

History of the Coast Guard Legal Program¹

The Coast Guard Legal Program Begins

The Coast Guard legal program began as a branch in the Office of Operations after an Act of Congress of May 26, 1906, created a military discipline system for the Revenue Cutter Service.² The branch remained in the Office of Operations following the creation of the Coast Guard on January 28, 1915, with the merger of the Revenue Cutter Service and the Lifesaving Service. The function of the branch during these early years was primarily to review the several types of Coast Guard courts, to prepare actions for the Secretary of Treasury, and to perform other matters of military discipline.³ Edward P. Harrington was head of the legal branch after creation of the Coast Guard and held the title of Chief Law Officer,⁴ although contemporaneous vouchers refer to him as a law and contract clerk.

The Legal Division is Created

The Revenue Act of 1934 placed all legal duties and functions of the Department of the Treasury in the newly created Office of the General Counsel.⁵ A Legal Division was established as a part of the Coast Guard with the head designated as Chief Counsel.⁶ The Legal Division was part of the Commandant's staff, and the Chief Counsel worked under the direction of the Assistant Commandant. Joseph P. Tanney, who had succeeded the retiring Harrington in 1931, became the first Chief Counsel.⁷

Following the passage of the Revenue Act of 1934, Herman Oliphant, the first General Counsel of the Treasury Department, expanded substantially the functions and responsibilities of the Coast Guard Legal Division. This included a legal advisory service

¹ Prior versions of CGJAG history were not well documented. This version is the product of revisions over several years by Calvin M. Lederer and significant efforts in 2021 of LCDR Justin S. Daniel.

² Act of May 26, 1906, Pub. L. No. 59-178, 34 Stat. 200-201 (1906) (authorizing commanding officers of Revenue Cutter Service ships to punish commissioned officers, warrant officers, and other persons with certain hardships, such as loss of liberty, confinement onboard ship with bread and water, and suspension from duty). A system of Revenue Cutter Service courts, convened by the Treasury Secretary, were established to punish "offenses too grave in character to be adequately dealt with directly by the commanding officer." *Id.* Revenue Cutter Service courts were to be modeled on Navy courts but were only authorized to punish certain offenses enumerated by Congress. *Id.* (including offenses such as drunkenness, assaulting a superior officer, and refusing to obey a lawful order). *See also* U.S. Treasury Dep't, Coast Guard Courts and Boards 1935.

³ HISTORICAL SECTION, U.S. COAST GUARD HEADQUARTERS, THE COAST GUARD AT WAR, Volume 27, 1 (1951) [hereinafter COAST GUARD AT WAR].

⁴ *Id.*

⁵ Revenue Act of 1934, Pub. L. No. 73-216, 48 Stat. 680, 758-59 (1934) (providing for presidential appointment of a General Counsel who would serve as "the chief law officer of the department", abolishing certain other positions such as Solicitor of the Treasury, and consolidating "the powers, duties, and functions of such offices"...to the General Counsel).

⁶ COAST GUARD AT WAR at 1.

⁷ COAST GUARD AT WAR at 1.

to provide formal and informal opinions to Coast Guard administrative officers. The Legal Division also came to perform a variety of legal work, including matters involving contracts, real estate, leases, legislation, regulation review, and related matters.

Kenneth F. Harrison assumed the position of chief counsel in 1938 upon Tanney's resignation to enter the private practice of law. The General Counsel assigned Harrison to the Coast Guard from the Bureau of Customs where he had been serving since 1930.⁸

Coast Guard Law Expands in World War II

Coast Guard functions vastly increased as a result of the Neutrality Act of 1939, restricting shipping and trade involving belligerents;⁹ declaration of a State of Limited National Emergency, activating the Espionage Act of 1917, leading to creation of a Port Security program;¹⁰ transfer of the Lighthouse Service to the Coast Guard;¹¹ and establishment of what became the Coast Guard Auxiliary.¹² Legal Division resources increased, including several attorneys, stenographers, and clerks, and creation of an Assistant Chief Counsel.¹³

The transfer of the Coast Guard to the Navy on November 1, 1941, created several legal challenges.¹⁴ The entry into World War II on December 7, 1941, resulted in a rapid

⁸ Born in 1900, Harrison served briefly as a private soldier in 1918 before attending St. John's College for a brief period. Joining the Civil Service as a clerk-stenographer in the War Department in 1919, he attended Georgetown University Law School at night. He was admitted to the bar of the District of Columbia in 1922 and earned an LL.M. degree from Georgetown in 1923. He received an A.B. degree from the National University in 1927. He continued to serve in the War Department as an attorney until 1930 when he was hired as Special Attorney and Assistant Chief of the Enforcement Division of the Bureau of Customs. He transferred to the Coast Guard in October 1938 to become Chief Counsel. He concurrently served as an Army Reserve Finance Officer from 1923 to 1939, serving as a captain for the last nine years. After performing his duties in uniform from May 1942 to 1946, he resumed his civilian status but remained in the Reserve. He was appointed a rear admiral on June 28, 1956, becoming the first Reserve officer to reach flag rank. He retired from the Reserve in 1961. Public Information Div., Coast Guard Headquarters, Biographical Sketch (June 1961).

⁹ Public Res. No. 54, ch. 2, 54 Stat. 4 (1939).

¹⁰ Proc. 2352 (Sept. 8, 1939). COAST GUARD AT WAR at 1.

¹¹ See Robert H. Macy, *Consolidation of the Lighthouse Service with the Coast Guard*, Proceedings, U.S. Naval Institute, Vol. 66 No. 443, pg. 58 (Jan. 1940) (discussing the transfer of the Lighthouse Service to the Coast Guard as part of the President's Reorganization Plan No. 2, authorized by the Reorganization Act of 1939); see also Reorganization Act of 1939, Pub. L. No. 76-19, 53 Stat. 561-62 (1939) (directing the President to "investigate the organization of all agencies of the Government and...determine what changes therein are necessary to" reduce expenditures, improve efficiency, and consolidate agencies of the Government, and to develop and implement plans to reorganize the Government); S.J. Res. 138, 76th Cong. (1939) (implementing the President's Reorganization Plan II); Act of August 5, 1939, Pub. L. No. 76-291, 53 Stat. 1216-17 (1939) ("authorizing the commissioning, appointment, and enlistment in the Coast Guard, of certain officers and employees of the Lighthouse Service....").

¹² Coast Guard Reserve Act of 1939, ch. 243, 53 Stat. 854 (1939) (established an organization of "citizens...who are owners (sole or part) of motorboats or yachts;" creation of a military reserve would occur in 1941).

¹³ COAST GUARD AT WAR at 1.

¹⁴ Although Coast Guard personnel became subject to orders of the Secretary of the Navy and other laws pertaining to the Navy, President Franklin Roosevelt ordered that "in the initiation, prosecution, and

expansion of the Coast Guard, capitalizing in part on creation of the Coast Guard Reserve several months before.¹⁵ Almost all attorneys in the Legal Division were civilians at the time. Most were commissioned in the Coast Guard Reserve,¹⁶ including Harrison who was appointed as a lieutenant commander on May 30, 1942. He rapidly advanced in grade, first to commander sixteen days later, and then to captain in May 1943, and served in a uniformed status until 1946.¹⁷

Coast Guard regulations in 1940 provided for the first time assignment of a law officer to the 16 Coast Guard districts,¹⁸ but it took two years before the change was executed, utilizing Reserve officers whose appointment was enabled by passage of the Coast Guard Auxiliary and Reserve Act in 1941.¹⁹

In addition to filling these new positions, law officers were assigned to captains of the port at major ports, and to some independent units such as the supply depots, training stations, and the Coast Guard Yard.²⁰ The Legal Division faced difficult problems during the first year of World War II.²¹ Besides the increased demands for opinions, legal advice, and other

completion of disciplinary action, including remission or mitigation of punishments for any offense committed by any officer or enlisted man of the Coast Guard, the jurisdiction shall depend upon and be in accordance with the laws and regulations of the Department having jurisdiction of the person of such offender at the various stages of such action.” Exec. Order No. 8929, 6 Fed. Reg. 5581 (Nov. 1, 1941) (directing the Coast Guard to “until further orders, operate as a part of the Navy, subject to the orders of the Secretary of the Navy”).

¹⁵ Coast Guard Auxiliary and Reserve Act, ch. 8, 55 Stat. 11 (1941) (repealing the 1939 “Reserve” Act, and establishing the Auxiliary and, in section 201, the Coast Guard Reserve).

¹⁶ COAST GUARD AT WAR at 1 (the Legal Division conducted extensive interviews of “lawyer candidates for commissions for service in the field as well as in the Legal Division at Headquarters”).

¹⁷ *Supra*, note 13.

¹⁸ COAST GUARD AT WAR at 10. The 1940 Coast Guard Regulations provided: “The district law officer shall review the proceedings of Coast Guard Courts and Boards, shall examine contracts and leases, and will prepare for the district commander all correspondence in connection therewith. Should such review or examination develop questions of law, the attention of the district commander will be called to them and if he considers necessary or desirable the presentation of such questions to Headquarters for decision of the Chief Counsel, action will be taken accordingly. Similar procedure will govern with respect to any other matters referred by the district commander to the district law officer for attention.” COAST GUARD AT WAR at 10.

