there are the actual allegations against specific people at Guantanamo, but there are also many broader questions that play into the way we look at this particular issue. You mentioned that the President signed the MCA a week ago and I think one of the questions that people who cover commissions ask is why was that not five years ago when this idea first arose? Why is it that it took five years to have a statutory basis for this extraordinary justice system?

I can tell you my experience as one of a handful of reporters covering the story in August 2004. I remember our military escort at the time stating that we wouldn't be seeing this on the History Channel in ten years because the proceedings were not being filmed. I found it interesting thinking about the news reels everyone has seen from the Nuremburg trials in late 1945.

Why is that? What's the benefit? The only explanation I got was that they don't have cameras in federal district courts. So I thought to myself, "Alright, there is one rule from the federal courts that applies to military

commissions.” I think those proceedings in August 2004 were fascinating in that it was the first time that an alternate story was put forth in a formal environment as to who these people were and how effective the investigations and interrogations have been. A number of incidents occurred that were valuable to the overall evolution of the system—things such as translation errors and revelations about the experience of panel members that led them to be excused. Many things happened at the first round of hearings that suggested there is some benefit to doing things in the sunlight.

In covering the commissions, I have to say it is extraordinarily difficult. Because they are held at Guantanamo Bay, it is impossible to get there without the assistance and permission of the military. For news organizations that have to devote resources to covering various stories, it basically requires reporters to spend a week or more for zero to two days worth of news. So the question is how committed is the government to having thorough coverage of these events by having them at remote places. The practical reality is there will not be much coverage. Some people thought “that’s the point,” but maybe not.

PROF. CHESNEY:

I mentioned in my opening comments that there’s an expressive component to the war crimes trials. This is a terribly important thing in either of two directions. It can work against us domestically if it tends to undermine support for the war effort. It can also have a deleterious effect on international cooperation, which we need in various parts of the war effort. At least up until now, this process has been perhaps more damaging than helpful and that’s a lost opportunity. We need to try going forward to make the most we can out of this. When you think of the war crimes trial of Khalid Sheikh Mohammed or of Ramzi bin al Shibh, it should be a great moment of moral clarity in our favor. We need to make the most of this. We can get this thing done in a way that looks right procedurally when the stories are being told, and we need the press to be in a position to report to the world on that. If we can do this, it is a chance for us to make up some ground in the arena of public diplomacy.

QUESTION FROM AUDIENCE:

A speaker in my international law class commented that we will not win this war through might or violence alone but rather by out-valuing our enemy. Do you think the MCA has gone far enough to out-value our enemy?

COL DAVIS:

I think it has. Compare the MCA rules with the rules for the International Criminal Court, the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the court in Cambodia, or any other similar tribunal around the world and I believe you’ll find these folks are getting abundant rights and procedural protections under the MCA. I wish we could do these courts on television so everyone can see what we’re doing. There will be some classified information that will require closing some parts of some proceedings to the public, but the world needs to see that we’re going to do this right and we’re going to do it fairly. Certainly to al Qaeda Due Process is not a huge concern when they are administering what they view as justice, but we are going to do this right and I think the MCA gives us the tool to do that, and I hope we get as much media coverage as possible.



COL SULLIVAN:

In terms of the values expressed, one message that is quite unfortunate is that the commission legislation applies only to aliens. We’ve seen some U.S. citizens involved in the fight, yet we say they can’t be handled by the same procedures to which we will subject aliens. I think that will be a major thrust of the litigation over the MCA. There have been cases where the Supreme Court has said that an individual cannot be subject to lesser Due Process protections on the basis of alienage. It also sends an important message that we won’t subject an American or Briton, but we will subject others to this process.

QUESTION FROM AUDIENCE:

Do you anticipate any protective measures such as anonymity or masked prosecutors or commission members to protect them from terrorist threats?

COL DAVIS:

No, we're going to use our real names. There will be some witnesses and some members of the intelligence community that will have their identities protected, but the participants' names will be disclosed on the record. That's not to say there's no risk to the trial participants, but it pales in comparison to the risks our troops in Iraq and Afghanistan face on a daily basis.

QUESTION FROM AUDIENCE:

If we bring an individual before the commission and they're acquitted, will we achieve our objective if we then put them right back into detention because the War on Terror isn't over?

COL DAVIS:

We have the authority to detain all of the 400-plus folks at Guantanamo Bay for the duration of the War on Terror. They undergo an annual review to determine if they present a continuing danger to the United States, and a number of detainees have been released over time. The review process is not foolproof and some of the individuals that were released went back and rejoined the battle.

Out of the current group of detainees, we're probably looking at 65 to 75 trials. These are not just routine people who joined an organization. They engaged in conduct in the past for which they need to be held accountable regardless of whether they present a threat to the United States in the future.

PROF. CHESNEY:

The anomaly that someone could in theory be acquitted and held anyway on the basis of being a continuing threat has to do with the rapid way that legal thinking evolved after 9/11. The military order came out before we had any actual prisoners in custody and maybe before a lot of thought had been given to the possibility that there was no need to have a trial in order to detain them. Of course, there are other reasons to attempt a prosecution, as I mentioned earlier.

Mr. James W. Russell, III is a member of the Military Justice Division, Air Force Legal Operations Agency. He is a graduate of the University of Houston Law Center. He retired as a colonel from the United States Air Force after completing 30 years of active duty. He served as a missile combat crew commander, area defense counsel, chief circuit defense counsel, a four-time staff judge advocate, chief of the Professional

Development Division, and director of the Air Force Judiciary. He was named the winner of the 2005 Stuart R. Reichart Award, which recognizes the outstanding legal achievements of a senior Air Force attorney.

Colonel Morris Davis is the Chief Prosecutor for the Department of Defense Office of Military Commissions. He is a graduate of North Carolina Central University School of Law and has extensive trial experience as an area defense counsel and circuit trial counsel. He has been a three-time staff judge advocate, instructor and deputy commandant of the Air Force JAG School, and director of Air Force Legal Information Services.

Colonel Dwight Sullivan is the Chief Defense Counsel for the Department of Defense Office of Military Commissions. He is a graduate of the University of Virginia School of Law. His previous military duties include service as an appellate defense counsel, instructor at the Naval Justice School, and prosecutor. As a civilian, he worked as an attorney advisor in the chambers of Chief Judge H.F. "Sparky" Gierke at the U.S. Court of Appeals for the Armed Forces and was the managing attorney for the American Civil Liberties Union's Baltimore office.

Professor Robert Chesney is an associate professor at Wake Forest School of Law specializing in national security law. He is a graduate of Harvard Law School. He holds a number of positions, including chair-elect of the Section on National Security Law of the Association of American Law Schools, member of the editorial board of the *Journal of National Security Law and Policy*, and consultant for the Intelligence Science Board. He has written extensively on the legal issues arising post 9/11 and has participated in an inspection of the detainee camp at Guantanamo Bay, Cuba.

Mr. Jess Bravin is a senior special writer for the *Wall Street Journal*, covering the U.S. Supreme Court along with national and international legal affairs. He is a graduate of the University of California, Berkeley School of Law. He has written extensively on national security issues; contributed to several books, including the forthcoming *Crimes of War*; and is currently working on a book about military commissions at Guantanamo Bay, Cuba, under a John Jacobs Fellowship from University of California. He has won numerous awards and recognition as a journalist, including the Silver Gavel Award from the American Bar Association.

NATIONAL SECURITY WORLDVIEW

BY PROF. HARVEY RISHIKOF

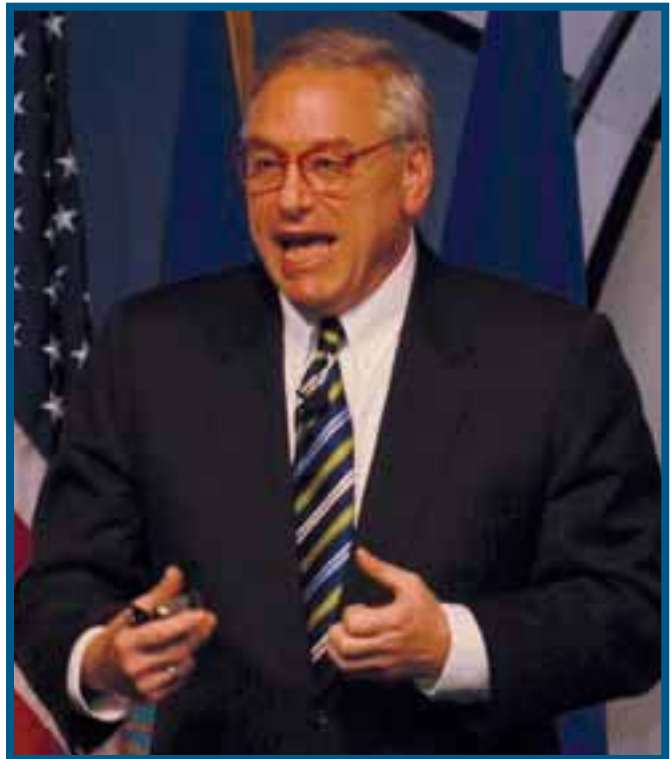
*The following is a transcript of a presentation at the KEYSTONE Leadership Summit on 23 October 2006.
Minor editing was performed prior to publishing.*

DOMESTIC NORMS AND INTERNATIONAL VALUES OPERATIONALIZING THE CONCEPT OF DISCRETION

A constant theme in the new post-Cold War world is the importance of judge advocates and paralegals in the military. The military, as a profession, is required to act sometimes in a manner that requires discretion. In the words of the great masters, command sometimes requires independent decisions. These decisions involve discretion—discretion not only in the sense of being discreet, but discretion in the sense of being independent. This sense of discretion was a classic issue for historic theorists based on the relationship of the military to civilian control.

The old masters always argued that there was something unique to the war fighters as they carried out their functions. This has always been deep in the marrow of understanding the way we approach the notion of the military. Carl von Clausewitz stated, “War in general, and the commander in any specific instance, is entitled to require that the trend and designs of policy shall not be inconsistent with these means.” He also noted, “Political considerations do not determine the posting of guards or the employment of patrols.” Sun Tzu stated, “The advance and retirement of the army can be controlled by the general in accordance with prevailing circumstances. No evil is greater than commands of the sovereign from the court.” He added, “There are occasions when the commands of the sovereign need not be obeyed.”

The academic who wrote the most about the issue of civilian-military control was Samuel P. Huntington in his book *The Soldier and the State*. The key to Huntington’s definition of the professional military was that it applied only to the “managers of violence,” which meant that no lawyers under Huntington’s definition could be thought of as part of the military profession. This has proven to be extremely controversial over the 50 years since the book was published. Yet, military JAGs are critical in explaining and shaping command discretion.



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WASHINGTON D.C.

The way we understand the projection of force is changing dramatically as we move into the cyber world and cyber war. The role that attorneys are playing with combat commanders and intelligence officers is helping to transform what we think of as the way we actually fight and what it means to be a fighter. Major General Jim Taylor, a former Deputy Judge Advocate General, noted that, “JAGs are fortunate to be members of two professions, the profession of arms and the profession of law.” What’s intriguing about the issue of two different professions is, “Do these professions ever come into contention?” If that takes place, what professional ethic or code will dominate that controversy? That is the \$64,000 question for multi-hatted professionals.

One of my students at the War College, Colonel Brian Collins, wrote his PhD thesis on professionalism. The crux of his thesis was what to do when you have such an expansion of missions for the Air Force. When you look over the last 30 years, the general officer corps has remained dominated by what we know as fighter pilots. But yet, the missions and what is being asked of the leaders of the Air Force are changing. I always joke with fighter pilots at the War College that I love meeting with “future knights” of conflict because the more we use Global Hawks and drones, the more probability that we will move to a future where we will not have pilots actually in the cockpits. Like knights of yore, the pilot may become a museum piece of the future. The new pilots will be sitting at computers in the continental United States. The locus of decision making is moving back into different rear areas where the lawyers are critical. What this will mean for new definitions of battlespace and the law of armed conflict is better addressed another day.

Intriguingly, Huntington argues that there will always be a tension between the notion of expertise, corporateness, and responsibility. In planning for the 21st Century, how do we define who has the jurisdiction to control the area under conflict? An example would be in cyber war. Is that an air force function, an army function, a navy function, or is that a marine function? Which command will have the responsibility? As you know, we are probably going to experience some creative friction as the different services think through how to get control of this new functionality, and I submit to you that one of the groups that will help smooth that debate is going to be the JAG officers. There are 10,000 attorneys, all of whom share the professional understanding of what it means to use the notion of cyber in an offensive or defensive way. This will be different than traditional law enforcement. When I was in the Federal Bureau of Investigations, we always thought that we were in control of the law-enforcement piece. You have the law-enforcement component, you have the Department of Defense component, and you have the JAG component, all trying to struggle, as we do in our classical American way, to try to figure out how we should understand this new form of a contested arena and how it should be understood by the law.

Now, as we moved through the Cold War, we always had a struggle between the Communists and the United States and our allies. The one tie on the scoreboard was

in Korea. It created a legacy problem, and this continuing problem is helping to define the new regime we are now in. We are struggling to define what our working principles are in the post-Cold War era. We first began to see this with the rules of engagement for the Marines in Beirut. We started taking on new missions that exposed our people, and it was unclear what the mission was supposed to be—peace enforcement or peacekeeping. More and more missions are posing this problem.

One of the questions that has been asked is, “What are the forces confronting the modern era?” One of our War College student groups came forward with what they term the Four Great Collisions.

- Power Politics versus International Norms
- Globalization versus Tribalism and Alienation
- U.S. Dominance versus Global Reaction
- The Nation-State versus Its Competitors

When you think about Power Politics versus International Norms, think about what the ultimate role will be for international institutions. In the debate about Globalization versus Tribalism and Alienation, think about the fact that 45 percent of the world’s economies depend on trade. At the same time when you participate in globalization, you get involved in what Tom Friedman called the “global straitjacket.” You have to participate in a different system if you want to be part of globalization, and that deeply affects your traditional notion of your identity as you participate in the modern world.

U.S. Dominance versus Global Reaction, it is almost a truism now that it is irrational for any military to take on the United States in traditional warfare. The Air Force owns the sky; another group believes that it owns the water; another group believes it owns everything under the water; and another group believes it owns the land. We believe in full-spectrum domination. It is the notion of the American way in which we project force. One of my favorite Marines said, “If it is a fair fight, someone made a mistake.” That’s not how we understand our strategic projection. For our international counterparts, that is usually not how they imagine their role in the world, but the globe has to deal with us from that perspective.

The last question is the Nation-State versus Its Competitors. Last year at the National War College we had an essay exam that posed the following questions: “Is the nation-state relevant anymore, and will it be relevant in the 21st Century? How many countries do you think we are going to have in the next 20 or 30 years?” One of the famous truisms is that the nation-

state is too small to handle transnational problems and too big to handle ethnic issues. We are seeing in Europe more and more space reconfiguring into what we understood as a pre-Westphalia structure of smaller and smaller communities. Economies of size are not essential once you no longer fear a projection of force against them from an external power.

So these are the four trends or collisions you should think about. Are these the key collisions? Is there something missing? Is there any way these collisions can be avoided? Is the issue of world religion and a clash of beliefs the next real collision?

Next I would like to speak about trends. The students argue that there are four dominant trends.

- Demography
- Resources
- Democracy
- Technology

Regarding demography issues, the projection is that there will be 8 billion people by the year 2020. What is going to complicate this population growth is that it will not be evenly distributed, and we are going to have huge youth bulges in certain parts of world such as the Middle East and North Africa. But then we are also going to have the “graying” of the world in places like Europe and Japan. That is going to create interesting problems for demographics and politics.

Regarding resources, two resources the students focused on are water and oil. There has been a 900 percent rise in the demand for water in the 20th Century. Eighty countries face severe shortages. Oil demand will have grown 50 percent from 1995 to 2020. Two major powers pressing the system are China and India, with huge, huge energy demands. Eight Organization of the Petroleum Exporting Countries have 64 percent of all oil reserves. While most understand the oil issue, the question is, how do we resolve it? The water issue is even more elusive, and it creates an extraordinary amount of tension in particular pockets of the world.

Democracy—the argument put forward is the democratic peace theory; the more democratic countries become, the less we have to fear. The counter-argument is that democracy can produce illiberal societies. When we actually give people the vote, they may vote for a particular regime that we are not fond of. It creates a paradox if you keep on focusing on elected regimes as

the most legitimate, and the most legitimate turn out to be anti-Western. What is to be done?

The last dominant trend is technology. Technology was broken down by the students into nanotechnology, computing power, telecommunications, and genetics. If you want to think about the technology problem, just imagine you were running Google. At least some employees of Google are completely focused on the fact that two years ago two unemployed young college grads started something called “You Tube.” Two years later, they sold it for \$1.65 billion. Some young person is working in Shanghai right now on a technological issue that will make obsolete things that we have spent enormous sums of money on. That’s what keeps the Google owners up at night. That is what keeps our technological “Googles” up at night. Have we purchased a weapons system that will be made obsolete overnight due to a new breakthrough?

If so, how will this affect the law? How do these trends affect your role as a lawyer? How will the profession deal with these emerging problems? The Naval War College, under the inspired leadership of Professor Craig Allen, is hosting a conference entitled “What Will the Global Legal Order (GLO) Look Like in 2020?”

