

**James E. McPherson**  
**Nomination Hearing to be General Counsel of**  
**the Department of the Army**  
**Opening Statement Before the Senate Armed Services Committee**

Mr. Chairman, Ranking Member Reed, and Members of the Committee, thank you for the opportunity to testify before you today and thank you to those members who were able to meet with me prior to this hearing. Thank you Senator Strange for that very kind and gracious introduction.

I would also like to thank President Trump for nominating me and Secretary Mattis for his confidence in recommending me for the opportunity to serve again in the Department of Defense.

It has been called a “Lifestyle of Service” and it is what motivated me to take the oath of enlistment in the United States Army many years ago and the commissioning oath in the United States Navy several years after that. I inherited that lifestyle from my parents – from my father who crawled ashore on a beach in Northern France early on a Tuesday morning, on 6 June 1944. The beach was code-named “Omaha”. From my mother who on that same day was operating a drill press at Douglas Aircraft in Los Angeles, helping to make the Dauntless Dive Bomber. They both passed away many years ago but I know they are here with us today. My brother, Scott, also inherited that Lifestyle of Service – he wears the uniform of a deputy sheriff in Cheyenne, Wyoming.

Also with me are the three most important people in my life. My wife, Jennifer, who also served in the United States Navy and my two children both of whom are in education. Amanda who teaches children with special needs in Fairfax County Schools in Virginia, and Philip who is a software engineer for Pearson, an educational company. They give me the strength, support, encouragement, and love to serve and be the best husband and father that I can be.

When I left the Department of Defense almost ten years ago, the world was a very dangerous and complex place. The Army had almost 200,000 Soldiers deployed in Afghanistan and Iraq engaged in counterinsurgency operations, with an additional 46,000 Soldiers engaged in a variety of operations across the Middle East and Africa. Add to those numbers the Soldiers conducting counterterrorism and counterdrug operations in Southeast Asia and Latin America, and serving forward deployed in both the Pacific and Europe, all of them defending our homeland.

Today, the danger and complexity of the world and the challenges facing our Army have only increased while its size has decreased. Yet, the Army contributes half of the global force requirements and over sixty percent of emergent Combatant Commander demands. The

Army's contributions, past and present, support General Dunford's statement that the US Army is "the linchpin of the U.S. military since 9/11."

The Acting Secretary of the Army and the Army Chief of Staff have established three priorities they are focused on – Readiness of the Total Army, Modernization of Capabilities, and Care of the Force. Near term readiness is the number one priority – ensuring the Army is manned, trained, equipped, and ready to fight tonight. But being ready to fight tonight is not enough. The Army must modernize today to be ready to fight tomorrow's wars against increasingly capable and adaptive adversaries and near peer competitors. This will require hard choices and needed investments to rapidly develop capabilities that our Soldiers need to shape, fight, and win decisively across all domains on complex future battlefields. Fundamentally, the Army is a people organization. Over the past 16 years, much has been asked of Soldiers and their families who have fought the longest war in our nation's history while continuing to meet additional threats and challenges worldwide. If confirmed, I will ensure the Army's legal team is engaged with Army leadership in addressing these imperatives, enabling Army decision-makers to make these hard choices, and tirelessly supporting the men and women of the Army...the total force, their families, and the civilian workforce.

The Army today faces some very difficult legal issues ranging from personnel programs such as gender integration into the combat arms, the service of transgender soldiers, and the accession of non-US citizens...to the need to improve the efficiency and flexibility of the acquisition process....and to the scourge of sexual harassment, sexual assault and retribution against those that report such offenses. While these issues and a myriad of others may at times seem insurmountable, they are not. If confirmed, it is my commitment that the Army's Legal Team, the Office of General Counsel and the Judge Advocate General of the Army, both civilian and uniformed attorneys and support staff, will attack these issues with renewed energy and resolve to finding solutions.

In closing, I have served my country for over 32 years, 28 years in uniform and 4 years as a civilian, in peace and during war, and for the past nine years leading an association that supports the attorneys general of this nation as they serve the people of their states and territories. In all this experience, the most important responsibilities I had were in leading men and women who served their country. I have seen and experienced directly that inspiring leadership can result in solutions to seemingly impossible problems. If confirmed, I look forward to again serving my country in partnership with The Judge Advocate General of the Army leading the Army's Legal Team supporting Army leadership and our Soldiers and their families who selflessly serve this great nation.

Thank you for considering my nomination and I look forward to your questions.