

THE  
REPORTER  
THE JUDGE ADVOCATE GENERAL'S CORPS  
KEYSTONE EDITION



This is a great time to serve in the United States Air Force Judge Advocate General's Corps. This is also the right time to have this KEYSTONE Leadership Summit. Keystone, Colorado is a beautiful place but we 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.

—Major General Jack L. Rives  
Deputy Judge Advocate General  
KEYSTONE Leadership Summit, 3 Oct 05





## SECRETARY OF THE AIR FORCE



Upon assuming the office of Secretary of the Air Force, I issued a “Letter to Airmen” in which I reaffirmed our core values, restated our mission, and established key goals. As Airmen and Air Force legal professionals, you, the members of the JAG Corps, are vital to our pursuit of “Knowledge Enabled Actions with an Accountable Airmen Ethic.”

The proceedings of the KEYSTONE Leadership Summit recorded in the pages of this special volume of *The Reporter* confirm that you understand the challenges of Air Force leadership and have resolved to meet them. These challenges are many and difficult, especially during this period of continuous global warfare. Your professional values and ideals of “Wisdom, Valor, and Justice” build perfectly upon our Core Values and into every facet of our mission and goals. I commend you for your renewed commitment to leadership!

Michael W. Wynne



## CHIEF OF STAFF OF THE AIR FORCE



As warfighters we face sophisticated issues and challenges like never before in our history. We are engaged in the war on terrorism while simultaneously providing domestic disaster relief and fulfilling ongoing commitments around the globe. To accomplish the mission, we must have the very best from all our warfighters—and we get the best only when we invest in personal and professional leadership development.

The KEYSTONE Leadership Summit was an impressive initiative that will yield huge returns on our investment. Your Summit presentations will help us move further along the Air Force Flightplan. Keep up the great work!

T. Michael Moseley  
General, USAF



## DEPUTY JUDGE ADVOCATE GENERAL



This special edition of *The Reporter* commemorates our Inaugural KEYSTONE Leadership Summit, a historic endeavor to focus our thoughts and commitment to become better Air Force leaders. We had an ambitious agenda that covered a broad range of leadership topics and touched on all our roles—as lawyers, paralegals, advisors, and Airmen. We heard from world-class speakers, including current and former JAG Corps leaders who enriched us with their valuable insights and perspectives.

KEYSTONE was more than just a place. It was a concept, an idea that grew from the thought that we could unite as a group that ultimately numbered over 700 judge advocates, paralegals, civilian leaders and family members, and prepare ourselves to lead our Corps beyond current challenges into a bright future.

Time will ultimately tell how successful we were, but it is clear that effective leadership requires constant commitment. Whether or not you were able to attend, your understanding of the information and lessons captured in the following pages is critical to improving as Airmen and legal professionals. Continue to build on your leadership skills through reading and self-study.

This special volume is dedicated to the men and women of the Air Force JAG Corps, each a valued member of a great team. It is my honor to serve with such exceptional professionals.

Jack L. Rives  
Major General, USAF



## SENIOR PARALEGAL MANAGER TO THE JUDGE ADVOCATE GENERAL



What an exciting time to be a paralegal in the Air Force! KEYSTONE was a phenomenal event where we came together—active duty, Guard and Reserve personnel—to study and discuss the future of our JAG Corps.

As we look beyond KEYSTONE, we must continue to challenge ourselves and strive to embody not only the Air Force Core Values, but also the JAG Corps ideals of “Wisdom, Valor, Justice.” These are not just words . . . they embody who we are. Live them and you will be doing your part to lead us into the future.

Avis R. Dillard-Bullock  
Chief Master Sergeant, USAF

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***

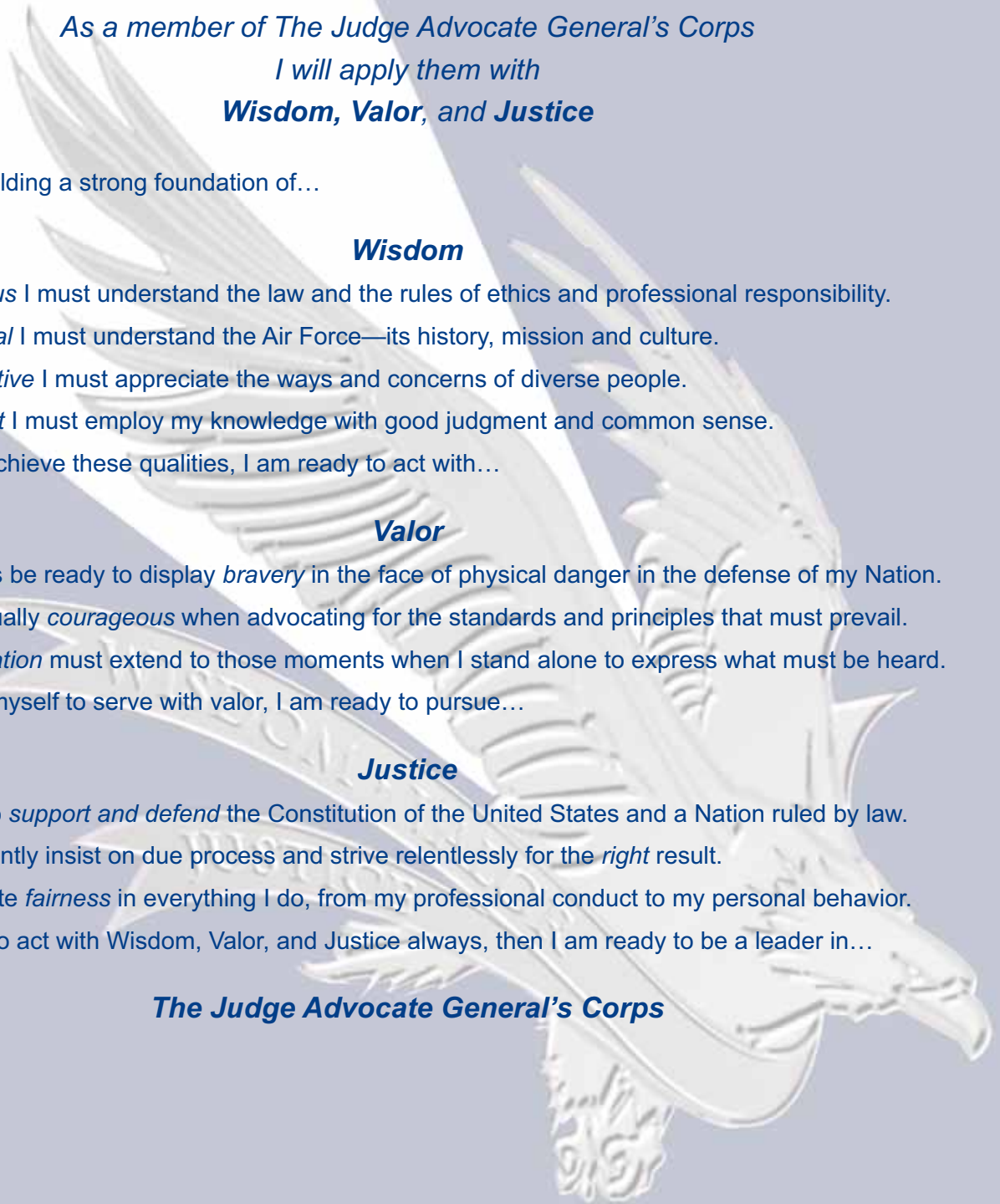
I am sworn to *support and defend* the Constitution of the United States and a Nation ruled by law.

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***



# INAUGURAL KEYSTONE LEADERSHIP SUMMIT › 2005

The first-ever KEYSTONE Leadership Summit (KEYSTONE) grew from a simple idea—in view of the events of the past few years it would be valuable to gather JAG Corps senior and mid-level leaders from around the world to discuss leadership in the context of the global, national, and military environments. More importantly, it would be *extremely* valuable to focus on leadership at individual and office levels.

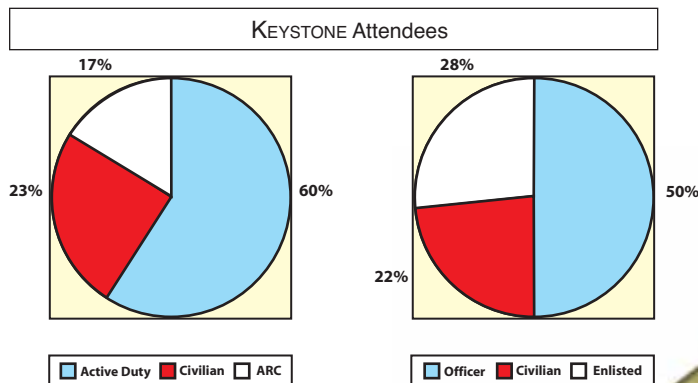
Over 700 people attended KEYSTONE. Attendees included staff judge advocates, legal office superintendents, Air Force leaders, military and civilian speakers, Senior Mentors, and JAG Corps spouses. (See charts below). Keystone, Colorado served as the perfect location for the largest and most diverse assembly of Corps members in Air Force history. It provided a relatively central CONUS location for attendees traveling from around the world and an “off-site” atmosphere well suited to after-hours reflection and discussion. A pre-existing partnership agreement between the Air Force Academy and the host resort ensured costs were kept within per diem rates.

The speakers provoked thought and challenged pre-existing concepts—especially as to personal beliefs about leadership and human relations. For example, attendees actively participated in an unprecedented human relations exercise on inclusiveness. KEYSTONE emphasized the value of personal contact by changing seating assignments daily to encourage broader interaction among attendees. Extensive breakout sessions later in the week enabled each MAJCOM and the various com-

ponents of the JAG Corps to focus on specific issues most relevant to them.

The overwhelming consensus from both formal and informal critiques is that the inaugural KEYSTONE Leadership Summit met all of its ambitious objectives, with the understanding that improvements can be made in future versions. The planners and support staff did an outstanding job (see Acknowledgments, p. 134) and set the stage for the attendees’ enthusiastic participation, which was an essential contribution to the success of the event. Moreover, it was not lost upon any attendee that during this week, the mission of the JAG Corps continued—professionally carried out by those of you still in the field.

This special edition of *The Reporter* was designed to capture the information and inspiration of KEYSTONE. The stirring and insightful presentations by the distinguished speakers are preserved to the maximum extent possible as they were given to the attendees. Other presentations have been summarized and combined with relevant slides to assist the reader. The section entitled, “Words of Wisdom . . . Perspectives on Leadership,” contains articles written by our Senior Mentors shortly after KEYSTONE. SJAs at all levels should make individual articles required reading and, subsequently, the topic of discussion in their offices. If people apply the lessons captured here, the spirit of KEYSTONE will truly be as timeless as the wisdom shared in those few days in Colorado.



# OFFICE OF THE JUDGE ADVOCATE GENERAL

## THE REPORTER › KEYSTONE EDITION



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*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 Air Force Judge Advocate General's Corps. Items or inquiries should be directed to The Air Force Judge Advocate General School, CPD/JAR (150 Chennault Circle, Maxwell AFB AL 36112-6418) (Comm (334) 953-2802/DSN 493-2802)

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# SENIOR LEADER PERSPECTIVES



# HONORABLE LINDSEY O. GRAHAM

SENATOR, SOUTH CAROLINA

*The following is a transcript of remarks given by Senator Graham at the KEYSTONE Leadership Summit on 3 October 05. Minor editing was performed prior to publishing.*

General Rives is the right guy at the right time. I know it's been tough here lately. It's been a tough year, but things are righting themselves. This is a great conference. It's good to get everybody here to talk about leadership, particularly the paralegals, who provide most of it. When I first got to an Air Force base, I didn't know anything about anything. Does anybody remember Dan Garza? Dan took me around and if he liked you, you were in good shape. If he didn't like you as a captain, you had a four-year miserable experience. I was lucky to be mentored by people like Dan and other paralegals and, to be honest with you, folks that kind of changed my life.

One reason I wanted to come when General Rives asked me is that I wanted to see some old friends. But, more importantly, I couldn't think of a more appropriate time for someone in politics to come and say "thank you" to people who serve in uniform—people who protect us by upholding the rule of law. In this war that we're in right now, there is no capital to capture, no army to beat, no navy to sink. It's about ideas. It's about hearts and minds. And when you think about it, that's your biggest contribution to the cause because that's what you're about, and that's what I'm trying to be about in politics. It's ideas that are worth fighting for. And in your case, it's called a rule of law.

As we talk about leadership, the one thing I'd like to pass on to you is, I've had a lot of experiences in life beyond my imagination. I'm the first person in my family to ever go to college. I represent most of Americans. I struggle every day. But we struggle for a good cause. The best experience of my life professionally was being a JAG officer. Professionally and personally I met some of the best people you could ever hope to be associated with. I got to do neat things as a young lawyer, things you would never get to do in the civilian world, because they just hand you the file and say, "Go at it." It really is a rewarding experience to serve your country in uniform and practice law around such qualified people. And you never know what might come your way.

That's one of the things I learned early on in the Air Force. You go to law school and you're ready to get started. You're feeling your way around the base and the next thing you know, they make you the Area Defense Counsel (ADC). I never will forget. I'd been in the Air Force about fifteen months and I looked about twelve. But I was just out of law school and hadn't been in the JAG Corps very long and I wanted to be an ADC. Does anybody remember those urinalysis days in the early 1980s where it

was kind of messed up? The first client I had was a life support non-commissioned officer with nineteen years in. He packed the chutes and took care of all the flying equipment. All the pilots loved him. The commander loved him. Then he came up positive on a urinalysis. While in the legal office I had visited the lab and learned it wasn't working too well. When they made me the ADC two months later, I took all my notes and brought them on over. But this guy came in with his wife. I never will forget this—she just busted out crying because she saw me. "They've given us a kid to represent us here." And the only thing I could think of was, "Ma'am, the good news is, I'm free."

The one thing I've learned about being an Air Force lawyer, and the law in general, is that your job is to put your client's interests ahead of yourself. You can do amazing things for people as an Air Force paralegal and as an Air Force lawyer. You represent victims of crimes. You represent people who come up positive and maybe weren't. There are so many of you who help people with claims. You just name it, it's about helping people. That's what I like most about being a lawyer. It's about standing up for people who really wouldn't have a voice if it weren't for you. It's about trying to make things right that were wrong. It's a wonderful, wonderful profession and to wear the nation's uniform on top of it, *that's just as good as it gets.*



I learned from that case that if you're willing to fight hard, the Air Force will give you tools that no other public defender could ever dream of. I'd put the military justice system up against any system in the world because it's made up of dedicated men and women who put their country first and their client first. They're bound by ethics and by a higher calling. I'm just proud to have been part of it.

One of the great experiences of being in the Senate is talking to my fellow senators about the military. Very few people in the Senate have military experience. In politics now, you're getting a generation of people who really haven't served. They really don't understand what it's like to wear the uniform and what it's like to be part of the military. They're very patriotic—you don't have to serve in the military to be a good politician. That's definitely true. But the experience of wearing the uniform and serving your country is a unique experience.

But the bottom line is that Abu Ghraib was a real step backward in the war on terror. It was a giant step backward for us because this is about hearts and minds. What happened in that prison doesn't reflect on you as a member of the military. Sometimes bad people exist in every organization. And the truth about Abu Ghraib is that you had a few people, literally a few people, do some very bad things. But you also had a system that was designed to fail. We didn't have the right people in place with the leadership skills to make sure things like that didn't happen.

To me, leadership is saying things that no one else will say but that need to be said. Being in a room where everybody understands where the commander wants to go, but in your heart knowing that's not the right place to go. That, to me, is leadership. Standing up when no one else will stand up. As lawyers and paralegals, you will have people's ears because of your expertise. The most valuable commodity that you have is the fact that people view you as someone with an expertise and they will instantly stop and listen when you speak. So my advice to you is, when you speak, think about what you say and make sure that you're putting people on the right track. Don't be afraid to say things that other people wouldn't.

And that gets me to General Rives. Has anybody seen the memos that were written early on by the JAGs about some interrogation policies? Well, if you haven't, you need to read them. There was an effort right after 9/11—when our country was really rocked and scared—to come together and adjust to this new enemy, an enemy that knew no boundaries. When you fight back, there's

an instinct to try to get the right answer, as you view the right answer to be. Well, what makes us different, ladies and gentlemen, is that there's a process of getting the right answer. The right answer in the war on terror is, to me, *you don't have to become your enemy to beat your enemy*. Going down that road is the wrong answer. So there was an effort right after 9/11 to look at all the laws relating to interrogation techniques and detention. Basically, from a political point of view, people who were making these decisions really didn't have an understanding of how we've developed as a nation in terms of military law and they wanted to get the right answer. They saw anti-torture statutes as niceties. The Geneva Convention was just something to get around. And given their world and their experiences and their desire to make sure our country was safe, people started taking some shortcuts. They started interpreting statutes in a way they'd never

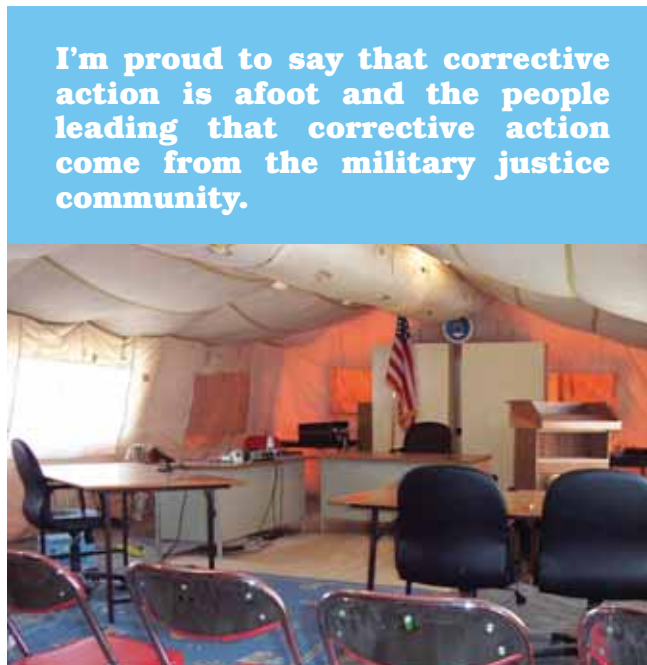
been interpreted before, just to get the right answer. The right answer was to get the bad guys.

There was a group of professional lawyers involved in the process, JAGs from all branches. As these memos were being written about how to interpret statutes and how to change policies to adapt to the war on terror, these brave people stood up and wrote memos that no one wanted to hear. No one wanted to listen. It was a wrench in the machinery and these memos were read with disdain. They really were seen as just a problem—not good advice. And a couple of years later, history showed us that if we'd followed those memos

a lot of the things that led to Abu Ghraib would never have happened. So that is a good example of speaking your mind and saying what needs to be said regardless of personal consequences, and is one of the highlights of our military justice system.

I'm proud to say that corrective action is afoot and the people leading that corrective action come from the military justice community. The military legal community is advising Congress about how to get us back on the right path. As you engage an enemy that knows no boundaries, that respects nothing other than their view of the world, you have to have the self-discipline and the leadership to point a new way for the world. Because what was Abu Ghraib about? It was a failure of American leadership because we gave our enemy a tool they never had before to fight us. We came into this battle with a moral higher ground and, for a moment, we lost it. Well, we're going to recapture it. We're going to get the moral higher ground back. We're going to reform Guantanamo Bay to make sure that every person who wishes harm

**I'm proud to say that corrective action is afoot and the people leading that corrective action come from the military justice community.**



to this country will meet their demise on the battlefield. But if caught, they will be interrogated; they will be detained and prosecuted for their crimes in a way that demonstrates to the world that the rule of law survives the war on terror.

This is going on as we speak. We had a hearing in the Armed Services Committee where General Rives, General Hemmingway, and others, spoke. We're trying to reform our military legal system to deal with the war on terror in a way that we can lead the world out of chaos back into the light. Our enemy's biggest fear is the rule of law. What is the rule of law? It's a system where if you lose the election, you don't lose your right to participate in life. Democracy is not about voting, ladies and gentlemen. Saddam Hussein allowed people to vote. He got everybody's vote. The ballot box was a joke. The ballot box did not represent the democracy. What we're trying to do in Iraq is to bring the rule of law to the democratic process, something that was missing in Iraq. What does that mean? That means if you're a woman, there's a place to go to and ask that your rights be enforced if they're written in the Iraqi Constitution. The Soviet Constitution was a great document on paper, but Ronald Reagan got it right. There's no place to ask for those rights to be enforced. The Constitution is going to be voted on in the next few days and Iraq is a huge sea change from the Middle East and I hope it gets adopted. But if there's not a legal system that enforces those rights, it means nothing.

How hard is it to create a legal system from a dictatorship? Really hard. How hard is it to train a judge to be a servant to the people and the law, and not to the power that comes from being a judge? Really hard. How hard is it to get a cop to understand that he's supposed to protect people's property and their person and not the powerful? Really hard. It's going to take a very long time, in my opinion, to establish the rule of law in Iraq because that's a place in the world where the rule of law has really never had a chance to have a foothold. And simply put, the day that you can lose an election in Iraq and still go on about your business and have your say about life, is the day that the rule of law has prevailed. The day that you can be a Shiite living in a Sunni neighborhood and the police will protect you and ignore your religious difference, that's the day we've made a real sea change in

the Middle East. The day that a mother can have a say about her children in the Middle East is a day that we really strike a blow in the war on terror.

The root cause of the war on terror is the idea that there's no room for differences. And what does the law embrace? The ability to be different. As Judge Roberts said, "The right to be left alone." In our system, you can be the meanest and nastiest and richest guy in town who nobody likes, but when you have your day in court, the law protects you from the fact that nobody likes you. You can be the weakest person in town, but the law gives you your day in court. It allows you to be heard in a way that politics would never allow you to be heard. And how does that happen? Men and women dedicated to a cause

greater than themselves, a court administration based on rules and not corruption. That's what we take for granted here and that's what you're trying to pass on in the Middle East.

I'm optimistic. I'm optimistic that the terrorist attempts to derail democracy in Iraq will fail simply because people are dying in droves for their own freedom. We've lost over 1900 young men and women in Iraq fighting for freedom—not theirs, but someone else's. I would argue that the outcome in Iraq does affect our own freedom very dramatically. The reason I'm optimistic is that every time a policeman is killed in Iraq, someone else takes his place. Every time a politician is assassinated, someone else takes his place. Every time a judge is killed, someone else wants to be a judge. That's all you can ask of anybody is to stand up and fight and die for freedom. It's the only

place in the Middle East right now where average people are taking up arms against the terrorists.

I don't know how long we're going to be there. I know the cost will be high in blood and treasure, but I am convinced to the core of my being that this is a defining moment in the war on terror. Within that defining moment, the great experiment is not about voting, it's not about an army, it's not about a police force, it's about whether or not the people in Iraq want to embrace the rule of law—something you've dedicated your life to. Ladies and gentlemen, if they will embrace it, they will sacrifice and they will suffer to make sure it becomes a reality in Iraq. The sky is the limit for us in the war on terror. If it fails there, then there are dark days ahead. The terrorists are not very interested in a fair election

**That's all you can ask of anybody is to stand up and fight and die for freedom.**



and they fear a fair courtroom. In their world, a woman cannot be seen and heard. In their world, there's only one way to worship God—their way. This war is not about capturing a city. It's not about conquering an army. It's about replacing intolerance with tolerance. It's about replacing an oppressive process with a fair process—a process based on values bigger than individual needs and aspirations.

I am proud to still be a member of the JAG Corps. I know I get in the way. I come and go and it's hard to keep track of me. I appreciate the tolerance you've shown me, General Rives. I've got three more years and I would like to then retire. I would like to get the fruits of my labor and be able to retire one day, but I know I am taking more than I'm giving. But I will end with this thought: when you talk about life experiences, what's made me, Lindsey Graham, able to do the things I've done is the opportunity to be around good men and women at every stage of my life. These people believed in me and had a greater confidence and faith in me than I did. And among those people are droves of JAGs and paralegals. I'm forever in your debt. Thank you.

*(At the conclusion of his remarks, Senator Graham answered several questions posed by conference attendees.)*

**Question:** What issues did you see when you were establishing the TRICARE legislation you pushed through Congress?

**Answer:** I wanted to include the Guard and Reserve in TRICARE because the war is going sour and we need to adjust. Not sour in the sense of the military. The military is going to get out of every fight we're in. But it's gone on longer and taken a toll greater than I thought. If you want to blame someone, and I may be getting off script, you can blame me. When the statue fell in Baghdad, I thought it would fall in place pretty quick. It's clear to me that we underestimated the level and intensity of the insurgency. We underestimated how hard it would be to create a democracy out of a dictatorship. I've always wondered if we had the right troop mix in place in terms of securing the country. We made plenty of mistakes, but what wasn't a mistake was trying to get Saddam Hussein out of power, put him in jail, get him prosecuted, and have a democracy take his place. I think that is the ultimate answer to the war on terror.

The Guard and Reserve are 40 percent of the force now. The war that I was associated with in Germany was the Cold War. C-130 guys were not that important, to be honest with you. We had the Fulda Gap and a bunch of tanks. The Guard and Reserve were all in the Cold War where it was totally different than it is in the war on terror. The expertise that the Guard and Reserve bring to the table is essential to winning the war on terror. It's all about civil affairs and legal folks trying to help people understand democracy. Military police are worth their weight in gold. Fifty-five percent of the air-lifts are coming from the Guard and Reserve. I am confident of the fact that the Guard and Reserve are part of winning the war on terror as far as the eye can see. If you're a member of the Guard and Reserve, you have no access to military healthcare unless you're activated.

And you cannot use the Guard and Reserve at this level of participation for the foreseeable future without the force cracking. How many times are you going to leave your law office? How many times are you going to leave your business? The third time is not a charm. Some Reserve and Guard units have been called up three and four times. The stress on that part of our community is great.

Twenty-five percent of the people called to active duty were unable to go to the fight because they were medically incapable of going. They didn't have any healthcare program to keep them healthy. Twenty percent of the Guard and Reserve are uninsured. So what I thought would be a good solution to this problem is to let the Guard and Reserve sign up for TRICARE and pay a premium—it won't be free. It would be like every other federal employee. It will help recruiting because it provides an avenue to get healthcare. It will help retention because there's a reason to stay. It will help readiness because we need to be physically fit to fight. The Senate bill has full TRICARE eligibility for the Guard and Reserve. I've been at odds with certain people in the administration about this and I won't make a political speech here, but the bottom line is, we're not going away. The Guard and Reserve in this country have earned the right to participate in military healthcare. I'm going to make a prediction: that right is going to be given to you by the Congress because we recognize your sacrifice. That's why I did it.

**Question:** Given the war against terrorism in the United States, and the recent use of active duty troops in hurricane efforts in New Orleans and the Gulf Coast area, do you think that Congress should revisit the Posse Comitatus Act?

**Answer:** That's a good question. I think we probably will; but go slow, be careful. I am a big believer that the reason the Posse Comitatus Act exists is a good one. How many people have been to Turkey? It's kind of weird to walk around with some big guy wearing a helmet with some red lettering on it and a machine gun, knowing that they can arrest you as kind of a paramilitary police. So I would advise the administration and Congress to go slow because the role that the military plays in disaster relief is a necessary role. But we don't want to give politicians the ability to do bad things. Having federal troops—active duty military—come into the community and seize property and put people in jail should be a chilling thought. You should only do it as a last resort. You've got enough to do without being city managers and policemen and it can drain the resources that are in short supply. The Insurrection Act allows the president, if necessary, to declare a state of emergency where federal forces can come in and bring about order. There's a real major effort to move the Defense Department up front in terms of being the lead agency in disaster relief. I want to make sure that moving up front doesn't destroy the local community's ability and right to chart its own destiny. So I'm going to be a voice for going slow. I don't believe we need a major wholesale change in the Posse Comitatus Act. What we need is leadership. We need people on the ground who understand that there is a role for the military. Let's get them involved and let's get them involved appropriately.

What you saw in the hurricane situation wasn't a deficiency in the law, it was a deficiency in leadership. And the reason that the Posse Comitatus Act exists is as valid now as it was a hundred-something years ago because, ladies and gentlemen, I don't want to give any politician—Republican, Democrat, or Independent—the awesome power to come into a local community and use federal forces to take that local community over, unless there's a damned good reason.

**Question:** We've been at such a high tempo for such a long time and it doesn't appear it's going to be letting up any time soon. Civilian employers are starting to shy away from hiring Guard and Reserve for that reason. Do you have any plans or do you have any thoughts on that?

**Answer:** Here's a three-prong strategy on Guard and Reserve. One, lower the retirement age from sixty to fifty-five for those that have served from twenty to thirty years. Now, what does that do? It gives you an incentive to stay on past twenty. What are we learning from this war? That people are getting out in droves at twenty when traditionally they'd stay around. We need an incentive to keep people who are on top of their game at twenty, to stay for thirty, and for every two years you serve past twenty, you retire a year early. So with twenty-two years of service, you retire at fifty-nine. It costs money—you better believe it costs money. Well, let me tell you, if we don't put some money into the system right now, we're going to break the greatest force America has ever seen because there's only so many times you're going to leave your family and your business before you say, "Enough already." And employers out there have suffered. Those who have suffered greatly are the small towns where half the fire and police force are gone two-thirds of the time. That's going to take a toll on the country. So number one, have incentives to stay past twenty by lowering the retirement age for those who will voluntarily stay.

Second, TRICARE to me would be the best thing we could do for the employer community because it takes the burden off of employers. If you've got a Guard or Reservist, we'll pick up the healthcare tab. It will provide continuity of care because you won't have to bounce from one system to the other. There are a lot of folks who are in private plans who get called up to duty and have to change doctors and hospitals to go into TRICARE. I was on a C-130 flight in Iraq where the crew

was comprised of Guard and Reservists. The flight engineer, a navigator and a pilot were going to be first-time dads. One worked for a big company with a healthcare plan, got activated, and his wife had to change doctors and hospitals because of TRICARE. The other guy was basically uninsured, so his wife got healthcare through TRICARE, but they bounced back and forth. So TRICARE will provide continuity of care. It will take the burden off employers and will be a good incentive to stay in.

The third thing is to look at a larger active duty military. We're trying to increase the active duty Army by 30,000. We're trying to increase the Marine Corps. The Air Force is in pretty good shape, but some of the things that the Army is doing, you are going to have to do. We're going to have to get JAGs involved in some of the civil affairs missions because the Army folks are just about to their breaking point. And I'm going to be dead honest with you, recruiting is down. They are now 7,000 people short in the Army—the Guard is around 70-something

percent of their recruiting goal. The Reserve are having a hard time recruiting because it's no longer one weekend a month—it's a free and fast ticket to the Middle East. The basic problem with this war that people in my business are going to have to come to grips with is that we're losing sight of the fact that Iraq is part of a war on terror. No one doubted going into Afghanistan, but there's been a disconnect and I'll blame myself for that. There's been a disconnect in this country about whether what happens in Iraq is a big event on the war on terror. If you don't believe it is, go ask the terrorists, they're coming there in droves. They know what will happen if Iraq becomes a democracy. Their world will shrink. Their footprint will shrink. Their cause will be less. If

they drive us out and we leave a country in shambles, they become much more emboldened. History will judge us, ladies and gentlemen, not by when we left, but by what we left behind. So the Guard and Reserve are going to be essential. Secretary Rumsfeld says 20 percent of the force will be Guard and Reserve in a year from now. I don't believe that. The reason I don't believe it is I don't think the active duty forces are constructed in a way to maintain the tempo that they're being asked to maintain without more bodies. And if you're a recruiter out there, you've got your work cut out for you. How do you get 30,000 more people to come in, given what you see on TV every night? We have to somehow, ladies

**The expertise that the Guard and Reserve bring to the table is essential to winning the war on terror.**



**Lt. Gen. John A. Bradley (center), commander of Air Force Reserve Command, chats with reservists from a Red Horse unit deployed to Afghanistan to repair runways.**

and gentlemen, connect service at this point in time, service in Iraq just like it was in World War II. We've got to recast this war. We've got to hunker down and convince the American people that winning is absolutely essential. The answer is better benefits, a larger active duty force, and more international cooperation. Remember the purple finger? That was a high-water mark; we all loved that. The international community's footprint and presence in Iraq has shrunk since then. That's the wrong message. We've got to get the international community at the U.N. back. We need an aggressive across-the-board strategy to get more people helping us in Iraq, more people in the active service, and better benefits for the Guard and Reserve. I think we've got a window of about a year to get this done.

**Question:** One reason the rule of law in the United States is successful is because we have a secular justice system where everybody may have their beliefs, but you don't discriminate based on your religious beliefs. Do you believe we will be successful in exporting that western-type system to a country that has perhaps not traditionally recognized the separation of church and state without a more fundamental cultural shift?

**Answer:** That's a very good question. We've got to understand that we're not going to recast Iraq in the image of the United States nor should we try. But we should make sure that people who are different in Iraq have the same rights we do. There are three clauses in the Constitution that say the following: Nothing in the Iraqi Constitution can be inconsistent with religious law; nothing in the Constitution can be inconsistent with democracy; nothing in the Constitution can be inconsistent with human rights. Some great politician wrote it that way because it can be whatever you want it to be. The reason leadership matters is because when you have leaders who drift, it affects everybody. It breaks your spirit. It puts a cloud over who you are and what you do. Well, that cloud has been blown away in the past year, thanks to Gen-

eral Rives, and there's more good news to come. If we want to prove to the world that the rule of law works, we will have to practice what we preach. We're going to have to have a system at Guantanamo Bay that allows basic human rights and basic due process. We're going to have to tune out the loud people in our country who want to throw the law in jail, and think the rule of law is a nicety we can't afford. We're going to have to show the world through our actions that even the powerful in America pay a price when they violate the law.

But Abu Ghraib isn't about sergeants and privates alone. If they're the only ones that suffer the brunt of

this, we will have failed as a nation. We will have failed as a force, and we will have failed to show leadership. So my time in the Senate is dedicated to trying to establish a leadership principle that will allow us to win this war. And that is, to be hard on yourself and not take the bait of comparing yourself with your enemy. In my business, people jump on me all the time because I've been somewhat critical and they say, "Well, you've got to understand who we're fighting." I understand who we're fighting and I have no desire to be like them. And don't ever compare my country with Saddam Hussein. That is not the standard, ladies and gentlemen. If that becomes our standard, we've

lost this war and we're hopeless as a nation. Our standard is what we've believed for 200 years and we've made plenty of mistakes. The first time, women couldn't vote, and the African-American wasn't even a citizen. We've come a long way in 200 years and we've got a long way to go. And the way we've gotten there is leadership—men and women standing up and saying things that no one else wanted to say. So at the end of the day, the way we're going to win this war is to demonstrate to the world in the Middle East that our way is better than the terrorist's way. And to me, the constitution that's being written in Iraq could change the Middle East forever if the rule of law has its heart in it. Thank you very much.

**The constitution that is being written in Iraq could change the Middle East forever if the rule of law has its heart in it.**



**On December 15, 2005, Iraqi voters gather around a polling site in the city of Husaybah, Iraq to vote for the first fully constitutional parliament.**

Lindsey O. Graham has served as United States Senator for the State of South Carolina since 2002. Graham spent six-and-a-half years of service on active duty as an Air Force JAG. Upon leaving the active duty Air Force in 1989, Graham joined the South Carolina Air National Guard where he served until his election to the U.S. House of Representatives in 1994. Since 1995, Graham has continued to serve his country in the U.S. Air Force Reserves and is the only U.S. Senator currently serving in the Guard or Reserves. He is a colonel and is assigned as a Reserve Judge to the Air Force Court of Criminal Appeals.

# DR. RONALD M. SEGA

## UNDER SECRETARY OF THE AIR FORCE

*The following is a narrative of the remarks given by Dr. Segal at the KEYSTONE Leadership Summit on 3 October 05.*

It's an honor and a privilege to serve as your Under Secretary, and to be here with you today. This summit is important. The law is important.

With respect to the importance of the rule of law, I was very pleased to learn that some of our JAG Corps took an active role during the early sessions of the Iraqi National Congress. You helped host their congress, helped write the rules of engagement for defending the proceedings, and helped with command, control, and communications—and because of that, the Iraqi people are on their way to securing and enjoying the blessings of liberty.

It makes sense to me that the JAG Corps is asked to help with such an important task. Ask anyone who's been a commander. The best advice they got consisted of two rules for staying out of trouble: follow the core values, and keep the JAG's number on speed dial.

### THE VALUE OF THE JAG

We are in the midst of a difficult campaign against an insidious enemy that has no regard for human life, human dignity, or human freedom. And we are a military under law. We conduct ourselves as such, no matter where we are—even when our enemy is the very epitome of “lawless.”

You are the primary link between our commanders and the law. And the world we live in has changed, and is changing dramatically for those commanders. We are more expeditionary; the Guard and Reserve are more integrated than at any time in the past; we have more civilians and contractors deployed; we have greater interactions with foreign governments and foreign nationals; and our domestic populace is watching us intently on issues like prisoner treatment. All of this requires clear, unambiguous, and unvarnished advice from our JAG Corps. Let me delve into some of these changes.

#### *Expeditionary Law*

The Air Force is now “expeditionary” in nature, and because of that, the JAG Corps often practices “expeditionary law.” It could be traditional base-level functions that we'd find anywhere: legal assistance, military justice, claims actions, contract adjudications, fiscal and environmental law. But it's in the field—in harm's way. You routinely face and solve problems in the local environment, sometimes wearing body armor.

Maybe it's a contracting case at a forward-operating base, where the local laws and the U.S. laws don't agree. You work it out so the food service or supplies keep on coming, to keep our troops fed. Maybe it's a case where our forces had to seize some local property, and you have to negotiate a settlement that will make amends—and possibly improve good will enough to prevent a future attack on a U.S. base or convoy.

Many times, in fact, we call on you to be diplomats: interpreting agreements, balancing local and international law, and always respecting local customs and legalities. You help us build positive relationships with host nation personnel as well as non-governmental agencies and, because of that, we improve security and solidify long-term relationships.

Our commanders and forces have specific obligations and responsibilities under international and domestic law and policy, and your support is absolutely essential to them living up to those responsibilities. You've become a key conduit to mission success.







### *Air and Space Operations Law*

Aside from the legal support you provide to field commanders and their personnel, many of you are directly involved with air and space operations. Our joint forces and combined forces air component commanders have come to rely on you in every phase of operational planning and execution.

You help define the command relationships, develop the rules of engagement, and make sure everyone understands the law of armed conflict. You're an integral part of target and weapons selection, developing air tasking orders, and advising on the legalities of command decisions, especially with regard to time-critical targets.

Commanders look to you for expertise on domestic, foreign, and international law, and expect you to bring up any legal issues on the air and space operations they're planning. Because we are a military under law, they expect you to review all the plans, orders, and targets to make sure they're consistent with U.S. and international law. That helps them know that we're accomplishing the right missions in the right way.

I asked General Moseley, our new Chief of Staff, about the importance of JAG support in his experience. He wrote,

A Combined Force Air Component Commander (CFACC) has an absolute requirement for warfighting, operationally savvy, JAG advice. From thinking through the strategic implications of potential actions/inactions, through building the Joint Targeting List, to thinking through

the Restricted Target List, to developing the master attack plan, to executing the CFACC's plan and tempo, to working the Time Sensitive Targeting of a variety of hostile people and facilities, to working the day to day efforts in security cooperation across a theater. A CFACC's JAG is clearly an indispensable partner in executing this warfighting mission that the USAF is a primary player in executing. The best examples of a CFACC's "carnivore JAGs" are BGen Charlie Dunlap, Col Ed Monihan, and Col Amy Bechtold. Lesson learned from a CFACC . . . don't go to war without 'em!

### *Training*

I saw an article Brigadier General Charlie Dunlap, ACC/JA, wrote, "With Helmet and Flak Vest: Practicing International Law in War Zones," and I was very interested in the training he discussed. Not only do you have an Air and Space Operations Center Initial Qualification Course, but you also go through a Contingency Skills Training Course. You learn small unit tactics, first aid, communications, assault weapon and machine gun maintenance—clearly different from what you need in the courtroom.

But one thing General Dunlap wrote particularly caught my eye. He was writing about the amount of international law that you have to be familiar with, and he wrote, "[L]earning the applicable law is relatively easy; it's learning how to apply the law in the operational setting that is so challenging."

I appreciate that. As you know, I flew on the space shuttle, and on my second mission we docked with the

Mir Space Station. You've probably seen photographs of the customary "handshake in the doorway" scene. Russian custom is to not shake hands across a doorway. So after much discussion and negotiation we determined that the tunnel connecting our two spacecraft didn't count as a doorway, and we could show our good will without offending our Russian hosts. Commanders in the field face unique, local conditions and much more significant issues, and they rely on your expertise to provide guidance and help negotiate equitable solutions.

### *Humanitarian Missions*

Aside from your stellar work in the war on terrorism, over the past few weeks you've done excellent work in our humanitarian relief efforts after hurricanes Katrina and Rita. Not only have you kept commanders and civilian authorities abreast of the legal requirements and ramifications of civil assistance—which has made organizing and coordinating the relief effort possible—but you've done much more.

I read about two teams of paralegals who volunteered to help the recovery at Keesler Air Force Base. The Keesler Legal Office was destroyed, and many of the Keesler JAG Corps personnel lost their own property. Still, they focused their attention outward on their fellow Airmen.

The JAG Corps volunteers operated in an austere, nearly bare-base environment as they walked more than 1200 Airmen through claims briefings. And they literally walked through the damaged areas to inspect more than 600 homes and vehicles to be ready for

claims before most of the owners even showed up. In other words, they did what the JAG Corps does best: took care of the people so the people could take care of the mission.

## LEADERSHIP AND THE CORE VALUES

I hope you get a sense from all of that of how important I feel the JAG Corps is. Your contributions to our military missions and military bases are very important: a tribute to all the officers, enlisted, and civilian Airmen who make up the JAG Corps, and a tribute to your leadership.

The foundation of leadership for you and for all Air Force members is our set of Core Values: Integrity First, Service Before Self, and Excellence in All We Do. We are all responsible to ensure we incorporate the Core Values in our everyday actions.

Now let us talk about some challenges the Air Force and the JAG Corps will face in the future. We will absolutely need to practice and produce excellence to meet them.

## CHALLENGES

I see two important areas—legal frontiers if you will—that will challenge us as we move forward: information technology and space. The rate of change in both these areas is increasing and requires considerable thought.





### *Information Technology*

The Internet started as an information sharing tool among friends. We need to look at a new Internet with security as a foundation. It will require more robust approaches to software and multi-level security. Many, if not most, of our future engagements will be coalition actions, which will require us to share information with foreign personnel. That means balancing between sharing information to complete the mission and protecting our intelligence sources and methods.

We must also advance information sharing within our own agencies—for example, between the Defense Department and the intelligence community.

We will work to build technical means to share and protect information through networks and firewalls and such. We might even develop a network that allows us to “dial” an information sharing level from 0 to 100 percent. We must explore foreseeable legal implications. It’s time to start thinking about it now, before we’re in the thick of battle and time is at a premium.

When you consider that we are exploring machine-to-machine solutions for data exchange—which will make even less time available for consultation and decisions—it’s important that we develop rules of engagement before those systems are in place. We need your help to craft those rules for the human-to-machine interfaces. That’s going to require a lot of creativity and imagination on your part.

### *Space Law*

The second challenge area I want to talk about is space law. Space is a vital part of modern warfare—and modern life, society, and economics. It’s an important field for the Air Force, and becoming more so. Also, our current national space policy was written in 1996 and right now we’re working together on a new national space policy.

Some operations in space have been subject to interference. For example, in the past few years we have faced global positioning system jammers in Iraq and Iranian satellite communication jammers operating out of Cuba. Additionally, we recently fielded the Counter-Communications System, our nation’s first operational, reversible, counterspace system.

There are a host of other issues where we will need your legal expertise including space remote sensing, the developing space power theory, and rules of engagement. We will need JAG Corps assistance to formulate Air Force programs, policies, and doctrine for these issues and many others.

### CONCLUSION

Thank you again for letting me talk with you today. This is an important forum and I wish you the best of luck with the rest of your conference.

Dr. Ronald M. Sega is Under Secretary of the Air Force, Washington, D.C. Dr. Sega is responsible for all actions of the Air Force on behalf of the Secretary of the Air Force. In that capacity, he oversees the recruiting, training and equipping of more than 710,000 people, and a budget of approximately \$110 billion. Designated the Department of Defense Executive Agent for Space, Dr. Sega develops, coordinates and integrates plans and programs for space systems and the acquisition of all DoD space major defense acquisition programs. Dr. Sega has had an extensive career in government service, academia and research. He graduated from the U.S. Air Force Academy in 1974 as a distinguished graduate. His active-duty assignments included instructor pilot and Department of Physics faculty member at the U.S. Air Force Academy. He entered the Air Force Reserve in 1982 with the 901st Tactical Airlift Group at Peterson Air Force Base, Colo., serving in a variety of operations positions. From 1987 to 2001 he served at Air Force Space Command in several assignments, including Mission Ready Crew Commander for satellite operations for the Global Positioning System, Defense Support Program and Midcourse Space Experiment. A command pilot with more than 4,000 flying hours, he retired from the Air Force Reserve in 2005 as a major general, last serving as the reserve assistant to the Chairman of the Joint Chiefs of Staff. Dr. Sega joined NASA as an astronaut in 1990, making his first shuttle flight in 1994 aboard the Space Shuttle Discovery. From November 1994 to March 1995, he was NASA’s Director of Operations, Russia, responsible for managing NASA activities supporting astronaut and cosmonaut training for flight on the Russian Mir space station. He completed his second shuttle flight in 1996 as payload commander for the third shuttle/Mir docking mission aboard Atlantis, completing his astronaut tenure with 420 hours in space.

# MAJOR GENERAL JACK L. RIVES

## DEPUTY JUDGE ADVOCATE GENERAL

*The following is a transcript of the remarks given by Major General Rives at the KEYSTONE Leadership Summit on 3 October 05. Minor editing was performed prior to publishing.*

This is a great time to serve in the United States Air Force Judge Advocate General's Corps. This is also the right time to have this KEYSTONE Leadership Summit. Keystone, Colorado is a beautiful place but we 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. That's what we'll be focusing on this week.

This morning, I'll highlight how we got to where we are now and what we ought to be looking for in the future. I'll discuss some of my personal views about leadership and I'll talk about some current JAG Corps issues.

We've had JAG leadership conferences for decades. Originally, we simply had the general court-martial convening authority (GCM) staff judge advocates get together. In the early years, they talked about military justice topics and not much else. The conferences evolved into broader discussions of issues, and attendees were expanded to include more JAGs, senior paralegals, and Guard and Reserve JAG Corps members. For years, we continued to call these annual get-togethers "GCM conferences." This year, we're initiating something different, something new.

KEYSTONE 2005 is our Leadership Summit. It has a dramatically different purpose than anything we've ever attempted. It's been two years since we've gotten together for a large conference and during that time, a lot has changed. A lot is still the same though. JAG Corps members still come in early, stay late, work hard, and work effectively to serve the needs of commanders, fellow Airmen, and people in the local community. They work smart; then they go home and take care of their families. That's the way we've done things through the years.

And through the years, we've had people throughout the JAG Corps who do more than just what was required, we've had people do heroic things. They're everyday heroes, but they would say they're just doing their jobs.

- I'm talking about people like Staff Sergeant Veronica Logan at Altus Air Force Base. She had enrolled in courses to get an advanced degree in paralegal studies when Hurricane Katrina wiped out the area around Keesler Air Force Base. Staff Sergeant Logan heeded the call to help. She

went to Biloxi and she slept on a floor in a sleeping bag for several days. She worked long hours to help other people. She gave up her opportunity to proceed with her classes, selflessly sacrificing to serve others.

- One of our senior mentors today, retired Reserve Brigadier General Ed Rodriguez, has not gone quietly into a well-deserved retirement. He continues to work tirelessly behind the scenes to help the men and women of the JAG Corps in many very significant ways.
- Mrs. Joyce Stephens is a court reporter at Sheppard Air Force Base. She began working for the government more than thirty-eight years ago. She's deeply involved with her local community. She recently completed an eight-week course to learn more about how local police authorities do their jobs, a civilian's version of the police academy.
- Master Sergeant Chris Hernandez saw an opportunity to improve relationships between the Americans on base and the local Turkish community at Incirlik Air Base. Soccer is popular in Turkey, and he initiated an annual soccer match between the base and a local team. The first match was very successful. Not just as a game, but as an opportunity to improve relationships. A Turkish general officer sat with the local wing commander and they conducted some business as they enjoyed the game. They resolved a customs issue that had caused problems for a number of months.



- I'm talking about people like New Jersey Air National Guard judge advocate Major John O'Connell. A few years ago, he volunteered to serve a one-year tour helping with detainee issues at Guantanamo Bay, Cuba. And now, he's serving another one-year tour in Iraq.
- Then-Major Eric Dillow was traveling on a C-130 to begin his deployment to Southwest Asia a few years ago. The aircraft was involved in an accident and three Airmen were mortally injured. Two of them were sitting within fifteen feet of Major Dillow. Major Dillow suffered some minor injuries and he was given the opportunity to go home immediately, but he chose to serve the full deployment—and served with distinction.
- Technical Sergeant Victoria Watts is a paralegal at Shaw Air Force Base. Not too long ago, she was in the office at about 1800 hours, wrapping up a few things when a lady came in with her infant child, extremely distraught. She suffered from an abusive husband and needed to see a lawyer. Sergeant Watts set up an immediate attorney consult. She also provided some food and clothing and helped secure lodging for the woman and her child. She selflessly offered essential assistance to help that woman get on track to a better life.
- I'm talking about a number of judge advocates and paralegals who have helped with "Patriot Details," assuring the proper honors for deceased military members on their final flights home, frequently from the battlefields of Afghanistan and Iraq.
- And I'm talking about people like Staff Sergeant Carrie Staugler. Sergeant Staugler is an information manager who works in our Administrative Law Division in the Pentagon. She's volunteered for the Red Cross for years, and when she heard the call from the Red Cross to help with Hurricane Katrina efforts, she took three weeks of leave to go to Mississippi and help. Each day she woke up early, took a two-hour bus ride, worked twelve hours or more, rode the bus back

for another two hours, then repeated the process day after day. She used three weeks of military leave selflessly. That's the type of service the men and women of the JAG Corps offer.

Why do we do this? For people like six-year-old Jordan Chandler. She's one of the victims of Hurricane Katrina. She also represents America's youth, the people we want to support and protect. We want to assure them opportunities for a good life, such as our fellow citizens have enjoyed through the years. We want to help her in a time of need now, and we want to help her in the future. We're willing to do the hard things now to hopefully help make her life easier. I'll talk more about Jordan Chandler later.

Our JAG Corps is alive and well. Until a few years ago, we were a "Department," and the JAG "Department" had many proud traditions. But "Corps" is the right name today. It's the right name for a military organization. "JAG Corps" works particularly well for us because our Corps is totally inclusive. The Air Force JAG Corps, as with the JAG Department, includes JAGs and paralegals, civilian attorneys and other civilian personnel, and the Guard and Reserve of our Total Force.

Ten days ago, our Chief of Staff, General Moseley, held a general officer's call in Omaha, Nebraska. He mentioned the JAG Corps often. He described the type of support the JAG Corps provides to him personally and to our Air Force as a whole. He emphasized the critical roles that each of you perform.

What do we do that makes our service so valuable? You likely have seen a photograph of an Air Force Special Operations Forces noncommissioned officer, Master Sergeant Bart Decker. About four years ago, in the early days of Operation Enduring Freedom, Sergeant Decker was in Uzbekistan and northern Afghanistan. Even though they may have been on horseback, Sergeant Decker and other battlefield Airmen carried in their saddlebags all the cutting edge technology needed to coordinate, direct, and control the full range of Air Force capabilities, from



close-in gunship fire support to precision guided 2,000 pound bombs. With a laptop computer and a satellite phone, Airmen like Sergeant Decker were able to call in precision air strikes from B-52 aircraft that might have been forty miles away. Some of those aircraft launched strikes that hit targets within a few hundred yards of the forward controller's own position.

It's an incredible story: nineteenth-century cavalry, twentieth-century aircraft, and twenty-first century technology in communications and munitions. Consider what the JAG Corps does to support Sergeant Decker and people like him. Beginning when he's at his home station, before he deploys, he goes to the legal office to get his personal affairs in order. We help him with powers of attorney and a will, and maybe he has a landlord-tenant problem, or a debt issue. We help give him peace of mind before he departs, so he can focus on the mission. When he arrives in the AOR, we have JAGs and paralegals available to help him with follow-on issues.

Concerning the mission, Sergeant Decker will get detailed guidance from the JAG team. He'll be briefed on the rules for the use of force. JAGs will be in the Air Operations Center to advise commanders on rules of engagement and targeting issues to ensure that the strikes coordinated by Sergeant Decker comply with the law of armed conflict.

With everything we do in the Air Force, you can see how members of the JAG Corps serve as enablers: from contracts for new weapons to modernization of old weapon systems, to helping Sergeant Decker lawfully procure that horse in northern Afghanistan.

We provide essential services, and we must continue to improve. How? It all starts with the Air Force Core Values: Integrity, Service, and Excellence. The Core Values are relevant to everything the Air Force does, and they're applied universally.

For the JAG Corps, we wanted to capture concepts that focus on our special contributions. Thus, we have: "Wisdom, Valor, Justice." These terms reflect our aspirations, our goals. And the words also reflect reality. Members of the JAG Corps have served with wisdom, valor and justice since the earliest days of the Air Force. You will sometimes see the words in Latin: "Consilium, Virtus, Justicia." We will use the Latin because that language ties us to tradition; it's the early language of the law. Whether English or Latin, what do I mean by these terms?

Let's start with Wisdom. Here we're not just talking about "intelligence" or the ability to come up with clever

solutions to problems. Wisdom is knowledge tempered with experience. It's more than the ability to make sound choices and good decisions; it's having the capacity to make the *best* decisions. The fundamental core competency of everyone in the JAG Corps is mastery of legal information. It's the key to all we do: conveying the right information at the right time. Unless people know they can get good, solid, common sense advice from legal professionals in JA, we are of little value. Wisdom is the starting point for all we do.

Next is Valor. A dictionary definition of valor could be "exceptional or heroic courage when facing danger, especially in battle." Just over a year ago, Chief Dillard-Bullock, the TJAGC Senior Paralegal Manager, visited the AOR. One of the things that struck her was the need for JAG Corps legal professionals to exhibit physical courage and to master fear.

It was about a year ago that Lieutenant Colonel Joe Treanor was in Baghdad. An incoming mortar shell exploded about fifteen yards from where he stood. He felt his lung being pierced before he heard the explosion. He knew he had been wounded, but he also realized other people had been injured. He declined immediate medical care for himself, first making sure that everyone else received medical care and that the area was secured. The doctors wanted to medevac him to Germany or back

to the States, but they told him the shrapnel probably wouldn't cause significant problems as long as he didn't make jarring movements. He chose to continue his duties in the AOR for the next three months. He was willing to continue serving despite the physical risks. In fact, his main frustration was that he couldn't jog because of the shrapnel in his lung.

Lieutenant Colonel Treanor displayed physical courage. In the JAG Corps, we also emphasize an additional dimension of valor, and that's the courage of your convictions. I'm referring to things like reporting misconduct, knowing how to deliver bad news, knowing how to prudently disagree with the boss—and being willing to do so. As Teddy Roosevelt observed, "Your place should never be with those cold and timid souls who know neither victory nor defeat."

Captain Erin Wirtanen was assigned as the sole JAG Corps presence at Al Jaber Air Base in Kuwait three and a half years ago. She was awakened one April morning by the command post because there had been a friendly fire incident involving F-16 aircraft over Tarnak Farms,

**Members of the JAG Corps serve as enablers: from contracts for new modernization of old weapon systems to helping Sergeant Decker dutifully procure that horse in northern Afghanistan.**



Afghanistan. She responded immediately and provided spot-on advice to commanders. She spoke with officials back through the JAG chain to make sure she was giving the right advice on some very difficult issues. This young captain provided exceptional on-scene advice. She met the aircrews when they came back and made sure evidence was properly preserved. Some people wanted to “protect” the pilots instead of preserve the evidence, but Captain Wirtanen made sure the right things were done. Captain Wirtanen showed valor by holding people accountable, speaking up when things weren’t right—reminding others that legal standards set a floor, not the ceiling.

Finally comes Justice. Military justice, of course, is at the core of our existence. Our disciplinary system separates the military from civilian life. Almost 250 years ago, then-Lieutenant Colonel George Washington observed: “Discipline is the soul of an army.” And indeed it is.