Professor Allen has posited the view that there will be six possible alternatives for the future of the global legal order. He created the following six slides to capture these competing futures and asked legal experts to rank the alternatives.

The first one is slow growth in the global legal order, sort of a “steady as she goes.”

1. SLOW GROWTH IN GLO

- Characteristics of this future:
 - Only minor UN reform
 - U.S. accedes to UNCLOS but not ICC
 - No significant amendments to UNCLOS
 - No further WTO developments post -Doha Round
 - International tribunals used, but still under -utilized as forum for conflict resolution
 - Non-rule based/non-institutionalized alternatives (e.g., PSI) among “dynamic partners” multiply and expand
- Compliance gains obtained by enforcement

Rank by Legal Experts: _____

Second, no growth. No agreements on issues such as global warming or cyber security.

2. NO GROWTH IN GLO

- Characteristics of this future:
 - No UN reform
 - International tribunals seldom used
 - U.S. remains outside UNCLOS & ICC
 - UNCLOS gaps/uncertainties left unresolved
 - No new agreement on global warming
 - No new agreement on pandemic prevention/response
 - No new agreement on cybersecurity
 - No progress on intel sharing, data privacy
- No change in level of compliance

Rank by Legal Experts: _____

Third, significant growth and we basically have consensus on important issues.

3. SIGNIFICANT GROWTH IN GLO

- Characteristics of this future:
 - UN is fundamentally reformed to satisfaction of vast majority
 - Dispute settlement processes are expanded, streamlined & respected
 - U.S. accedes to UNCLOS
 - UNCLOS addresses new technologies, expands right of visit
 - Some states push for vastly expanded Marine Protected Area regimes
 - LOAC is revised to address irregular warfare issues
 - U.S. ratifies the (revised) International Criminal Court Statute
 - Nonproliferation regime closes gaps that undermined its effectiveness
 - Terrorism & certain forms of trafficking are made universal crimes
 - U.S. agrees to a revised, more equitable FCCC (Kyoto) Protocol
 - First truly global cybersecurity regime emerges
 - WHO brokers an effective pandemic prevention/response regime
 - Nations deliver on Millennium Development Goals promise
 - UN/NGOs develop legal regime for humanitarian/disaster assistance
 - INTERPOL gains power, becomes energized law enforcement, increasingly supplants allied force as principal security measure

Rank by Legal Experts: _____

Fourth, the world will fracture into regional laws or regional areas of legal order.

4. THE GLO FRACTURES INTO MULTIPLE RLOs

- Regional and bilateral agreements supplant global approaches
 - U.S. collective security is supplanted by regional/ad hoc alliances by NATO, AU, ASEAN/ARF, etc.
 - WTO globalism gives way to regional Free Trade Areas (NAFTA) & Customs Unions (EU)
 - EU interest/focus turns inward, carrying NATO along
 - Regional currencies, borderless travel/transport
- Regional dispute resolution options emerge
- Arrangements based on dynamic partnerships, not established rules or institutions, become more common:
 - Proliferation Security Initiative
 - 1,000 ship navy?

Rank by Legal Experts: _____

Fifth, the international legal order is going to disintegrate. There will be no new United Nations (UN) solutions, human rights will be in retreat, and unilateralism will become much more of a common action.

5. THE GLO DISINTEGRATES

- Characteristics of this future
 - UN loses credibility and collapses
 - U.S. abandons UN, ICJ-ITLOS, ICC, WTO
 - LOAC routinely violated with apparent impunity
 - Respect for human rights in retreat
 - World unprepared to deal with massive refugee flows
 - Unilateralism becomes common place
 - International law descends into desuetude
 - International relations lose its source of legitimacy

Rank by Legal Experts: _____

Sixth and finally, there will be no single future. We will struggle through this period as we try to figure out how to resolve the problems. If you think this is the future, imagine the role attorneys are going to play trying to help set up the battle line for international law.

6. THE SIXTH FUTURE

- There is no single future
- International relations, international law and international institutions will be in a constant state of flux
- Roles of each wax and wane IRT:
 - Changes in leadership (Int'l, National, NGO)
 - Effectiveness in responding to (1) inevitable crises, (2) chronic problems, (3) human rights abuses and demands for reform
 - Perceptions of key stakeholders

Rank by Legal Experts: _____

Regardless of the futures, the Supreme Court will be required to adjudicate the international norms from a U.S. perspective. I believe there are two approaches that will dominate the court. The first is the O'Connor-Breyer position, which maintains openness to the notion of international legal precedents. Years ago, Justice O'Connor said the most dramatic challenge for federal judges will be interpreting international treaties over the next 20

30 years. That was her sense of what was going to be the challenge for the Supreme Court. To take that position, you are very pro-international law and you see that it has a very, very powerful impact as it creates a dialogue for the new *jus cogens*.



There is an opposing position inside the Court, and it is an anti-international Yale Law School approach. These justices see international norms as creating mischief for American values and such approaches will have horrible consequences for the United States. For this view such approaches continue to empower judges over legislatures, and import a system that gives even more power to judges as adjudicators, versus our system, which historically has privileged the executive and legislative branches. To import such norms is to place judges above legislatures.

Responses to internationalism usually fall into one of these four categories when thinking about our legal traditions. The first is American “exceptionalism,” which runs through our entire legal doctrine, in which one sees America as being different from everyone else and the international community. We have our own laws, procedures, and norms. Why should we change? Second, we are “institutionalist,” very committed to international institutions, and like the Europeans we view institutions as the place for international negotiations. Third, we take one issue—which is usually “human rights”—and evaluate everything against a human rights position. Finally there are the “pragmatists,” who basically oscillate between the three positions, depending upon what the best deal is at the moment. In the tradition of many deal makers, the mantra is “Let’s make a deal and let’s not worry about the theory.”

All these positions have one common issue, which is discretion—the same type of discretion with which I began these remarks. Discretion can never be avoided and as Americans, we have helped establish international law, which is something we always have supported as attorneys. But we have domestic law, which defines us as Americans. The eternal debate for such a contrast is, “Which legal norms, upon which two regimes are based—international and domestic—are the most desirable?” And which regime is going to be the regime you will support when you have conflicts among your sense of being a professional attorney, an officer of the court, and a professional wearing a military uniform? Which norm will control? The United States and the world are watching and wondering. Recently The Judge Advocate Generals made a very strong statement about international norms and domestic values. It said a great deal about our domestic norms and how international values were viewed. This is the essence of understanding discretion.

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TERRORISM LAW

BY PROF. JEFFREY F. ADDICOTT

The following is a transcript of a presentation at the KEYSTONE Leadership Summit on 24 October 2006. Minor editing was performed prior to publishing.

What is terrorism law? Simply stated it is all the legal issues associated with the War on Terror. Obviously, this War on Terror is unlike anything we have seen or fought before and what really rubricates the discussion is the premise: Are we at war, or is this just simply a metaphor like the “war on drugs” or the “war on poverty?” I submit we are at war. A lot of people do not like that, but whether they like it or not, as lawyers, we can put that aside because what really matters is—“What does the law say? Are we at war or are we not at war?” If we are not at war, than we are doing a lot of illegal stuff—let’s just put it that bluntly. On the other hand, if we are at war, this is really nothing different than what we’ve done in past wars. The best example of this is how Congress characterized the detainees in the recent Military Commissions Act.

Our President, under Article II, is the Commander in Chief. There is no doubt that he clearly believes we are at war. On September 11th, he essentially said, “We’re at war, and I’m going to reach into the toolbox called ‘laws of armed conflict,’ and I’m going to pull those thunderbolts out and I’m going to use them to wage war on terrorists.” Before September 11th, the Administration reached into the toolbox of “domestic criminal law,” and if we captured an al Qaeda terrorist, we would prosecute him in federal court, and treat him as a criminal defendant. The terrorists who tried to topple one of the twin towers in 1993 are a perfect example. After September 11th, Congress did not declare war but they passed, as we know it, a use-of-force resolution. It’s rather strongly worded and it gives the President wide latitude to do what he thinks is necessary to bring to justice those individuals that were responsible for the events of September 11th or were associated with al Qaeda. It’s a very broad authority. So the President, armed with that resolution and armed with his own inherent authority, has waged a war against terrorism. But terror is a tactic, so how can you be at war with terror?

We are stuck with the term, so I’ll use the term “War on Terror” or the “Global War on Terrorism.” I think you can make the argument that Congress believes that we’re at war much more clearly today than you could two or three years ago or even one year ago. Because for five years, Congress has kind of sat on the sidelines. They



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passed the use-of-force resolution in Iraq, but they really have not done a whole lot of heavy lifting. They have not joined and armed the President with their legislative authority and told the President, “Okay, we’re going to go with you, we’re going to pass statutes, specifically authorizing certain issues associated with the War on Terror.” But now, the Congress has become energized. The 2006 Military Commission Act was a legal broadside that has yet to fully settle in the minds of many Americans. Congress very clearly established the legitimacy of military commissions. They addressed the issues of interrogation tactics; the use of the rules of evidence at military commissions—allowing hearsay, not requiring search warrants, not worrying about the chain of custody issues—head on and they clearly addressed the issue of *habeas corpus* head-on.

So there is no doubt that those people that have said that they want to demonize the Bush Administration for doing a certain issue in the War on Terror, they now have to demonize the Congress as well because they have joined hand-in-hand in approaching the War on Terror from the perspective that it is a real war. You cannot have military commissions unless it is a real war.

You do not have any combatants unless it is a real war. You cannot suspend *habeas corpus* unless you are using the laws of war and it is a real war. Congress clearly believes now that this is a real war. So when you have a debate with someone—that is the premise. If you get the other side to admit that, “Yes, our government believes that this is a real war,” you have won the debate because what we are doing at Guantanamo Bay, Cuba, is nothing different than what we have done in previous wars.

I did a show the other day on National Public Radio, and the commentator said, “We are going to have a discussion today on the issue of Guantanamo Bay. We have Professor Addicott on one side and we have another commentator on the other side—two widely different views. We are going to let the audience hear these views and make up their mind about the inmates at Guantanamo Bay.” So I went first and said, “First of all, if you’re going to be an impartial observer or an arbitrator of two sides, they’re not ‘inmates.’ By using the word ‘inmate,’ you are essentially saying that we only use the domestic laws to deal with these people, which means: they get charged with crimes, they have to have an attorney, they will be able to file writs of *habeas corpus*. Calling them inmates is incorrect, they are “detainees.” In World War II, we had over 400,000 Germans and Italians right here in this country. No one ever suggested that they should have a lawyer or that we needed to charge them with crimes. Why? Because we were at war and under the laws of war, you can detain these people indefinitely until the war is over without charging them with a crime. That is what we are doing at Guantanamo Bay.

Now, after five years, Congress has finally stood up and said we agree with that approach and have now responded to the 2004 Supreme Court decision. In 2004, the Supreme Court was faced with the issue of; “Can the President designate somebody as an enemy combatant?” And the answer was, “Yes, but...” and the “but” was, “Hey, we’re not fighting a nation-state, the laws of war are really written when two nations go to war against each other.” We’re fighting what I call a “virtual state.” There are 192 nations in the United Nations. If you lined up all those nations in terms of strength, al Qaeda would be, if it were a nation, about number 100. It’s a powerful organization that is not a criminal organization. They act more like a nation-state. They entertain a Nazi-like ideology. They are like a nation-state in terms of the power that they project and their goals. Whether we believe it or not and whether we like it or not, as lawyers, this is very disheartening. They want to kill us. As lawyers, we like to take off our jackets and negotiate with people, but how are we going to negotiate with them?

This fact is illustrated from a story that came about down in Guantanamo Bay, as covered by *The New Yorker*. The magazine interviewed the former commandant about a fellow called “Half-Dead Bob.” Half-Dead Bob was picked up on the battlefield of Afghanistan weighing about 50 pounds, missing a lung, and had shrapnel wounds. What did we do to Half-Dead Bob? We nursed him back to health. He got back to about 130 pounds. But as the commandant was interviewing him, Half-Dead Bob said, “You’re a very good Christian, General, you’ve been very good to me, but you do know that when I get out of here, I’m going to kill you and your family.” That is the mind set, and the Jihad is a global war. The battlefield is the world for these folks, and it is a very dangerous enemy that we are facing. So that is why I do not like the term “War on Terror.”

This is not a war against the Irish Republican Army or other terrorist groups. It is not even a war against militant Islam. It is a war against a very specific slice of militant Islam—al Qaeda, and al Qaeda has declared war on us. And essentially, you win wars by killing the enemy. That is the brutality of war, you cannot negotiate with them. The only thing they understand is the application of lawful force or the threat of lawful force and that is it. They are the only tools that you really have that are available to do that. We have to project that in the War on Terror and that is a hard reality.

The airline plot that was just broken up where the terrorists were going to take ten airplanes and fly them into the United States from Britain—one of the terrorists was a female that just had a baby. The baby was 60 days old, and she was going to bring that baby on the plane with her with the explosives in the milk formula. That is dedicated! She was going to kill herself and her child. Whatever we say about these people, they are dedicated to the mission. These people want to die for the cause.

Yet another example of this conviction is the young men in London. One year ago, these men stepped on board a train with backpacks on. They could have stepped off the trains, set the timers, and walked away. They wanted to ride the train down for the cause. These people want to kill us in very large numbers and when you mix into the equation weapons of mass destruction, you have a witch’s brew. So, I say to any of my legal colleagues that do not want to give an inch on civil liberties, we can give an inch on civil liberties. We have to put rhetoric aside and give our law enforcement and the military the tools that they need to fight this war.

We have not defined terrorism. The international committee cannot define terrorism. So how do you fight something that you cannot define? That's another critique I have with this phrase "War on Terror." We have a lot of domestic definitions of terrorism, but the international committee has never been able to come up with a definition of terrorism. Why? Because "one man's freedom fighter is another man's terrorist." I was in Egypt recently, and the anti-American and the anti-Israeli propaganda is just horrific. On the panel I was part of was the number two leader in the Egyptian government, who would be president if Hosni Mubarak were killed, and their top spiritual leader. I didn't leave the hotel after I gave my remarks because I pointed out to them that the Israelis were not the aggressors. The mind set of many of these people over there where militant Islam grows is just amazing. You can sit there and talk to someone and see how they approach issues. They approach issues from very different perspectives than we do. But again, this war is not against militant Islam. We have several Islamic consultants that are associated with our terrorism law program—one from Iran, one from Pakistan—and we always make that point very clear. It's against a very narrow segment of Islam, but it's a lot. About 40,000 to 60,000 terrorists went through the al Qaeda training camps before we closed them down.

This war came to us, and we have to fight it under the rule of law. If we are the good guys, we have to have moral clarity. And the war is not just about putting bombs on a target. There is an enemy propaganda aspect to it, no doubt about it and that is what sells newspapers. In other words, an American soldier does something bad—that makes the front pages. That's just a reality. So, how do we deal with it? Well, we are doing a great job because we learned the lessons in My Lai. You don't cover it up. If you have a soldier that commits a war crime or crime, then you investigate, you employ transparency, and you move on. That is all we can do because that phenomenon of collective responsibility will never go away. In other words, one soldier does it, and all are labeled. The only way to fight that is to be transparent in dealing with our soldiers.

How long is the war going to be? We're going to ask that question a lot in the coming years. We are used to four-year wars, five-year wars—our American Civil War, World War II, World War I, even Vietnam was seven or eight years. I mean, they're relatively short. Did you ever hear of the Hundred Years War or the Thirty Years War? This is going to be a Hundred Years War. The al Qaeda and their sympathizers are growing. And some

argue that, well, if we had not responded to the attacks of September 11th, they would not have grown so much. But we had to respond. When people emphasize peace as their number one value, that nation will be destroyed. When people emphasize freedom as their number one value, then we are going to have to fight for freedom. This is our generation's turn and you are the swords that are in the hands of our people and you have got to fight them. We all have to fight them and hopefully, the Center for Terrorism Law provides a platform where we can discuss the issues and talk about them in a rational way.

We have to rationally look at the law. Are we at war? Yes, our government tells us that we are at war. It is not a metaphor. Therefore, the policies that we're pursuing are the correct policies. The Combatant Status Review Tribunal of 2004, was set up in response to the Supreme Court decisions. I wish Congress at that time would have said, "Okay, Supreme Court we can hear you; the President can declare somebody an enemy combatant, but you want an independent body, a judicial body to look over his shoulder and make sure he got it right." This is reasonable when you are fighting a virtual state and these folks do not wear uniforms. We do want to make sure we have got it right. What a golden opportunity for our Congress to have stood up and said, "Okay, Democrats and Republicans, retired jurists, they are going to form this tribunal." Unfortunately, the Congress did not do anything. The Department of Defense had to step up to the plate, but now the Congress' Military Commissions Act has legitimized the Combatant Status Review Tribunal.

As a nation at war, we have got to fight this war under the rule of law. We have the finest military the world has ever seen. We are in trying and difficult circumstances these days and, more than ever, we need firm and solid legal advice from our legal community to set the course and to be the watchdogs for justice in the War on Terror.