¹⁹ Delay was attributed to the lack of regular officers with law degrees and the plenary authority of the General Counsel over all legal activities of the Treasury Department. Most original appointments were lieutenant (junior grade), and a few at the rank of ensign. COAST GUARD AT WAR at 10. For several years, funds were appropriated annually to send officers to law school but only a few matriculated, and according to Harrison, all returned to sea duty after graduation. COAST GUARD AT WAR at 10. The Chief Counsel discerned growing pains in 1942, leading to this caution: “In one or two instances, it has been learned that [Reserve District law officers] have been assigned to intelligence work, or to captain of the port activities. Please impress upon your district commanders that such action not only tends to defeat the program, but is contrary to the spirit, if not the letter, of article 802 of the Coast Guard Regulations and is against the wishes of the Commandant.” COAST GUARD AT WAR at 10.

²⁰ COAST GUARD AT WAR at 1.

²¹ *See* COAST GUARD AT WAR at 1-2.

legal functions, the recruitment and indoctrination of law officers and the formation of a service-wide legal organization for the first time required considerable time and attention.²²

Coast Guard commanders and officers, unaccustomed to having lawyers close at hand, did not know what to do with them or whether they could be trusted. Mr. Harrison took on this issue when he addressed the chiefs of staff of the districts who were assembled at Headquarters in the summer of 1942:²³

“I regret to say that in some quarters there is a general antipathy against lawyers. They are looked upon as obstructionists and causes of delay when something is desired to be done. This is a mistaken viewpoint, gentlemen. The role of the lawyer, as a legal adviser, is to ascertain what his client wishes to do and the procedure he proposes to follow, and then advise the client whether there is any legal objection to such action. If the objective is legally permissible, but the procedure is faulty from a legal point of view, it is the role of the lawyer to advise his client in what manner the action may be taken without legal objection. He should exhaust every ingenuity he possesses to support the action which his client wishes to take. ... The value of the district law officer ... depends upon the extent his services are utilized. ... Whenever a Coast Guard officer acts upon the legal advice given to him by the district law officer, the district law officer shares with him the responsibility for the action taken.”

Executive Order 9083, which became effective on March 1, 1942, transferred the major functions of the former Bureau of Maritime Inspection and Navigation to the Coast Guard.²⁴ This move resulted in an extensive field of new legal activity for the Legal Division.²⁵ For the first time, the Coast Guard was vested with the authority to regulate certain phases of an industry - namely, the administration of vessel inspection and

²² See COAST GUARD AT WAR at 1-2.

²³ COAST GUARD AT WAR at 3, 10-11.

²⁴ COAST GUARD AT WAR at 1; Exec. Order No. 9083, 7 Fed. Reg. 1609 (Feb. 28, 1942) (transferring functions of the Bureau of Marine Inspection and Navigation to the Coast Guard that included “approval of plans for the construction, repair, and alteration of vessels; approval of materials, equipment, and appliances; classification of vessels; inspection of vessels and their equipment and appliances; issuance of certificates of inspection, and of permits indicating the approval of vessels for operations which may be hazardous to life or property; administration of load line requirements; enforcement of other provisions for the safety of life and property on vessels; licensing and certificating of officers, pilots, and seamen; suspension and revocation of licenses and certificates; investigation of marine casualties; enforcement of manning requirements, citizenship requirements, and requirements for the mustering and drilling of crews; control of log books; shipment, discharge, protection, and welfare of merchant seamen; enforcement of duties of shipowners and officers after accidents; promulgation and enforcement of rules for lights, signals, speed, steering, sailing, passing, anchorage, movement, and towlines of vessels and lights and signals on bridges; numbering of undocumented vessels; prescription and enforcement of regulations for outfitting and operation of motorboats; licensing or motorboat operators; regulation of regattas and marine parades....”).

²⁵ COAST GUARD AT WAR at 1.

navigation laws.²⁶ These statutes encompassed a system that had grown piecemeal for 150 years; they were difficult of construction and interpretation, particularly in view of the special considerations and adjustments resulting from the emergency conditions arising from the war.²⁷ To handle this new workload, a special section in the Legal Division was created and designated the Admiralty and Maritime Section.²⁸

According to a letter issued by the Commandant to all districts on 15 August 1942, World War II created new challenges associated with a variety of Coast Guard missions that were “legal in character,” requiring that the districts use their law officers “to the fullest extent.”²⁹ The Commandant explained his intent that “the District Law Officer serve on the staff of the District in the same fashion as the Chief Counsel functions as a part of my staff at Headquarters. The law officer should be regarded as the general advisor of the District Coast Guard Officer on legal matters. The law officers should attend staff meetings and his opinion should be solicited, whenever possible, prior to decision on all matters of law or important decisions of policy having legal aspects. In particular, the law officer should have cognizance of contracts, law enforcement and review, marine casualty investigation and review, tort claims of and against the Government, and fines, penalties and forfeitures.”³⁰

Of Reserve law officers serving at the Coast Guard districts, the Commandant’s 15 August 1942 letter acknowledged that “the Reserve officers assigned as law officers are, to a large extent, unfamiliar with the work of the Coast Guard and that experience in their assignments and diligent efforts on their part will be necessary before they may be placed in the position of rendering the character of service contemplated by the program. However, their educational backgrounds and experience should, in a relatively short time, enable them to be of real value as a part of the District office.”³¹

The Legal Division’s duties were formally defined and clarified in 1942.³² These included advising the Commandant, senior Coast Guard leadership, Headquarters staff offices, and the Districts; preparing contracts, leases, and other legal documents; reviewing proposed legislation, regulations, executive orders, and other directives; supporting the Department of Justice in matters related to litigation concerning the Coast Guard; interpreting statutes,

²⁶ COAST GUARD AT WAR at 1.

²⁷ COAST GUARD AT WAR at 1.

²⁸ COAST GUARD AT WAR at 1. Title V of the Second War Powers Act empowered waiver of statutory requirements when necessary to prosecute the war, and was mandatory upon request of the Secretary of War or Navy, and policy implemented the authority requiring the Commandant or field officers to find waiver was essential. COAST GUARD AT WAR at 7. The Coast Guard drafted a “Merchant Marine Safety Act of 1944” and a new title of the U.S. Code – Title 14 – exclusively for the Coast Guard. COAST GUARD AT WAR at 8. Congress revised and re-codified Title 14 shortly thereafter in 1949. *See* An Act to revise, codify, and enact into law, title 14 of the United States Code, entitled “Coast Guard,” Pub. L. No. 81-207, 63 Stat. 495 (1949).

²⁹ *See* COAST GUARD AT WAR at 1.

³⁰ COAST GUARD AT WAR at 1-2.

³¹ COAST GUARD AT WAR at 2.

³² COAST GUARD AT WAR at 2.

regulations, and orders; reviewing proceedings of courts-martial, boards of inquiry, marine casualty boards, and marine boards of investigation; providing legal assistance; advising on the suspension or revocation of licenses of certificates; and advising on a variety of administrative matters concerning both civilian and military Coast Guard personnel.³³

At this time the Legal Division at Coast Guard Headquarters was organized into eight sections reporting to the chief counsel. The sections were: Opinion, Port Security, Admiralty and Maritime, Contracts, Real Estate, Courts and Boards, Legislative, and Patent.³⁴ The Legal Division also included the Chief Counsel, Assistant Chief Counsel, and several Special Assistants.³⁵ The Office of the District Law Officer in each district was organized along the same lines as that of the Legal Division at Headquarters, except that in the small offices the work of several sections was combined. There were no legislative or patent sections on the district level.³⁶

During World War II, the staff of the Legal Division at Coast Guard Headquarters was composed of approximately twenty-five lawyers and twenty-five non-lawyers, and approximately 80 officer-lawyers were assigned to legal work in the field offices that included law offices in fifteen Coast Guard districts.³⁷

Military Justice

A challenge arising from transfer to the Navy was adoption of the Articles for the Government of the Navy. Coast Guard courts were limited in their jurisdiction with respect to the number and character of offenses and punishments were restricted. Converting to the more complicated and extensive Navy Articles posed numerous challenges, particularly as the Coast Guard rapidly expanded and accessed inexperienced personnel.”³⁸

Port Security

Preexisting authorities for port security in the Espionage Act [to control the anchorages and movements of vessels] were supplemented by Executive Order 9074 which authorized the Secretary of the Navy to exercise broad control and to take such action as may be

³³ COAST GUARD AT WAR at 2-3.

³⁴ COAST GUARD AT WAR at 3. The “Opinion” Section was responsible for responding to “requests for opinions and the assignment of legal problems and cases which were of novel import and which arose frequently in the administration of the Coast Guard.” COAST GUARD AT WAR at 3.

³⁵ COAST GUARD AT WAR at 3.

³⁶ COAST GUARD AT WAR at 3.

³⁷ COAST GUARD AT WAR at 3.

³⁸ COAST GUARD AT WAR at 3-4. Shortly after the transition of the Coast Guard to the Navy, Congress passed legislation clarifying the applicability of several laws concerning discipline to Coast Guard personnel. Act of Oct. 26, 1942, ch. 624, 56 Stat. 987 (1942) (stating that several laws shall be applicable to Coast Guard personnel when “the Coast Guard is operating as a part of the Navy,” including laws relating to compensation of military prisoners, discharge of naval prisoners, and advance pay to naval officers). *See, e.g., id.*; Act of March 4, 1925, Pub. L. No. 68-611, 43 Stat. 1274 (1925) (providing for payment of a \$25 stipend to Navy members “discharged from the naval service by dishonorable discharge, bad-conduct discharge, or any other discharge for the good of the service”).

necessary “for the protection of wharves, piers, docks and other waterfront facilities”³⁹ Among the duties of the District law officer were overseeing issuance of temporary exclusion orders from vessels or waterfront facilities whose presence was inimical to prosecution of the war, and subsequent due process to consider permanent exclusion.