Earlier today, we heard about the abuses at Abu Ghraib prison. Consider what happened and realize that the abusers were undisciplined troops. Americans are proud of their military because we have an extremely disciplined force. It’s critical to have disciplined troops or we cannot accomplish the mission. JAGs work with commanders and supervisors to help assure a disciplined force. And a disciplined force must be based on a just disciplinary system.

Also understand that justice is not a sporting event. Lawyers tend to talk about wins and losses, but the ultimate test is whether things were done *right*, whether we got the *right result*, and whether we got that result for the *right reasons*. If a trial counsel does things within broad legal bounds but fails to live up to the highest standards, he or she does not deserve to take pride in the result. That is not how “justice” works. The question is not whether you win or lose, but whether the process and the result are just.

Understand that when we talk about justice, we’re referring to more than military justice. We need to seek justice in all we do. As leaders, this includes dealings with your staff, with other agencies at your installations, with higher headquarters offices, and with subordinate offices. That’s what justice is all about.



Now, how do wisdom, valor and justice work together? They’re often combined in the course of the things we do as members of the JAG Corps. For example, consider being pressured to take a case to court when you know the evidence is not there. Or, you may be pressured not to go to court because of expediency. Responding properly requires the wisdom to identify the appropriate forum, the valor to press for that result, and a sense of justice to guide you through the process.

JAGs and paralegals have well-deserved reputations for coming up with smart solutions to problems. We frequently deal with commanders, first sergeants, and others who want to accomplish a certain goal, but need our help to do it in the best manner, within ethical and legal standards.

Sometimes, though, “no” is the right answer. Sometimes, we have to do the hard thing and tell commanders or others they simply cannot do what they want to do. I recently saw an e-mail exchange between a senior judge advocate and his commander. The JAG gave exactly the right advice, explaining why certain things could not be done legally. The response from the commander was: “Well, I guess I just need to get myself a more clever attorney.” That of course is not the right approach. I’m proud to tell you that the JAG stood his ground and ultimately the commander did not violate any legal standards.

One of the great compliments I’ve seen was on a promotion recommendation form written by a very senior commander about his JAG. He wrote: “He’s always right, even when I don’t want him to be.”

So as Airmen, our Core Values are Integrity, Service, and Excellence. As members of the JAG Corps, we apply them with Wisdom, Valor and Justice.

Now, let’s examine what this means to us today and this week. We’ll have many prominent speakers talk with you about important Air Force and national-level issues. You’ll hear from senior leaders and academic experts, more than we’ve ever had at a single JAG conference.

We’ll provide each of you with a copy of our new publication on leadership, *I Lead!* We’re very proud of this handbook, which is part of our expanded JAG Corps Leadership Development. *I Lead!* is not intended to be placed on a shelf; it’s designed to be a practical and useful guide on leadership, tailored to the JAG Corps. This handbook will help us do better in leadership preparation, training, and execution.

We need to nurture the less experienced members of the JAG Corps. Focus on who they are for a moment. The Air Force and the JAG Corps have been continuously deployed since Operation Desert Shield and Operation Desert Storm more than fifteen years ago. We are a nation and an Air Force at war. Combat began on 17 January 1991 when Operation Desert Storm began, and the Air Force has been engaged in hostile operations continuously since then. Most of the Airmen in our offices—and throughout the Air Force—only know today’s expeditionary Air Force. Many of you will be surprised to learn that some 35 percent of today’s active duty Air Force judge advocates received their JAG badge after 9/11. Consider this as you realize who is in your office and who we need to lead and mentor.

To be an effective leader requires a heavy commitment. We're not going to give you all the answers and you won't be perfect leaders as a result of this week's discussions. No one has all the answers. Leadership can be lonely. I encourage you to talk to your colleagues, people you've known for years as well as new acquaintances you meet this week. People in the JAG Corps really do enjoy helping each other, so call others for advice. Don't try to solve everything on your own.

I'd like to turn to some leadership principles. I'll start with General Douglas MacArthur's famous admonition: "You are always on parade." That's especially so for everyone in this room as leaders of the JAG Corps. You're professionals. People expect you to live by the highest standards. Don't just talk about high standards—live them. We are professionals, and we prove it with our conduct and our actions every day of the year. It's not something you can turn on and off. You are always on parade. It's an essential aspect of leadership.

We're all role models. Our fellow Airmen look to members of the JAG Corps to do things the right way. We're all aware of those who have fallen short. I sometimes talk of "negative lessons learned," of those in leadership positions who don't do the right things. It can be as simple as a timely performance report. I once worked for an officer who wrote a report on me a year after it was due. That "negative lesson" is one reason I finalize evaluations when they're due.

A former Deputy Judge Advocate General, Major General Jim Taylor, observed more than two decades ago, "JAGs are fortunate to be members of two professions, the profession of arms and the profession of law." The concept applies to everyone in the JAG Corps. It means we strive to do the very best, always. We're much more than merely advisors on the law. Those of us in uniform are combatants. We're all "embedded" with our fellow Airmen, part of the "Band of Brothers." That adds another dimension to the quality of our service and gives additional meaning to our advice.

Professionals respect others. And you must show respect not only to those more senior to you; show respect for your colleagues and for those who are junior. Part of this involves the basics—saying "Please" and "Thank you," and especially "I'm sorry." You may be surprised at how well others react when you simply acknowledge,

"I made a mistake, I'm sorry." They know you're not perfect and they know you didn't make a mistake or cause a problem on purpose, and they readily forgive you. But you will gain a lot of respect from the simple act of apologizing. Again, we're not perfect, but we do aspire to the highest standards. We can all improve when we recognize our shortcomings.

Respecting people is critical to everything we do. We have a lot of people in the JAG Corps, almost 4,500 on our Total Force team. Every one of them is important. Every one of them deserves respect. This means more than the basic courtesies. It means not throwing your weight around and becoming the kind of boss people resent. It means respecting their opinions and contributions. And when you must correct them, doing so without demeaning them.

It means respecting their differences. We have no room for those who demean or harass others because of the way they look, or where they come from, or what their religion is, or their ethnicity, or their gender. Everyone must be treated with scrupulous fairness. It's the law, and it's the right thing to do. And it's not enough for you personally not to act in such a manner; you cannot tolerate such actions from those around you. You need to be alert for potential problems and address them effectively and promptly. We cannot over-emphasize the rules against unlawful discrimination and harassment. You can't do it, you can't permit it, and you can't ignore it. It's that simple.

I've already referred to our Air Force Core Values. How great is it for a legal professional to know that people don't question your integrity, our first Core Value? When you talk to others, they assume you have integrity, that you're being honest with them. Realize that honesty is not a give-and-take thing. You have to be completely honest all the time or you are not an honest person. There are no degrees of honesty. It's not a compliment to say: "She's honest most of the time" or "He's pretty honest."

We are now in the service of a grateful nation. A little over a year ago, I was conducting an Article 6 inspection at Davis-Monthan Air Force Base. One of the JAGs told me that a couple of days before, she had gone to a farewell luncheon off base. As she was driving back to base, she was stopped at a traffic light and noticed

**Don't just talk about high standards—live them. We are professionals, and we prove it with our conduct and our actions every day of the year.**





a very large motorcycle stopped beside her. The driver kept revving his engine, making a lot of noise, obviously trying to get her attention. She finally looked over and saw a huge biker with tattoos all over him, and he motioned to her uniform. He gave her a thumbs-up and he mouthed, "Thank you." People appreciate what you do. You get a lot of satisfaction when you serve as a proud professional.

Discipline is essential, in both our personal lives and in our professional lives as members of the military. JAGs play a critical role in having and maintaining a disciplined force. In years past, some have described military justice as "Job One." I personally don't say that because there are a number of important priorities for us. I realize that military justice and military justice processes are a central JAG Corps responsibility and we have to do them right. But I know there are other priorities and we have to do those every bit as effectively as we do our jobs in military justice.

We need to have a well-disciplined force, but this does not mean we must have a "perfect" force. People occasionally talk about a "one-mistake" Air Force. That's wrong; we are not a one-mistake Air Force. JAGs and paralegals help commanders understand they have a wide range of options to respond to disciplinary infractions. We all well understand that not every violation of the Uniform Code of Military Justice (UCMJ) results in action under the UCMJ. We work with first sergeants and commanders and help them decide the best response to allegations of a violation of the UCMJ, which may be a letter of reprimand, letter of counseling, or a verbal counseling. Further proof that we're not a one-mistake Air Force: Year in and year out, we take UCMJ action against only about 2½ percent of our military members. We all know that while a large number of technical violations of the UCMJ occur, many are appropriately handled at a different level.

One thing we need to do more effectively as a JAG Corps is telling the military justice story. We know that there is no better system of criminal law than the military justice system. We need to talk to our fellow Airmen and speak out in our local communities. We need to write articles locally and for larger audiences, and we need to use the media to do a better job of telling the military justice story.

We've heard "intelligence" or "command and control" are force multipliers. But I like General Colin Powell's observation: "A positive attitude is the real force multiplier." As leaders, your attitude is going to be infectious,

positively or negatively. You don't get to choose whether others will look to you. By definition, when you wear the uniform, you're a role model; you're a leader of others. All of us have personal lives and we all have days when things aren't going very well. If you compartmentalize the negative things in your life and come to the office with a positive attitude, everybody will be in a better frame of mind. People who wear their problems on their sleeve and take out frustrations on their staff are not effective leaders. A positive attitude is a real force multiplier.

I know how hard you work. But realize you must have balance in your life. And do not just tell others to take the time to smell the roses. Use your leave. Take care of yourself mentally, physically, and spiritually. You need to reflect on what's really important in life. Sure, dealing with the daily crises effectively can give you a lot of satisfaction. But step back and see how effectively you're doing this day in and day out. Consider whether you will regret, years from now, not staying at the office late—or will you really regret missing something that one of your children has done or that your spouse is doing, or showing support for other family members? Do your job properly and professionally, but have balance in your life.

Now I'd like to highlight some JAG Corps issues. We all know that we've been without a Judge Advocate General for more than a year now. Having a TJAG is important, but we have superb people throughout our JAG Corps, and that enables us to provide outstanding legal support at all levels of the Air Force.

Over the past three years, we have had about nine applicants for every direct appointee judge advocate position. And retention is healthy. We've also refined the continuation pay process to make it much simpler and more effective. JAX works assignments very effectively and we strongly encourage communications about assignment actions.

Paralegal manning is in much better shape than we anticipated a few years ago. We're at about 91 percent manning overall. We've had very successful cross-training at the E-8 and E-8-select levels. We've done it by choosing the right people, then training and utilizing them effectively. We've begun to access larger numbers of non-prior-service students in the paralegal apprentice course. These initiatives have been very successful. I challenge you to emphasize paralegal recruiting programs at your installations. This is fundamentally a local issue and we need to do a better job. Chief Dillard-Bullock and our Paralegal Top-to-Bottom Review team

**I know how hard you work. But realize you must have balance in your life.**



**Staff Sergeant Lee Feldhausen and his daughters, Kaley, 4, and Breanna, 1, inch their way through a low-crawl obstacle during Hanscom Warrior, Junior Warrior Day.**

will be reporting to you later in the week on their efforts to review and refine our paralegal programs.

Our reserve components are also in great shape. We're at about 98 percent manning overall. Simply stated, we could not do our job without the strong support of our reserve components. Last year, more than 200 members of our Guard and Reserves served tours of more than thirty days. When you add it up, the reserve components added more than 250 additional man-years of service to the Air Force.

We're also blessed with great civilians as dedicated members of the JAG Corps. We'll be initiating some new programs here as well. The Air Force is creating a civilian force development concept of operations, and we're actively engaged in the effort. We're also working on an Air Force-wide program to reimburse civilian attorney licensing fees. The legislation passed a few years ago but too few people have benefited from it. We want to provide funding for all of our civilian attorneys worldwide. We're also working with the personnel community to create a new civilian legal career field manager position.

Last year, as all of you know, the former Judge Advocate General was removed from his position. The case is widely known; the details are widely known. I've talked to a number of people, both on an individual basis and in group discussions. I'm glad to discuss it further with anyone at any time. All of you need to know the facts and be prepared to discuss the case with those who are interested.

In April, we initiated a worldwide Total Force JAG Corps climate assessment. We had great participation and I read all of the comments that were submitted. In general, we're in very good shape. Leadership is doing an extremely effective job, but there is room for improvement. We have several new initiatives, and we'll be discussing many of them this week.

A year ago, Congress passed new legislation affecting JAGs. For the Air Force, the legislation is codified in Title 10, United States Code, Section 8037. The law makes it clear that The Judge Advocate General serves as legal advisor to the senior leadership of the Air Force. TJAG also has responsibilities for the duty performance of judge advocates, wherever they may be assigned. The new law states that no one in the Department of Defense may interfere with TJAG's ability to give independent legal advice to senior leaders and no one can interfere with a JAG's ability to give independent legal advice to commanders in the field.

The President signed a military order creating military commissions in November 2001. The Air Force JAG Corps has been actively involved in military commissions from the beginning, helping to devise how they would operate and build the processes. Brigadier General Tom Hemingway was recalled from retirement to serve as the Legal Advisor to the Appointing Authority more than two years ago. The Commission's initial Chief Defense Counsel was Colonel Will Gunn, an Air Force JAG, and the current Chief Prosecutor is Air Force JAG Colonel Moe Davis. A number of JAGs are working in the Office of the Appointing Authority and in the Offices of the Chief Prosecutor and the Chief Defense Counsel. We also have paralegals who've served extended tours with these offices. The JAG Corps is heavily involved in this historic process.

Over the past year, you've seen us devote a lot of attention to JAG Corps major focus areas. For six months

or so at a time, we'll conduct a comprehensive study of an important area of our practice. I've mentioned the Paralegal Top-to-Bottom Review, and we'll hear their report this week. At our Executive Conference in May, the Military Justice 2005 Study was briefed. That report is over 600 pages in length, and it explores the full range of military justice processes to make them as effective as possible. Next, we're going to focus on legal information integration. In the future, we've identified operations law and legal education and training as areas for concentrated study. As we have in the past, we're going to need your active involvement.

This is a great time to be in the JAG Corps. We face great challenges, which

present great opportunities. A critical function of leaders is to train the coming generations of leaders. Our younger members are eager, they're excited, and they want to be a part of the Air Force mission. Within the JAG Corps, we have a great reputation for taking care of each other. We help train people, we help educate them, and we work with them on a personal level to make sure they are as effective as possible. We mentor each other, and we take pride in the accomplishments of others in our JAG Corps. And we do this not merely as individuals, but as members of a team. That's what we do in the JAG Corps. We're members of a great team. General Jim Swanson made a perfect observation: "The JAG Corps is the ultimate team."

An example of this occurred in the aftermath of Hurricane Katrina. Air Guard judge advocate Major Mary Enges spent several days of a special tour with her unit

**That's what it means to be a member of the JAG Corps. We're not doing things by ourselves. We have that "invisible team" standing around us, helping to make sure we're all prepared for whatever crisis may occur.**





providing personal legal assistance to members deploying to the New Orleans area so they could be as comfortable as possible with their personal legal situations and could focus on the mission. She worked closely with commanders and supervisors, and she briefed deploying Airmen on a number of issues, including rules for the use of force.

She took special pride in what she had done with the post-hurricane relief operations. She noted in an e-mail that was ultimately forwarded to me that she had not done it alone. She referred to the “incredible team standing invisibly around” her.

That’s what it means to be a member of the JAG Corps. We’re not doing things by ourselves. We have that “invisible team” standing around us, helping to make sure we’re all prepared for whatever crises may occur.

We can’t choose when we’re going to be born, or where we’re going to be born, or the conditions under which we grow up. But most of us do have some ability to choose what we’re going to do with our lives. Our JAG Corps and our Air Force are particularly worthy callings.

I spoke earlier about some of our people who have done heroic things. Some situations involved physical valor, others called for the courage of convictions. We have many of these “everyday heroes” among us.

Whenever you talk to one of our military heroes, they tend to tell you that they’re just an ordinary person who was in an extraordinary situation. They’ll say, “Anyone would have done the same.”

Outside the Office of the Secretary of Defense in the Pentagon is a very large painting of a family in prayer. It

includes a quotation from the book of Isaiah 6:8: “I heard the voice of the Lord saying, ‘Whom shall I send and who will go for us?’ Then said I, here am I, send me.”

Let me tell you about Technical Sergeant Jennifer Chandler, who deployed to Iraq in June. She has a fascinating job in a very busy office at her deployed location, working on Iraqi detainee issues. Her office is responsible for over 20,000 records, which they process for eventual action by Iraqi authorities. Their office began transitioning to a new records system several weeks ago, and she had a plan to complete everything by the time she departed. She works fifteen- to eighteen-hour days, seven days a week.

I mentioned Jordan Chandler earlier. Jordan is Technical Sergeant Chandler’s daughter. Sergeant Chandler’s home station is Keesler Air Force Base. When she deployed in June, her mother came to live with her daughter, so that Jordan could start first grade in Biloxi in August. When the Keesler area was evacuated because of Hurricane Katrina, Jordan and her grandmother went to Alabama. Personnel who were deployed from Keesler were given an opportunity to cut their tours short and return home early.

Sergeant Chandler got in touch with her daughter and mother. Jordan had moved to Alabama with her grandparents and was enrolled in first grade there. She only had the few clothes her grandmother had packed when they were evacuated. Sergeant Chandler learned that her house had been under six feet of water and almost everything in it was destroyed. The only clothes she now owns are those she had taken for her deployment to Iraq. But she realized that her mother was okay, her daughter was okay, and that she was needed in Iraq.

I’m told that of all the Airmen from Keesler who were assigned to this location in Iraq, Sergeant Chandler is the only one who said, “I’ll stay here and complete the mission.” Sergeant Chandler reinforced her decision on what to do at this point in her life. She gives us all reason to take pride with her response to the question, “Whom shall I send and who will go for us?”

Members of the JAG Corps have chosen to live the Air Force Core Values, and for us, “Wisdom, Valor, Justice” are not just words. They explain what all of you have chosen to be a part of. “Wisdom, Valor, Justice” truly defines the men and women in the Air Force Judge Advocate General’s Corps. It’s my great honor to serve with each of you.

Major General Jack L. Rives is Deputy Judge Advocate General, Headquarters U.S. Air Force, Washington, D.C. Since 22 September 2004, General Rives has been performing the duties of The Judge Advocate General pursuant to Title 10, United States Code, Section 8037. In that capacity, he is responsible for the professional oversight of more than 2,200 judge advocates, 350 civilian attorneys, 1,400 enlisted paralegals and 550 civilians in the Total Force Judge Advocate General’s Corps worldwide. In addition to overseeing an array of military justice, operational, international and civil law functions, General Rives provides legal advice to the Air Staff and commanders at all levels. General Rives received his commission through the Air Force ROTC program in 1974. He completed his legal education at the University of Georgia School of Law in Athens before entering active duty in 1977. The general has served as a wing staff judge advocate, Deputy Legal Counsel to the Chairman of the Joint Chiefs of Staff, Commandant of the Air Force Judge Advocate General School, and as the first Chief of the Air Force Executive Issues Team. Prior to assuming his current position, General Rives served as ACC SJA.

# CHIEF MASTER SERGEANT GERALD R. MURRAY

## CHIEF MASTER SERGEANT OF THE AIR FORCE

*The following is an edited transcript of remarks given by Chief Master Sergeant Murray at the KEYSTONE Leadership Summit on 4 October 05. Minor editing was performed prior to publishing.*

As I travel throughout the Air Force, I believe the most important thing I do is talk with Airmen, not at Airmen. Throughout my career, and as Chief Master Sergeant of the Air Force, I have always known that, in leadership positions, communication is absolutely essential. So, I have collected what I like to call “perspectives” on our enlisted corps. These are thoughts about our increased duties and responsibilities and the expectations we should all have of our enlisted corps.

One of the things I have come to truly believe is that we must deliberately develop our Airmen. To that end, it’s important to understand a little bit about our retention and trends.

As you look at the Total Force today, you must look at the requirements, authorizations, manpower, personnel, and the way we assign people. In 1990, when I was in Desert Shield and Desert Storm, there were over 660,000 active duty Air Force authorizations. Today there are 359,000, and next year we’re going to drop about 1,800 more authorizations. If projections hold true, considering the BRAC, our new technologies, and the downsizing of our aircraft inventory, ten years from now, Airmen will yet again be talking about how big we used to be.

Today the enlisted corps makes up 80 percent of the force—about 278,000. Our current authorization is over 287,000. A year and a half ago, we were close to 305,000. If you do the math, it points out that we have 27,000 less enlisted Airmen in the Air Force today than we did just a year and a half ago. And yet we’ve not slowed down one bit of our tempo. We actually have more people deployed this year than we did last year. And we continue accomplishing our taskings and missions despite less manpower.

While our enlisted force is over 7,000 short of next year’s authorizations, our officer corps has a 4,000-officer surplus. Therefore, we must continue over the next few years to correct the imbalance of our force. For the past two years, General Jumper and I have told our Airmen that as we shape this force, we would not force any quality Airmen out of our Air Force. They just might not be in the jobs they thought they would be in. In fact, I often get beat up in the field. Maintainers are concerned they’re not getting CJRs to continue to be maintainers. The fact is, we’ve got enough crew chiefs today, and we now need load masters and flight engineers. We’re also increasing the number of pararescue, combat controllers, and tactical air control party Airmen. If any Airman wants to go into those fields, we will welcome them in a hurry. We will continue to work to balance

our force throughout all AFSCs, and every Airman needs to understand the reasoning behind this process.

Now, for the first time in probably over two decades, we face the fact that we must take some deliberate actions to draw down the number of officers we have in the Air Force—primarily at the lieutenant level. This will be equally important in keeping our force balanced.

In discussing the shape of our enlisted force, it’s important to understand that the law dictates the percentages of our most senior Airmen in the Air Force. In the active duty force, 1 percent is chief master sergeants, and 2 percent are senior master sergeants. Although the law changed in 2002 to allow us to increase that number to 2½ percent, the Air Force has not chosen to do that yet.

The rest of our enlisted rank structure is set by policy. In 1999, when we built our retention goals for the first time in over two decades, we actually changed the force structure. We used to have 52 percent of the force in the E-1 to E-4 grades and 48 percent in the E-5 to E-9 grades. It was often said, “You could get promoted to E-5 faster in the Army and Marines.” Because of our force structure, it was absolutely true. So we adjusted our force structure over a three-year period of time from 2001 to 2003. That is one reason we saw a 60 percent promotion rate to staff sergeant in 2003. It’s a matter of balance and adjusting the force to meet our authorized end-strength and appropriate rank structure.



Now, let's look at the Guard and Reserve. As much as we've been using our Guard and Reserve, they've held up tremendously. Our Reserve has held their recruiting and retention requirements well. As General Moseley highlights, we're one force. We're all Airmen, and I know we have a Total Force sitting in this audience today. Looking out among you, or visiting a deployed location, I can't tell the difference and I don't want to tell the difference. We are all Airmen.

On another note, when I came into the job, I listened to our general officers having a discussion on diversity in our officer corps. One of the generals made the comment that, "When General Lyle retires, we're all going to look the same—older, middle age, white guys." And then he said, "The enlisted corps has got it right." Yes, we better reflect our society than the officer corps, but we still have work to do. We have to continue our education and view of diversity. Diversity is clearly our strength. It is the makeup of our force. People come from different walks of life, different backgrounds, different races and genders, and that is what makes us as good as we are. And we need to understand that, and we've got to continue to go further with that goal. We need to expand our diversity to include other groups growing within society's population.

One area to look at is gender. Our women have a higher attrition rate than our men. I constantly get asked, "When are we going to have, or is our force ready for, a female Chief Master Sergeant of the Air Force?" Well, absolutely it is ready. There's no question about that whatsoever. But your next Chief Master Sergeant of the Air Force will probably not be a woman because their numbers are so few in the leadership positions from which we would normally select the Chief Master Sergeant of the Air Force. While 20 percent of the force is women, women made up only 6 percent of the 2004 candidate list for command chiefs. This year, women made up only 13 percent of the candidate list for command chiefs. This is far short of where we need to be. And when I look at our chief master sergeants in the Air Force, we have a slightly higher promotion rate for women to chief than we do for men. And yet, the retirement age for women versus men is much different. Men are retiring as chiefs with over twenty years in the service and women are retiring with just over twenty-two years of service.



While we still have three AFSCs that do not allow women to serve—combat control, pararescue, and tactical air control party—women have tremendous opportunities in our force today and we need more of them in several vital areas.

When I came to the job, only 11 percent of the military training instructors (MTIs) at basic training were women, and they were responsible for the 25 percent of women coming in. Over the past three years, we have been forced to non-volunteer women NCOs to be MTIs. It was unfair to our trainees, and unfair to the MTIs to have that great of a mismatch. Again, it's all about balance.

One great demographic I like to talk about is education. Today, almost 48 percent of our chief master sergeants have baccalaureate and masters degrees. Ninety-nine percent of our chief master sergeants have college degrees and every year it continues to grow. Clearly education has improved the capabilities and the professionalism that we have in our force today.

Let's turn now to the promotion system. For thirty years we've had the Weighted Airman Performance System. It's been a great system. I like it better than any of the other services' promotion systems. The thing that I really like is the fact that every Airman that enters basic training has the same basic potential to reach the rank of chief master sergeant.

As senior leaders, we can't just look at what it takes to develop a four-year Airman. We have to ask what it takes to develop a thirty-plus year Airman. What does it take to develop Airmen across all skills and disciplines, regardless of AFSC? When it comes time to explain to an Airman what their development and opportunities will be, it's got to make sense and be fair to all, regardless of whether it's a paralegal just retraining from security forces, a maintainer, or fire fighter. What can we do in developmental education, training, and assignments that's going to lead to the breadth of experience that Airmen need to continue to improve our Air Force? It's a great deal to consider, and it's vital.

Now, let's talk fitness. We've seen a 30 percent increase in the use of our fitness centers. No matter where you go in the Air Force today, you see people out running and a lot more physical activity on our bases. That's great, but when I go to the Senior NCO Academy, I am still not happy. Nearly 15 percent of the top 25 percent of our senior NCOs attending the Senior NCO Academy this past year, could not get a seventy-five, or a "good" category fitness score. Nearly 15 percent. I take this as an issue of leadership. It's about leading by example and setting and maintaining standards.

We will probably not document fitness on EPRs and OPRs soon. I thought we were headed there; however, General Moseley asked us to make it part of a comprehensive review of our performance rating systems. Our officer corps is getting closer to a new OPR. On the enlisted side we're beginning a deliberate review in December. Our EPR system has been with us for over fifteen years now. It is too inflated and that needs to be dealt with. There are also issues with stratification and documentation to name a few issues. So, a full review is pertinent.

Another current topic is our new battle dress uniform. As you know, we've been testing a new uniform for some time. We were slowed down a little bit with the color scheme; although, I'm happy to say that the blue uniform is going to go down in history as a test uniform. While we may be waiting a while longer, we will be the only service with a uniform cut, fit, and sized for both males and females. It's a uniform that will be functional, comfortable, and easier to maintain.

Let's turn now to stressed career fields and skill balancing. We must have the right Airman, at the right place, at the right time. We now have a much better approach to identify those that are in shortages and surplus. Over the last couple of years, we have moved nearly 4,500 authorizations from less stressed career fields to higher stressed career fields. You'll see more of this in the future.

I often field concerns about our AEF rotations. General Moseley says that he believes in our AEF process, but asks whether we can do it better. Our Airmen didn't blink an eye going from 90 to 120-day deployments and 20-month rotations. About 70 percent of the force fits in that construct right now. The remainder is in high-demand career fields and are deploying more frequently, or for longer tours. In addition, we have approximately 2,500 Airmen who are working in Army positions today in six-month or longer tours.

With more Airmen in direct combat duty, we are taking a hard look at our training. One of your paralegals came out and said, "I didn't get the training that I needed to go into the tasking that I was given." We have to ask if we are preparing our Airmen the best we can for the situations and locations they'll encounter. This is an area we have to continually evaluate and re-vector as necessary.

Our Air Force is undergoing a number of changes. We have a new Chief of Staff—a great leader to replace a great leader. We see changes in basic military training. We have funded the purchase of M-16 training rifles. Airmen in basic are going to start marching with one of those rifles, sleeping with those rifles, and learning the use of rifles like never before at basic military training. We're looking to add additional training days to focus on combat skills. Our Airmen will be taught, and experience from the beginning that we train, mobilize, deploy, employ, redeploy, reintegrate, and then start the sequence again—that's our AEF.

Another change at the Pentagon is the creation of a new position, the Senior Enlisted Advisor to the Chairman of



the Joint Chiefs. This new senior enlisted leader gives us another dimension to tie us together as a joint team.

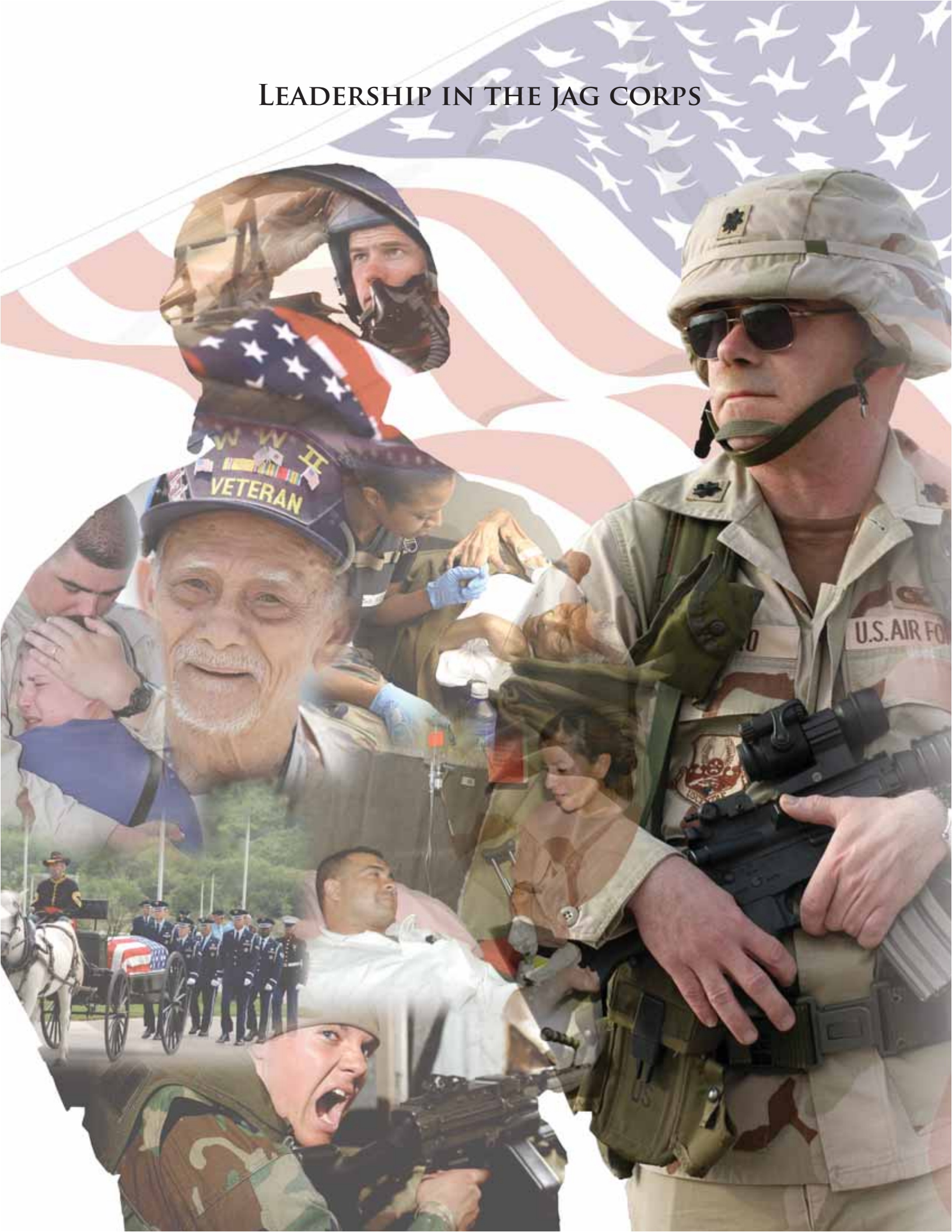
We are fortunate to have the leadership we have today in our Air Force. It's amazing that in a year's time we will change 50 percent of the four-star generals currently serving, and yet, we'll continue to perform our mission in such an outstanding manner. Our Core Value of "Excellence in all we do" requires us to continue to improve. Today, part of that is on you. Highlight and point out those issues and problems that give you concern, so that we can continue to address and correct them. And yes, we do have significant issues and challenges ahead of us. However, I've gotten a chance to view this force over the past twenty-eight years, and I know it is the greatest Air Force in the world. Today it is far better than the Air Force I came into. That's attributed to those that went before us. And as good as we are now, I'm optimistic we can, and will, be even better.

What a great pleasure it has been for me to come and brief you. It is a great Air Force. General Moseley has highlighted that nearly 50 percent of our Airmen have chosen to come into our force since 9/11.

Last year I spoke with a technical sergeant that had been on thirteen extended deployments. When I asked him what he thought about that, he said, "Chief, that's what we do." And it is what we do today. We are an expeditionary Air Force and we do it extremely well. But can we improve it? You better believe we can. We must be about continuous improvement. We are men and women who truly understand our roles, our responsibilities, and our focus on projecting air and space power. And that is where we need to be to continue to grow this great force. Thank you very much and God bless our Air Force.

Chief Master Sergeant of the Air Force Gerald R. Murray represents the highest enlisted level of leadership, and as such, provides direction for the enlisted corps and represents their interests, as appropriate, to the American public, and to those in all levels of government. He serves as the personal adviser to the Chief of Staff and the Secretary of the Air Force on all issues regarding the welfare, readiness, morale, and proper utilization and progress of the enlisted force. Chief Murray is the 14th chief master sergeant appointed to the highest noncommissioned officer position. Chief Murray grew up in Boiling Springs, N.C., and entered the Air Force in October 1977. His background includes various duties in aircraft maintenance, and as a command chief master sergeant at wing, numbered air force, and major command levels. Before assuming his current position, he served as Command Chief Master Sergeant, Pacific Air Forces, Hickam Air Force Base, Hawaii. He was appointed to the position of Chief Master Sergeant of the Air Force on 1 July 2002.

# LEADERSHIP IN THE JAG CORPS



# WHAT NOBODY TELLS YOU ABOUT LEADERSHIP

MAJOR GENERAL MARK A. WELSH, III

*The following is an edited transcript of remarks given by Major General Welsh at the KEYSTONE Leadership Summit on 3 October 05. Minor editing was performed prior to publishing.*

Thank you folks! It's wonderful to be here with you. I have to say I am so tired of us apologizing. Two year's worth. How many people in this room have been investigated in the last two years, besides me?! My lawyer's out here somewhere. And I wouldn't have made it through without him. And my backup lawyer, is out here somewhere, too. Where are you Michael? These guys got me through it.

But I tell you what—you didn't do anything wrong. Why are you apologizing? Why are you feeling bad? Why am I feeling bad? Why is the Air Force feeling bad? We can't seem to get out from under the gun. We've got to knock this stuff off. This Air Force is a *huge* success story and has been since it was the Army Air Corps. We're a big organization and every now and then somebody's going to do something stupid. Let's admit it, let's learn from it, and let's get on with life. Let's bring the pride back. By the way, that's exactly the phrase I thought of when I walked out of the Air Force General Officer's Conference last week after General Moseley finished talking. He's going to be a great Chief! General Jumper was a great Chief, but he had a tough time because his Air Force was under fire. General Moseley is going to turn this thing around and get us going again. I promise you he will. That was really time well spent for us.

Okay, what are we here to talk about, leadership? You know, I was going to give a different presentation today until last week when I heard General Moseley talk. I want to thank some of you who sent me e-mails over the last couple of weeks, asking me to be sure and tell some specific stories that you'd heard me tell before. I'm flattered and more importantly, I'm really honored that you would remember the stories, because the stories are important. They're about the people who made us what we are. But I decided to change the topic after hearing General Moseley.

You've heard the statistics he used. That 90 percent of the people who are in our Air Force today came in after Desert Storm. Man, I hadn't thought of that! Fifty percent of the people in the Air Force came in after 9/11. Thirty-five percent of the JAG Corps, I understand, came in after 9/11. Holy Toledo! For 90 percent of our force, all they have known is conflict. It's *all* they've known. They have no idea what the Cold War really was or what it meant to those of us who were in the service at the time. There's a different mentality today. And *we've* lost touch, a little bit, with something



Fig. 1

I think they're very in-tune with. And we've got to remind ourselves about it.

Warfare is changing. This is a picture of a test range. (Fig. 1). It's a test for a 500-pound JDAM. Everyone has heard of the JDAM, Joint Direct Attack Munition. It's the aviation weapon of choice these days—a very precise weapon. Average miss distance during this run of test trials was a couple of meters. Not bad when you've got a 500-pound bomb on board.







Fig. 2

The B-2 carries eighty of these, which can be individually targeted and released on one pass. You heard General Charlie Dunlap talk about precision targeting. Let me give you a different perspective, because you need to understand this. I'm going to run a video here. You're sitting on a camera that's a little more than a quarter of a mile away from that canister you see in the middle of the screen. (Fig. 2). That canister represents a simulated SAM radar. You can see the missile TELs around it. They're testing the effects of the JDAM against a SAM site. Remember, you're sitting a quarter of a mile away. *[Video shows explosion and flying debris coming all the way to camera site]*. Frag radius for that thing is about 3,000 feet. The frag goes up about 2,500 feet. As I said, the B-2 drops eighty of them at a time. Don't tell me about precision targeting.

Anybody who thinks collateral damage isn't an issue with precise weapons needs to look at this again. This is an ugly business we're in. When Charlie was talking about sitting in planning cells and not being afraid to tell the commander they have no clothes on, when they start talking about hitting things close to people who can get hurt, remember this video. Don't you *ever* hesitate to tell somebody what you think is right, or wrong. Warfare is changing. Technology is getting magical. But five-hundred pounds of TNT is still five-hundred pounds of TNT—no matter what it lands on.

I want you to think about the same bomb that you just saw hit the ground being used by an F-16 in Iraq, against a group of insurgents who are trying to reinforce a firefight against U.S. forces in this town. The F-16 is airborne over the city. He's working with a ground forward air controller, a special operator. He's targeting a building and the bomb just left the airplane. The special operations controller directs him to change his target to the insurgents walking down the road. This is at night. It's dark outside. I know they're bad guys, but I don't know if they have families or if they have kids. I don't know if they're fathers, brothers, sons, daughters. All I know is they have five seconds left to live. This is an ugly business. There's nothing pretty or glorious about it. Nothing.



Fig. 3

This is an Army attack helicopter at night, against Iraqi infantry in the open. (Fig. 3). They don't know the helicopter is there. They'll hear the sound of the first burst. You'll see them hop around a little bit. Then the helicopter gets the range and azimuth right. You'll see what happens next. *[Explosions]*. Victory is sweet . . . ? It's an *ugly* business. Warfare has always been ugly. It's still ugly. Let's not kid ourselves about what we do for a living. But somebody has got to be good at it. Somebody has to understand the rules. Someone has to make sure people follow them. It's our job. Everyday, that's our job. Everything else we do ultimately supports that.

Most of you have seen this picture, or something that looks very close to it. (Fig. 4). This is an Air Force Combat Controller. His name is Bart Decker. He's now retired. He's a serious hero, many times over. Bart Decker was one of the first Air Force Combat Controllers in Afghanistan. He supported the Northern Alliance in the fight against the Taliban. He went over with an Army Special Forces Team. He knows warfare's changing. He's an expert in technology and uses it to affect the battlefield in a major way. He's got all kinds of really neat technical gadgets—loaded on a horse! But I guarantee



Fig. 4

you, the most sophisticated and effective piece of war-fighting equipment in this picture is Bart Decker. And I don't think he's changed all that much since the days of the Roman Legion. The politics of warfare are going to change. The technology will continually change. The environment we fight in, the enemy we fight—all those things are going to change. But the people we lead will *never* change. That's what I want to talk about today.

America gives us their sons and daughters—to you and me. They commit us to protect the nation and its interests. And they trust us to get the job done. These are the people who do it. They're the most amazing people on the planet. You work with them everyday, just like I do.

When General Douglas MacArthur gave his farewell address at West Point in 1962, he said this about that group of people, a group he referred to collectively as “the American-Man-at-Arms”: **“From one end of the world to the other, he has drained deep the chalice of courage.”** Unfortunately for both you and me, I don't share MacArthur's eloquence. But I do share his love for the people he's talking about here. And I know, like he did, that when the bugle calls, they *will* answer. This country owes them leaders. That's where you come in.

You can put anything you want in front of your name, any rank, any title. I don't care. You can put any degree after it. You can describe what you do in technical terms. You can talk about legal positions and opinions and statements and briefs and cross-examinations . . . you do all those things. But at its soul, at its soul, your job is people.

And right now, business is pretty good because those people are busy. They're being pushed pretty hard. They're stressed. They're tired. And the decisions they face, as you saw in those videos, are not simple ones. The environments we put them in are scary, and they're fuzzy, and they're murky, and there aren't clear-cut lines or rules. And when issues get really thorny, really difficult, and really contentious, *you* get involved.

What your commanders want is not an advisor. They can out-source one of them. What they want is a leader who understands the unit's mission, the unit's culture, the unit's heritage, and the unit's people. A leader who has special technical knowledge in the legal arena. That's what you provide. That's what every JAG I've ever known, who worked for me, did. And there's a big difference between *that* and being a legal advisor.

Success in the environment we're in today, and in the situations we're putting our people into, demands two things. Number one, it demands of all of us, everybody in this room, everybody going through tech school, *everybody*, have what I call the “Warrior Spirit.” And if you choose to lead in this environment, whether you're an officer, NCO, or civilian—I couldn't care less which you are—if you choose to lead, you better understand that leading warriors is not the same as leading accountants.

Let me start with this “Warrior Spirit” thing. It's tough to get your arms around it, but this is a *real* thing. You can sense it. You can see it in people's eyes. You can hear it their voice. You can see it in their actions. It's what separates our Airmen, your Airmen, from the guy

behind the counter at Starbuck's or the lady you talk to at the credit union. It's what makes our profession different.

The reason I want to talk about it today is that I think we've lost touch a little bit with it in our Air Force, especially at the more senior levels. Our young folks, who have known nothing but conflict, kind of get it. The rest of us have forgotten a little bit. We didn't grow up the first ten or fifteen years of our careers in conflict, as they have.

I think we get a little too enamored sometimes in our leadership education and training with the latest management theory from the business world or the latest leadership philosophy out of academia. Those things are good—they're important—and we need to study and learn from them. But I think we've lost our focus on what I consider the touchstone of combat leadership—the “Warrior Spirit.” I believe it's the heart and soul of our profession. And if you don't understand it, if you don't represent it, you can't lead warriors. *They won't let you.*

Has anybody been to the Alamo? I went when I was about nine years old. I'm a Texan. It was like going to Mecca, I think. It's an important trip for a Texan. And I was struck by lots of stories when I was down there. I read lots of stuff after my first visit and I kind of got fascinated with Jim Bowie. You all know the story of Jim Bowie. He was in the Alamo, sick for the last two days of the siege. He had pneumonia, they think. So he was lying on a cot in the storeroom, kind of in the bowels of the Alamo, when the final push came from the Mexican Army. Legend has it that the morning of the final day, Colonel Travis went in to see him. He made sure Jim's two pistols were loaded and his knife was on the bed-stand, so he'd be ready when the Mexican Army got to him. Colonel Travis wished him good luck and left him there. Once the rest of the defenders fell, the Mexican soldiers found Jim down in that storage room. And as they came through the door, he killed the first two with those pistols and then he grabbed that knife—that now famous knife. Mexican soldiers later swore that after the battle the knife was caked in blood from tip to hilt.

I don't know what happened at the Alamo. Nobody really knows what happened in that storage room. But I do know this. When they found his body, it was riddled with bullets and bayonet wounds. When they told his mother what had happened, and about his wounds, this is what she said: **“I'll wager they found no wounds in his back.”** What a great mom-quote! Since the day I saw that I've hoped that if I ever died defending my country, my mom would say something just like that. What makes a Jim Bowie? What makes this “Warrior Spirit?” If I were lying in that storeroom, near death from pneumonia, and I knew I was the last person in the Alamo alive, and the entire Mexican Army showed up at my door, would I throw up my hands and plead for mercy? Who's going to know? Or would I empty those pistols into the first two through the door and then reach for that knife?

If I was that great Spartan warrior Leonidas, standing in the pass at Thermopylae with my 300 soldiers behind me, knowing we'd been ordered to defend that ground to give our city-state time to ready its defenses,

and I looked up the pass and saw a million Persians coming at me, would I have the courage to turn to that messenger and say, "Go; tell the Spartans, that here, obedient to their law, we die." Would I have that kind of courage? Would you?

You work with people everyday who do. This "Warrior Spirit" thing is sometimes impossible to miss. Sometimes it's so evident that it's almost blinding. It's just *blazing* courage. Anybody read the book, *We Were Soldiers Once, and Young*? If you haven't, go get it. It's the bible of blazing courage. It was written by a former commander of the 1<sup>st</sup> of the 7<sup>th</sup> Cavalry, about the first major ground combat between the U.S. Army and North Vietnamese regular army forces in the Ia Drang Valley, Vietnam, in 1965. There was a movie recently—*We Were Soldiers*—which follows the book pretty closely, but doesn't come close to telling the stories the book tells.

There are hundreds of stories of blazing courage in here. One of them involves this guy, a young Army Specialist named Willard Parrish. (Fig. 5). He was drafted into the Army, served honorably and got promoted to Specialist 4. He was the assistant squad leader in a mortar squad, in Charlie Company, 1<sup>st</sup> of the 7<sup>th</sup> Cavalry in 1965. He was with the 7<sup>th</sup> Cavalry on Landing Zone X-Ray when things went chaotic. By the evening of the first day, he found himself defending a foxhole on the perimeter of another company. He was in there with a young kid named Joe. They were on one of the elbows of the perimeter. The company commander came by and said, "You can't lose this ground or we'll be overrun." So they dug as deep as they could, as fast as they could. They took stock of what they had. They had an M-60 machine gun, with lots of ammunition they had taken off dead gunners. They had two M-16 rifles and two 45 pistols.

As the sun went down, they looked in front of them at the elephant grass. It was about a high as a man's head. It started about twenty yards from their foxhole. Things got dark and they settled down. I'm sure they got that soaking fear that only an infantryman would truly understand. Somewhere in the night they heard a rustling in the elephant grass in front of them and Willard yelled out a challenge. When nobody responded, he yelled it out again. And then, in his words, "The enemy grew up out of the weeds." And he yelled, "Waste 'em." Joe raised his M-16 and they both heard the click when it jammed. And Willard told him to start loading. And he dropped behind that M-60 machine gun and started firing—belt after belt after belt after belt of ammunition.

He fired until the belt clicked empty on that last cartridge casing. He threw aside that smoking barrel, pulled out an M-16 and kept firing . . . all his clips, all Joe's clips, until he had nothing left. Then he grabbed the 45 and just kept shooting . . . clip after clip, after clip. He would say later, "I didn't do anything anybody else wouldn't have done." He's never seen me run! He also said, "All I remember is a lot of yelling, a lot of shooting, and then it was quiet." As his commander said later, "Yeah, quiet like a cemetery."

When the sun came up the next morning, they found over 100 dead North Vietnamese soldiers within twenty yards of his foxhole. Man! Willard survived that fight and he survived lots more battles with the 1<sup>st</sup> of the 7<sup>th</sup>



Fig. 5

Cavalry. He came home to his high school sweetheart in Oklahoma, left the Army, got married, and became a member of a country music band. When they started to have kids, he found that wasn't a very good income, so he became a DJ. When that didn't work, he went to work for the Oklahoma State Transportation Department. He still works for them. He's sixty-four years old now. He lives in Bristow, Oklahoma and he runs the Bristow toll-booth on the Oklahoma Turnpike. So, if you're ever driving through Bristow, on the Oklahoma Turnpike, and you pull into the gate and you see Willard Parrish, you stop and you say "Thank you." But . . . if it looks like he's having a bad day, you might wanna try another booth.

Sometimes it's not blazing courage. Sometimes it's the quiet type that's most impressive. During the first Gulf War, the first day of the ground war, I was flying an F-16 mission, along with a lot of other folks. We were over the Republican Guard. One of the F-16s in the area got shot down. He went down right in the middle of a retreating Republican Guard Armor Division. I mean right in the middle of it. And when AWACS first came up on the radio and gave the coordinates, everybody knew that he was right in the middle of them. AWACS asked if anybody had the gas and ordnance to get to him and try to help with the search and rescue effort. As everybody is doing the mental calculation of those coordinates, I know they were thinking, "That's a bad place to be." I sure was. There was a pregnant pause on the strike frequency. And then a single voice popped up and said, "I've got the gas. I'll pick him up." It was an Army helicopter pilot flying a Chinook helicopter. The Chinook's



Fig. 6

about the size of a double-decker bus. (Fig. 6). It doesn't have guns, except what they can stick out the window. And this Army pilot was going to fly that thing into the middle of a retreating armor division, land it, and pick up one Air Force pilot. You know, we make fun of our sister services a lot, but I'd follow that helicopter pilot into battle any day. And I will never forget her voice.

When I came back from Desert Storm and told this story for the first time to an audience, a young senior airman came up to me. He'd cross-enlisted from the Army in the recent past. And he said, "I know who that was." He said her name was Marie Rossi, Major Rossi. "I was stationed with her at Hunter Army Air Field in Georgia. She was the only female combat commander that the Army had flying helicopters." I said, "You're kidding me." He said, "No, that's who it was. I know it was." So I said, "Well, I ought to go find her." So I started trying to track her down. I confirmed her name and found a picture. No kidding . . . she was the first combat-qualified female aircraft commander in the United States Army—Major Marie Therese Rossi. It took me about two months—cause I swore I was going to find her. I mean, she inspired us. I finally did. (Fig. 7).

She lives *here* now . . . with thousands of other heroes, in Arlington National Cemetery. I'm told that on the night



Fig. 7

the war ended, she and her crew were scrambled at two in the morning to pick up a soldier injured by unexploded ordnance in Iraq. They flew out, picked him up, and were on the way back to their airfield when they hit an unlit Iraqi radio tower . . . they all died. But I'd made a promise. So, my first time back to DC after finding out where she was, I went and visited her. I thanked her for her courage that day, for her commitment to what she did for a living, and for the soldier she was trying to save. I thanked her for the example she set, for her service, and for her sacrifice. Quiet courage is the cornerstone of the "Warrior Spirit." It's all around you.

You know, sometimes it's not that dramatic. Sometimes the Warrior Spirit is just doing what you should do, when nobody else will or nobody else can.

This is Peggy. (Fig. 8). When I was the wing commander at Kunsan, Peggy was a nurse there. She started her military career as an Army MP, got out, got a degree, went to nursing school and was now an Air Force nurse. I was at the bar one Friday night when somebody came in and said, "Hey, did you hear about the new nurse?" It's Kunsan . . . everything's a big deal! I said, "No, I didn't hear about her." They said, "Yeah, she's running the night shift in the emergency room and just kicked Staff Sergeant 'Smith' out of the hospital." The nurses ran the nightshift, so she was in charge. First shift she came on, and her team showed up, there was a medic there, a not-so-young staff sergeant. He was a nineteen-



Fig. 8

year staff sergeant who was a phenomenal medic, but not the greatest staff sergeant on the planet. And when he walked in to start his shift, Peggy looked at him and said, "I've heard you're a great med tech. I can't wait to have you on my team, when you look like a professional. See ya." She booted him out of the ER. That was big news at the club at Kunsan. So, I went down to the emergency room to meet her. And about the time I got there, Sergeant Smith got back—to his great credit, in pressed BDUs and a horrible haircut his roommate had given him.

About a week later, I got a call saying there was a young private from the Patriot Battery at Kunsan who was out-of-control drunk. The cops had to subdue him and take him to the emergency room. So I went to the emergency room. Peggy was running the night shift. By the time I got there, she had called the doc, but he hadn't showed up yet. So she's steamed because he's not there. They've had to sedate this young kid. This is a young farm kid from Minnesota, who's huge, without a bit of fat on him. It had taken about eight cops to get him under control. I don't know what he had to drink, but he was absolutely out of his mind. So, they'd sedated him and had him strapped to the bed for a while. By the time I got there, they had cut the tape off and he was sleeping. And they told me the story.

So, we're talking. Peggy's talking for a minute, telling me the story, and she says, "Where's that doctor?" And she steams outside and I'm thinking, "I'm glad I'm not the doctor." So I continue to talk to Sergeant "Smith" and the rest of the team. And over behind them, about where you are, is the bed where this guy is laying. He's still got the tape hanging off his wrist where they taped him up. And right in the middle of our conversation, all of a sudden he just does that horror movie thing. He sits straight up, then fumbles around cause he's completely disoriented, and somehow comes up with a pair of scissors from the table beside the bed. He gets up on his feet and starts walking up the side of the bed like a bad movie. And I'm thinking, he's gonna hurt somebody here. He's a big guy. How fast can we get eight cops here? Probably not before he gets to me!

So, all of them see my eyes getting bigger and they turn around, and he's coming toward us and we all start moon walkin' . . . I'm right behind them all . . . you know, leading. Peggy walks in the side door. And as she walks in the side door, she looks at us and we look at her, she looks at him, and we look at him, and without batting an eye, she takes off right at him and she takes him out. Like over the bed and onto the floor. Then we rush in and subdue the perp. I never would have done that. *Never* would I have done that. The "Warrior Spirit" lives in her house, I guarantee. She's a personnel officer now. No kidding . . . don't be whinin' about your next assignment.

The "Warrior Spirit" lives at my house and it looks like that. (Fig. 9). My wife's a babe. Her name's Betty and she's a real sweetheart and she's lived with me a long time. On 9/11, our son Mark lived about a block and a half from the World Trade Center. Both of his roommates worked in the South Tower and were there when the planes hit. About ten days after that happened—we



Fig. 9

were in Germany at the time—a bunch of our neighbors were standing around in the housing area, when I came home from work at some strange hour. I walked up to the group. Betty was there, looking obviously uncomfortable with the conversation, and I didn't really know why. We had been talking a lot about a response to the terrorist attack, and everyone had an opinion about what we should do. Everybody was being philosophical about it. And somebody just asked her a direct question: "Betty, what do you think we ought to do?" And she blew me away. Her comment was real short and sweet. She said, "Find them all and slit their throats." Then she walked away. She's probably not going to be a teacher of philosophy. But the "Warrior Spirit" lives in my house, and it doesn't wear a uniform. And it would probably need a really good JAG!

Sometimes the "Warrior Spirit" is just who you are. When I was a squadron commander in the first Gulf War, one of the guys running our flightline was named Dave McGarr. Dave was a master sergeant; a crusty, ugly, nasty, master sergeant. He didn't have a soft fiber in his body. I know he never hugged his mother. But if you wanted airplanes loaded and fixed on time, if you wanted aircraft turned for combat sorties, if you wanted the job done when the pressure was on, you wanted Dave McGarr running your flightline. During the second week of the war, I walked out to my airplane. Dave met me there, like he did every morning and said, "Boss, they're all ready to go." And as I talked to him, I noticed he had this little American flag flying on the antenna of his truck. I had no idea where he got it, so I asked, but he said, "You don't want to know." And I said, "Okay." And I said, "Why don't you let me take that to Baghdad with me? We're hitting a target about twenty miles south of Baghdad." He said, "You'd do that for me?" I responded, "I'm a hell of a guy, Dave." I put it in my pocket and didn't even think about it again until I landed. Dave was waiting for me, so I gave the flag to

him. He took it like it was the Holy Grail, walked with it back to his truck, and took off, and that's the last I thought of it. The next day all the guys on the flightline had these little flags and all the pilots were flying them. It was pretty neat.

When I got back from the war, Betty and I were invited to Dave's house for dinner. I was shocked. So I told her we had to go, even if it was just to see what the apartment was like. He had a small apartment. The first thing that struck me when I walked in was that there were two things hanging on the wall. Two things in the whole apartment. First one, as you walked in, right on the left, just inside the door, was a Coors light bottle opener on a key chain. And the other thing was the American flag I had flown in Iraq, framed, with the inscription, "Flag carried on bombing mission over Baghdad, Iraq, 27 Jan 91, Pilot: Lt Col Mark Welsh III, ACFT 88-0480." It was right over the couch in the middle of his living room. It was the centerpiece of his home. And for the first time, it occurred to me that flag *was* Dave McGarr. Those white stripes are his integrity, and the red stripes are his courage, and the blue is his commitment and his loyalty to his people and to their mission. And every one of those stars is one of his folks. He loved them like a scolding mother, who would protect them to the death. That's what struck me when I was there.