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SENIOR MILITARY LAWYERS LEADERSHIP PANEL

*The following is a transcript from a panel discussion at the KEYSTONE Leadership Summit on 23 October 2006.
Minor editing was performed prior to publishing.*



MAJOR GENERAL CHARLES J. DUNLAP, JR.:

We have an opportunity to hear about leadership perspectives from our sister services. Though we are one force, each of the services brings a little different operating environment and philosophy to that fight, and I would suggest that one of the great strengths of the U.S. military is that we have separate services and different approaches to war fighting. Admiral MacDonald, do you have a personal philosophy of leadership that you've developed from your experience in the Navy?

REAR ADMIRAL BRUCE E. MACDONALD:

On the issue of leadership, I like to look at it from a different perspective, from the perspective of the follower and what they expect from their leaders. I would commend a book to you called *Leadership is an Art* by Max Dupree. It is a very quick read for those of you who have not read it. I have written down eight things that come from reading Max Dupree's book. This is what followers should expect from their leaders...from those who are called upon to lead.



MAJ GEN CHARLES J. DUNLAP, JR.
THE DEPUTY JUDGE ADVOCATE GENERAL
OF THE AIR FORCE



RADM BRUCE E. MACDONALD
THE JUDGE ADVOCATE GENERAL
OF THE NAVY

1. **To Know Your Character.** Your followers expect to know your character. They ask themselves, “If I follow you, will I know who you really are? Will you deal with me with integrity?”

2. **To Take the Time to Explain Your Vision.** Like the Air Force, we have been doing a lot of “visioning” in the Navy over the last two years. We published our new vision statement and strategic plan on Navy Knowledge Online at the end of September 2006. Your followers expect you to be able to clearly explain your vision: where you are going, why you are going there, what’s the purpose, what’s the end state? Is there a place for them in your vision?

3. **To Never be Left in Isolation.** Will you be there for them? Will you care for them on a professional basis? On a personal basis? Will you care about their needs in the organization?

4. **To be Heard.** To whom will you listen when you’re busy and overloaded? Will I still be heard as one of your followers? Will I be taken seriously and will my point of view be appreciated?

5. **To be Trusted.** Can I take the initiative without fear? Will my ideas be rewarded and encouraged, or will I be regarded with suspicion and distanced for trying to push the envelope? I would suggest to you that the Air Force JAG Corps should be bold in the vision it is creating. You need to push the envelope in your thinking. Think outside of the box and reward that kind of behavior in your people.

6. **To Be Given the Opportunity to Grow.** Will I be encouraged to be a lifelong learner? Will my gifts be increasingly identified and expressed? Will I be developed?

7. **To be Held Accountable.** Will I be fairly evaluated for my performance? Will I be held to the highest standards for my life? Followers want that. They want to be held to those high standards. Will you, as leaders, show them how to do it better and be patient while they learn and self-correct?

8. **To be an Object of Grace.** Will I be forgiven even in the face of my shortcomings, inadequacies, and failures? Will I be led with kindness?

MAJ GEN DUNLAP: Probably the service that has the most experience and expertise in the interagency environment is the Coast Guard. Could

you share your thoughts about the challenges of leadership in the interagency environment, especially domestically, and perhaps lessons other military lawyers could learn?



RADM
WILLIAM D. BAUMGARTNER
THE JUDGE ADVOCATE GENERAL
OF THE COAST GUARD

REAR ADMIRAL WILLIAM D. BAUMGARTNER: I would be happy to. I think we are uniquely situated in the Coast Guard to deal with the interagency process, and we consider one of our core competencies to be that we are “bureaucratically multilingual.” What we mean is that we can talk in a language that makes sense with the various agencies. We know how to speak with our brethren in the armed forces and with other agencies. With our law enforcement missions and authorities, we know how to speak to the law enforcement community as well as to disaster responders, humanitarian responders, and so forth. It is very important for us to understand that there are different cultures and languages within the different organizations. Things that make perfect sense in one context just cannot be explained to another agency because you are using the wrong language, the wrong set of values, and so forth. I think that is something that is very important for JAGs to understand, that you play a very critical link to your service. As a JAG, you are trained to think about a problem from many different aspects, and to understand what your audience is looking for and how to communicate with them. When you go into a court-martial, you want to know what your members are thinking and how to connect with them. In many ways, the agency process is no different than that.

We have a phrase, “You don’t have to be in command to be in control.” As JAGs or officers or deputies, you may not have command authority, but you need to figure out how to influence or control events. In interagency settings, we in the Coast Guard have tried to develop an understanding of how to go into a meeting, look at the dynamics of the room, and control the outcome—because you can’t dictate the outcome.

Another comment that I would make is that when dealing with state and local officials, you may have to be wary of touting your federal credentials. Insinuations that the “feds” know best will send them up the wall faster than just about anything else. Showing some humility is one of the best ways to effect your goals.

I would also comment that in the armed services we are used to dealing with logic and positions. In the military, we give someone a certain amount of authority and respect based on their military position. Other agencies and the law enforcement agencies, in particular, tend to be more relationship-based than the military. It may be more important to spend a few moments to figure out who they are and to understand where they are coming from. Often the rank that you wear and the “indisputable logic” of your position will not mean nearly as much as having spent some time drinking coffee, sharing conversation, and establishing relationships. Some of the other people in the room may have had relationships they’ve been building for years and years, and you must appreciate that.

MAJ GEN DUNLAP: Sometimes in the Air Force, we think that we don’t have to worry about bringing in clients or finding clients. The admirals illustrate that we do need to cultivate our clients. The more you know about the clients, the more they feel they know you, and the more access you will have to their issues and problems before they become disasters. The first deployment that I was ever on was with the Marines, and it was fascinating to see the Marine leadership style. Colonel McCue, could you summarize your thoughts on leadership, especially the experience of the Marine Corps within the joint environment with the Navy?

COLONEL EDWARD M. MCCUE, III:
I would like to summarize that in four words.

1. Decide. Leaders make decisions. That sounds very obvious, but often times we’re not quick enough on those decisions. They’re tough sometimes and you have to make them without all the information you would like to have. General Powell was famous for stating

that if he had 40 to 70 percent of the information that would allow him to make a good decision, he would make the decision. You don’t want to wait for perfect information. General Louis Wilson, former Commandant of the Marine Corps and a Medal of Honor winner in WWII, illustrated this point quite well. After retirement, he was on a number of boards, and on one occasion, he got particularly frustrated with his fellow board members. They were talking a lot and coming up with a lot of ideas and thoughts, but no decisions were being made. He finally piped up and said, “Gentlemen, if Moses were on this board, we’d have the ten suggestions.”



COL EDWARD M. MCCUE, III, USMC
THE ASSISTANT JUDGE ADVOCATE GENERAL
FOR MILITARY JUSTICE

2. Direct. I have learned this from my current boss, Admiral MacDonald. In watching him and the Navy JAG Corps go towards JAG Corps 2020, you have to direct your subordinates toward the vision—what you want accomplished. You have to communicate it persistently and often. A former boss of mine was particularly frustrated on one occasion. He came out of his office yelling, “How many times do I have to tell these people?!” The sergeant major never looked up, never stopped writing, and he said, “As often as you can, sir.” Make sure you know your people know what that vision is. You want them out there marching toward that vision.

3. Delegate. You might be able to do everything alone, but you'll do it better with help. Make sure you delegate and let people do their job. Leaders are there to solve problems; and make sure that you save yourself for the right level of problems. Use sergeants to solve sergeant problems.

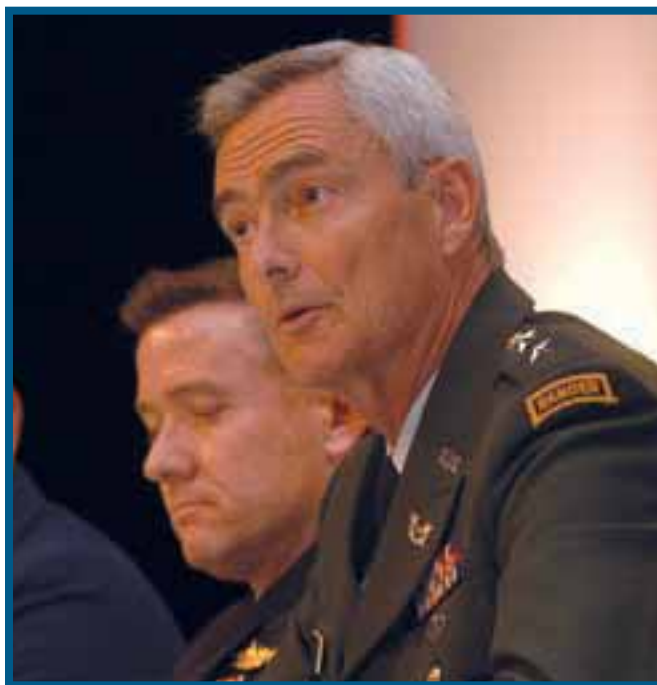
4. Disappear. If you think you're irreplaceable, take leave for a couple of days and leave the BlackBerry behind. That shows your subordinates that you trust them. Put somebody in charge, let them have that vision, and disappear. If your folks are always looking over their shoulder, they're looking backwards and not forward into your vision.

MAJ GEN DUNLAP: All of the services have paid a terrible price in Iraq and the current War on Terrorism, but particularly in the JAG Corps the Army has paid a very heavy price. Would you share with us some of the leadership challenges that you have faced in the Army?

MAJOR GENERAL SCOTT C. BLACK: The Army is in the process of undergoing a massive transformation so that the brigade combat team is now the centerpiece of our combat formations. As part of that, the JAG Corps pushed legal resources down so that every single combat brigade has a major and a captain assigned full time as a litigator and working, breathing, crying, and laughing with the brigade for a full three years of the brigade life cycle. That's changed the way we've approached the training of our troopers and it's changed the way we think about managing. "Caring leadership" is still the centerpiece of what we try to do. The difficulty is sending these young men and women out deployed to the front lines and it has its cost. We've had five killed in action and 29 wounded. That's a painful process and it's a difficult leadership challenge.

We have done a pretty good job of taking care of our families. We launch pretty aggressively on the front end when our troops deploy and try to maintain contact with the family. I would suggest to you that every one of you ought to go back to your organization and revisit your family member situation. It's a leadership issue that goes down to the fundamental level.

One thing about being an effective leader is your own personal attitude and being positive all the time. People will follow you if you're lucky. What I mean is that people will follow when they believe that good things happen when you are in charge. You can create that aura around you simply by being positive all of the time. To illustrate with a



MAJ GEN SCOTT C. BLACK
THE JUDGE ADVOCATE GENERAL
OF THE ARMY

story, during the Battle of Bastogne, the 101st Airborne was trapped in the middle of a circle of German divisions. The 101st Division Commander steps into his operations center and they can see the staff all around. Everybody's dirty and grimy, and everybody's kind of looking at the map board and the red arrows are getting closer. Nothing good is going on. The commander walked up to the massive operational map, turned around and said, "Dumb bastards, they have us surrounded." And the atmosphere picked up! It's all about people wanting to follow, even when troopers go down. You can create that with positive attitude.

MAJ GEN DUNLAP: With many Air Force JAG Corps personnel serving with the Army, do you have any advice to us on how we might succeed in those environments and perhaps organize, train, and equip to be ready to succeed in those environments?

MAJ GEN BLACK: I'd tell you what I tell my kids when they go to join a "blue" organization, and what I did when I went to join a new organization. First, it's all about standards. Step one is to figure out what the standards are for that organization and live up to them. When you come to us, we want your JAGs to "soldier up." We live a fairly grimy life. Our troops are frequently in places that are pretty uncomfortable and the living conditions are not all great. But "suck it up and drive on." We hope that your troops will walk in the door. There won't be any whiners. They'll know where their

weapon is all the time. They'll have qualified recently. They'll have the basic soldier skills to be a part of the team. We want to know that when the fire starts, you'll be standing next to us and you'll be doing your job as a soldier. When I send my kids to you, that's what I tell them. I want to know that when something's going down, you'll be standing shoulder-to-shoulder with the men and women in blue and doing your job right next to them.

MAJ GEN DUNLAP: Thank you. I really believe that after almost 31 years in this business, that there has never been a closer relationship between the JAG Corps' leaderships than we have today. We have

more numbers of JAGs and paralegals who have had the opportunity to serve with their sister services today than ever before in the history of the JAG Corps. And I think that is really what we're going to be seeing in the future. So my little leadership lesson to leave you with is the importance of learning everything we can about our sister services and identifying the many strengths that they have. They may do different things differently than we do, but often there's a very good reason based on the nature of the mission and their history. So we have much to learn from our sister services, and they have been very generous with us in terms of sharing with us their experiences.

Major General Charles J. Dunlap, Jr. is the Deputy Judge Advocate General of the Air Force. Maj Gen Dunlap was commissioned through the ROTC program at St. Joseph's University in May 1972. He has deployed to support various operations in the Middle East and Africa, including PROVIDE RELIEF, RESTORE HOPE, VIGILANT WARRIOR, DESERT FOX, BRIGHT STAR and ENDURING FREEDOM. He has led military-to-military delegations to Uruguay, the Czech Republic, South Africa, and Colombia. The general speaks widely on legal and national security issues, and his articles have been published in a wide variety of forums ranging from law reviews to nationally-circulated newspapers.

Rear Admiral Bruce E. MacDonald is The Judge Advocate General of the Navy. Originally from Cincinnati, Ohio, RADM MacDonald served as a surface warfare officer prior to entering the Navy JAG Department in 1983. Since 1983, he has served in a wide variety of legal assignments both at sea and on land, culminating with assumption of duties as The Judge Advocate General of the Navy in July 2006.

Rear Admiral William D. Baumgartner is The Judge Advocate General and Chief Counsel of the United States Coast Guard. After graduating from the U.S. Coast Guard Academy, RADM Baumgartner specialized in surface operations before joining the Coast Guard's legal program. RADM Baumgartner obtained his Juris Doctor degree, *magna cum laude*, from Harvard Law School.

Colonel Edward M. "Mick" McCue, III currently serves as the Assistant Judge Advocate General of the Navy for Military Justice at the Navy-Marine Corps Appellate Review Activity in Washington D.C. He assumed his current duties in April 2005 after serving as the Staff Judge Advocate of Marine Corps Forces Command in Norfolk, Virginia.

Major General Scott C. Black is the 37th Judge Advocate General of the United States Army. He was commissioned as an armor officer through the Reserve Officer Training Program at California Polytechnic University where he received a bachelor's degree in political science. After serving three years at Fort Ord, California, he attended California Western School of Law in San Diego. Maj Gen Black also holds a master's degree in National Resource Strategy from the National Defense University.

LEADERSHIP PERSPECTIVES OF INTERNATIONAL SENIOR MILITARY LAWYERS

During a panel discussion at the KEYSTONE Leadership Summit on 24 October 2006, International Senior Military Lawyers in attendance were asked to provide their reflections on leadership. Excerpts from these comments are printed below.



AIR VICE MARSHAL
RICHARD A. CHARLES
DIRECTOR OF LEGAL SERVICES
ROYAL AIR FORCE, UNITED KINGDOM

AIR VICE MARSHAL RICHARD A. CHARLES: Leadership for me as a lawyer with the Royal Air Force is really a matter of example. “Do as I do, not do as I say,” has always been something that was driven into me from the word go. If I could summarize—walk, talk, and listen—really listen, I think would be my main advice.



AIR COMMODORE SIMON J. HARVEY
DIRECTOR GENERAL
AUSTRALIAN DEFENCE FORCE LEGAL SERVICE

AIR COMMODORE SIMON J. HARVEY: As a leader, the issue that I find particularly important is to instill the message of the vision—to tell people where I want the organization to go. As a leader, I think one of the key issues is that you have got to be able to walk the walk, talk the talk, and be an example. And I think that is a real challenge at times because there are some great challenges out there that you face day to day.



BRIG GEN RENATO NUÑO LUCO
AUDITOR GENERAL
CHILEAN AIR FORCE

BRIG GEN RENATO NUÑO LUCO: I think the most important issue is to be the best example possible for your junior officers. The key issue for me is to be a good example. They must always notice what you are saying and what you are doing. That is the best example for me. You must never ask them to do something that you are not willing to do yourself.



**MAJ GEN
SEGOMOTSO BAILEY MMONO**
CHIEF, MILITARY LEGAL SERVICES
DIVISION, SOUTH AFRICAN NATIONAL
DEFENCE FORCE

MAJ GEN SEGOMOTSO BAILEY MMONO: As a leader you need to lead by example. You should not tell your subordinates to do things that you would not do. There is the question whether leaders are born or made. But there are certain instances where leadership is imposed depending on certain circumstances. Find a

group of people faced with a situation and one will just instinctively take over the leadership role. We are all leaders. Have a vision. Where are we going to take our people? Also, as a leader you need to be prepared to make an unpopular decision or take a chance for your organization.



BRIG GEN AVICHI MANDELBLIT
THE MILITARY ADVOCATE GENERAL
ISRAELI DEFENSE FORCES

BRIG GEN AVICHI MANDELBLIT: I think you need to be tolerant of people even if you are under stress; they will see this and will tolerate, too. You have to listen to people. You have to be generous and kind. If your people do not know you will be there for them even in the tough times, they will not stay with you. We should also use our position and strength as military lawyers to make the right decisions based upon the law. In Israel, the JAG is not subordinate to the Minister of Defense or the Chief of Staff—he is subordinate only to the rule of law.