Contracting

Wartime legislation expanding contracting authority⁴⁰ resulted in Legal Division attorneys participating in contract negotiations; drafting contracts, including construction of major shore installations, vessels and equipment, and personal services; providing field guidance; and settling disputes, including contracts cancelled at the end of the war.⁴¹ One attorney was assigned to the Procurement Section of the Supply Division.

Real Estate Matters

Under expanded wartime Legal Division lawyers prepared for the Secretary of the Navy numerous petitions for condemnation of land and facilities, and negotiated and drafted leases to support receiving, housing and training of personnel, including enlisted SPAR personnel, and for beach patrol operations along the sea and gulf coasts.⁴²

Admiralty and Tort Claims

The Coast Guard also handled claims for damage caused by Coast Guard vessels under 46 U.S.C. 781 - Public Vessels Act – as well as the Reserve fleet numbering approximately 2,000 smaller craft, as well as settling claims against the Navy under 46 U.S.C. 797. The practice extended to affirmative claims for damage to aids to navigation.”⁴³

Legal Assistance Program

³⁹ COAST GUARD AT WAR at 4; Exec. Order No. 9074, 7 Fed. Reg. 1587 (Feb. 25, 1942) (“The Secretary of the Navy shall be primarily responsible for, and shall take such steps, institute such measures, and issue such regulations and orders as shall be necessary for, the safeguarding against destruction, loss or injury from sabotage or other subversive acts, accident, or other causes of a similar nature, of vessels, harbors, ports, and waterfront facilities in the United States” and United States territories). “Executive Order 9074 was implemented by legislation which provided criminal sanctions for violation of regulations and orders which had their basis in Executive Order 9074.” COAST GUARD AT WAR at 4.

⁴⁰ Pub. L. No. 166, § 3(a), 77th Cong., 1st Sess., July 11, 1941, authorized the Secretary of the Treasury to negotiate contracts on behalf of the Coast Guard for vessels and equipment therefor, and for machine tools and equipment, similar to Navy authority in Pub. L. No. 671, 76th Cong., 3d Sess., June 28, 1940. These Acts were referred to as “Speed-up Acts”, and were emergency legislation dispensing with peacetime methods of procurement by advertisement. On December 18, 1941 the first War Powers Act, section 201, contained broad authority to enter into contracts in the prosecution of the war. COAST GUARD AT WAR at 5-6.

⁴¹ COAST GUARD AT WAR at 6.

⁴² Title II of the Second War Powers Act, 1942, expanded authority over the acquisition of real property or interests. This included acquisition by purchase, donation, or other means of transfer, or by condemnation. COAST GUARD AT WAR at 6.

⁴³ COAST GUARD AT WAR at 9.

The war also saw appointment of several officers at Headquarters to provide and oversee legal assistance at Headquarters and in the field.⁴⁴

The Coast Guard transferred back to the Treasury Department at the end of World War II, on January 1, 1946. With the end of World War II and the resulting massive demobilization, the civilians commissioned as reserve officers reverted to their civilian status and many returned to private practice. Captain Harrison returned to civilian status in April 1946, but retained his commission in the Coast Guard Reserve, eventually being appointed the Reserve's first permanent Rear Admiral on June 28, 1956.

The post-World War II period contained few legal billets for active duty Coast Guard officers. In late 1947, only three of the twenty-one people assigned to the Legal Division were officers. The others were civilians. There were no field personnel whose time was fully devoted to the handling of the legal matters. The legal section headed by the district law officer during the war was consolidated in 1947 into an element headed by the "Legal and Intelligence Officer." This officer advised the district chief of staff, but was responsible to the chief counsel. Coincidentally, a Reserve Voluntary Legal and Intelligence Unit 05-8 was established in 1949 and was commanded by Harrison in his Reserve capacity until 1960. During the late 1940's some lawyers returned to active duty in the Coast Guard after a brief period as civilians in private practice. Despite the scarcity of legal billets for military lawyers following World War II, many landed in quasi-legal billets, such as Marine Inspection and Investigation Offices, Captain of the Port Offices, and Port Security Units.

Enactment of the Uniform Code of Military Justice & Creation of Law Specialists

Enactment of the Uniform Code of Military Justice (UCMJ) in 1950 created an immediate need for legal officers and resulted in the establishment of a single legal billet in each Coast Guard district as the staff legal officer.⁴⁵ To fill these billets, the Coast Guard used some of the lawyers commissioned during World War II. However, enactment created a need for career-oriented military lawyers, so the Coast Guard instituted a program of postgraduate education in law for its regular officers. In 1949-1950, prior to the effective date of the UCMJ, five officers entered law school. Each year thereafter, varying numbers were sent to law schools, stabilizing at two annually by the mid 1950's and through 1969. The increased legal responsibilities and workload resulting from the UCMJ also caused a number of military lawyers to be added to the Legal Division at Coast Guard Headquarters as "Special Assistants to the Chief Counsel," who remained Mr. Harrison. Enactment of the UCMJ also required a Judge Advocate General for the Coast Guard for the first time

⁴⁴ COAST GUARD AT WAR at 9.

⁴⁵ See An Act To unify, consolidate, revise, and codify the Articles of War, the Articles for the Government of the Navy, and the disciplinary laws of the Coast Guard, and to enact and establish a Uniform Code of Military Justice (UCMJ), Pub. L. No. 81-506, 64 Stat. 107 (1950). The Act establishing the UCMJ referred to Coast Guard lawyers as "law specialists," a term it defined "to refer to an officer of the Navy or Coast Guard designated for special duty (law)." *Id.* at 109.

and Congress assigned that duty to the General Counsel of the Department of the Treasury, although many of the duties were subsequently delegated to the Chief Counsel.⁴⁶

Enactment of the UCMJ also prompted attendance of Coast Guard attorneys at the Navy's School of Military Justice.⁴⁷ Although officers attended basic schooling at the Army's Judge Advocate General's School in the early 1970's,⁴⁸ a basic lawyer course was launched at Training Center Yorktown⁴⁹ in 1977 and continued there until the mission shifted to the Naval Justice School in 1989.⁵⁰

The Legal Division Becomes the Office of the Chief Counsel & the First Military Chief Counsel is Appointed

When the Office of the General Counsel of the Treasury Department was created and the Legal Division in Coast Guard Headquarters was established in 1934, the chief counsel and his staff in the Legal Division operated under the supervision of the general counsel of the Treasury Department. The transfer of the Coast Guard to the newly created Department of Transportation in 1967 provided an opportunity to take a fresh look at the Legal Division.⁵¹

At the time, the Legal Division was under-resourced and its organization had not appreciably changed over time. At the same time, there was no established office of the General Counsel in the newly created Department of Transportation. A call went out to all of the modal administrations to provide staff until permanent personnel were hired. Captain William L. Morrison, a military attorney then serving as Coast Guard Deputy Chief of Staff was assigned in April 1967, as Assistant to the General Counsel. Coincidentally, the Administrative Management Division of the Coast Guard instituted a study of the Legal

⁴⁶ See An Act To unify, consolidate, revise, and codify the Articles of War, the Articles for the Government of the Navy, and the disciplinary laws of the Coast Guard, and to enact and establish a Uniform Code of Military Justice (UCMJ), Pub. L. No. 81-506, 64 Stat. 107 (1950). The Act defined "The Judge Advocate General" to be, for the Coast Guard, "the General Counsel of the Treasury Department." *Id.* at 108.

⁴⁷ Annual Report of the United States Court of Military Appeals and the Judge Advocates General of the Armed Forces Pursuant to the Uniform Code of Military Justice For the Period May 31, 1951, to May 31, 1952.

⁴⁸ 15 officers each attended the Charlottesville basic course in 1971 and 1971. Annual Report of the U.S. Court of Military Appeals and the Judge Advocates General of the Armed Forces and the General Counsel of the Department of Transportation Pursuant to the Uniform Code of Military Justice for the Period January 1, 1971, to December 31, 1971 and for the Period January 1, 1972, to December 31, 1972.

⁴⁹ Annual Report of the U.S. Court of Military Appeals and the Judge Advocate Generals of the Armed Forces and the General Counsel of the Department of Transportation Pursuant to the Uniform Code of Military Justice For the Period October 1, 1976-September 30, 1977.

⁵⁰ Annual Report of the Code Committee on Military Justice Including Separate Reports of the U.S. Court of Military Appeals, the Judge Advocates General of the U.S. Armed Forces, and the Chief Counsel of the U.S. Coast Guard For the Period October 1, 1989 to September 30, 1990.

⁵¹ Department of Transportation Act, Pub. L. No. 89-670, 80 Stat. 931, 938 (1966) (transferring the "functions, powers, and duties, relating to the Coast Guard" to the Department of Transportation and transferring to the General Counsel of the newly-established Transportation Department the "functions, powers, and duties of the General Counsel of the Department of the Treasury set out in chapter 47 of title 10, United States Code," the Uniform Code of Military Justice).

Division in 1968. That study led to reorganization and realignment of the Legal Division, including elevation to office level and making the Office of Chief Counsel responsible directly to the Commandant. The Office of Chief Counsel now consisted of six divisions: Maritime and International Law, Regulations and Administrative Law, Procurement Law, General Law, Military Justice, and Claims and Litigation. The Regulations and Administrative Law Division also was responsible for the Coast Guard legislative program, but that function was later transferred to a new Legislation Division.