Not too long after that, I left the squadron command. They had one of those nice parties where everybody says nice things and gives you stuff. At the very end, somebody said, "Does anyone have anything else to say?" And there was a voice from the back that just said, "Yeah." And I was surprised, because it was Dave McGarr. Everybody was shocked. They turned around and looked at him and he came walking up to the front of the room. He didn't give a long speech, he just said, "Here." And he gave me a rolled up brown paper bag. I opened it up and pulled that framed flag out. And on the back, in pencil, it said, "With my deepest respect, Dave McGarr, Master Sergeant, United States Air Force." This is the greatest award I will ever receive. (Fig. 10).

About two years ago now, Dave died of pancreatic cancer. Just before he died, I had the opportunity to talk to him on the phone. Wasn't much of a conversation because I didn't have any idea what to say, and he never said anything anyway. So we grunted at each other a few times. And I finally said, "Dave, you hang in there buddy. You're going to beat this thing." And we both knew I was lying. And then, right before I hung up, he said, "Hey Boss, do you remember that flag?" "Oh yeah Dave, I remember the flag." "Do you still have that?" "Yeah Dave, I got it." And he said, "Will you take care of that for me?" "I promise Dave." And before I'm done, the whole freakin' world is gonna hear about that flag, and the guy who framed it. He is the "Warrior Spirit."

There's thousands of Dave McGarrs in our Air Force. Thousands of them. Who's going to lead them? In that same farewell address, General MacArthur told the cadets at West Point that from their ranks would come, "the next great captains, who in future days, on future battlefields would hold the Nation's destiny in their hands."

When I read those words the first time, I probably wasn't thinking of Melissa Anderson. (Fig. 11). That



Fig. 10

wasn't the image that sprang into my brain. Maybe it should have been. She's a neat kid. She's my niece—a beautiful girl, really a sweetheart. She's also a sophomore at the Air Force Academy. She's also a black belt in karate. Before she went to the Air Force Academy, I



Fig. 11

said, "Melissa, why are you going there?" She said, "To defend my country." And I said, "What does that mean to you?" And she said, "If I have to kill people to keep Americans free and to protect their interests, I've got no problem with that." "Well then, I've got no problem with you going to the Air Force Academy!" *She* understands the "Warrior Spirit." And I bet she'd agree with me when I tell you that if you don't understand this "Warrior Spirit" thing, you can't lead warriors. They just won't let you.

There are a couple of other things you've got to do if you want to lead warriors. The first thing is, you've got to believe in them and in what you ask them to do. You think General Moseley believes? Anybody here not heard him talk yet? Find him and listen to him. You can understand everything he says because he brings it to whatever level you want him to come to. And he understands warfighting. And he understands warriors. *He* believes. You and I need to believe as much as he does.

If you're going to lead warriors, you had better be willing to accept the pain that comes with it. As a JAG, you deal with this every day—every time you recommend to a commander that they send someone to a court-martial. Every one of you that has served on the bench has had to make a decision to put someone in prison . . . you changed their life unalterably. You make a decision when you recommend a commander take an action because it's the right thing to do. But how does it feel? "Hey, I'm right, victory's sweet" . . . it sucks. It feels horrible, every single time. And if it doesn't, you're in the wrong business. Your job is to do the right thing, not to be comfortable. Same thing with your commander. You're going to feel the pain.

When I was a squadron commander, right before the Gulf War started, we had a young guy named Mike Chinburg crash on a training mission. Mike had stayed behind when the squadron went to the desert, to get married to a young lady named April. He had just come over two weeks before, and we were just getting him his local check-out, so he would be ready in case combat operations began. And one night, trying to do a rejoin on his flight lead, up near the Saudi border, he got disoriented, we think. Thought that a light on the ground was his flight lead, and tried to rejoin on it. He hit the ground going over 600 miles an hour. He was about 60 degrees nose low, upside down, and in full afterburner. I'm pretty sure he died relaxed, which wasn't much consolation to his mom and dad, Pete and Ellen Chinburg, up in New Hampshire, when I talked with them. Or to April, when we called her to confirm that they had found his body at the bottom of that smoking hole, 9,000 miles from home. Their reaction didn't surprise me at all. It was pretty predictable. *My* reaction surprised me a lot. I grew up around fighter pilots. My dad was one for thirty years. It's all I've ever known. I've got all kind of friends whose fathers died when we were growing up. They had lots of accidents in those days. I had never been in a flying squadron, to that point, where somebody hadn't died while I was there. It's a dangerous business. But it had never been *my* guy before. I was supposed to be his leader. What did I miss? I walked out to fly with him that night. What did I not

see in his eyes that I should have, that would have kept him from making the mistake that killed him? What did I miss in his training program, that I should have seen, that would have kept him from putting himself in that position? It was *my* fault he died. That's the way I felt. I guess it's still the way I feel. The day he left to come over to the desert, I did what I thought was a pretty leaderly thing. I called April. I said, "April, I'm sorry Mike has to leave you right after your wedding. We need him over here. This is a good cause. And don't worry, I'll bring him home safe to you." I lied to her.

If you're going to lead the people we need to lead, you better get ready for the pain. And you better make sure your young officers and your young NCOs understand this. Because they're going to run into it.

Man, here's something else that took me way too long to figure out. Warrior leaders need to understand you've got to care about what your people care about. Not just what you think is important.

This is the greatest seven-, eight-, and nine-year-old basketball team, probably in history! (Fig. 12). As we got ready for the season that year, my son Matt, who's right in the middle of the front row, was seven years old. But I wanted him to play with the older kids, because he was pretty aggressive for his age. And so, they let me coach so Matt could play. After we had already formed the team, I got a phone call from a mother, Mrs. Young. And she said, "I've talked to a bunch of people who say that I ought to ask you if my son, Bishop, could play on your basketball team." I said, "Well, did he try out?" She said, "No." I said, "You'll have to talk to the league commissioner. We don't want to be stacking teams." I'm envisioning this nine-year-old kid who's about 6' 8." And she said, "I talked to the commissioner and he said it's okay." When I asked her why he didn't try out, she said, "Well, he's never played sports before, he's autistic." I didn't know that much about autism. I'd seen *Rainman*, and that was about the extent of my knowledge. I said, "Well, okay. Do you mind if I come and meet your son?" So I went to meet the Young family. When I did, I was really impressed with his mom; I was impressed with his fourteen-year-old brother. Bishop was around the back. So I said, "Can I meet Bishop?" And about that time there's this God-awful racket. And around the corner of the house comes this . . . thing. It's a bicycle with one of those plastic space-like motorcycle frames around it. And he's got about one hundred decks of cards in the spokes. And he's got this great big plastic helmet on, you know, like a storm trooper. And he squeals up to a halt right next to me and takes his helmet off and he is smiling from ear to ear. And I said, "Ma'am, he can play on my team."

So Bishop became part of the Lakers. That's him, #10, right next to me in the back row. This, by the way, is the only time I didn't see him smile. Actually, there was one other. But this was the first time. My son Matt, who's grinning there like a mule with no lips, told Bishop, "You've got to look cool for the team photo." So Bishop was trying to look tough there. Being a great coach and tremendous leader, I immediately decided Bishop had to have a role on the team. I know all about kids, right? So it had to be something he was proud of. He couldn't catch the ball, he couldn't dribble the ball, he couldn't



Fig. 12

shoot the ball. He had no athletic skills at all. But he was a pretty wide kid. So we said, "Okay, we're going to teach him to rebound. Bishop, here's what you do. You go down here on the low post, the basket is right there. I want you to post up here and you get big and don't let anybody get past you. And when the ball comes off the backboard, I want you to grab it and then you turn and you throw it to Richie and we'll head off down the court. You're my rebounder." He only had one question. He had a real disorienting style. He would stare right in your eyes like this and he'd go, "Hmm." Like he knew something that you didn't. So he gave me the "Hmm" and then he said, "Coach, do babes like rebounders?" Obviously, the big brother influence! So, we taught him to rebound. The first scrimmage, I started Bishop, to give him a little confidence. The other team gets the tip and brings the ball down the court. Bishop gets down there on the low post and he sets up. They take a shot. Bishop's blocking two people out . . . the ball comes down right to him. He can't catch it in the air, so it bounces twice, but he's blocking out their whole team by now. He picks the ball up, turns and throws it to Richie, and we head off up court.

And me and Mike, we're about bustin' ribs, chest bumping on the sideline. Mike's my assistant coach. He was a Navy captain. We're pretty fired up. And we realize the game is still going on, so we look back down there to watch our team play offense, and realize we're playing with four guys. So we look back to the other end and there's Bishop. He's posted up, waiting for the next rebound. So I called time out and ran out there and said, "Bishop, once you're done rebounding, you've got to go down to the other end and score points." And he

says, "Hmm . . . hey coach, do babes like points?" "Oh yeah, Bishop."

So we came up with a different plan. Bishop was going to be a scorer. He obviously wanted to score points; he's playing basketball. So every day at practice, we work on a play. Every day we work on this play. We ran it every game, three or four times, and the same thing would always happen. Richie would come up the court with the ball, I'd call the play, and he'd roll his eyes at me. I'd yell at him, he'd call the play, then pass the ball to the man on the wing. Someone would set a pick for Bishop on the baseline. He'd run around it, they'd throw the ball to him, maybe a third of the time he'd catch it, and he'd turn and he'd shoot and the ball would go about two feet. Usually the guy covering him would catch it and they'd take off the other way. We ran it all year long.

At tournament time we only got one tournament game because we were pretty bad. Second half of the tournament game, I called the play for about the third time in that game. It was still a pretty tight game, so Richie gives me the double eye-roll. I yell at him and he calls the play. He passes the ball to the wing, Bishop comes around the pick, he catches the pass, he turns, he shoots, and the whole gym goes deathly quiet. Because everybody knows Bishop . . . and the ball kept going up. I have no idea why. It rolled over the front rim and went in and the place went berserk. *Both* teams were high-fiving each other. Everybody in the stands was screaming hysterically. Mike and I were risking major injury on the sideline. And after a minute, I composed myself, and looked back on the court, and we're playing with four. So, we immediately look to the other end, and Bishop's not there



either. And then I looked over here in the stands and for the first time realized that not everyone in that gym was screaming hysterically. Bishop's mom was in the second row of the bleachers, with her head buried in her hands, sobbing uncontrollably. And right next to her, with his arm around her shoulders, patting her on the head, was #10. Bishop didn't care about basketball. He didn't care about rebounding or scoring, or anything, he just loved being with other kids. But he *did* care about his mom, and she wasn't happy. So, screw this game. And I just went, "Leadership lesson, dummy." You've got to know what your people care about. And you can't know unless you know their stories.

the court because the judge was worried about her and wouldn't let her leave the country with her Dad. He had a follow-on assignment to Spangdahlem and had been trying for three months to get it changed. Bureaucracy had stopped him at every turn. Being a proud guy, he wouldn't ask for help. And everybody he had talked to gave him the "you have to work this through the system" thing.

Nobody stood up for this guy, until his supervisor finally had had enough and just dragged him into my office, with his entire squadron chain of command in trail, trying to stop him. And they told me this story. Turns out the judge had decided he was going to do a



Fig. 13

Lori's dad worked for me at Kunsan. He was a crew chief. He had nipple rings. He wore a dog collar with studs on it and a chain attached to the nipple rings. I saw them the first day I met him. He was wearing cut-off shorts and black combat boots, and his funky hair shaped over here and kind of flopped over there. I'm standing with my senior enlisted advisor and we see him walking up the sidewalk, and I said, "Chief, this has just gotta be wrong. Give me a rule." And we kind of made him get rid of some of the stuff, but it was before the piercing and tattoo thing. Luckily that rule followed closely thereafter or I would have had to quit. I had trouble with that. Now I flew this guy's airplane all the time. He was a *great* F-16 crew chief. And I mean really great. But I had trouble getting past that dog collar and never bothered to learn anything else about him. He had been there nine months, and one Friday afternoon his first sergeant and his supervisor came walking into my office with him in tow. And they said, "Boss, you've got to help him out." Turned out that his ex-wife had just been convicted for drug use. Their five-year-old daughter, Lori, was now about to become a ward of

final hearing on the following Monday in Phoenix, Arizona. That's when he was going to make a custody decision. He was leaning toward giving the girl to his ex-wife's mother, who had just gotten out of prison a year before for felony drug use. But she was the only family member surviving. And the judge thought that would be best. But she had to live close, because he was going to see her every six weeks. He wouldn't let her out of the country. She couldn't go to Spangdahlem. If the father wanted any consideration, he had to be in that courtroom in Phoenix on Monday.

So, I called the JAG to help me figure out what was right. What could we do, what were the options? And once Colleen Wallace, who was my JAG at the time, figured that all out, I called the Air Force Personnel Center and woke up Colonel Jim Green, at whatever time it was in the morning, his time. I said, "Jim, I've got a problem for you." I told him the story, and he said, "What do you want?" I said, "I want him assigned to Luke Air Force Base in Arizona, cause the judge said that would be okay." And he said, "When does he need to be there?" And I said, "Sunday morning." This is Friday night in

Korea. Jim Green said, “Okay, put him on an airplane, the orders will meet him.” Just like that. Because a master sergeant supervisor stood up and did the right thing. Because a JAG found out the rules in an hour and a half that nobody could figure out for six months. And because Jim Green was a leader. He didn’t just talk about taking care of people, he walked the talk.

A couple of months later I got an envelope in the mail. I didn’t recognize the address or the handwriting. I opened it up and this picture fell out (Fig. 13), along with a note that said, “Thank you.” So, I picked up the phone and I called Jim Green. I woke him up at whatever time it was. I said, “Hey Jimmy, I got a picture in the mail today.” And he goes, “Yeah, yeah, I got one too.” And then there was this pregnant pause and we did the guy thing (grunt, grunt, “cool”), and then we hung up. And I swear as soon as the phone hit the hook, I looked up and standing in the doorway in the pitch black, was the master sergeant supervisor. He’s got an envelope in his hand, sunglasses on, and I just said, “Yeah, I got one too.” And he just turned and left. He never even opened his mouth. Lori’s dad deserves leaders who care. Lori deserves leaders who care. That’s your job. In this case, I didn’t do mine . . . I never bothered to learn her Dad’s story—I was too distracted by the dog collar. Every Airman has a story . . . *learn the stories!*

If you plan to lead warriors, you better *never* forget the bottom line. Because in this business it’s not Article 32 reporting metrics and Article 15 suspense dates. It’s not how successful we are at prosecuting this, that, or the other thing. It’s not that your commander screws up decisions every time you give him good advice. In this business, the bottom line is Jason. (Fig. 14).

In 1999, Jason was a twenty-four-year-old Navy petty officer. He’d just completed the physical testing for SEAL training when he decided to leave his enlistment in the Navy and come into the Air Force. He decided, “I

didn’t want to kill people, I wanted to save them.” God Bless you Jason. So, he does. He comes into the Air Force. He goes into PJ training—pararescue training in the Air Force, with a whole bunch of other talented young folks, in 1999. Two years later, he graduates with the other 10% who made it.

He became well known for three things during PJ School. Number one, he could really shoot. Number two, he had a gift for medicine. He just got it. Number three, he never quit, ever. In July of 2001, he joined the 38<sup>th</sup> Rescue Squadron, Moody Air Force Base in Georgia. In February of 2002, they deployed to Afghanistan to support Operation Enduring Freedom. Not too long after that, Jason found himself sitting in a helicopter on a ramp at Bagram Air Base, as part of a Quick Reaction Team, in case there was a problem in the on-going Operation Anaconda.

At the same time, five Navy SEALs were on a helicopter. It was trying to move them into a better position to observe the valley where the fighting was going on. The fighting had been going terribly for the first two days because we were surprised by the number of bad guys in the area and their location. As the helicopter repositioned, very early in the morning, about to set down, it got hit by RPG and machine gun fire from an enemy force they didn’t know was there. The helicopter’s hydraulic lines and rotor were hit. It lurched away from the ground and the pilot tried to steer it down a valley, just to keep it flying, not knowing that one of those SEALs, Navy Chief Petty Officer Neal Roberts, had fallen out of the helicopter. A Predator UAV arrived on the scene not too much later, and saw him kind of dazed on the ground, get picked up by two of the guerilla fighters, and led off. He was subsequently executed. That ridgeline was named after him . . . you’ve probably heard of Robert’s Ridge.

The damaged helicopter crash-landed about five miles away. Not knowing what had happened to Chief Petty Officer Roberts, the other SEALs on board immediately called the ground commander asking for permission to go back and rescue him. They launched another helicopter, picked these guys up and took them back to the same spot. And that brave helicopter pilot put them down under fire. This time they got them on the ground, where they immediately began to fight for their lives. Along with them was an Air Force Combat Controller named John Chapman, who some of you may have heard of. He separated himself from the SEAL team, so he could get to a better position to observe the air power and air avenues of approach, so he could keep this team alive in this vicious firefight. After saving their lives for a period of time with air support, he died alone, separated from his teammates. He’s a hero too.

A second helicopter launched from Bagram to bring a rescue force of sixteen Rangers, two Air Force Pararescuemen, two Army Special Ops medics and one Ranger medic. On that helicopter was Jason, now twenty-six years old, on his first combat sortie. Their helicopter approached the ridgeline and about eighty feet in the air it also got hit and crash-landed on the ridgeline. Pilot and co-pilot were seriously injured. The door gunner was holding the enemy at bay while the rest of them tried



Fig. 14

to get the back ramp down so they could get out of the helicopter. The door-gunner was shot and killed and fell in the snow, outside the chopper. Rangers inside finally got the tailgate down and ran out into withering fire. Three of them died almost instantly. Others were wounded and Jason and the other medics had seven wounded people in the back of a bullet sponge on the side of a mountain, 11,000 feet above sea level, in the freezing snow.

It was very early in the morning. For the next sixteen hours, they fought. The medics were treating the wounded in the back of the helicopter. Early in the morning, the enemy fighters in the hills moved to position themselves so they could put the helicopter in direct fire, and it actually caught on fire. Jason realized he couldn't leave the wounded in the helicopter and keep them alive, so seven times he loaded one of those patients onto a makeshift stretcher and dragged them across that brutal field of fire to safety with the enemy within a hundred yards. Seven trips. He did that twice more during the course of that day. Each time, he dragged them, one at a time, through deadly fire to reposition them so the Taliban fighters couldn't bring them under direct fire.

After the third repositioning, around midday, as he bent over, covering one of them with his own body while he tried to treat him, the enemy got lucky and a bullet went under his body armor on the right side and crossed his pelvis, right to left. Jason was a pretty good medic. All our PJs are. He knew this was a serious injury, especially if he couldn't get help quickly. For the next several hours, he dragged himself through the snow, from patient to patient to patient, delivering care to those guys, because he had a gift for it.

One of his buddies later described this trail of blood in the snow, where he dragged himself along this life-giving route. About six in the evening, Jason started to fail. About seven-thirty, they started to give him CPR. They kept it up for about thirty minutes, until the other medics realized it wasn't doing any good and there were other men to save. About eight o'clock, Afghanistan time, just before dark, in the freezing snow, 11,000 feet above sea-level, lying in his own blood, 9,000 miles

from his wife, Teresa, and two young daughters, Senior Airman Jason Cunningham died.

Helicopters came in after dark and picked up all those heroes. All the wounded who Jason had been treating lived. The guy's a hero—lots of heroes that night. Jason was awarded the Purple Heart and the Air Force Cross. He had a great ceremony at Arlington National Cemetery, not too far from Marie Rossi. I'm sure she was at attention when he came in. At his memorial service, one of his buddies, Scott, the other PJ who was on the mountain that night, had these words to say: **"He was right where every PJ wants to be. He was where guys needed him and he was saving lives."** I think Jason would have loved those words. But they probably weren't much consolation to Teresa when General Jumper handed her that folded flag from his coffin. Maybe these were . . . they're from a letter Jason wrote to be delivered to her, just in case he didn't come home: **"I want you to know I died a happy man. Happy that I met you. Happy that I have two wonderful girls. Happy that I got to do what I wanted to do."** Think about that for a second.

Are you ready to lead him? Are your people ready to lead him? There's thousands just like him all over our Air Force. They're sitting all around you right now. Don't lose track of why we do what we do.

Let me leave you with this—if you're going to lead warriors, you have to understand that leadership is a gift. It's given by those who follow. You have to be worthy of it. Are *you*? I ask myself that question every single day. Sometimes I don't like the answer, but I'd recommend it.

Thank you for being an Air Force Judge Advocate General's Corps member. Thank you for being a paralegal. Thank you for being a civilian attorney in our Air Force. Thank you for your service. Thank you for your sacrifice. Thank you for what you're doing for this nation, each and every day. Most importantly, thanks for what you do for our people. And most especially, thank you for letting me be here with you today. This is truly an honor.

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# LEADERSHIP—ACCENTUATING THE POSITIVE & ELIMINATING THE NEGATIVE

BRIGADIER GENERAL JAMES W. SWANSON, USAF (RET)

*The following is a transcript of remarks given by Brigadier General Swanson at the KEYSTONE Leadership Summit on 5 October 05. Minor editing was performed prior to publishing.*

What I want to talk about is leadership. As many of you know, it's been a hobbyhorse of mine for a lot of years. I'm convinced there's nothing more important to talk about at this point in JAG Corps history. I think you all find yourselves—and I still consider myself part of this team—with probably the most difficult and important leadership challenge that has ever faced the JAG Corps as a direct result of a former TJAG's "stunning hypocrisy." We're not going to go into great detail, but I don't believe we can ignore that fact as we move forward. I also think General Mark Welsh is right—it's not your fault. But, you all are going to be responsible for cleaning up the significant institutional mess caused by the prior judge advocate general. You will have to prove over and over again that his values are not our values; your personal leadership is going to be what decides whether or not we succeed or fail.

## *Is There a Substitute for Good Leadership?*

Some of you have heard me talk about whether or not there are other ways to do the leadership thing. Is there a substitute for good personal leadership? I would propose that there is not. But, in my thirty-two years in the Defense Department, I saw a lot of folks offer up alternatives to leadership. Those of us that have been around awhile saw a whole succession of management theories forced upon us, such as Zero Defects and Management by Objectives. In fact, those of you on active duty during the early 1990s remember that we were force-marched at gunpoint to worship at the alter of "Quality." Total Quality Management and all these other things failed because they didn't recognize that the key ingredient to any successful organization is personal leadership. It ain't rocket science. Leadership dictates success or failure of any organization.

## *Swanson's "Management Theory"*

Before I start talking about bad examples, I will give you my theory. There is no magic formula that's going to make an organization succeed in the absence of good personal leadership. In other words, you show me a good organization, and I'll show you one that's well-led.

Here's the semantic. Leaders are mandated to take those resources, people, things, and

money that they are given and accomplish the mission. The problem is that too many leaders see that as the *only* mandate. The great leaders, I would suggest to you, see a broader mandate. Great leaders accomplish the mission in a way that builds future leaders. They build the folks that are going to ensure that the organization continues and improves. Good leaders leave the organization better than they found it. And, that pertains to both the organization itself and the people.

As I look out in the sea of faces and see so many people I worked with, I know I'm better for the association I had with you. And hopefully, you're better from the association you all had with me. That is what leadership is all about—the continuity piece. The key thing about leadership is the long-term welfare and health of the organization.



## *Seven Deadly Sins*

I want to talk now about failed leaders. I want to share some observations about my list of seven deadly sins. I'm going to go through these quickly because most of these are self-evident. These things will make leaders fail.

### *1. Use of Any Sexually Offensive or Disparaging Term*

A leader who uses sexually offensive or disparaging terms within earshot of another human being is probably going to fail and be relieved. I would also suggest to you, in this day and age, that includes the use of the "F" word. We had such a case at Randolph Air Force Base. It was not a JAG, but a security police commander. He was a great leader by every other measure. Yet, he was absolutely incapable of completing a sentence without using the "F" word. It is a fairly useful word; it can be a noun or an adverb, and it fits a lot of places. But, invariably he could not finish a sentence without using it. He offended so many people that he had to be relieved and probably retired a grade or two less.

### *2. Use of Any Racially Disparaging Term*

If you're a leader and you use racially disparaging terms, you will fail almost immediately. This is not about political correctness. I've always taken the approach that these are good practical rules. We are given a tough job. In order to do that job, against a determined enemy who wants to kill us and our families, we've got to fully leverage that human resource element that we're given. If you start excluding parts of that human resource pool that you've got, women or minorities, you make it much tougher to do the job. So put aside political correctness. Do the right thing because it's right, but also because it's the smart thing to do as a leader. You'll have an organization where everybody has a part and everybody feels like they're full members and full contributors.

***Do the right thing because it's right, but also because it's the smart thing to do as a leader.***

### *3. Any Unwanted Touching or Sexually Suggestive Language*

This one should be fairly obvious. In this day and age, if your management style is touchy-feely, it invariably is going to get you in trouble. It is certainly, as we all know, a come-on for predators. Don't hug. I used to just suggest that, but now I am convinced: don't hug your subordinates.

### *4. A Romantic or Sexual Relationship with Anyone Below You in Your Chain of Supervision*

This one we all understand. You cannot be a leader if you have a romantic or sexual relationship with subordinates. No exception. You cannot be objective with regard to that person if you are sleeping with him or her. A key to successful leadership is confidence, on the part of all of your people, that you're going to make the right decisions for the right reasons. Again, it ain't rocket science. Almost everybody understands it. And almost everybody obeys it.

### *5. Substance Abuse*

Substance abuse has brought down some very good people. A DUI has never been a career enhancer. It is now a career killer. The good news is that I'm aware of no recent act involving JAG leadership with illegal drug use. I hope that continues.

### *6. Surfing in Dangerous Internet Waters*

The computer age has brought some interesting ways to bring leaders down. Some of you will remember such a case involving a commander on the list for selection to brigadier general. He was a good guy by all accounts and worked hard. But on Sundays, he would go in and troll the adult porn sites from his government computer. If any of you believe that what you do on your government computer is not apparent to everybody in the world, then you don't understand. The geeks have a spy network that is amazing. As I tell folks, if adult pornography is your thing, buy a Dell and sign up for AOL and go home and do it all you want. Don't do it from your government computer. I tell you this has happened, and not just in the military. I've had several cases my folks have investigated in both the federal and civilian sectors. It's amazing how dumb people can be on this one. Of course, you don't do child pornography from any computer. We actually had a wing commander about twelve years ago caught for this at an Air Force base. He was otherwise successful, but this was his weakness. And, he spent time in jail, as I recall.

### *7. Using (or appearing to use) Your Official Position for any Personal Purpose or Private Gain*

God spare me from the government owned vehicle (GOV). It's amazing how many successful leaders go down on this one. People are waiting to drop a dime for almost any reason. I turn down GOVs at every opportunity I can because there's no way to use them to go any place you want to go anyway. Be smart about this. Use resources properly.

Those are the seven deadly sins that have often brought down leaders. The obvious stuff that we don't need to spend a lot of time on. Remember those rules.

## Ten Venial Sins

What I really want to spend some time on are the venial sins. Not the deadly sins, but the venial sins that really undercut effective leaders. I don't have lots of JAG examples on the deadly ones but do on the venial sins.

### 1. Control Freak

When I was the staff judge advocate (SJA) at a Numbered Air Force, one of my subordinate SJAs was a control freak. I didn't realize that until I went up to visit his office during one of our Article 6 visits. It occurred to me, when I was listening to the briefings, that the staff giving the briefings looked absolutely terrified. They had obviously memorized every word. When they stumbled on a word their eyes would glance over to the SJA, as if a bullet was going to come their way. This SJA was a very good lawyer; a very smart lawyer. But he was probably the worst people-person I had ever seen. And frankly, the staff laid down on him and the commanders turned on him. Ultimately, his commander asked that he be replaced.

One of the many keys to leadership is giving your people the room to fail. You've got to be prepared to let your people fail occasionally. You can't control everything. If you do, then you're not worried about the second part of leadership. You're only concerned with today's mission and not with growing leaders for the future. Avoid being a control freak.

### 2. The Messenger Killer

How about the messenger killer? We all have worked for a few of those. As leaders, one of the most valuable things for you is knowing "ground truth." Ground truth is the most elusive and most valuable commodity you can have, particularly as you move further up the ladder.

How do you get to ground truth? The chief thing is to create an atmosphere that allows that truth to percolate up to you in one form or another. Messenger killers can be virtually assured that they will not have access to ground truth. Interestingly enough, a previous leader at the Transportation Security Administration was a classic messenger killer. It literally got to the point where none of the Federal Security Directors, anywhere in the country, would tell this guy anything because immediately he would turn it into a Machiavelian cross-examination and frequently a firing. It was one of the most extraordinary things I ever saw in my life. But he created a climate where he didn't have a clue of what was going on. It was a natural by-product of how he ran things.

Don't be a messenger killer. You've got to create that environment where people can tell you things and you won't kill them for it, but rather will take it under consideration. A lot of the information you're going to get may not be useful; but if you create that environment, then you've got a much better shot to discover that invaluable ground truth.

### 3. "The Boss is Behind Closed Doors"

I have never seen a good boss who could manage from behind a desk or behind a closed office door. I can remember three specific cases from when I was Chief of JAG a number of years ago. They were all very good JAGs and very good lawyers, but they all failed miserably as SJAs because they never got up from behind their desks. Their people didn't see them. The SJAs were doing important legal work, but they were completely ignoring the critical communication function.

People will draw conclusions about what's going on in the organization, one way or the other. You as a leader ought to play in the process. If you're behind closed doors, you can't. I've always believed that leaders keep too many corporate secrets. Those of you that have worked with me over the years know that a lot of times, at the end of the day, we would sit down and just shoot the breeze about all sorts of things. What's going on in our organization? What's going on in the greater JAG organization? I would learn things, and hopefully those who participated would learn things as well. It was part of creating a climate where ideas could come forward. And there was a selfish motive from my point of view: discerning ground truth.

General Powell, everybody knows, is a hero of General Rives and a hero of mine. He had a great line on this one that says, "I've seen a lot of little people hide behind big desks." You certainly see that in the Pentagon. We see that all over the place. Instead, you need to manage by wandering around. Get out there. You've got to be visible. Don't be a manager by e-mail. That's not the way to do it either. You've got to use e-mail, but if that is your only contact with your people, it is not enough.

### 4. Smartest Kid in the Class

How many of you feel like you have to have every answer to every question that comes up to your organization? I know I used to fight that temptation. The fact of the matter is, most of us probably aren't the smartest kid in class on every issue. If you hail from planet Vulcan, like General Rives, maybe you are. But the fact of the matter is—being the smartest kid in the class on every issue really distracts from your leadership ability. I can remember more than one office, where shortly after I got there, people were coming in and saying, "Okay, this is the issue, what do you want to do?" And invariably my response would be, "Hell, I don't know. What should I do?" If people are coming to you thinking you have all the answers, then you are not leveraging their creative talents and their abilities. In fact, in most cases they're going to know a lot more about the problem. As leaders, you need to challenge your people to not just tee up issues for you to solve, but to analyze and come up with recommendations and be full participating members in the decision process. Ultimately you're going to have to make the final decision, but it ought to be only after you have considered the recommendations and proposed solutions of other people.

Many of you who have worked with me know that I have very little patience with folks who come in and tee

up the problem and pass the buck. Good leaders meld decision-making and problem-solving skills throughout the organization. You can't do that by always being the smartest kid in the class.

**If your people are coming up to you, thinking you have all the answers, then you are not leveraging their creative talents and their abilities.**

### 5. *Not Invented Here Syndrome*

How about this one? I have a real-life General Rives story from years and years ago. There are some bosses who believe that the only ideas worth pursuing in their organization are those that come out of their head. Years ago at JAX, General Rives and I worked for a colonel when we were both field grade officers. But the colonel was a guy who violated several of these rules. He spent a lot of time behind closed doors and basically killed almost any initiative we had. General Rives was running officer assignments and I was running manpower. We would come to our colonel with lots of good ideas and generally got shot down. He carefully explained to us that it wasn't the way things worked in the Department. We didn't believe it. We kept trying. He frankly squandered what was, modestly, a very talented staff. He retired as a colonel, and General Rives did not—maybe that tells you something. You've got to find ways to leverage the creative juices of your people, and not simply assume that your job is to think of all the good ideas for your organization.

### 6. *Can't Spot the Sycophants*

A venial sin that clearly undercuts leadership is this one: the sycophant. You all remember the patron saint of all sycophants, Eddie Haskell. Every organization has these people. They're people who substitute a personal relationship with the boss for quality work. They are absolutely the most insidious force in terms of undercutting your organization. Your job is to create a meritocracy where the people that do the best, get ahead. The sycophant tries to shortcut that. And, I've got to tell you, as you get more senior, they're harder to spot. There are some good suck-ups out there. We all know that. Leaders may not always know the suck-ups, but usually the suck-up's contemporaries do. That's why that communication climate is so very important.

I'm not encouraging you to create an environment where people are swearing at you and never say anything nice. That's not what I'm talking about. But you've got to be careful about these people. We can all think of some examples of folks who got fairly far in the JAG Corps simply by being very good at the Eddie Haskell thing.

### 7. *Talk a Better Game Than You Play*

There are two kinds of people who go through life: those who talk a great game and those who play a great game. It is exceptionally important for your credibility as a leader to always play a great game and not over-promise things you can't deliver. Once you lose credibility by promising things that can't be delivered, it's very difficult to motivate your folks to do the kinds of things you need them to do, at the energy level you need.

### 8. *Indecisiveness and the 100 Percent Solution*

There is no 100 percent solution in the legal world. What we do is risk balancing and risk mitigation. The first boss I ever worked for was a JAG who faded into obscurity. He got fired about six months after I got there. He had several faults, but the most severe was that he simply could not make a decision. The fact of the matter is that a 90 percent solution on time is much more valuable to our commanders than a 100 percent solution that is late. You've got to be sensitive to how good is "good enough" for whatever product you and your people are preparing. The product you are generating has to be useful to your leaders and folks you report to.

### 9. *Dignity Abuser*

The single most devastating common denominator among JAG leaders I've seen fail is the failure to understand the importance of human dignity. If we are going to succeed, we're going to succeed because we recognized the dignity of all the members of our team. You must go out of your way to foster that, not degrade it. A great line from the movie *A League of Their Own* is, "There's no crying in baseball." I would suggest to you that if people are crying after you counsel them, you probably don't have it right. There should be no crying in JAG. It's not easy, but I would posit to you that if you work the dignity piece, you will always be ahead as a leader.

### 10. *Leaders Always Lead*

Leaders always lead—even when they're not trying to lead, not meaning to lead, or not meaning to send a particular message. My example goes back to that initial SJA that I worked for when I came out of FLEP back in 1977. He was a pretty nice guy, but a guy who was indecisive. Also, he went around all day saying, "Gees, too much work. They don't give you enough people, how am I ever going to get this job done? Too much work and not enough people, what are we going to do?" Well, we captains were fairly smart. So, we started walking around saying, "Too much work, not enough people, too much work, how are we going to get it done?" The fact of the matter is, we hardly had anything to do compared to the workload that you all face today. I don't think the lieutenant colonel intended to convey that message, but because we were sensitive to what he was doing, we adopted that same counterproductive apologist approach.

You have to understand, as leaders, that your people are watching you all the time. They are looking for cues that you may not have intended. The old theory that leaders are never off duty is spot-on. Be careful about the subliminal signals you send.

**Leaders always lead—even when they're not trying to lead.**

### *Accentuating the Positive*

Life is a team sport. We come in alone and we probably will go out alone. Everything in between is a team game. We succeed or fail as a team. Teambuilding is the most important building that you do as a leader. Put together that team. They will accomplish the mission and build the good organization for the long term. It's not rocket science.

Teambuilding is simply getting folks to go in the same direction. It's about exploiting and fully leveraging people's talents and abilities. It's about creating an environment that nurtures initiative and communication. It's about the bottom line. I've given this particular leadership pitch to some in private sector businesses and their bottom line is making money. Their leadership is ultimately about making money. Leadership, in our business, is getting the right legal advice to the commanders and the Airmen who need it, so that they can accomplish the overall Air Force mission. Never lose sight that teambuilding is not esoteric. It is directly related to the bottom line that all of us are committed to help achieve.

**Life is a team sport. We come in alone and we probably will go out alone. Everything in between is a team game. We succeed or fail as a team.**

### *Understanding Human Nature*

Does a teambuilder understand human nature? We talked about the dignity piece. If you abuse people, people will not hustle for you. Frankly, they will conclude that you represent JAG values and go do something else. We've lost a lot of good people because of abusive leaders.

### *Know What is Expected*

People have to understand what's expected of them. You can't hold them accountable for not doing some-

thing unless you've told them what to do. I'm constantly amazed at how often leaders will assume that subordinates know what it is that they're supposed to be doing. Take the time to explain, in detail, what you expect of people. You'll be amazed that they'll probably give it to you.

### *Believe Work is Important*

People have got to believe their work is important. We have a real luxury in the Department of Defense and in Homeland Security because the importance of our work speaks for itself. If you can't get fired up about what we're doing in today's global war on terrorism then you undoubtedly are in the wrong business. But it doesn't hurt to convey to folks how what they're doing fits in that larger scheme. Make sure they constantly understand the importance of what they're doing and how it contributes to this country.

### *Have a Stake in the Outcome*

I have never been a fan of leaders who focus the spotlight solely on themselves. I believe teams succeed or fail as groups. In order to make that happen, folks have to share in both outcomes. That could be in a lot of ways: verbal praise, step promotions, and medals. You've got to take care of those people who are taking care of the mission. And, make sure they are rewarded along with you when you get promoted. You didn't do it alone. Make sure you take care of those folks and bring them along with you.

### *Have Fun!*

I think this is important. Life is short. I have always loved working for leaders who took the mission seriously, but didn't take themselves too seriously and had time to smile. We only get one shot at this. So, we've got to do the best we can. You've got to have some fun. Great leaders that I've had an opportunity to work for always threw some fun into it.

### *Conclusion*

Leadership is hard. As Tom Hanks stated in *A League of Their Own*, "It's supposed to be hard. If it wasn't hard, everybody could do it. But it's the hard that makes it great." I suggest that it is doubly so for everybody in this room. I've always believed that in chaos and adversity, there is opportunity. You all find yourselves in a key point in the history of the JAG Corps. For reasons we all understand, the very existence of this Corps and its ability to contribute invaluable to the Air Force hangs in the balance. We have enemies out there, and we know who they are, who are more than willing to extrapolate the sins of the single failed leader upon the entire organization. They will run that as hard as they can. It's going to be up to you to prove them wrong, every day, with everything you do. If you do this right, I have no doubt



**Leadership is hard . . . “It’s supposed to be hard. If it wasn’t hard, everybody could do it. But it’s the hard that makes it great.”**

that you will rebuild. What you build in here can persist for generations. You all are going to be the people that save the JAG Corps. It’s not going to be easy. It’s going to be frustrating. There are going to be challenges. But there’s no question in my mind that you are up to what is probably the biggest challenge this Corps has ever faced. I wish you the best and if I can do anything to help, please call on me. Thank you.

Brigadier General James W. Swanson (B.A., Purdue University; J.D., University of Illinois) retired from active duty on 1 April 2003 after serving as the staff judge advocate, Air Mobility Command, and Chief Counsel, U.S. Transportation Command, Scott Air Force Base, Illinois. He is a member of the Illinois state bar and is currently an associate with The Durango Group, a business consulting firm headed by retired General Ron Fogleman, former Chief of Staff of the Air Force. He is also on the Board of Directors of the Airlift Tanker Association as both a member and a legal advisor.

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*I don’t believe people wake up and say to themselves, ‘I wonder how I can mess things up today.’ When someone fails, I’ve found it is usually because they didn’t understand what I wanted, or they weren’t trained adequately to do it. If your first instinct is to yell, then you should reconsider your approach.*

—General T. Michael Moseley, U.S. Air Force

# THE CORE OF THE CORPS: LEADERSHIP IN LAW

DR. JEFFREY A. ZINK

*The following is a transcript of remarks given by Dr. Zink at the KEYSTONE Leadership Summit on 3 October 05. Minor editing was performed prior to publishing.*

I can't tell you how excited I am to be here. This is awesome. Just looking out at this phenomenal group, I'm really excited to be here to celebrate what all your base commanders know and everybody on your bases knows: you all are doing such a wonderful job. Every day, they're coming up to you and thanking you for the work that you're doing, aren't they? Yes, they are; they love you. The Area Defense Counsel just loves you, right? And every day there's story after story about what a great job you're doing. Maybe not. That's why I'm really here because they're not. Because it really seems to be the case that nobody seems to notice you and the work you're doing. Do you feel that way sometimes? Oh, yeah. Do you feel the only time they notice you is when you screw up. Oh, yeah, I can relate to this. You know, there's something in my heart that's connected to you.

When I was a kid growing up and going through school, I was sure I was going to law school. That was my plan. All the way through college I was going to law school. I took the LSATs, was accepted at the University of Pittsburgh, paid my matriculation fee, and then for some reason, I walked into a recruiter's office. I don't know why I did—even to this day. It was a long time ago; it was 1977. I walked into the recruiter's office and said, "Do you have Guard and Reserve opportunities for flying?" What I didn't know at that point was there are different kinds of recruiters: Guard and Reserve recruiters and active duty recruiters. I was in the active duty office. And he said, "Oh, have I got a deal for you." He said, "We can have you flying in about a year." I was excited, "You mean, like flying real airplanes?" He replied, "Well, no, your eyes aren't good enough, so you'd be a navigator." So I asked, "What does a navigator do?" "Oh, he tells the pilots where to go." It took me about thirty seconds to figure that one out because it was, "Okay, law school for three years or go fly." I said, "Forget it, I'll go fly. I'll do that FLEP program." I never got there. Finally, after thirty years, I am in front of the JAG Corps. So that's why I'm really excited to be here. But we also have another connection.

I don't know if you realize this, but the center of the JAG badge that you wear is the same as what is at the center of the wings for a navigator. And so I guess I can relate to this. And the other part about "nobody notices you until you screw up," I can relate to this too.

How many of you have been up close and personal to a B-52? It's an amazing airplane—a huge machine. It has a 185 foot wingspan. That means if you put it on a football field and you put

one wing on the goal line, the other wing tip would be at the 37½ yard line of the other side of the field. When we took off fully loaded, we weighed 300,000 pounds and we only had a tiny bit of room for the crew. There were only two first-class seats and the pilots got them. Like they need windows! The navigator and the bombardier literally sat in the basement of that airplane, underneath the feet of the pilots. How appropriate is that? This windowless room, with instruments all over the place, was so noisy that we sat real close and you still couldn't yell loud enough to be heard. You had to use the intercom because there were two engines on either side. Two of the eight engines were on the other side of the skin of the airplane, and the skin of the airplane was basically aluminum foil. It was an incredibly horrible environment to work in. But I slaved away and I really believed that neither the pilots nor anybody else knew that I was down there unless something went wrong—say, if I was off-course by 200 miles.

Back in May of 1980, I was a young second lieutenant and I was stationed at Grand Forks Air Force Base in North Dakota. About three weeks after I got married, the squadron commander said, "Your crew is going to Guam for a month." And I said, "I just got married." He said, "Your crew is going to Guam for a month." Okay. So we took off and we flew to Guam. Guam is this little tiny island in the South Pacific. We got there and we stayed for about a month.





We flew the airplane a few times, but we had no maintenance help at the time. Eventually, things started to break on it; but not the pilot stuff, which was all fine. The wings and the gear and engines were all fine, but the navigation equipment was in bad shape. When we came back, the only piece of equipment I had to navigate with was a sextant, which is basically a little periscope that you stick up through the top of the airplane. You figure out where the sun is and based on some calculations, you can figure out where you are. It's basically the same system that Christopher Columbus used to find India. But I said, "No problem, I am a SAC-trained navigator, let's go." So we take off and we fly twelve hours over the water. We are right on course and right on time. Everything's perfect until we get to about 250 miles from the west coastline of the United States. That's when we should see the coastline on our radar scope. The bombardier and I looked at the radar scope, looked at the maps, and then looked at each other. At that moment we both realized something: either they had redesigned the coastline of the United States or we were off-course. So we pulled out some more maps and we looked again and we realized we were in fact 200 miles south of where we were supposed to be. For those of you who don't fly, this is a bad thing. This is when airplanes run into each other. And if they don't, the air traffic controller will call you and tell you you're in trouble—and when you land, the wing commander will invite you into his office and rip the wings off your chest. And this was before Velcro. I'm a little scared as a little lieutenant and I'm about to key the microphone and tell the pilot, "We need to go north now." Just then the air traffic controllers did call and they said, "We have a problem." I'm thinking, "You're telling me?" They said, "Here's the problem. Mount Saint Helens in Washington State has just erupted. There is ash all over the northern half of the United States. Is it possible that you can deviate south of your planned course by 200 miles?" My response was something like this, "Yes!" I then radioed the pilot and said, "Pilot, this is the navigator. It looked a little funny when we came out over a month ago so we already changed course in anticipation. Good navigators can anticipate geological events. I think we're okay."

I got lucky. But generally, we don't. And you are the same way. As JAGs and paralegals, you toil away and you can't even bill the hours. You work like crazy and they only notice when something goes wrong. So you

don't feel like you make a difference. Well, I'm here to tell you this afternoon that's just not true. You are making a difference every day. The choice you have to make is, what kind of difference do you want to make? Do you want to make a positive difference or a negative one?

So I'm going to tell you a few things today, but let me tell you first what I'm not going to say to you. I'm not going to put up Power Point slides—I know you're disappointed. I'm sorry. I'm not going to put up a slide over here that says, "Here are the right things to do as a JAG or as a paralegal, and here are the wrong things." This would be crazy. I can't do this. Do you know why? Think about credibility. How long have you known me? Six minutes? What sort of credibility do I have? Now, let's go back into my history. How much time have I spent as a JAG? Zero. I have three degrees and they're all in philosophy. Let's think about this. Another strike against me. What am I wearing? My apologies, gentlemen and ladies in here, but I'm some old retired guy. I remember when I went down to Air Command and Staff College and they would trot out some retired guy. And I remember sitting there as a senior major thinking, "This is the best they can do? He's going to tell me about what it was like in the brown shoe days." I now wear brown shoes. So two strikes against me: I'm not a JAG and I've been retired since 1997. And the third strike, as I already told you: I'm a navigator. SAC ate navigators for lunch. I don't have any command experience, any leadership experience. I didn't write my first OPR until I was at the sixteen-year point of my career.

Where did I spend my career? I spent my career at the bottom of a monkey tree. Do you know what a monkey tree is? Imagine a tree full of monkeys and you're at the top of the tree. You look down and you see smiling monkey faces looking up at you. What do you see if you're at the bottom of the tree? General Rives, you've got to fight for the view at the bottom of the monkey tree. Always.

The other reason I'm not going to tell you the right and wrong things to do is because you already know it. You would not have gotten to this position in your career without knowing what's right and what's wrong. It's a legal profession. Now, the question is, do we always do the right thing? No. Why is that? Well, there are all kinds of reasons, but the one that comes to mind for me is that we live in a world of real and perceived pressures to do certain things that don't feel right. Because we live in a world of three kinds of events: red lights, green lights, and yellow lights. The red lights and green lights are easy. You stop. You go. What do you do when you come up on a yellow light? You speed up, of course! But what do you do when you come up on an ethical yellow light, when the issues are not clear cut? In addition, you're feeling pressure from people around you or people above you to come up with a certain answer that just doesn't feel right in your gut. How do you handle that? If I have a gift for you this afternoon in our short time together, it will be to give you a few tools to handle the yellow lights of your life. As the military justice people and the legal professionals at your base, you are dealing with yellow lights all the time.

Let me start with a story. It's a flying story that doesn't involve me. It takes place about thirteen years

ago. In fact, next Friday it will be thirteen years exactly. Let's go to Martinsburg, West Virginia, which is near the Potomac River Valley and is gorgeous this time of year. October 7, 1992 was spectacular. It's a Wednesday, about 9:30 in the morning. We're going to focus in on the airport at Martinsburg, which is also co-located with an Air National Guard Unit, the 167<sup>th</sup> Airlift Wing. They fly C-130s. And there's a C-130 right now taxiing out to the runway to take off.



Let's look inside. It's got six guys in it. In the pilot seat as aircraft commander is Lieutenant Colonel Al Steinberger. Al is on top of the world. He's highly experienced, he's a very safe flyer and he does a lot of things. He's a traditional guardsman, but he's also a pilot for US Airways flying 707s. He just found out that he's moving to the left seat of 707s to become a captain at US Airways. It's a big deal and a big promotion. But it doesn't end there. He also just found out he's about to be appointed squadron commander for this flying squadron. Life is good for Al.

Sitting beside him in the co-pilot seat is Dallas Adams. Dallas is a captain and also very experienced in the airplane. He's working out of the National Guard Bureau in Washington and every chance he gets, he comes back to Martinsburg to fly with these guys because they're fun to fly with. Oh, yeah, they have a reputation of being some flying cowboys, but it's just a good group of folks and he loves flying with them.

In the back are four enlisted folks. MSgt George Griffith is one of the flight engineers. For George, things are not going so well. He actually just lost his civilian job, so the only way he can make money to feed his family right now is to take as many flights as he possibly can with the Guard. Beside him is a new instructor flight engineer, SSgt Jim Hinchman. Jim is brand new to the squadron and this is the first time he's flying with his new boss, Al Steinberger. He wants to make a good impression. TSgt John Funkhouser and SSgt Fred Jones are the two loadmasters in the back. If you look at these six guys, among them they have thirty-four years of flying experience—18,000 hours combined flying time. This is a highly experienced crew. The airplane is in perfect shape and the weather is gorgeous.

They roll out to the end of the runway and they call for their clearance and then something happens—something that happens quite a bit here. They are delayed on their clearance because, at 9:30 a.m. on a Wednesday, you've got all these jets flying out of the Baltimore-

Washington area going west. So these guys can't get up into the pattern and they are delayed. It could be five minutes or it could be thirty minutes; they just don't know. They have three choices, and it's always the same three choices. They can sit on the end of the runway and wait for their clearance. They can take off and fly pattern work, which is flying around and practicing landings and rolling down the runway and taking off again. Their third choice is to take off without their clearance and fly an unauthorized low-level route through the hills of West Virginia. As soon as they get their clearance, then they would go off on their mission. It's that third choice that's very popular in the squadron and that's the one they take.

And so you hear the pilot, Al Steinberger, say, "Let's go off and have some fun. Let's go off and play somewhere." And so they take off and they fly this unauthorized low-level route. Remember, it's a beautiful fall day and they're flying and swooping around the rolling hills in the Potomac River Valley. At one point, they come up on a hilltop and they want to go right. But instead of just going right, they decide to do a 270 degree left turn around the hilltop and then head right. So they're about 300 feet off the ground when they start this turn. About two-thirds of the way through the turn, there's a set of power lines with big metal stanchions. There's one stanchion on one hilltop and one on another and they're about 400 feet tall. Holding the whole thing together is a support cable that's about a two and a half inch steel cable that starts at 400 feet on one pole, swoops down to 300 feet, and then back up to 400 feet.

They come around in the left turn at 300 feet off the ground. They impact the support cable, which hits the number one engine on the left side and the engine immediately explodes into flames. But worse, the support line itself comes loose from the two poles and they begin to drag it through the trees until it literally saws through the left wing and the left wing leaves the airplane. The airplane goes inverted at about a 67 degree angle, hits the ground, cartwheels five times past a house and into a tool shed and explodes into flames. The flames are so bad that the siding on the house melts and the old man who's living in the house gets out on the other side, escaping with some singed eyebrows and some loss of hair. The crew was not so lucky. They're gone.

What happened here? Well, the accident investigation board convened and they came up with a number of reasons. The primary cause was pilot error—not a surprise there. The secondary cause is what the accident investigation board called, "the tacit concurrence of the crew." They listened to the voice recording of the crew, and nobody on the crew said anything. Nobody asked the pilot if this was a good idea. They were all quiet. The tacit concurrence of the crew.

How did this really happen? Let's look at that a little bit because you could sit there in your chairs right now and say, "You know what, I'm not in a flying unit, I don't have to make decisions like that. So how does that affect me?" I think it does and let's see if we can figure it out. Why was it that they decided to go off and fly the unauthorized route? It had been allowed to happen before. Hey, it was fun and they did it all the time. They

said, "It's the way we always do business. Nothing's ever happened before."

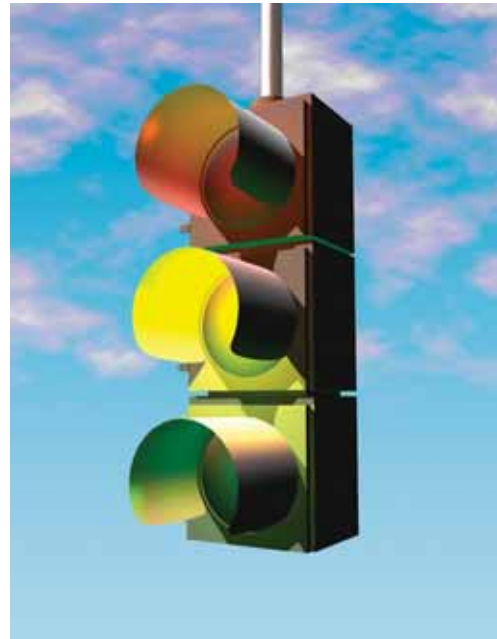
There's another way of answering the question of what happened. When's the last time you were in a high school classroom? I had the opportunity after I retired. I live in Colorado Springs and the school district where my son was in high school was in desperate need of substitute teachers. I had just completed six years of teaching at the Air Force Academy and I said, "I can handle students, but I don't want any little kids. I can't do elementary school. Even middle school seems like work. I'll do high school." I loved it. But the thing I noticed when I would walk the halls of the school during a class change is that you could feel the pressure. These kids are under such incredible pressure—you could cut it with a knife. Phenomenal pressure. In fact, anonymous surveys of high school kids asked them, "What's the thing that's most important to you?" It's not grades. It's not drugs or alcohol. It's not even sex. The number one concern for high school students throughout the country is fitting in. "I've got to fit in. I've got to be a part of the group. I have to wear the right clothes. I have to say the right things. I have to listen to the right music." But it's a high school thing, isn't it? When we grow up, we move away from that pressure, it's gone right? Wrong.

What is the speed limit in the town where you are stationed? Fifty-five. That's what the sign says, right? In fact, that's what you do. Good driver that you are, you drive fifty-five. But then a car goes zooming by and you become lost in a fantasy world figuring the State Police are going to be right around that corner. You think, "I'm going to go by and there's going to be that little black BMW just sitting there with a cop behind it and I'm going to feel so good. I'd even offer to defend him, I feel so good." And you're lost in this fantasy for a while until a few more cars go zooming by. When you find yourself in that situation, what do you? Oh, you speed up, of course, and get with the group. We drive the interstate like lemmings, don't we? One rule of the road—never lead. Cops will pick you up if you are leading, but they won't get you if you're in the middle or in the back. If you find yourself alone, wait for the next group to catch up. Or worse, try upholding the law which you are sworn to protect and continue to drive fifty-five. That's an interesting experience. Can you read sign language?

But the key is that this pressure doesn't end in high school and it doesn't end on the interstate. We live in this world of pressure. Every one of your units has pressure like this. How many of you have ever been inner-tubing on a river? Oh, you should do this, this is really fun. You get a big truck inner-tube and you plop it in the water. You plop your butt in that inner-tube, and then you take a little inner-tube and plop that in the water with your cooler full of Diet Coke. You then float on down the river. And it's a day like today, classic Colorado day. A little chilly, but it'll work. Maybe it's 85 degrees, maybe it's warm. You're lying there getting skin cancer, but you don't care because it's good. Unless for some reason you have to go back upstream. Let's say one of your Diet Cokes got away. So you hop into the waist-deep water and you turn to head upstream. And

then you realize the current. It's really hard to move. Unless you have some pretty good leg strength, you can't move upstream. You really only have two choices at that point: get back in the inner-tube and go with the flow, or walk to the shore and get out.