BRIG GEN KEN W. WATKIN
THE JUDGE ADVOCATE GENERAL
CANADIAN FORCES

BRIG GEN KEN W. WATKIN: Have faith in people and mentor. Empower your subordinates and trust them to do their jobs. Allow them to fail and help them to succeed. It is easier said than done. Interestingly enough, in our headquarters we tend not to empower people in the same way as we do when these same junior

people are making life and death decisions in the field. One of the efforts I certainly put forward in my office is to loosen the reins a little bit and empower the very people we send to the other side of the world to make life and death decisions to be able to also practice their skills at the headquarters level.

UNITED KINGDOM

Air Vice Marshal Richard A. Charles has served as the Director of Legal Services and Royal Air Force Prosecuting Authority since 2002. He received his Bachelor of Laws from Perse School, Cambridge and Nottingham University. He joined the Directorate of Legal Services in 1978. He served in a variety of legal positions in Germany and Hong Kong. He deployed to Saudi Arabia as the chief legal officer (SO1 Legal) at Headquarters British Forces Middle East during the first Gulf War. He has been responsible for general advisory work on new domestic and European legislation, particularly in the area of human rights.

AUSTRALIA

Air Commodore Simon J. Harvey is the Director of Legal Service and Senior Royal Australian Air Force (RAAF) Legal Officer. In this position, he is responsible for the provision of legal advice and other services to the Department of Defence and Minister. Prior to joining the RAAF, he worked in the Office of Special Prosecutions. He held a variety of staff legal positions in the Directorate of Air Force Legal Services. He also served as a two-year exchange officer with the U.S. Air Force JAG Corps working on international and operations law at the Pentagon.

CHILE

General de Brigada Aérea (Brigadier General) Renato Nuño Luco is the Auditor General of the Chilean Air Force and a judge on the Court of Appeals for the Chilean Army and Air Force. Brig Gen Nuño Luco received his law degree from the University of Chile and a Master of Laws in Public International Law from the University of Nottingham. He has served as a staff judge advocate at the brigade and command levels and as Legal Counsel to the Air Force Undersecretary.

SOUTH AFRICA

Major General Segomotso Bailey Mmono is the Chief, Military Legal Services Division for the South African National Defence Force. He has held this position since 2005. Maj Gen Mmono received his law degree in 1992 and has served as a military law officer since that time holding positions to include trial counsel and military judge. He received his Master of Laws degree in labour law in 2004. Prior to going to law school, he served in the South African National Defence Force as a logistics officer and personnel officer.

ISRAEL

Brigadier General Avichi Mandelblit is the Military Advocate General for the Israeli Defense Forces. He holds an LL.B. and LL.M. He has held a variety of military positions to include military judge, deputy chief military prosecutor, Deputy to the Head of the Military Courts of the Ground Forces Southern Command, and chief military defense attorney. Just prior to his current position, he served as the Deputy Military Advocate General.

CANADA

Brigadier General Ken W. Watkin is The Judge Advocate General of the Canadian Forces. He has served as a Canadian Forces legal officer for 24 years in a variety of positions in the military justice, operational law, and general legal services fields. He was the Deputy Judge Advocate General of Operations at the time of the terrorist attacks on September 11th, 2001 and during a significant portion of the subsequent deployments during the "Campaign against Terrorism." He holds a Bachelor of Laws and Master of Laws degree from Queen's University and served as a visiting fellow at the Human Rights Program at Harvard Law School.

LEADERSHIP AND TEAMWORK

BY MR. DAN REEVES

*The following is a summarized transcript of a presentation at the KEYSTONE Leadership Summit on 23 October 2006.
Minor editing was performed prior to publishing*

Like a lot of Americans, I sometimes take our everyday freedoms for granted; what you do for our country is something that makes me very proud. I'm proud to be an American because of people like you.

I visited our troops in Vietnam in 1969. I had just injured my knee while playing for the Dallas Cowboys, and I was feeling sorry for myself. But my experience in Vietnam changed that. In Vietnam, I visited several military hospitals, where I saw young men who had lost eyes, arms, and legs. And they were thankful just to be alive. They were positive; they were looking forward to returning home to their families. When I returned to the United States, I said to my wife, "If you ever see me feel sorry for myself, I just want you to kick me!" That was a great experience for me, a life-changing experience. I've seen many of those young men since I returned from Vietnam. They have come up to me and thanked me for visiting them there, but they've never realized how much it meant to me.

In football coaching, we often talk about leadership and teams, and we sometimes talk about going to "war" or "battle" against opposing teams. Believe me, it's not the same thing. However, building a football team involves the same principles as building a military team. In fact, building a team of any sort involves the same basic principles.

First, as a leader, you've got to find the right kind of people for your team. You need people that work hard and never quit. You need people of great character. And you need people with discipline: the discipline to train, prepare, and sacrifice to become the best they can be.

Second, as a leader, you must be able to motivate your team members. Demand that people be better than they are; this will help them improve. But don't be too disappointed when they aren't; this will help them keep trying.

Third, always remember that people resist ideas that are forced upon them, but they embrace things when



MR. DAN REEVES
NFL COACH

they're part of the process. Allow your people to provide input into what you're doing.

Fourth, remember these three little words: "and then some." In whatever you do, just add "and then some." In other words, as a leader and as a team member, always do what's expected, "and then some."

Fifth, you and your team members must find a balance between family life and the work schedule. If someone tried to work all night in my office, I'd kick him right out! And don't brag about how much time you spend in the office. Don't talk about how much you do; just get it done.

Sixth, set realistic goals every year. And after you've set your goals, ask yourself, "What is going to get us to the goal that we're talking about?" Finally, monitor your progress toward your goals every week. Setting goals is not, by itself, enough.

Seventh, Coach Tom Landry once told me, "Don't try to be something that you aren't. People can pick up a phony as quick as anything. Just be yourself." What he was saying was, "Don't try to emulate me. Learn from things I do, but don't try to be Coach Landry." Just be yourself.

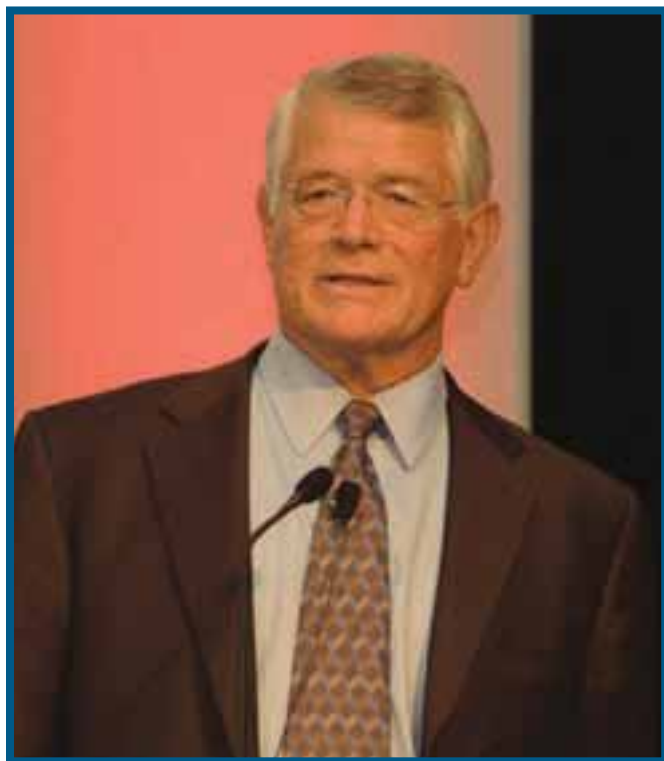
Coach Landry was also the most prepared person I've ever seen. He'd plan for contingencies, however unlikely. And if an opposing team ever ran a particular play, you can be sure that Coach Landry's team could say, "We sure were prepared for that!"

Be truthful. Coach Landry told me, very simply, "Dan, never lie. Because if you lie once, you'll never remember what you said." There are no degrees of honesty. You're either telling the truth or are you aren't. Always tell the truth.

Let me close with this. One of my close friends, Cleb McClary, was a lieutenant in the Marine Corps. He led a platoon into an area in North Vietnam where they'd had a B-52 strike. The mission was to see what kind of activity was still present after the B-52 strike. Fourteen soldiers were dropped onto the hill where the B-52 strike had been. At night, the soldiers were attacked by a sniper unit. A grenade exploded by Cleb, and he lost the use of his left hand and left eye; he thought he was going to die. But he was rescued; he made it through and went through over 100 surgeries. When the men who survived that night on the hill came to visit him in the United States, after they'd finished their tours, they brought a plaque with them. The plaque read: "In this world of give and take, there



aren't enough people who are willing to give what it takes." I don't care what you're trying to do, if you're going to be successful, you have to be willing to give what it takes. So many of us are so used to getting to take; we've got to be willing to give. If you're going to be successful in anything, you've got to be all the things we've talked about, but more than anything else, you've got to be willing to give what it takes!



Coach Dan Reeves had a long and successful NFL career as a player, assistant coach, and head coach. After playing halfback for the Dallas Cowboys for 11 years, Coach Reeves began his head-coaching career in Denver where he compiled a 117-79-1 record from 1981-1992. He led the Broncos to three Super Bowl berths. He moved to Atlanta in 1997 after a four-year stint as head coach of the New York Giants. He left the Atlanta Falcons having led the Falcons to the Super Bowl and achieved the milestone of becoming just the seventh coach in NFL history to reach 200 victories in his career.

GREAT COMMUNICATORS MAKE GREAT LEADERS

BY MR. JOHN BALDONI

*The following is a transcript of a presentation at the KEYSTONE Leadership Summit on 26 October 2006.
Minor editing was performed prior to publishing*



MR. JOHN BALDONI
SPEAKER AND CONSULTANT ON
COMMUNICATIONS, MOTIVATION, AND
PERSONAL LEADERSHIP

“Coaches watch for what they don’t want to see and listen for what they don’t want to hear.” That was a statement made by a famous coach, John Madden. Let me adjust that comment for our purposes today.

Leaders watch for what they don’t want to see and listen for what they don’t want to hear. That one little statement captures two important ingredients in communication—listening and learning.

Has anyone ever worked in an organization that had a communication problem? Now, has anyone ever known of a senior leader that had a problem with communication? Also, has anyone ever had a close personal friend or peer who may have had a communication problem? Virtually everyone.

Congratulations—you’re very honest. You are far more honest than most of the folks I work with in the corporate world. Many in the corporate world will admit they have a communication issue in their organization. They say: “Things are bad. We don’t communicate.

We don’t exchange messages. We don’t listen to one another.” Then when you dig down and say, “How about yourself? What about your department?” They’ll say, “No problem with me, not at all. I’m fine.” Then we look at 360 data—evaluations by subordinates and peers that show the total picture of an individual’s performance in the workplace—and often there are communication issues. You’ll talk to them and they’ll say, “Hey, I’m talking.” But how about listening? How about being available? How about walking the talk? All of those things are part of the communication process that we’re going to talk about.

We will discuss three things. First, why is communication important? Second, why do leaders need to communicate? Finally, how can you improve your communications? I’ve broken my presentation down into ten easy steps.

1. AVOID THE “OH-NO”

What do I mean by “Avoid the ‘Oh-No’”? Research provided by the Institute for Conflict Management says that managers spend between 50 and 80 percent of their time communicating. That’s a lot of time. If you spent three quarters of your time doing something, you would want a pretty good return on that investment. But according to research conducted by Watson Wyatt, 70 percent of employees say they don’t trust management or they are not in the loop. So what happens when communication fails? On a big level, you have the Space Shuttle Columbia disaster, which was attributed to a failure of organizational communications. Three years ago there was a power failure on the eastern half of the United States that went all the way to my area, the state of Michigan. Organizational communication again was cited.

There are many studies on communication. But I want to highlight a few statistics so you can get a flavor for what the survey data shows. According to research by the Ken Blanchard Group in 2006, 82 percent of employers said managers did not provide feedback.

Eighty-one percent of employees said managers failed to listen or involve others. Three-quarters stated that managers failed to set clear goals. Would you say that's a communication problem? Absolutely.

2. IT'S UP TO YOU

It's up to you. If it's not you, then who is it? The bedrock of leadership is your inner self—your authenticity. Communication becomes that transit—that avenue for giving you authenticity into your leadership. I came across a wonderful story on this point. It's told of Sitting Bull, the great Hunkpapa chief. You know that Sitting Bull and the Sioux peoples were fighting the Indian wars 150 years ago. Sitting Bull had the ability to reach out and embrace others and he pulled in a few other Indian tribes with him. They had a famous standoff with the Bluecoats. In the Indian tribe, pride and power is all about your leadership, but it has to be genuine. So Sitting Bull walked out to the center of the standoff and sat down. He pulled out his pipe very calmly and started to smoke. The Bluecoats were firing at him, but he calmly puffed away. He looked over his shoulder and said, "Does anyone here want to have a smoke with me? Come up with me." Two of his braves came forward. No one was killed on that particular day, but that is a story that is folkloric and dear to the Sioux tribes. That story is also something else: a strong form of communication.*

Commitment—not authority—produces results. It's important to remember this in any hierarchic organization, be it corporate or military. You can ask and you can order people to do things and they will comply, but the real genuine commitment comes from the power of your genuine authority. Let's explore that.

Leadership is really about two things—trust and results. A good example of that might be Anne Mulcahy, who is now the CEO of Xerox. Ms. Mulcahy took over the firm in 1999 when Xerox was in pretty bad shape. Once upon a time, it was one of the icons of the gold companies of the '60s. It had since fallen on very hard times. As one of their chairmen, Paul Allaire, had said, "We now have an unsustainable business model." The competition was able to sell and produce copiers far more than Xerox could even manufacture. When Ms. Mulcahy took over, she was a Xerox-lifer. Her husband even worked there. She knew the Xerox culture. In fact, her predecessor had come from outside of the company and it had not worked out well. He was a competent executive, but he did not fit into

the Xerox culture. What Ms. Mulcahy did was use that culture to her advantage.

The financial people said, "You've got to break up the company and lay off people and that's the only way to save us." She said, "No, I'm not going to do that. We're not going to declare bankruptcy. That's not the Xerox way. That's not what we at Xerox stand for." So she went around and pitched her plans to her employees and they listened to her. It was a real genuine back and forth. Yes, there were layoffs and yes, there was some disbanding of business units, but on the whole Xerox remained intact. Today it's a pretty successful company and a lot of that revitalization was due to Ms. Mulcahy and her ability to communicate, on a one-on-one basis and on a group basis, throughout the organization. It's a powerful example of trust and results.

Leadership Communications Cycle



3. COMMUNICATION³

Successful communication uses a Speak-Listen-Learn Cycle. It's what leaders need to do every day. Now, you probably learned a variance of this in middle school, maybe even kindergarten, but like most of us you've probably forgotten what was taught to you in kindergarten. The dynamics of speak, listen, and learn is to do it as a leader—from the leadership perspective. What does it mean to speak as a leader? It means that when you are a leader, you represent the organization. You are not speaking as an individual. You are speaking as a representative of your department, your organization, the U.S. Air Force, or the JAG Corps. It's not just you. That's the mindset you must have when you are focusing on leadership challenges and issues. It's the leadership mindset. Align your message to the goals, values, and vision of the organization. Refresh your message. Tell stories. Give feedback.

* Robert M. Utley, *Sitting Bull*, MHQ: THE QUARTERLY JOURNAL OF MILITARY HISTORY, Vol. V, No. 4 (Summer 1993)

First, let's examine Speak. Let me tell you a story about this. I had the opportunity to interview Richard Teerlink who was the CEO of Harley Davidson. He was the one that turned Harley Davidson into a public entity once again. Rich came from a union family, but he was an accountant by trade. At age 26, he received a promotion and his father called him and said, "Congratulations, you are a leader. I want you to know something right now. You are now the most important person in the lives of your employees." Rich said, "What? I'm just a kid." And his father said, "No, you're responsible for everything—hiring, firing, vacations, and benefits. It's all up to you." That's the way to look at leadership.

The next step is to Listen. How much physical energy is required to listen? A lot or a little? Actually, it takes a lot of energy. Why? It's a very passive activity, but we have to make time for it because we have so many things to do. We have our performance objectives and our tasks and they stack up. You've been away for a week. Does anybody have an idea of what their desk or their inbox is going to look like when they get back? It will be taller. I bet you nowhere in there is it going to say, "Listen to my people." If it does, you're exceptional and you may leave this room right now because there's nothing I can teach you—you are way ahead of me.

Let me give you an example of how listening works. Gerald Arpey is the CEO of American Airlines. As you know, in the airline industry, there are contentious relations between union and management. There always has been and it still continues to this day. So when Arpey came in, he said, "I'm going to change that. I'm going to listen to my employees." People said "Yeah, right." But he did.

When they overhaul an aircraft, at least in the civilian world, they knock the engines vertically so the mechanics have to wear harnesses. The mechanics would scale down into these things. It's obviously time consuming and probably not very comfortable to work vertically, so they had been asking for years if they could simply lay this thing down and make this bench work instead of vertical work. Arpey said, "Yea, let's do it." Not only did they do it, but they saved a million dollars in doing it the new way. Most importantly, he gained the trust of the union because he simply listened to them. It didn't cost anything. As a matter-of-fact, he made money on it. That's just a very small example. Listen to the people in your organization. Often, the people closest to the problem have the best ideas because they deal with it every day.