The 1968 reorganization also established the position of chief counsel as a military billet with the same rank as other office chiefs – rear admiral. On January 1, 1969, now Rear Admiral Morrison, who had been promoted in January 1968, and reassigned to the Coast Guard, was assigned as chief counsel, succeeding Mr. Harrison who retired in 1968 at the age of 68. The Chief Counsel would remain a military billet from that time forward. The Assistant Chief Counsel remained civilian.

The creation of the Office of Chief Counsel in 1968 was timely because it coincided with the Military Justice Act of 1968, which radically changed the military justice system, creating the Courts of Military Review, military judges, and greatly expanding the role of attorneys.⁵² As a result, the Coast Guard field legal corps expanded rapidly. Civilian attorneys were offered reserve commissions to fill short-term needs, and the post-graduate program was expanded from two to ten students per year to create a cadre of career law specialists. Although the need for additional attorneys to fulfill the mandates of the Military Justice Act of 1968 abated by the mid-1970's, the number of military lawyers assigned in the field and, to a lesser extent, in the Office of Chief Counsel, continued to rise.

The continuing growth of law specialists in the mid-70's was principally due to two acts: the Magnuson Fisheries Conservation and Management Act in 1976, which established the 200-mile Fisheries Conservation Zone (precursor to the Exclusive Economic Zone) and expanded the Coast Guard's role in enforcing fisheries laws; and the Federal Water Pollution Control Act of 1973, which greatly expanded the Coast Guard's role in environmental protection. The post-graduate training for career military attorneys continued, but the rate slowed to about six per year by the early 1980's.

In addition to implementing the reorganization of the Office of the Chief Counsel, Rear Admiral Morrison served as the legal advisor to the United Nations Law of the Sea Conference. Other judge advocates would participate in the development of the United Nations Convention on the Law of the Sea, including future Judge Advocate General John E. Crowley, Jr. After Rear Admiral Morrison was assigned to district command in 1973, he was succeeded by Rear Admiral R.A. Ratti (1973-1976), Rear Admiral G.H.P. Bursley (1976-1978), Rear Admiral C.F. DeWolf (1978-1981), and Rear Admiral E.H. Daniels (1981-1986).

⁵² Military Justice Act of 1968, Pub. L. No. 90-632, 82 Stat. 1335 (1968).

The Coast Guard Realigns

Rear Admiral J.E. Vorbach became Chief Counsel during Coast Guard “realignment” that began in 1987 to add 500 billets to meet the expanding "War against Drugs" when the Coast Guard was unable to obtain congressional approval to augment the force. The district offices in New York City and San Francisco closed and some support functions were withdrawn from the remaining ten districts and consolidated in two new Maintenance and Logistics Commands (MLC) in New York City and Alameda, California. Among the functions transferred to the new commands were claims, defense advocacy, real property, contract law, and civilian personnel law; the personnel needed to perform these functions and support the legal needs of the MLCs were also transferred. District offices focused on operations and prosecuted cases and the MLCs provided defense counsel. The MLC’s also advised area commanders.⁵³ The number of attorneys remained unchanged, although their distribution changed substantially; the number of legal support personnel declined by 15 percent, primarily at the district level.⁵⁴

The ultimate effects of realignment probably were not what anyone expected. The loss of clerical personnel meant that there were far fewer people to maintain the office law libraries, act as court reporters for courts and boards, or perform ordinary clerical tasks. As a result, the chief counsel successfully convinced the chief of staff to purchase computers for every lawyer and support staff assigned to the districts and Maintenance and Logistics Commands together with a suite of hardware and software that put the legal program at the forefront of the Coast Guard’s office automation effort. Each attorney was given word processing, E-mail, and calendaring software. Every computer came equipped with the modem and software necessary to use both LEXIS and WESTLAW, and each office was equipped with a laser printer, color daisy wheel printer, and a scanner. All of the computers within each office were networked, and every legal office was linked via E-mail, giving attorneys from Boston to Honolulu and Juneau to Miami the ability to exchange documents and pleadings. In 1987 this was leading-edge technology.

Another effect was that the Maintenance and Logistics Command Pacific Legal Staff, believing that its defense advocacy branch was understaffed, entered into a memorandum of agreement in 1988 by which the Navy Legal Services Office (NLSO) on Treasure Island assumed responsibility for Coast Guard defense advocacy in exchange for the detail of two Coast Guard law specialists. In 1991, the next chief counsel, Rear Admiral Paul E. Versaw, entered into a similar agreement with the Norfolk NLSO. This later ripened into an agreement with the Judge Advocate General of the Navy to provide all trial defense services for the entire Coast Guard in return for the detail of four law specialists to Naval Legal Services Offices and/or Trial Services Offices in Seattle, Norfolk, and Washington,

⁵³ Annual Report of the Code Committee on Military Justice Including Separate Reports of the U.S. Court of Military Appeals, the Judge Advocates General of the U.S. Armed Forces, and the Chief Counsel of the U.S. Coast Guard For the Period October 1, 1986 to September 30, 1987.

⁵⁴ Annual Report of the Code Committee on Military Justice Including Separate Reports of the U.S. Court of Military Appeals, the Judge Advocates General of the U.S. Armed Forces, and the Chief Counsel of the U.S. Coast Guard For the Period October 1, 1986 to September 30, 1987.

D.C. In 2015 and 2016, four additional judge advocates were assigned to Navy Defense Service Offices.

The Coast Guard retained responsibility for the appellate defense function and, in 1987, Lieutenant Commander Robert Bruce became the first uniformed judge advocate of any service to argue before the Supreme Court in *Solorio v. United States*,⁵⁵ the first direct appeal of a military justice case to the Supreme Court after 1983 amendments to the Uniform Code of Military Justice.⁵⁶ Lieutenant Commander Allen Lotz would later argue *Ryder v. United States*⁵⁷ in 1995, in addition to serving as co-counsel in *Edmond v. United States*⁵⁸ in 1997, a case in which Lieutenant Richard Beyer also served as co-counsel.⁵⁹

In 1991, Rear Admiral Versaw made other changes to the post-realignment legal program to “re-level” workload in district and Headquarters legal offices. He moved the Maintenance and Logistics Command Atlantic Advocacy Branch to the Fifth District Legal Office in Portsmouth, centralized household goods claims in the Second District Legal Office in St. Louis, and added attorneys to other districts to provide at least three officers in each. He also revitalized the Legal Assistance Program that very nearly died due to realignment.

A significant change in the 1990’s was enactment of the Oil Pollution Act of 1990 as a result of the Exxon Valdez oil spill, resulting in accession of new attorneys to write more than eighty major regulatory packages to implement the Act and creation of the National Pollution Funds Center, including a legal division. Another change was creation of the Environmental Law Division at Headquarters, that twenty some years later would move under the Office of Maritime and International Law. In 1980, the Act to Prevent Pollution from Ships (APPS) was passed to implement the International Convention for the Prevention of Pollution from Ships (MARPOL).⁶⁰ Through the 1990s, Congress requested

⁵⁵ *Solorio v. United States*, 483 U.S. 435 (1987) (holding that the jurisdiction of a court-martial to try a military member does not require a “service connection” and instead requires only that the accused service member was a member of the Armed Forces at the time of the offense). Captain Buce later served as Chief Trial Judge and after retirement served for many years leading the Coast Guard hearing office.

⁵⁶ Military Justice Act of 1983, Pub. L. No. 98-209, 97 Stat. 1393, 1406 (1983) (amending the UCMJ to provide for review by the Supreme Court of the United States of certain decisions of the United States Court of Military Appeals). Although Coast Guard law specialists would not be formally re-designated to Judge Advocates until 2006, the Military Justice Act of 1983 also amended the UCMJ to expressly include “an officer of the Coast Guard who is designated as a law specialist” within the UCMJ’s definition of “Judge Advocate.” *Id.* at 1393.

⁵⁷ *Ryder v. United States*, 515 U.S. 177, 188-89 (1995) (holding that the United States “Court of Military Appeals erred in according de facto validity to the actions of the civilian judges of the Coast Guard Court of Military Review”).

⁵⁸ *Edmond v. United States*, 520 U.S. 651 (1997) (holding that the appointment of judges to the Coast Guard Court of Criminal Appeals by the Secretary of Transportation did not violate the Appointments Clause of the Constitution because judges are “inferior officers” for purposes of that Clause).

⁵⁹ After retirement from active duty, Commander Beyer would serve forty years as a civilian attorney in Alameda.

⁶⁰ The Act to Prevent Pollution from Ships (“APPS”), 33 U.S.C. § 1901, et seq., represents Congress’ implementation of two related marine environmental treaties to which the United States is a party: the 1973 International Convention for the Prevention of Pollution from Ships and the Protocol of 1978 Relating to

information from the Coast Guard on the amount of resources dedicated to MARPOL enforcement and metrics to support enforcement efforts.⁶¹ In 2002, future Judge Advocate General, LCDR Steven Andersen, supported the prosecution of Carnival Corp. for APPS violations, resulting in an \$18 million fine agreed to as part of a plea agreement. In 2017, the Coast Guard supported the prosecution of Princess Cruise Lines Ltd for multiple instances of illegally discharging oily water over the course of several years. The prosecution resulted in a \$40 million settlement and an environmental compliance plan (ECP) covering nearly 100 vessels, the largest ever fine paid for such a case and the most prescriptive ECP agreed to by a vessel operator. Two years later, Princess was found in violation of the ECP and ordered to pay an additional \$20 million criminal penalty.