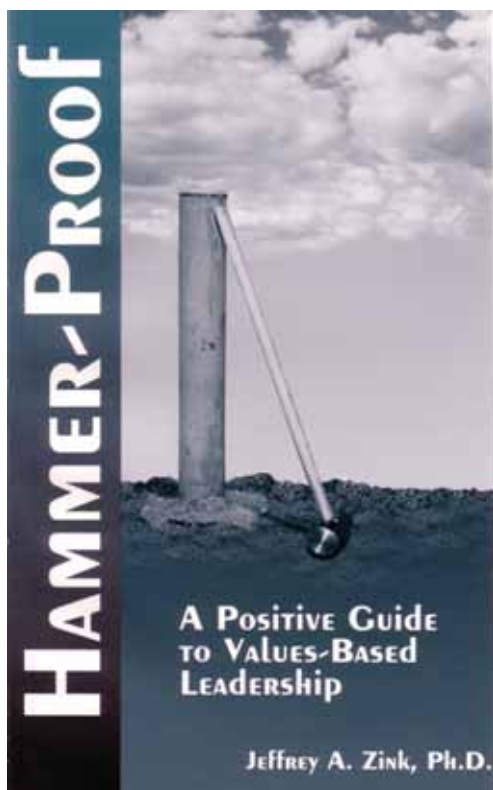
Now, I give you that analogy because each one of the units that you represent here has a river like that. Let's call it a Peer Pressure River. It's flowing in a particular direction and, when everything is going smoothly, nobody can even feel it because it's an invisible force. But if you come up on one of those ethical yellow lights, where that force is pushing you in one direction unless you have some pretty incredible inner strength, you only have two choices: go with the flow or get out. And I know you've all run into these situations. Go with the flow or get out.



Now, do you think there was some pressure in that C-130, especially in the back for those four enlisted guys? "The boss is up there. The boss is flying the airplane. I'm going to tell the boss, 'Hey, this is a stupid idea.'" George Griffith needs the work; he needs the money. Jim Hinchman—he's brand new. Nobody says anything. That's the first lesson we learn from this story. The river is pushing us in a particular direction.

The next lesson we learn comes from the following age-old saying: "Because they've always been doing it that way." Let's think about this. Here's another little picture I want to put in your head. I want you to picture a concrete post, 3½ feet tall, six inches in diameter—the kind that you see in front of drive-up windows at McDonald's and Burger King. Now, I need to remove the post and I'm going to use a sledge hammer. It's actually a good sledge hammer. It's got a twelve pound head and it's got an oak handle. And I'm going to remove the post. So basically I'm going to hit it as hard as I can. [Dr. Zink makes a swinging motion]. Boom! What happens? Nothing. What does break? This bone in my hand from the vibration that comes back. What happens to the post?

Well, nothing, unless I caught it right at the corner and then maybe a little tiny chunk of that concrete goes flying off and hits me in the eye. Now the post is winning. But I'm determined to remove the post, so I take another shot. Boom! Same thing. Chunk. But I take another one. Boom! Chunk. Boom! Chunk. Boom! Chunk. How many of you have ever broken up concrete? It's really an amazing experience because concrete is one of the strongest things I can think of. Yet, what happens to concrete when you hit it repeatedly? Eventually its internal structure begins to break down. Big chunks go flying off. Bigger and bigger chunks and cracks. And it's actually not long before I'm standing here looking at a pile of concrete dust. Mission accomplished.



What in the world does this have to do with anything we're talking about? Each of us has inside us a concrete post. We don't call it that, we call it character. It's who we are inside. You are justifiably proud of that uniform you wear and you should be. But when you take it off, what have you got left but your character? And the problem is, every day there's a hammer swinging at you. Boom! Every day there are choices to make. "What do I do in this case? How do I adjudicate this? There's the easy way and there's the right way and I am swamped. I am understaffed—I am at 70 percent. We heard this morning that everybody else at my base is at 91 percent, but I'm at 70 percent. I am so overloaded that I can't see straight, and there's an easy way to take care of this one. Oh, yeah, it's not perfect, but it'll do." Boom! You take another shot. Whatever you're thinking is, "You know what, nobody's ever going to know." If that enters into your mind, "Nobody's ever going to know," Boom! There's another shot.

You've got a meeting with your boss in ten minutes and you're ten minutes away on the other side of the base. You have this stack of VCR tapes that you promised the kids you would drop off at the BX because they're due at noon today. And you pull up to the BX, and guess what? It's National Retiree Day. I am there with my Winnebago and my Ranchero attached behind back and a couple of motorcycles after that, and I have taken up every spot in the parking lot, except what? The handicap spots. "Nobody ever uses those," you say to yourself. "And I've got to just run inside the door and then run out." So you pull into that handicap spot and you run in and you run out and the cops didn't find you. You got away with one. Yes. And you take off again except – Chunk. It's the tiny little things. But the question is this, folks: how many? How many shots can we take before we're a pile of character dust and you go with any flow at that point?

There is some good news. That drive-up window concrete post that I described? They don't really look like concrete do they? What are they made of? Steel. It's a steel pipe and then the concrete's poured inside. Why? They're stronger this way. They don't chunk. What we need is something like that steel pipe for our character. We can get that, but we don't call it a steel pipe.

Let's call it integrity. I think we've heard that word before, haven't we? What is integrity? Many of us say integrity and honesty are about the same thing. They're not. Integrity is wholeness of character. Wholeness of who we are. That's where the root word comes from. Do you remember integers from when you were doing math in high school? An integer is a whole number. Integrity is about wholeness. So what we need is some sort of steel pipe. The problem is we can't put on integrity in one shot. Wouldn't it be wonderful if you finished this week on Friday and they gave you a little certificate of participation and they said, "Here's your certificate and here's your integrity." You can't do that. Integrity doesn't happen that way. Integrity goes on a little bit at a time, as if you were making a suit of armor for yourself. It's in the little tiny decisions that you make. It's when you say, "Here's the right way and here's the easy way," and you choose the right way. Even in the little things, you get stronger and stronger so when the big ones come along, it's really easy to say, "You know what, I can't go along with this." Let's think again about that C-130. What about the integrity in the back of that airplane? Nobody had the courage, the valor, to say, "Boss, I can't do this." If somebody had then we wouldn't be telling this story, would we?

This is a leadership summit, so I want to say some things about leadership. Leadership has nothing to do with where you sit on an organizational chart. It has nothing to do with your job title or what's on your door or whether you even have a door. It has to do with when you say, "You know what? I'm not just a paralegal I'm not just an SJA, I'm not just a JAG. I'm a leader. I'm making a difference." Everyone in this room is a leader.

So I want you think about something as leaders. What kind of people do you want working for you at your base? You want conscientious, hard-working people. You want people with integrity. You want them to be

competent, motivated and loyal. But watch that loyalty. Loyalty can get you in trouble. Loyalty “to what” rather than “to whom” is better.

How many of you want Darrell Livingstone working for you at your base? I’ll tell you about Darrell and then you decide whether you actually want him working for you. Darrell lives in Steamboat Springs, Colorado, not far from here. Big deal. Here’s what he does for a living. He cleans houses. He is a house cleaner. He’s not a supervisor, he doesn’t own the company, he works for a company but he’s not the boss. Do you want him yet?

Let me tell you a little story about him and maybe this will change your mind. Back in 1997, Darrell was cleaning a house that was being sold. It’s a thorough cleaning and he’s in charge of the kitchen and he’s running a checklist. The last item on the list is to go through all the cutlery drawers, making sure that they are all clean and empty. He opens one of the drawers and looks in and sees eight little black, velvet bags. He pulls out one of the bags and opens it up and it is full of loose diamonds. It turns out there are \$38,000 worth of loose diamonds in this kitchen drawer. And I know your first question has got to be, “What were these people thinking?” This represents about an eighteen-month salary for Darrell. And what does he say? He says, “We didn’t know how much they were worth at the time, but we were all pretty wide-eyed, I guess.” And then he says, “We didn’t think twice about returning the gems. We go into people’s houses on a daily basis. They trust us with their prized possessions. We knew right away we had to return them.” We didn’t think twice. Okay, leaders, how many want Darrell working for you? Does he embody all that stuff we just heard—competence, self-motivated, with integrity? Yeah. Okay, I’ll give you his phone number, it’s a local call. Call him, ask him if he wants to come to Mountain Home Air Force Base. Do you think he wants to move from Steamboat Springs to Mountain Home? Somebody’s from Kunsan Air Base back there. Do you think he wants to come to Kunsan? I’m guessing not.

Okay, so you can’t have Darrell, but maybe you can get “Darrells.” I will give you the number for AFPC. You can call them up and say, “Okay, I need half a dozen Darrell Livingstones, here’s my IMPAC card number.” Wouldn’t it be great if AFPC took credit cards? You could really get the good people. But you can’t. You can’t have Darrell and you can’t buy “Darrells.” Okay, leaders, you’re stuck. What’s your choice? Train them? How about make them—I like that. You’ve got to make your own “Darrells.” Guess what, folks. That’s your job as leaders. You have to make them.

One of the little pamphlets that has been written on leadership in the last ten years says: “A leader’s task is to create the sort of workplace environment in which ethical behavior is virtually self-enforcing.” It goes on to say: “Many of the benefits of individuals doing individual good deeds are lost if they’re not supported by a strong ethical climate.” A leader’s job is to create that climate. Let’s put it in simpler terms here. You remember the Peer Pressure River I described? “Go with the flow or get out,” do you remember that? What I didn’t tell you is—it forks. There’s a fork in the river up ahead.

One side leads to disaster over the falls, and the other side leads to smooth sailing. And guess what, folks? Every one of your units that you represent here today is heading in one of those two directions. How do you know? How do you know which way it’s heading?

Well, you listen. First of all you climb down to the bottom of the monkey tree and you listen. Let’s assume that your unit’s in bad shape and it’s heading for disaster. What does that sound like? Listen, it sounds like this: “You know what? This place sucks. I hate my job. I’m overworked. We’re understaffed. We don’t get the right equipment or materials. We are being overtasked. We keep getting deployments. I hate it.” Whine, whine, whine. You also hear, “It’s not my fault, it’s all the stuff above me and around me.” Victim. By the way, the opposite of a leader is not a follower. The opposite of a leader is a victim. “Look at all the stuff that happens to me.” You also hear this: “You know what? You may have done it that way at your last unit, but we don’t do it that way here. Here’s a simpler way. Yeah, I know what the AF Instruction says, but if they really thought that the AF Instructions were important, they’d still be called regs, wouldn’t they? So just do it this way.” You hear people telling each other that. It’s a sure sign you’re headed for disaster.

Now, let’s take Darrell Livingstone and drop him into that stream. What are his choices? Go with the flow—which means get corrupted, and in six months he’ll be sounding like everybody else—or get out. Don’t become a part of that climate. Wait until your time is done and then leave. That’s pretty depressing because I told you every one of your units has a river. But wait. Imagine instead that the river’s flowing in the right direction. What does this sound like? Get to the bottom of the monkey tree and listen again. It sounds like this: “You know what? This place sucks.” That sounds familiar. But you also hear, “But we’re in it together. We are all here. Our workload is horrendous but you know what? You just got that last case and you were swamped already. You’re never going to get out of here. Let me help you out with that. Let me help you. I’ll do some of the research for you and we’ll both get out of here late, but we’ll both get out. Let’s do it together.” It’s the old Arabic expression: “We are what we are, so let’s start from here.” Let’s do it together. And you also hear this: “You know what? Maybe you really did do things that way at your last unit and I don’t like confrontation any more



than the next guy, but I've got to tell you, the AFI says we have to do it this way and at this unit, that's the way we do it. In this office, that's how we do it." Imagine peers telling that to each other. How powerful is that?

Now drop anyone you want to think of in the river. For example, drop some scum into that river, what are his two choices? Go with the flow and get better, or get out. He will say, "I don't belong here, this is real work." So you cannot change this peer pressure problem, but you can leverage it for yourself. All you need to do is make sure the river's flowing in the right direction.

Now I guess you want to know the answer to that one, huh? How do you make sure the river goes in the right direction? Well, the answer to that question leads to a much deeper question. Why are you still in the Air Force? Every one of you has had an opportunity to leave. Some of you had multiple opportunities to leave and you are still here. Why? Is it the money? Oh, please. Is it the cool clothes? You know, I miss wearing petroleum-based apparel. What is it that keeps you here? You do. You believe in what you do, and what is it that you do? This is powerful stuff. What is it that you do? Are you making a difference? Yeah.

It's interesting, I have two older brothers. One of them, my oldest brother, is my business partner. But the other one, our middle brother, is an attorney. I wanted to be like him when I was growing up and that's why I wanted to go to law school. And he's a very successful attorney. He has his own firm that he started fifteen years ago. His firm has fourteen attorneys and almost all of his cases involve defending bad faith lawsuits against Allstate Insurance Company. And he's really good at it. He's incredible. He has only lost one case in fifteen years. He's also the most ethical person I know. He does not take cases where he thinks Allstate's at risk. Instead he says, "No, you're going to pay on this one because you guys blew it." And you know what he does? He's so proud of what he does—he saves this multi-billion dollar company millions of dollars in lawsuits for their anonymous investors. Oh, yeah! Now, what do you do? What do you spend your life doing? Finding justice for people that can't find it anywhere else. And ultimately, you're not just part of that legal profession we've heard about this morning, you're part of the military profession. What do you do as a military force? Protect and defend the Constitution. You are protecting my freedoms. You are protecting my brother's freedom to make all that money off of Allstate. You are protecting and defending our freedoms. Is that valuable? Think about this and think about how you do it as well.

How many of you are familiar with Maslow's Hierarchy of Needs? I think it's in every Air Force course that's ever been created. Maslow wrote this pyramid of needs and down at the bottom is security and safety. In the middle is self-esteem and up at the very top is self-actualization—being the best you can be. It's at the very top. Wonderful pyramid. I've got to tell you a little story about old Abraham Maslow. He was about thirty-two years old when he developed this pyramid. In his late 60s, he went back and he looked at his pyramid again, and you know what he said? "Oops." He said, "I think I got it wrong." He said, "I think self-actualization is not at the top of

the pyramid, I think there's another level beyond that," and he called it synergy. And he defined synergy—being a part of something bigger than yourself.

Now, let's test old Abraham. Think about this. When is the last time you felt most fully alive? When you were part of a group of people, part of a team, doing something really important together and making it happen? It may have been a high school football team or baseball team. It may have been a cheerleading squad or a debate team for most of you. But you were doing something really important. Or it may have been the work that you have done in the Air Force in the last six months. How good is this feeling when you see it all coming together? Awesome. It's an awesome feeling. So it's about being part of something bigger than yourself and protecting the lives and freedoms of not only us, but of our Iraqi allies, people who cannot defend themselves. How good does that feel? And ultimately it's about the values we live every day.

We have Core Values—Integrity, Service and Excellence. And those are powerful. Do you know what's happening in the rest of American businesses? They're starting to move in that direction. They're starting to move towards values-based leadership. We're seeing the trend, and it's really nice to be on the cutting edge for a change. American businesses are moving toward something we've known for literally centuries. The Army's had Core Values for a long time and so have we. It's about understanding who we are. But the important part that we still struggle with is how do we use those values? Ask yourself when you're about to act, "Is what I'm about to do consistent with our values—Integrity, Service and Excellence?" But more important than that, when you get challenged by your boss or when your squadron or wing commander says to you, "I don't like what you're saying here, this is the result I want in this judicial action, in this military justice action," you need to be able to say, "Boss, I need you to explain that result in terms of Integrity First, Service Before Self, and Excellence in All We Do." And if he can't do that, then you know it's the wrong decision. But the gut check that takes—the valor that takes—is hard, but when you can do it with the values in your hand and say, "These are the values I live by, and these are the values you live by, show me how they're consistent." Think about how important that is. Imagine if somebody in the back of that C-130 that morning had said, "Lieutenant Colonel Steinberger, explain to me how going off and flying an unauthorized low-level route is consistent with Excellence in All We Do and Service Before Self, and oh, by the way, Integrity?" It's a powerful tool.

Remember when we asked, "How do we get the river flowing in the right direction?" Let's now think about those values and how they really work. Because now we're no longer in this inner-tube with the little inner-tube attached to it. Now, we have a rudder to steer by. Every decision we make, we put up against Integrity, Service and Excellence. These will not only keep you from chunking, they will keep you going in the right direction. If you are a leader on your base, the people around you will follow that. You are setting the example. Now, does that take courage? It's moving against



the stream, but pretty soon, the stream will be going in the right direction.

Now, practical advice. Here's something I want you to think about. How do you make this happen on a daily basis? Three things I want you to do. First of all, I want you to think. Think about this stuff. This summit is an incredible opportunity to think about the issues of values and leadership in a way that you never have before. If you use this as a nice five-day vacation in Colorado and then you go away and you forget all of that because of the hustle and bustle of going back to your unit, this will have been a colossal waste of time and money. I'm pretty sure, General Rives doesn't want that. But if you use this opportunity to think about this and make a difference in how you act later on, then it will be well worth every nickel spent. So that's the first thing I want you to think about.

The second thing you must do is talk—talk to people about these issues. Talk about the core values and what they mean to you. Whenever you make a decision, explain it to the people around you, either above you or below you or especially to your commanders. Explain why you're making this decision in this case in terms of not only the legal precedent and the law, but in terms of the values. It's not just the legal decision, it's the right decision.

Also, catch each other being good. Every day in your offices and at your bases, people are living by the values and doing great things. Every day. But you know what? Do we recognize that? Sometimes, every once in a while, but it's so easy to do and you don't have to be a commander to do it. You go up to somebody and you say, "Sergeant, I watched what you did yesterday. You know, that was the finest example of integrity I have seen in the last six months. Thank you, you made my day." Will that make a difference? Absolutely. Thank you is a wonderful thing to say and it doesn't cost anything. They really do not deduct any money from your pay for thanking somebody for a job well done. So use that. Catch each other doing the right things—it will change the flow of the river.

And the final thing you need to do after you think and talk is to act. I have to caution you against that hammer. You cannot stop the hammer from coming at you, but you can become hammer-proof. And now you know why I named my book "Hammer-Proof." Become hammer-proof because every time you make a decision, ask yourself: "Is what I'm about to do consistent with the values that I profess to live by?" And if it is, you're not going to chunk. It just works that way. And if that's all too complicated—let's make it a little simpler. Let's put it down into one test that you can ask yourself.

This test is called the "Mommy Test." It works like this: when you're about to make a decision, either personally or professionally, simply ask yourself, "Would my mother like me to do this?" And unless you came from a seriously dysfunctional family—we're talking Bonnie and Clyde here—99 times out of 100, that will keep you from chunking. Put someone else in that place. "Would my dad, would my uncle, would that chief, would that colonel I admire, like me to do this?" And that will keep you focused on the values that you want to live by, the compass that points you in the right direction.

Mother Theresa was an amazing person, already sainted. She stood about 4'10," did you know that? Really little person. She was running around Calcutta once and a reporter was chasing her trying to get a story on her, and he finally caught up to her and he said, "How do you do such great things?" And she looked up at him and said, "We can't do great things, we can only do small things greatly." That's what you can do.

That leads me to a final story. It's a story that you may have heard before. It's not my original story; it was actually told to me by a cadet, one of my students. But I love it because it sums up what we're trying to talk about here. It's a story about a man walking on an isolated beach. A storm is rolling in. He comes around a bend in the beach and he sees in front of him literally hundreds of starfish all washed ashore as a result of the storm and all slowly suffocating to death. As he looks more carefully in the middle of the pile of starfish, he sees a small boy, maybe five or six years old, bending down, picking up a starfish, looking at it, and throwing it in the water. He continued this pattern of bending down, picking up another one, and throwing it in. The man sees the utter futility of this operation. The fish are going to die. In his frustration, he wades through the starfish and over the crash of the waves tells the kid, "Would you stop that? You're not making any difference." The little boy looks up and says, "I am to this starfish," and he throws it in.

The gift you have as leaders is the gift of starfish. You get them every day. They keep walking in your door. "I need help with this problem." It's everything from a household goods claim to, "I've got a serious legal issue. I need help." These starfish keep showing up on your shore. What you get to do as a leader is make a difference in their lives, one at a time. I think you can do that. I know you can do that. Now, I lied before when I said that the entire base and the entire American public are always telling you how thankful they are for the work that you do, but I am thankful and on behalf of them I want to thank you for sacrificing so much personally for my freedoms.

Dr. Jeffrey Zink is a retired lieutenant colonel with over twenty years of service in the United States Air Force. Dr. Zink received his bachelor's degree from the University of Pittsburgh, his M.A. from the University of Southern California, and his doctorate in Moral Philosophy from Oxford University in England. Before becoming a professor of ethics and logic at the U.S. Air Force Academy, Dr. Zink spent ten years as a navigator and bombardier in B-52 strategic bombers. Dr. Zink has successfully motivated a diverse group of audiences, including military (from senior generals to young soldiers), business, and professional. Copies of his book, *Hammer-Proof*, may be purchased through his website, [jazink.com](http://jazink.com).

# RECOGNIZING BAD LEADERSHIP—WHAT IT IS, HOW IT HAPPENS, WHY IT MATTERS

DR. BARBARA KELLERMAN

*The following is an edited transcript of remarks given by Dr. Kellerman at the KEYSTONE Leadership Summit on 5 October 05.*

I was a leadership person before it actually became fashionable and that's a long time ago. Twenty-five years ago, I was at Yale University doing graduate work in political science when I realized no one at the time was interested in leadership. It's really a rather recent phenomenon. Then a few years ago, I started to realize how strangely skewed the field was. For example, go into a bookstore and go to the section on business books. You will find many books on leadership, but virtually every single one of them will be about good leadership.

So much so, that the word "leadership" itself is now almost synonymous with good. And in fact, academics who have written about leaders try to use different words for people who are really bad leaders. For example, James McGregor Burns, the Pulitzer Prize winning author who wrote a seminal volume on leadership, would not use the word "leader" to describe Adolph Hitler.

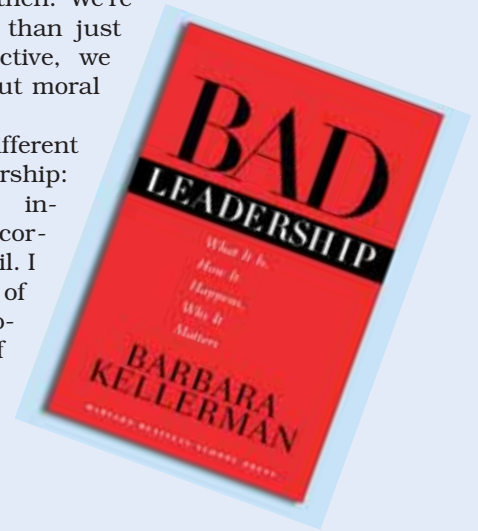
I became increasingly uncomfortable with what I consider an unfortunate bias in the field. A few years ago, I wrote a very short essay called, *Hitler's Ghost, a Manifesto*. In that essay, I argued we can't understand leadership unless we are willing to look at both the good and the bad. So my book, *Bad Leadership*, is really the first effort to claim the bad side for the leadership field. It is also an effort to look at the whole field. As such, I will spend some time going over what I consider the seven different types of bad leadership. When I give this lecture, I often find someone will say, "Wait a minute, I can think of an eighth." I will respond, "Okay, okay, fine. Remember, we are talking about human beings." Leadership is the study of human nature, if it is nothing else. We cannot be rigid in our categories and classifications, but I hope you will agree that these seven different types really do capture what I call the universe of bad leadership from the slightly bad to the altogether hideous.

In order to be a leader you need at least one follower. Leadership is about the leader but it is every bit as much about the followers. You cannot understand leadership unless you understand followership at the same time.

I was giving a talk about bad leadership a few years ago, before I had written the book. I said something about Hitler being a bad leader, which I thought was a completely incontrovertible statement. Only, of course, to have a member of the audience stand up and say, "No, he was not a bad leader;

he was a really good leader." And of course, he was using the term as in "effective leader." Students of German history between 1933 and 1941 know Hitler was a brilliantly effective leader. And I, of course, was using the term in the moral sense. So I learned my lesson then. We're talking about more than just effective and ineffective, we are also talking about moral and immoral.

There are seven different types of bad leadership: incompetent, rigid, intemperate, callous, corrupt, insular, and evil. I will talk about each of them in turn and provide an example of each type of leader.



## Incompetent Leadership\*

*The leader and at least some followers lack the will or skill (or both) to sustain effective action. With regard to at least one important leadership challenge, they do not create positive change.*

Notice the followers are part of this definition, again every bit as much as the leaders. Note that these are not personality types, so that when I give you my example of an incompetent leader, I am not saying that everything this man did was incompetent. But I am talking about a case in point so large that in the end, this is how this person will be remembered. In each of the chapters, I mention many different instances of bad leadership, but I also do one case study so that the reader has an in-depth sense of that type of bad leadership.

Juan Antonio Samaranch offers a prime example of Incompetent Leadership. The former head of the International Olympic Committee began brilliantly effective, and then stayed in too long. Often in cases where people stay in power or in office too long, things turn sour. This guy held on for over two decades. By the end of his tenure, everyone around him was a “yes man,” and I use “man” deliberately. I assure you there were no women involved here, at least not in terms of working with him. I’m sure there were women involved, but that’s another conversation. In any case, it ended up that he left a legacy of mismanagement and financial corruption that to this day bedevils the International Olympic movement.

## Rigid Leadership

*The leader and at least some followers are stiff and unyielding. Although they may be competent, they are unable or unwilling to adapt to new ideas, new information, or changing times.*

I know that none of you have ever met a leader that you would call rigid, but they do exist. The case in point that I chose, Mary Meeker, was such a successful Internet stock picker in the 1990s that she was called the “Queen of the Net.” Now, you may be thinking to

yourself, “Well, that’s a little bit interesting, but how is Mary Meeker a leader?” Mary Meeker was an opinion leader. She would say, “Buy Amazon.com” and droves of people bought Amazon.com. She said something and it was gold. At least that’s how it was in the late 1990s. But Mary Meeker did not have the capacity to adapt to new information or changing times. And so her stocks tanked when the Internet bubble burst. *Fortune Magazine* ended up putting this so-called “Queen of the Net” on the cover. She became, in effect, the poster child for the breaking and busting of the Internet bubble.

## Intemperate Leadership

*The leader lacks self-control and is aided and abetted by followers who are unwilling or unable effectively to intervene.*

I had lots of cases to choose from, many of which are mentioned in the book. But I decided to focus on Marion Barry Jr., who as many of you know, was elected to be Mayor of Washington, D.C., four times over. You will also know that he was an addict. For the sake of brevity, I’ll say he was addicted to sex, drugs, and rock and roll. What makes this case so interesting though, as I said, is not him. It is the electorate of Washington, D.C. The first time he was elected, Marion Barry was something of a civil rights hero. You really could understand it and all races in Washington voted for him in large numbers. The second time, it was already not so clear that this was the ideal mayor. But the third and fourth times were almost inexplicable in a logical sense. Logically you would say, “Let’s vote for a different person.” But it didn’t happen.

## Callous Leadership

*The leader and at least some followers are uncaring or unkind. Ignored or discounted are the needs, wants, and wishes of most members of the group or organization, especially subordinates.*

I guess I could have called this type of person a “mean leader.” A perfect example of the Callous Leader is Al Dunlap. In the corporate world, he is actually legendary. This man did a brilliant job. He led very large

\*The seven types of bad leadership and their definitions are from Dr. Kellerman’s book, *Bad Leadership—What it is, Why it Happens, Why it Matters* (Boston, MA: Harvard Business School Press, 2004).

companies and made lots of money. His name is really quite well-known in the corporate world, I would almost say notorious. He started off in his last incarnation at Scott Paper and he did very well at Scott Paper. If you happen to own Scott stock, he succeeded by firing lots and lots, and I mean tens of thousands of people, and he was able to make the company very profitable. He was not widely loved, but despised.

But it was not until he took over as CEO of the Sunbeam Corporation that things got really out of hand. He liked being called “Chainsaw Al.” “Chainsaw” because he cut so many employees off in ways that made them simply fall to the ground. He was notorious for losing self-control, not only with those further down the hierarchy of the ladder, but even among his closest aides. He was a piece of work. You might almost call him slightly crazy. But again, the interesting thing is not so much only about him, but how a man like this would succeed—stockholders knew this, employees knew this, and his closest aides knew this.

Everybody knew what kind of a man “Chainsaw Al” was. He was the kind of man that asked to be called, “Rambo in Pinstripes.” He was a callous leader in the extreme and I might add that he was brought down only when the whole house collapsed. Only when Sunbeam collapsed was this man finally—and by the way he was somewhat corrupt—pushed out. We should all be so lucky. He’s since retired and sitting on tens of millions of dollars.

## Corrupt Leadership

*The leader and at least some followers lie, cheat, or steal. To a degree that exceeds the norm, they put self-interest ahead of public interest.*

I didn’t have to look too far for cases of Corrupt Leadership. William Aramony was head of the United Way of America, one of America’s largest investment of charities. This man, like Samaranch, made the mistake of taking a good thing and holding on to it for way too long. He was CEO of the United Way of America for over two decades. He ended up being—I don’t know how to put it politely—a little odd in different ways, but he ended up also being quite corrupt. And it’s a poignant case of corruption because in this case, the stealing is obviously from those who need it most. So I chose him as an exemplar of corruption—how it can be such an insidious thing that even the head of a charitable organization could fall victim to it. I might add he’s another good case of how this stuff does not happen alone. He couldn’t have done the stealing and looting from the charitable coffers that he did without close aids in on the deal with him. So this kind of bad leadership, as all kinds of bad leadership, is not done in solitude.

## Insular Leadership

*The leader and at least some followers minimize or disregard the health and welfare of “the other”—that is, of those outside the group or organization for which they are directly responsible.*

This is the category that’s gotten me into the most trouble. I never talk about it without getting some people very unhappy because of the individual I chose as an example—former president Bill Clinton. Now, if you bear in mind my definition of Insular Leadership, what do you think it is about Bill Clinton that made me focus on him? Which one of his acts do you think that I talk about at some length in the book? Remember, an Insular Leader is someone who puts so much emphasis on the well-being of his or her own organization, own group, own tribe that the needs, wants, and wishes of others are ignored altogether. What happened on Clinton’s watch that was so egregious?

I am talking about Rwanda. Rwanda happens to be the most efficient genocide in human history. When I use the word “efficient,” I use it deliberately. It’s not the largest, it’s not in that sense the most hideous, but it is the most efficient in that 800,000 people were murdered in four-months time. Nothing like that rate of murder and mayhem had ever happened before. And it is not as if the administration was alone. I might add the American people and members of Congress—there’s enough blame to go around. I might further add Secretary General of the United Nations, who at that time was Boutros Boutros-Ghali, assisted by Kofi Annan then and other world leaders. There’s enough blame to go around. So I use, if you will, Bill Clinton as an example of someone who is so concerned about the well-being of his or her own, that the needs of others are ignored, even when they end up having calamitous catastrophic implications.

Bill Clinton eventually apologized. In 1998, he stated, “The international community, together with nations in Africa, must bear its share of responsibility for this tragedy as well. We did not act quickly enough after the killing began. We should not have allowed the refugee camps to become a safe haven for the killers. We did not immediately call these crimes by their rightful name: genocide.” This is Bill Clinton’s apology for what he did, or did not do I should say, in Rwanda. Rwanda happened in 1994, so you’ll see this apology was extended four years later. Now, I’m glad he offered it and I think it’s important to have it on the record, but can anybody guess what my objection is to this particular apology? It’s the collective. “We, we, we” instead of “I, I, I.” So my advice to you, if any of you ever plan to apologize for whatever you may have done wrong, it’s about personal and not collective responsibility.

## Evil Leadership

*The leader and at least some followers commit atrocities. They use pain as an instrument of power. The harm done to men, women, and children is severe rather than slight. The harm can be physical, psychological, or both.*

I wish I could say Evil Leadership is a rare thing, but indeed it's not. Now, again, I want to highlight the importance here of the follower. Let me go back to the prototypical evil leader, Hitler. The standard line about Hitler is that he killed 6 million Jews. But the truth is, so far as we know, Hitler did not kill a single Jew. So it is that mass of his followers that we have been inattentive to. It matters who those people were. The relationship between leaders and followers matters. Whether it's good leadership or bad leadership, you cannot understand what happened in World War II by focusing only on Hitler.

I could have chosen Hitler as my example of the evil leader; however, I chose instead to focus on Radovan Karadzic. This man is interesting to me. During the Balkan wars in the early 1990s, he was the leader of the Bosnian Serbs. He was one of two men still held responsible for the massacre at Srebrenica. Among many other things, rape and pillage were high on the list. What many of you may not know, is that this man was a physician—a psychiatrist. He was a healer, supposedly, and he had been a good psychiatrist, a successful psychiatrist. He was also, I should add, a poet. A well-published, well-respected poet and was extremely prominent in Serbian circles both as a psychiatrist and as a poet.

This is a case of an almost overnight flip. Almost overnight, the guy morphed from being a healer and an intellectual, into being a political leader and indeed, an evil one at that. Quite a story. Now, I point out as an irony that we run around saying we can't catch Osama Bin Laden, who probably is not so easy to catch in the caves of Afghanistan. But, almost everyone kind of knows where Radovan Karadzic is and yet NATO, the European Union, the United States, and the United Nations don't really want to go after him.

## Conclusion

I end the book with some advice for leaders and some advice for followers. But I don't want to be simplistic about this. I said I wrote the book because I was intellectually astonished that nobody else was paying attention to something that I consider a social disease. We attack AIDS, and we attack cancer, and we attack heart disease. Why don't we attack bad leadership? Bad leadership is responsible for so much bad in the world. Why do we throw up our hands and say, "Oh, my, whatever." We let it go on. Just so we're clear about this—it's our

fault if there's bad leadership. If we reelect these people, or if we don't catch them when they've done something wrong, or if we don't push them out of office when something's gone bad, that is our responsibility.

So I don't want to end on a note too simple. I want to end on a note much more complicated, because in the end, this book is about us. Why we don't attack bad leadership? Why are we scared of it? And by the way, there are good reasons to be scared of trying to do something about bad leadership. Often, to do something about it is a risky proposition for us. But I would argue, it is high time for people like you, as it is high time for anyone who cares about a healthy body politic, and I mean that in the broadest sense of the word, to at least start paying attention to this phenomenon. If we do not do so, we are condemned indeed to repeat bad leadership over and over again. Thank you very much and I'm happy to take any questions.

## Advice for Leaders

- Limit Your Tenure
- Share Power
- Get Real
- Compensate for Your Weaknesses
- Stay Balanced
- Be Reflective

## Advice for Followers

- Empower Yourself
- Be Loyal to the Whole
- Be Skeptical
- Be a Watchdog
- Take a Stand
- Find Allies

**Question:** Do you believe that men and women approach leadership situations differently and if so, how?

**Answer:** A few months ago, Larry Summers, the President of Harvard University, said in a too-public forum that there are differences between men and women that may explain why women aren't so good in math and sciences. He then gave several reasons. One of his reasons was a difference in their innate capacity. Now, this set off this hideous firestorm at Harvard and beyond. It actually made headlines around the world. Well, it may not have been wise to have said it because when you're the President of Harvard, you'd better watch what you say; you have to be political. But that's a separate question from asking ourselves whether there are some innate differences between men and women with regard to leadership issues. I think there are innate stylistic differences and some people are willing to concede this. By the way, I keep saying "I think" and "I believe" because we do not yet have real hard evidence about this. If you have one study that says there are no differences between men and women, I can promise you there is another study that says just the opposite. It's a little bit like, "Why are people gay?" We have all these theories of why people are gay, and we don't fully yet get it. I suspect as the hard scientists turn their attention to these questions, we're going to be a lot clearer about this.

But I want to stay with this for one more moment. What got me into trouble was not saying that there may be innate stylistic differences between men and women, which a fair number of people think may be accurate. What got me into trouble was when I suggested that it may be the case that women don't want to be leaders as much as men—that they actually don't want it as much as men. Now, I'm not saying you need to agree with me on that, but I do think it's an important thing to possibly remember. To take the most obvious example, are women's attitudes to child rearing exactly the same as men's? Is it an accident that four or five decades after the contemporary women's movement, women still have a hard time getting to the top? Is that all because of the nasty patriarchal structure, or are there actually some differences between the genders that contribute to an explanation? I'm as much for equality. I hate the fact that at Harvard, only about 15 percent of women are tenured and I think this patriarchy thing is real in the Academy just as I think it's real in the military and it's real in corporate America and so forth and so on. But that's not the same thing as saying, "Men and women are exactly the same and the fact that there are fewer women at the top is only because men are holding them down."

**Question:** How well do the principles you discussed translate to smaller groups?

**Answer:** I think the last category of the seven types, Evil Leadership, is the least applicable. But I do think the other six are absolutely applicable to groups and organizations of the most ordinary kind: whether we're talking within the military or the not-for-profit sector or the public sector or the private sector. Are you in this room unfamiliar with incompetence in your leaders? Are you in this room unfamiliar with leaders who, no mat-

ter how the situation changes or what new information comes in, are unable to change course? Are you unfamiliar with leaders who drink too much or do something too much? Are you unfamiliar with callous leaders? Are you altogether unfamiliar with corruption, however defined? And corruption, by the way, is about accruing more. Corruption is not just about money. Corruption is also about power. Corruption is about leaders who lie, cheat or steal. Are you unfamiliar with leaders who think so hard about the immediate unit within which you're embedded, that other needs, wants and wishes are ignored? The idea of the common good does pertain. Even though we want leaders who pay attention to their own constituencies, if that is carried to the extreme, the collective suffers. So I would argue that Evil Leadership is probably not a phenomenon in our daily lives, I hope. But the other six? Yes.

**Question:** Today you highlighted some bad leadership traits of bad leaders. In your opinion, what are the key components to help us be successful leaders?

**Answer:** The easy answer would be the reverse of each of them. As I say to my students, everybody who's doing leadership wants a simple answer. So I can list for you, and many of my colleagues do this, the common varieties: integrity, vision, competence and capacity to communicate, and so forth and so on. And if you pick up the leadership books, that's generally what you're going to see. You're going to see all those nice little things with which we're all incredibly familiar. But I would be doing you a disservice because there are some leadership situations—and in the military I hardly have to describe them to you—in which vision isn't important at all. What really matters is the immediate competence in this particular situation or level of expertise. There are other leadership situations in which the capacity to communicate doesn't matter. If I have a brain tumor and I want to find somebody who's going to tell me what to do and how to behave, do I need that person to be a brilliant communicator or do I need that person to be a fabulous expert? If you're caught in a military situation or crisis, you want somebody who damned well knows what they're doing, whether or not they have some of these other things. So my answer is, it is largely situation-dependent. I would further suggest, and I know this may be heresy, that you are slightly skeptical of any list of, "Gee, these are the ten things that matter," because there can be an eleventh situation where those ten things, or at least some of those ten things, don't really matter very much at all. It is situation-specific. It depends on what the needs are of the people at that particular moment in time and the circumstance in which the whole situation is embedded. So my answer is, "It depends."

**Question:** How do we deal with leaders around us, maybe on a peer level or slightly above, who are not effective leaders? What can we do to help the organization?

**Answer:** That's an incredibly important question and we see it so often. There's a very simple and well-known phrase, "Tell truth to power." But, it is often really hard to do. A leader must make sure to have around

him or her at least some people who are brave enough and smart enough to tell it like it is or at least to tell it the way they see it, even though it may be the exact opposite of how the leader sees it. “Tell truth to power” is a mantra for somebody in your position. To me, that says it all. I don’t know what I can possibly add to that simple

phrase, but again, I recognize that telling truth to power can be risky. There are strategic ways of telling truth to power that are more likely to increase the chance that you’ll be heard. So it’s not being so dumb as to shoot your mouth off, but to try to do so in a way that maximizes the chance that one is actually heard.

Barbara Kellerman is Research Director of the Center for Public Leadership and Lecturer in Public Policy at Harvard University’s Kennedy School of Government. She served as the Center’s Executive Director from 2000-2003. Kellerman has held professorships at Fordham, Tufts, Fairleigh Dickinson, George Washington, and Uppsala Universities. She also served as Dean of Graduate Studies and Research at Fairleigh Dickinson, and as Director of the Center for the Advanced Study of Leadership at the Academy of Leadership at the University of Maryland. Kellerman received her B.A. from Sarah Lawrence College, and her M.A., M.Phil., and Ph.D. (1975, in Political Science) degrees from Yale University. She was awarded a Danforth Fellowship and three Fulbright fellowships. At Uppsala (1996-97), she held the Fulbright Chair in American Studies. Kellerman is author and editor of many books including *Leadership: Multidisciplinary Perspectives* (editor), *The Political Presidency: Practice of Leadership*, and *Reinventing Leadership: Making the Connection Between Politics and Business*. Her most recent book, *Bad Leadership: What It Is, How It Happens, Why It Matters*, was published by Harvard Business School Press in 2004. In 2005 she received an Honorary Degree from Ripon College.

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*Leadership is an analog skill in this digital world we live in. There’s no substitute for getting off your butt and getting out there, face-to-face, human-to-human. Contact, that’s leadership.*

—General John P. Jumper, U.S. Air Force

# ISSUES IN INCLUSIVITY

DR. ELLA L.J.E. BELL

*The following is an abbreviated version of the remarks given by Dr. Bell at the KEYSTONE Leadership Summit on 4 October 05. Some areas, such as the case studies and the subsequent discussion, have been summarized.*

I am delighted and honored to be here with you this afternoon. My goal is to help create a larger awareness around issues of diversity and inclusion. I hope that when you go back to your office, you will have perhaps a different way of thinking or you will see new and different approaches to certain issues.

## On Diversity and Inclusion

Our goal is inclusion of all people, but you can't have inclusion until you have diversity. My definition of diversity is a simple one. It is the mix of people that you have. To have a good mix of people, one must look at issues of recruitment, demographics, and numbers. Diversity can be measured in a lot of ways and it can be evaluated in a lot of ways. In the United States, we generally focus on diversity as it relates to minority groups. However, there is also the issue of invisible diversity. For example, there can be a significant level of diversity among a single racial group including regional, intellectual, ethnic, cultural and religious differences. Talking about demographics means talking about the diversity within the demographics. Even for groups whereby everyone appears the same, there is still a need for good representation of the different attributes of diversity that are not so apparent.

## Inclusion Defined

The relationship between diversity and inclusion is that inclusion is what happens once people get in the front door. This includes the steps taken to make people feel welcome and to make them feel like they are a part of the organization. Inclusion is something you have to work on at all times because it is the only way to sustain diversity over time.

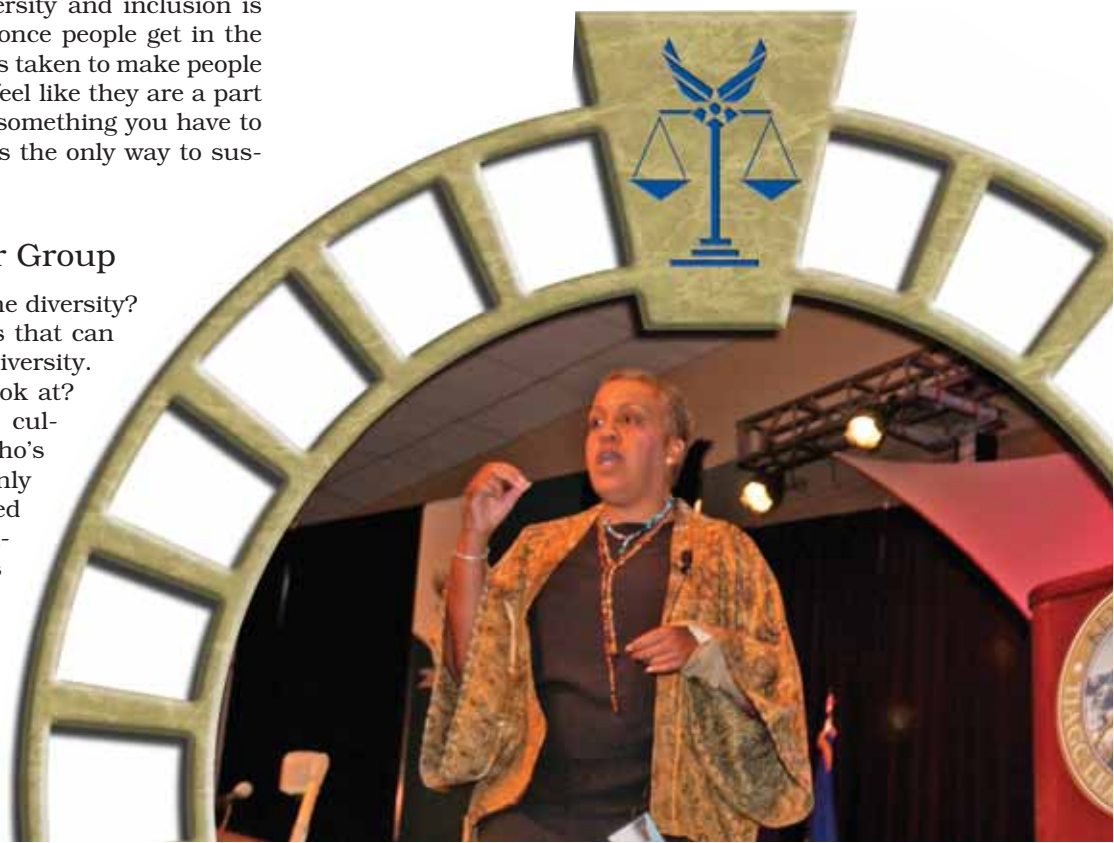
## Defining Diversity in Our Group

How does the JAG Corps define diversity? There are a number of questions that can help an organization define diversity. Which groups do you need to look at? Which groups are you trying to cultivate within the JAG Corps? Who's missing from the table? The only way to be competitive in the armed forces or any professional organization, and also meet the needs of future populations, is to have a clear plan about which groups you are going to cultivate and why. How are you going to get

these people? How are you going to get them to come to you rather than somebody else?

In order to improve diversity in the JAG Corps, there has to be a way to talk about diversity using something more than just numbers. Numbers are a categorization that tends to have a stigma attached to it. It gets people upset. Perhaps one way to look at diversity might be from a regional perspective. In almost any large organization there are areas where diversity is working better than in others. Therefore, one might look at best practices within the JAG Corps, Air Force, sister services and even industry as a more effective means of improving diversity, rather than simply looking at numbers.

In any case, you have to go beyond the numbers. It is critically important to understand the experiences of the individuals sitting at the table. You conduct a "diagnosis" to find out what peoples' experiences are, compared to the majority, so that you really understand the differences and the gaps those might create. This is a difficult task, as many people are not comfortable sharing their stories. Moreover, our culture teaches people not to share their stories because "we're supposed to all blend in and be alike." One example from my own research is that of a brilliant African-American woman who had a very important meeting with senior executives in her organization. Fifteen minutes before the meeting she received a telephone call that her nephew from Bedford Stuyvesant, an inner city in Brooklyn, New York, had been arrested for drugs.





This woman was the only person in her family who had the resources to make bail for the nephew. The dilemma from a diversity and inclusion perspective is how does she tell her boss, the CEO of the company, about this particular scenario? She's concerned about how he's going to make sense of this because she's the exception; she's the golden girl. He doesn't look at her and think about Brooklyn. He doesn't look at her and think about drugs. He doesn't look at her and think about inner-city crime. That's not how he sees her. So she's trying to figure out what to do and how not to miss this important meeting. All the while, she knows she's going to have to miss it, and wonders about the consequences. This is an example of why you need to have stories to understand what people are dealing with, to understand where they're coming from.

I like to think of inclusivity as engaging the culture that it attracts. This means bringing in a broad-based, multi-cultural, talented group of people who feel free to contribute at their personal best and bring the attributes of their respective culture, including styles of dress and speech. When we talk about who will contribute their best, it's being able to bring "all of me in the front door—the good, the bad and the ugly." This aspect of inclusiveness is a mark of good leadership. A leader is capable of bringing all their good, their bad, and their ugly into the front door. Don't ask me to hide my race; don't ask me to hide my gender; don't ask me to hide my ethnicity. It's all part of who I am. If I have to start making choices about what will make you feel comfortable or what will make you feel uncomfortable, then I'm spending time and energy doing that, rather than doing the best job possible that I can for you.

## On Creating a Culture that Values Individual Differences

In order to create a culture that sincerely values individual differences, you have to think about how to become the "employer of choice" for diverse groups. You have to focus on how to get young people to think about coming to be a part of your organization, particularly when those young people "look different than you do." The primary focus must be effective management and effective leadership. The goal for managers and leaders is to create a work environment where everybody feels welcome. This is not just the, "Hello, how are you," which we're all very good at. Look deeper in terms of really getting to know people. We're talking about creating a satisfying work environment where you really go beyond the, "Hello" and the, "How are you?" and, "Everything is fine," to really being a supportive group. You want to improve morale and job satisfaction. You go back to your health surveys and you try to look beyond what they say. You need data around those health surveys, some stories, so that you really understand. If you know that 30 percent of your people are unhappy, that doesn't tell you very much. You need to know why they are unhappy. Go and ask people questions.

## Forces that Impact Multiculturalism and Diversity

For the last piece, I would like to focus on the powerful forces that impact multiculturalism and diversity. The first one is the **power of culture**. Don't ever underestimate the power of culture. You must understand what your culture is about and who's comfortable in your culture and who is not. Culture is something you don't see. If I were to ask you to describe it, you basically could, but culture is also something that you're breathing in. It's the way you do day-to-day business. It's very important, if you want to talk about diversity and inclusion, that you really understand what your culture is about, who it excludes and who it reinforces.

I would next emphasize the importance of the **power of relationships**. I remember when I took my position at Yale, I really wanted to be there because Clay Alterson was there. He was a man that had done research on race. I wanted to do research on race, so I wanted to work with him. They put my office right next door to him. He would come in to work every morning and he would go in his office and close the door. It broke my heart. I was feeling lonely and isolated. I just felt terrible and I told a friend of mine, who wound up telling Clay Alterson, "Would you please just say 'Good morning' to her? That's all she needs." After that, Clay would come in the office and say "Good morning, Ella," and I would just light up because it was a connection. Relationships are important and it begins with, "Hello, how are you?" and giving eye contact when you do that.

I would also like to discuss the **power of mentoring**. There are some very inaccurate definitions of mentoring, but mentoring is still critically important. First and foremost, mentoring must be a developmental relationship where both parties get something out of it. I need to have a mentor that looks like me. Danny Thomas at Harvard University did a brilliant study on African-Americans. It turns out we have constellations of mentors. You might laugh, but my secretary is my mentor. When I first went to Tuck School of Business at Dartmouth, I had to put in a research budget. I had never done a budget, so I put in a figure of \$5,000. My secretary, Pat, came to my office, pulled me aside and said, "The guy next door is getting \$20,000, I do his budget, too." This is when Pat became my mentor and I got a \$25,000 budget. So, don't underestimate the people around you. You have a constellation of people around you.

I also believe in the **power of affinity groups**. It is important for people who look alike to be together occasionally. It's a healthy thing. They are not planning a revolution. Just because I am with a group of sisters doesn't mean I'm going to burn the building down. It means that we're talking about stuff that you probably wouldn't be interested in. It means that there's somebody like me that I can connect to and it's important if I'm going to have a good job experience to have somebody that looks like me that I can talk to. Do you know how we are socialized as African-Americans? If you go in a room and see another African-American, you are not supposed to get too close because you don't want them to think that you don't know how to interact with

non-African-Americans. This is how we were taught to socialize. Our parents were doing the best they could to help us navigate this crazy world, but you don't want to carry that mythology. You don't want to carry that stereotype. Affinity groups are a healthy thing—they do not take away from the team and they should be open.

The **power of performance appraisal** is a recurring theme throughout this presentation. I believe the only way to have effective management is to have relationships with people that are strong enough to be able to hear not only good things, but those things they might not want to hear. However, I also believe the most important aspect of performance appraisal is to ensure that people have the freedom to be able to put their talents to use. Where do they want to go? What do you want to do? How can you help them? Don't be afraid to give people freedom. That's your job, but you've got to have the relationship to get the feedback.

I would last mention the **power of race and gender**. I would emphasize that for me race does not mean racism. Race means culture. It means identity. It means different roles, different perspectives, and even generational differences. Likewise, gender doesn't mean sexism or sexual harassment. It means that sometimes women do things differently than men. It means that in terms of race, sometimes I want to be around some brothers and sisters and play Bid-Whist because that's what we do. So when we start talking about race and gender, it's all right to put it on the table. Don't walk around it like, "Oh, we don't want to go there, we're going to break the eggs." You break the eggs when you don't talk about it. You break the eggs when you don't put it on the table. You break the eggs when you pretend it doesn't exist and there's a level playing field and everybody is the same. So you've got to get honest and you're got to get real and you've got to be able to put it on the table. Above all, I believe that diversity and inclusion are simply good management. I would ask all JAG Corps members to think about effective management and what good management looks like for you, to really build on your ancestry, your heritage and all the wonderful things that you know about through a philosophy of encouraging diversity and inclusiveness.



*During her presentation, Dr. Bell presented case studies for the audience to consider.\* She divided the KEYSTONE attendees into sections, and each section took thirty minutes to discuss a different case study. Each section then presented their findings to the entire audience. The following are condensed versions of three of the case studies, as well as Dr. Bell's observations regarding each case study. The full case studies can be found on the JAG Corps Leadership Development Website at <https://aflsa.jag.af.mil/ILead>.*

\*A team of individuals worked together prior to the KEYSTONE Leadership Summit to craft the case studies. The efforts were led by Dr. Bell and Dr. Bernardo M. Ferdman. Dr. Ferdman is an accomplished Leadership and Organization Development Consultant and a professor at California School of Business and Organizational Studies, Alliant International University. Dr. Bell and Dr. Ferdman received valuable input from the following individuals: Mr. John Martinez, AF/JAZ; Lt. Col. Lisa Turner, AF/JAA; Major Stephanie Johnson, USAFA; CMSgt Avis Dilard-Bullock, HQ USAF/JA; CMSgt Angela Dodd, HQ USAF/JA; MSgt Jon Dilligard, 4 FW/JA; and MSgt Antone Wilson, AFDW/JA.

## Case Study 1

*Maj Jennifer Clarke, 36, a white woman with eleven years of service in the JAG Corps is currently serving as Chief of the Civil Law section on a MAJCOM legal staff. Maj Clarke is the only female attorney on staff other than Ms. Jones, an African-American attorney five years her junior. Maj Clarke perceives that her fellow attorneys ignore her, except for inappropriate looks up and down her body or snide comments about the latest loss of the Ohio State football team where she had been second in her law school class. She believes her boss, Col Sanders, means well but that he cannot relate to her or understand her. She is very stressed out and feels like she is all alone.*

This case study illustrates five key issues with respect to diversity and inclusiveness: feelings of isolation, overcompensating, sexual tension, work-life balance and gender representation. Under Rosabeth Kanter's "X-O" theory, isolation occurs when there is a perception that you are the only one—you're an O and everybody else is an X. In this case, Major Clarke's "O" was her being a female. When you are the only one, you've got no one to bounce ideas off of or no one to share perceptions or experiences with. This can lead to questioning one's perception: "Is it happening to me? What's wrong with me? Why can't I do it right?"

Major Clarke also struggles with issues of overcompensation. Overcompensating can come from a real or perceived notion that women have to work "twice as hard" to get ahead. This viewpoint is paramount for people of color. People of color are taught early on that "when you're in the white world, you'd better be twice as good."

Major Clarke is also dealing with issues of sexual tension, which is different from sexual harassment. Even though there might not be instances of sexual harassment, there still may be tension based on gender when males and females are brought together in the workplace. The key to resolving or at least dealing with this tension is to acknowledge that it exists.

This case study also illustrates the issue of work-life balance and gender representation. How do the issues of women coming to the workplace affect work-life balance? What do you do about the fact that work-life balance may result in losing more women in the career field over time? How do you deal with it? The issue of work-life balance also relates to the issue of gender representation. In this instance, Major Clarke has no opportunity to come together with other women to talk about their perceptions and experiences.

## Case Study 2

*Maj Alfredo Gallegos is a thirty-six-year-old Latino man entering his eleventh year of service. For the last two years he has been the deputy at a large base in the southwestern United States. He is still in shock after learning that the base SJA strongly recommended Maj Michael Downey, an African-American colleague, for a short notice vacancy in Texas. Although both had volunteered, JAX had said Gallegos would be “penciled in.” Downey is substantially junior to Gallegos and Gallegos cannot understand why he was not picked. The SJA and Major Downey regularly golf together, and Maj Gallegos is not a golfer. Maj Gallegos also remembers one time his SJA heard him talking to an airman in Spanish and reprimanded both of them, saying, “You are in the Air Force of the United States of America. Speak English!”*

This case is an illustration of inter-group dynamics. I have found that, ironically, when minorities are part of the same organization, they tend to compete against each other. How do we turn this situation from “I’m going to win and you’re going to lose” to a “win-win” situation for both? At least part of the solution comes from understanding the cultural dynamics. Why should Major Gallegos leave part of his culture and his heritage at the door? He should be entitled to speak Spanish and not feel reprimanded. He’s a bi-cultural individual. That means that he has the culture that is at the workplace, but he also has the culture that he grew up with. And guess what? That’s not a culture that you leave just because you’re in the Army or the Navy or the Air Force or a JAG. That does not mean you leave the culture, how you were raised, how you socialize, how you were educated. You don’t leave that outside the front door. That all comes with you into this room. You need to understand how to celebrate and utilize those cultural differences.

