

Opening Statement – Daniel J. Dell’Orto

Personnel Subcommittee of the Senate Committee on Armed Services

July 20, 2011

Good afternoon, Mr. Chairman and members of the Committee, and on behalf of Lieutenant General Osman, thank you for the opportunity to appear before the committee today.

We are here today to discuss the congressional mandate contained in Section 506 of the Fiscal Year 2010 National Defense Authorization Act to “carry out a study of the policies and management and organizational practices of the Navy and Marine Corps with respect to the responsibilities, assignment, and career development of judge advocates for purposes of determining the number of judge advocates for purposes of determining the number of judge advocates required to fulfill the legal mission of the Department of the Navy.”

In full compliance with the Federal Advisory Committee Act, the panel conducted five public meetings and posted more than 200 documents on a website for review by interested persons. In addition to Lieutenant General Osman, the panel included a number of distinguished former public servants and former colleagues of mine who have served our Nation in the past, and continue to serve in a variety of roles. They include the Honorable Judith A. Miller, former Department of Defense General Counsel; Rear Admiral James E. McPherson, US Navy (retired), former Judge Advocate General of the Navy; and William R. Molzahn, former Deputy General Counsel for the Department of the Navy. Each of these persons volunteered for service on the Panel and devoted considerable hours to the Panel’s work. They should be commended for stepping forward yet again to provide selfless service to the Department of Defense and to our Nation.

The Panel received outstanding support from the Department of the Navy, including extremely professional administrative support from the Office of the Secretary of the Navy and the Office of the General Counsel of the Navy. The

Navy provided the Panel with a first-rate staff of Marine and Navy judge advocates, civilian attorneys and administrative staff, all of whom are acknowledged in our report. We received tremendous support and cooperation from numerous witnesses from both inside and outside the Department of Defense legal community. General David Petraeus, Vice Admirals Harry Harris, John Bird, and Robert Harward; and Marine Lieutenant Generals John Kelly and Richard Natonski provided invaluable insight into the critical role that judge advocates play in today's fluid operational environment in both regions of conflict and regions of apparent calm. Vice Admiral James Houck, the Judge Advocate General of the Navy and Major General Vaughn Ary, the Staff Judge Advocate to the Commandant of the United States Marine Corps provided the Panel with comprehensive testimony and other information regarding the organization, missions and staffing of the uniformed legal community in their services.

The Panel completed its 217-page report on February 22, 2011 and delivered it to Secretary Gates and to the Chairmen of the Senate Committee on Armed Services and the House Armed Services Committee. The Panel addressed each of the areas of review mandated by the statute. By way of summary, the Panel believes that the demand for judge advocate support will continue unabated, driven by the increasing complexity and intensity of the legal and policy environment in which commanders are required to operate. In addition, their contribution to good order and discipline, by supporting a just and functional military justice system, is equally noteworthy and essential to the overall well being of the Navy and Marine Corps. Military Justice, from complex, high-profile general courts-martial to due process advice and representation during administrative proceedings, needs to remain an important and necessary core function for Navy and Marine judge advocates. In the end, proper manning, resourcing, training and retention of judge advocates in the Navy and Marine Corps is both a necessity and a cost-effective force multiplier that contributes to the ultimate mission success of both services.

Lieutenant General Osman and I are prepared to address your questions. Thank you.