**Speech for ASMC Mini PDI 16 May 2019**

A normal person speaks at about 160 words per minute, I do not at times. So if I start going too fast for you just raise your. I speak at about 180 words per minute with gusts up to 360.

I am here today to discuss the importance of knowing the laws that govern the work that you do, the laws that affect the work you do and the history behind the laws that affect the work that you do.

Being a federal employee you are under a spotlight to complete your job in a timely manner, but more importantly you are under a spotlight to ensure that the work that you do meets the sometimes very constraining laws that govern your work. You are expected to carry out your duties within the confines of all the laws that cover or can affect your work. Within the FM community that means you must not only know FM laws but also acquisition law and civil engineering and services law, depending on which area you are working in at the time. You need to know not only the laws that affect your job but also the history behind those laws and why they were implemented. Laws are normally implemented when someone performs their duties without having or ignoring general accepted practices within their area of influence. They are not normally prosecuted because there is no law governing their actions, thus a new law is implemented.

There are two ways to operate within the restrictions of the laws that govern your work. The first is the Spirit of the Law, meaning you fulfill better than 51% of the requirements of the law but not the full 100% requirements of the law. While this will not normally get you fully prosecuted if something goes wrong, it will put a stain on your record. The second is the Letter of the Law, meaning you comply with the law 100%. When you are advising personnel higher in rank than you are it is very important to know which way you are interoperating the law and so advice your supervisor or manager whether your recommendation is the Spirit of the Law or the Letter of the Law. Sometimes you need to provide both and let them decide which way they want to proceed.

Let me give you some examples from my career.

Turning three flights into one flight to save money. Schedule released showing three flights from throughout the AF with same destination just slightly different objectives. It was the mid 70s and the AF motto was basically, Do more and more with less and less, until we can do every dang thing with nothing. I combined the three flights into one only adding 2 hours flight time, thus grounding 2 flights and saving those fuel costs. The day my schedule went out, my supervisor told me to go to the BX and get a picture frame. When I got back he handed me a letter of accommodation from the Deputy Commander of SAC on my good work. I got it hung up just in time for our Colonel to show up with backup to give me a letter of reprimand for going against the grain of higher ups. My supervisor pointed out the letter of accommodation and the colonel stormed out of the office. While not within the letter of the law, it was within the spirit of the law and the financial constraints we were under at the time. I did not fully understand the possible consequences of my actions at the time, but it taught me a valuable lesson, about taking calculated changes.

A mentor of mine early on in life once told me, remember you were looking for a job when you found this one.

Another time was with a new computer program for DFAS. I was asked to interview with the contractor to set on their oversight board. I had just designed the Contract Reconciliation System (CRS) for DFAS. I interviewed and ask three questions and the contractor told DFAS they did not feel I would be a good fit. A coworker was chosen and about a year on the project asked what questions I had ask, he was not happy and wanted out. Long story short, after two years of development and over17 million spent, the system rolled out and could not even pay the contractor that designed it. They only used one unit of measurement, each, when DoD uses over 147 units of measurement. The system was scrapped over this and several other issues and never deployed. The questions I had asked were within the letter of the law and they felt that as long as they met the spirit of the law they could get by.

I was asked to attend a meeting with the contractor on the Tanker Lease Program. After their presentation and lunch they ask if there were any questions. I ask who was responsible for training the military personnel on retrieval of vital equipment if a plane landed behind enemy lines. They said the contractor would handle that. I then ask if they were saying the contractor would provide the training or the contractor was responsible for retrieving the equipment. They stated the contractor would be responsible for retrieving the equipment. I then read the law governing retrieval of equipment from WWll which clearly states that no contractor can be ordered into a war zone to accomplish a clearly military objective. The law was enacted after WWl, the war to end all wars, when many military functions, jobs and facilities were privatized, the build up to WWll was hampered by this decision and thus this law was enacted. Three weeks after this meeting, and after the DoD JAG office started researching DoD as well as federal law about leases, the Tanker Lease Program was scrapped.

One last example; I was ask by the Sec of the AF for FM to attend a meeting with DFAS on Warrants and that was all I knew. So I attended unbeknownst to me I was going to be the lowest ranking person in the room. There were all of the Sec for FM from all of the services including Coast Guard and the SESs from DFAS. The DFAS presenter stated the objective of the meeting was to move the warrant process from Acquisition to DFAS. I listened till just before lunch on how they planned to move the process and have DFAS from a financial perspective to control the warrant process. They ask if there were any questions. I ask by what authority they were operating under and a DFAS SES stated that they felt it was in the best interest of DoD. I then ask who within DoD was sponsoring their project; The SES stated that was why they were meeting with us. I then ask if they knew the history of warrants and why we used them. They just said no. I educated them on how George Washington, Thomas Jefferson and others had devised this plan to issue warrants during the Revolutionary War to fund the purchase of materials and services for the Continental Army and that they were basically an IOU from the Army to whoever provided materials or services for the Army. That John Quincy Adams signed the law establishing the use of warrants for all the military services and I felt that meeting was not needed. The DFAS SES stated that a change was needed and they were going to proceed. I then stated that I did not feel there was anyone in Congress with enough cohunes’ to try and take up this issue, because it would take an act of congress and the president signature to change the law. At that point the Sec of the Navy stood up looked at the DFAS SES and stated, this meeting is over and then ask if the rest of us would like to join him for lunch.

The bigger point in all of this is, before you provide advise and/or guidance to higher ranking officials be sure and know not only whether you are providing letter of the law or spirit of the law guidance, but also know the history behind the law. Why is the law there, who enacted it or signed it into law and how long has it been the law. Also you need to know if there are any conflicting laws out there that could have an impact on this law.

Remember: An expert does not know all of the answers to every question, but an expert does know where to get the answers in a timely fashion.

I have a question for all of you. I ask this because I did not know the answer until I was confronted with an issue between myself and the JAG and the interpretation of a law.

Do you know the proper line of appeal for any question concerning an issue where the person performing a task disagrees with a JAG interpretation of a law?