

-----Original Message-----

From: Dunbar, Forrest CPT USARMY NG AKARNG (US)  
Sent: Wednesday, December 23, 2015 11:01 AM  
To: Straub, Alexander M (Alex) MAJ USARMY NG WAARNG (US)  
<alexander.m.straub.mil@mail.mil>  
Cc: Weaver, Christopher J LTC USARMY NG AKARNG (US)  
<christopher.j.weaver12.mil@mail.mil>  
Subject: Costs of CM's

CLASSIFICATION: UNCLASSIFIED

Sir,

As we head back to the Legislature in January to ask them to pass a new code of military justice, the question of costs has again surfaced. Our new JAG, LTC Weaver, has pointed out that in California, where he is from, they have been able to use federal funds-- Title 32 funds-- to pay for Courts-Martial.

I was wondering, has that been the case for Washington as well? Beyond CM's, have the costs of implementing the code in Washington in general been paid using federal funds? Thank you for your time!

V/R,

CPT Forrest Dunbar  
Assistant Judge Advocate  
AKARNG  
(907)-428-6852

-----Original Message-----

From: Straub, Alexander M (Alex) MAJ USARMY NG WAARNG (US)  
Sent: Wednesday, December 23, 2015 1:11 PM  
To: Dunbar, Forrest CPT USARMY NG AKARNG (US)  
<forrest.dunbar2.mil@mail.mil>  
Cc: Weaver, Christopher J LTC USARMY NG AKARNG (US)  
<christopher.j.weaver12.mil@mail.mil>; Bennett, Donald A  
COL USARMY NG  
WAARNG (US) <donald.a.bennett8.mil@mail.mil>  
Subject: RE: Costs of CM's (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Forrest,

It has been a very long time--many, many years--since we

have actually convened a courts-martial. That being said, we do have one coming up at the beginning of the new year. Here are my thoughts on your questions.

First, I believe T32 funds are appropriate to pay for courts-martials covering offenses committed by a subject while he or she was on T32, including M-Day, status. If the subject was on state active duty (SAD), then I believe it would be appropriate to convene the courts-martial in a SAD status using state funds. I am copying my SJA so he can opine if he believes differently.

Second, our code was enacted many years ago into state law-long before me. That being said, we still seek amendments to it on occasion. that typically involves our JAG office (T32 personnel), the state Attorney General's Office (state, obviously), and Military Dept. legislative staff (state employees) working on the legislation. If necessary, our TAG, or an individual designated by him, will testify and represent our agency's position on the legislation.

Hopefully I have answered your questions, but let me know if there was something I missed.

V/r,

Alex M. Straub  
Major, Judge Advocate  
Deputy Legal Counsel

Washington Army National Guard  
Office of the Staff Judge Advocate  
Legal Office, Bldg 21  
Camp Murray (Tacoma), WA 98430  
Office: 253-512-8262

\* Please note that my office has moved to a 4-10 work schedule and is now closed Mondays (subject to change depending on mission requirements).