And finally, let's address Learn. This concept is embodied in the John Madden quote. "Watch for what you don't want to see and listen for what you don't want to hear." That's an important lesson because we as leaders want our organizations to succeed. We invest ourselves in that. We don't want to know about problems below the surface because we want things to go smoothly. We've got enough to worry about. But actually life doesn't work out that way, does it? No, there are always problems so you have to listen and learn.

The Speak-Listen-Learn Cycle is perpetual. I'm speaking to you today. You are listening. Maybe later you'll process this information. You'll learn from it, but throughout the day, you'll have conversations where you will be speaking. You will be listening, and you will be learning. It continually goes on and on and on. It's an important thing to remember.



Now let's look at a Leadership Communications Model I have created. This chart was actually the origin of my newest book. For a long time I have thought that communication is an inimitable part of leadership. So I started to think about some leadership behaviors—vision, planning, execution, coaching, and motivation. You can think of other processes, and in each one of those, communications plays a vital role. You are familiar with vision because that's when you set the tone. Where do we want to go? Let's go there. You develop plans and strategies. Guys at the top, at least in the corporate world, are pretty good at that. They go into the world that I call the "strategosphere." It's all blue sky. It's fantasy land. It's paper and pencil and "Let's have fun about what we should do." Well, there's no reality to it. The reality comes when you execute. That's harder. At this time, in a lot of organizations,

this is where the critical management flaw happens because senior leaders or leaders get disengaged in the process. They say, “I got the vision off my desk, and I’m on to the next one.” But what about the execution? What about actually doing the work? That’s where communication plays a critical role. You have to follow along day to day and see what’s going on and what’s not going on. This is where that Speak-Listen-Learn Cycle comes in.

Now, there’s a new little thing I’m experimenting with called the Three C’s. You’re all familiar with setting performance objectives and expectations. At the same time you set those objectives, you have another opportunity to set objectives—or standards—for behavior. I call it the Three C’s: Coordinate, Cooperate, and Collaborate. You all have heard someone say, “He has a bad attitude,” or “She’s not a team player.” What does that really mean? When I hear that said about someone, I don’t usually assume it’s the individual’s fault. I think it’s a management problem because management has not enfranchised those people. They’ve turned them off in some way. But if, from the get-go, you set forth the Three C’s—Coordinate, Cooperate, and Collaborate—you can instill behaviors.

Let’s take the first two. For example, let’s say in my department I expect you to coordinate with other departments and with your fellow employees. I expect you to work together. That’s generally not written as one of your performance objectives, but it should be. I want you to work together, and I want you to cooperate. What does cooperate mean? It can be simple things, such as common courtesy.

The last one—collaborate—is tougher because you cannot mandate it. But that’s a synthesis of the other two. It’s what happens when teams coordinate and cooperate. The energy of a team outweighs the energy of the individual and you get so much more accomplished.

4. GET INVOLVED

“The day your soldiers stop bringing you their problems is the day you’ve stopped leading them.” That’s a famous quote from Colin Powell. You’ve got to take an active role. It’s back to being observers. What’s going on in your work environment? I recommend something I call “The Practice of Interrogatories.” Now, I don’t mean it in the legal sense, or even in the prosecutorial sense. I mean it in the “information gathering” sense. The practice of

interrogatories is about asking questions, raising expectations, and challenging the status quo. It stimulates thinking. When you ask questions from a leadership perspective, encourage your team to come back with questions for you. When you ask questions in an organization without knowing the answers, you add excitement into that moment of discovery. This moment of discovery then leads to levels of engagement. People get excited about what it is they do and from a follower’s viewpoint, they like it. They are more respectful of their leader because he or she has taken the time to ask what’s on their mind. There’s also an art of interrogatory. You must be inquisitive, collaborative, and solicitive. In other words, phrase the questions as if you do not know the answers—not in a prosecutorial way, but in a discovery way. Talk about it in terms of “we”—“We’re in this together. What can we learn together?” It’s the joint interest. It’s us.

You must then have the “brief-back.” You must gain agreement. Whenever you have a conversation, make certain that both parties know the timeline, timeframe, and the responsibilities. Without that, it’s open-ended. Then it gets back into, “Well, I didn’t know I was supposed to do that. I thought *she* was supposed to do it or *he* was supposed to do it or *we* were supposed to do it.” But if you use the Three C’s process to hash that out, you get a much firmer grounding in reality. Everyone knows his or her responsibilities, and it’s a very simple task.

What happens when communication fails in an organization? It’s something I call the “death spiral.” First your employees become disengaged—they don’t care. Then they point fingers—the blame game. Performance goes down. Retention is low and there’s high turnover. No one wants to come to work. It’s a terrible environment. It happens even in the best of organizations and usually the blame for the communication death spiral rests with leadership. It’s a failure of leadership because the leaders were not doing their jobs.

5. OPEN THE WINDOWS

What do I mean by “Open the Windows?” Transparency. Abraham Lincoln once said, “Character is like a tree and reputation like its shadow. The shadow is what we think of it; the tree is the real thing.” It’s a real powerful thought. You must have transparency within the managerial framework, so others can see how you lead and supervise your people. In that, the paramount thing must be honesty. Keep people in the loop. Respect confidentiality on personal issues.

Additionally, you must know how to deliver bad news. I have a good story on this one. I was once called in to work with a sales team and I asked them how their year was. They said it was pretty good. They told me that they were going to have a sales event and hold a recognition and awards ceremony in the morning and then lay out the plans for the coming year. They then told me that they had some bad news to tell the employees and that they would end on that. So I said, “What you are going to do is stroke them and then as they leave the door, you’re going to kick them in the behind.” They said, “Well, we never really thought of it that way.” You’ve got to deal with the negative news right up front. Start out that way and build from that.

It gets back to transparency because, if you think your organization doesn’t know about the bad news, you’re kidding yourself. With e-mail, text messaging, and intranets, everyone knows everything, or at least thinks they do. And when it’s bad news, it gets magnified 10 times worse than it really is. So, if there’s going to be a one department reduction, by the time it goes through the grapevine—and senior management remains disengaged—10 departments are being reduced. You have to be up front.

Delivering bad news is a great opportunity to demonstrate leadership. You must be straight with people—listen to their concerns, get their attention, and focus on the work. Tell them, “Hey, this is what we are here to do, all right? I know the situation is tough, but we have to deal with it.” And then try to close, when possible, with something positive like, “This is a temporary setback,” or “I know we can achieve it,” or “This is the way it is, but I believe in the strength of my team. I believe in you.” Give them some affirmation, but most importantly—be straight with folks. If you do the opposite, you send the wrong signal and bring distrust. Then the whole leadership equilibrium falls apart and you will not get the results you expect.

6. IT AIN’T ABOUT YOU

When you talk about leadership, remember, “It ain’t about you.” Watch your language. Avoid the four letter word—“them.” When you use “them” to refer to another department or another person in your group, you are objectifying them. One of the reasons that Congress is so inept right now is because the two parties have no conversation with one another except with their fiery diatribes. They are “them” to one another. We cannot afford that kind of demonizing language, so avoid the use of “them.”

Personalize who you’re talking about. Put “we” before “I.” Remember Michael Jordan’s response when the coach would say, “There’s no I in team”? He would respond, “But there is in win.” Early in his career, Jordan was the best player on his team and they used to call him Michael Jordan and the Jordanares. But when Phil Jackson came in and surrounded Jordan with better players, they truly became a team. They became “we.” And as leaders, you must use the “we” as much as possible. When you use “I,” and there are appropriate times to use it, it means that you are taking ownership of an issue. “I” will do this.

A recent study conducted by Vital Smarts/Concours Group in 2006 shows that when certain issues exist, project failure goes up 85 percent. What are those issues? First, when reality is ignored. We forget about deadlines, resources, and what we can really do. Second, when the sponsors of a project go absent without leave. In other words, people say, “Hey, this is a really good idea,” but then disappear. Third, when planners are not held accountable. This gets back to senior executives living in the strategiosphere. Everything looks great in black and white because it’s not reality. But you are not keeping up with employees, with customers, with real issues, and with competition. So when planners are not around, things start to fray. Fourth, when no one voices objections. This is a really critical one. There’s an automotive company that I’ve done a lot of work with today that suffered from this problem. They would hold review meetings to discuss vehicles and quality and they would invite people to speak up about issues. In theory, it was an open discussion where junior engineers were allowed to surface issues. But, after voicing issues, these junior engineers were suddenly no longer in their positions. So, guess what happened after that? No one said anything.

The fifth issue is when you have lack of candor. Lack of candor fosters group dysfunction because we’re not telling each other the truth. We avoid telling the truth. We avoid surfacing problems. We don’t talk about missed deadlines. We don’t talk about lack of people or lack of resources. We don’t talk about the budget. So this project is merrily floating along, living in an unreal world and, of course, it falls apart. Yet all of those things can be tied to a lack of communication—speaking, listening, or learning.

You have to ensure feedback. Feedback is real important and you’ve got to plan for it. From an

organizational standpoint, you want people to offer suggestions. You must design it into the system. Have a suggestion box or an e-mail box. But ensure anonymity and post results. Find out what's on people's minds and follow up. You want to capture the heartbeat. So often, senior leaders lose touch of what's going on in their organization because they live in a bubble and they don't do things like eat in the cafeteria. They don't go to the break room. They are walled off so there is no genuine feedback. One leader I remember very fondly is the late Richard "Skip" LeFauve. Skip LeFauve was the man who put the automobile company, Saturn, on the map. Skip came from a strong union family, but rose to be a senior engineer and a very vital dynamic executive. One of the things Skip would do was just walk around the Saturn plant or walk around the facility. People would always come up to him with questions. He'd say, "How's it going? What's going on?" From that, he was always in touch. He had his finger on the pulse of the organization. That was that genuine feedback—one on one. It's one of the reasons that Saturn was the initial success that it was.

Another extremely effective tool is storytelling. I encourage you to tell stories about your own experiences. Leadership storytelling is a powerful thing and leadership storytelling actually is part of our human consciousness. We've been telling stories since the dawn of time. That's how we learn. Think of the last memorable speech you heard, what do you remember? Was it a chart you remember? Was it a statistic? No. Most often, it was a story. That's how we connect with one another. It's a great adult-learning process.

7. STAND UP AND BE COUNTED

"In matters of style, swim with the currents; in matters of principle, stand like a rock." – Thomas Jefferson

Stand up for what you believe in. You must overcome objections. You've also got to identify, acknowledge, and empathize. Find out where the objection is coming from. If you're giving a presentation, you may want to take questions. You may want to prepare your response to an objection beforehand, or you may want to incorporate a possible objection into your presentation. Either way, you deal with it. But if you don't deal with it, it becomes the elephant in the room. It's what's on people's minds. It's that sales organization. Had they started with the happy news all the time, people would have been sitting back and saying, "This is nice, but when is the other shoe going to drop?" You have to



deal with objections. Open the door for compromise when possible. It's not always possible, but keep your mind open for it.

8. WALK THE TALK

Anybody heard the term "Walk the Talk"? You've probably heard it too much. But we hear it so much because it really means something. Generally in organizations, the orders come from up high and people go along with it. But research shows that to get things done at a high performance level, people have to buy into the process. This puts great onus on folks in the middle—influence becomes critical. You can influence people in many ways, but let me offer some steps. First, scan the horizon. What's going on? Then identify the pluses and the minuses to a situation. Next, argue the business case. This is a critical one to remember. The business case is why you are in business to do what you do. What is your case? What is it that you are about? By focusing on the business case, which is the organization's visions and goals, you take the focus off the individual. Then, overcome those obstacles. Engage people and strive for the win-win result. You can generally engage people intellectually on the cognitive level, but in matters of real importance like leadership challenges, you must engage the heart because if you don't have the heart, you don't have anything.

Upward communication is critical to "Walk the Talk." No matter where you are, you've always got a boss.

Even if you're the CEO, you report to the board. So how do you sell the boss? How do you talk to the boss? Tell it like it is. Be honest. Be straightforward. But, tell it like the boss wants. Is that a contradiction? No. What I mean by that is, if your boss likes the knitty-gritty details, tell him or her the knitty-gritty details. If your boss likes the 50,000 foot level, just skim over the details. Speak the language. Speak the details that your boss is accustomed to hearing. Listen to the boss. What a novel concept. Just as we ask you to listen to your subordinates, listen to what's on your boss' mind.

Also, follow that Speak-Listen-Learn model. What am I not doing for the boss? What pressure is he or she under? How can I be of value to that? Most importantly, don't sandbag. I've worked with enough senior leaders that I know what keeps them up at night is what they don't know. There was once an organization that was so distrustful of its own internal reporting and data system that it created an entirely different department just to report data. That's a commanding lack of trust and faith, but they were executives that were so sandbagged to death that they had to create a separate entity. So you need to be truthful. It's up to the senior bosses to be open to that. There are some bosses who by their demeanor and by their behavior indicate they don't want bad news. Well, shame on them. They're going to get exactly that. They won't get the bad news, and they'll get sandbagged down the line. If there's something bad happening, I want to know about it and I want to know sooner rather than later.

Another way you can bring your boss onboard is to invite him or her into your department and then set the tone for communication. Show how you communicate with your own people. Demonstrate that Speak-Listen-Learn Cycle.

9. FOLLOW A PLAN

Gene Schutt, an executive with whom I have worked, has devised a great tool, which he calls the aligned-action model; let me refer to it now. This model demonstrates how to follow a plan. First, you gather the information to gain understanding. This builds commitment, which ultimately leads to aligned actions. I'll tell you a story—it's the story of the Detroit Tigers in the 2006 season. Three years ago, they had the worst record in baseball. This year they hired a new manager, Jim Leyland, whom I happen to know and actually grew up with in the same town.

The first thing Jim did was connect with his players. He wrote each person a letter. He didn't know them, but he set out his expectations. He got back to the three C's. One of Jim's mantras is, "I never expect you to win. I expect you to prepare." They had a pretty good spring and they started to win a few ballgames. Then, on April 17th they were playing at home and they just phoned it in. They reverted to the older days. They were just going through the motions and, basically, they got their hats handed to them. One of the few times you'll ever see this, Jim Leyland ripped them big time and he said, "I didn't ask you to win this ballgame, but I asked you to prepare to win. Today you were not prepared to win." This actually brought Jim closer to the team. One of the players joked later, "One of the reasons we're winning so much is we don't want to hear Jim yell at us anymore."

But what Leyland was doing was giving them information—setting forth that expectation. But prior to April 17th, they were in that fuzzy zone. After that, they realized how serious he was. Leyland said it best when he said, "It's not about the expectations I set for you. It's about the expectation you set for yourself." In other words, it's the team's expectations. It's the discipline and commitment in the organization, and that is what drives them.

Aligned-Action Model



Source: Gene Schutt

The main point is that you communicate your message, and then you check for understanding. Sometimes that can be instantaneous. Other times it takes people time to digest this, especially if it's about large and important issues or issues of transformation and change. People need to digest that. But you also need to understand that commitment doesn't happen overnight. We as leaders have to allow time for it.

As leaders, we have to keep communicating the message—Why do we need change? Why do we need to do this? Why do we need to prepare? It's important. The sign of commitment is when teams and departments set expectations for themselves and they hold other people accountable. That's powerful. And then action flows from that. When you can set that up, people will go through walls for you. Why? Because they want to. They are engaged. It's a powerful lesson.

10. BE STRONG!

Talking to you about courage is a little difficult for me because you are in the military and you know far more about it than I do. But as you know, courage is very important. Courage is not simply about the big issues. It's about the small issues, too. Some of us have demons that we fight every day. Some are dealing with family situations, and others are dealing with tough work circumstances. It takes courage. John McCain has said that, "Courage is not the absence of fear; it's learning to cope with fear." Recognize fear and deal with that. Once you set up an atmosphere of courage, it's contagious. People will live the value.

As I conclude I want to mention a great quote from Lee Scott, the CEO of Wal-Mart: "We will not be measured by our aspirations; we will be measured by our actions." It's not what we try to do; it's what we actually do.

I want to leave you with a story by one of the greatest leadership authors of all time—William Shakespeare. In the play, *King Henry V*, the English Army is in France to regain the Kingdom. Henry held a strategy session where he went over the war plan with his troops and his senior men. He said, "I've got to find out what's in the hearts of my soldiers." So he encountered a man and said, "Tell me the truth, what do you think about the commander?" And the man said, "I'd follow him to heaven." Henry liked what he heard, but he wanted to hear some more so he approached a group of soldiers who were arguing. And you have to know about the circumstances—the English Army was outnumbered four to one. They were in a foreign land, and soldiers were arguing about what soldiers always argue about: Why do we fight this war? Who cares about us? What if we die? What's going to happen to our families? Henry hears this. He engages in conversation. He goes away and he says, "I must steal my soldier's hearts." So, the next day when he gives that great speech, "We band of brothers, we happy few," everybody is together



as a team. He has understood their needs. That is communication and that is leadership.

