



Department of Defense DIRECTIVE

AD-A272 202



December 15, 1989
NUMBER 5145.1

DA&M

SUBJECT: General Counsel of the Department of Defense

- References:
- (a) DoD Directive 5145.1, subject as above, January 7, 1959 (hereby canceled)
 - (b) Title 10, United States Code
 - (c) DoD Directive 5145.3, "Surveillance of the DoD Security Programs," October 19, 1962
 - (d) DoD Directive 0-5205.7, "Special Access Program (SAP) Policy," January 4, 1989
 - (e) DoD Directive 5145.4, "Defense Legal Services Agency," December 15, 1989
 - (f) DoD 5025.1-M, "Department of Defense Directives System Procedures," April 1981, authorized by DoD Directive 5025.1, December 23, 1988
 - (g) DoD Directive 7750.5, "Management and Control of Information Requirements," August 7, 1986

A. REISSUANCE AND PURPOSE

This Directive:

1. Reissues reference (a).
2. Implements the provision of reference (b) that establishes the position of General Counsel of the Department of Defense (GC, DoD).
3. Assigns to the GC, DoD, the responsibilities, functions, relationships, and authorities prescribed herein, pursuant to the authority vested in the Secretary of Defense under reference (b).

B. DEFINITION

DoD Components. The Office of the Secretary of Defense (OSD), the Military Departments, the Joint Chiefs of Staff (JCS), the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense (IG, DoD), the Defense Agencies, and the DoD Field Activities.

C. RESPONSIBILITIES AND FUNCTIONS

The General Counsel, Department of Defense (GC, DoD), is the chief legal officer of the Department of Defense and, as such, shall:

1. Provide advice to the Secretary and Deputy Secretary of Defense regarding all legal matters and services performed within, or involving, the Department of Defense.
2. Provide legal advice to OSD organizations and, as appropriate, other DoD Components.

93-26937



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3. Oversee, as appropriate, legal services performed within the Department of Defense, including determining the adherence by attorneys in the Department of Defense to appropriate professional standards.

4. Coordinate on appeals from denials of requests under the Freedom of Information Act, as appropriate.

5. Provide advice on standards of conduct involving personnel of OSD and, as appropriate, other DoD Components.

6. Develop the DoD Legislative Program and coordinate DoD positions on legislation and Executive orders.

7. Provide for the coordination of significant legal issues, including litigation involving the Department of Defense and other matters before the Department of Justice in which the Department of Defense has an interest.

8. Establish DoD policy on general legal issues, determine the DoD position on specific legal problems, and resolve disagreements within the Department of Defense on such matters.

9. Perform such functions relating to the DoD security program (including surveillance over DoD personnel security programs in accordance with references (c) and (d)) as the Secretary or Deputy Secretary of Defense may assign.

10. Act as lead counsel for the Department in all international negotiations conducted by OSD components.

11. Maintain the central repository for all international agreements coordinated, negotiated, or concluded by DoD personnel.

12. Serve as the Director, Defense Legal Services Agency (DLSA).

13. Perform such other duties as the Secretary or Deputy Secretary of Defense may prescribe.

D. RELATIONSHIPS

1. In the performance of the above responsibilities and functions, the GC, DoD, shall:

a. Exercise direction, authority, and control over the DLSA, consistent with DoD Directive 5145.4 (reference (e)).

b. Coordinate actions and exchange information with other DoD organizations having collateral or related functions.

c. Promote coordination, cooperation, and mutual understanding of matters pertaining to assigned functions within the Department of Defense and between the Department of Defense, other Government Agencies, and the public.

d. Serve on boards, committees, and other groups concerned with matters pertaining to assigned functions and represent the Secretary of Defense on assigned functions outside the Department of Defense, including serving as the

Dec 15, 89
5145.1

representative of the Secretary of Defense to the Department of Justice on all appropriate matters.

e. Use existing facilities and services, whenever practicable, to achieve maximum efficiency and economy.

2. All DoD Components shall coordinate with the GC, DoD, on matters related to the functions in section C., above.

E. AUTHORITIES

The GC, DoD, is delegated authority to:

1. Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M (reference (f)), that implement policies approved by the Secretary of Defense in the functions assigned to the GC, DoD. Instructions to the Military Departments shall be issued through the Secretaries of those Departments or their designees. Instructions to Unified and Specified Commands shall be issued through the Chairman, Joint Chiefs of Staff (CJCS).

2. Obtain reports, information, advice, and assistance from other DoD Components, consistent with DoD Directive 7750.5 (reference (g)), to carry out assigned functions and responsibilities.

3. Communicate directly with the heads of the DoD Components. Communications to the Commanders of Unified and Specified Commands shall be coordinated through the CJCS.

4. Communicate with other Government Agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

F. EFFECTIVE DATE

This Directive is effective immediately.


D. J. ATWOOD
Deputy Secretary of Defense

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