This scenario also raises issues about the notion of the “price of membership” and the “ideal worker.” Every group has a price of membership. This means that each group has rules and norms that must be followed if one is to maintain acceptance in the group. If I’m not being a good member of the group, then what happens? I lose my membership, which means I get excluded. Being ex-

cluded also happens when you try and help someone outside the group get in.

The concept of “price of membership” is closely related to the notion of the “ideal worker.” The “ideal worker” is the person who fits in, plays by all the rules, and gets promoted. A diverse and inclusive organization will have a more flexible and expansive notion of who is an ideal worker.

## Case Study 3

*SSgt Lashawna Jackson is a twenty-five-year-old African-American woman currently serving as Assistant NCOIC of the Military Justice section at a medium-sized AFB in Texas. She has eight months of experience in the position and is a new SSgt. She is hoping to be promoted to TSgt quickly after she becomes eligible. She has just received a copy of her latest performance report and she is shocked by comments that suggest she lacks attention to detail and is not a team player. She confides in a friend that she doesn’t know who she can turn to or what she can do.*

SSgt Jackson is not getting good feedback. She is not getting feedback on her actual performance and she is not being told exactly how to improve her performance. It is important to establish the rules of the game. “Based on my job description, what do I have to do to move ahead? What are you expecting from me? Let’s have that conversation up front. How are you measuring me? What are you really going to be looking at? How can I be helpful?” Those are important questions. On the other hand, SSgt Jackson should have her action plan ready as to how she’s going to address those issues. “This is my plan, to do the best job I possibly can do.” Communication is crucial.

Also at play is the perception of invisibility. It is a significant challenge to manage the dynamics of a group so that the people who might be different get heard, get appreciated, and get credit for what they bring to the table. You must also be mindful of intra-group dynamics. You’ve got to have a safe space for people to talk to each other, and you’ve got to figure out what that looks like for your organization.

Dr. Ella Bell is an Associate Professor of Business Administration at Tuck School of Business at Dartmouth. She received her B.A. from Mills College of Education and her MA from Columbia University. In 1987, she received her Ph.D. from Case Western Reserve University. Her areas of expertise are Human Resources Management and Organizational Behavior. Her current research topics include race, gender, social class in organizations and organizational change.

# WHAT KIND OF LEADER WILL YOU BE?

## JAG CORPS LEADERSHIP DEVELOPMENT

Whether you have twenty years or twenty months of military service, you can become a better leader. The real question is . . . into what kind of leader will you transform yourself? Will you put the same effort into reaching your leadership potential that you put into learning and refining your technical legal skills? If so, you will better understand the components of leadership, build upon them, and in the end, become a more effective leader.

The inspiring and motivational presentations by the distinguished guests and JAG Corps senior leaders contained in this special edition of *The Reporter* challenge each of us to refine not only our own leadership skills, but also those with whom we come into contact. Integrating the valuable lessons contained in this special edition of *The Reporter* into an effective training program can be challenging in today's fast-paced environment. The JAG Corps Leadership Development (JCLD) process is the first step in meeting that challenge.

Through JCLD, the JAG Corps has institutionalized leadership development, training, and education. JAG Corps members have always developed leaders through education and training, observing the examples set by other leaders, being mentored by more experienced leaders, and experiencing increasingly challenging leadership opportunities. Only recently, however, has the JAG Corps formally articulated what we needed to know and do to meet the exceptional challenges we encounter in legal offices across the world. At the KEYSTONE Leadership Summit, Maj. Gen. Jack L. Rives introduced the new JAG Corps leadership handbook entitled *I LEAD! Developing JAG Corps Leaders*. This handbook is based on Air Force Doctrine Document 1-1, *Leadership and Force Development*, which identifies the leadership components and competencies required of Air Force leaders.

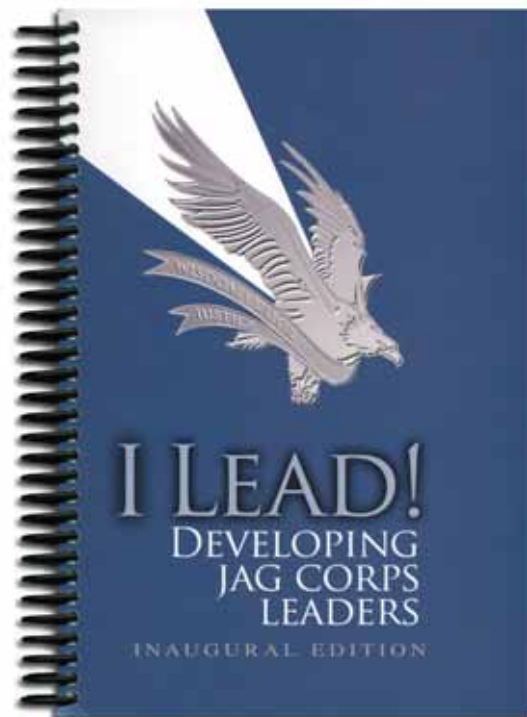
*I Lead!* is the cornerstone of JAG Corps leadership development, and from it we can build leadership training and education. *I LEAD!* addresses each of the leadership competencies in terms relevant to practice in the JAG Corps. It illustrates through real-life examples and captures both positive and negative leadership lessons.

It also contains practical tips outlining various ways to implement leadership skills in a legal office environment. After KEYSTONE, *I Lead!* was distributed to the entire JAG Corps and everyone should now be considering ways to integrate leadership development into their legal offices and daily lives.

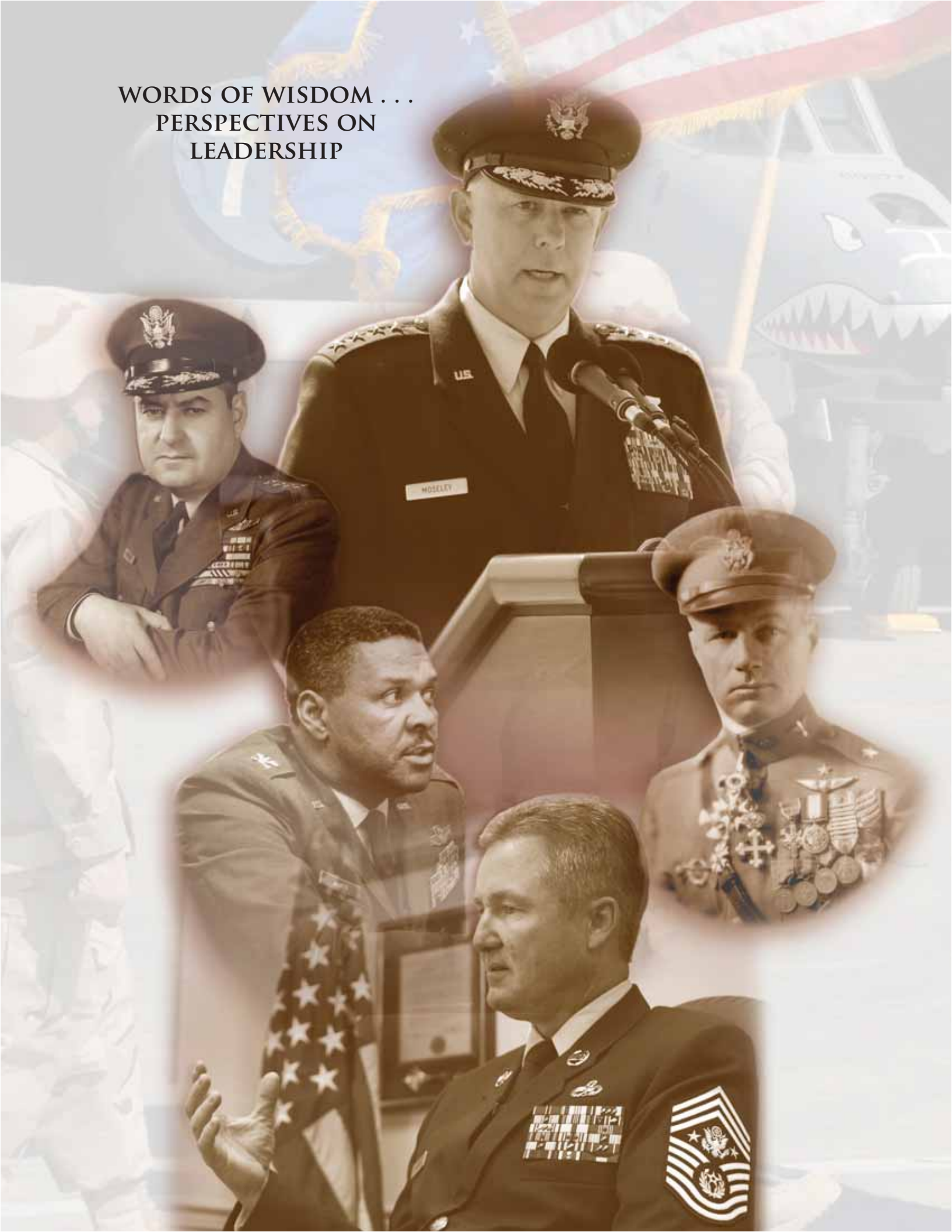
In addition to *I LEAD!*, JCLD has a web-based multimedia selection of tools to assist in the development of JAG Corps leaders (<https://aflsa.jag.af.mil/ILead/>). Exercises and case study discussions are available for team settings. Slides for each chapter of *I LEAD!* can be viewed individually or in a group. Instructor notes are even found in the notes pages of each slide. Moreover, to increase the number of individuals exposed to JAG Corps leadership briefings, digitized video recordings of leadership briefings and articles written by JAG Corps members are available. The site also includes leadership articles from various Air Force publications to assist individuals in their personal development. *I LEAD!* in a book-on-tape format is even available in a downloadable MP3 format to make distance learning more assessable and interesting.

The JCLD web site also provides practical office leadership management tools and best practices gathered across the Air Force. For example, an OPR and EPR writing guide, a PRF slide show, and a video on the enlisted SNCO promotion system are on the site under the section on specialized materials.

The work of developing JAG Corps leaders is never finished, nor is the work of assisting leaders in their efforts to grow their own replacements. The JAG Corps needs you to share your reflections and contributions on how we can all become better leaders. Accordingly, the JCLD site is linked to a JAGUARS page where you can contribute real world examples of leadership, best practices, case and discussion studies, practical tips, and other feedback or suggestions for improvement. CMSgt Avis Dillard-Bullock describes souvenirs and trophies as part of who we are, but a legacy becomes part of who others are. "A legacy carries on after you are gone—the best one is creating the leaders of tomorrow, today." What kind of leader will you be?



WORDS OF WISDOM . . .  
PERSPECTIVES ON  
LEADERSHIP



# FOLLOWERSHIP FOR LEADERS

BRIGADIER GENERAL ROGER A. JONES, USAF (RET)

*Brigadier General Jones is a Senior Mentor to The Judge Advocate General's Corps. He wrote this article shortly after attending the KEYSTONE Leadership Summit.*

***Never tell people how to do things. Tell them what to do and they will surprise you with their ingenuity.***

—General George S. Patton

Recently, I was privileged to attend Keystone Leadership Summit held in Keystone, Colorado, and was proud to witness the highest level of excellence displayed by the organization in which I served the better part of my adult professional life. As the first worldwide JAG Corps conference, the theme was appropriately—leadership. As I was listening to the presentations, I thought about the role and development of leaders, and the premise that all members of the JAG Corps have roles as *both* leaders and followers was reinforced. From the newest member of the JAG Corps who is learning the basics of navigating through the world of military acronyms and absorbing the JAG Corps culture, to The Judge Advocate General, all serve as leaders while performing as followers.

On past occasions I have spoken to new judge advocates during their last week in the Judge Advocate Staff Officer Course. Hopefully, my thoughts in this forum will also assist staff judge advocates and law office superintendents as they articulate their expectations of the performance of new (and not so new) JAG Corps members.

## Forget Careerism While You Develop the Careers of Others

The most important job is the one to which you are currently assigned. That principle is as true today as it was when I was on active duty. An individual will not be provided with an increasing level of leadership responsibility if he does not perform his current duties well. Said another way, take care of your job and your career will take care of itself.

The follower can focus on performing well, rather than being a careerist, if the leader fills the role of taking care of her subordinate. The mentoring relationship, where a person of greater experience and wisdom guides the junior person's development, is a key method by which leaders develop their replacements. Great followers constantly seek feedback and search for mentoring opportunities with their subordinates. Smart followers obtain feedback

and mentoring from a variety of individuals. For example, the young lawyer can learn a tremendous amount about leading paralegals by talking with and watching the law office superintendent.

## Be a Team Player

Leaders fully appreciate the necessity of teamwork to accomplish the mission. Occasionally, a leader will be challenged with teaching a new staff member who does not have much experience working in team settings. Perhaps the individual focused almost exclusively on studies while in school and did not have the opportunity to participate in other activities involving a group effort. Leaders help these individuals transition into the Air Force team environment.

Great followers recognize the multitude of benefits to be gained by being part of the Air Force, JAG Corps, and office teams. One of the greatest pleasures I had in my career was the professional collegial atmosphere that I encountered in the legal offices in which I worked. First and foremost, followers must recognize that they cannot be successful if they try to "go it alone." They need



to appreciate the knowledge they can gain from the other members of the legal staff, to include those subordinate in grade. If a follower gets to a new office and discovers that the office has few organized social activities, the good follower will seize the initiative and plan office events, such as informal lunches or formal off-site functions. Getting to know each other is a critical step in forming the mutual respect necessary for a positive work environment.

All JAGs and paralegals *must* take the initiative to get out from behind their desks and learn the mission of their Air Force organization—visit other units on base, ask questions about what their clients do, and attend briefings and training sessions on a variety of topics. They should attend conferences and developmental education, which will make them more capable JAG Corps members and will yield a better understanding of the needs and desires of their clients.

## Produce Quality Work

During his opening remarks at Keystone, General Rives described three concepts that enable the JAG Corps to positively contribute to the Air Force mission. One of those concepts is Wisdom. He reminded attendees of the need to seek “legal information mastery.” The JAG Corps has consistently had a reputation for quality work because its members are not only technically proficient, they also apply wisdom and common sense to their advice.

As a supervisor, I evaluated performance through several measures. Of utmost importance to me was the timeliness of a product or performance. Individuals who operated with a sense of urgency impressed me as dedicated and efficient people who could properly prioritize their duties. Lee Iacocca, a former automotive genius, defined this capability as an ability to deliver an 80 or 90 percent solution on time rather than the 100 percent solution that arrives late.

Procrastination must be discouraged. Although an individual may work best by thinking long and hard about a topic and then putting pen to paper in the final hours before the product is due, or by simply waiting until the final hours to even begin work, this propensity can have a negative impact on others supporting the lawyer. The trial counsel who waits until the week before trial to begin preparing his case will create significant, and otherwise unnecessary, last-minute and late-evening work for the paralegals supporting the case. Failure to plan causes emergencies for them as they scramble to take care of the administrative support details required for a court-martial. Likewise, such procrastination can cause failure as a follower. If the staff judge advocate has asked for a trial brief review the week prior to trial and the trial counsel is not prepared, then trial counsel has failed to respond to the boss’ desires. In this case, the trial counsel has unnecessarily created stress and hardship on both the followers and the leader.

The ability to produce quality work also requires that the attorney tailor the product to the audience. Leaders understand the need to shape their leadership style to the needs of their subordinates. Likewise, lengthy

legal reviews that demonstrate the legal acumen and brilliance of the author are worthless if the commander needs a terse and to-the-point product. As a rule, the treatise style review taught in law schools should be reserved for law review articles. Commanders typically desire to be provided with direct advice that starts with the bottom line, progresses briefly through the key points, and ends with a one-sentence restatement of the recommendation. They want a clear distinction between what is legal and what is recommended but discretionary on their part.

## Learn it All

One of the many benefits of service in the JAG Corps is the variety of issues we address. It is rare for someone to join our JAG Corps unless he or she is interested in a broad range of practice areas. The leader provides intellectual stimulation and career development for the followers. Followers, likewise, need to seek opportunities to broaden their knowledge and obtain a good foundation for every aspect of the installation-level legal office. They need to work in various sections of the office to gain familiarity with the major areas of JAG Corps practice. It may be their only opportunity to do so. At the same time, they need to learn and refine their knowledge of the fundamentals of speaking and writing.

Occasionally, I have seen a young JAG or paralegal who begins their career with an eagerness to learn many areas of practice, but who then finds one area particularly compelling and wants to focus on that area. There has always been a place in the JAG Corps for specialists, as dictated by the needs of the Air Force. However, specializing is not appropriate during the first years of an individual’s service. For example, the first-assignment JAG may be concerned about being told he will be moved from claims to military justice just when he starts to feel comfortable in his role as chief of claims. While such concern is understandable, the great follower appreciates the opportunity to expand his or her knowledge and recognizes that the leader has confidence in them to be successful in a variety of areas. I have found that, almost universally, once a young counsel is moved into a new area of practice beyond his comfort zone, he quickly becomes excited about the new area of law and enjoys it as much as, if not more than, the previous area. Furthermore, I know from personal experience that failure to learn all fundamentals of Air Force “lawyering” can be very detrimental when being assigned to a leadership position.

## Make it Better—Change Things

While new JAGs and paralegals are learning new areas of practice, they should always look for a smarter way of doing business. Leaders must be open to the ideas of their followers. This, in turn, will yield improvement. People new to the JAG Corps can be excellent identifiers of “a better way to do business” in various areas because their minds are fresh and have no parameters. In fact, their inexperience may be an asset in finding better solutions to challenges that the leaders did not even realize existed. For example, the familiarity

with rapid advances in technology may help a new person identify a program that can be improved with software that the staff judge advocate may have no idea even existed. Great followers pay attention to what they can improve, and when the opportunity presents itself, they seize the initiative and become leaders of change.

## Know Your Boss

Great leaders appreciate how important it is to “know your boss.” Quite simply, they didn’t become successful leaders without first understanding their own boss and working the issues of that boss. Likewise, subordinates must understand and appreciate that they can best perform their job if they understand their boss’ objectives and how to communicate with their boss. Great followers study their boss. They learn what motivates and what disappoints or angers the boss. Some who are creative keep lists of their boss’ “pet peeves” to assure they do not make the same mistake a second time. When I was an SJA, whether at the installation or major-command level, I learned about my boss, even prior to working for him, by asking questions of others who had worked for him previously. I also learned not to “shotgun” an answer simply to impress the boss. I resisted the urge to respond to a question until I knew my answer was right. An anonymous author once said, “People who jump to conclusions generally leap over the facts.”

## Be the Honest Broker

At *Keystone*, the following quotation by former Chairman of the Joint Chiefs of Staff, Air Force General Richard B. Myers, was displayed on an eight-foot tall information center: “Having ‘Yes-Men’ and ‘Yes-Women’ around is not very useful. You want people to stand up, and you ought to be like Pershing and you ought not to fire them. You ought to encourage them to speak out.” For leaders, the challenge is to create an environment safe enough that your subordinates feel free to give you “ground truth.” As a follower, the challenge is to have the courage to be the “honest broker.” Again, Lee Iacocca said, “If I have six managers giving me the same answer, I need to fire five of them.”

General Rives described this as *Valor*. Not only do legal professionals require physical courage most often exhibited in the deployed environment, but also the courage of their convictions. They lose their value to commanders if they sacrifice their integrity and become yes-men or yes-

women. The key is to use your best judgment and deliver what your boss may perceive as bad news in a prudent manner. Be respectful rather than argumentative. If the legal answer is “No,” determine what the boss is trying to achieve and suggest workable alternatives. Unless the boss’ decision is illegal, immoral, or unethical, support that decision once it is made. Leave disagreements behind closed doors and publicly support the boss. The partnership of loyalty requires the leader and follower to be loyal to the mission and to each other.

## Always Maintain the Highest Standards of Dress and Behavior

Very simply, JAG Corps leaders and followers live in a glass house. The quickness of the media to report JAG negative behavior over the last year has been a painful reminder to all members of the JAG Corps. Leaders and followers are representatives for our JAG Corps, Air Force, and Nation—*24 hours a day*. Do not dishonor our fine JAG Corps and the thousands of decent, honorable people who served before you by engaging in illegal, unethical, or immoral conduct. Remember, you are always on parade.

## Maintain Good Health

When I was the Strategic Air Command SJA, we continually emphasized the health and wellness of our Airmen. We knew then what the Air Force has recognized through institutionalized fitness requirements—the health of an individual reflects the health of the force. Leaders must take care of themselves and their team, and followers must take care of themselves. Routine exercise, a wholesome diet, and a healthy lifestyle are all critical in enabling members to be useful to the Air Force. Good health leads to greater productivity, as well as a sense of personal pride and satisfaction.

## Have a Good Time—Enjoy Yourself

You are most fortunate to be serving in the Air Force JAG Corps. My finest memories revolve around my service, and I am proud to continue as a member of the JAG Family. Keep a positive attitude and enjoy yourself. You will be amazed how fast your four, twenty, or thirty years go by. As a two-star general once said to me, “If you’re not having fun, you’re not doing it right.”

Brigadier General Roger A. Jones (B.A. and J.D., University of Illinois; LL.M., George Washington University) retired from active duty on 1 July 1992 after serving as the staff judge advocate, Strategic Air Command, Offutt Air Force Base, Nebraska. He is a member of the Illinois State Bar and is President of the Board of Trustees for The Judge Advocate General School Foundation, Inc. He serves on the Board of Directors, and is a former President of the Board of Directors, of the Make-A-Wish Foundation® of Southern Nevada. He is a member of the Board of Visitors for the University of Illinois Law School, where he was named as a Distinguished Graduate in 2000 and is a lifetime member of the Eagle Scout Association.





# LAWYERING IS LEADING

BRIGADIER GENERAL EDWARD F. RODRIGUEZ, JR., USAFR (RET)

*Brigadier General Rodriguez is a Senior Mentor to The Judge Advocate General's Corps. He wrote this article shortly after attending the KEYSTONE Leadership Summit.*

Having retired six years ago from the Air Force JAG Corps reserve program, it was a welcome surprise to be invited by General Rives to participate, as a Senior Mentor, in the KEYSTONE Leadership Summit. KEYSTONE was a memorable event; a full week of learning about the challenges that Air Force attorneys and paralegals are meeting in the post-9/11 world. There was no better way to catch up on JAG issues and concerns and with old friends.

KEYSTONE was about leadership—leadership for lawyers. I have thought often about whether lawyers are leaders; after all, the legal profession's core function is to advise, not lead. Certainly, lawyers are leaders of the profession. They lead many organizations, such as large and small bar associations at the local, state and national levels. Lawyers are leaders in the offices in which they practice law. They are community leaders too. Judge advocates, as military officers, are expected to provide competent and effective leadership to their staffs. But a lawyer as a lawyer, say a sole practitioner, is he or she a leader? My answer is "Yes." It does a client no good to get bald advice from his or her lawyer. With advice should come the leadership necessary so that the best legal course of action is taken. To merely render advice without leadership is an abdication of professional responsibility. Lawyering by its very nature is leading.

For a lawyer, however, there is more to leading than just developing one's leadership skills; there is more than just conducting oneself in keeping with the traits of a good leader. As we lead as lawyers, we must keep sight of the *Air Force Rules of Professional Conduct*. These rules are compatible with leadership traits and provide added guidance for many of those traits. Whereas a layman leader need only develop and maintain the traits of leadership, a lawyer leader must go further and hone those traits in keeping with the professional conduct rules.

The rules for lawyer members of the Air Force JAG Corps—active duty, Reserve, Guard and civilian—are the *Air Force Rules of Professional Conduct*, which were adapted from the *American Bar Association Model Rules of Professional Conduct*. Several KEYSTONE speakers, in addressing the conferees, illustrated some of these rules. For example, Senator Lindsey Graham observed that, among the traits leaders must possess, is the ability to say "things that no one else will say but need to be said." He went on to say that, "When you speak, think about what you say and make sure that you're putting people on the right track.

Don't be afraid to say things that other people wouldn't say." Dr. Barbara Kellerman noted that leaders need the ability to hear those things. She used the phrase—"Tell Truth to Power"—to illustrate that a leader should make sure to have people around "who are brave enough and smart enough . . . to tell it like it is or at least to tell it the way they see it, which may be the exact opposite of how the leader . . . sees it . . ." Dr. Kellerman advised that this can be risky, but there are strategic ways of telling truth to power that are more likely to increase the chance that you'll be heard. So it's not "being so dumb as to shoot your mouth off," but to try to do so in a way that maximizes the chance that one is actually heard.

Major General Mark Welsh spoke of not being afraid to tell the commander he "has no clothes on." General Welsh encouraged us: "Don't you ever hesitate to tell somebody what you think is right." Dr. Jeffrey Zink brought the point home with a story about the tragic crash of a C-130 that claimed the lives of its crew when the aircraft commander took the aircraft on an unauthorized low level flight through the West Virginia hills with "the tacit concurrence of the crew" because "[n]obody had the courage, the valor, to say 'Boss, I can't do this.'"

Each of these speakers exhorted KEYSTONE conferees to be leaders who have the courage to both give and take frank and candid advice. Air Force Doctrine Document 1-1, *Leadership and Force Development*, does the



same by tying integrity, a key leadership trait, to openness. This doctrine explains that

as professionals, Airmen encourage a free flow of information within the organization and seek feedback from superiors, peers, and subordinates. They never shy from criticism, but actively seek constructive feedback. They value candor in their dealings with superiors as a mark of loyalty, even when offering dissenting opinions or bearing bad news.

In addition, our own JAG Corps leadership guidance mirrors this thought in *I Lead! Developing JAG Corps Leaders*. It elaborates on the thought by stating that openness

is particularly valuable for legal professionals because we deal with many issues and problems that don't have clear-cut answers. An open environment within the legal office, and in relationships with clients and other staffs, is essential to providing the effective legal services that help resolve these issues.

However, for judge advocates, more than exhortations are involved when they render advice.

Rule 2.1 of the Air Force Rules of Professional Conduct, in guiding a lawyer in the role of advisor, requires that "in representing a client, a lawyer shall exercise independent professional judgment and render candid advice." Rule 2.1 mandates that advice must be professional, independent, and candid.

Advice is professional when it comes well-formed with the benefit of legal education and experience. It must be based on thorough investigation and quality legal research, including precedents and statutes analyzed in light of the facts. Finally, it must be tested by discussion and debate with other lawyers. Certainly, this is what Senator Graham had in mind when he said, "Think about what you say and make sure that you're putting people on the right track."

The Air Force Core Value, Excellence in All We Do, also demands that advice be professional. The Air Force expects excellent advice. The Air Force JAG Corps has adopted three core ideals: Wisdom, Valor and Justice. JAG Corps members must use their wisdom in rendering advice. Rule 2.1 also states: "In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors that may be relevant to the client's situation." Thus, in rendering wise advice, JAG Corps members may draw on all their experience, not just their legal training. This means that JAG Corps members should continuously read, learn, and expand their knowledge.

Advice is independent when it is scoured free of ambition and calculation. It is to be rendered without regard to its possible impact on career advancement, OPRs, assignments, and decorations. Senator Graham noted that "the one thing I've learned about being an Air Force lawyer, and the law in general is, your job is to put your client's interests ahead of yourself." He was talk-

ing about the Air Force's second Core Value—Service Before Self. This coincides directly with the JAG Corps' core ideal of Justice. To do justice means to treat others fairly. Treating others fairly requires putting their interests first. It means that advice should be objective and free of all calculations of benefit or gain. Advice must come free of the lawyers' interest and they must have no personal stake in their advice.

Giving candid advice means "not holding back." It means being frank, free from prejudice or bias. To be candid is to be fair, impartial, free from guile and straightforward. It means that judge advocates and civilian attorneys are not to be yes-men and yes-women. It means advice should not be what the client, even a commander, wants to hear. *I Lead!* memorializes the words on a sign that hung in Mother Theresa's office. Under the declaration "DO IT ANYWAY," was written this advice: "Honesty and frankness make you vulnerable. BE HONEST AND FRANK ANYWAY." Mother Theresa would have understood Rule 2.1. Integrity First, the Air Force's first core value, requires Air Force lawyers to be candid. A lawyer who holds back advice that he or she knows is necessary and correct, fails the integrity test and also fails in meeting the JAG Corps' second core ideal—Valor.

This all adds up to one clear thought—judge advocates must be fearless. Judge advocates must have the courage to render advice that may be unwelcome because it is, as it must be, professional (excellent and wise), independent (serves others and is just) and candid (framed by integrity and valor).

Last year, Congress added new language to 10 U.S.C. § 8037(f), which establishes The Judge Advocate General's position in law. These significant protections were added:

No officer or employee of the Department of Defense may interfere with—(1) the ability of the Judge Advocate General to give independent legal advice to the Secretary of the Air Force or the Chief of Staff of the Air Force; or (2) the ability of officers of the Air Force who are designated as judge advocates who are assigned or attached to, or performing duty with, military units to give independent legal advice to commanders.

With these few words, Congress signified the importance it gives to judge advocates' independent legal advice. Congress trusts judge advocates and it wants Air Force senior leaders and commanders to have the benefit of their independent advice. This means that Congress expects judge advocates to adhere to Rule 2.1 and render advice that is professional, independent, and candid. To do otherwise would violate the trust Congress places in judge advocates. Air Force JAG Corps members must be always ready to render advice that is professional, independent and candid and to do it fearlessly. To do otherwise is to let down your client, your Corps, your Air Force and yourself.

Brigadier General Edward R. Rodriguez (BSFS, Georgetown University School of Foreign Service; J.D., University of Texas School of Law) is a former Mobilization Assistant to the Deputy Judge Advocate General. He is a former partner of McGuireWoods, LLP and a former General Counsel, Mitretek Systems, Inc. He is a member of the Virginia state bar and is on the Board of Trustees of The JAG School Foundation, Inc.

# IT'S ALL IN THE PACKAGING

BRIGADIER GENERAL OLAN G. WALDROP, USAF (RET)

*Brigadier General Waldrop is a Senior Mentor to The Judge Advocate General's Corps. He wrote this article shortly after attending the KEYSTONE Leadership Summit.*

Leadership is about people. To be a good leader, you must have the ability to effectively communicate. Communication involves the conveying of a message whether verbal or nonverbal. The effectiveness of your message depends upon its content, the manner in which you present it, how it's received, and how well those who receive it know you.

The Carnegie Institute of Technology conducted a study many years ago that revealed an important fact: 15 percent of financial success is tied to one's technical abilities, while the remaining 85 percent is tied directly to one's personality and leadership ability. I believe this finding is still true today and is applicable to areas beyond the financial realm.

First impression packaging is particularly important. It may enhance or neutralize your message. Unfortunately, people frequently make sweeping generalizations from limited data. Sometimes an unintended negative message may result in an overly generalized negative impression of you and your abilities, fairly or unfairly.

## Verbal Communication

What you say and how you say it are both extremely important. Sometimes it is necessary to be firm and direct in conveying your message, particularly in the military. The recipient may not be pleased at the time, but you have to do it for the good of the individual and the institution. You choose your message and tone with a purpose. You can still be civil and professional.

There are times, however, when people use a confrontational, condescending approach, and do so without any apparent strategic or tactical reason. They turn people off and neutralize their message in instances where a positive approach would have produced the desired outcome.

For example, I was recently on a teleconference with representatives from three companies who were considering collaborating on an Air Force opportunity. There was a lot of discussion about the strengths and weaknesses of each company related to this opportunity. Strategies and themes were addressed. It was very productive until the host of the teleconference spoke up.

He said, "You guys don't know what you're talking about . . . you don't understand the issues. I worked in this area on active duty and I know exactly what's needed and how to do it. We're

going to do it my way." You could have heard a pin drop. Not only did it halt productive discussion, but it led to two of the companies threatening to pull out of the effort if they had to deal with this individual.

Unfortunately, even though the individual speaking was very intelligent otherwise and had a lot to contribute to the group, his message was lost on everyone because of his delivery. How much better it would have been had he simply said, "You've all made some excellent points. I used to work in this area when I was on active duty. Things may have changed, but this is one approach we might want to consider. What do you think?"

With the latter approach, he would have given his message across with credibility, preserved the good will that existed in the group, and would have continued to be a valuable member. *It's all in the packaging.*

When I was the executive officer to The Air Force Judge Advocate General (TJAG), an executive officer from another functional area brought a package in for coordination about 2 p.m. The delivery he used was, "Have your boss coordinate on this package by 5 p.m. and bring it to my office."

There were a number of problems. First, TJAG was not in the office at the time. Second, it's never good form for a colonel to demand that a major general do something. There was no "Please" or "Thank you." Third, it was customary for the owner of the package to drop it off for coordination and pick it up following coordination.



TJAG did return and coordinate on the package in the interest of mission accomplishment. However, it left a bad taste in everyone's mouth. Thereafter, we only dealt with that individual when we had to, and then only at arm's length.

How much better it would have been for the executive officer to say, "Olan, I need a favor. It would really help me out if you could get this coordinated by 5 p.m. Anything you can do will be greatly appreciated." I would have moved heaven and earth to accommodate him and felt good about doing it. *It's all in the packaging.*

The packaging of legal advice to commanders is important. A lot depends on your rapport with the commander, how well he or she knows you, and the circumstances. Commanders are in charge and generally don't like to be told otherwise. They prefer to hear your advice couched in terms that recognize you're the advisor and they are the decision-makers.

For that reason, as a rule I tended to stay away from statements such as "You can't do that" or "That is illegal." This attitude tends to make the hair on the back of commanders' necks stand up. There were exceptions, but generally speaking, I preferred to talk in terms of what the regulations, directives, statutes, and case law said, and then lead them to the right conclusion.

Sometimes I would say, "Your approach has risks, but you can reduce those risks and accomplish the same objective with a slightly different approach." I wanted them to know I was trying to find a legal way to help them achieve their objectives with the least risk. I didn't want them to view me as an obstacle to be avoided.

There were a few times when I could find no legal way or workarounds to do what the commander wanted done. It was time to say "No," but still in a way that demonstrated I had done everything I could to support their initiatives. *It's all in the packaging.*

Another example comes from the personnel assignments area. Suppose you receive a call from Professional Development gauging your interest in or offering you a specific assignment. Assume it is not on your list of preferred assignments. How do you respond? There are some who would attempt to decline for a variety of reasons, such as, "I don't want to go to that location," or "That job is not good for my career," or "That climate is not good for my dog." (Yes, the latter rationale has actually been used). It would be much better to say, "I will be happy to serve wherever I'm needed. I want as much responsibility as I can get. My preferences are . . . , but I will be happy to go where you want me to go."

One of the Air Force Core Values is Service Before Self. You need to acknowledge an understanding of that concept to those working the assignment recommendations for TJAG. The people working assignments have the big picture. They are experienced at placing an individual in a position that is best for that individual and the Air Force.

It has been said frequently that you are your own worst career manager. Do the best job you can at whatever assignment you are given and let others take care of your career. They will. The assignment people who hear the Service Before Self approach will be much more inclined to make every effort to accommodate your

preferences than they will if you project a self before service message. The former message will resonate well and serve you well for many assignments thereafter. *It's all in the packaging.*

**Do the best job you can at whatever assignment you are given and let others take care of your career. They will.**

### *Nonverbal Communication*

Your appearance, body language, and actions send messages every day. How they are packaged will affect how those messages are received, what others think of you, and ultimately, how effective you will be.

When I was assigned to Nellis Air Force Base, there was a judge advocate in the office who was very intelligent, articulate, and normally well-groomed. He could have been on a recruiting poster. One Saturday morning in the Base Exchange, the commanding officer of the host unit saw this JAG in cut-offs, flip-flops, and a tank top. The JAG was in a hurry and had taken a chance that he would not be seen by anyone who recognized him. He was wrong. The commander was very upset.

Without saying a word, the JAG had communicated a message through his appearance that took six months to overcome. From that one brief encounter, the commander imputed a negative image about everything concerning that JAG, including his skills and abilities. *It's all in the packaging.*

One of the many things I remember about Brigadier General Roger Jones, USAF, Retired, is he always traveled in a coat and tie when he flew commercially. He wanted to project a professional image to those who met him at the airport and to the public at large. That positive, professional image gave him instant credibility. It also served him well with the airlines. *It's all in the packaging.*

On another occasion, I was assigned to an overseas base. A commander came into the office to consult with the Chief of Military Justice about disciplinary action for one of his airman who had violated appearance standards. He walked into the Chief of Military Justice's office, looked at the officer, and without saying a word went directly to the staff judge advocate's (SJA) office.

The commander told the SJA that the Chief of Military Justice was more out of standards than the airman for whom he was seeking disciplinary action advice. The commander spread the word around the base. The Chief of Military Justice had to be reassigned within the office. He no longer had credibility to provide advice on disciplinary actions. *It's all in the packaging.*

There is more to nonverbal packaging than specific incidents. You send many nonverbal messages every day that say a lot about you as a member of the Air Force and as a person. You reveal your character, dedi-

cation, and commitment. You can go a long way toward packaging a very positive message across the board if you and your actions reflect Air Force Core Values. There is nothing magic about them. Major General Bill Moorman, USAF, Retired, said that Air Force Core Values are a codification of what your mamas and papas taught you about right from wrong. He's right.

Integrity, Service Before Self, and Excellence in All You Do cover the waterfront and they really are a part of the upbringing of most people. If your career and life are characterized by these three Core Values, you will leave a lasting legacy of which you can be proud. *It's all in the packaging.*

**You send many nonverbal messages every day that say a lot about you as a member of the Air Force and as a person. You reveal your character, dedication, and commitment.**

The message you communicate is often packaged in how you approach your responsibilities. You don't have to be the most intelligent, articulate person in your office. Just don't let anyone outwork you (within reason). You are a member of an elite public service team whose mission is to defend this country and its way of life. An 8 a.m. to 5 p.m. work ethic won't cut it. A strong work ethic, and always being prepared, will carry you a long way. That doesn't mean you work all the time and ignore your family. There will be times when family issues have priority. There will be times when mission issues have priority. There must be balance.

In general, I always felt a good rule of thumb was to be available in the office as long as my boss was in his or her office (again, within reason). I wouldn't be as valuable if I was not there and available on a consistent basis. How does that affect packaging? Let me give you an example.

Let's assume you are working on a package with a short suspense that requires the SJA's coordination. You drop it off as you are rushing to get out the door at the end of normal duty hours. There is a mistake that must be corrected. The SJA's reaction, verbalized or not, could very well be, "It's no wonder you missed the mistake. You are more interested in getting out the door at 5 p.m. than in ensuring the job is done right."

Assume the same mistake is made by someone who works beyond normal duty hours to ensure the job is done right. That same SJA's reaction is likely to be, "It's no wonder you didn't catch the mistake. You are working too hard." It's the same mistake, but the lens through which the mistake is viewed is colored by the work ethic of the individual. *It's all in the packaging.*

Attention to detail is another positive message you can send. Computers do many amazing things to help us be more efficient. Relying on them exclusively, however, can cause problems. If you don't proofread carefully, and rely solely on spell-check, you will not catch all the errors.

Spell-check will catch misspelled words, but it will not catch words improperly used. The words "to," "too," and "two" come to mind. Spell-check will not catch the error in "I'm going *two* the flightline." Are you satisfied with being almost right, or right most of the time? I don't think so. *It's all in the packaging.*

When I was traveling with TJAG on an Article 6 visit, we arrived at the base and were taken to our rooms. Shortly after arrival, I received a call from TJAG asking me to come to his room. When I arrived, I saw that he had no fixtures in his bathroom. He had been assigned a room with no shower, tub, toilet, or sink. No one from the legal office had checked the room beforehand and no one in the billeting office was aware of the renovation. Attention to detail counts.

That evening at dinner, everyone had a place card except TJAG. He was left wandering up and down behind the head table looking for his seat. It was another instance of inattention to detail.

What message do you think that SJA communicated with his inattention to detail? I might add it was used as an illustration for years of how not to prepare for a TJAG visit. Major General Nolan Sklute, USAF, Retired, had someone spend the night in TJAG's room the night before a visit to ensure everything worked. He had a dry run of every event, including the routes that would be taken to various activities. That's attention to detail. *It's all in the packaging.*

Yet another example of inattention to detail occurred at my first base of assignment. We had a tragic accident where an airman drowned in the base lake. Shortly afterwards, the commander came to me with a base regulation that had been coordinated through the wing and approved by the major command. The regulation prohibited drowning in the base lake, subject to action under the Uniform Code of Military Justice against the victim.

**If your career and life are characterized by these three Core Values, you will leave a lasting legacy of which you can be proud.**

The major command had a reputation for strong discipline, but I know it didn't really intend such an absurd result. It's an extreme example, but again, someone wasn't paying attention to detail. As was the common practice, the name of the author of that regulation appeared in the regulation for all to see. *It's all in the packaging.*

We could go on and on. We haven't even begun to scratch the surface on the many ways we communicate and the positive or negative effects packaging has on your message and what people think of you. We've touched on a few examples to make a point.

You're sending many messages every day, perhaps some without thinking about them. People are watching how you live and how you act. They expect more from you because of your position and hold you to a higher standard. Right or wrong, people tend to draw broad generalizations based upon a single, limited exposure.

Nothing I've said is meant to imply that mistakes are not tolerated. We all make mistakes. Part of the packaging is how we address the mistakes. Do we try to cover it up, blame someone else, or accept responsibility?

People will draw conclusions about you, good or bad based upon how you deal with your mistakes.

***People will draw conclusions about you, good or bad, based upon how you deal with your mistakes.***

The bottom line is to recognize the many ways we communicate and to ensure the message we send is packaged the right way for the purpose we intend. After all, it really is *all in the packaging*.

Brigadier General Olan G. Waldrop received his commission through the Air Force Reserve Officer Training Corps program at the University of Alabama in 1966. He entered active duty in January 1968 after completing law school at the University of Alabama. He served as a staff judge advocate five times: at Headquarters Air Force Material Command, Headquarters Pacific Air Forces, Hickam Air Force Base, Nellis Air Force Base, and McConnell Air Force Base. He has also served as commander of the Air Force Legal Services Agency, as a military judge, and as the Executive to The Judge Advocate General. General Waldrop is currently a Vice President and General Manager with the EDS Corporation in their Montgomery, Alabama division. He is also the Secretary for The JAG School Foundation, Inc.

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*Success is the result of preparation, hard work, learning from failure, loyalty to those for whom you work, and persistence.*

—General Colin Powell, United States Army

# THOUGHTS ON KEYSTONE

CHIEF MASTER SERGEANT DENNIS P. SPITZ, USAF (RET)

*Chief Master Sergeant Spitz is a Senior Mentor to The Judge Advocate General's Corps. He wrote this article shortly after attending the KEYSTONE Leadership Summit.*

The 2005 KEYSTONE Leadership Summit is now over, and I have had plenty of time to mull over my thoughts on a most interesting week. First let me say how pleased I am to have been invited to participate. The title of "Senior Mentor" ranks right at the top of any honor I've received. My conference nametag is now kept with other cherished memorabilia I have saved over my career.

The most frequent question I was asked during the week was, "What do you see different in today's JAG Corps from what you experienced?" It's a more difficult question than it initially seems. I tried several different responses and quite honestly wasn't happy with any of my answers. On reflection, my answer has to be, "Everything and nothing."

A lot has changed because the world has changed. I served during the Vietnam and Cold War eras. We had identifiable enemies. We knew who and where "he" was and could fairly predict what "he" would do. Today we don't face uniformed armies and our enemy could be the next person we pass on the street. The term "deployment" was not in our vocabulary. Now, it's a way of life. Technology is changing far faster than I can keep up with. I admit I understood very little of what I was hearing when the talk centered around technology. Today's Airman must be comfortable around the computer.

Despite everything that has changed, the one thing that hasn't is the people. The pride and dedication I witnessed hasn't changed. The desire to be the best hasn't changed. The integrity and loyalty hasn't changed. The desire to constantly learn new things hasn't changed.

I had the pleasure of talking with quite a few senior officers and NCOs I knew when they first came in. It gave me a warm feeling to witness their successes, and I held a secret hope that just maybe, at some small moment in time, I did or said something that helped them progress. Equally pleasing was the large number of paralegals who came up and introduced themselves, telling me that they knew of me and my career. Most of them just wanted to thank me for what I had done and to tell me how proud they were to be Air Force paralegals. I was truly touched. It confirmed my belief that our pride as Air Force JAG Corps members continues to endure.

This concept of "everything and nothing" was firmly driven home to me by Major General Mark Welsh during his presentation. He showed a picture of an Air Force combat controller in Afghanistan riding a horse. The combat controller had tens of thousands of dollars of communication equipment strapped to the back of

the horse, but as General Welsh pointed out, the person in the saddle hasn't changed much since the days of the Roman Legions.

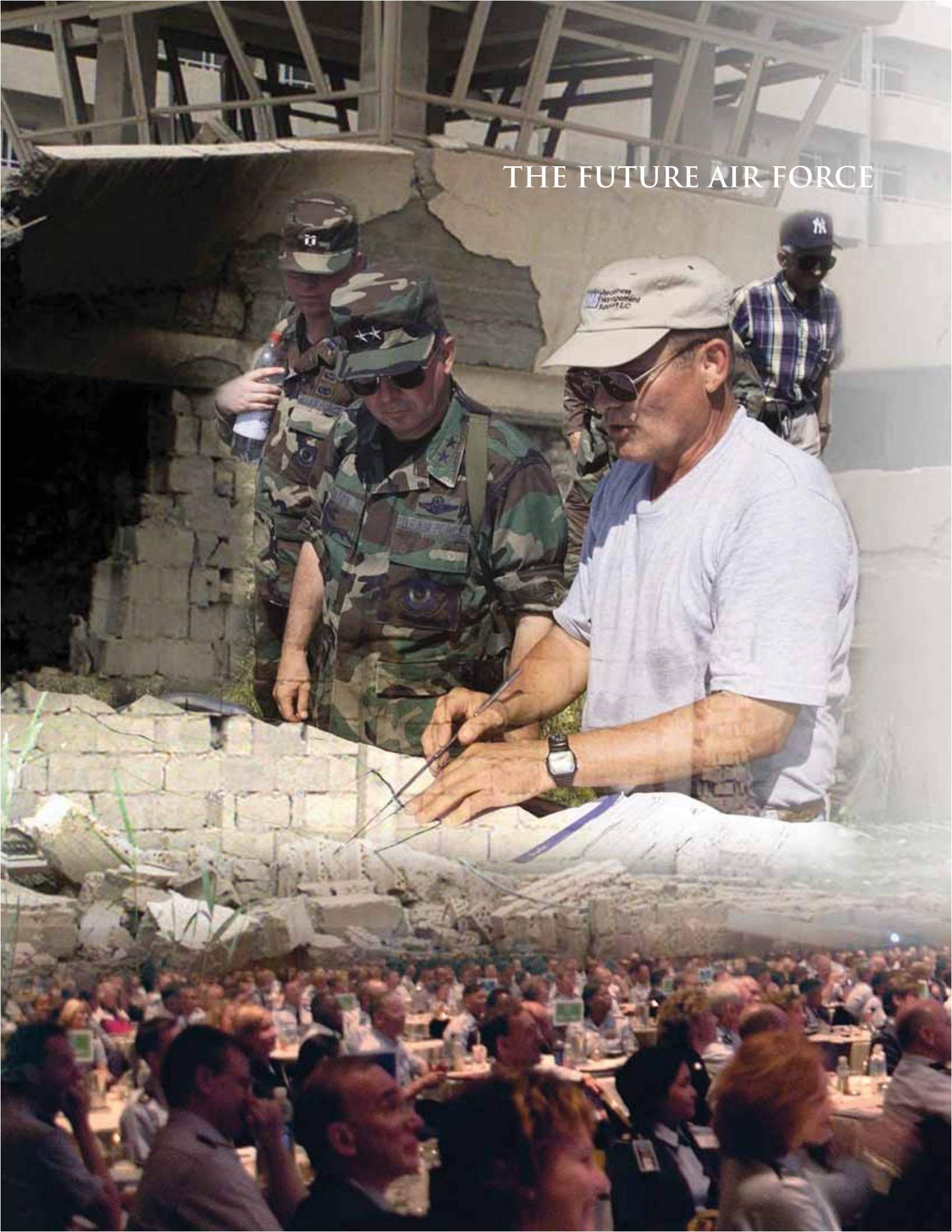
Finally, I salute Major General Jack Rives and CMSgt Avis Dillard-Bullock. Their leadership is evident everywhere you look. The Corps is in great hands. To the men and women of the JAG Corps I say: I may no longer know your name, but I know you. My family thanks you for what you are doing for the JAG Corps, for the Air Force, and for this great nation.

Chief Master Sergeant Dennis P. Spitz retired in 1996 after serving as the Senior Paralegal Manager to The Judge Advocate General. He began his military career with the U.S. Marine Corps in 1968 and joined the Air Force in 1971. During his career he was a Law Office Manager five times and served in eight different legal offices in four states. He also served as the Command Paralegal for the Air Force Legal Services Agency and for Headquarters Air Combat Command.





# THE FUTURE AIR FORCE



# CORPORATE WARRIORS: CONTRACTORS ON THE BATTLEFIELD

DR. PETER W. SINGER

*The following is a transcript of remarks given by Dr. Singer at the KEYSTONE Leadership Summit on 4 October 05. Minor editing was performed prior to publishing.*

***A government trying to prevent the imminent capture of its capital city. A regional power, planning for war. A peacekeeping force seeking deployment support. A drug cartel seeking the highest level of military technology. A humanitarian group trying to protect its compounds from Iraqi insurgents. A terrorist group seeking military expertise. A hotel trying to protect its compound from looters in the wake of Hurricane Katrina. The world's superpower searching for ways to limit military costs and risk.***

What do all of these actors have in common? While they are disparate and different in organization, size, and intent, the one thing that links all of them is that they have all been clients of the private military industry. They answered their security needs in an untraditional way. Not by creating force capabilities from within, but by sourcing it from without.

The rise of the private military industry is one of the most important, but least understood, developments in international politics and international warfare over the last ten years. Companies are not supplying the goods of warfare, such as manufacturing an F-15 or B-2, but instead are supplying the service side of warfare. And that is a sea change in the relationship between the public and the private sector. When companies provide professional functions of warfare, it has obvious implications for the military law community and for global politics and warfare at large.

Private military firms are business providers of professional services, intricately linked to warfare. They provide the entire spectrum of military capabilities, including logistics and engineering, intelligence sourcing and analysis, training, strategic advice, and technical assistance. They also provide everything from infantry commando teams to pilots who can fly jet fighters and carry out attack missions.

The defense contracting community is changing along the same lines as what we are seeing within broader globalization and outsourcing trends. The difference, however, is these companies embody an industry that is intimately involved in warfare, a notion that was once the monopoly of the nation-state. It changes not only the way we source security, but the way we conceptualize security itself. Actors across the system can source military capabilities simply by writing a check. And those actors can be everything from the U.S. military to non-governmental organizations like the United Nations or the World Wildlife Fund, which has contracted with these companies to protect endangered rhinoceros. But it can also include warlord groups, drug cartels, and jihadi groups.





**Contractor Rich Briggs explains some of the features of the heads-up display of the F/A-22 Raptor simulator to Airmen at Sheppard Air Force Base, Texas.**

In the following discussion, I will give a quick and dirty survey of the private military industry, discussing its causes, how it operates, what it is doing in Iraq, policy dilemmas that have resulted, and a series of lessons learned for policymakers.

Three factors led to the rise of this industry, and they all relate to the end of the Cold War. First, the market for security changed as a result of changing supply and demand. Militaries shrunk in size after the end of the Cold War. The U.S. military is now about 35 percent smaller than it was during the height of the Cold War and the British military is the smallest it has been in over 200 years. Some militaries, such as the East German military, literally went out of business.

This decrease not only shrunk the supply within the public sector, but it also dumped over six million soldiers into the private market. Private companies rushed to fill the gap between the supply and demand. The decrease also dumped weaponry into the private market, feeding both private supply and public demand. Now not only companies, but petty conflict groups, could access skills and capabilities that were once limited to a state. You can buy a Soviet T-55 tank, fitted with retroactive armor, for less than you would pay for a Toyota SUV. You can buy an AK-47 in Kenya for less than you would pay for a goat. Anyone can enact chaos and warfare.

The second factor in the rise of the private military industry is the change in warfare itself. The distinguish-

ing relationship between warrior and civilian is morphing. This is clear in low-intensity warfare, where we face a mix of paramilitaries, fedayeen, jihadis, and child soldier groups in "soldierless" conflicts. But it is also happening in the increasing technologization of the high-intensity types of warfare. For example, while the weapons platforms were the same between the 1991 Gulf War and the most recent Iraq War, the difference is the recent integration of civilian technologies and network warfare. We now pull a tremendous amount of technology off the shelf into the military domain, and then bring civilian technicians to operate it. For example, in this Iraq War, if you were serving on a Navy guided missile destroyer, aboard with you would be twenty contractors from six different companies. If you were working on a Patriot missile battery, the technician sitting alongside you would be a contractor. Civilians now play a huge role in high intensity warfare and this trend is continuing. The areas of unmanned aerial vehicles, robotics, and information warfare all are seeing more and more civilian involvement.

The final factor involves a change in ideology. The conception between the public space and the private space is changing. This is what many call the "Privatization Revolution." It's the idea that, if the government can turn something over to the market, then it should. It is a new belief system that took over in the early 1980s. And not just in the United States. It actually started in

England during the Thatcher Revolution. What used to be government roles, such as postal services, schools, and prisons, have been largely privatized. Currently, the United States spends more on private security inside the United States than we spend on our police forces. Yet, this change is not limited to the West—it is global. The private security industry is one of the fastest growing industries in China.

The private military companies are comprised of three different business sectors. First are the military support firms. They are akin to supply chain management firms, and they provide things like logistics and engineering. They are important to the mission, but not the core mission of war-fighting. The largest such company is Halliburton, including its subsidiary Kellogg, Brown and Root. This company has done more than \$13 billion worth of Iraq contracting. That \$13 billion is equal to what the entire U.S. Government spent on the American Revolution, the War of 1812, the Mexican American War, and the Spanish American War, combined, in current dollars.

The second sector is the military consultant firms. Just like management consultants, they don't do the job for you, but train and advise you on how to do the job better. One key player in this arena is a company called Military Professional Resources Incorporated. It hires former senior level NCOs and senior level officers, primarily from the U.S. Army. It has trained the Bosnian military, the Nigerian military, and even the U.S. military.

The third type, and perhaps most controversial, is the military provider firms. These are companies located in the tactical space. These are the trigger-pullers so to speak. The first one in this industry was a company called Executive Outcomes. It was a South African firm that was an old Apartheid battalion that went private when Nelson Mandela took over. They fought in wars in Angola, Sierra Leone, and Colombia. Now we see this type quite frequently in Iraq. One of the most notable companies is Blackwater.

Now, it's important to remember that this is a global industry. It's on a global level. It's doing more than \$100 billion worth of business a year. It's operating in over fifty different countries. But at the end of the day, we are one of the primary clients. The U.S. Defense Department has entered into over 3,000 contracts with private military firms in the last ten years. And these contracts are only growing.

Now, what's going on in Iraq? Just as Iraq is the largest military commitment in more than a generation, it's the largest marketplace for the private military industry. The numbers there dwarf anything that we've seen in past operations. There are more than 20,000 private military contractors on the ground in Iraq. I'm not talking about people who are carrying out things like oil services or reconstruction. I'm talking about contractors that are carrying out roles that soldiers would have carried out in the past.

Now to put that 20,000 into context—it means that we have more private military contractors on the ground than we have received in allied troops from the rest of the coalition, combined. That means, if we're being honest with ourselves, we've assembled not a "coalition of the willing," but a "coalition of the billing." These



**Contractor David Saville and Technical Sergeant Lee Stevens review procedures for the power generator that feeds the air traffic control tower at Bagram Air Base, Afghanistan.**

contractors have borne greater costs. There have been more than 300 killed in action and more than 1,000 wounded in action. That also is more than the rest of the coalition, combined. It's also more than any single U.S. Army division has taken in casualties.

Now, one of the things you'll notice here is that I've given you estimates. These are low-ball figures. The Pentagon is not tracking the numbers, even though it's been mandated by Congress to track them. Two days after Congress requested the numbers from the Pentagon, I got a phone call from the Joint Staff, asking for my estimate of the numbers. Not knowing how many people we are paying is not the way the system is supposed to work, particularly if we are trying to be a smart business client.

Now, what are the jobs they're doing in Iraq? Again, it breaks down into three sectors: logistics, training and advisory, and armed services. Not surprisingly, the area of armed services is the most controversial. These military providers are filling basically three functions on the ground. First, they provide convoy escort, which is the most dangerous job in Iraq right now. Second, they provide site and facility protection of U.S. government facilities, former Coalition Provisional Authority and Embassy facilities, private facilities, humanitarian compounds, and even U.S. military bases. There's a base outside Mosul, where 180-degrees of the interior perimeter is U.S. Army and 180-degrees is private contractors. They share fire support and heavy weapons. Third, contractors provide personal security details. They guard high-value individuals, all the way up to, for example, Ambassador Bremmer.