CGJAG during the First Gulf War

Responding to the Iraqi invasion of Kuwait in August 1990, and at the behest of the United States, the UN Security Council passed Security Council Resolution 661, establishing an embargo against Iraq and occupied Kuwait. The U.S. established and led a multinational maritime interception force to enforce that embargo. The Coast Guard provided approximately two dozen boarding teams to operate off Navy combatants in the Arabian Gulf, Gulf of Oman, and the Red Sea. They were supervised by a senior Coast Guard staff embarked in the Navy command ship. Commander Robert F. Duncan served as counsel for the Maritime Interception Force, Assistant Officer-in-Charge of Coast Guard Forces MidEast, and Deputy Force Judge Advocate, on one occasion, fleeting up to being Acting Force Judge Advocate for ComMidEastFor and NAVCEN. He would later become Chief Counsel and Judge Advocate General. The legal billet was filled on 90 day tours by several law specialists. Together, they crafted a new instrument of international law, carefully establishing the right of such interceptions through recognition of “custom and practice of nation-states”, while also advising on rules of engagement, boarding authorities, direction and control of merchant shipping, and specific law of the sea and broader international law matters.⁶²

The Coast Guard Streamlines

The 1996 Coast Guard streamlining and reorganization had its impact on the legal program. Organizationally, the Office of the Chief Counsel became just the Chief Counsel as the existing legal divisions at Headquarters became Offices. The Second District and its Legal Office were disestablished with responsibilities moving to the Eighth District in New Orleans. With closure of Governors Island in New York, the Maintenance & Logistics Command Atlantic Legal Division moved with the command to Norfolk, Virginia and

the International Convention for the Prevention of Pollution from Ships. Together, these treaties are generally referred to as MARPOL 73/78 (“MARPOL”).

⁶¹ GAO Report to Congressional Requesters, February 2000, GAO/RCED-00-48 (<https://www.gao.gov/assets/rced-00-48.pdf>). See also (GAO Report to Congress: Coast Guard Enforcement Under MARPOL V Convention on Pollution Expanded, Although Problems Remain, May 1995, GAO/RCED-95-143 (<https://www.gao.gov/assets/rced-95-143.pdf>)).

⁶² Email from RADM Robert F. Duncan to CM Lederer Apr. 18, 2024.

established an Atlantic Area Operational Law Branch in Portsmouth. Another significant change was elimination of the Fifth and Eleventh Districts, along with their legal staffs. The Atlantic and Pacific Areas assumed those districts' functions, and the legal staffs at both Maintenance and Logistics Commands expanded to serve the district commands. During this same period, the legal program added five new billets located at Marine Safety Offices in New York, Hampton Roads, New Orleans, Houston and Los Angeles/Long Beach to support cases involving suspension and revocation of mariner credentials.

Rear Admiral John E. Shkor, the only officer to serve two tours as Chief Counsel, from 1993 to 1996, and 1998 to 1999, and with Admiral Steven Poulin, the only former Chief Counsel to serve in higher grade, presided over the dramatic changes following enactment of the Oil Pollution Act, and shepherded the legal program through the difficult changes of streamlining. Rear Admiral Paul M. Blayney, who served from 1996-1998, also played a significant role during this turbulent time. In February, 1996, Robert Horowitz became Deputy Chief Counsel, replacing Rue Helsel, who, after serving over a decade in the position, retired in September, 1995. Mr. Horowitz would serve in the position until November 19, 2000, when he was detailed as Director of Finance and Procurement. Rear Admiral Jay S. Carmichael, succeeded Admiral Blayney and was Chief Counsel from 1999 to 2001. He was later assigned in 2003 as the first Military Assistant to the Secretary of Homeland Security. Admiral Carmichael created the seal of the Chief Counsel that has remained unchanged since, except for title substitution of the Judge Advocate General for the Chief Counsel.

Coast Guard Law Responds to 9/11 & the Judge Advocate General is Designated

On September 11, 2001, Rear Admiral Robert F. Duncan was serving as Chief Counsel during the attacks on New York and Washington. In the immediate aftermath of the attacks, Coast Guard attorneys drafted and published essential orders and rules, including requirements for 96-hour advance notice of vessel arrivals and naval vessel protective zones. Coast Guard attorneys joined Department of Defense attorneys in assisting families of the victims of the Pentagon attack and were assigned to a Department of Defense task force that began assembling evidence to support the trial of terrorists before military commissions. Rear Admiral Duncan led the Homeland Security Strategic Task Force established by the Commandant to pave the way for fundamental doctrinal changes.

Coast Guard attorneys played a leading role at the twenty-second Assembly of the International Maritime Organization which convened in November 2001. At the urging of the United States delegation, led by the Commandant, the Assembly adopted Resolution A.924 (22), Review of Measures and Procedures to Prevent Acts of Terrorism which Threaten the Security of Passengers and Crews and the Safety of Ships. The resolution called on IMO committees to review, on a high priority basis, existing instruments to determine whether other maritime security measures were appropriate. This resolution, adopted in record time, led to a variety of other actions by the IMO. In April 2002, the IMO began a review of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988, and its Protocol. In December 2002, a Diplomatic

Conference on Maritime Security adopted amendments to the International Convention for the Safety of Life at Sea (SOLAS) to enhance maritime security, including a new chapter on ship and port facility security and a complementary International Ship and Port Facility Security (ISPS) Code.

On November 25, 2002, Congress enacted the Maritime Transportation Security Act of 2002⁶³ which created a comprehensive regime for ship and port security. Coast Guard attorneys played an integral role in drafting the legislation, synchronizing many of its provisions with international measures that would be adopted the following month at the IMO. The Maritime Transportation Security Act triggered the most ambitious and extensive rulemaking in Coast Guard history and was produced in shortest period in Coast Guard history. Interim rules were published in seven months and final rules were published on October 22, 2003, becoming effective on November 1. This rulemaking, begun by the Maritime Safety and Security Council under Rear Admiral Duncan, was concluded by Rear Admiral John E. Crowley, Jr., who became Judge Advocate General in 2003.

The Homeland Security Act of 2002⁶⁴ was enacted on the same day as the Maritime Transportation Security Act. Coast Guard counsel played an important behind-the-scenes role during negotiations on Capitol Hill concerning the transfer of the Coast Guard to the Department of Homeland Security, ensuring that the Coast Guard transferred intact and that its military maritime multi-mission character would be preserved.

The Homeland Security Act also amended the Uniform Code of Military Justice to afford the Secretary discretion to designate any official to serve as Judge Advocate General of the Coast Guard.⁶⁵ On March 1, 2003, the date on which the Coast Guard transferred to the new department, Tom Ridge, Secretary of Homeland Security designated the Chief Counsel and Deputy Chief Counsel as the Judge Advocate General and Deputy Judge Advocate General of the Coast Guard. Rear Admiral Duncan became the first military Judge Advocate General of the Service. Calvin M. Lederer, who succeeded Robert Horowitz as Deputy Chief Counsel in June 2002, and orchestrated the UCMJ change and Secretarial designation, became Deputy Judge Advocate General. Similar efforts led to redesignating Coast Guard law specialists as judge advocates on July 12, 2006, when the Coast Guard Maritime and Transportation Act of 2006 became law.⁶⁶

Another dramatic development affecting the Coast Guard after 9/11 was passage of the Intelligence Authorization Act of 2002, which amended the National Security Act of 1947, to place the intelligence element of the Coast Guard within the Intelligence Community.

⁶³ Maritime Transportation Security Act of 2002, Pub. L. No. 107-295, 116 Stat. 2064 (2002).

⁶⁴ Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002).

⁶⁵ Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135, 2314 (2002) (amending 10 U.S.C. § 801 to provide for “an official designated to serve as Judge Advocate General of the Coast Guard by the Secretary of Homeland Security.”).

⁶⁶ Coast Guard and Maritime Transportation Act of 2006, Pub. L. No. 109-241, 120 Stat. 516, 526 (2006) (amending Titles 10, 14, and 42, U.S. Code, to re-designate Coast Guard “law specialists” as “judge advocates”).

Commander Kevin D. Lunday, who would become Vice Commandant in 2024 and Commandant in 2025, was assigned to advise Ms. Francis Fragos Townsend who led Coast Guard intelligence and who later was appointed the first Assistant Commandant for Intelligence (she would later become Assistant to the President for Homeland Security and Counterterrorism). As the intelligence program grew so would the number and sophistication of military and civilian counsel supporting it. Rear Admirals and judge advocates Steven J. Andersen and Andrew M. Sugimoto would later serve as Assistant Commandant in 2015 and 2019, respectively.

In June 2002, the Integrated Deepwater System contract was awarded to Integrated Coast Guard Systems, a joint venture of Lockheed Martin and Northrup Grumman. This contract was intended to launch a recapitalization of Coast Guard vessels, aircraft, and command, control, communications, computers and intelligence valued then at \$24 billion. Although the award followed 9/11, the Deepwater program had been planned since the mid-1990's. Coast Guard procurement counsel participated in every aspect of the program design and the award process. Subsequently they would participate in the sweeping revision of the program to accommodate post 9/11 requirements, downstream procurements, and the Coast Guard's response to reverses that would occur in the program.

In August 1, 2003, the Judge Advocate General established Legal and Defense Services as a staff element to manage the legal assistance program and provide legal assistance in the National Capitol Region and provide all physical disability counsel representation and criminal appellate defense, as well as manage trial defense billets and oversee other criminal defense services provided to the Coast Guard by the Navy. This moved the appellate defense function out of the Office of Military Justice and responsibility for legal assistance out of the Office of Legal Policy and Program Development. Over time, the number of appellate defense counsel increased and a Chief of Legal Assistance for the Coast Guard was created to support civilian legal assistance attorneys who had been hired for all district and Maintenance and Logistics Command offices.