Mr. John Baldoni is an internationally recognized expert on how leaders can use their communications to build trust and achieve results. For more than 20 years, he has written and consulted for a number of leading companies in a variety of different businesses, ranging from automotive and banking to computers, high technology, fast food, and packaged goods. Mr. Baldoni is a frequent speaker and consultant on communications, motivation, and personal leadership to corporate, trade, professional networks, and university organizations. Mr. Baldoni is the author of six books on leadership. His most recent book, published earlier this year, is entitled: *How Great Leaders Get Great Results*. He also has taught in an internal management development program at his graduate school alma mater, the University of Michigan. Mr. Baldoni invites you to visit his website, www.johnbaldoni.com. It contains his newest published articles and a collection of his coaching podcasts.

LEADERSHIP IN THE LEGAL PROFESSION

BY DR. LARRY RICHARD

*At the KEYSTONE Leadership Summit on 24 October 2006, Dr. Richard spoke about the complexities of being a lawyer and a leader, and how personality and makeup of your staff guides the way you lead. Below is an excerpt from Dr. Richard's presentation in which he addresses the common personality traits of those in the legal profession and how leaders should adapt their style to best lead these personalities. Minor editing was performed prior to publishing.**

Personality allows us to concentrate on that which is important to us and filter out the rest. Over the years, we have measured lawyers with a test called the Caliper Profile. Lawyers are really outliers on this test which has been around for about 42 years. The test measures 18 different traits. Each one is independent and measures a dimension of personality that is typically used in the workplace. It is a very different test from the Myers-Briggs test. The Myers-Briggs test has categories, such as Extroversion versus Introversion. The Caliper Profile measures traits which are scored on a percentile scale—zero to one hundred—with a bell curve distribution. For every one of these 18 traits the average for the general public is roughly 50 percent. So, for example, Cautiousness is one of the traits measured by the test. If you are higher in this trait that means you are careful about what you reveal. If you are low it means you shoot from the hip. If you are at 50 percent then sometimes you do one and sometimes you do the other.

If I were to ask how many people in a crowd would say that they were cautious, it would be a trick question. A 90 percent or 100 percent Cautious person would not typically risk putting his hand up. By contrast, a person with a 60 percent score on Cautiousness might say “Yeah, sure, I’m cautious, I’ll raise my hand.”

The Caliper Profile test has been taken by more than two million people, most of them with a college education and above. This data is very stable. I have measured 3,500 lawyers and 80 managing partners. Every year we measure this data, and every year we get the same basic statistics. This will probably not shock you, but on six of the 18 traits lawyers score outside the standard deviation from the public. You look at any other occupational group, and almost all 18 traits are within the standard deviation of 40 percent to 60 percent. The only occupational subgroup



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that has this many outliers is our profession. So it is necessary to examine these traits.

SKEPTICISM

This first trait is Skepticism, a trait on which the average score for lawyers is the 90th percentile. This is a functional trait that we need in our jobs. We have to question data, question documents, question adversaries, and even question our clients. The issue is that the best leaders have 25 percent or below on this trait. What do you do when you are both a lawyer and a leader, and in your lawyering role you need to be skeptical, and in your leader role you need to be accepting and free of judgment?

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This is a challenge, and the challenge here is adaptability. Luckily, along the spectrum of nature or nurture, Skepticism is a trait that is fairly learned during life. Although many used to believe that personality traits were impacted 50-50 by nature and nurture, recent research with identical twins reared apart shows us that most personality traits are more genetic. Traits are about 80 percent genetic and 20 percent learned. Except that Skepticism is more learned, which means lawyers that are highly skeptical can learn, if they want, to adapt and be less judgmental and less skeptical when they are leading people—and you must.

AUTONOMY

The second trait is Autonomy, 89 percent. What we know about lawyers so far is that if you ask them to do something, first they are going to say “No, I am not going to do it, I don’t believe you.” And even if they did believe you they are not going to do it. Are we done at this point, and do we need any more traits? It should be noted that Autonomy is not limited to lawyers. Thomas Davenport from the Harvard Business School has studied knowledge workers in general, especially white-collar professionals, and he finds that across the board knowledge workers have autonomy and high competence as their two most important criteria. “Doing things well and doing them my own way.” Lawyers are no exception within this domain.

URGENCY OR IMPATIENCE

The third trait is Urgency or Impatience at 71 percent, which is pretty high. Lawyers are higher than the public score of 50 percent and this is a good trait for doing what we do as lawyers because we get to move things along. Clients in the private world have responsiveness as their highest criteria, and I doubt that is any different in the military.

We want it done yesterday. Clients want lawyers to be responsive to people who have even a higher sense of urgency. How perfect is that? Except that Urgency is good for practicing law, but it is not so good for a leader trying to build rapport and establish buy-in. People want to be listened to, they want to be heard, and they want to have a relationship with the leader. Leaders need to connect and slow down the Urgency time clock. So, Urgency is not good for leadership, unless you are leading somebody under crisis conditions such as on a battlefield, or in a smoke-filled cockpit. Under most leadership roles, Urgency is the enemy, not your friend.

SOCIABILITY

The next trait is Sociability, on which lawyers only score 12 percent. In a business setting asking people to reveal their deepest darkest secrets would be seen as an inappropriate request. Amongst a group of lawyers and paralegals, it is called a room-clearing intervention because Sociability is basically about how comfortable we are initiating new intimate connections. A high Sociability person is vulnerable, open, disclosing, likes connecting with you on an emotional level, and in a social environment remembers things about your life and your family and is interested in them.

I showed this result to a group of partners in a firm and one of them said, “You know, I have known my partners for about 25 years, and they do not know the names of each other’s spouses or kids.” And the partner sitting next to him said, “And your point is?” Low Sociability—lawyers do not like disclosing information, and they are private people. Any conversation is going to be about superficial things, and they are not going to reveal fears and vulnerabilities. This is important because when you are leading people, one of the most important principles of leadership is building cohesion and that comes from face time. When your Sociability is low, you cannot do it, and you cannot build trust in a relationship through video or e-mail.

Actually, even the figure of 12 percent is not really accurate. The actual data was so low on Sociability that I added a group of “rainmakers” from the private sector. Rainmakers are three times as sociable with a 25 percent sociability score compared to lawyers who are not rainmakers who averaged 7.1 percent.

ABSTRACT REASONING

The next trait is Abstract Reasoning. If there is one thing that we love as lawyers it is intellectual challenges. How can I solve a problem? These challenges are what draw us into this field and keep us in this field. It is a great trait for anyone in the legal profession. It is also good in leadership because leaders need to have a vision, be thoughtful, and have the intelligence that they bring to the situation. It does come with a downside, however.

The downside of Abstract Reasoning is twofold. First is analysis paralysis where we just go into an internal endless loop. Second, we are so in love with things that are logical that we get off on a frolic and a detour. We start getting caught up in making a point, even if

it is not a point we really care about because it is just so much fun to make a point. We can defeat the best argument—even the one that we hold most dear—and then we wonder why we did it.

RESILIENCE

Resilience, the last trait, is probably the most telling for people in leadership roles. This trait for lawyers is very low at 30 percent, and actually 90 percent of lawyers scored below the 50th percentile. Resilience means how thick- or thin-skinned a person is in the face of criticism or rejection.

Now a high Resilience score would be somebody who is fairly thick-skinned. When they get criticized they do not take it personally, they bounce back quickly and they are ready to go. Salespeople are good examples because they get rejected all the time and it just makes them hungrier for the sale. Last year I worked with an intellectual property lawyer who had a 95 percent on this, and I had never seen a lawyer with a score that high. I said, “What’s it like when you are criticized?” He looked at me like I was speaking a foreign language and he said, “Criticized? I don’t know, I guess it means someone else has a problem.”

Years ago, when I was graduating college I took a summer job selling encyclopedias. I was dropped off at an apartment complex with four other guys and three of us returned to the car without having sold any books. It was so nerve-racking that we could not do it. But the fourth guy sold three sets of books the first night, which was unheard of even for the professionals. We asked him how he did it, and the guy said, “I don’t know, I knocked on the first door and this guy came to the door and he could see that I was selling something and he let go with a string of expletives that would make a sailor blush.” And the guy said, “I really did not like being talked to that way, so I went around to the back door of his house, and I knocked. He came to the door and before he could say a word I said to him, ‘Mr., I just wanted to let you know that there is one mean son-of-a-gun living in front of your house and I thought you needed to know about it.’” He said the guy laughed so hard he let him in and sold him a set of books. Now, that is Resilience.

Lawyers are at the other end of the Resilience spectrum, and it is so low that we do not even need to be criticized to get defensive. When people are low in Resilience, they get defensive. They start explaining things. “You do not understand; I had a good reason for doing this.” And if that doesn’t work, then they deflect. “I can’t talk about this now, I’ve got

things to do,” and if that doesn’t work, they deny it, “I would never do that. Please, I’m not that kind of person.” If that doesn’t work, a counterattack, “I did not, but let me tell you what you did.” All of these are mechanisms of defending against the truth. In fact, when I say that 90 percent of lawyers have a low Resilience score and a lawyer then feels bad about it, then that only serves to demonstrate the trait.

There are two reasons why this is so important for leadership. First, leaders get criticized a lot more than other people and it is part of the job. When you are a leader and you get criticized, if you are defensive and have low Resilience in your reaction then you send a message to the critic that says the criticism is invalid. But that only makes the critic try harder. The critic is only going to come back at you—it is not going to end the problem. It breaks rapport, doesn’t build buy-in, and does all the wrong things. So leaders that are low in Resilience are highly defensive and do not get a lot of traction in leadership.

Second, when you are leading lawyers, you are leading a low-Resilience group by definition. If you throw a dart in the room you’re going to hit a low-Resilience lawyer. And so, you lead low-Resilience people a little more carefully, a little more like walking on egg shells, a little more than you would with other people. When you give criticism you give it a little differently. You turn it into something constructive, you tell them how they could improve in the future rather than how they screwed up in the past. You try to give criticism in private rather than in front of your peers. This is a good management technique in general, but when you are dealing with low-Resilience people you have to be much more delicate, much more mindful of how you approach them so that you do not trigger the natural defensiveness that is already there.

Dr. Larry Richard is the head of the Leadership & Organization Development Practice Group, Hildebrandt International and is recognized as the leading authority on leadership effectiveness and organizational behavior in law firms. Since the early 1980s, he has pioneered the application of psychology and other behavioral sciences to improve leadership and management practices in the legal profession. Dr. Richard has worked with hundreds of law firms and corporate law departments to develop human performance in ways that advance the bottom line, increase satisfaction, and promote teamwork.

EMPOWERING LEADERSHIP

BY DR. PAMELA MCCAULEY-BELL

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DR. PAMELA MCCAULEY-BELL
PRESIDENT, TECH-SOLUTIONS, INC.

The need for leadership is immediate. Today I'm going to talk about my perceptions and some of my leadership experiences. Then I am going to discuss maximizing our potential as leaders. I'm not a leadership guru—you will only hear experience from me. As a person with a background in engineering, I didn't know anything about leadership. I never had a leadership course. I never even had a business course, but I have come to understand just how terribly important leadership is. Being an industrial engineer, I have created a leadership process that I'd like to share with you.

When I think about leadership, I think about the leadership circle. The inner circle is the part of us from



an introspective standpoint—the things that cause us to lead. I have a book I'm working on called *Inspired to Lead*. Oftentimes, people we would not particularly think of as leaders suddenly face something that requires them to become leaders. They may lose a friend to breast cancer or have a child that has a problem. Then they get inspired to lead. One of my good friends, Daryl Flynn, was head of the Parent Teacher Association (PTA), and as a result of her involvement in the PTA she recognized a need for change. Ultimately, she ran for and successfully secured a position on the Orange County School Board. She was inspired by her son's involvement in school. Being on the school board requires knowledge and energy. I love enthusiasm, but we have to also have knowledge and confidence. Because guess what happens? You get out there, you're fired up, and you move ahead. Then the adversity and challenges come, and you have to have the confidence to keep going.

That outer circle represents the environment—the opportunities that are presented to us, the people around us, and the purpose for which we may have taken on these leadership activities. While these things are more external, we can influence them all by the internal, or the inner circle.

Having said that, we now need to understand our leadership process. I know every single one of us has done something in the way of leadership in our official capacity and also in our homes and in our personal lives. One of the most difficult things I ever did was to chair the senior picnic for my daughter's high school. That was work! I'd much rather solve triple integration or lead a technology firm than work with 400 seniors trying to plan a senior picnic. But that was a true leadership activity, pulling the parents together, making sure my constituents—the high school seniors—had everything. We have numerous leadership activities take place in our personal environments like that, and we can transfer the same skills that we applied for the personal opportunity to be used in our professional world. What I will encourage you to do is to take those opportunities. Too often we say, "I don't have time this year," or "I don't have leadership experience."

I had my daughter when I was 15 years old. I'm 43 years old and I have a 27-year-old daughter. I learned real leadership in the trenches—figuring out how I was going to pay my tuition, get that financial aid, get to my daughter's science fair so that she would have her parents there just like everyone else, and then manage to solve my calculus homework. It's been rough, but I'm speaking to you truly from experience. Too often we focus more on our shortcomings than we do on our strengths, and that keeps us back. We see someone who we consider a successful person, and we don't really think that maybe they had challenges, too. It keeps us from moving forward. So I want to talk about strengthening our circle.



Maximize your potential. My dad is a retired Army drill sergeant and he said, “You have to have a plan for everything, so nothing is by chance.” In seventh grade, all my friends were taking Home Economics. He said, “Your Mom is going to teach you how to cook. You're taking Algebra.” I was so mad. It was not fair! But Daddy said you need to have a plan. So I learned early, and it's been very helpful to me knowing that things just don't necessarily happen by chance. It is amazing what we can do if we get a plan. Ordinary people do

extraordinary things every day because they've got a plan. But it takes dedication. We all recognize that, but oftentimes it takes so much more than we ever thought. We begin to think that, “Maybe this is the wrong path for me.” But it takes dedication and persistence.

It requires personal leadership for us to be good in our careers. You've got to have a written plan. Our personal and professional development is something we need to be consistently and actively involved in. A lot of times we don't do that, so I encourage you to do that today. Then I want all of us to believe this: We all have what it takes to be outstanding leaders. Oftentimes, women don't see themselves as leaders. But we really have it in us, and we demonstrate it on many occasions. The time to lead is now.

I'm not suggesting that you bump the next person off to take their job or that you be overly aggressive to secure a leadership position. But where you are, professionally and personally, there are leadership opportunities. Now, we may have to be creative in identifying those. I'll show you some examples in just a moment, but they are there.

Then recognize the power that we have together. That's why it warms my heart to look across this room and see such a diverse group appearing together for a common cause because we have great strength when we work together for a common goal.

Recognize your gifts. Get to know you. We don't really think about that after we get to a certain point in life; this is something we usually do when we're planning to go to college or thinking about a career move. But I encourage you to think about your gifts, talents leadership experiences, and leadership opportunities today. So it may be time for you to look at different types of leadership opportunities than you did 5, 10, or 15 years ago. But get to know who you are today. Identify places where you can use your current leadership skills, your interests, and your passions. Very few of us understand our gifts, but you are wonderful and I am wonderful. When you feel comfortable and confident in who you are, others will support you. They are able to get excited about your vision.

Now, let me just say this. You guys gave me a gift. One of my number one she-roses in the world, Gail Evans, is here. Her book, *She Wins, You Win*, taught me so much about celebrating and appreciating the

goodness and success of others. When you are successful, it's part of my success and *She Wins, You Win* is designed to encourage women to adopt this mindset about other women in the workplace. We are on the same team and that is the resounding theme of her book.

Men are taught to be on teams—you're taught to play football and basketball together. Men, generally, are very accustomed to being in team activities. Now, when I was in high school, I was a cheerleader. You had 400 girls trying out for eight slots, so women tend to be more competitive. Women oftentimes have not been socialized to play in team activities, so we don't work well together in many cases. But we don't need to have a cheerleader mentality. We're on the same team. Your success equals my success. Actively support someone every day—even someone you don't even know.

I remember when I was a waitress at Western Sizzlin. I was an undergraduate working two jobs, taking care of my daughter, and going to school. I interviewed for another job—a summer job. The only suit that I had was the one my Aunt Camille had given to me, and I remember it very well. It was a camel-colored skirt suit. I went to my interview and thought I was totally prepared. But I totally blew it—it was terrible. I knew I wasn't going to get that job and I was so disappointed. So I walked to class and then went for a walk on the edge of campus, a little area known as Campus Corner at the University of Oklahoma. Later that night, I went to work at Western Sizzlin. I went over to this lady's table and she said, "I know you." I said, "Well, Ma'am, I've been working here for about a year." "No," she said. "I've seen you. I saw you on campus today and you looked so nice. I told my husband, 'That young lady is the epitome of success.'" What she did there for me was priceless. I felt like anything but the epitome of success, but she touched me. That was over 20 years ago. She touched my life with a simple kind word. We need to be busy doing that—making a difference for others.

Leadership is about developing you, but it's equally important to develop those around you. Sometimes, it's folks that you don't even know. Mohammed Ali said, "Champions aren't made in the gym." Champions are made of something deep inside—a desire, a dream, a vision, but the will must be stronger than the skill. We attribute so much to talent, skill, and ability and not nearly enough to that which is within us—the will. If we do that, we will really start

to see some advances within ourselves, within our organizations, and individuals around us.