We could not do the Iraq operation without private contractors. If we pulled out that 20,000, the operation would collapse. On the flip side, private contractors have been involved in many of the most controversial elements of the war. These elements include everything from allegations of war profiteering to the allegations at Abu Ghraib, where 100 percent of the interpreters, and up to 50 percent of the interrogators, were private contractors. When we're writing the history of the Iraq war, we will have to include at least a chapter or more on private contractors, which is different from any prior war



**In Baghdad, Iraq, Contractor Sarah Izet and Airman 1st Class Brandon Vanzile attach connectors to communications wires to help bring high-speed access to the Baghdad International Airport.**

that we've fought in. And it's likely this trend towards outsourcing will continue to be the case in the future.

This leads us to five broad policy dilemmas that need solutions. The first are contractual dilemmas. These dilemmas naturally occur when you hire someone else to do a job for you. When you hire a plumber or lawyer, you get their expertise. You don't have to invest in doing it yourself and you hope the service will be efficient. On the flip side, that operation is now outside of your control. So you've got to figure out areas such as: Are they over-billing me? How do I do quality assurance? What happens if they fail in their job? How do I replace them? This happens in any kind of contracting. But what is doubly interesting and potentially worrisome, is these questions are now taking place within the context of war. Contract failure takes on wholly new consequences.

In effect, there are two implications. The first implication is that we've outsourced military operations to people who are not bound by any oath and also are not part of the chain of command. The binding mechanism is a contract, and contracts can be broken. Contractors can leave their job for any reason, including a better paying job at another firm. They can decide that Iraq isn't the vacation paradise they thought it would be and go home. Or it can be, "My wife had a kid. Now I want to go home and see them." These are all decisions that contractors can make and that folks within the mili-

tary can't. What you're then doing is injecting discretion into your military operations, at the level of the soldier and also at the level of the unit. Akin to the individual contractor's discretion, the companies decide when and where they contract, based on their own interest, profit usually, and when and where they break the contract. There were at least four different companies in the 2004 spring uprising in Iraq who suspended operations because they decided it was too dangerous. Companies can also go on strike, as was the case a couple of weeks ago at the Baghdad Airport.

The second implication is that we've created an unregulated open market of military services. We no longer have control over who can work for our military operations. For example, this takes place on the employee side. Folks within this industry have hired some of the most talented and honorable people in the entire world, including many former military folks. But, that also means that occasionally we have people working for our military operations that we would be embarrassed or worried to have there.

Some of the contractor employees that have turned up in Iraq include some pretty disturbing characters. I'll give you two examples. One was an individual who was a former Apartheid fighter in South Africa. He had openly testified to the Truth and Reconciliation Commission that he had firebombed houses of over sixty political activists. He also testified to the fact that he had planned and participated in the massacre of a family of fourteen in their house. This individual was working for us in Iraq. There is no debate about his guilt; he openly testified to it. Another example was a former British Army soldier. There's a reason he was "former." He'd been kicked out of the British Army and thrown in jail for cooperating with Irish terrorists. Once out of jail, he got a contract in Iraq. That's disturbing. These folks are working on our behalf and with ID badges, guns, and the like.

The flip side is the idea of an unregulated global market place where companies decide who they want to work for. So, the range of actors that they work for, as I referenced before, has been both good guys and bad guys. And that's disturbing on a global level because we will come into contact with them.

Another dilemma that we have to be concerned about is that of public policy through private means. In essence, the rise of this industry offers a way for executive branches to get around certain limitations that have been placed on them, either directly by legislative intent or by public interest. As an example, we've seen this take place in Colombia. In Colombia, there are distinct limitations on what U.S. military forces can do on the ground, and how many we can send. Contractors have been used as a way around those limitations.

We also have to question the issue of casualties. Contractor casualties do not count in the public records. In fact, they aren't even reported typically. Compare the story of Private Jessica Lynch and all the media attention, to the story of three contractors who were working for California Microwave Systems, a subsidiary of Northrop Grumman. Two years ago, these three American contractors, all former U.S. military, were working on a Department of Navy contract in Columbia. Their

plane crashed on an American intelligence mission, and they were captured by foreign rebels. They're still held captive today. They didn't even make page A26 of the newspaper. So, when things go wrong, if you've privatized, sometimes the consequences of it don't come back to hit you. It can be a "positive externality" for the government client, but a negative one for democracy and the respect for the public interest, as well as for the contractors themselves.

The fourth dilemma involves all of the legal questions. In a sense, we've created a new category in terms of combatants. First, private military contractors don't meet the definition of "mercenaries" under international law. They're individuals. Typically that means they're not linked with an organization. Consequently, they don't meet the definition of mercenaries. They also don't meet the definition of mercenaries in terms of operating in internal conflicts. They also don't meet it in terms of typically being the same nationality as the client. Contractors laugh at the thought of being prosecuted as mercenaries. One of them said to me, "If anyone was ever prosecuted as a mercenary, they would deserve to be shot. And their lawyer should be put up against the wall beside them."

At the same time, contractors do not meet the definition of "civilians." "Civilians" are the category of innocent non-combatants who deserve protection. Folks operating in the military sphere, carrying out military missions, don't lie within this definition. Now we do have a third special category called "civilians accompanying the force." The problem is, private military contractors, as of today, don't meet that definition. They are not "accompanying" the force like the sutlers of old. They are carrying out operations inherent to the force and its ultimate military output.

As one JAG officer said to me, "In reality, if we are being honest about it, these contractors fall within the same legal vacuum as the detainees at Guantanamo Bay." Now, this creates two issues. One, what happens to these contractors if they're captured by the other side? We've left it up to the other side to determine their status. This can prove to be quite dangerous for folks seemingly working on our behalf.

Two, it also creates issues of accountability. How do we hold private military contractors accountable if and when they commit crimes? We've had more than 20,000 private military contractors on the ground for more than two years. How many of them have been indicted, prosecuted, and imprisoned, for any crimes? Zero. Compare that to the number of folks in civilian life. Take for example, the city of Westport, Connecticut, which has the same number of citizens and income as the private military population of Iraq. It has more than 20,000 individuals and a per-capita income of over \$70,000. Westport, Connecticut though has a crime rate of 28 per 1,000 individuals, compared to the 0 per 1,000 in Iraq, if we go by the actual numbers we have. So, what we have to ask ourselves is, in Iraq, have we found the Stepford Village of Iraq? Have we found the place where human nature has been overcome? Or, do we have a problem with jurisdiction and a lack of political will to



**Contractor Christopher Lupo verifies the configuration of the tactics development facility at Lackland Air Force Base, Texas. He is a contractor at the Air Force Information Warfare Center.**

do something about them? I think we know which one it is.

This played out very specifically at Abu Ghraib. The U.S. Army found that contractors were involved in 36 percent of the abuse incidents. They identified six individually. Not one of them has been prosecuted. In fact, there has been no formal investigation on the governmental side as it relates to contractors and no consideration of what to do about it. The only formal investigation was by the company involved. CACI investigated CACI, and CACI found that CACI did no wrong. That's not how we deal with the law.

The fifth dilemma looks at the implications on the military profession itself. The obvious one involves re-entention. In a sense, we've created a system of labor-poaching. The military frequently loses its most talented personnel to the private military contractors. This is definitely the case within the Special Forces community. The Special Forces community has, in fact, had to create almost a bounty system to get reenlistment. It's up to over \$100,000 to convince folks to come back.

But there's a bigger, broader question. The military profession has long been a unique profession. It's separate from society because it's responsible for society's security. It's the only profession that has its own legal system. It has its own courts. Indeed, it's the only profession that has its own grocery stores. There's a reason for that separation, again because the military is responsible for the safety and security of society. But what happens when that profession morphs and becomes like any other profession in the civilian sphere? What happens when that profession moves into the private market? That raises some big issues we're going to have to think about.

Now, policy responses, what can they do about this? There are really four takeaway lessons.

First, accounting, accounting, accounting. We have to get a better grip on what's going on in this industry. How many of these folks are working for us? What incidents are they involved in? When and where are we paying them? We need to get the billing done a lot more effec-



**First Lieutenant Steven Thomas (right) works closely with local contractors on construction projects at Al Udeid Air Base, Qatar.**

tively. And we've not seen much activity on that. We've seen a number of systems that have improved, but we still haven't dealt with it on a comprehensive level.

Second, we've got to define core functions honestly and forthrightly. This is a lesson for any out-sourcing experience, from city governments to IT companies that outsource. My own thoughts are that the old doctrine had it right—if a function is “emergency essential,” “mission critical,” or however you want to define it, in terms of being a role that affects the success or failure of your operation, it should be kept in-house. But that's my own push. The military will have to figure out what constitutes its core functions because, right now, we're outsourcing our core functions over and over again.

Third, once you've defined what areas are acceptable and in your interest to outsource, then do it smart. Be a smart client. Use private industry to your advantage. Have good market competitions, instead of the current trend of over 40 percent of contracts not being competed. Have good oversight. Unfortunately, while the number of contracting, in terms of scope, has gone up in numbers and revenue, the number of contracting officers has gone down. In Iraq, the Government Accountability Office earlier this year found that we have forty-one contracting officers responsible for more than 6,000 contracts. The largest contract in the private military space, in terms of armed tactical guys, was with the Aegis Company. It's a \$193 million contract. That

contracting officer also has fifty other contracts that they are responsible for at the same time. And they were the fourth person to be parachuted into that role in two years. That's not having good eyes and ears. And then finally, we need to use the market to our advantage. We need to punish companies that wrong us—fire those that cheat the system and don't rehire them the next time around. This will hopefully lead to a system where we get the best in the market, rather than the worst of monopolies.

Fourth, we need to close the gap in terms of legal accountability. There have been a number of legislative matters that have, in a sense, dealt with some of the issues. Yet, it's still unclear how prosecutors, particularly civilian prosecutors back home in the United States, are going to implement the Military Extraterritorial Jurisdiction Act. We also do not have a definition for contractors. Too often, we continue to hold them out as being “civilians accompanying the force.” We sometimes describe them as “private security,” and then we turn them over to agencies like the Department of State or USAID that aren't able to deal with private military matters. We also need to explore legal avenues, such as a sponsored reserve system. This is something the Australian military is exploring. We also may need to explore the application of public administrative law to these contracts.

In conclusion, we need to solve this issue because it's here to stay. Indeed, if I'd come here and given this speech three or five years ago, you would have said: “Why did they book this guy? He's obviously some science fiction writer who stumbled into the wrong conference. Go to Hollywood, young guy, because this is crazy stuff. You've got a great story, but this is not the military that I know.”

But the private military industry is the reality today. It's out there. Every incident we discussed has already happened and the future could get even more interesting. And perhaps the most worrisome thing to think about is that Hollywood is further ahead of dealing with this issue than the government currently is, despite its responsibilities as both client and regulator. There are two movies coming out soon, to a theatre near you, on private military contractors—one by Leo DiCaprio and one by Ron Howard. So, we see it in the battlefield and we'll see it in the movies. But, unfortunately, we don't sufficiently see it yet within the doctrine and within the law. And that's a major problem.

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# THE PENTAGON'S NEW MAP

DR. THOMAS P.M. BARNETT

*The following is a summary of remarks given by Dr. Barnett at the KEYSTONE Leadership Summit on 3 October 05.*

My focus is at the seam between war and peace—particularly how war is impacted by globalization. Work at the Naval War College and with Cantor Fitzgerald led me to understand that crisis occurs when one critical rule-set lags another. This occurred in the 1990s when the economic rule-set raced ahead of the political rule-set and the technology rule-set outpaced the security rule-set. Starting in October 2001, I applied this framework in Office of Force Transformation within the Office of the Secretary of Defense developing the National Grand Strategy to guide the Bush Administration's actions.

That framework involves “globalization,” which in my book, I reduce down to four key flows that I think are worth watching and tracking and maintaining: the flow of people, the flow of energy, the flow of long-term money (foreign direct investment), and the flow of security.

A quick description of globalization in the 20th Century highlights three eras. The first era ended on “Black Friday” in 1929, when the systemic stress between the economic and political rule-sets killed globalization and led to economic nationalization.

World War II created the rule-set for the second era, characterized by a new globalization in which the triad of the United States, Japan, and Europe owned two-thirds of the world's wealth. After WWII, the American “wise men” set out a grand strategy to address instabilities they noted. Their strategy led to rebuilding Japan and Germany and “waiting out” Russia.

The 1990s ushered in the third era—one of rapacious globalization involving emerging markets (particularly China). The third era carried new stresses. The old political rule-set was created to contain the Cold War. The third era had lots of violence, but no inter-state wars at a major level.

September 11, 2001, drew a line across the third era.

The rule-set is still forming of this new fourth era of globalization. If we do not define it, others will—including Russia, China, and India.

Several trends are visible in the developing rule-set. First, military transformation is moving very slowly—an incremental shift of 5 percent per year, perhaps. The US focus is still on a China-Taiwan conflict in 2025, involving large weapons systems for the Air Force and Navy.

In reality, the United States is actually engaged in a very different type of conflict, grounded in “exporting security” to the rest of the world. Growing from 10,000 “crisis response days (CRD)” in the 1970s (not including the Viet-

nam conflict) to 18,000 CRDs in the 1980s (mainly in the Middle East), U.S. involvement exploded to 65,000 CRDs in the 1990s (after the USSR dissolved), with a projected 180,000 CRDs in the first decade of the 21st Century.

<b>Era</b>	<b>“Enemy”</b>	<b>Strategy</b>
Cold War	Soviet Bloc	Great Power War
Post-Cold War	Nations	Dual Major-theater Wars
Now	Individuals	Homeland Security





This parallels the “stretching” argument, as I call it. During the Cold War, we had our “stuff” where we did business: tanks and infantry were in Europe. In the 1970s, we moved toward summits over economics. The current administration entered duty disclaiming the heavy focus on the “military operation other than war” of the previous administration, wanting to shift efforts toward core nations. Then 9/11 catapulted the focus into a new era.

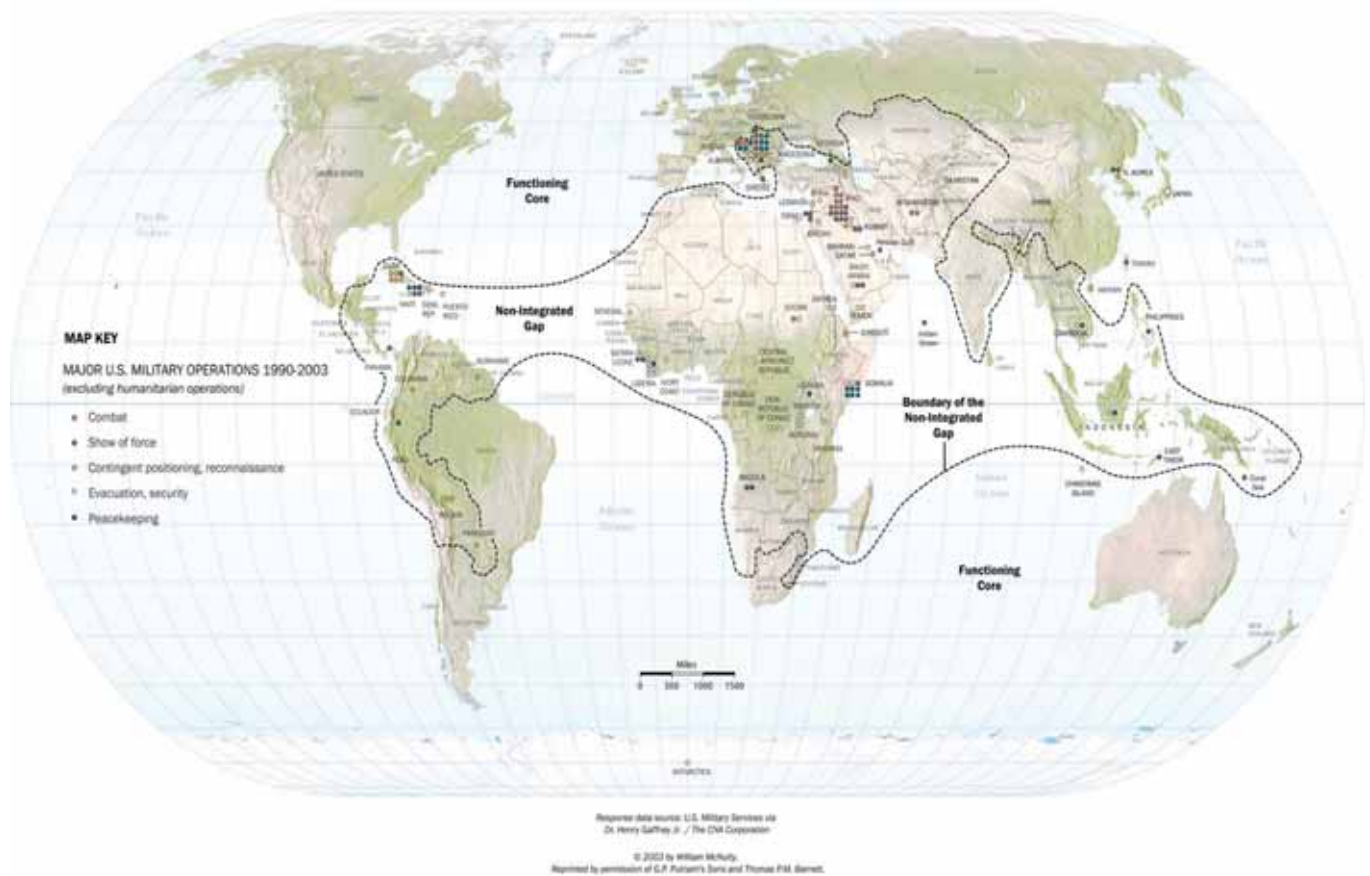
There are several ways we can adapt to this new era. We could place a premium on forward deterrence and strike ability, with closer in-theater “time-share” bases rather than “Mall of America” megabases. We could also shift to using more special operations forces and similarly super-empowered war-fighters, along with a greater focus on sensors to reduce ambiguous warnings.

Recognizing the great psychological operations effect of the inevitability of U.S. power, we need to set a strategic tempo that capitalizes on that inevitability. Enemies now wait out the first half of the war—losing the war, but then trying to “defeat the peace.”

One view of the world helps illuminate the dichotomy of the new era. Four billion of the globe’s six-and-a-half billion inhabitants live in a core of functioning countries. A “functioning” country welcomes connectivity and content flows and harmonizes their internal rule-set with the emerging global rule-set. Nations within this “world of assurance” can work with each other without resorting to war.

Adding recent conflicts over this map shows that 95 percent of interventions and peace-keeping occur outside of the core functioning countries. They are centered in

### The Pentagon’s New Map: War and Peace in the Twenty-First Century



a gap centered on the equator across the globe. And the security system for this entire gap is the United States. This is seen in a key driving flow, an interesting set of figures from the Middle East: The United States only uses 15 percent of the oil in that region, which meets just 5 percent of US energy needs; conversely, China, Japan, and India look to that region to provide 95 percent of their energy needs.

It's all about raising security practices around that gap. When we talk unilateralism for the U.S. military, it's like my dad used to say, "If I pay for it, it ain't exactly your decision, now is it?" We go into Iraq. How did we pay for it? We floated \$130 billion in U.S. treasuries the first half of 2003. Four-fifths of that is bought up by foreigners. Who were the two biggest buyers? Japan and China. You can tell me that they did it for structural reasons: that they wanted to keep their currency at a certain level. I'll tell you I don't care. They bought a war and if they don't like what they got for their money, they're not going to buy the next one.

Moving to a grand strategy: the first step seeks to work across the core nations to withstand and mitigate another 9/11-like perturbation. While functioning nations cannot stop every "vertical-shock" event, they can prepare for the temporary flux of its "horizontal" waves. Dedicated preparation will allow us to "preserve the core to grow the core."

Next, we must wall off the core nations from the gap. This "seam of suppression" will stop the flow of pandem-

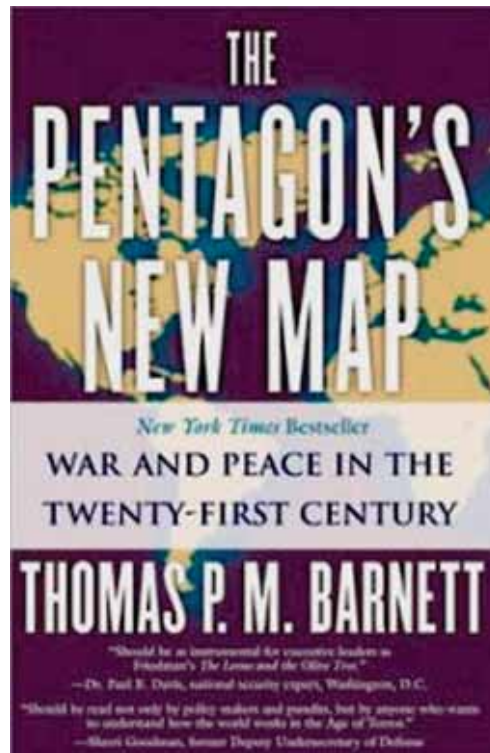
ics, weapons, and drugs. My favorite example of this rises from personal experience. My wife and I decided to adopt a baby girl from China. As we were walking out of Hong Kong International Airport, we saw a big screen on

the wall, displaying people walking. I asked one of the technicians about the screen and he replied, "I took your temperature as you walked down the hallway." And I said, "Really? Why are you taking my temperature?" He said, "Well, if you have a temperature, then you cannot fly in Hong Kong International Airport, it's against the law here. In fact, we won't even take your temperature again for forty-eight hours." I asked, "Well, who pays for that?" He said, "Well, you do. You pay for everything, we just don't let you fly." Now, why did they have that rule-set? Protection from the flu—limiting the risk of pandemic disease. And you're going to see that kind of technology and imposition put on people all around the gap more and more.

The last step selectively introduces the global economy. When multinationals enter a market, they typically pay 50 percent more for labor than local businesses. The increase in pay leads people to

demand more from their governments, including more security and globalization.

We are running out of military answers and rapidly moving to political solutions. We have an amazing capacity to wage war, better than any force in history. What we've got to get better at is everything else. We have a brilliant Secretary of War. We don't have a Secretary of Everything Else.



Dr. Thomas P.M. Barnett is an internationally recognized expert and strategic planner in national security affairs. A former Senior Strategic Researcher and Professor in the Warfare Analysis & Research Department at the U.S. Naval War College, Thomas Barnett now is Senior Managing Director at Enterra Solutions, a firm that helps build resilient organizations capable of responding to globalization and technology acceleration with holistic, competitive solutions. He also is a contributing editor of *Esquire* magazine.

# THE FUTURE JAG CORPS



# KEYSTONE CLOSING COMMENTS

MAJOR GENERAL JACK L. RIVES

*The following is a transcript of remarks given by Major General Rives at the KEYSTONE Leadership Summit on 7 October 05. Minor editing was performed prior to publishing.*

We're now concluding a historic conference. [During the introductory remarks, the KEYSTONE 2005 logo is displayed for the audience.] I've talked with many of you and I've seen the initial critiques. You're telling me this has been a tremendous conference. Before I take your questions, I'd like to mention a few things.

The JAG Corps has been without a Judge Advocate General for over a year now. Fortunately, the law provides that when there's a vacancy in the Office of TJAG, the Deputy performs those duties. Now, that's all well and good, but the title is a problem. As I have explained time and again, the position is not called "Acting TJAG," the complete title is "Deputy Judge Advocate General Performing the Duties of The Judge Advocate General, United States Air Force, in Accordance with Title 10, United States Code, Section 8037." Some people believe that's too much to say. Since we're an Air Force of acronyms, people began to come up with shorthand terms.

The first one I heard was "SIT," so I sat; but they said, "No, no, 'S-I-T,' you're the Stand-in TJAG." Then I heard "T-2 . . . the Temporary TJAG." Someone said, "TFTB . . . TJAG For the Time Being." Then they started getting bolder and I heard "TJACK." And then it was "P-Daddy." That led to "PDOT . . . Performing the Duties of TJAG," and I decided I might as well settle for that. I finally told people, "Okay, call the position 'PDOT.' When I need to sign anything and use all the words, I'll do that, but we'll just call it PDOT." One of the problems with this is that we have a generation of JASOC students who think "PDOT" is an official position. And lately, people have begun to shorten the term, so "PDOT" has become "DOT" and that led to some people just pointing and making a popping sound.

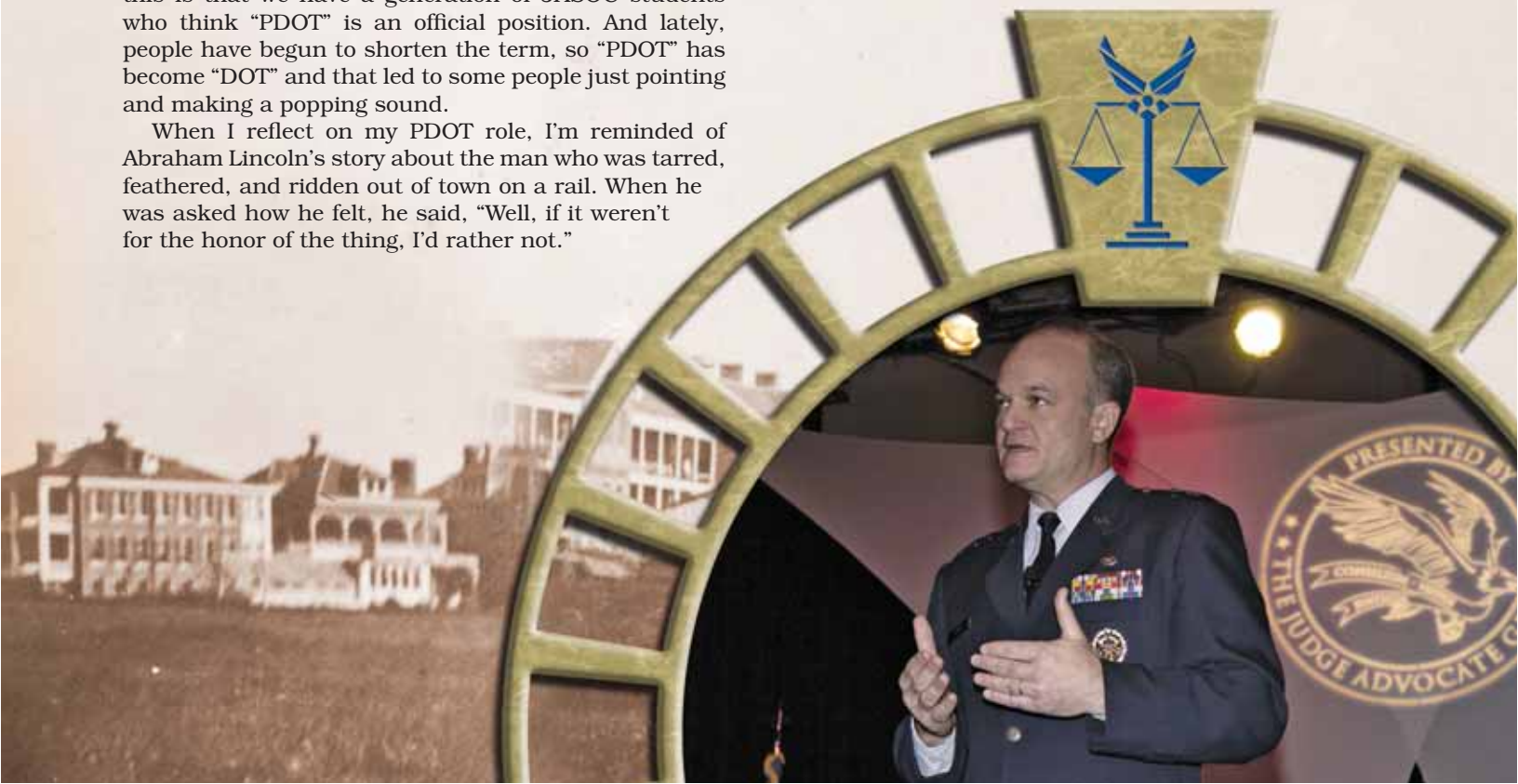
When I reflect on my PDOT role, I'm reminded of Abraham Lincoln's story about the man who was tarred, feathered, and ridden out of town on a rail. When he was asked how he felt, he said, "Well, if it weren't for the honor of the thing, I'd rather not."

All in all, the PDOT period has worked, and that's because of your contributions. From the senior officials I routinely deal with to the most junior personnel doing wing-level JAG work, you've continued to perform tremendously, as you always have. People have not noticed any void because they're receiving great services from you. You and your people have made this a great time to be in the JAG Corps.

Let's review this week. We started with the KEYSTONE concept. It means being in a beautiful place with great facilities. But more importantly, KEYSTONE represents what you mean to the Air Force and to the JAG Corps. You are like that central stone at the top of an arch that holds everything together. That's what leaders do!

The conference agenda was also like a keystone. We wanted to pull a number of concepts together. We invited provocative speakers. We need to challenge the way we think about things to come up with the best solutions to problems. We called this a leadership summit, but it wasn't about leadership alone.

First, we gave you context with speakers who discussed the world in which you provide legal services. [Photo of Dr. Barnett, Senator Graham, and the Honorable Dr. Segal shown.] We learned about the national security environment from the perspective of a senior Air Force leader, a United States Senator, and a futurist. Our speakers described a complex world with many demanding issues. [Photo of Dr. Singer, General Dunlap,





Left to Right: Dr. Ronald A. Sega, Under Secretary of the Air Force; Hon. Lindsey O. Graham, Senator, South Carolina; Dr. Thomas Barnett, Senior Managing Director, Enterra Solutions; Dr. Jeffrey Zink, Consultant in Ethics and Leadership Enrichment; Brig. Gen. Michael J. Basla, SAF/XC

and Colonel Bechtold shown.] Some of these issues are novel and we need to bring all of our skills to bear as we seek the best solutions. We heard that there's a pressing need for legal support in the 21st Century military. Leaders face tough questions and they're asking for our help. We can only provide that support if we know the law and how to apply it in the best practical manner. [Photo of Mr. Wilder, Colonel Haberman, Colonel Weeks, Colonel McGowan, and Lt Col Guillory shown.]

To best use our knowledge and capabilities we must understand the planning processes, available resources, and variety of tools to get legal information where it's needed. [Photo of General Basla, Mr. Sprowls, and Colonel Stevenson shown.] But no matter how much things change, in the end it comes down to people. On one level, we need to understand and improve the processes that manage their careers and utilization. [Photo of Chief Master Sergeant of the Air Force Murray, Colonel Turley, and Colonel Hagmaier shown, as are photos of Chief Master Sergeant Dillard-Bullock and the other leaders of the Paralegal Top-to-Bottom Review.] But all of that is simply a prelude to the fundamental requirement: We must lead! [Photo of Dr. Zink and General Welsh shown.]

We heard about the frame of mind we must bring to the task and we were reminded of what it means to serve and of the sacrifices that our colleagues have made. [Photo of flag from General Welsh's presentation shown.] And we discussed the need to make the most of everyone's talents and skills. [Photo of Dr. Bell shown.] We even heard about what *not* to do as leaders. [Photo of Dr. Kellerman and General Swanson shown.]

On more than one occasion this week, I heard something that made me think about things I can do to be a

better leader. You're never too old to change and unless you try, you have no chance of ever improving.

There's a lot of information to absorb about leadership and it's a career-long process. So you learned how we will systematically provide leadership training to the entire Corps, [Photo of Colonel Wesley shown] which leads me to my next point. Where are we headed? [The "Wisdom, Valor, Justice" soaring eagle is displayed for the audience.]

To repeat something I said earlier, we are fundamentally healthy. We're not broken and we don't need radical changes. But there are some areas for improvement and we will focus on them. First, I'll talk about individual steps.

We are all leaders. We are all recruiters, trainers, and mentors. How do we do these things?

- Give honest feedback and effective OPRs, EPRs and PRFs
- Take the time to say the right things: "Please," "Thank you," "I'm sorry"
- Compliment good performance and correct sub-standard performance
- Teach "completed staff work,"—and then require it
- Maintain a positive attitude
- Take care of the details
- Use metrics as a tool—but always look behind the "numbers" to the substance
- Be creative
- Have balance in your life
- Enjoy what you're doing



Left to Right: Brig. Gen. Charlie Dunlap, ACC SJA; Dr. Peter Singer, Brookings Institute; Col. Amy M. Bechtold, AF/JAO; CMSAF Gerald M. Murray; Mr. H. Gordon Wilder, AF/JAA



Left to Right: Col. Evan L. Haberman, AFLSA/JAC; Col. Rebecca S. Weeks, AFLSA/JAJ; Lt. Col. Gary Spencer, AFLSA/JAJG; Mr. Thomas Markiewicz, AFLSA/JAJR; Mr. Jim Russell, AFLSA/JAJM

I'll turn now to a Corps-wide perspective. First, I'll talk about people. Our primary focus area is obvious from everything you saw and heard this week—**leadership development**. At this time, I do not need to add to what's been said, but I do need to ask something of each of you. In this room are many of the future senior leaders of the JAG Corps. Maybe the next few TJAGs and Senior Paralegal Managers are in this room today. I want each of you to make a firm commitment that as a JAG Corps leader, you won't let our leadership development efforts die from a lack of interest or attention. We must consistently work to enhance our leadership skills.

The next area of emphasis is **teambuilding**. Many of our speakers discussed the need to leverage the skills and talents of all our people. That means getting to know and understand them and being willing to talk with them about problems and concerns. It also means not doing insensitive or disrespectful things that divide us. Don't think that our session with Dr. Bell is a one-time effort just for this conference. Now that she and (her associate) Dr. Ferdman have been introduced to the JAG Corps, we'll be back in touch with them as early as next week to see what "Step Two" should be. I'm committed to doing what I can to ensure that this organization is the kind everyone wants to join and stay with.

Another emphasis is on the credibility and visibility of our **JAG personnel processes**. Predictably, the actions of the former TJAG created concerns about the credibility of our assignment system and about favoritism. Let me give you a personal perspective on that.

I was fortunate to learn a lot about the JAG assignment process early in my career. Those who know me know that I feel very strongly about doing things the

right way. If I personally had not trusted the system, I would never have subjected myself to it for an entire career. I do trust it. But it's only as good as the people who run it. We must acknowledge that for one time in our history, we had a TJAG who took actions that damaged the credibility of our assignment process.

The best thing we can do to reverse negative perceptions is to make the process as transparent as possible. That can be difficult when personal privacy is involved, but my goal is to take as much of the mystery out of the assignment process as we possibly can. Not only does that create more confidence in the system, it also helps to reduce perceptions of favoritism.

Turning to paralegals, we're going to be working on what I'll call **paralegal integration**. Chief Dillard-Bullcock is committed to achieving a level of mutual effort and cooperation far beyond what we've ever enjoyed. She sees one team, not two camps, and I fully agree. And you're already seeing evidence of that.

In May of this year, for the first time ever, the Total Force paralegal chiefs participated in an entire Executive Conference. This week, JAGs and paralegals have sat together—literally together—for the entire conference. The paralegals didn't break out during the JAX briefing or during purely "legal-type" discussions like they have in the past. They didn't break out because they can't support the lawyers unless they really understand what we do.

But that works both ways of course, and the rest of the JAG Corps needs to better understand the world of the paralegals. To help accomplish that, you heard reports from the Paralegal Top-to-Bottom Review teams and you noticed that the teams have JAGs on them.



Left to Right: CMSgt Avis Dillard-Bullock, HQ USAF/JA; CMSgt Carla King, AETC/JA & CMSgt Teri Parsons, AFSPC/JA; CMSgt Jim Hobza, AFJAGS; Ella L.J.E. Bell, Tuck School of Business, Dartmouth College; Dr. Barbara Kellerman, Kennedy School of Government, Harvard University



Left to Right: Brigadier General James W. Swanson, USAF (Ret); Col. Dave C. Wesley, Commandant, AFJAGS; Col. Andrew Turley, AF/JAR; Col. Tonya Hagmaier, AF/JAX; Maj. Gen. Jack L. Rives, Deputy Judge Advocate General

As the teams continue their work, they will really need your involvement, from MAJCOM staff judge advocates on down. This means that everyone in the JAG Corps needs to know what's in the report. It will affect us all and will help shape how legal services are provided in the future.

The same teambuilding concept goes for our civilians. We call this **civilian integration**. I already spoke about the efforts to establish a civilian career field manager. I'm convinced this will provide civilians with a central point around which they can grow a common identity and a greater bond within the JAG Corps.

Our civilians make significant contributions, but they tend to work quietly in the background. So I ask something else of you. The *JAG Family News* is a great vehicle to bring us together. Recently we looked at items that had been submitted over the past year. Other than periodic award presentations, there were very few unique submissions on the accomplishments of our civilians. I'd like you to learn more about what civilian attorneys and support staff members in your offices are doing. I know there are great stories out there, but the rest of the JAG Corps is not hearing about them. Please be proactive and send us more. We need to reinforce that civilians are critically important members of the JAG Family. In fact, many of us know civilians who have been part of the JAG Family longer than anyone in uniform. We need to let others know more about the remarkable things they do day in and day out.

For the past year, we've worked on major focus areas. First was our Military Justice 2005 Study and we're currently involved in the Paralegal Top-to-Bottom Review. Next will be Legal Information Integration. Future major focus areas will be education and training, then operations law. I can't tell you precisely what initiatives will come of all this because that will be up to you to help determine. These reviews represent near-term planning and execution, but we need to look beyond that.

Finally, another major initiative will be formal **strategic planning**. As one example of how we're doing that, the Air Force is in the process of developing the

next Vision Statement. We will work in tandem with XP on it. In fact, I have a meeting with XP next Tuesday to discuss JA's role in the process.

Tomorrow's Corps will look very similar to today's, but it will be better. I can't overemphasize this: when we ask for your inputs and proposals, please take the time to participate in the process.

I'll be glad to take questions at this point. [*Questions and responses omitted from this transcript.*]

Let me close with a few observations. From my perspective, this has been a tremendous week. It's been a great opportunity to see all of you and to focus on some issues.

The JAG Corps is held in high regard throughout the United States Air Force. People respect us because of the types of things you do. They understand that it is members of the JAG Corps who tell commanders and other senior leaders what they *need to know*, not necessarily what they *want to hear*. We tell them what the law requires. We also tell them the law only sets a baseline that can't be crossed. In many cases, even if the law will allow certain conduct, the right thing to do is to live up to higher standards. And that's what members of the JAG Corps are known for.

We are key advisors. But as General Welsh told us, we are more than that. We are leaders. Every person in this room and everyone who works for you has a leadership role.

We live the Air Force Core Values—Integrity, Service and Excellence. We apply them with Wisdom, Valor and Justice. We all need to have the warrior spirit. We all are leaders.

Why is this so important? Well, because of people like Jordan Chandler. [*Photo of Technical Sergeant Jordan and her daughter shown.*]

I'm committed to these people and to everyone like them. I'm committed to each and every one of you. I promise you that I will always do my very best to never let you down.

[*The "Wisdom, Valor, Justice" soaring eagle is displayed for the audience.*] May you have safe journeys home.

# LAWFARE IN MODERN CONFLICTS

BRIGADIER GENERAL CHARLIE DUNLAP, USAF

*The following is a transcript of remarks given by Brigadier General Dunlap at the KEYSTONE Leadership Summit on 3 October 05. Minor editing was performed prior to publishing.*

Ladies and Gentlemen, it's a great honor to be here speaking at this first of its kind JAG Corps Leadership Summit. I am here to discuss a different way of thinking about the role of law in modern war. It is changing, and today I want to offer you a new architecture in which to consider the role of law and war.

The legal aspects of armed conflict have become increasingly important. One of the things in Dr. Thomas Barnett's presentation with which I actually agreed was the impact of globalization. Globalization has a lot to do with war because it has increased the "legal consciousness" of the world through the need for contracts, and so forth, in global commercial transactions. That has bled over into other aspects of human existence, including war. In important respects the way wars are fought is very different today.

In an interview with *Parade Magazine* in January 2003, General James L. Jones, the Supreme Allied Commander, Europe and the Commander of the United States European Command, stated, "It used to be a simple thing to fight a battle. . . . In a perfect world, a general would get up and say, 'Follow me, men,' and everybody would say, 'Aye, sir' and run off. But that's not the world anymore. . . . [Now] you have to have a lawyer or a dozen. It's become very legalistic and very complex." Today when savvy commanders go to war they really do take a dozen lawyers or more. They also take a dozen paralegals with those lawyers. That's the way we deploy and it works.

The important thing to understand is that these senior leaders have not suddenly fallen in love with lawyers; it's just not the case. Rather, their hard-earned experience orients them to the impact of law on their operations in many different dimensions. We all have to start thinking a little bit differently about the role of law in war. It's especially important for us wearing blue suits because air power gets more focus and is more controversial than some other kinds of battlefield fires.

This frustrates a lot of your air commanders. When the Army uses a weapon, such as the multiple rocket launch system, nobody seems to comment much; however, when one of our bombs goes awry, it's front-page news. This is a bit of an issue of our own making. We have advertised our technology so much that there's the perception that airpower is much more controllable than other weapons. This is what makes James Baker's quote so interesting. (Fig. 1). We've raised expectations, so when it doesn't work exactly as advertised, it gets more focus and creates more controversy.

## Why is Law important?

> In modern war, legal issues are especially a concern in air operations because they get more scrutiny than other fires

**"Airpower is more susceptible to legal and policy adjustment than ground combat, in light of the variances in means and method of attack, available through the variation in munitions, delivery azimuth, angle of attack, aim point, fuse, and explosive, all amplified with the assistance of computer simulation."**

James Baker, former NSC Staffer, 2003

Fig. 1

All of this helps give rise to a phenomena I call Lawfare. Lawfare is the strategy of using—or misusing—law as a substitute for traditional military means to achieve an operational objective. Some argue that Lawfare is a negative concept. It really isn't. It can be positive or negative. And in fact, the United States employed it during Operation Enduring Freedom (OEF). We used a legal weapon, in that instance a contract, to deny the enemy certain information—publicly available satellite imagery. Commercial satellite imagery is available with three-meter capability, and commercial entities have photographed every one of our bases in the Middle East. You can buy that imagery and it will show you the fence line and outline of our bases, which would be very useful to certain adversaries.





Sanctions are another legal methodology. They actually did have an effect on the Iraqi Air Force's capability during Operation Iraqi Freedom (OIF). In fact, at Air Combat Command I had the opportunity to listen to an Iraqi general talk about the impact of sanctions on their ability to stay current and fly.

We're going to see more of this in the future. There was a fascinating article in *U.S. News & World Report* about two months ago where they talked about the new approach to fighting terrorism. In that article, they mentioned several specific techniques or centers of gravity that were going to be looked at. The article noted that now commanders were required "to report on successes in locating and dismantling terrorist safe havens, financial assets, communications networks, and planning cells for each of the target groups." In this respect, we are going to see that legal "weapons," so to speak, are going to be very important when we are talking about dismantling financial networks.

But I think that most of our adversaries conceive of Lawfare differently. They are intent upon manipulating our adherence to the rule of law. They do this because they can't compete with us in a symmetrical way. In a very real sense, this is asymmetrical warfare.

You have heard other speakers talk about asymmetrical warfare. Most people think about it in terms of some kind of technology, such as information warfare or weapons of mass destruction. Lawfare is a different form—it is a *value*-based asymmetrical warfare. When our adversaries are looking for low cost ways of confronting us, they are taking a look at legal lines of attack.

They will also wage Lawfare by, paradoxically, ignoring international law. We've seen this actually executed by some of our adversaries. Do you remember in the first Gulf War when the Iraqis were putting aircraft right next to the ancient monument, the Ziggurat of Ur? They were counting on our adherence to the law of war, our concern about destroying an historic monument. Now you might, through the proportionality analysis, come up with a rationale to make that kind of attack legal, but I guarantee you it would have been *perceived* as illegal by the international community. Now if they kept their airplanes next to this Ziggurat and did not fly them, we may not have been too concerned about it. But you can see the strategy that our enemy was using.

Another way in which they are trying to use law as a substitute for military means is what I call "decapitation strategy." Militaries are always trying to "decapitate" their adversaries, so to speak, by separating the command and control element from the forces in the field. In Colombia, we have seen the adversary try to manipulate the legal system to accomplish what they cannot accomplish otherwise. In other words, they seek to take out the best government commanders not using traditional weapons, but using the law as a weapon. A 2001 article in the *Wall Street Journal* noted, "In a country where kingpin rebels live by intimidation and bribery, it would not be surprising to find peasants turning up in Colombian courts to press false charges—anonously—against the most capable military leaders. Indeed, there is proof that is happening." As you can see, through the accusation of illegalities, they are, in effect,

taking out the most capable military leaders as successfully as more traditional military means.

Our leaders can be targets too, as some of you saw recently. During OEF and OIF, criminal charges were levied against some of our leaders. While the cases didn't go anywhere, you can see the concept. It is important to understand this as we consider arguments about whether or not the United States should be part of the International Criminal Court or other kinds of international forums. It could present challenges to our leaders if they are subjected to these processes. Interestingly, our national defense strategy that just came out a few months ago recognizes that judicial processes have the potential to be used as ways of limiting or constraining U.S. power.

Other forms of Lawfare don't necessarily rely upon our judicial processes. They look at the psychological dimension of war and, in this respect, it is very Clausewitzian. Clausewitz talks about his "remarkable trinity." This is the synergistic effect of the people, the military, and the government, on the ability to wage war. In the United States and in many other western nations, we focus on trying to destroy the military capability to wage war. It's often called a strategy of denial.

Our adversaries, however, are not waging that kind of war. They are trying to separate the people from the government and the military. It has a very strong psychological dimension—to erode our capability or *will* to wage war. One of the ways they do this is through the exploitation of actual perceived legal or ethical violations. In the *Chicago Journal of International Law*, Professor Bill Eckhardt stated, "Knowing that our society so respects the rule of law that it demands compliance with it, our enemies carefully attack our military plans as illegal and immoral and our execution of those plans as contrary to the law of war. Our vulnerability here is what philosopher of war Carl von Clausewitz would term our 'center of gravity.'" Today, law really is a center of gravity. In other words, our adversaries are trying to turn a positive value of our adherence to the rule of law against us. They use it as a weapon to try to manipulate us and to undermine the support that a democracy needs to wage war.

Oftentimes we think about adherence to the law as being strictly a moral and legal duty. But in terms of waging war, it also has a very important *pragmatic* dimension, which is useful to emphasize with our clients. The consequences of illegalities can be exactly the same as a kinetically imposed defeat. What General Ricardo Sanchez, the former commander of U.S. forces in Iraq, said about Abu Ghraib being "clearly a defeat" was exactly right.

One of the things that I believe is very important for us, as judge advocates and paralegals and civilian attorneys and support personnel, is we ought to take time to read some of those reports about Abu Ghraib. The perpetrators did not start by leading prisoners around on a leash. It started out with small things: not wearing the uniform the right way, not saluting, calling each other by their first names. It was a breakdown of discipline that began with very minor offenses. So when people ask about the role of military justice, we should answer

that it's a critical operational matter; it's the "control" piece of command and control. We need to be able to articulate that to our clients because there are lots of people in the Air Force today who don't connect the dots between the role of discipline and success in combat.


The ultimate aim of our adversary is to replicate what I call the "Vietnam Effect." In other words, they can lose every battle, but still win the war, if they undermine our will to win. They use the fact or perception of those illegalities to do that. Again, in waging Lawfare they're going to exploit things that we do wrong. It becomes propaganda which is operationalized into having a real effect on the strategic outcome.

Even when we actually comply with the Law of Armed Conflict (LOAC), we can still have issues. (Fig. 2). Do you remember in the first Gulf War when we attacked the Al Firdos bunker? We thought it was a command and control facility, and it did have some command and control capability. But the spectacle of those bodies being dragged out of there (because it was also being used by the Iraqis as a bomb shelter for the families of high Iraqi officials) actually had an operational effect, even though that attack was legal and moral. I think our adversaries are going to see this incident and try to orchestrate similar events because it's easier to stop the U.S. Air Force if you can create this kind of effect than it is to try to build an F/A-22 or some other high-technology system.

### Perceptions of LOAC Violations

> **Perceptions of LOAC violations can have real operational effects. An example from GW I:**

**"The Al Firdos raid had accomplished what the Iraqi air defenses could not: downtown Baghdad was to be attacked sparingly, if at all."**  
Gordon & Trainor, *The Generals' War*, 1995



**Adversaries are figuring out that it is cheaper and easier - to wage 'Lawfare' against the US than it is to build air defenses or fighters**

Fig. 2

Another example is the "Highway of Death" from the first Gulf War. (Fig. 3). It was a legal and moral use of force. In reality not that many Iraqis died. Those of you that have been to Kuwait know that there's that one road that goes north of Kuwait into Iraq. When the Iraqis saw what was happening, they got out of their trucks and ran into the desert and survived the air attack. There were two or three hundred that were killed, but it wasn't the massacre it looked like on television. Nevertheless, the *perception* that we were doing something wrong actually had an operational effect.

Future adversaries will try and replicate this, even if it means killing their own people. They are going to try and set us up, try to goad us into situations where they

### Perceptions of LOAC Violations

> **Perceptions of LOAC violations can have real operational effects. Another example from GW I:**

**"The television coverage... was starting to make it look as if we were engaged in slaughter for slaughter's sake."- General Colin Powell, *My American Journey*, 1995**



**"Highway of Death"**

**Adversaries will seek to replicate such incidents even if it means killing their own people**

Fig. 3

can get this kind of photograph on international television because they know what the operational effect could be.

We've seen this in OIF. Do you remember when the Iraqi's would use the white flag to get close to our troops and then would blow themselves up? Yes, part of this was to kill some Americans, but I think it was as much to create a mindset where we would overreact. *Time Magazine* really underlines the idea of this being a military strategy our adversaries devised to try and goad us into overreacting in a retaliatory kind of response. (Fig. 4). We need to start thinking about the role of law and compliance with the role of law because our adversaries are exploiting it as a strategy.

So there are a lot of challenges for senior leaders. This is what I tell them: there is a *legal* dimension of LOAC, and there is responsibility and potential accountability. Recent events show that people who violate the law of war can be prosecuted. And there is a *moral* dimension. I don't know if many of you remember, but I think it was a year or two ago, there were a number of Israeli pilots who refused to fly missions in the Gaza Strip because they thought it was illegal and immoral. So, in other words, maintaining the morale of

### Goaded LOAC Violations as a Strategy

**"[Bin Laden's] guerrilla war, with women and children as collateral damage, is part of a broader military strategy to ensnare the U.S. in a larger East-West conflict... the Sept 11 attack [according to an expert] was to be so 'audacious, impudent and massively inhumane' as to ensnare a massive, inordinate U.S. retaliation that would further inflame Muslim opinion against the U.S. and the Arab regimes allied with Washington."**  
*Time*, Oct 15, 2001




Fig. 4

our forces does depend on their confidence that what they're being asked to do is both legal and moral.

What I want to underline again is the *pragmatic*, strategic dimension of LOAC. A great article in *Air Force Magazine* talked about this very subject, calling adherence to LOAC a "strategic imperative." It's not just something we do because we're Americans and we always want to do the right thing. It's also because we will not win the conflict if we don't comply with the law of war. Presenting LOAC in this manner is a good way to get access to our clients because there are a certain number of clients out there that tend to just turn off anything to do with law because they automatically—and often erroneously—assume it's going to be a constraint. Even assuming it is a constraint, they need to understand it because if they don't comply, they are not Clausewitzian-oriented war-fighters. They are not going to win battles or wars for this country because law has strategic impact that cannot be ignored.

How do we counter abusive Lawfare? Again, I want to emphasize that Lawfare and the role of the law of war generally are not negative. Law is a weapon that can be used positively or negatively. But what we're seeing with our adversaries is this psychologically abusive use of law. One of the ways we can address this is through what I call "Legal Preparation of the Battlespace." We do this in order to diminish the adversary's opportunity to exploit real or perceived violations of the law.

Now, how do we do that? One way is to prepare internal audiences through training. Not too long ago, training for senior leaders and senior war-fighters, like the Combined Forces Air Component Commanders (CFACC), was almost nonexistent. If they got anything, it was often simply some very basic computer-based training. For about the last four years, however, we've presented rather sophisticated training.

Training addresses the really controversial issues: lawful military objectives and dual-use targets; international agreements to which the United States is not a party but to which most allies are; human shields; attacks on radio and television facilities; and cluster munitions. We emphasize practical advice, not just the law. For example, attacking electrical grids is very controversial. Again, we try and give them practical advice. In this case, can you attack an electrical grid? Yes, it's not an off-limits target, but you have to do your proportional analysis and so forth. But what we really want them to do is to make a *data-driven* decision. Make sure that they know what the consequences of that attack will be.

So, in other words, the simple recitation of what the law is—that's not going to make it. That's not going to be sufficient for the kinds of conflicts that we have now. Each one of us has the obligation to educate ourselves about these same issues. Questions may not always arise at a LOAC briefing; it may be at the bar or at the Club. We need to be preaching these kinds of approaches at every opportunity—to our key client base.

Let me just talk with you about one technology-generated issue you may have heard about—it involves the Predator. Technology like this has really enhanced our ability to comply with LOAC, but there are some limits. Some of you may have heard about a controversy during OEF. There was an article in *New Yorker Magazine* that basically asserted that we would have killed Mullah Omar, but for a JAG's advice. Because of a JAG, Mullah Omar, a key terrorist, escaped. Well, it really didn't go down that way.

For those of you who have never seen these kinds of pictures, this is what you see out of a Predator. (Fig. 5). You see how hard the decisions were that Colonel Amy Bechtold and Colonel Ed Monahan, and so forth, had to

## What's Your Call?

### ➤ Predator quiz: What's your call?



1. Taliban/Al Qaeda?
2. Civilians?
3. CNN?
4. NGOs?
5. Allies?
6. Special Forces?

Fig. 5

make on a daily basis. So, what are you looking at there? Is it Taliban, Al Qaeda, or is it a civilian? Is it CNN? Now, when I get to this point, most of the operators go, "Fire away." But I think that the point here is that simply looking at a Predator video can be very confusing: are they non-governmental organizations, who may, by the way, be local nationals? It is very difficult to distinguish them. Remember, during OEF our allies looked a lot like the enemy. They might have a little different scarf on, but otherwise they look identical to the enemy. What about Special Forces? You can't tell with these guys anymore since they don't always wear traditional uniforms.

I think the use of Predator video for targeting is fascinating for us as lawyers and paralegals because whole books are written on the fallibility of eyewitness identification. Sometimes if your mind is ready to see something, you're going to see it. I think much of the "eyewitness identification" literature applies to Predator video. I often say that visual identification is not always the same as positive identification. You have to take into account the totality of the circumstances. I use this as just one illustration of the kinds of technology challenges that we're facing as we apply the law and integrate the law into operations. It truly underlines the importance of JAGs and paralegals understanding the technology.

One of the things that we're doing now is to try to ensure that every JAG who goes to a Combined Air Operation Center (CAOC) attends the Formal Training Unit at Hurlburt Field in Florida. They go through the same course as everybody who works in the CAOC. It's not a law course; it's about how to use the CAOC's information technology. Our people are often honor graduates, and the better performers in the course.

Addressing the internal audience is important, but it's also important to address external audiences—the public at large, to include foreign audiences. Now I think that before OIF and OEF, we did some good things that we had not done previously. For example, U.S. Central Command (CENTCOM) put a briefing on the Web about how targeting is done and what things are done to limit collateral damage.

In addition, there were a lot of people who gave interviews, me included, as to exactly how our targeting process seeks to avoid LOAC violations. It seems that our domestic audiences during OIF were convinced of the legitimacy of our efforts. As the war went on and the public became more familiar with the efforts we made to avoid collateral damage, they actually wanted us to get more aggressive in the use of our weaponry.

Of course, countering abusive Lawfare requires using tactics and methodologies that avoid incidents in the first place. When we start talking about tactics, let me just give you a very simple example: you can limit collateral damage just by changing the axis of attack. It is incredibly important for JAG personnel to educate themselves on the strategies, the doctrine, and the execution process, so that you can offer alternatives. You can then work with the planners and the targeters in a way that achieves the commander's objectives, but at

the same time doesn't take an unnecessary Lawfare risk that can be exploited by the adversary.

Technology is a big part of the solution: psychological operations, information warfare and precision guided munitions. But guess what? All of our adversaries out there are looking for ways to disrupt our precision capability, including jamming global positioning satellites, for example. Regardless, the main problem today is not the precision capability of weapons or the platforms; it's really about getting good intelligence. I think that's going to be true for the foreseeable future.