Professional development of attorneys was enhanced from 2004 through 2006, with the first Coast Guard military attorneys attending the Army Judge Advocate General's Legal Center and School in Charlottesville, Virginia, to earn a master of laws (LLM) degree and serving year-long follow-on fellowships at the Center for Law and Military Operations. The decision to invest in the Charlottesville LLM rather than a subject-matter specific LLM was intended to provide a broader experience for officers to better prepare them for future leadership positions and exposure to judge advocates in other services. A Missions Law Course for operations law judge advocates and attorneys was run for the first time in 2006, followed in later years by creation of an Advanced Missions Law Course.

CGJAG Responds to Hurricane Katrina

On 29 August 2005, Hurricane Katrina devastated the Gulf Coast region and more than fifty Coast Guard attorneys – active, reserve, and civilian – from across the nation deployed to support the Coast Guard response to Katrina, and later, Hurricane Rita. Attorneys

assigned the 8th Coast Guard District, now commanded by former Judge Advocate General Robert F. Duncan, supported the initial lifesaving and pollution response. In succeeding days and weeks, a Coast Guard attorney deployed as the legal advisor the Vice Admiral Thad Allen, the Principal Federal Official.

Other Coast Guard attorneys from a variety of disciplines provided real time on-demand advice and supported Coast Guard, DHS and federal interagency actions in response to a wide range of issues, including authority for inland search and rescue operations; law enforcement and force protection while escorting convoys of supplies; authority for removal of debris and pollutants; authority for forcible evacuations; facilitating the waiver or extension of certification, manning and licensing requirements for crews of commercial vessels; waiver of user fees associated with vessel inspection and licensing applications; applicability of the Federal Water Pollution Control Act to floodwater removal operations; execution of a temporary waiver to the Jones Act allowing foreign-flagged vessels to supplement U.S. vessel movement of petroleum products in the Coastwise trade; interpretation of the applicability of the Outer Continental Shelf Lands Act to foreign vessels chartered to assist in the survey and repair of damaged oil and gas platforms; advising on the use of the Oil Spill Liability Trust fund or the Stafford Act to pay for pollution response; and evaluating the safety and security regulations applicable to cruise ships utilized to provide temporary housing.

Legal assistance and claims teams fanned out across the Eighth and Seventh Coast Guard Districts to support Coast Guard people, 60 percent of whom in Louisiana, Alabama, and Mississippi suffered catastrophic losses. Legal teams provided legal assistance to over 1000 clients and assisted with approximately 600 personal property claims. Attorneys in the field and at headquarters supported Congressional, Government Accountability Office, and Inspector General investigations, and creatively resolved numerous operational issues.

In this same period, Captain William D. Baumgartner, who would become Judge Advocate General in 2006, led efforts at a diplomatic conference from October 10-14, 2005, to finalize amendments to the maritime terrorism convention: the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation.

Modernization of Legal Services

One of Admiral Thad Allen's principal initiatives when he became Commandant in 2006 was to critically examine Coast Guard operational and mission support functions and organization and initiate far reaching organizational changes that included dissolution of the two Maintenance and Logistics Command whose functions would be merged in a Mission Support organization, creation of a Force Readiness Command (FORCECOM) and an Operations Command (OPCOM) in place of the two Areas, and creating two new vice admiral billets to serve as Deputy Commandant for Operations and Deputy Commandant for Mission Support, while doing away with the Chief of Staff. CGJAG was intimately involved in all aspects of the complex Modernization effort, including drafting legislation that became law that authorized appointment of four vice admirals, besides the

Vice Commandant. When Admiral Robert Papp became Commandant, he modified Admiral Allen's concept, adopting the Mission Support concept but preserving the two Areas, while retaining FORCECOM in a different and smaller form.

Rear Admiral Baumgartner initiated parallel Legal Modernization, under the leadership initially of Captain Gary Felicetti. Legal functions and structure were examined in the context of principles for the organization of legal services, resulting in Principles for the Delivery of Legal Services from which flowed a number of changes during the tenure of Rear Admiral Baumgartner and Rear Admiral Frederick Kenney, who became Judge Advocate General in 2011. Among the changes were insertion of the Judge Advocate General in the rating chains of staff judge advocates, creating a Senior Executive position to lead the Procurement Law practice, and creation of the Legal Service Command.⁶⁷ Establishment of LSC was complemented by establishment of the separate Staff Judge Advocate offices to serve Atlantic and Pacific Areas and the 5th and 11th Coast Guard Districts. Admiral Baumgartner's intent was to better support the post-Modernization Coast Guard. He envisioned that the LSC would provide greater flexibility in responding to contingency operations, serve as a single command for field-level legal support in specialized areas⁶⁸ (including military justice for DCMS units), and provide comprehensive legal support for the entire DCMS organization. LSC was resourced by the legal divisions of the former Maintenance & Logistics Commands, and was designed to support the Mission Support organization, provide matrixed counsel to support the staff judge advocates for the two Areas and the 5th and 11th Districts, provide specialized practice area support to staff judge advocates, manage contingency planning and execution, and otherwise support all of CGJAG. LSC was activated on April 23, 2009, under the command of Captain Beth Pepper. She was succeeded by Captain Steven J. Andersen who, during his tenure, led the CGJAG response to Super Storm Sandy in 2013.

Rear Admiral Kenney continued execution of Legal Modernization with a number of initiatives, including more direct involvement in and control of judge advocate assignments, rebranding the Legal Program as CGJAG, and initiating "CGJAG 2.0" that, among other changes that occurred in 2013, including creation of the Office of Intelligence and Information Law, merger of the Office of Environmental Law into the Office of Maritime and International Law, moving Property Law back into the Office of General Law from the Office of Environmental and Property Law from which it came in 2004, creating an integrated and centrally managed Reserve CGJAG program, and in connection with a number of Coast Guard initiatives to combat sexual assault, the Coast Guard's Special Victim's Counsel program, which, in 2014, was subsumed in an Office of Member Advocacy and Legal Assistance which replaced the Office of Legal and Defense Services. In 2021, that office split to become the Office of Member Advocacy and the Office of Legal Assistance and Defense Services.

⁶⁷ Legal Services Alignment with Modernization, R 261727Z JUN 09/ALCOAST 376/09.

⁶⁸ ALCOAST 376/09 included in "field level legal support" environmental law, procurement law, employments and civilian personnel law, real property law, fiscal law, claims, military justice for DCMS units, and legal assistance for the 5th and 11th Coast Guard Districts.

CGJAG Responds to Deepwater Horizon

In January 2010, Coast Guard attorneys supported Coast Guard forces that deployed to provide humanitarian support after the devastating earthquake in Haiti. Their efforts called up reservists, prepared Coast Guardsmen for deployment, and provided legal support to deployed forces. Not long after Haiti, on the evening of April 20, 2010, the Transocean-owned, BP chartered, Marshall Islands-flagged Mobile Offshore Drilling Unit, Deepwater Horizon, located approximately 72 miles Southeast of Venice, Louisiana, reported an explosion and fire onboard. After an intense search and rescue operation led by the Coast Guard that saved 115 of the 126 crewmembers, the Deepwater Horizon sank on April 22, severing the riser that connected the MODU to the Macondo wellhead, triggering the largest oil spill response operation in United States history, and declaration of the first “Spill of National Significance.”

While the 8th District Staff Judge Advocate provided initial support to the Federal On-Scene Coordinator, Cal Lederer, who became Acting Judge Advocate General after Rear Admiral William Baumgartner was reassigned as Commander of the 7th Coast Guard District just before the blowout, designed a legal support structure that drew on CGJAG-wide resources spanning operations at all levels of the response. Coast Guard attorneys deployed to the Incident Command Posts in Houma, Louisiana and Mobile, Alabama, and attorneys from the 7th District Staff Judge Advocate supported the Incident Command Post in Miami. A legal staff, typically numbering five attorneys, supported the Unified Area Command, with the legal advisor seated literally at the right hand of the FOSC while the UAC operated in Robert Louisiana in the first several weeks of the response. Legal advisors were also assigned to Admiral Thad Allen, the National Incident Commander. The Acting Judge Advocate General, the Legal Service Command, and other offices provided support in depth to deployed attorneys.

Coast Guard attorneys advised the NIC and FOSC regarding their authorities under the Oil Pollution and the Clean Water Acts, and on a wide range of novel issues, including the decision to direct BP to fund the construction of \$360 million of barrier islands, protection of endangered species including sea turtles and other marine life, air quality monitoring relating to in situ burns, worker safety for responders on the beach and in wetlands, public safety, and international implications of the spill. Increasing response assets in the Gulf led to development of an expedited process to waive the “Jones Act”, which limits coastwise trade to U.S.-flagged vessels, to introduce additional response vessels, and promulgation in ten days of an emergency regulation reducing response requirements in other part of the United States to permit the movement of oil skimmers. Coast Guard attorneys were active on Capitol Hill, briefing members and staffs, and led drafting and advocacy of legislation to ensure adequate funding for the response, increasing draws on the Oil Spill Liability Emergency Fund and lifting the cap on funding to \$1.5 billion. In the first week of the response, CGJAG drafted the charter for a joint Minerals Management Service (which later became the Bureau for Ocean Energy Management, Regulations, and Enforcement) and Coast Guard investigation into the disaster. Coast Guard lawyers were

also detailed to a Department of Justice criminal investigation and the Coast Guard's Incident Specific Preparedness Review.