If you want to be a leader in an organization it is essential that you believe in the organization. I've spoken to organizations where people will come up to me afterward and say, "This place is terrible. They won't make me the boss and they want me to go to anger management, and I'm going to blow up this place if they don't promote me tomorrow." I say, "You probably should find another place to work." It's hard to lead in a place that you don't feel good about. Leave—leave your organization. Now that's an extreme case, but there are certainly instances where we have challenges within an organization. What I encourage you to do in situations like that is to step back and take a good look at it. Are the issues really with the organization? Are they with an individual? Are they with me? You don't have to sit down and talk with anyone about it—just have an honest conversation with yourself. Envision your place in the organization. We have to feel like we are valued, like we make a contribution, like there is something for us to do there. If you have a vision for yourself in the organization, then that's where you should focus your leadership energies.

Your vision of your place in the organization may not be a formal place that someone has told you they're mentoring you for, but be resourceful. There's a young lady at the University of Central Florida getting a Master's Degree in theater. She's a bright young lady. She said that she wanted to make sure that there was opportunity for African-American actors to perform while they're in school. As part of her thesis, she turned two stories into stage productions. One of them is *Winners Don't Quit*, the book that I wrote. How creative! Guess what? The department loved it. It took a load off of them for her to make these productions and it gave them credibility to have one of their students doing this. So, we have to be creative in looking at how we fit into an organization.

But how do you communicate this vision? Oftentimes, we have to be careful about who we communicate our vision to. You want to communicate your vision to a person that will support it. You also want to communicate your vision to a person that is willing to help you move forward, not to someone who is going to squelch you. If you are promoting your vision and someone says, "That's a stupid idea," it crushes your idea and you may never do it again. Be careful about the people you communicate your vision to, but you do have to be willing to communicate. Then seek experts. Seek experts for yourself and for your team. I've never

been one of those who would just barely get by. Now, I don't seek perfection—because I think if you seek perfection, you get to the point of diminishing returns. But I do believe in excellence. You will see great returns on your investment of time.

Oprah Winfrey once said, “I was raised to believe that excellence is the best deterrent to racism or sexism. And that's how I operate my life.” Don't get me wrong; racism is real and sexism is real. But it doesn't have to hold you back. It doesn't have to be a stumbling block that keeps you from getting to where you want to be. It's so important for us to start with that mindset every day.

You have to be mission minded. I think part of this for me is having a military father. It is not about your ego but it's about accomplishing the mission of the team or organization. When we approach our goals with this mindset we limit excuses; it's not about me hearing a team member tell me “I overslept so I didn't get to do this and do that,” it was “Did you get done what you were supposed to get done?” Being mission minded has served me well in so many areas of my life. It didn't matter whether or not I was a single mother—I had to be in class at eight o'clock. When I was a professor at MIT, I had to show up and teach those students. When I got off the plane, it didn't matter that Logan Airport was backed up with traffic. I had to deliver a presentation. So, it's about being mission minded and helping people understand that as a leader. That's why it's very easy for me when I have people that are part of the team that aren't really team players, to say, “It's not personal—it's the mission. You are not about the mission.” I still like you and may send you a Christmas card, but it's about the mission. It's not personal. Being mission minded creates objectivity in the environment so that people can truly respect the leader. I fired my own sister. I said, “I love you, big sister, but you have to go.” It was a big decision, but it was about the mission. It's difficult to empower others and inspire the team when it's not about the mission. It's difficult when people feel like there are personal issues at stake in the work place. Again, being mission minded is very important to building your own team.

There's a book I love called *Jesus, CEO* by Laurie Beth Jones. One of her key points is that Jesus built his own team. Now when I give lectures to young engineers or young people just starting out, someone always says, “I can't build my own team.” Oh, *contraire*, you can! You can build your own team. Look at your peers. Who do you see that can help support the mission of what you want accomplished? You

want them on your team. So, you don't have to be a general to build your own team.

Building your own team is essential, and that's on a project level, on a large scale, in relationships, and in the community. I build my teams in the personal environment as well as in the professional environment with a genuine concern for others. That goes such a long way. I talked a lot about being mission minded and about firing my sister. But that did not run contrary to my caring about her, genuinely being concerned about her, and being concerned about those on our team. We have a young lady in Tech Solutions who just had a baby. One day her babysitter couldn't take care of the child and she needed to come to work, so we let her bring the baby to work. We care. Leaders care.

Dale Carnegie once said, “You can make more friends in two months by becoming interested in other people than you can in two years by trying to get other people interested in you.” Guess what? I want this audience to like me, but that's not why I'm here. I'm here because it's about you. It's about me sharing something that's going to make a difference in your life, in your world. It's truly about you. When you become a speaker, the moment you put on a microphone to speak you become the least important person in the room. It's about everyone else and what you can say to touch them.

Leadership is the same way. It's about the mission, and it's about those of you that lead. Understanding that, now we have to look at other issues. You've got experts I'm sure coming in talking about persuasive, assertive, bridging, attractive, or accommodating leadership styles. If I'm assertive, I'm going to persuade you to do things my way. Now, I'm going to talk to you. This is a bridging type—I'm going to share my thoughts with this person and that person and we're going to bridge, come together and lead together. Attractive—I'm going to make it sound so exciting you're going to ask me to be on my team. Accommodating—I'm accommodating everyone because I want certain people on my team. Clearly, these are just some examples of leadership styles. Which style works best? It depends on your environment. It depends on your personality, but one of the things that I've learned is I cannot always use Pamela's style. I have to use what works in that environment because it's not about me, it's about the mission. I need to see what's going to work best in that environment so I can adapt my leadership style. Understanding my leadership style helps me prepare better.

Know your boss's leadership style. Just because the boss doesn't do it the way you would do it doesn't mean it's the wrong way. Recognize it may not necessarily be what you would do, but it does get the mission accomplished. Know your key team members' styles. It has been very useful for me as a small business owner to know my key team members' styles. Knowing how to encourage and empower them and knowing which tasks to give them.



So, one of the great challenges we face is actually seeing ourselves as leaders. I didn't see myself as a leader. I was just trying to make it. I was trying to get through school, take care of my child, and get my education. My plan was to get a Bachelor's Degree, buy a BMW, and never look back. That was the plan. But somebody else had other plans for me. So I began to recognize that people were interested in what I had to say and I began to see myself as a leader. We're all leaders. As I say to the young people when I talk to them, there is always someone that is looking up to you. There is somebody that's watching you. And in those moments when we want to not be the best that we can be, that's when we need to try the hardest.

Another leadership challenge is lack of focus. Let me talk to the ladies for just a minute. We talk about multi-tasking, and I always say I'm the queen of multi-tasking. There's a book called *The Power Focus*. Some of you have probably read it. Focus is very important. Sometimes, we need to lay down other tasks and focus. Men do not do that well at multi-tasking. But there's also great power in focusing our energies.

Lack of mentoring is also an issue. There are some people in here that are mentoring or that are also

being mentored. But there is a perception of limited opportunities—notice I say perception—because I believe that we are only limited by what we believe. The young lady I mentioned a moment ago that wanted to see more plays with African-Americans—she created that. It's just a perception of limited opportunities. You may have to be creative in order to find those and it may take more work, but it is definitely possible.

When I have my moments of difficulty, I think about those times when I was able to overcome it. We must focus on our successes. We spend too much time thinking about when we didn't do it or we couldn't do it. We must instead think about those times when we overcame, when at the last minute we got the right idea that brought us through. We have to be mindful of those times because it gives us energy to move forward through the challenges. Every day something is going to challenge us. It's a matter of choice whether or not we choose to let it keep us back, or we get the energy to move forward. And then we must set our sights on a leadership role. That's very important. Remember I said nothing just happens by chance. We need to be willing to set our sights on leadership roles—major roles that no one would believe you could have. If you can believe that—if you create the opportunity and are willing to work—it can happen.

The next step is to learn about leadership. I truly believe it is a life-long learning process because there is so much to learn. There are so many things for us to do. We need to put time and energy into learning how to lead in certain environments. Focus on your plans and ambitions. Everyone has big pictures, big dreams, and big goals. Plan and work hard and believe in yourself.

A vision is a powerful thing. I believe that at certain points in our careers, we stop having dreams and we stop having visions. We'd feel like we've done it. We've got to the point where we think, "Okay, I can accomplish this." But we must have vision every day. I told my sister that when I'm in my eighties and nineties I want a new career as a homeopathic doctor. She said—"I can't believe you! You're going to be working in your eighties and nineties?" I said, "I'm going to work until they kick dirt over me!" Having that vision—that's energy. That's a powerful force. Don't limit yourself.

Next you must develop goals that support the vision. Create a schedule. We're so good at doing this for our children and our protégés, but we also need to do it

ourselves. Make your goals specifically clear, even if it's a little tiny goal. Then set out long-term, immediate, and short-term goals, recognizing that you need to start writing down exactly what it's going to take today. You may not have it figured out six months from now, but be willing to put this down on paper and move forward. The most important thing about plans is to use all of our resources. There are so many things available to us today that we don't use. We are living in the information age and the resources are available. We may have to be very creative about it, but the resources are available.

Then work hard. I've been working hard all my life. That's something I think I'll always do, but I also want to work smart because I want to make time for my friends and family. When my parents come to visit me twice a year, I want to be able to take a cruise with them. Work hard, but have balance.

You must next have good association and integrity. We must be selective about the people we choose to associate with in our professional and personal environment because it is very powerful in determining where we will go. We're very good at telling our children to be selective, but as we get older we stop doing it. Yet it's even more important. When our kids come home and say, "They said I couldn't do this." They have us to say, "That's not true, baby, you know you can do it." But we don't have mom and dad to go home to and correct the negativity around us. So, it's even more important for us to be careful about our personal and professional association. I love Dale Carnegie's mastermind groups. You have a place where you can share your visions, your dreams, your goals and then build a network of support.

Active belief in ourselves should be demonstrated by the way we walk and the way we talk. Active belief in ourselves keeps us going through challenges. It helps us figure out how to handle the difficulties. Challenges are a part of the path to success. Oftentimes, when you have a plan and difficulties come, you begin to think, "Well, maybe this really isn't for me. Maybe I'm not supposed to do this." So often that simply is not true. To do great things, we face great challenges. We face great difficulties. But the difficulties should not discourage us from doing these great things—they still need to be done. So it is imperative that we realize that challenges are part of the process and never let them deter us. As terrific as you are, even with people telling you how proud they are of you, that one negative

thought shows up. Why would we let it stay on our mind? But as humans we often spend far too much time allowing ourselves to focus on the negative things that we hear. In fact, studies show it takes five positive things to overcome one negative thing that someone has told you about yourself. Why would we stack the deck against ourselves by saying those negative things about ourselves? Let it go.

I assure you I was not a likely candidate for success, but the power of believing and not letting the challenges stop me got me there. Do this and you will be unstoppable.

I love Nelson Mandela. He stated, "The greatest glory in living lies not in never falling, but in rising every time we fall." The more success you have, the more you will fall. The greater your calling—the greater your pains, the greater your difficulties and challenges. You are going to fall in the journey toward success. So the key is to remember what to do when you get up! When you get up—and do get up every time—when you get up, keep the faith and dust yourself off so you can keep moving forward. Believe me, this works, and I've lived it. I tell you, I've cried while I was working on projects, sitting in my office with tears rolling down my eyes and hitting the keyboard, still believing despite the pain and despite the difficulty. It's a learning process because sometimes we're doing things that we need to change. If we recognize that and change, it will minimize the difficulty. We must also understand our environment. That doesn't mean criticizing and putting down your environment, it means understanding the place in which we're operating and then modifying and adapting and making course corrections. Get back on track and keep the faith. Keep the faith no matter what the challenge is. We must keep the faith and then stretch that leadership circle and make that difference. We really need you. We really need you all to recognize your greatness and keep doing the things you're doing. Your success is truly my success.

Dr. Pamela McCauley-Bell is president and owner of Tech-Solutions, Inc., a small business providing engineering support, software development, and research services. Dr. McCauley-Bell is also a tenured Associate Professor of Industrial Engineering and Management Systems at the University of Central Florida. She has won numerous prestigious awards, to include the Rising Star Award from Business Women's Network.

JAG CORPS SPOUSES PLUG IN WITH PURPOSE

BY MRS. JOY DUNLAP



They chose to connect.

Moms, dads, teachers, nurses, management consultants, judges, students, public relations officials, lawyers, writers, defense contractors, managers, salespeople, fitness coaches, house managers, physical therapists, civil service employees, volunteers, and homemakers participated in this year's JA Spouse Connection at KEYSTONE. Many share similar hobbies and activities: jogging, golf, hiking, reading, scrapbooking, cooking, crafting, singing, church work, computers, and enjoying time with friends.

Above all, they have one primary thing in common. Each is married to a member of the JAG Corps.



JAG Corps spouses who attended KEYSTONE 2006 got plugged into helpful programs for military families

and heard about future changes affecting the military and the Corps. They reunited with friends from the past and got acquainted with new ones. They joined their spouses to hear inspiring words from Coach Dan Reeves, a riveting speech about the warrior spirit and terrorism by Army Lieutenant Colonel Dave Grossman (Ret.), and a thought-provoking message on gender-based communication differences from author and former CNN executive vice president Gail Evans.

The JA Spouse Connection, which debuted at last year's summit, is designed to connect JAG Corps spouses with each other, their marriage partners, the military, and the JAG Corps through interaction among spouses, the sharing of information, and inclusion in conference sessions with their JAG Corps sponsors.

"I was able to get information I would not have otherwise known to ask about, because I didn't know enough about some topics to have questions. I also feel more equipped to pass on info that will be useful to spouses back at our base, especially those new to the Air Force," says Michelle Pennington, who traveled with her two small children from Kadena Air Base, Japan, to Florida.

Spouse participants walked away with tote bags packed with information about spouse and child scholarships, programs for children of deploying parents, financial planning, military-related legislation, and relocation.

The National Military Family Association (NMFA), Military Officers Association of America, the Air Force Aid Society, the Military Child Education Coalition, and the Family and Airmen Readiness Center provided educational materials about military-related issues and opportunities for spouses and families, including Operation Purple, which is a NMFA-sponsored camp for children of deployed military members.

Spouses also received complimentary copies of *Military Money* and *Military Officer* magazines. Parents with children under seven years received a deployment DVD featuring Sesame Street's Elmo. JAG Corps spouse Lynda Castro, a volunteer with Heartlink at Little Rock Air Force Base, Arkansas, described the informative and fun orientation seminar for new Air Force spouses and encouraged others to refer people to it at their bases.

While the majority of the spouses came from the active duty side, the Total Force was represented, along with international guests and retired active duty.

"The JA Spouse Connection was bigger and better this year," says Sanna Long, who was one of about 15 returning spouses from last year. "Not only did we have a lot of active duty spouses, we also had some spouses from the Guard and Reserves. Talking with them gave me a greater appreciation for the support and resources we have readily available on our bases. We've got great support systems for families that probably don't reach the Guard and Reserves, especially when our spouses deploy. And the addition of civilian spouses added to the diversity of our group. It was great to meet other spouses from the entire JAG Corps family!"

Spouses discussed ways to reach out and include Reserve and National Guard families more, and were challenged to connect people in their communities with the military family by bringing people in the two groups together.

In a unique opportunity, spouses got to individually meet with the wife of the Secretary of the Air Force. Barbara Wynne went around the room shaking hands with spouses and inquiring about their current locations. During a brief session, she shared her visits to several bases and heard comments from a few spouses, including some candid concerns about privatized housing. The spouses presented her with

a blue and white candle, symbolic of her service as a light to Air Force spouses.



MRS. BARBARA WYNNE

A return highlight of the JA Spouse Connection was the spouse-only session with The Judge Advocate General, Major General Jack L. Rives, where he gave spouses a KEYSTONE coin as he shook hands and spoke personally to each one. Prior to the "coining," Maj Gen Rives fielded questions from the spouses, shared some history of the JAG Corps, and candidly discussed future plans about the Corps. "Not only did I appreciate his wisdom and education, but also his demonstration that the spouses are valued," says Julie Foltz who is at Laughlin Air Force Base, Texas.

Spouses also got a separate briefing about JAG Corps 21 from Colonel Jim Wise who struck down several misconceptions about the program and explained how the JAG Corps is leading the way in Air Force transformation. He spoke about the creation of labor, claims, and environmental centers that will help unify resources to provide better and more efficient service. Claims will soon be filed on-line with quicker payouts, he said. Some reservists may be able to do their duty from home on an approved basis, he added.

Several spouses who wanted more information about the assignment process got the complete story from Colonel Tonya Hagmaier. She responded to questions, discussed "dream sheets," various paths to promotions, and special circumstances affecting permanent change of station (PCS) placement.

"I enjoyed being included in the plenary sessions and I enjoyed having senior JAGs specifically come talk to the

spouses about the latest happenings in the JAG Corps,” says Suzanne Guerrero who lives in the Washington D.C. area where her husband is stationed at the Pentagon.

Throughout the week, spouses could be heard discussing details they heard from outstanding motivational, leadership, and governmental speakers such as U.S. Attorney General Alberto R. Gonzales, Secretary of the Air Force Michael Wynne, and Dr. Larry Richards who heads a leadership group and spoke on personality styles among the JAG Corps. These seminars and others sparked conversation between the spouses and their husbands and wives, as well as other attendees.