Of course, countering abusive Lawfare requires the involvement of the JAG in the Air Operations Center (AOC). Why do we have JAGs there? Well, Protocol 1 to the Geneva Conventions says it's important, if nothing else. What must commanders ensure they do? Chairman of the Joint Chiefs of Staff Instruction 5810.01 states, "[Commanders] ensure that all operations plans . . . concept plans, rules of engagement, execute orders, deployment orders, policies, and directives are reviewed by the command legal advisor to ensure compliance with domestic and international law." It basically requires the JAGs to review everything about an operation. Remember the discussion in a previous presentation about time-sensitive targeting, and compressing the "kill chain"? They're getting it down to minutes. You have to make a legal judgment in literally minutes on imperfect information. That's why it's so important to get schooled-up before you find yourself in that position—having to make those very quick decisions.

Do JAGs pick targets? In *Defence Weekly* in January 2004, Michael Sirak stated, "Military lawyers essentially determine every weapon of war built, every bomb that is dropped and every target chosen during a fight." While at first this sounds great, it sends the wrong message. This is what some people believe, and it is an incorrect recitation of what really goes on. Actually, JAGs are advisors and the commanders are the decision makers. This is what you will see in the Chairman's instructions, as well as in our own Air Force doctrine.

General Ronald Keys makes this point in an article that he wrote for the *JAG Warrior* a couple of years ago. (Fig. 6). He underlines to commanders that they hold the responsibility. With that said, we also have our own

## JAGs are advisors

**"The commander needs to remain a risk taker. The legal advisor can inform him of the risks and let him know what the law is, but the commander must still be the one to take the risk . . . Some of these decisions, though legal, are going to require some pain."**

General Ron Keys



Fig. 6

responsibilities. Only JAGs provide legal advice or render a legal opinion. You might think, "Well that's obvious." Let me tell you something, and I bet you that Colonel Bechtold and Colonel Monahan will back me up: there's an awful lot of people roaming around the CAOC who are giving legal advice or making legal judgments about different kinds of targets and so forth. But under our doctrine, only judge advocates provide legal advice. We have to remind people about this from time to time.

We are also required to report apparent LOAC violations. This is an ethical duty, as well as a legal responsibility. And of course, we still have Article 6(b). In my interpretation, Article 6(b) talks in the military justice context. But every LOAC violation raises a military justice issue. So, I believe this empowers us to go directly to the staff judge advocate in the field to get the information that we need. These are backup systems, so that there isn't a cover-up or something like that. Not only is it the wrong thing to do, but cover-ups disadvantage us in the overall effort.

What about organization and leadership support? We must have the same access to the data as the decision makers do. This is why we have such a challenge with security clearances and why we as a JAG Corps continue to work to try to get more top secret (TS) billets. You have to have a TS billet, in essence, to work in the CAOC and to have access to the same kind of information. Senior leaders understand this and, frankly, assume we all have TS clearances. They don't realize that universe is rather finite and not nearly as large as they think it is.

During OIF, the JAG was in the ideal position in what's called the "crow's nest." In a CAOC, it's a raised area in the middle of the room with all the big screens around—right there with the CAOC director. Currently in the new CAOC, or at least the last time I was there, the JAGs were not in the crow's nest, but were maybe even in a better position. They were right in front of the crow's nest where the time-sensitive targets were being executed.

You know, people say, "Well, how many lawyers do you need in a CAOC?" We're always being asked for these numbers. Usually I say, "Tell them between twelve and twenty." And they gasp, until I tell them that public affairs, in OIF, had a thirty-one-person footprint in the CAOC. So, this number gives us enough people so we can have three or four people there at any given time. We have a JAG embedded with the planners as they're developing the target. So, you don't get to the point where the plan is being briefed to the CFACC and then you raise your hand with a legal objection. In the old days, that's the way it worked because there was only one JAG there. If you have to make the objection then, that sortie is not going to fly and we're going to lose that measure of combat power. That's not what we want to do. We want it so that everything can be purged out by the time it gets to the commander for final decision.

What should the CFACC tell the JAG? In 2002, General Keys stated, "When I go to my lawyers, I don't ask, 'okay, tell me how I *can't* do this.' I go to my lawyers and say, 'How can I do what I need to do and not go to jail? How can I do it legally?' . . . The legal advisor has to understand that his job is to find a way through the

interpretations and legal precedence for the things we have to do, so I protect my people going out in harms' way." That's good advice. We try to find a legal way of dealing with what the commander wants to do. We do that in everything, but it's especially true and important in a combat situation.

Moral courage is not just an ethical responsibility, it's an operational necessity. It embodies everything that General Rives talked about earlier. Everything that Senator Graham talked about earlier. Everything that Dr. Segal talked about. We have to be the ones, sometimes the only ones, to tell the commander what he or she doesn't want to hear, but needs to hear. This is not just an ethical requirement; it's a pragmatic war-fighting requirement. It's a different kind of courage that we as judge advocates and paralegals and civilians have to provide for our Air Force.

During OEF and OIF, Colonel Bechtold and Colonel Monahan and the rest of the folks made a contribution that was measured in months and even years. They made a huge impression on our Chief of Staff as to how important the JAG function is. (Fig. 7). I've known him for many years and he really does value, not just our LOAC knowledge, but the way we think. He knows that when he goes to a JAG, he's going to get the straight story.

### CSAF View of the Role of the JAG



Fig. 7

Let me tell you something. As you get more senior, people tend to want to tell you what they think you want to hear. But General Moseley knows this, as do the smart three and four stars. It's why they value JAGs and the JAG Corps because they will get the straight story from us. We need to make sure that we maintain that reputation. Sure, we try to do innovatively what they want done, but as General Rives says, "Sometimes the right answer is, 'No.'"

The right process, of course, can minimize civilian losses. But when they do happen, we really need to be able to retrieve that information. I'll give you a couple of examples. Do you remember when we supposedly bombed the wedding party in Afghanistan during OEF? An investigation was done very quickly and it was posted on the web. I believe that information transparency is

one of the key counter Lawfare techniques that we can use in the future.

Now let me tell you, we've got more work to do. We need to build interdisciplinary cells in the CAOC to address collateral damage allegations when they arise. This was done on an *ad hoc* basis during OIF, but we need to formally embed it in our doctrine and processes. General Clark made the observation in his book *Waging Modern War* that the enemy always knows more about collateral damage than you do because it's in his territory. He can begin fashioning his story very quickly. To get inside the news cycle, we've got to be able to react very rapidly and an interdisciplinary team is the way to do it.

When we did the Tarnak Farms [friendly fire] investigation, and in another investigation that Colonel Monahan and Colonel Bechtold and I were involved in, it was a hard thing to try to capture what happened. Now you might think, "Well how can that be? Don't you look at all these computer systems?" Well none of them were built to archive information for investigations. And when 2,000 bombs a day are being dropped, and you're trying to figure out why one was dropped in a certain place and what might have gone wrong, it's an incredibly complex challenge. So, when you hear about this tagging of metadata and so forth, this is one of the utilizations that we hope to be able to do with it. In the near term, what we're looking at is trying to identify what information we have to archive, how long we have to archive it, and how we can access it.

Let me make a couple of concluding observations. You will hear this all the time: "Well, the enemy is not playing by the rules, so why should we? We're at a disadvantage." Well guess what? Contrary to an earlier speaker, I happen to think that China is a potential threat. They have the nuclear capability to threaten the existence of this nation.

There's a book out there written by Chinese officers that actually says something to the effect that China is not going to obey the law of war because the law of war is a Western concept designed to keep China down. You may hear a lot of people talk about this and become very concerned about it, that we're going to be at some kind of disadvantage.

Well, a couple of things here. One, it doesn't change the reality for us because in the Western way of war,

war is an extension of politics by other means. And in a democracy, adherence to the rule of law is always going to be an essential element of the public support that we need. Professor Reisman from Yale, I think, captured this perfectly. (Fig. 8).

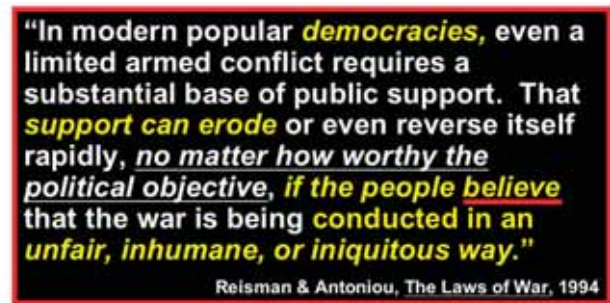


Fig. 8

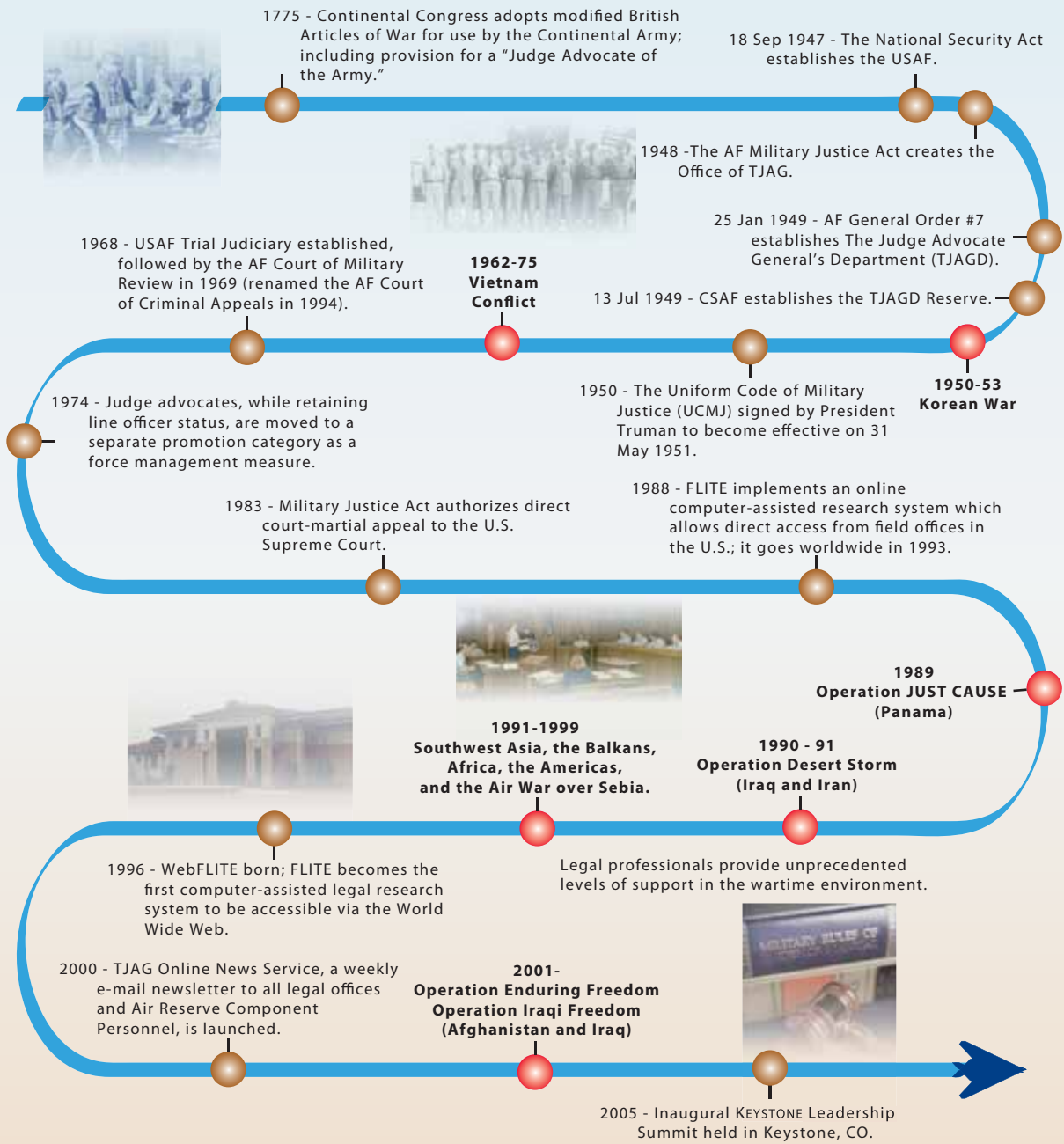
We now have a new strategic challenge. In Walter Boyne's book *Beyond the Wild Blue*, he talks how the manner in which we kill the enemy is important. How many of the enemy do you kill? These issues are important because of the changing social dynamic in which the 21st Century war is waged. Does this mean that we're at a disadvantage? No, because despite what some people think—that history has no value—it has a lot of value. Victor Davis Hanson wrote on this issue in his controversial book *Carnage and Culture*. The bottom line here is: the more a society adheres to ethical norms, democratic values, and individual rights, the more successful a war-fighter that society will be. It's counter-intuitive. You'd think a totalitarian has an advantage, but history does not demonstrate that. In fact, Caleb Carr, in his book *The Lessons of Terror* makes the point that there are entire civilizations that don't exist anymore because they chose to wage war against civilians, as opposed to against other warriors.

So I think when we actually look at the data, it does support the concept that adherence to legal and ethical norms is actually a pragmatic war-winning formula. We need to be educating ourselves and being prepared to send that message to our clients and to the public at large.

Brigadier General Charles J. Dunlap, Jr., is the Staff Judge Advocate, Air Combat Command, Langley Air Force Base, Virginia. Brig. Gen. Dunlap was commissioned through Air Force Reserve Officer Training Corps at St Joseph's University in May of 1972, and was admitted to the Bar of the Supreme Court of the Commonwealth of Pennsylvania in 1975. General Dunlap has deployed to support various operations in the Middle East and Africa including PROVIDE RELIEF/RESTORE HOPE (1992-93), VIGILANT WARRIOR (1994), DESERT FOX (1998), BRIGHT STAR (1999) and ENDURING FREEDOM (2001). He has led military-to-military delegations to Uruguay (1997), the Czech Republic (1999), South Africa (1997, 1999, 2000), and Colombia (2001, 2002). He speaks widely on legal and national security issues and is published in *Aerospace Power Journal*, *Peacekeeping & International Relations*, *Parameters*, *Proceedings*, the *Fetcher Forum of World Affairs*, the *Air Force Times*, the *Wake Forest Law Review*, the *Air Force Law Review*, the *Tennessee Law Review*, and the *Strategic Review*, among others.

# TJAGC Our History

...More than Fifty Proud Years Built upon Two Centuries of American Military Law



# AN OPPORTUNITY TO ENGAGE IN “STRATEGIC THINKING”

COLONEL STEVEN J. LEPPER  
COMMANDER, AIR FORCE LEGAL SERVICES AGENCY

*Colonel Lepper summarizes the thoughts and insights arising out of an Air Force Legal Services Agency Breakout Session held at the KEYSTONE Leadership Summit on 6 October 05.*

The KEYSTONE Summit's focus on leadership provided the attendees—our Air Force JAG Corps leaders—an opportunity to discuss, study, and resolve to employ effective leadership techniques and skills as we provide legal support to our commanders and Airmen. Two elements of effective leadership are setting goals and understanding the internal and external factors that influence our ability to achieve those goals. To enhance our understanding of the larger national and international influences on our national security strategy, several speakers shared their thoughts about the United States' future roles in world affairs. In addition to these presentations, the KEYSTONE agenda provided time for some participants not only to discuss the issues arising in these excellent presentations, but also to explore where we, as a nation, are going. One such discussion occurred during a breakout session hosted by the Air Force Legal Services Agency in which several Senior Mentors joined a group of about fifty Total Force JAGs, paralegals, and civilian JAG Corps members to explore where the JAG Corps has been, where we are today, and where we are going in the future.

A natural outgrowth of KEYSTONE's leadership focus was the idea to conduct a “strategic thinking” session in which participants would be encouraged to think outside the box about the future of the JAG Corps. Given the military engagements, humanitarian crises, and institutional challenges we have faced over the past several years, it is important that we understand how these events have influenced the direction the JAG Corps has taken. During our breakout, we considered whether our understanding of where the JAG Corps has been and where it is today could help us predict the direction we might take over the next five to ten years. By anticipating future events and considering how they might impact the Air Force and the JAG Corps, our objective was to help current and future leaders chart our course.

The session began by focusing on the key events in the JAG Corps since 1999. We chose 1999 as our starting point for at least two reasons. First, it was the year the JAG Department celebrated its 50<sup>th</sup> anniversary. Major General Bill Moorman was our Judge Advocate General and the snapshots he took of our organization were captured in the special 50<sup>th</sup> Anniversary Edition of *The Reporter* and the historical volume he commissioned entitled, *The First 50 Years*:

*U.S. Air Force Judge Advocate General's Department, which documented significant accomplishments during our first fifty years. Two of our KEYSTONE Senior Mentors, Brigadier General Olan Waldrop, USAF, Retired, and Brigadier General Ed Rodriguez, USAF, Retired, also retired in 1999. To help frame our discussion of the future, we asked them to compare any predictions they had at the time they retired on where they thought the JAG Corps would be with their perspectives on where the JAG Corps actually is today. In other words, we asked whether, how, and why their 1999 forecasts diverged from reality? We hoped the answers to those questions would help us understand the difficulties inherent in charting the future course of any institution—and particularly our institution. Second, we focused on the period between 1999 and 2005, as we believed that the events during this six-year period were the most relevant factors for us to consider in predicting how future events would likely influence the JAG Corps' direction.*

## Where We've Been

Over the past six years, the JAG Corps has undergone at least four significant changes. First, our name—The Air Force Judge Advocate General's *Corps*—changed





in 2003 as a result of a memorandum signed by the Secretary of the Air Force. The Secretary considered our previous name, The Judge Advocate General's *Department*, inappropriate given that we are a part of the Department of the Air Force. The Secretary believed the term "Corps" more accurately described who we are, whereas the first Judge Advocate General specifically chose the name "Department" to make it clear that Air Force legal professionals are part of the Line of the Air Force, rather than a separate category of Air Force personnel such as the Medical Corps.

Second, the Secretary attempted to define the scope of The Judge Advocate General's (TJAG) duties and responsibilities in ways never before considered. TJAG's relationship vis-à-vis the General Counsel was the subject of several Secretary of the Air Force Orders (SAFOs) that narrowed the scope of TJAG's authority, as well as his staff's ability to advise other Air Staff agencies. Responding to the turmoil these SAFOs triggered, Congress passed Section 574 of the 2005 National Defense Authorization Act (NDAA), which codified for the first time TJAG's independence as the legal advisor to the Secretary and Chief of Staff of the Air Force. Additionally, the legislation provided TJAG additional authority, which, together with Article 6 of the UCMJ, provided functional supervision over judge advocates in the field. Finally, the law established the principle that commanders and their staff judge advocates have a relationship that may not be interfered with by anyone, including TJAG and the General Counsel. A study commissioned under the direction of Section 574 validated the concerns that led to this legislation and offered suggestions on how TJAG-General Counsel relations might be enhanced in the future.

Third, the JAG Corps suffered significant embarrassment when its TJAG was disciplined for misconduct and retired in shame. The resulting fallout prompted a Corps-wide climate assessment that identified both positive and negative perspectives on our leadership, our work environment, our culture, and various administrative issues. It also led to the introspection and focus on leadership culminating in the KEYSTONE Leadership Summit.

Finally, the continuous armed conflict in which the United States has been engaged since Desert Storm has had a profound impact on the JAG Corps. Since Desert Storm, the JAG Corps has witnessed the ascendancy of operations law as a legal discipline. Although it existed before Desert Storm, operations law has since expanded to such an extent it has essentially subsumed almost all other disciplines. Almost any legal support provided to commanders in the context of military operations can be considered operations law. Thus, since the establishment of the Expeditionary Air Force (EAF), even such distinct disciplines as environmental law, military justice, and civil law, practiced in the expeditionary environment, have become a part of operations law. The understanding required by JAG Corps personnel of the challenges of the EAF has set us even farther apart from our civilian contemporaries and has reinforced the notion that the legal support we provide is an inherently governmental activity.

To round out our discussion of where we have been as a JAG Corps, Generals Waldrop and Rodriguez shared their perspectives with us. General Waldrop began by describing how the EAF was in its infancy when he retired in 1999. He then discussed some issues that have been and will continue to influence our direction. Two of these are money and people. Neither will be in great supply, a fact that will require us to prioritize our work to fit our resources. He cited technology as another factor that will shape our future. General Waldrop's discussion of Enterprise Resource Planning, in which functional areas will consolidate information technology in a common approach to resource allocation and application, anticipated the likelihood that we will someday have to merge and adapt our processes to those of other functional areas that will be changing around us.

General Rodriguez's remarks took the audience on a journey from his father's experience as a member of the Army Air Corps during World War II and his transition to the US Air Force, to his own early career as a JAG during Vietnam. The JAG Department was a very different organization in the Vietnam era than it is today. First, it was very homogenous—there were very few minority personnel or women in the JAG Department back then. Diversity was measured in terms of where JAGs attended law school rather than their racial or socioeconomic roots. It was, he said, "essentially an all-white, male Department." It was also a transitory organization. During the Vietnam war, JAGs served their commitments—usually resulting from their participation in college ROTC—and then left to join law firms. Few made the Air Force a career. Operations law had not developed to the point it has today. General Rodriguez pointed to General John D. Lavelle's removal from command after an investigation revealed the falsification of flying documents during the Vietnam War as an example of a situation that might have been avoided had his SJA been a properly trained and experienced operations lawyer.

General Rodriguez summarized our discussion of where we've been and provided a transition to our way ahead when he commented that our current scope of practice is "exponentially" larger than it was when he was on active duty. Today, JAG Corps personnel practice in specialty areas like labor law, procurement law, and environmental law, as well as the more generalized areas General Rodriguez practiced during his term of active service. Had he been able to experience this breadth of practice, he surmised he would have remained on active duty rather than transition into the Reserves.

## Where We Are Today

Today, the JAG Corps is a dynamic organization comprised of military and civilian legal professionals who are dedicated to providing the highest quality legal support to commanders, Airmen, and military families. Although our practice has expanded and adapted to meet the needs of the EAF, we are still a JAG Corps in

transition. One of the most significant challenges we currently face is the Base Realignment and Closure (BRAC) process. We have encountered BRAC before, and previous rounds have eliminated a number of Air Force organizations and installations. Although our JAG Corps personnel are now concentrated on fewer bases, we still remain a worldwide force.

While it may result in base realignments and closures, the significance of the most recent BRAC also includes two new approaches to installation management and the accompanying structure of the support disciplines. First, the concept of joint basing proposes that certain installations be “merged” under the executive agency of a single service. For example, the BRAC Commission suggested that Bolling Air Force Base and Anacostia Naval Base merge and be placed under the control of the Navy. Similarly, McChord Air Force Base and Fort Lewis in Washington may be merged under Army control and the Air Force will manage McGuire Air Force Base and Fort Dix in New Jersey. As a major consequence, some operational military units will be tenant units on bases they used to command.

Second, the Department of Defense is conducting a parallel study entitled Common Delivery of Installation Support (CDIS) to merge and “streamline” installation support functions. This initiative is intended to ensure the same kinds of base services are available to base residents and operational units regardless of which service assumes control of the “joint” base. In discussing this transformation of installation support during our breakout session, we compared where we are today with where CDIS might take us. Today, the Air Force fights under the “one base, one boss” concept where the wing commander responsible for the operational forces on an Air Force installation also runs the installation. Essentially, the base is our “aircraft carrier” and the wing commander not only owns the aircraft, he or she also owns the platform from which they are launched and onto which they are ultimately recovered. This can be contrasted with the way the Army and Navy fight. For many years, the Navy has organized itself around its fleet and shore establishment, which are considered separate parts since each functions independently of the other. Thus, the support provided to the fleet is often separate from the support provided to Navy installations. The Army is in transition from the “one base, one boss” model to the Navy model. It has established a military organization specifically dedicated to providing support to its installations and is now reorganizing—dividing—its support functions along operational mission and installation support lines.

The momentum CDIS has achieved with the Army and Navy has the potential to significantly change the way the Air Force organizes its mission and support functions. A common lexicon of legal services was developed recently at an offsite in the Washington, D.C. area. This lexicon, which is essentially the Air Force JAG manpower standard, has been established so that each service might uniformly tailor its installation legal support. The objective, as stated earlier, is to ensure each Soldier, Sailor, Airman, and Marine can obtain similar kinds and levels of legal services regardless of location

or which service happens to operate the installation. The challenge that lies ahead is to also ensure that operational commanders receive the same level of legal support they currently enjoy—support that is unlikely to come from JAGs in another service.

## Where We Are Going

Most of our breakout session was devoted to discussing the likely paths our JAG Corps will take in the next five to seven years. In their remarks, Generals Waldrop and Rodriguez suggested a number of factors that will influence our near-term future. General Waldrop offered an excellent overall perspective on how we might identify those factors. He told us that whenever he invited commanders to speak to JAG Corps groups, he encouraged them to talk about whatever concerned them. The lesson here is that, since we are so closely connected to our commanders, the factors that will influence the Air Force’s future are also likely to influence the future of the JAG Corps.

General Waldrop’s focus on technology and its potential impact on our future anticipated the announcement at KEYSTONE that the next top-to-bottom JAG Corps study will focus on legal information integration. The study leaders—AF/JAZ, AFLSA/JAS, and The Judge Advocate General’s School—will examine the use of technology in the JAG Corps and propose how we can use it more effectively in the future. General Waldrop’s forecast that technology will bridge the widening gap between increasing workloads and decreasing resources seems very wise indeed.

Based on his recent experience dealing with Congress, and the study it commissioned in Section 574 of the 2005 NDAA, General Rodriguez shared his thoughts on how we should prepare for the future and suggested we expose more JAGs to the legislative process. He predicts that Congress will become an even stronger influence in military affairs. We therefore need to prepare ourselves to operate in that environment. He also suggested we learn more about the JAG Corps of our sister services. The future will likely bring an even greater emphasis on joint operations and joint provision of legal services. CDIS is an example of how one service will soon provide legal support to BRAC-merged installations. To the extent we are able to construct a common approach to common legal services, we will enable our JAGs, paralegals, and civilians to transcend service differences as they support installation commanders and personnel.

Comments from others in attendance at the breakout identified more factors that may influence the future of the JAG Corps. One factor is the technological capabilities of our young Airmen. As our force becomes more technologically proficient, personnel will harness technology in ways we cannot currently comprehend. Some also believed the pace of those changes would increase, just as the pace of technological development is also increasing.

The way we operate might also change. Some believe we should focus on operating jointly or outsourcing

some of our functions. Since DoD is emphasizing joint operations, we should recognize the trend and, rather than resisting it, should embrace it and plan for its eventual outcome. Another way the workforce in general is changing is through the increased use of telecommuting. Although the U.S. government allows telecommuting or alternative work schedules to accommodate workers, save energy, and enhance morale, the U.S. military has yet to fully embrace it. Some saw it as an inevitable outcome and felt we should adopt it more broadly today.

The way we solve problems will also continue to transform. It was interesting to note that KEYSTONE itself was cited as an example of how we must encourage “out of the box” thinking from our Airmen. We will be prepared for the challenges that lie ahead only if we are willing and able to engage in creative thought across our JAG Corps. It was further suggested that the willingness to be creative will also attract the best and brightest to the Air Force. We must also understand how the world works. Since we operate in an increasingly global environment, some suggested we need to learn more about other cultures and more about the impact of our own society on the military.

One participant’s particularly insightful remark captured yet another way of looking at the future: “If you can’t predict the future, you build the future.” This person meant that we need to make the military attractive to a broader segment of society. Traditionally, military members have come from a small part of society, but our future strength will come from the breadth of our diversity—the diversity of our people and the diversity of our ideas. To attract such people, we need to continue focusing attention on quality of life, benefits, and other incentives. We must also make our ideas attractive to our fellow citizens. In this context, someone mentioned that openness, rather than hiding behind the Privacy and Freedom of Information Acts, is the better approach. The Executive Issues Team was mentioned as an example of such openness.

After I mentioned the ascendancy of operations law as one of the factors that influenced the JAG Corps’ direction over the past five years, one audience member seized on this thought and suggested that we continue to use operations law as a vehicle to define the practice of military law. Some participants feared that certain legal specialties are vulnerable to civilian outsourcing or even appropriation by the General Counsel. We need to train our JAGs and paralegals in the practice of law—all areas of law—in the deployed environment in order to ensure they are available to deployed commanders and Airmen.

A closely related issue is the future role of JAG Corps personnel. Some participants extrapolated the development of operations law and the current roles of deployed JAGs in Air Operations Centers (AOCs) to the ultimate evolution of legal advisors into legal “operators.” If we continue in the direction we are headed, the suggestion that we will become combatants who use the law as a sword as well as a shield is reasonable. Someone pointed out that we already occupy important positions on the AOC floor, and in that capacity, are as important to the process of delivering weapons on targets as the weaponers, logisticians, or even the pilots. General Dunlap’s “Lawfare” talk during the conference reinforces this notion that lawyers engaged in “Lawfare” will become the warriors of the future.

## Conclusion

What will the future bring? Who knows? The value of our breakout session was not to predict the future; rather, it was to expand our vision beyond the problems and issues we currently face to those the JAG Corps will likely encounter in the future. Participants in this exercise appreciated the opportunity to “think outside the box” and encouraged similar exercises in the future. To the extent that leadership is enhanced by challenging our own and our Airmen’s concepts of our mission, our people, and our future, we believe the focus on “vision” must continue to be a keystone of our JAG Corps.

Colonel Steven J. Lepper is currently assigned as Commander, Air Force Legal Services Agency, Bolling AFB, District of Columbia. Colonel Lepper was commissioned on 30 May 1979 upon graduation from the United States Air Force Academy. He served for two years as a scientific analyst at the Tactical Fighter Weapons Center, Nellis AFB, NV, until his selection for the Funded Legal Education Program. Since his designation as an Air Force judge advocate in 1984, Colonel Lepper has served in a variety of professional and leadership positions, including four tours as a staff judge advocate, two in the Office of The Judge Advocate General, and one assignment each in the Office of the Chairman of the Joint Chiefs of Staff and as a military judge.

# TJAG SENIOR PARALEGAL ADVISOR UPDATE

CHIEF MASTER SERGEANT AVIS R. DILLARD-BULLOCK

*The following is a summary of remarks given by Chief Master Sergeant Dillard-Bullock at the KEYSTONE Leadership Summit on 4 October 05.*

Today I would like to talk about some of the critical issues facing the JAG Corps, particularly with respect to our paralegal career field.

## Manning

Many of you in the field are concerned about paralegal manning—we all are. I would like to take this opportunity to explain why your office is sitting at 75 percent or less. I wish I could send you more bodies, but unfortunately, we do not have any to send. As of Aug 05, our overall manning is 89 percent, the healthiest we have been in several years. (Fig. 1).

To understand our current position, it is important to look at our force structure and manning levels during the last three years. I want to pay particular attention to the fact that in 2003, we had five E-1s to E-3s to fill seventy-seven authorizations or 6 percent. (Fig. 2). At that time, the JAG Corps explored the option of taking non-prior service personnel (NPS) into the paralegal career field. We wanted to get healthy in that arena because the pipeline for getting Airmen from the administrative technical training school (3A0X1s) had closed for us. While we used to get the top 10 percent of the 3As, roughly thirty a year, this practice stopped when they did not meet their accessions goals. Without a formal written agreement in place, our gentleman's handshake agreement ended. Unfortunately, this took away our ability to grow paralegals from the bottom. This loss also affected our E-4 levels because we no longer were growing them up from the E-1 thru E-3 levels and were only receiving E-4s through retraining.

Since the time we started taking in NPS students, our manning in E1 to E-3 is at 77 percent. We are very pleased at how well our NPS program is working. Feedback from the field has been very positive, especially at bases where we have been able to place two NPS students.

While our manning is low for our E-8s, we are starting to see some improvements thanks to the E-8 retraining program. The E-8 retraining program also brought improvements in our E-9 manning. Unfortunately, our E-6 numbers are going down because we're not growing them at the lower levels and for several years our recruiting efforts were imbalanced. But, for the moment, we are overmanned in the E-6 and E-7 grades.

Normally with such over-manning the Air Force would require us to retrain out our overages.

We were not required to do so because our total manning is below 90 percent. They recognized that we were using our overages to offset our shortages. To balance the career field, we did not take any active duty E-6 or E-7 retrainees in FY 05 nor will we in FY 06. We want to bring those numbers down to avoid the potential of involuntary retraining out due to overages in the future.

The Air Force has an NCO Retraining Program that has proven beneficial for us. Folks that are facing retraining out of their current career field often look to the paralegal career field. We routinely get a listing of the career fields that have voluntary and involuntary retraining and we are able to target those E-6s. We interview them and see if they can come into our career field. The NCO Retraining Program is a plus for us.

The paralegal career field is not a retraining out career field. Our manning levels and the fact we are dependent upon retrainees for sustainment prevent us from being a retraining out career field. We were asked to give up ten bodies to be first sergeants. This occurred because they feel paralegals make great first sergeants; this was our fair share and we do have an overage of E-7s. This brings me to an important distinction that I would like to highlight. First sergeant duty is a "special duty," as opposed to "retraining." Many people erroneously think these concepts are the same, but there is a distinct difference. Retraining means that you go to another career field and you don't come back. With special duty, you go for a limited time, but then you return to your career field.



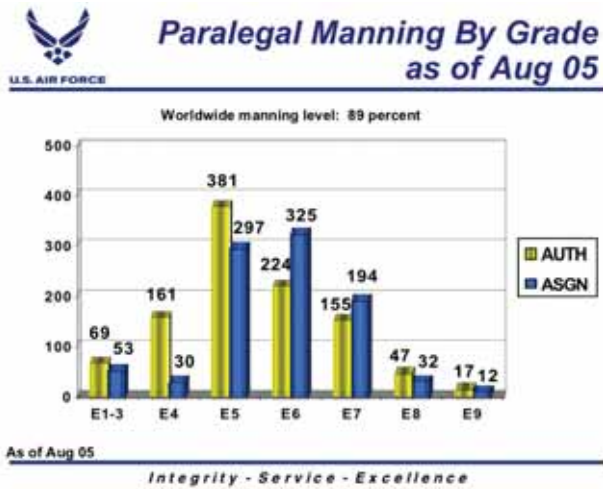


Fig. 1

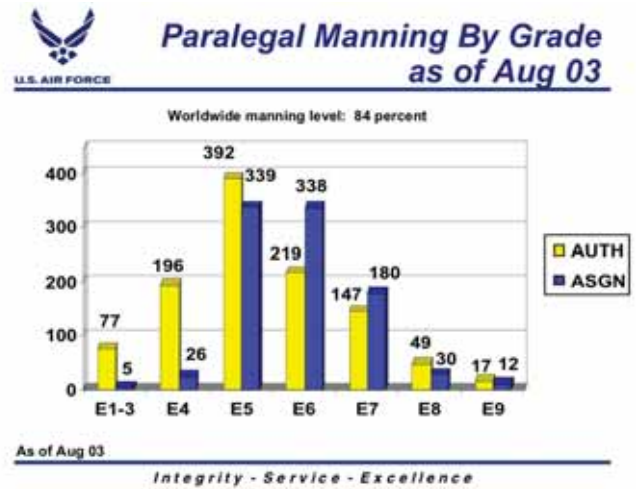


Fig. 2

Special duties include such positions as first sergeants, military training instructors (MTIs), professional military education, and CCMs. You go off for three, maybe four years, and then you come back to the career field. We look favorably at special duties, but it will always depend on our manning.

With regard to retraining, our career field is currently closed to that option. In most cases I do not get a vote. The Personnel Center evaluates each package against the health of our career field and the requested career field. From there the determination is made to release or not release. If the Personnel Center is considering release I am asked to give a recommendation at that time. When the decision is made to not release I am not asked for a recommendation and the member's request is denied.

If you are interested in a special duty assignment, apply. We will look at the manning levels and the needs of the paralegal career field, but the worst we can say is "No." Recently we've had the opportunity to let a few people do some things. One paralegal was released to be an MTI. Our recommendation for one package was recently overruled, and a paralegal was released in September to become a first sergeant.

## Court Reporters

We presently have five trained enlisted court reporters, one at each circuit. They went through the basic

court reporter training course at the Army JAG School, which is an excellent course. Their assignments are three-year controlled tours.

To be an enlisted court reporter, you must possess a 7 skill-level and be in the grade of E-6 to E-7. Right now, we have two enlisted court reporters that have been in place about eighteen or nineteen months. Soon we will be able to study the effectiveness of the program. Our ultimate goal is to have our enlisted court reporters assigned to the J4 UTCs and remove the J4 UTCs we have in base offices.

## ABA approval

This has been a tough road to travel. We thought seeking ABA approval would be a quick and simple process. In reality, the process could take anywhere from eighteen to thirty-two months. But I'm happy to say that we just received a letter from the ABA last month seeking to set up a site visit. The site visit is the last hurdle we have to cross before they vote on whether or not they will approve our program. We are very optimistic!

Chief Master Sergeant Avis R. Dillard-Bullock is the Senior Paralegal Manager to The Judge Advocate General. She was selected as the eleventh Senior Paralegal Manager to The Judge Advocate General in 2004. She grew up in St Louis, Missouri, and entered active duty in November 1979. She began her career as a law enforcement specialist and, in May 1985, retrained into the paralegal career field. She has served in a number of positions at base level in claims, military justice, civil law, and as law office manager. She has also served at the NAF level as paralegal superintendent. She has been involved in Operations PROVIDE COMFORT, JOINT GUARD, and ALLIED FORCE.

# AIR NATIONAL GUARD AND AIR FORCE RESERVE PERSPECTIVES

## AIR NATIONAL GUARD

MAJOR GENERAL JOHN W. CLARK  
AIR NATIONAL GUARD ASSISTANT TO THE JUDGE ADVOCATE GENERAL

*The following is a transcript of remarks given by Major General Clark at the KEYSTONE Leadership Summit on 7 October 05. Minor editing was performed prior to publishing.*

This is Major Mary Enges from the Utah Air National Guard. I didn't know who Major Mary Enges was until 5 September 2005. On that day, she sent me an e-mail and she talked about an incredible team standing invisibly around her, helping her just before she briefed her security forces who were going to New Orleans. (Fig. 1). I wondered what made Major Enges decide to write that e-mail, so I looked back at my old e-mail. I found the answer in an e-mail I received on 1 September 2005, the day before she gave the presentation. And as I looked at the e-mail, I saw that it wasn't just an Air National Guard team that was standing behind her.



At 1000 that morning, a guy named Bob Rockwell sent me an e-mail from West Virginia. I don't know why he wrote to me. He said, "General Clark, we have to send security forces to New Orleans. What are the rules for the use of force there?" Well, I'm not an operations guy and I wouldn't know much about the rules for the use of force. So I took his e-mail at about 1030 and I sent it out to the whole ANG e-mail list. The people that responded to the e-mail are the team Major Enges was thanking—people that sent her their versions of the rules of the use of force.

We received responses from all over the country. Here's the list: Colonel Gregg Schochenmaier, Iowa Air National Guard; Major General Jack Rives, Headquarters USAF; Colonel Ray Starling, Air Mobility Command; Major Tom Serrano, National Guard Bureau; Major Fran Brunner, Joint Force Headquarters, Kansas National Guard; Colonel Suzanne Peters, Ohio Air National Guard; Lieutenant Colonel Susan Bailar, Alaska National Guard; Lieutenant Colonel Brian Newby, Texas Air National Guard; Lieutenant Colonel Todd Brown, Alabama Air National Guard; Lieutenant Colonel Francine Swan, Joint Force Headquarters, New Hampshire Na-



Fig. 1

tional Guard; Colonel Cindy Ryan, NORTHCOM; Lieutenant Colonel Mike Lloyd, Wyoming Air National Guard; Colonel Rich Parker, National Guard Bureau; Major Jackie Schuh, Minnesota Air National Guard; Jerry Tipton, Army National Guard; Lieutenant Colonel Vicki Doster, Tennessee Air National Guard; Brigadier General Charlie Dunlap, Air Combat Command; and Colonel Chuck



Tucker, Wisconsin Air National Guard. The last one I got on 1 September 2005 was from a guy named Major Dave Bolgiano, Maryland Air National Guard, who has written quite a bit on this topic. So that's who she was thanking that day.

The Air National Guard—this is what we are. We're real units flying real missions—eighty-eight flying missions throughout the country. We have wings. In our wings, we have two JAGs, two paralegals, and an entire staff. We train throughout the year. We have our weekend drills, and then we have our fourteen days. But what do we do during the weekend drills? The day is full. (Figs. 2, 3). We do ancillary training and CAT warfare, and we meet with the commanders. Everything that happens in the Air Force happens in the Air National Guard, but it happens in two days. So we keep very busy.

Now, why do I mention this? There's not a whole lot of time for training, but we spend tons of time preparing our people and preparing ourselves. Our training cups



in the Air National Guard and in the eight units of the Reserve are full. When other folks decide that the solution to deficiencies within the Air National Guard or the A Units or the Reserve is to train more, they must be careful because there's no room. We've got to move some stuff out if we're going to add more in. So if you look carefully and prioritize what we're learning, adding more training is not always the best solution.

Now, we had someone from Harvard here this week talking about the loss of connection between the military and the civilian world. Well, we've been kind of doing that to ourselves.

These are the Air Force locations in the United States. (Fig. 4). Look at my state, New York. We used to have Air Force bases in New York. We used to have Griffiss Air Force Base; General Rives did some time there—they closed it. We used to have Plattsburg Air Force Base; General Rives was the SJA there—they closed it. New England thanks you, sir, for not having spent time at Hanscom Air Force Base.



Fig. 2



Fig. 4



Fig. 3

How about the Navy and the Marine Corps? Are they well connected to America? Look at this. (Fig. 5). They're only near the water. How about the Army? Well, Washington, D.C. is well spoken for. (Fig. 6). The rest of us are kind of sucking wind. Now, let's talk about the Army and the Air National Guard; where are they? There you go. (Fig. 7). It's been said that the National Guard is what connects the White House to the fire house, and it is. Our emergency operations plans start locally and build nationally. Major Michael Guillory showed a slide earlier about the President saying, "Make the federal government be more proactive and take a bigger role and the states will play lesser of a role." I will tell you that the states do not think that's the case at all. That's not going to happen as far as the governors are concerned and the adjutant generals are concerned.

Let me tell you a little more about the Air National Guard. The truth is—we are older. We're more mature.



Fig. 5



Fig. 6



Fig. 7

We've got a lot of pilots that know how to fly airplanes. We have a lot of old maintainers that know how to maintain airplanes, and that's a resource that we're trying to share with the Air Force now and with some of our Total Force constructs.

Why is Congress like the Air Force? If you ever pay attention to the budget, sometimes you'll see the Pentagon send in a budget and there are no C-130s there. And then the budget comes out and Congress has approved more airplanes. That's because there's a maxim that the Pentagon hasn't understood yet: you can't put too much iron in Mississippi. And this is why Congress likes us. We do approximately 34 percent of the Air Force mission with 7 percent of the money because we're cheap. (Fig. 8). We're part-timers. You go to one of our bases, our units we call them, and you won't find a BX, a Commissary, a bowling alley, or a dormitory. We're all community-based so we're cheaper.



Fig. 8

Now, a little bit of law. In the Guard and in the Reserve too, we always have our hats on that tell us what status we're in. We've got a special one that nobody pays attention to called State Active Duty. Let me put a chart up to show you what the deal is. (Fig. 9). See that little yellow mark on Title 32? That's me. I'm in Title 32 status, working for Governor Pataki. My chain of command goes up through the Adjutant General for the State of New York to Governor Pataki. And if I were to screw up and engage in misconduct here, I would be punished by the State of New York chain of command. We have the State Code of Military Justice in New York. I might get a general court-martial, in which case I could be fined \$200. Sometimes I'm put in Title 10 status. My orders say, "You're Title 10." We always do this when we send people overseas to Incirlik or wherever, where they're going to be with the active duty Air Force. See the Title 10 column. (Fig. 9)? Now, I'm working for the President and I'm subject to the UCMJ. That's the difference. Mr. Wilder has captured this in one of our favorite OPJAGAF opinions (1998/117). I can't give orders to Title 10 people when I'm in Title 32 status and Title 10 people really can't give me valid orders. We need to simplify and



**Guardsman Duty Status Comparison**

	State Active Duty	Title 32	Title 10
Command & Control	Governor	Governor	President
Where	IAW State Law	CONUS	Worldwide
Pay	State	Federal	Federal
Mission types	IAW State Law (Riot control, Emergency Response, etc.)	Training, And other federally authorized.	Overseas Tng, & as assigned after mobilization
Discipline	State Military Code	State Military Code	UCMJ
Support Law Enforcement	Yes	Yes	No: Except with specific authority

*Ready-Reliable-Relevant*

Fig. 9

dumb this down for some of our commanders. So what we say is—it's like baseball. The Yankees tell the Yankees what to do and the Mets tell the Mets what to do, but they don't cross back and forth. Real life example: In *United States v. Senior Airman Jesse D. Dimuccio*, 61 M.J. 588 (2005), the Air Force Court of Criminal Ap-

peals dealt with an interesting case. Dimuccio, a guy like me in Title 32 status, was at his Guard unit in Tucson. They put him on Title 10 orders working for the President, subject to the UCMJ, but he was still physically located in Tucson with his unit. His name came up for a random urinalysis and he tested positive for cocaine. That's bad news for him because he's in Title 10 status. See, instead of the \$200 fine, he can really get court-martialed. So his defense counsel said, "Hey, wait a minute. Who gave you that order to test?" They got out the order and it's from the Guard Commander, the Title 32 guy. And the defense counsel said, "Well, wrong chain of command, invalid order." And the court said, "Order is no good, test is no good." Even though this guy used cocaine, he's off. The government's not done though. The government says, "Wait a minute, it wasn't just the test, he confessed. We got him on that. He's in Title 10 status, he's read his rights, he confesses, everything is right in Title 10." But the defense counsel has an answer for that—the old fruit of the poisonous tree.

The last thing I'd like to do before I step down is thank General Madrid and Air Force Material Command who have set up a command structure with civilians in command. You have now created a structure that's more complicated than us. Thank you very much.



Major General John "Jack" W. Clark is the Air National Guard assistant to The Judge Advocate General, United States Air Force, Pentagon, Washington, District of Columbia. He serves as the principal advisor on Air National Guard legal services matters to the Judge Advocate General. His responsibilities include training oversight and operational readiness of more than 260 Air National Guard attorneys and more than 160 Air National Guard paralegals, and as chair of the Judge Advocate General's Air National Guard council, coordinating policies and programs for Air National Guard judge advocates and paralegals with the Judge Advocate General and the director, Air National Guard. The general was commissioned through the Reserve Officer Training Corps (ROTC) upon graduation from Rutgers College, New Brunswick, N.J., in May 1973 where he was the recipient of a U.S. Air Force scholarship. He received a full academic scholarship to Wake Forest Law School and was designated as a judge advocate following graduation from law school and admission to the bar of the State of New York in April 1977. He has served in judge advocate positions in the Air Force, Air Force Reserve, and in wing and headquarters positions in the Air National Guard.

# AIR FORCE RESERVES

MAJOR GENERAL RICHARD D. ROTH  
MOBILIZATION ASSISTANT TO THE JUDGE ADVOCATE GENERAL

*The following is a transcript of remarks given by Major General Roth at the KEYSTONE Leadership Summit on 7 October 05. Minor editing was performed prior to publishing.*

Good morning. It's great to be here. I'm proud to be a JAG, and I'm especially proud to be a reservist. Our Reserve program historically was not what it is today—expectations change. I want to take you back about forty years. If you were a reservist, during your duty day you could expect to be in a back office someplace or perhaps in a basement. You'd be viewing Korean War era films and reading Air Force training manuals—and the active duty folks were happy to supply them to you!

Let's swing forward a bit to a time about thirty-plus years ago when a baby JAG by the name of Dick Roth reported to his first base office. We had reservists in the office and we gave them legal assistance responsibilities. We didn't let them touch anything else, but we gave them legal assistance. In fact, we saved it for them. Then, a couple of years later, Dick Roth was a reservist in one of those base offices and was given legal assistance too. In fact, they saved it for me. That's the way it was back then for many of us that were in the program.

But what a difference a day makes. Now, we've got an incredibly talented and dedicated group of reservists doing incredible things day after day, month after month. If the 947 reservists in the program did only what they're required to do by regulation and policy, they would deliver about 27,000 man-days to The Judge Advocate General. But this past fiscal year, that dedicated group of reservists did much, much more than that. They delivered about 42,000 man-days to The Judge Advocate General—the equivalent of 162 judge advocate and paralegal positions. Now, that, ladies and gentlemen, is Service Before Self.

Back when the Air Force was converting to the Air Expeditionary Concept, some visionary reserve and active duty leaders of Air Combat Command got together and put together a program that we call the Home Station Support Program. It was designed to backfill, if you will, active duty legal offices and fill in for those active duty judge advocates and paralegals that were moving forward to deploy in support of operational contingencies. At the time, these visionary leaders were a bit concerned because the Reserve force was much smaller than the active force—about a third less. So they set the goal at about 50 percent of the support request. In other words, if we could meet 50 percent of the support requests that we received as the Air Reserve component, then we were doing great.

Well, let me tell you, ladies and gentlemen, what this dedicated Reserve force did during the last fiscal year. Eighty-nine percent of the support requests received were met. Now, that is an incredible amount of work and dedi-

cation on the part of the reservists. I want you to keep in mind, and General Clark referenced this, that as reservists, when people are in a blue suit, we expect them to fully master the trade—the Air Force trade. We must know all the skills and be fully interchangeable with the active duty force. But at the same time, those reservists are expected to master the trade of their civilian employer. Our reservists have been great at that.

Over a twelve month period, reservists prepared over 60 percent of the seven-point memoranda in the Air Force and accomplished 30 percent of the Article 32s.

They reviewed about 500 contracts and were involved in courts, boards, claims, and deployments. (Fig. 1). Reservists were actively involved across the board. Now, that's excellence.

Those numbers reflect a lot of leadership. But numbers really don't determine leadership—leadership really focuses on people. And when we focus on people and we look for Reserve leaders, we look to folks like Lieutenant Colonel Jim King. Lieutenant Colonel King put his civilian job on hold and deployed on fourteen days' notice to Baghdad, where he served as deputy chief of contract law for the Coalition Provisional Authority. We look to folks like Lieutenant Colonel Kim Fergan, who's over in Baghdad right now as I speak. But when we look for leaders, we don't just look at the AOR, we look at other things as well.

How many of you receive the ARC message that pops across your computer on a weekly basis? I know you've seen it. Well, when you look at leaders, you look at Master Sergeant Imelda Johnson. Master Sergeant Johnson, week after week, month after month, spends about five to six hours a week without pay or point credit researching and compiling that ARC message that she then pushes out to your individual computers like clockwork every Friday, and occasionally on other instances when there's a special need to get that message out. She helps us keep up with things that we need to know in the Air Force, and I can tell you that the ARC message is a must-read on the E-Ring. I know that because the former Chief of the Air Force Reserve, Lieutenant General Jimmy Sherrard, told me so.

Ladies and gentlemen, those are dedicated leaders and dedicated reservists. And that's just an example of the many, many dedicated reservists working day-in and day-out, month after month, all over the world for all of us in this room. We ought to give them a hand.

Now, even a great program has leadership challenges and I'd like to talk to you about a few of those. Whenever I speak to a group of reservists, I tell them that the Total Force means that we meet the Air Force standard,





## **EXCELLENCE** ***Some Key Contributions***

- **30% of all Article 32 investigations**
- **60% of all 7-Point Memoranda**
- **500 contract reviews**
- **1,500 civil law opinions**
- **2,400 legal assistance clients**
- **Courts**
- **Boards**
- **Claims**
- **Deployments**

***Integrity - Service - Excellence***

Fig. 1

and if we fail to do so, we're held accountable. Now, each year I have an opportunity to review personnel records and OPRs. Of course OPRs and EPRs are one measure of accountability in our program. This past year, I noticed some potential issues with respect to OPRs and accountability. I have a few examples that illustrate these issues. (Fig. 2).

The first one indicates an officer that had three bad years, no decoration and no DE. Yet, the OPR input read, "Platinum lawyer, officer leader, role model . . . Reservist lawyer every office craves." Not bad. How about the next one? This one was a major who was fired as a reserve coordinator by his boss and was ordered to complete some of the readiness tasks that we have to do. His OPR read, "Stellar performance as a senior reservist assigned to the busiest military justice base in the command." And there are many, many other examples. In one case, a major with three bad years was listed by his supervisor in the OPR as "the number one of fourteen reservists in the office." Makes you wonder who else is sitting in that legal office. This is an integrity issue, ladies and gentlemen. Together we need to work these issues and make sure that reservists who do well are rewarded and reservists who fail to meet the standard are held accountable for that standard.

I would like to mention a couple of other leadership challenges—recruiting retention training and the Total

Force paradigm. For the first time, the JAG Corps strength is less than 100 percent on the Reserve side; paralegal strength has dropped fourteen points since fiscal year 2001. Obviously we're still in good shape. Paralegal strength is still over 100 percent, but the trends are not heading in the right direction and I need your help. It's not a good thing when your Reserve Personnel Appropriation special tour training dollars drop from \$2.1 million in fiscal year 2001 to \$500,000 last fiscal year. It is particularly not a good thing when it comes to paralegal training because, as you know, the paralegals have a lot to accomplish on the Reserve side. Without those special tour training dollars, they have to accomplish training in twelve days of inactive duty and twelve days of annual tour per year—not a lot of time. So I need your help. We need your help in maximizing the training opportunities. Perhaps we're going to have to think more aggressively with respect to distance learning so to save those dollars and that classroom training time for the critical skills that need to be taught solely in the classroom.

Finally, I want to address the Total Force paradigm. The ARC is no longer a weekend force, it's a Total Force. Historically what that meant was the Reserve and Guard moved forward to help the active duty Air Force perform the Air Force mission. But what's left behind? The Reserve and Guard units are left behind. The dependents



## LEADERSHIP CHALLENGES – OPR/EPR INTEGRITY

- ***“Platinum lawyer, officer and leader...Role model field grade reservist – one of the finest; ready for IDE and SJA IMA...The Reservist lawyer every office craves...”***

- O-4 with “bad” years [33, 43 and 41 points] during the past three years; no decoration since 1999 and no DE other than SOS

- ***“Stellar performance as the Senior Reservist assigned to the busiest military justice base in [the command]...Exceptional attorney, inspirational leader – top notch officer...world class officer...”***

- O-4 “fired” as Reserve Coordinator; “bad” year in 2004; “ordered” to complete RCPHA and vRED

*Integrity - Service - Excellence*

Fig. 2

of members mobilized are left behind. And from time to time left, legal offices are left behind that are either undermanned or, in some cases, unmanned. They're left with paralegals who require training and nobody to help them accomplish that training. So my thought is, perhaps we need to think about changing this paradigm. Total Force has been growing in one direction, maybe we need to move it in the other direction as well. Maybe we need to remove those barriers that impede and hinder or, in some cases, prevent our using Reserve IMAs

and active duty judge advocate and paralegal personnel in these units. We should take steps to help these Reserve units and Guard units maintain the proficiency they need in order to accomplish the Air Force mission.

Ladies and gentlemen, we're going to take these challenges on, and we're going to work them aggressively. It's not going to be easy, but nothing ever is. And I know with your help, we will continue to deliver to The Judge Advocate General a world-class Reserve legal force, good to go anywhere, any time. Thanks for your support.

Major General Richard D. Roth is the mobilization assistant to the Judge Advocate General of the U.S. Air Force. He assists in managing 1,330 judge advocates, 250 civilian attorneys, 894 enlisted paralegals, and 720 other civilian employees assigned worldwide. In addition to overseeing a vast array of military justice, international and operational law, and civil law functions, including litigation affecting Air Force interests, the general provides legal advice to the Air Staff and commanders at all levels. General Roth earned a Bachelor of Arts degree from Miami University (Ohio) where he was commissioned in June 1972. He attended Emory University School of Law, graduating with a juris doctor degree in 1974. General Roth entered active duty in February 1975 and served with Strategic Air Command and Pacific Air Forces units in Arizona, Okinawa and California. Upon his release from active duty in April 1979, the general transferred to the Air Force Reserve and was assigned as an individual mobilization augmentee with Strategic Air Command bomb and refueling wings from 1979 to 1985. He subsequently served three times as a staff judge advocate at the wing and group levels in Air Force Reserve Command, an individual mobilization augmentee at the numbered Air Force and Air Staff levels, and a mobilization assistant at a major command and the Pentagon before assuming his present position. In civilian life, General Roth is a partner in a Riverside, California, law firm, where he specializes in management labor and employment law.