CGJAG response documentation specialists preserved response documentation and later established a repository for digital and printed data. Judge Advocates played other significant roles, including Captain David Nichols, 8th District Staff Judge Advocate, who served as the first chief of staff for the UAC, and Captain Steven Poulin, who became Judge Advocate General in 2014, who was Mobile Sector Commander and was Incident Commander for the eastern part of the Gulf.

Then Captain Frederick Kenney, who, as Chief of Maritime and International Law, played a significant role in all aspects of the CGJAG response, took the lead role in referring the Deepwater Horizon incident to the Department of Justice for litigation against the responsible parties. Coast Guard counsel helped draft the complaint and litigate the case, including discovery of over 32.5M pages and ~11 terabytes of data. They also responded to litigation challenging aspects of the response. In 2016, Rear Admiral Poulin and Mr. Lederer, supported by Captain John Luce and Mr. Brian Judge, joined a 10-person team that over several weeks negotiated a \$20.8B settlement that is the largest environmental damage settlement in U.S. history.

CGJAG in the Global War on Terror and Defense Operations

Coast Guard judge advocates were detailed from 2002 to 2004 to the Army's Criminal Investigation Task Force that was constituted to begin collecting evidence and planning for military commissions that President Bush authorized in 2001. Other judge advocates were assigned to the office of the General Counsel of the Department of Defense and the Office of Military Commissions from 2004 through 2006 to support these prosecutions.⁶⁹

From 2006 to 2010, ten judge advocates deployed to Iraq. These officers supported detainee operations, prosecutions in the Central Criminal Court of Iraq, and support to the combined headquarters of Multinational Force Iraq and U.S. Forces Iraq. Five judge advocates served in Afghanistan between 2006 and 2016. Rear Admiral Steven J. Andersen, who became Judge Advocate General in 2016, served a year from 2010 to 2011 in the NATO Training Mission-Afghanistan and Combined Security Transition Command-Afghanistan. His tour and Captain Patrick Flynn's the following year made them the longest deployed officers. Then-Lieutenant Commander Vasilios Tasikas was the only officer who served in both Iraq and Afghanistan. Some deployments were in conjunction with fellowships at the Center for Law and Military Operations and others in cooperation with the Navy or at the request of the Department of Defense.

Another judge advocate, Lieutenant Commander Laura Dickey, who left the legal program and later served as a rear admiral, was Executive Officer of the Patrol Forces Southwest

⁶⁹ See Coast Guard Judge Advocates Deployed to Combat Zones or Supporting Global War on Terrorism Operations (on file with COMDT (CG-094)).

Asia, the squadron of six patrol boats deployed in the Northern Arabian Gulf starting during Operation Iraqi Freedom.

In 2012, Captain Timothy Connors became the first Coast Guard judge advocate to be selected to be a combatant command staff judge advocate, at NORTHCOM. By 2014, Coast Guard judge advocates were assigned to all combatant commands except EUCOM. Presence expanded to U.S. CYBERCOM several years later. In 2017, Captain William Dwyer became the second Coast Guard judge advocate to serve as a combatant command staff judge advocate when he was assigned to SOUTHCOM. Judge advocates have also served in the Organization of the Joint Chiefs of Staff and been assigned to or supported the Defense Institute for International Legal Studies.

Evolution of Intelligence Law and Information Law and CGJAG in the Cyber Age

Rear Admiral Frederick J. Kenney created the Office of Information and Intelligence Law in 2013 to keep pace with the rapid expansion of Coast Guard Intelligence. Over time, the office grew to support and embed counsel in Intelligence Commands throughout the Coast Guard. CGJAG, through the Office of Information and Intelligence Law, also administers the Intelligence Oversight Program for over 600 members of the Coast Guard's National Intelligence Element.⁷⁰ The National Intelligence Element of the Coast Guard consists of intelligence professionals designated as members of the U.S. Intelligence Community. Intelligence law attorneys, also serving as intelligence oversight officials, are embedded at the Coast Guard Counterintelligence Service, the Coast Guard Intelligence Coordination Center, the Coast Guard Cryptologic Group, Coast Guard Area Intelligence Commands, including Maritime Intelligence Fusion Center Atlantic and Pacific, and as Coast Guard Intelligence at Headquarters.

Subsumed within the office was information law and legal support to the C4IT enterprise. While CGJAG support to C4IT had been limited to information law and the frequency spectrum program, by 2025, with advances in technology including artificial intelligence and data governance, specialized attorneys supported the Chief Data Officer, the Chief Artificial Intelligence Officer, the Office of Data and Analytics, and the Office of Cyberspace Forces. These specialized attorneys and legal advisors supporting the Coast Guard Privacy Office and Freedom of Information Act Program matured to form an information law practice group. The combined efforts of this office were instrumental in the development of the first comprehensive national and departmental policies governing the use of artificial intelligence within the federal government.

Recognition of the rapid evolution of cyber space and potential impacts on the maritime industry and security of Coast Guard systems, Coast Guard Cyber Command was established in 2013, as the Coast Guard's first global operational command. With significant command growth and with the delegation of General Court Martial Convening

⁷⁰ As required by Executive Order 12333, "United States Intelligence Activities," December 4, 1981, as amended, and implemented through Executive Order 13462, "President's Intelligence Advisory Board and Intelligence Oversight Board," February 29, 2008, as amended.

Authority, the first Staff Judge Advocate was assigned in 2018. In 2021, Coast Guard judge advocates led a push to amend Title 46 to clarify that Coast Guard authorities to prevent and respond to incidents in the Marine Transportation System included cyber incidents. By 2022, Coast Guard Cyber Command had grown from 250 personnel to nearly 700 personnel, established new operating locations across the country, and took on new operations protecting marine transportation infrastructure and supporting military operations in cyberspace. Its force and mission growth called for the legal office to add a Deputy Staff Judge Advocate, two staff attorneys, and a judge advocate detailed to U.S. Cyber Command.

Evolution of Military Justice and Creation of the Office of the Chief Prosecutor

Coast Guard administration of military justice evolved along with the Uniform Code of Military Justice. Following the Military Justice Act of 1968, 44 law specialists were certified to be military judges. In 1972, two full time military judges were assigned, although in later years only the Chief Trial Judge was full time, until two additional judges were added in 2018.⁷¹ Trial defense services were provided by the Navy, augmented by the assignment of Coast Guard attorneys.⁷²

The 1968 Act also mandated creation of the Coast Guard Court of Military Review which replaced the Board of Review under the 1950 UCMJ. Appointed to the Court of Military Review, redesignated in 1994 as the Coast Guard Court of Criminal Appeals, were initially three civilian attorneys and five law specialists,⁷³ making the Coast Guard the only service then and now with civilian appellate judges. Retired Navy Captain Joseph Baum served twenty years as Chief Judge of the court and was succeeded by retired Coast Guard Captain and former Chief Trial Judge Lane I. McClelland in 2009 who became the first woman to serve on the court when she was appointed to the court in 1997 while still on active duty.⁷⁴ The court's composition, including civilians and part-time judges, has been judicially examined repeatedly,⁷⁵ with the most significant result being that civilian judges be appointed by the President or Secretary.⁷⁶

⁷¹ Annual Report of the U.S. Court of Military Appeals and the Judge Advocates General of the Armed Forces and the General Counsel of the Department of Transportation Pursuant to the Uniform Code of Military Justice For the Period January 1, 1972, to December 31, 1972.

⁷² Memorandum of Understanding Between the Judge Advocate General, U.S. Coast Guard and the Commander, Naval Legal Service Command Regarding Mutual Support in Military Justice Matters (17 Apr 2013); Addendum to Memorandum of Understanding (9 Dec 2024).

⁷³ Annual Report of the U.S. Court of Military Appeals and the Judge Advocates General of the Armed Forces and the General Counsel of the Department of Transportation Pursuant to the Uniform Code of Military Justice for the Period January 1, 1969, to December 31, 1969.

⁷⁴ Annual Report of the Code Committee on Military Justice Including Separate Reports of the U.S. Court of Appeals for the Armed Forces, the Judge Advocates General of the U.S. Armed Forces, and the Chief Counsel of the U.S. Coast Guard For the Period October 1, 1996 to September 30, 1997.

⁷⁵ *United States v. Kovac*, 36 M.J.521 (CGCMR 1992); *United States v. Carpenter*, 37 M.J. 291 (CMA 1993).

⁷⁶ *Weiss v. United States*, 510 U.S. 163 (1994) (commissioned officer judges did not require additional appointment and lack of a specific term was permissible), *Ryder v. United States*, 515 U.S. 177 (1995) (Judge Advocate General appointment of civilian judges insufficient), *520 U.S. 651* (1997) (Secretarial appointment permissible).

When the Legal Service Command was established in 2009, LSC trial counsel primarily serviced mission support units and supported the area Staff Judge Advocates unless they managed a prosecution internally, but were also available to other SJAs on request. In 2015, Rear Admiral Poulin directed creation of a core prosecution capability at LSC.⁷⁷ In 2018, Rear Admiral Andersen directed that LSC attain Final Operating Capability for the core prosecution capability by January 2019,⁷⁸ by which LSC would prosecute all mission support unit⁷⁹ and Area cases and provide trial counsel or assistant trial counsel in serious cases, including Article 120 cases, throughout the Coast Guard. While an SJA could decline LSC assistance, the Judge Advocate General did not expect that to occur routinely. In 2021, Rear Admiral Bert directed that LSC trial counsel would, by July 2022, prosecute all special and general courts-martial in the Coast Guard.⁸⁰

These structural developments occurred during a period of significant change in military justice, focused on sexual assault. From Fiscal Years 2004 to 2019 alone, Congress enacted 249 statutory requirements related to sexual assault in National Defense Authorization Acts.⁸¹ These included a 2013 mandate for Special Victims' Counsel that prompted Rear Admiral Kenney to establish in the same year the Special Victims' Counsel program that expanded in 2022 to victims of domestic violence.

