

**Gregory E. Maggs**  
**Nomination Hearing to be a Judge of the United States Court of Appeals**  
**for the Armed Forces**  
**Opening Statement Before the Senate Armed Services Committee**

Chairman McCain, Ranking Member Reed, Members of the Committee, thank you very much for considering my nomination and for inviting me here today. I am joined in this room by my wife of 24 years, Janice Maggs. We regret that our son, Douglas, could not attend because he is studying abroad in Scotland this year.

On June 11, 1775, the Continental Congress created the Army. On that same day, Congress appointed a committee to prepare rules and regulations for this newly established force. Headed by George Washington, and relying heavily on work done by John Adams, this committee immediately drafted and proposed a code that it called the Articles of War to define offenses triable by court-martial.

Congress quickly approved their draft, arguably making it the first national law ever passed by Congress. Many parts of the Articles of War persist to this day in the Uniform Code of Military Justice.

Within two weeks, General Washington had appointed his first judge advocate, William Tudor, a Harvard graduate and successful Boston lawyer. Soon afterward a young officer named John Marshall would become the deputy judge advocate and would spend the winter with Washington at Valley Forge.

Why was it immediately necessary to have a military justice system and to appoint military lawyers of the highest quality to administer it? Washington and Congress knew that without good order and discipline, the Army would be dangerous and ineffective. And without tempering discipline with justice, the Army would be unworthy of the brave soldiers who fought for our country.

I have had a very fulfilling civilian legal career. I was fortunate to have three judicial clerkships, two at the Supreme Court. And I have been involved in litigating some of the largest cases in the United States. I have been lucky to teach more than 5000 great students at the George Washington University and the University of Texas, some of whom are here today.

But in addition to this civilian experience, I have had the privilege to be a part of the military justice system for the past 27 years as a reserve officer in the Army JAG Corps. My experience includes 7 years as a reserve appellate judge on the Army Court of Criminal Appeals and 3 years as a reserve military trial judge in the Army's 1st Judicial Circuit. During this time I was assigned to more than 250 trial or appellate cases. I am a graduate of many military schools and courses, including the Military Judge Course. But most of what I know I have learned through the patient guidance of more senior judge advocates, who in turn learned from

other judge advocates who came before them, extending in an unbroken chain all the way back to John Marshall and William Tudor.

I am truly grateful to the Secretary of Defense for recommending me for the vacancy on the U.S. Court of Appeals for the Armed Forces, to the President for nominating me, and to this Committee for considering my nomination.

As members of this Committee know, the U.S. Court of Appeals for the Armed Forces is the civilian court that oversees the military justice system. Decisions of courts-martial are reviewed first by the Courts of Criminal Appeals of the Army, the Navy & Marine Corps, the Air Force, and the Coast Guard, and decisions of those courts are then reviewed by the U.S. Court of Appeals for the Armed Forces.

If confirmed, I will faithfully apply the rules that Congress has enacted in the Uniform Code of Military Justice to govern the conduct of our Service Members. It is my sincere hope and belief that my civilian and military legal experience have prepared me for such an important assignment.

Thank you.