



Federal Bar Association

Office of the President

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The Honorable John Warner
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

The Honorable Carl Levin
Ranking Minority Member
Committee on Armed Services
United States Senate
Washington, DC 20510

The Honorable Duncan Hunter
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

The Honorable Ike Skelton
Ranking Minority Member
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Re: Modification of Authorities of Senior Members of the Judge Advocate General Corps
(Section 504 of “John Warner National Defense Authorization Act for Fiscal Year
2007”) (HR 5122)

Dear Gentlemen:

I write to urge the conferees’ adoption of section 504 of the Senate-adopted version of the “John Warner National Defense Authorization Act for Fiscal Year 2007” (HR 5122), mandating the elevation of the statutory grades of senior members of the Judge Advocate General’s Corps of the Army, Navy, and Air Force to lieutenant general or vice admiral, as appropriate.

Elevating the grades of senior members of the Judge Advocate General’s Corps recognizes the significance of their duties and responsibilities and ensures that their status corresponds to positions of “importance and responsibility” under 10 USC § 601. Elevation of TJAG status from two to three stars also will provide TJAGs with better access and visibility to senior decision makers in the Department of Defense and their respective military departments. This will enhance the delivery of legal services by engaging lawyers earlier in the management or command process. In addition, it will place TJAGS on an equal footing with the Deputy Chiefs of Staff, who are three-star officers and have a “seat at the table” during deliberations on critical issues. This is the

same rationale employed by Congress when it elevated the General Counsels to PAS Level IV, i.e., to establish equivalency between the General Counsels and the Service Assistant Secretaries.

By increasing the grade of the TJAGs, Congress will give a strong signal that it expects civilian and military leaders at the highest levels, and commanders at every level, to have the benefit of independent legal advice from experienced military counsel. The significant increase in operations tempo of the Armed Forces has resulted in a corresponding increase in the need for legal advice from uniformed judge advocates in operational law, international law, the law governing occupied territory, the Geneva Conventions, and related matters. In addition, the system of military justice, administered by the Judge Advocates General, has taken on increased importance, as *Hamdan v. Rumsfeld*, has demonstrated. The elevation of the grades of senior members of the Judge Advocate General's Corps recognizes these developments and the vital importance of the duties of these legal officers.

Our association, whose 16,000-plus membership of attorneys and judges includes many members of the armed forces, including the Active Component, the Reserve Component and the National Guard, as well as civilian employees of the Department of Defense and related agencies, deeply appreciates your leadership and your consideration of these comments.

Sincerely,

A handwritten signature in black ink, reading "William N. LaForge". The signature is written in a cursive style with a prominent "W" and "L".

William N. LaForge