“The spouses being invited to the military sessions and ceremonies meant a lot to me,” says Norma Hudson who lives at Sheppard Air Force Base, Texas, with her military husband. “I really felt included at KEYSTONE.”

Laughter and lots of stories rang out during on-site lunches on Monday and Thursday as spouses compared experiences and ideas. Separate excursions on Wednesday allowed spouses to join others on shopping trips or to journey to the Kennedy Space Center.

“It was very interesting having so many spouses attend from so many different bases; ranging from Illinois to Hawaii, from Japan to Washington D.C.,” says Hudson. “The camaraderie was wonderful,” says Mary Beth Rodgers, who is living on the U.S. Air Force Academy campus.

Spouses supplied information in advance that was distributed on site. A compilation featured some 70 ideas on entertaining/hospitality, career development, and ways spouses support the JAG Corps and military. In addition, spouses received a web site directory with more than 35 Internet addresses to check out. First-time KEYSTONE spouses were also given copies of the spouse survival tips that were distributed last year. Numerous spouses also participated in the pre-conference “Getting to Know You” mini-profiles to learn more about each other in advance.

“It was great to meet other JAG Corps spouses and to hear about how things were at their bases and how things were progressing with the JAG Corps changes. It was good to know that other spouses face similar challenges and there were plenty of opportunities to exchange tips, etc.,” says Rodgers.

New information and friendships weren’t the only benefits spouses gained at the event. A plethora of

beauty products donated by AAFES vendors Victoria’s Secret, Coty, and Rimmel were presented to spouses. Both AAFES and DECA supplied valuable coupon booklets. Rounding out the gift packages were handy tote bags from the Military Officers Association of America, clips and pens from the commissary, and flashing Air Force logo winged pins from the Air Force Aid Society.

In an effort to share the wealth and to reach out to the JAG Corps family, the JA Spouse Connection gave each attending active duty enlisted female a perfume roll on or lip pencil. The action also served as a catalyst for spouses to think about new and different ways they can expand their involvement and support of the JAG Corps family.

Many married couples, several with their children, took time before or after the conference to make memories at Disney World, Sea World, and Universal Studios, or just to spend time together in the evenings at the resort. But, “family time” was even more encompassing.

“The Conference also allowed me to reconnect with the greater JAG family,” says Pennington. “A person can’t help but learn lots of things from such experienced ‘family members.’ All of the spouses I met had great advice because they had either lived through similar JAG experiences or because the Air Force had put them in unique situations that I might be in one day.”

Sharing and caring—that’s getting connected the JAG Corps spouse way.

Joy Dunlap developed the JA Spouse Connection in 2005 in an effort to create an environment for spouses to connect more with each other and the JAG Corps family. The Connection allows spouses to actively participate in KEYSTONE by being included in seminars with their marriage partners, along with separate spouse-only sessions and excursions where spouses share insights and information with each other. The JA Spouse Connector, an occasional e-letter for JAG Corps spouses, helps keep spouses informed year round.

Dunlap is a freelance writer, speaker, and marketing consultant who enjoys building programs and relationships. And, she loves being an Air Force JAG Corps spouse!

THE JAG CORPS— LOOKING AHEAD

BY MAJ GEN JACK L. RIVES

*The following is a transcript of closing remarks at the KEYSTONE Leadership Summit on 27 October 2006.
Minor editing was performed prior to publishing.*

I hope the week has been worthwhile for you. People have told me how much they've appreciated the presentations, the opportunity to get together, and to better understand issues and goals as we move into the future.

LOOKING BACK AND AHEAD

Now I want to look back and look ahead. First, let's look back. Yogi Berra, the former baseball player, once observed that "the future ain't what it used to be." Of course, we cannot predict things with certainty.

Consider where we were during our first KEYSTONE Conference, just one year ago. Think of what we were going through as a JAG Corps. I was the Deputy Judge Advocate General (DJAG) and had been performing the duties of The Judge Advocate General (TJAG) for more than a year at that point. We had not yet seen the results from the TJAG selection board that had met in November of 2004. For 17 months, we did not have a TJAG. For 20 months, we had only one major general in the JAG front office. Last year, we of course expected to have a TJAG and a DJAG well before the time of this year's conference.

Last year, we discussed our major focus areas. We reviewed our major justice study, which we called "Military Justice 2005." The report was over 600 pages and it produced some meaningful changes to our military justice processes and procedures. We received updates on the extensive Paralegal Top-to-Bottom review. We also initiated the Legal Information Integration Study, and we announced future major focus areas for education and training and for operations law. That's where we were a year ago. And then everything became overshadowed by the JAG Corps 21 initiatives—which we could not have been predicted a year ago.

Last year when we met at KEYSTONE, we had a new Chief of Staff of the Air Force. General Michael



MAJ GEN JACK L. RIVES
THE JUDGE ADVOCATE GENERAL

Moseley had been Chief for less than a month. We knew he appreciated the JAG Corps, but we weren't sure what that would mean for us. Last year, we had an Acting Secretary of the Air Force. You heard from Secretary Michael Wynne, and you know what he thinks about what you do for the Air Force.

I discussed Jamie Reese in my opening remarks. Last year, she was a recent high school graduate. She was looking forward to coming in the Air Force on a delayed enlistment. Now she's an Airman like her father and mother before her. She's also a paralegal like her father. Her dad told me a couple of days ago that she's now engaged to a fellow Airman.

Last year, we discussed household good claims, and while we now use modern technology, the personnel and personnel transportation claims process you heard about was substantially as it's been for decades. But then in January 2006, we began to consider the possibility of doing things in a dramatically different way. By February, the Chief of Staff had approved the new concept and the Secretary of the Air Force endorsed it. By March, we knew the Claims Service Center was going to be located in Kettering, Ohio, and by April we had secured funding to have our new online system in beta testing before the end of the fiscal year. We expect the Claims Service Center to become fully operational in early 2007. A remarkable number of things happened in the course of 2006 that we could not have predicted.

THE WEEK IN REVIEW

Let's now turn to this week's activities at KEYSTONE. The early critiques have been very positive. Many people will read your comments and suggestions, and they will help us to improve.

Our theme this week was "Teams Within Teams." We begin with the installation-level legal office, our core team. Most of you work at the installation level. At the beginning of this summit, I told you we needed to move away from the office-centric and the JAG Corps-centric view of the world. Members of the JAG Corps are known for being deeply involved in all Air Force operations. The Chief of Staff has said that it's people like you that enable everything in the Air Force, and you really do. I also noted that each one of you represents the JAG Corps. You're the face of the JAG Corps to everyone you contact. Whatever your position may be, you're the one they see, symbolizing the rest of us.



GENERAL DUNCAN J. MCNABB
COMMANDER, AIR MOBILITY COMMAND

Your service is critical in today's Air Force. In Air Mobility Command, for example, everything General Duncan McNabb described is made possible by what you and the other members of the JAG Corps do every day. You're not just observers, you don't just sit back waiting in your office for someone to come in and say, "I have a legal problem." You're active participants, and you lead other people who are important members of the team.

This week, we looked at the Corps today, and we considered the Corps of the future. We focused on JAG Corps 21 and examined how it may develop in the years ahead. We heard from JAG Corps speakers who gave us a snapshot of their fields of practice. We featured an incredible 58 different electives.

We looked at the Air Force team. We're facing tremendous challenges in today's world. Let's view challenges as opportunities: let's do things better than we've ever done them and let's do things we've never done.

Several of the briefings we received were the same ones the four-star leadership of the Air Force received just a few weeks ago at the CORONA Conference. But here, the speakers had more time and they tailored their presentations to our audience.

You heard the Secretary of the Air Force explain how interested he is in our work. He takes personal pride in the Claims Service Center. He's briefed it to the Secretary of Defense and other senior leaders on many occasions. The Secretary understands our JAG Corps 21 field support centers. He views the JAG School as the hub of JAG Corps 21 initiatives and the field support centers as spokes of the legal support wheel. The Secretary recently told Major General Dunlap and me that he sees the JAG School as the "last line of defense," the organization that ensures members of the JAG Corps are trained to serve throughout the Air Force.

Our speakers provided the big picture of today's Air Force and its future. Major General James Graves put everything in the context of our national heritage as he discussed "The American Experiment."

Of course, we're all part of the bigger national security team. Whether fighting the Global War on Terrorism or dealing with natural disasters, we'll do it with partners. This week, we heard from several joint and interagency speakers, led by the Attorney General



MAJ GEN JAMES W. GRAVES
MOBILIZATION ASSISTANT TO THE
COMMANDER, PACIFIC AIR FORCES

of the United States. Judge Gonzales, along with the DOD General Counsel, spoke about their work with judge advocates. It says a lot that the senior official in the Department of Justice took time from his incredibly busy schedule, and even diverted himself from a trip to Europe, to come here and tell you he really appreciates what you do.

We also had presentations about the world around us. We're honored to host the international senior military lawyers who joined us from other nations. They have really enjoyed this week, especially the opportunity to get to know many of you. They've been tremendously impressed by your enthusiasm and professionalism. We have most of our host nation legal advisors with us, and we benefited from their participation. We had a number of speakers who provided a global perspective.

Taken together, the presentations this week demonstrate that we have many teams working together to accomplish the mission.

THE JAG CORPS FUTURE

Gen McNabb talked about a perfect storm. A perfect storm can occur when a series of events, none of which alone would be catastrophic, coalesce to produce a disastrous result. Whether it's budgetary decision or a natural phenomenon like a hurricane or tsunami, a perfect storm is a devastating event. In the JAG Corps over the last year, we've been able to benefit from a confluence of what became extremely good conditions. Rather than a perfect storm, we should consider it as a perfect sunrise. Visualize everything coming together to create the most beautiful beginning to a new day. That's where we are right now in The Judge Advocate General's Corps.

Things have come together in a way they never have before, to give us possibilities for the future that were unimaginable even in the very recent past.

It began in December 2005 when Gen Moseley told us to look at what the JAG Corps should be doing in the 21st Century. He asked us to start with a clean sheet of paper. To paraphrase, he said: "You guys are doing things well. I love you guys, but don't just continue doing things the way you've done them because they're effective. If you could start all over, would you be doing things the same way?" With the inputs of people in this room and throughout the JAG Corps, from those who have served in the JAG Corps in the past and from others who care about the JAG Corps, from former Air Force secretaries and chiefs of staff, and from many, many others, we gathered concepts, examined the possibilities, and created JAG Corps 21. And that initiative will lead us into a great new era.

I know that change can be difficult. But when effectively managed, it creates opportunities. The JAG Corps is ever changing, but it's always the same. It's always the same because we've got good people who are dedicated to our core values and our guiding principles.

Celebrate the past, especially those people who served in the JAG Department and JAG Corps through the years and provided such a great foundation for us today. Celebrate the past, but don't live there. I know that some of you really like doing claims at the wing level. I know some of you enjoyed being in judicial circuits. Sometimes, Gen Moseley talks about the changes in the Air Force, and he analogizes to an aircraft hurtling down the runway, ready for takeoff, and he says: "We're past refusal speed." That's what you need to realize about the JAG Corps 21 initiatives. JAG Corps 21 is our future. We're past refusal speed. Have the great memories, respect the people and the things that we've accomplished in the past, but we're past refusal speed. We're headed forward to a future that will be shaped by the JAG Corps 21 initiatives.

To capture our concept of the future, we're developing a new Values and Vision document. All of you have had an opportunity to comment on the draft this week. It will describe what's important and what we aspire to achieve.

JAG CORPS PRIORITIES AND OBJECTIVES

The Air Force priorities are simple and clear and direct:

1. Winning the Global War on Terrorism,
2. Developing and caring for our Airmen, and
3. Modernizing and recapitalizing our aircraft and equipment.

The JAG Corps priorities will parallel the Air Force priorities:

1. Providing full-spectrum legal services for Air Force operations,
2. Developing legal professionals for the 21st Century, and
3. Rapidly adapting our organization, manning, training, and information technology capabilities to 21st Century challenges through JAG Corps 21.

We will refine these and I'll depend on judge advocates, paralegals, and civilians throughout the JAG Corps to help shape them.

We've also identified draft objectives for each priority.

1. Providing full-spectrum legal services for Air Force operations
 - Every JAG Corps Airman deployment ready all the time
 - Operations law a fundamental skill set
 - Military justice fully deployable
 - Ready reachback with sufficient capabilities for all fields of practice

Everyone who wears a uniform in the Total Force JAG Corps must be deployment ready all the time. No if, ands, or buts: everyone is deployment ready. We are a Nation at war, we are an Air Force at war, and it's critical for the JAG Corps to fully support the warfighters.

We all know military justice is essential to a disciplined force. And in today's world, operations law has also become fundamental to our success. Members of the JAG Corps must master operations law so we can work with commanders to optimize their success. They depend on you, sometimes with very little notice, to provide the right guidance. You're all responsible to make sure you and your subordinates can be properly responsive.

2. Developing legal professionals for the 21st Century
 - Career-long leadership development
 - Tailored professional development for everyone in the JAG Corps
 - Recruiting and retention emphasized
 - Education and training fully funded and resourced



- Persistent awareness of education and training requirements
- Ability to quickly adapt training to meet changing requirements

Leadership development is a continuing, career-long process. Many of you have told me how much you've benefited from KEYSTONE leadership presentations and how you've refined your leadership techniques. But you all understand that you'll never be perfect; you need to always work at it. Members of the JAG Corps need tailored professional development. Sometimes our people need just-in-time training, but that must build on a foundation of education and training so that they have the full skill set to answer questions, anticipate events, and shape outcomes for Air Force leaders at all levels.

Recruiting is the lifeblood of our Corps. JAG recruiting is in very good shape, but we have to give it constant attention. Paralegal recruiting is also very healthy. I constantly emphasize recruiting when I travel on Article 6 inspections. Everyone can improve their officer and enlisted recruiting programs. We have good retention rates. People who come into the JAG Corps tend to be very satisfied with their work; they tend to take great pride in what we do. Leaders also need to explain opportunities to continue to serve in the Guard and Reserve to those who decide to separate from active duty.

3. Rapidly adapting our organization, manning, training, and information technology capabilities

to 21st Century challenges through JAG Corps 21

- Organization structured to meet Air Force needs
- “Right place-right time” allocation of JAG Corps manpower
- Information technology benefits maximized
- Processes scrubbed for effectiveness
- Missions and tasks validated and prioritized

Education and training have to be fully funded and resourced for us to do this the right way. We need to quickly adapt training to meet changing requirements. Consider the objectives of JAG Corps 21. We’re rapidly adapting our organization, our manning, our training, and our information technology capabilities to meet 21st Century challenges through our JAG Corps 21 initiatives. JAG Corps 21 will be our roadmap for a long time. The “21” in “JAG Corps 21” stands for the 21st Century. We’ve got 94 years to go in this century, and none of our plans are written in stone. We need to do everything as well as possible, and we are depending on each of you to help us get it right.

CONCLUSION

Our people are our strength. They are able to accomplish great things because of their can-do spirit and positive approach. General Colin Powell made the observation that a positive attitude is a real force multiplier. As we conclude KEYSTONE, I ask you to extend the KEYSTONE arch. Go back to your home bases, share the lessons you have learned and make others more effective leaders. That will be a great legacy.

There’s a story about an old man who was walking on the beach early one morning. From a distance, he saw a child stoop over, pick something up, and throw it in the ocean. As he got closer, he realized the beach was covered with thousands of starfish. The old man knew that as the sun came up, the starfish would die. He finally got close to the boy and saw that he was picking up starfish one at a time and throwing them into the ocean. The old man said, “Don’t waste your effort; you’re not going to make a difference.” The little boy picked up another starfish and said, “It makes a difference for this starfish,” as he threw it into the ocean. I ask you to be that child. Realize that you can make a difference for individuals. Every starfish you save is significant.

Monday, I told you about Airman First Class Diana Klessel. I explained how she deployed to Kyrgyzstan and was working 12- to 14-hour days, seven days a week. She made the time to help out at a local hospital.



Two children are alive in Kyrgyzstan right now because A1C Klessel said, “I can make a difference; I can do something to help.”

Sometimes we don’t realize how important seemingly small things can be. When you help a legal assistance client, you can provide peace of mind. You can help deploying Airmen get their personal affairs in order so they can focus on the mission. You often don’t know when you do something that can have literally life-saving or life-changing consequences.

I mentioned the perfect sunrise earlier, and that’s where we are right now. Maj Gen Graves spoke eloquently about the explorers, Lewis and Clark. Picture them as they traveled the West, some days awakening on a mountaintop to the beginning of a beautiful new day.

There are big changes ahead for us in the JAG Corps. The sun is not setting. It’s the dawn of a new day. We have a very bright future. You have new generations of JAG Corps members to nurture and lead. Let’s do it together. It’s going to be a great journey.

Live the Air Force core values—Integrity, Service, and Excellence. Apply them through Wisdom, Valor and Justice. Do that and the people you lead will know how to do things the right way.

This is a great time to be in the United States Air Force. It’s a great time to be in The Judge Advocate General’s Corps. And it is my honor and privilege to serve with each of you.



**Total Force JAG Corps
Personnel Serve Airmen at
Locations Around the Globe**





Black Sea

Caspian Sea

Aral Sea

Nile River

AFRICA



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