COLONEL F. ANDREW TURLEY  
AIR RESERVE COMPONENT ADVISOR TO THE JUDGE ADVOCATE GENERAL

*The following is a summary of remarks given by Colonel Turley at the KEYSTONE Leadership Summit on 5 October 05.*

The year 2005 has been the “perfect storm” for the JAG Corps’ Reserve program. In my twenty years in the Air Force, I have never seen so much change. I see four distinct “waves” in my metaphorical whirling sea.

First, the central management program for IMA moved from Denver to Robins AFB, Georgia. While the transfer was a major adjustment, it allowed for the move of the force management component in The Judge Advocate General Corps Reserve to my office in Washington, D.C. One result of that will be the implementation of a Reserve PDI, a process that should help get the right talent to the right place.

We’ve evolved to the point where, unlike thirty years ago, we’re really very much involved in force development. We are very involved with gaining visibility at the uppermost levels, so that we can best utilize and best prepare our Reserve and Guard forces. As part of that, it’s allowed my office to forge a terrific link with JAX and really become true partners, in terms of this whole force development concept.

Second, we saw the creation of the Military Personnel Execution System (MPES). This system has resulted in the elimination of the 9005th Air Reserve Personnel Squadron, a notional squadron to which all IMAs had been assigned for thirty years. With every IMA billet in the JAG Corps now tied against a wartime billet, there are likely to be short-term disconnects in manning documents. Fortunately, we’re developing a unique PAS code that we’re going to bring under an organization at AFRC, in other words, get back to the concept of the “Fighting 9005th.” In the meantime, staff judge advocates receiv-

ing questions from Base IMA Administrators (BIMAAs) should encourage the BIMAAs to contact AFRC/JAR.

Third, with very little notice, the electronic Reserve orders request system changed from WOTS to AROWS-R. While there have been a few glitches since the September 2005 transition, the good news is that the AROWS-R system—unlike WOTS—will allow requests for both Reserve Personnel Appropriation (Reserve training) and Military Personnel Appropriation (active duty support) tours.

Fourth, Military Personnel Appropriation funds, formerly distributed to Reserve management for use across a range of active duty support activities, will now be divided up by the Pentagon according to active duty missions. There will have to be more coordination, but there will also be a pot of dollars that we’re going to be able to use for more routine active duty mission support. We’re going to be able to segregate it and draw on it, giving us greater flexibility in the types of people we use and how we use them.

In addition to this “perfect storm,” I also see continuing challenges. I encourage you to help in recruiting separating JAGs and paralegals. The percentage of separating JAGs coming into one of the Reserve programs had decreased to 47 percent as of 1 September 05—after ending last year at 66 percent. Supervisors need to help us in identifying, and talking to, appropriate candidates. We also have seen a significant decrease in Reserve Personnel Appropriation funds, which causes us to look closer at school tours. This battle will not be easy, but we will forge ahead as we always do!

Colonel F. Andrew Turley is the Air Reserve Component Advisor to The Judge Advocate General, Headquarters United States Air Force, Washington, DC. His principal duties are to provide senior-level coordination and advice to The Judge Advocate General on all matters concerning the Air Force Reserve and Air National Guard programs. Col Turley also works closely with the senior leaders of the Air Force Reserve and Air National Guard legal communities across the nation. Colonel Turley received his commission by direct appointment and began his active duty career with the Air Force in January 1985. During his initial five-year active duty tour, he served in the base legal offices at Mather Air Force Base, CA, Comiso Air Station, Italy, and Scott Air Force Base, IL. He also served in the legal office at Headquarters Military Airlift Command and as the Area Defense Counsel for Scott Air Force Base. After returning to Massachusetts to enter the private practice of law, Colonel Turley transferred to the Air Force Reserve and was first assigned as an Individual Mobilization Augmentee (IMA) at Hanscom Air Force Base. He then moved to the Massachusetts Air National Guard as a traditional Guardsman, serving first as deputy staff judge advocate and later as staff judge advocate for an A-10 fighter wing. Upon relocating to Washington, D.C. in 1994, he returned to the Air Force Reserve to serve as an IMA to the General Litigation Division, Air Force Legal Services Agency (AFLSA) and later to the International and Operations Law Division in the Office of the Judge Advocate General. Col Turley was reassigned to the Massachusetts Air National Guard in 1997, where he served as staff judge advocate for the state headquarters. In 2002, he was selected as the Judge Advocate Assistant to the Director of the Air National Guard, National Guard Bureau, Washington, DC, a position he held until commencing his present active duty assignment in December 2002.

# LEADING YOUR OFFICE TO EXCELLENCE USING TECHNOLOGY

COLONEL PAMELA D. STEVENSON

*The following is a summary of remarks given by Colonel Stevenson at the KEYSTONE Leadership Summit on 7 October 05.*

Technology has everything to do with being a good leader. Every senior leader must accomplish the base mission, develop Air Force leaders, and take care of their people. Technology is a leadership issue because technology allows you to more effectively and efficiently accomplish your mission, allowing you to spend more time developing leaders and taking care of your people. If you are properly leveraging technology, you are free to do other things. You are free to develop your leadership skills. You are free to be a mentor. You are free to groom a future TJAG who may be working in your office right now. But you must be willing to embrace technology and its benefits.

Many of the challenges we face in the JAG Corps today can be resolved by technology. The key is to automate the processes that do not require a leader's touch. At JAS, we provide such technology on a daily basis. We can train the people in your office. We can help you use computers to manage time, paper and projects. We can help you create space to think outside the box.

At JAS we have a lot of great, passionate people. They are anxious to help you automate the processes so that your people are free to focus on the difficult legal issues. JAS has become the center of excellence for information technology (IT) because we leverage it to answer your needs. While we can handle anything that is IT, we are not the keepers of the programs—they are *your* programs. We created the programs for you. That is why they call it the JAG Corps IT Program. We have an incredible number of programs currently available or under development to assist you in accomplishing your mission. I will highlight a few.

## The Tools

*Suspense.* We have created a new suspense program to help you better track your work. It is designed to manage the office's enormous flow of paperwork and projects. You provided great feedback from the field on how to improve the system, and we appreciate the insight.

*WebMag.* WebMag is a web-based Magistrate Court Database. This is an incredible tool, especially for those offices with a robust magistrate court program. The database provides immediate access to case information from any desktop, and it provides reports at the touch of a button. It is actively being used in the field right now, and we are receiving great feedback.

*ADER: Area Defense Electronic Reporting.* ADER is a database application designed to assist

Area Defense Counsel offices. This is the AMJAMS for the defense community—providing them with similar practical day-to-day functions, as well as greatly easing case management and the collection of statistics.

*JADE: Judge Advocate Distance Education.* Money is dwindling, but people still need to be trained. Unfortunately, even if we had all the money in the world, everybody could not go to the Air Force JAG School. Consequently, JAS, in conjunction with the JAG School, is currently designing a useful, dynamic distance learning program that can be easily accessed from any computer. The modules will be of varying lengths so that you can receive in-depth training or, if you want, you can show an abbreviated version during your staff meetings.

*WebFLITE.* WebFLITE is still the foundation of all JAG Corps electronic programs. We are constantly updating and improving WebFLITE to ensure that it remains your one-stop shopping spot. We have several exciting initiatives that I would like to share with you. First, we changed the way FLITE looks. (Fig. 1). We are becoming more sophisticated web users, and it made sense to update our look to fall more in line with the other search engines, such as Google. So, we added a new sleek look. It has all the functionality and the power of the old page, but adds a few new search features. Much like Google, you now have the ability to search "People" or "Desktop References" or the "Library." One of the primary uses of WebFLITE is to find people. We met that need through the "People" search engine. Under that is a link to "My Office," which includes a list of the people in your office. The second search tool is "Desktop References." This search engine is something you can tailor by adding those references





Fig. 1

you wish it to search. For example, if you work primarily in military justice, you can add those regulations and databases applicable to military justice. Finally, you can choose to search the “Library,” which contains all of our databases. The tool bar at the bottom of the web page can be customized by the user, and it contains the things that we use most often, such as Hot Notices and suspenses.

*Court Reporter.* We are very excited about our new Court Reporter page. (Fig. 2). We received several requests from the field to improve the functionality of the court reporter page. The court reporters needed a tool that was more responsive and effective. Our upgrades

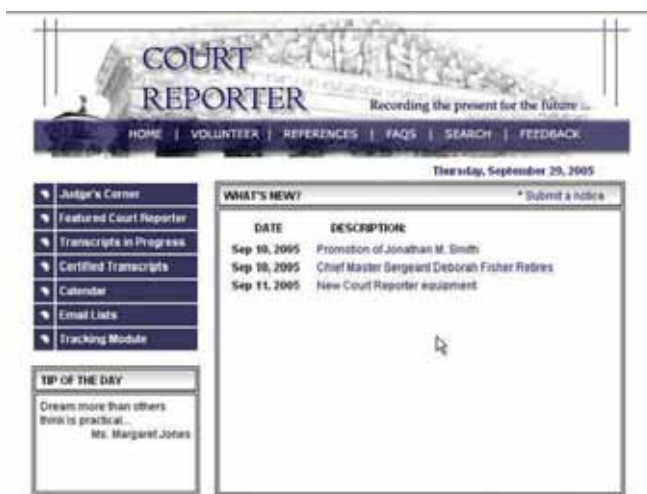


Fig. 2

added three important new capabilities. First, we now offer the capability to upload files. Court reporters that cannot travel to cases can now assist other court reporters by downloading audio files, transcribing them and then putting them back on the web for the original court reporter to retrieve. Second, we now have the capability to store and metatag a transcript once it is complete. Once the judge has certified the transcript, we have the ability to metatag that file to ensure that the file is not changed or manipulated. We are then able to upload it and make it available to the appellate divisions. Lastly, we have added a place for court reporters to post their availability. They can now specify when they are available and their capabilities. Now, if you are in need of a court reporter, you have a ready-made list.

*WEBDOCS.* While Docushare served us well, we truly have outgrown it. Docushare was not designed to accommodate the quantity of information generated by an institution as large as our JAG Corps. Consequently, we are proud to announce our new program: WEBDOCS. WEBDOCS is going to solve two problems. First, the database will hold a tremendous amount of information. You will no longer need to prematurely delete documents simply to make room for more information. Second, you can upload documents and information that you want to share with other legal offices. Each office has a private folder that is only accessible to members of that office.

## The Future

JAS is extremely excited about the technology we provide to the field, and we know you will find these tools extremely effective in accomplishing your mission. In addition to these great initiatives, the future holds so many possibilities for IT. I will list just a few: electronic military justice systems from beginning to end; fully automated courtrooms with remote access to witnesses; and a computer based courts-martial nomination system whereby the members will not have to retype their data every time. Based on input from the field, JAS is looking at all of these initiatives. JAS stands ready to assist you in any way. We will gladly come to your base and do consultation and training. We are consultants to you and we will help you get where you need to be. We will survey your processes and provide suggestions on how you can reach the next level. The result will be a more effective, efficient office, with plenty of time for you to engage with your people and develop their leadership skills. Through technology, we will build the leaders of tomorrow!

Colonel Pamela D. Stevenson is the Director of Legal Information Services, Maxwell Air Force Base, Alabama. Colonel Stevenson previously served as the Chief of Civil Law, Air Combat Command, Langley Air Force Base, Virginia, and as the staff judge advocate for the 12<sup>th</sup> Flying Training Wing, Randolph Air Force Base, Texas. Prior to this assignment she served as the Air University Deputy Staff Judge Advocate, Maxwell Air Force Base, Alabama. Colonel Stevenson has served as a commander, prosecutor, appeals court commissioner, base and NAF level deputy staff judge advocate, defense counsel, and joint task force staff judge advocate. As an instructor at the Air Force Judge Advocate General's School, she participated in the training of foreign militaries including militaries from the countries of Mali, Sierra Leone, Guinea, and Chad. She has deployed twice, serving as the staff judge advocate for 2 operations: Operation Provide Comfort and Operation Southern Watch.

# DOMESTIC DISASTER RELIEF: THE RESPONSE TO HURRICANE KATRINA

LIEUTENANT COLONEL MICHAEL E. GUILLORY

*The following is a summary of remarks given by Lieutenant Colonel Guillory at the KEYSTONE Leadership Summit on 7 October 05.*

As the Staff Judge Advocate of the Southeast Air Defense Sector/601<sup>st</sup> AOG, I lead the JA team for the NORAD Continental Region (CONR)/NORTHAF-1 AF Combined Air Operations Center (CAOC). The CONR/NORTHAF-1AF CAOC provides command and control for Homeland Defense and Homeland Security air operations in the continental United States. Many interesting issues arose during our response to Hurricane Katrina, and I will share some with you now.

## Response Construct

The Stafford Act provides legal authority for the federal government to assist state and local authorities in domestic disaster relief efforts. Under the Stafford Act, the Federal Emergency Management Agency (FEMA) is the lead federal agency with the Department of Defense (DoD) providing support. U.S. Northern Command (NORTHCOM) is the combatant command tasked to oversee DoD assistance. The diagram at Fig. 1 illustrates the organizational structure of federal, state, and local governments for Hurricane Katrina disaster relief efforts. In the center is the DoD structure, beginning with the President through the Secretary of Defense to the Commander of NORTHCOM who, in turn, established Joint Task Force (JTF) Katrina. On the right is the Department of Homeland Security under which FEMA falls. On the left are the state and local agencies, including the State National Guard.

Our legal team worked for the Joint Forces Air Component Commander (JFACC) as part of the 1 Air Expeditionary Task Force (AETF), the Air Force task force created for the JTF. The 1 AETF was comprised of several air expeditionary groups (AEG) with a joint operating area (JOA) covering both Louisiana and Mississippi.

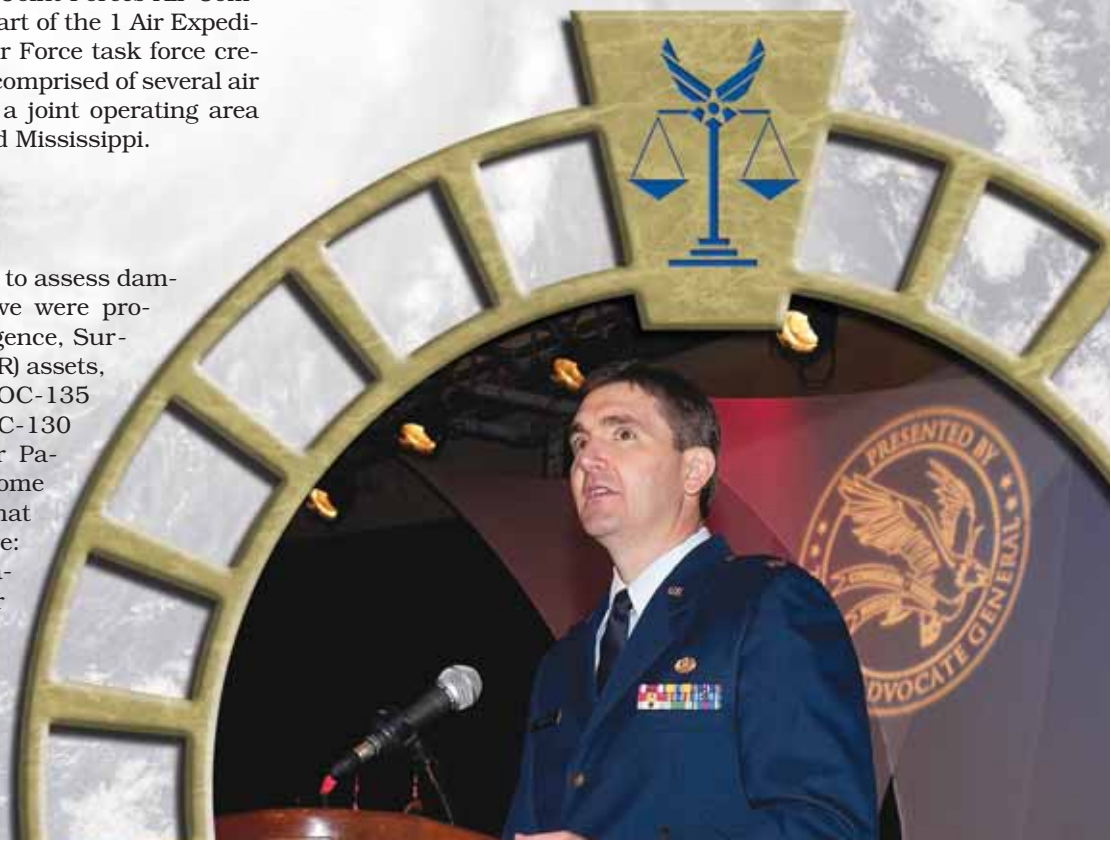
## Challenges

One of our first challenges was to assess damage. To facilitate our mission, we were provided an amazing array of Intelligence, Surveillance, and Reconnaissance (ISR) assets, including but not limited to OC-135 "Open Skies" aircraft, U-2s, C-130 Scathe View platforms, Civil Air Patrol, and various local assets. Some of the most pressing questions that the ISR images answered were: What airfields were still operational? What was left of Keesler Air Force Base? How close could we land aircraft to New Orleans? Where could we position our

Emergency Medical Expeditionary Supports (EMEDS) and forward deployed AEGs?

Once we determined where we could safely land aircraft, the missions began. Over a six-day period TRANSCOM, through its air component Air Mobility Command (AMC); flew over 2,000 sorties; carried 10,000 tons of supplies and equipment including tents, water, medical provisions, and generators; transported 25,000 passengers, airlifted 2,500 patients; and evacuated over 25,000 displaced Americans. In addition to the TRANSCOM efforts, the CAOC stood up a Joint Search and Rescue Cell to coordinate the search and rescue efforts. Rotary wing aircraft from the Air Force (active duty, National Guard, and Reserve), Army, Navy, Marines, Coast Guard, and coalition partners Canada, Mexico, Holland, and Singapore, worked together and flew over 18,000 sorties and saved the lives of over 29,000 people.

Problems did arise. There was reluctance from the Coast Guard and the Army to fly on our air tasking order (ATO). This led to some near collisions over New Orleans as air platforms converged to make rescues. As the airspace control authority, the JFACC wanted to maintain visibility over the location of all supporting aircraft. We were still working these issues as the relief effort wound down. One of our lessons learned is that in the future everyone needs to be on the ATO to deconflict airspace as well as allocate landing and parking space on the airfields. Several of the airfields we utilized quickly exceeded maximum on ground (MOG) limitations in the first few days as aircraft arrived from all over the country.





## Legal Issues

In June 2005, new standing rules of engagement (SROE) and standing rules for the use of force (RUF) were issued. As a non-combat mission, RUF were issued and we created RUF cards that were distributed to all of our Airmen. Fortunately, we encountered no use of force problems, but this did lead to another issue. In conjunction with the self-defense guidelines, NORTHCOM and the JTF issued an arming order that instructed when and how personnel were to be armed. The problem lie in the fact that the order was Army-centric and based on Army policy that did not translate well with Air Force personnel. We sought exceptions and worked the issue with the other JA staffs, but it was never completely resolved. This has been added to our lessons learned for future civil support operations.

Another issue we were heavily involved with was intelligence oversight with the ISR assets. There are major limitations on what the DoD intelligence components can do domestically with regard to intelligence gathering. We worked closely with our ISR division to ensure that no laws were broken as we collected and disseminated the aerial images.

Additional matters included: mosquito spraying (working with the Public Affairs Office to ensure that the notification procedures prior to spraying insecticides were complied with); the Posse Comitatus Act; information operations; and use of the Civil Air Patrol as an AF Auxiliary. On *posse comitatus* issues we leaned forward. Because snipers and armed gangs were active in New Orleans, we decided that almost anything we did to help local law enforcement ultimately was for our own force protection. Under that reasoning we trans-

ported SWAT personnel and searched for and seized weapons from those civilians being treated by Air Force personnel or preparing to board DoD aircraft. Another interesting issue was obtaining Federal Aviation Administration authorization and creating safe procedures to fly the Predator unmanned aerial vehicle (UAV) over the congested airspace of the disaster area.

A number of interesting miscellaneous matters arose as well. For example, a corporation has requested reimbursement from the Air Force because we used their air cargo tractors and baggage carts to transport injured people at the New Orleans airport. We also faced challenges

regarding the coalition aircraft. They included FAA safety concerns and questions regarding status of forces arrangements. Finally, we had to be careful to avoid using certain sensitive terms. As a result, we made the following verbal substitutions: “evacuees” became “displaced Americans,” and “ISR” became “imagery” or “aerial photography.”

As we wrapped up the operation, we asked ourselves the question that is on a lot of people’s minds: what is the future role of the military in domestic

disaster response? President Bush, commenting on the government’s response to Hurricane Katrina, said, “It is now clear that a challenge on this scale requires greater federal authority and a broader role for the armed forces, the institution of our government most capable of massive logistical operations on a moment’s notice.” While it remains to be seen exactly what our role will be in future disaster relief operations, one thing is certain: in September of 2005 the people of Louisiana and Mississippi needed our help and we responded with an unprecedented effort that should make everyone who wears a military uniform proud.

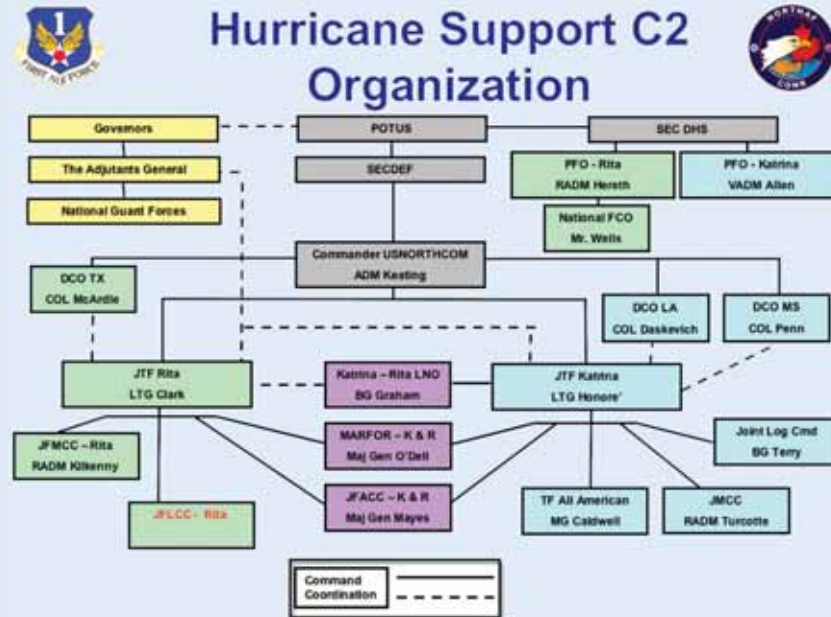


Fig. 1

Lieutenant Colonel Michael E. Guillory is the Staff Judge Advocate for the South East Air Defense Sector, a component of NORAD. Prior to this he was a reserve judge advocate for at the Air Force JAG School as an adjunct faculty member in the international and operations law division. Lieutenant Colonel Guillory received a Bachelor of Arts degree in History from Louisiana State University and a Juris Doctor from Tulane University School of Law.

# PARALEGAL TOP-TO-BOTTOM REVIEW

*The following is a summary of the Paralegal Top-to-Bottom Review Update given by the Team Chiefs during the KEYSTONE Leadership Summit on 4 October 05.*

The mission of the Paralegal Top-to-Bottom Review (PTBR) was to study the career field to determine how well certain aspects were functioning, decide which aspects needed immediate action, and determine which aspects needed continued monitoring. The study focused on seven primary areas: accessions, recruiting/retraining, training, manpower, assignments, utilization, operational readiness and leadership/mentorship. Several of those areas included looking at those aspects as they related to the Air Reserve Component (ARC). The study included not only looking at existing regulations and processes, but also surveying the field through questionnaires. All members of the JAG Corps were invited to participate in the study and provide feedback.

The PTBR teams were comprised of people from the Total Force of the JAG Corps (paralegals, judge advocates, civilians, ARC) and included representatives from

all the MAJCOMs. Not every team had a representative from each constituent and command, but every team did have a combination of members that broadened the team's perspective.

The initial goal was to conclude the study and brief the results and recommendations at the KEYSTONE Leadership Summit. It soon became clear that many of the areas needed more in-depth analysis. As a result, the briefing given at KEYSTONE was merely an update of an on-going process. The study will remain open a few more months so that the teams can continue to study these issues. The following discussion highlights the current findings and recommendations of each of the teams established to review the subject areas. These are only preliminary recommendations which may change before the final report. The team can still use your input, so please get involved.

## ***Paralegal Top-to-Bottom Review Structure***

- 1.0 Accessions  
Team Leaders: CMSgts Carla King and Teri Parsons
- 2.0 Recruiting and Retraining  
Team Leaders: CMSgts Carla King and Teri Parsons
  - 2.1 Retention  
Team Leader: CMSgt Tom Bennett
- 3.0 Training  
Team Leader: CMSgt Jim Hobza
  - 3.1 ARC Training  
Team Leader: CMSgt Renee Blancett
  - 3.2 Proficiency/Advance Training  
Team Leaders: CMSgts Jack Craft, Tom Bennett and SMSgt Chuck Smith
- 4.0 Manpower  
Team Leader: CMSgt Carolyn Hairston
  - 4.1 Assignments  
Team Leader: CMSgt Kathryn Rutledge
  - 4.2 Civilian Conversion  
Team Leaders: CMSgts Angie Dodd and Kathryn Rutledge
- 5.0 Utilization  
Team Leaders: CMSgts Jef Williams and Al Hall
  - 5.1 ARC Utilization  
Team Leader: CMSgts Genie Burrows and Rita Poyer
- 6.0 Operational Readiness  
Team Leaders: CMSgts Debbie Stocks, Mamie Havelka and Jack Craft
- 7.0 Leadership and Mentorship  
Team Leader: CMSgt Bill McGovern



## 1.0 Accessions

The Accessions Team reviewed the entire non-prior-service accession process. Under the current system, basic trainees interested in becoming paralegals are interviewed and then ranked based on the number of allotted quotas. To ensure continuity of application, the team formalized the process in writing. The team also surveyed the non-prior-service accessions of paralegals with three to six months time-on-station, as well as surveyed their law office superintendents and non commissioned officers in charge. The data confirmed that the non-prior-service accession process is solid and brings quality personnel to the career field. The team recommended the process continue as is, but suggested informing the field on how the process works.

## 2.0 Recruiting and Retraining

The Recruiting and Retraining Team found that only 20 percent of the personnel in the paralegal career field were recruited by someone in the JAG Corps. Consequently, the team focused on useful and efficient ways of recruiting. They evaluated existing recruiting tools such as the Military Personnel Flight (MPF) Retraining Office, newspaper articles, pamphlets, letters to potential retrainees, letters to first sergeants, letters to commanders, and paralegal recruiting posters. They looked at military job fairs and open-office recruiting sessions. They found the enlisted retraining program at the MPF to generally be good. Overall, the team found the existing recruiting processes were effective, but recommended that law office superintendents be more proactive. They can be more proactive by using the recruiting tools, working closely with retrainees, and keeping in close contact with the MPF. The team also recommended the creation of MAJCOM-level recruiting awards.

The team also reviewed the entire Air Force enlisted retraining process from the beginning to the end, including selection and notification. They learned the time and quota requirements for retrainees and prepared a background paper to educate the field on the process. They also reviewed the selection and notification process for timeliness. The team concluded that, while the process works relatively well, it is often delayed at the Air Force Personnel Center (AFPC). The team also learned that the AFPC computer is not designed to notify MAJCOMs of retrainee selections. Fortunately, the College of Professional Development (CPD) at Maxwell, AFB has now volunteered to give the MAJCOM functional managers the Paralegal Apprentice Course class roster in advance. The team's overall recommendations were: encourage MAJCOM functional managers to work closely with their retraining counterparts to ensure timeliness of nomination packages; work closely with CPD to review the class rosters and track nomination packages; and share the background paper with the field.

### 2.1 Retention

The Retention Team learned that retention in the paralegal career field is mainly in line with the Air Force as a whole. The retention rate for first-term paralegals is 88%, compared to the Air Force rate of 54% for first-term Airmen and the Air Force goal of 55%. For second-term paralegals, the retention rate is 56%, compared to the Air Force rate of 55% and the Air Force goal of 57%. For career Airmen, the paralegal rate is 92%, while the Air Force rate is 95% and the Air Force goal is 95%. While overall retention was not seen as a problem, the paralegal and Air Force second-term Airmen rates were below the Air Force goal.

The PTBR asked respondents to rank the areas that were important to them both during their career and when considering reenlistment or separation. Family was rated number one (75%), even among the first-term Airmen. Job satisfaction (65%) and retirement benefits (58%) were next. Interestingly, leadership (31%), work schedule (31%) and recognition (22%) were not rated as highly as anticipated. A majority of the respondents agreed that accomplishments were adequately recognized and that as paralegals they were utilized to their full potential. When asked whether their leadership assisted in the decision to remain in the career field, the respondents split fifty-fifty. Among second-term Airmen, the majority indicated that leadership did not assist in the decision to remain in the career field.

The team concluded that the JAG Corps must educate leaders at all levels of the JAG Corps on the results of the survey and on the importance of mentorship. The team also recommended that this retention survey be transformed into an exit interview, which would be administered during separation outprocessing. The results could then be shared with leadership at all levels, and utilized to improve future retention.

## 3.0 Training

The Training Team focused on the training that occurs from the time students graduate from the Paralegal Apprentice Course until they are awarded their 7-skill level. They looked at how fast the field is upgrading paralegals, how training is documented, and the means to deliver training.

The team found some students were being awarded their 7-skill level with only about 24-30 months in the career field. The team felt there was a need to change the mind-set that Airmen just attend the Paralegal Craftsman Course (PCC) when identified and that PCC is a culmination of your upgrade training. It needs to be understood that PCC is part of the upgrade training process. The team noticed, when requesting training plans from the field, that some MAJCOMS appear to have shared training plans with their bases. The team would like to see sample training plans on the JAY website for bases to have a place to start when developing a training plan.

The team observed that oversight of on-the-job (OJT) records and training programs has dwindled over the years. The JAG School instructors noted that they consistently see OJT records with errors and mistakes in them when reviewing them at the 7-skill level class. A review of the last four classes revealed that 64 percent of the records had write-ups, even though staff judge advocates and superintendents had certified those students as being ready to attend the school. The team is proposing a new Air Force Manual (AFMAN) to address oversight responsibilities and inspection of training programs. It would also lay the groundwork to begin looking at paralegal distance education. Distance education should be especially exciting to the Reserve and Guard.

The team consolidated the enlisted training portion of the MAJCOM self-inspection checklist. Since some MAJCOMS limit the number of items you can put in a self-inspection checklist, they made that an attachment to the proposed AFMAN. In addition to better inspections, it will provide a new law office superintendent or NCOIC with one document containing AFI references upon which to build a training program.

The team would like to look further at the potential development of a 7-skill level CDC. It would give paralegals similar training to build upon when they arrive at the 7-skill level school vice including 3-level type items in the 7-skill level course to ensure students are starting off on the same page. The 7-skill level class is currently under revision and needs to be completed and implemented before we can make an informed decision on the possibility of a 7-skill level CDC.

The Air Force is currently developing and fielding a training program that includes an electronic version of the career field education and training plan to replace the current paper version. Discussions on the possibility of JAS creating a JAG program tied to Roster are on hold while we are looking at the AF program.

## 3.1 ARC Training

The ARC Training Team looked at several different issues. First, it looked at the possibility of having an AGR position at the JAG School. This position is currently under consideration, and there is currently an ARC chief master sergeant assisting at the school.

Second, the team looked at training. The team learned that unit paralegals didn't have enough time on drill weekends to train and did not have anyone to conduct training. Ultimately, that is an active duty responsibility. Active duty personnel are responsible for ensuring that the ARC is trained to a proficient level.

One of the recommendations was to have ARC paralegals in upgrade training do their annual tour in active duty offices until they receive their 7-skill level. Another recommendation involved coordinating with active duty offices to share training plans. Having a training plan makes it easier to set aside time to conduct training. Finally, the team is considering the development of an on-line database where ARC paralegals and legal offices can share information regarding the timing of annual tours and the need for training.

## 3.2 Proficiency/Advance Training

The Proficiency/Advance Training Team looked at the specialized positions paralegals currently fill that do not have formal training. These broke down into three major areas: defense paralegals, court reporters, and paralegals filling Numbered Air Force, MAJCOM, and unified paralegal positions. The team contacted personnel currently in those positions, as well as personnel who had prior experience. The defense paralegals all agreed they needed more work-group management training and training in computer and webpage editing. They also identified the need for more training in finance and budget, office management, legal research and writing, witness interviews and suicide awareness.

The court reporters identified the need for a wider dissemination of a great resource, the *Court Reporter's Handbook*. This resource contains a huge amount of information and is simple to use. They recommended the handbook be used in conjunction with an AF Form 797 to train future court reporters. They also asked to replace the aging Sony equipment, which is an item that is currently being worked with AFLSA/JAS.

With regard to the NAF, MAJCOM, and joint paralegals, the team found that more training was needed in the area of post-trial administration and operations law. It was also suggested that paralegals attend some portions of the contract, environmental, and labor law courses held every year.

## 4.0 Manpower

The Manpower Team considered the current manpower standard, the Air Force manpower standard 102A that was published in 1995, and the funded authorization distribution and its associated factors. They com-

pared the total authorizations against funded authorizations by command. And finally, they looked at the impact of applying a new capabilities model against some of the backdrop of the current manpower standard and its impact on paralegal utilization, retention, and possible civilianization.

The team then considered historical development, sister service comparisons, objective and measurable workload, and survey results regarding additional duties. The team made several important conclusions. First, the team concluded that the current manpower standard is necessary to the process because the criteria for the capabilities model have not yet been adequately defined. Second, the team recommended the career field consider the practice of our sister services of pushing down their senior enlisted leadership to the lowest levels. For the Army, it would be the brigade level. The E-7s who would traditionally be at a comparable NAF level have been pushed down more to a wing level to provide the leadership to the young JAGs who are being deployed. Third, the team studied the results of a survey that it sent to the legal offices. From the survey, the team determined the average work week was about 45.6 hours per paralegal. It also revealed that paralegals are dedicating 27.9 percent of their time to additional Air Force duties. Consequently, the team recommended the career field consider converting some of the paralegal positions to civil service to capture those additional duties that may actually interfere with the paralegal's ability to concentrate on areas such as military justice and legal assistance.

## 4.1 Assignments

The Assignments Team looked at LOMs, superintendents, NCOICs and defense paralegals. They consulted with AFPC, reviewed existing policy letters, reviewed the current assignment selection processes for superintendents and for defense paralegals, and reviewed the Equal-Plus guidance for controlled tours. The team learned that the paralegal career field had been selecting the defense paralegals wrong. Defense paralegals are a controlled tour, yet the career field had been moving them every two years. A memorandum of agreement was entered into which will allow the career field to continue rotating paralegals into the defense paralegal position every two years. The Equal-Plus assignment process will be used only in those situations where someone cannot be moved over from the legal office. Overall, the team recommends continuing to use the current enlisted assignment system.

## 4.2 Civilian Conversion

The Civilian Conversion Team considered four possible models for determining whether or not to convert any existing active duty paralegal positions to civilian paralegal positions. Unfortunately, none of the models were found to be applicable to the paralegal career field. Ultimately, the team concluded that decisions to convert active duty positions should remain at the installation legal office with the leadership in the office

determining what factors are important. The team recommended issuing a policy letter that would set forth some factors to consider prior to taking action to convert any positions. For example, offices should consider AEF commitments because these commitments do not go away when positions are converted.

## 5.0 Utilization

The Utilization Team focused on determining the best approach for enhancing paralegal utilization for active duty paralegals. Enhanced paralegal utilization is the effective, efficient use of well-trained paralegals to meet mission requirements. The team sent surveys to the field, specifically targeting the 7-skill levels, SJAs, law office superintendents and MAJCOMs. Seventy six percent of those who responded felt as though they were being utilized as paralegals. Seventy percent of the SJAs and the law office superintendents felt the same thing. However, only 50 percent of the MAJCOMS that responded, from their point of view, felt as though paralegals were being effectively utilized. Paralegals identified additional duties, clerical duties, and a high operations tempo as the primary roadblocks to enhanced utilization. The study identified attorney support and paralegal initiative as the top two factors promoting enhanced utilization. The team made a few recommendations to ensure that enhanced utilization is incorporated into legal offices, but the team ultimately determined that more study was necessary.

### 5.1 ARC Utilization

The ARC Utilization Team studied whether Cat A, Cat B, and guard paralegals were being properly utilized in their unit and active duty legal offices. Based on its findings, the team recommended that all paralegals, especially those in upgrade training to the 7-skill level, attend an active duty legal office every year. The team also recommended that JAGs become familiar with paralegal CFE&TPs to understand what training and proficiency levels are required of paralegals.

The team recommended paralegals more routinely attend the Reserve Forces Paralegal Course, the Senior Reserve Forces Paralegal Course, and the Annual Survey of the Law. Paralegals should also consider Sunday training for paralegal specific training, using the set aside time for training method (SATT) and/or developing mock Article 15s and/or mock AMJAMS for training purposes.

The team's final recommendation was to create a database that captures the unique skills that paralegals possess from their civilian jobs. This roster would allow legal offices to target paralegals with certain skills that would help that office's mission or help to train other paralegals.

## 6.0 Operational Readiness

The Operational Readiness Team studied whether paralegals are organized, trained, and equipped to meet

the Air Force operational readiness needs. The team built a fifty-seven-item questionnaire and sent it to all paralegals that deployed between 2001 and 2005. Of those 115 paralegals that were surveyed, the team received seventy-eight responses: seventy active duty, four reserve, and four guard. The team also surveyed twenty-five JAGs, some who had deployed with paralegals and some who had not.

The data revealed that 55 percent of the respondents deployed to wing legal offices in the AORs. The 55 percent deployed in XFFJ3 UTCs. Forty-five percent of them filled an individual augmentee tasking. Seventy-eight percent of those who deployed went into an established operation and 80 percent went to the CENTAF AOR. This demonstrated that almost half of the paralegals were not doing traditional paralegal work. In spite of that, most respondents felt they were well prepared for their deployment and that they had been successful. The JAGs that were surveyed agreed.

With regard to workload, the team found that the claims workload was very light. The majority of military justice actions were non-judicial punishment. Only seven of the paralegals who responded had worked a court-martial. A few of them had worked on sister service cases. The wealth of the workload was in civil law and legal assistance.

Overall, the team found that the paralegals had the proper skill sets. Many respondents, however, indicated a desire for more training in contracts and fiscal law, combat training, interoperability, and working with sister services. The team recommended increasing training in those areas. They also recommended reviewing the way claims are processed. Finally, the team recommended revamping the JAGFLAG course to make it more realistic and current.

## 7.0 Leadership and Mentorship

The Leadership and Mentorship Team attempted to answer four key questions: Do current leadership and mentoring development processes satisfactorily meet JAG Corps requirements? What leadership development beyond professional military education is available and being utilized? Should we develop a JAG Corps mentorship program? What is the proper rating chain for paralegals?

In answering the first question, the team looked at existing guidance and policy. While the team found existing policy memorandums, these documents failed to establish definitive implementation guides or criteria upon which to gauge success. The team also found a lack of accountability for leadership and mentorship. The data revealed that over one-third of legal offices did not have an established leadership vision, plan, or goals and nearly one-half of legal offices did not include any type of leadership or mentorship training as an integral part of their office training plans. The team concluded that current processes do not meet JAG Corps requirements, but the team is hopeful that the current emphasis on JAG Corps leadership will remedy these shortfalls.

The second question involved reviewing existing leadership development beyond professional military educa-

tion. The primary medium for this training is professional development seminars for three tier enlisted groups: airman to senior airman, staff sergeant to technical sergeant, and master sergeant to senior master sergeant. These are developed and controlled locally by each wing's professional development centers. While some bases currently do not offer seminars in all three tier groups, this is likely to change when Headquarters Air Force issues new policy in the near future. Overall, the survey showed that 75 percent of office leadership strongly encouraged attendance at professional development seminars to further develop enlisted professional skills.

The team next looked at whether to develop a JAG Corps Mentorship Program. Unfortunately, the survey results were inconclusive as the respondents split fifty-fifty on whether a formalized program was needed. The team offered the following recommendations: establish a TJAG policy memorandum to define and detail the design and implementation of specific leadership and mentorship initiatives within the JAG Corps; create criteria to measure the success of those initiatives; have MAJCOMs add the criteria to functional inspection checklists; and further develop *I Lead!* and formalize it as the JAG Corps' internal leadership and mentorship program.

The team made some interesting findings with regard to the last question. Sixty-six percent of our offices do not allow attorneys to directly supervise or write EPRs on the paralegals within their sections. Explanations for this range from lack of formalized training for officers regarding enlisted issues, to perceptions that enlisted take care of enlisted and officers take care of officers. The team viewed this issue as a two-fold failure of leadership and a disservice to both attorneys and paralegals. One, it is a failure to empower less experienced members of the JAG Corps with the leadership abilities required of them later in their careers. Two, it is a failure of NCOs and senior NCOs to properly train and mentor attorneys regarding enlisted issues. The team strongly encouraged a review of whether JAGs should directly supervise and rate paralegals.

## Conclusion

As the teams continue this study, they must maintain the right combination of members—both JAG and paralegal. Those with a desire to become a team member or who have additional inputs are encouraged to contact a team leader. Our collective thoughts and ideas must be effectively integrated so that we can develop a force model that will lead us into the future. As CMSAF Murray stated at KEYSTONE, we must urge our senior JAGs to let us know their expectations. If paralegals know what is expected of them, they will be better enabled to provide support to JAGs. This synergistic collaboration will help JAGs provide first-class support to the war fighter. As we wrap up the review and finalize recommendations, our unified efforts should result in an outstanding force model that will serve as the blueprint for providing expert advice to our war-fighters for years to come.

# THE JAG FAMILY



## ON THE SPOUSE SIDE

MRS. JOY DUNLAP

*The following is an article by Mrs. Dunlap capturing the experiences of the JA Spouse Connection at the KEYSTONE Leadership Summit.*

JA spouses who traveled to Keystone, Colorado for the inaugural KEYSTONE Leadership Summit got to participate in a myriad of opportunities designed to connect them with each other, their spouses, the JAG Corps and the Air Force. In its debut year, the *JA Spouse Connection* offered spouses the chance to attend many KEYSTONE sessions with their military partners, as well as to attend an assignment briefing and a sit-down chat with Major General Jack Rives. In addition, *JA Spouse Connection* discussion groups, joint social activities, and spouse excursions into the local area allowed people to converse in casual and comfortable surroundings.

The *JA Spouse Connection* was designed with four primary goals: to offer opportunities for voluntary interaction among spouses; to encourage increased spousal connectivity within the JAG family, aimed at generating a heightened sense of purpose and belonging for interested spouses; to foster better understanding and support of the JAGC members and the AF mission; and to positively impact quality of life, improve morale, and ultimately enhance retention.

"Getting together with other JAG spouses was just what I've been needing," said Valorie Allison, who is at Travis Air Force Base. "The *JA Spouse Connection* was an awesome opportunity to meet great people and gain a greater understanding of the JAG Corps."

The *JA Spouse Connection* proved beneficial in several ways, according to Shelly Creasy. "I thought it brought more appreciation for what our spouses do; it gave us a different way to learn how to support them in particular situations. It also let us meet the spouses we've heard about over the years and never had the opportunity to meet," said Creasy, who is currently at Randolph Air Force Base.

Although Pam Bruce has been an Air Force spouse for eighteen years, she was surprised she had not previously met many of the attending spouses. The chance to get to know them was one thing she enjoyed about coming to KEYSTONE—attending general KEYSTONE sessions was another. "I think it's a great thing for brand new people, as well as for spouses who've been around for a long time, because I found something new and different than I ever had before," said Bruce.

As part of the *JA Spouse Connection*, spouses had the opportunity to join their military partners during key sessions of the conference, including speeches by Senator Lindsey Graham, Under Secretary of the Air Force Dr. Ronald Sega and Major General Jack Rives. Innovative leadership briefings from retired JAGC Brigadier General Jim Swanson, Major General Mark

Welsh, III of US STRATCOM ISR, and Dr. Barbara Kellerman of the Kennedy School of Government's Center for Public Leadership gave insight into different leadership traits. Thought-provoking sessions such as how lawfare is being used in war, the impact and issues of contractors on the battlefield, and a look at the changing face of the Pentagon, gave spouses various perspectives on the current military, as well as projections for the future. "They were very informative, educational and enjoyable," said Carsey Dyer about the seminars.

"Knowledge is power and the more we know and the more we understand, the easier it is going to be to communicate with our spouses, to understand our spouses when they have a bad day, and to understand when they can't talk about issues that are close hold," added Shelly Creasy.

During General Rives' session with the spouses, he discussed assignments, the value of spouses, and the importance of balance. He encouraged spouses to contact him with issues about which he needed to be aware. General Rives also fielded questions from spouses about promotions, privatized housing, and spouse job support. Each spouse personally received the official KEYSTONE coin from General Rives as he thanked each participant individually.

Spouses also received informational packets from the National Military Family Association that included a magazine on financial matters, information on legislative issues affecting military spouses and children, and a magnetic military support ribbon. Handouts on military-related websites and programs, along with items about Air







Force Aid assistance were distributed as well. Kathy Lepper told spouses about *Armed for Entertaining, At Ease: A Creative Guide* by the Joint Women's Conference and *The Air Force Wife Handbook: A Complete Social Guide* by Crossley and Keller.

Marriage partners attending KEYSTONE contributed to their own *Survival Tips for JA Spouses*, which featured 101 suggestions, ranging from ways to welcome new arrivals to moving tips. Many recommendations focused on communication with others and with the military partners, as well as specific actions and attitudes to enhance the Air Force experience.

Prior to meeting at KEYSTONE, spouses also submitted introductory profiles so those with similar interests could quickly identify each other. The mini-bios included places they'd been stationed, favorite hobbies, and other personal interests.

In on-site discussion sessions, spouses laughed and learned a lot as they exchanged numerous ideas about hospitality, including welcoming newcomers, and hosting events and creative activities. In order to get people interacting at parties, one spouse suggested playing a game such as distributing pieces of a Christmas card and having party-goers find those with matching pieces.





They would then team up to do a project such as dressing someone as Santa Claus in fifteen minutes. Other ideas included having a bunko group and including spouses in a monthly birthday breakfast at the office.

Since spouse travel was unfunded, participation in the *JA Spouse Connection* was totally voluntary, but on-site spouses demonstrated their interest by choosing to attend events and sessions. Forty spouses participated in the *JA Spouse Connection* program during the week. While most were spouses of active duty, reserve and civilian spouses also attended.

Information-sharing served a vital role, said Tom Hagmaier, an Air Force retiree who attended the *JA Spouse Connection* as a spouse: "During the conversations, I could see people were taking note of the information that was being shared and the personal experi-

ences, and I really think it's going to be a benefit to them individually or when they share this information from the *JA Spouse Connection* with others." What impressed Hagmaier most though was the "family feeling" created through the *JA Spouse Connection*, "I saw people getting closer together and realizing that the JAG family does care for each other."

Angela Bell agreed, "The biggest thing is feeling like we are together; we're united, we're bonded." An Air Force spouse for four years, Bell sums the *JA Spouse Connection* up like this: "We all share a common bond by being JAG spouses, so being able to listen to other stories, laugh with each other, and commiserate with each other, made me feel part of something larger than myself."

Joy Dunlap, the wife of Brigadier General Charlie Dunlap, has been an Air Force spouse for twenty-two years. Previously employed in print and radio for several years, Joy is now a freelance writer and speaker. As part of her responsibilities as vice president, radio operations, for the National Association of Broadcasters, Joy oversaw radio-related convention programming for two major conventions. She currently serves as the women's ministry director at her church where she organizes a one-day seminar and three other events each year. Joy Dunlap developed and led the *JA Spouse Connection* for KEYSTONE 2005.

# TJAG ANNUAL AWARDS



On 7 October 2005, The Judge Advocate General's Corps gathered to honor the 2004 Judge Advocate General's Annual Award winners. The Annual Award Banquet was held during the Keystone Leadership Summit and was attended by over 600 people. The Judge Advocate General's Corps is proud to present our winners.

## REICHART AWARD

### Outstanding Senior Attorney



Colonel Edward J. Monahan

This award honors Mr. Stuart R. Reichart, former General Counsel of the Air Force. This award is presented by the Air Force Association to recognize the outstanding legal achievements of a senior Air Force attorney. The award honors demonstrated excellence, initiative, leadership, management skills, and professionalism in the practice of law.

Colonel Edward J. Monahan distinguished himself through demonstrated career excellence, initiative, leadership, management skills, and professionalism in the practice of law from 21 August 1980 through the present.

## ALBERT M. KUHFIELD AWARD

### Outstanding Young Judge Advocate



Major Rebecca R. Vernon

This award honors Major General Albert M. Kuhfeld, the second Air Force Judge Advocate General. The original award was established by Brigadier General, USAFR, and Mrs. Richard C. Hagan. The annual winner is an active duty judge advocate in the grade of major or captain. The award is based on demonstrated excellence, initiative, and devotion to duty.

Major Rebecca Vernon distinguished herself as Associate General Counsel, Office of the Air Force General Counsel and Federal Court Trial Attorney, Claims and Disputes Branch, Commercial Litigation Division, Civil Law and Litigation Directorate, Air Force Legal Services Agency, Arlington, Virginia.

## KAREN E. YATES-POPWELL AWARD

### Outstanding Paralegal Senior NCO



Master Sergeant William H. Ritter, Jr.

This award honors Chief Master Sergeant Karen E. Yates-Popwell, the eighth Senior Paralegal Manager to The Judge Advocate General. The annual winner is an active duty paralegal in the grade of senior master sergeant or master sergeant. The award is based on demonstrated excellence, superior initiative, leadership, and professionalism.

Master Sergeant William H. Ritter, Jr., distinguished himself as Law Office Manager, 497th Combat Training Squadron, Paya Lebar Air Base, Singapore, and as Noncommissioned Officer in Charge, Military Justice Division, 435th Air Base Wing, Ramstein Air Base, Germany.

## STEVE SWIGONSKI AWARD

### Outstanding Junior Paralegal Airman



Staff Sergeant Lee R. Feldhausen

This award honors Chief Master Sergeant Steve Swigonski, the first Special Assistant for Legal Airman Affairs to The Judge Advocate General. The annual winner is an active duty paralegal in the grade of technical sergeant or below. The award is based on demonstrated superior initiative, technical skill, leadership ability, and devotion to duty.

Staff Sergeant Lee R. Feldhausen distinguished himself as Noncommissioned Officer in Charge, Claims, 66th Air Base Wing Office of the Staff Judge Advocate, Hanscom Air Force Base, Massachusetts, and Law Office Manager, 40<sup>th</sup> Air Expeditionary Group, Diego Garcia.



### REGINALD C. HARMON AWARD

#### Outstanding Reserve Judge Advocate



Lieutenant Colonel  
Brent W. Wright

This award honors Major General Reginald C. Harmon, the first Air Force Judge Advocate General. The annual winner is an Air Reserve Component judge advocate in the grade of Lieutenant Colonel or below. The award is based on training accomplishments or contributions to mission support, demonstrated leadership, and participation in off-duty programs of professional self-improvement.

Lieutenant Colonel Brent W. Wright distinguished himself as Staff Judge Advocate, 138<sup>th</sup> Fighter Wing, Oklahoma Air National Guard, Tulsa, Oklahoma.

### DAVID WESTBROOK AWARD

#### Outstanding Reserve Paralegal



Master Sergeant  
Lori A. Schumacher

This award honors Chief Master Sergeant David Westbrook, a former Senior Individual Mobilization Augmentee. The annual winner is an Air Reserve Component paralegal. The award is based on superior initiative, technical skill, training accomplishments or contributions to mission support, demonstrated leadership, and participation in off-duty programs of professional self-improvement.

Master Sergeant Lori A. Schumacher distinguished herself as the Senior Individual Mobilization Assistant Paralegal for the 96<sup>th</sup> Air Base Wing, Eglin AFB, FL.

### JAMES O. WRIGHTSON, JR. AWARD

#### Outstanding Civilian Attorney



Mr. William D. Cavanaugh

This award honors Mr. James O. Wrightson, Jr., former Chief, Military Affairs Division, Office of The Judge Advocate General. The original award was established by Mr. John A. Everhard. The annual winner is a civilian attorney employed by The Judge Advocate General's Corps. The award is based on demonstrated excellence, initiative, and devotion to duty.

Mr. William D. Cavanaugh distinguished himself as Chief, Privatization and Information Law, Directorate of Acquisition Law, Office of the Staff Judge Advocate, Headquarters Air Force Materiel Command, Wright-Patterson Air Force Base, Ohio.

### HAROLD R. VAGUE AWARD

#### Outstanding Legal Service Civilian



Mrs. Carol L.  
Parmley-Wyman

This award honors Major General Harold R. Vague, the fifth Air Force Judge Advocate General. The annual winner is a non-attorney civilian employed by The Judge Advocate General's Corps. The award is based on demonstrated excellence, initiative, and devotion to duty.

Mrs. Carol L. Parmley-Wyman distinguished herself as Court Reporter, Office of the Staff Judge Advocate, 9<sup>th</sup> Reconnaissance Wing, Beale Air Force Base, California.



Left to Right: Maj. Gen. Jack L. Rives; Lt. Col. Bill C. Wells; Brig. Gen. Olan G. Waldrop, USAF, Retired.

Lieutenant Colonel Bill C. Wells was the recipient of the first *Olan G. Waldrop, Jr. Unsung Hero Award*. In a surprise presentation during the TJAG Annual Awards Banquet, Major General Jack L. Rives presented the award to Colonel Wells honoring his “selfless devotion to duty, tremendous support to others and dedication to the JAG Corps.” Colonel Wells is renowned in the JAG Corps for his willingness to assist others at any time and in any way—with no regard for recognition. He is the epitome of the “quiet professional.”

This award is named in honor of Brigadier General Olan G. Waldrop, Jr., USAF, Retired. General Waldrop served with distinction for over thirty years as an Air Force Judge Advocate. He served as the 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. Even in retirement, General Waldrop continues to serve the Corps, most recently as a Senior Mentor during the inaugural KEYSTONE Leadership Summit.

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.

Congratulations to Colonel Wells for this well-deserved honor and to General Waldrop, whose name will forever be associated with the unsung heroes of the JAG Corps!

# OFF WE GO . . . HERE THEY COME . . . DOWN WE DIVE . . .

CHIEF MASTER SERGEANT DAVE WARD, USAF (RET)

*Using the following approach, Chief Master Sergeant Ward led the KEYSTONE attendees in a heartfelt rendition of the Air Force Song.*

Have you ever found yourself reaching for the printed words to our official song at the end of a dining-out or an awards ceremony? Unfortunately, this time you can't find the words! The music starts, everyone starts singing and you try to join in. Most likely, you get most of the sixty-three words . . . but not necessarily in the right order!

Well, here's a sure-fire way for you to get all sixty-three words in the right order and maybe even help educate a fellow Airman. Just remember the song's three key phrases: Off we go . . . Here they come . . . Down we dive. These three phrases are key to evoking the song's imagery—images of a great air battle and those values we share as Airmen.

*Off we go into the wild blue yonder,  
Climbing high into the sun;*

The song begins as our flight takes off in formation. Heading toward the sun, we seek a tactical advantage. We're now in our domain—vigilant, confident and focused.

*Here they come, zooming to meet our thunder,  
At 'em, boys, Give 'er the gun!  
(Give 'er the gun now!)*

We're suddenly met by an enemy formation, equal in strength to our own and clearly on the attack. Our leader recognizes the threat and issues an order to engage. We, of course, obey, echo the order and take immediate action.

*Down we dive, spouting our flame from under,  
Off with one helluva roar!*

Using our altitude advantage, we dive to meet the enemy. We arm weapons—maybe guns, maybe missiles—and fire. We move with speed and precision into a very dangerous place—arguably, hell itself. Yet we move with courage, purpose and resolve.

*We live in fame or go down in flame, Hey!  
Nothing'll stop the U.S. Air Force!*

This part of the song is reflective. Why? Because the outcome hangs in the balance. Nevertheless, we prevail. We prevail because we have the best organization, training and equipment of any force, anywhere. Moreover, we have the best people of any force, anywhere. We're America's Air Force—no one comes close!

On September 27, 1979, then-Chief of Staff General Lew Allen, Jr. issued a memo declaring "The U.S. Air Force Song" as our official song. Along with our newly approved logo, our official song is part of the evolving traditions of our young service—traditions that help define and unite us both as Airmen and warriors.

Never let another Airman "go down in flame" while singing our official song. Just remember: Off we go . . . Here they come . . . Down we dive.

*Off We Go . . .*



*Here They Come . . .*



*Down We Dive . . .*





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