Amidst the scrutiny of the armed services' response to sexual assault, the Coast Guard undertook an investigation of sexual misconduct at the Coast Guard Academy from 1990 to 2006. Operation Fouled Anchor began in 2014 and was closed in January 2020. Operation Fouled Anchor became public knowledge after news reports in 2023, resulting in congressional and inspector general investigations. Coast Guard attorneys supported the investigation and its aftermath. During the Fouled Anchor investigation, the Commandant appointed a flag officer to serve as Consolidated Disposition Authority who was advised by Captain Richard E. Batson, LSC Commanding Officer, who would become Judge Advocate General in 2023.

The NDAA for Fiscal Year 2022 directed creation of Special Trial Counsel to exercise exclusive authority, including referral to court-martial, over 11 covered offenses after December 27, 2023, displacing authority exercised by commanders.⁸² The NDAA for Fiscal Year 2023 added sexual harassment.⁸³ The STC mandate applied to the Coast Guard although other direction to the military departments to establish O-7 "lead" STCs did not.

⁷⁷ TJAG memo 5800 of 25 Feb 2015, Improvements to CG Military Justice Practice; LSC memo 5800 of 07 December 2015, Decision Memo to Restructure the Legal Service Command.

⁷⁸ TJAG memo 5800 of 09 Mar 2018, Core Prosecution Capability at the LSC.

⁷⁹ By 2020, there were 70 units supervised by the Deputy Commandant for Mission Support that looked to LSC for command services.

⁸⁰ TJAG memo 5800 of 13 Aug 2021, Action on the Recommendations of the Legal Services Working Group.

⁸¹ Government Accountability Office Report GAO—21-463T (March, 2021).

⁸² Sections 531-533, Pub. L. No. 117-81, 135 Stat. 1692-1697.

⁸³ Section 541, Pub. L. No. 117-263, 135 Stat. 2579-2580.

Judge Advocate General actions from 2009 to 2022 to centralize prosecution services positioned the Coast Guard to implement the new legislation, culminating in establishment of the Office of the Chief Prosecutor to prosecute all courts-martial for all offenses under the leadership of a rear admiral (lower half).⁸⁴ The LSC Trial Services Division transferred to the new OCP in 2023 which was established in Charleston the same year. Rear Admiral William G. Dwyer was appointed as the first Chief Prosecutor and stood up the Office of the Chief Prosecutor in Charleston, South Carolina with 23 Judge Advocates, a civilian attorney, and 9 support staff.

In 2024 Captain Anita Scott and Commander Anton DeStefano served respectively as the Joint Service Committee (JSC) on Military Justice Chair and Executive Secretary, marking the first time in the JSC's 42-year history that the Coast Guard led joint military justice reforms. During their tenure, the JSC produced comprehensive executive orders, totally well over 200 pages, and the 2024 Manual for Courts-Martial, significantly revised comprising the completely overhauled the Rules of Courts-Martial and Military Rules of Evidence to comport with for the restructured and modernized military justice system.

Creation of the Coast Guard Judge Advocate General Insignia

A number of Judge Advocates General advocated for a distinctive insignia for CGJAG. Rear Admiral Bert succeeded winning approval in 2023 for an insignia.⁸⁵ Her efforts preceded a Coast Guard initiative to recognize professional communities within the service and CGJAG was the first program to propose an insignia. The core elements of the Coast Guard Judge Advocate General Insignia are a lighthouse, quill pen, trident, and waves, based on a design by Lieutenant Commander Brett McCall. The Coast Guard Legal Program Attorney and Paralegal and Legal Technician Insignias are awarded to qualified military and civilian members of CGJAG.

Francis Scott Key Bridge Collapse

In 2024, the M/V DALI allided with the Francis Scott Key Bridge in Baltimore, Maryland, collapsing the bridge entirely, causing the death of six construction workers, and blocking navigation into or out of Baltimore Harbor. The months-long response that had national and White House attention and which involved many local, state, and federal agencies was managed largely by the Coast Guard. Sector Maryland-National Capital Region had principal responsibility for incident response, closely supported and overseen by the Fifth District and Atlantic Area. The Sector Commander, Captain David O'Connell, the District Commander, Rear Admiral Shannon Gilreath, and the Area Commander, Vice Admiral Kevin Lunday and were all judge advocates. Supporting them was the Office of Maritime and International Law and the Office of Claims and Litigation.

⁸⁴ TJAG memo 5300 of 08 Mar 2022, Establishment of the Office of Chief Prosecutor and Related Organization Change; CG-PSC memo 1401 of 27 Apr 2022, Establishment of the Chief Prosecutor Appointment Process.

⁸⁵ TJAG memo 1200 of 01 Jul 2022, Legal Program Insignia.

CGJAG People Firsts

Kenneth F. Harrison, civilian Chief Counsel from 1938 to 1968, was appointed a rear admiral in the Coast Guard Reserve in 1956, becoming the first Coast Guard lawyer to attain flag rank and also the first reservist. Rear Admiral William L. Morrison became the first military Chief Counsel in 1969. Rear Admiral Robert F. Duncan was the first Chief Counsel to serve as Judge Advocate General.

Lieutenant Merle J. Smith, Jr., who was also the first African American to graduate from the Coast Guard Academy in 1966⁸⁶ and whose command of a patrol boat in Vietnam made him the first African American to command a vessel in combat, qualified as a law specialist in 1974, after attending law school while assigned to Headquarters. He later transitioned to the Reserve and retired as a commander. Lieutenant Caleb L. Nichols and Lieutenant Samuel E. Burton were both Direct Commission Lawyers who qualified as law specialists the same year. Lieutenant Nichols served four years and Samuel Burton remained on active duty, and became the first African-American law specialist to be promoted to captain.

On July 26, 1972, Lieutenant Winona Dufford was commissioned as the Coast Guard's first female law specialist. Lieutenant Dufford was stationed in New Orleans when she tragically died of cancer at the age of 35.⁸⁷ She served with Captain Eleanor L'Ecuyer⁸⁸ and Captain Etha Cox (USCGR), who also obtained their law degrees, but were unable to serve as a law specialist.⁸⁹ In 2021, Shanell King became the first African American woman judge advocate to become a captain. Admiral Melissa Bert became the first female Judge Advocate General when she assumed duty as the Judge Advocate General in April 2020.

Lieutenant Commander Robert Bruce became the first uniformed judge advocate of any service to argue before the Supreme Court in 1987 in *Solorio v. United States*,⁹⁰

While many judge advocates have served in command at sea in small and large cutters, Captain Jason R. Hamilton commanded Coast Guard Cutter Healy in 2015 when it became the first United States surface vessel to reach the North Pole without assistance.

⁸⁶ William T. Thiesen, THE HISTORY OF MULTICULTURALISM IN THE UNITED STATES COAST GUARD at 32.

⁸⁷ Summer Issue 1975 Swackhamer-Dufford Bulletin, The Combined Swackhamer and Dufford Genealogical Societies of Long Valley, Morris County, NJ (<https://www.panaves.com/bulletin/1975summer.pdf>).

⁸⁸ ALCOAST 049/20 - FEB 2020 PASSING OF COAST GUARD SPAR CAPTAIN ELEANOR L'ECUYER, USCG RETIRED

⁸⁹ Chicago-Kent College of Law, Girls Want to Study Law: 100 Years of Women Graduates, (<https://scholarship.kentlaw.iit.edu/womeninlaw/15/>)

⁹⁰ *Solorio v. United States*, 483 U.S. 435 (1987) (holding that the jurisdiction of a court-martial to try a military member does not require a "service connection" and instead requires only that the accused service member was a member of the Armed Forces at the time of the offense). Captain Buce later served as Chief Trial Judge and after retirement served for many years leading the Coast Guard hearing office.

Vice Admiral John E. Shkor was the first law specialist to become a vice admiral when he assumed command of Atlantic Area in 1999. He is also the only officer to have served twice as Chief Counsel. Vice Admiral Thomas J. Barrett was the first advocate to become Vice Commandant in 2002. Charles D. Michel, second judge advocate to become Vice Commandant in 2015, became the first to be appointed an admiral in 2016. His promotion made him the first career judge advocate in any of the armed services to reach four-star rank.⁹¹ Both Steven D. Poulin and Kevin E. Lunday would follow him as Vice Commandant in 2022 and 2023 respectively. Admiral Lunday's 2025 nomination to be Commandant will make him the first judge advocate of any armed force to be a service chief. In 2019, there were seven judge advocate admirals.

CGJAG Today

In 2025, CGJAG is comprised of 341 attorneys: 208 in-specialty active duty judge advocates, 31 out-of-specialty active duty judge advocates, 102 civilian counsel, and 61 Reserve judge advocates in and out of specialty. Attorneys are supported by 87 paralegals, legal technicians, and other support staff. Coast Guard legal professionals are in 13 offices and staffs of the Judge Advocate General at Coast Guard Headquarters and in 20 legal offices at major Coast Guard units. Out of specialty officers are serving as Commanding Officers of Coast Guard Cutters and as Coast Guard Sector Commanders and Captains of the Port.

⁹¹ Air Force General Russell E. Dougherty, promoted in 1972, had been a judge advocate but terminated his judge advocate status in 1952 to retain his pilot rating.