

Lore of the Corps

Marine was First Navy Judge Advocate General¹

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As strange as it may seem, the first *uniformed* Judge Advocate General of the Navy was a Marine colonel.



Marine Colonel William Butler Remy was the first Judge Advocate General of the Navy. He served from 1880 to 1892.

Photo credit: U.S. Marine Corps

When Congress authorized a Judge Advocate General (JAG) for the Army in July 1862, it provided that this position would have the rank and pay of a colonel.² But Congress created no such counterpart for the Navy and it was not until the month prior to the end of hostilities in the Civil War, in March 1865, that Congress finally got around to creating the office of “Solicitor and Naval Judge Advocate General” for the Navy. Even then, however, the job was filled by a civilian lawyer who earned a yearly

salary of \$3,500. Ultimately, this position disappeared in 1870, when Congress abolished it.³

In July 1878, Secretary of the Navy Richard W. Thompson “administratively created” the position of “acting Judge Advocate.”⁴ As Jay M. Siegel explains in his authoritative *Origins of the United States Navy Judge Advocate General’s Corps*, Thompson’s idea was to appoint a uniformed lawyer as acting Judge Advocate and task that individual with providing legal advice on “all matters submitted to the Secretary of the Navy involving questions of law or regulations.” This acting Judge Advocate was also responsible for reviewing records of summary and general courts-martial, and making recommendations on their disposition to the Secretary of the Navy.⁵

To fill this new position of acting Judge Advocate, Secretary Thompson selected thirty-six year old William Butler Remy, a captain in the U.S. Marine Corps. This was a logical choice, in that Marine Corps officers in the Navy of the 1870s “handled the lion’s share of court-martial prosecutorial duties” and consequently were far more experienced than their naval counterparts in court-martial procedure.⁶

Born in 1842, Remy was commissioned as a second lieutenant in 1861 at the age of 19. He almost certainly tried enlisted Sailors and Marines at courts-martial during the Civil War and, after hostilities ended, prosecuted courts-martial at California’s Mare Island Naval Shipyard and at the Washington Navy Yard. Lieutenant Remy so impressed his superiors he was appointed acting Judge Advocate of the Marine Corps in 1870 and, after a tour of duty embarked upon the USS *Colorado*, was made Judge Advocate of the Marine Corps in 1875.⁷

After assuming duties as the Navy’s acting Judge Advocate in 1878, Captain Remy focused exclusively on disciplinary questions. He reviewed the records of courts of inquiry and courts-martial for evidentiary, jurisdictional, and procedural errors. (Other legal issues—involving contracts,

¹ A slightly different version of this article was published by the author in *The Judge Advocate* (the Journal of the Judge Advocate Association) in February 2012.

² Act of 17 July 1862, 12 Stat. 597, 598; JUDGE ADVOCATE GENERAL’S CORPS, *THE ARMY LAWYER* 49-50 (1975).

³ JAY M. SIEGEL, *ORIGINS OF THE NAVY JUDGE ADVOCATE GENERAL’S CORPS* 119-20, 151 (1997).

⁴ *Id.* at 173.

⁵ *Id.* at 174.

⁶ *Id.* at n 5-4.

⁷ *Id.* at 175-76, n 5-6.

claims, personnel, real estate, and admiralty—were handled by the U.S. Attorney General).⁸

Remy worked hard in his new duty assignment and apparently made valuable political and social connections in the Washington, D.C. establishment. According to his nephew, “Uncle Will . . . was very popular socially. . . . He drove a snappy one horse high trap in the late afternoons and was quite a figure about town.”⁹ This social prominence no doubt helped when Remy lobbied for his temporary position to be made permanent, on the theory that naval law was now so complex that it required a *uniformed* officer—familiar with sea service customs and culture—to oversee naval discipline. Congress agreed with Remy (and the Secretary of the Navy) and, on June 8, 1880, enacted legislation authorizing the president “to appoint, for the term of four years . . . from the officers of the Navy or the Marine Corps, a judge-advocate-general of the Navy, with the rank, pay and allowances of a captain in the Navy or colonel in the Marine Corps, as the case may be.”¹⁰

The next day, on June 9, President Rutherford B. Hayes appointed Remy to be the first uniformed Judge Advocate General of the Navy and, after the Senate confirmed this appointment, now Colonel Remy (he exchanged his captain’s bars for a colonel’s eagle) began what would be a twelve year assignment.¹¹

Between 1880 and 1892, when Colonel Remy retired from active duty, he received and examined all records involving courts-martial, courts of inquiry, and “boards for the examination of officers for retirement and promotion in the naval service.” He also investigated complaints by his fellow officers of alleged violations of naval regulations; these complaints were typically accompanied by a request from the complainer that the Secretary of the Navy convene a general court-martial to try the offender. Colonel Remy also reviewed pay and promotion questions, retirement and other personnel matters. He examined claims from civilians who wanted to be paid for work or travel they had done for the Navy, or who wanted to be reimbursed for damage to their property caused by the Navy. For example, a Navy lieutenant commander filed a claim asking to be reimbursed for his clothing and bedding, both of which had been

destroyed to prevent the spread of yellow fever: Remy recommended that the Navy pay the claim.¹²

Remy offered legal advice on a breach of contract question and also provided legal analysis on a patent infringement claim. It seems that he was willing—and able—to answer even those inquiries that more properly should go to the U.S. Attorney General. When the commanding officer of the naval station located at Beaufort, South Carolina, asked the Secretary of the Navy if state civil authorities had the legal authority to board a naval vessel and arrest and take from the ship a sailor wanted for a crime, Remy drafted the telegram that replied: “In the case cited in your letter . . . they have. See Statutes South Carolina.”¹³

But not all of Remy’s legal issues were of great importance: the Secretary tasked Remy with determining whether a midshipman third rate was entitled to his choice of bunks on the starboard side of starboard steerage quarters because of his seniority.¹⁴

In early 1891, Remy fell ill. His doctors determined it was the result of too much hard work. They prescribed rest, so Remy left Washington and spent the summer in the mountains of Maryland. He returned to work in the fall but, in early 1892, began showing signs of mental illness. He subsequently had a complete physical and mental breakdown. Not surprisingly, when his third four-year term as Navy Judge Advocate General ended in June 1892, Remy voluntarily retired from active duty. Sadly, he died of pneumonia less than three years later, in January 1895, in a sanatorium in Somerville, Massachusetts.¹⁵

Colonel Remy’s place in naval legal history remains unique: the first uniformed lawyer to serve as Navy Judge Advocate General and also—at least to date—the only Marine to serve as the top uniformed lawyer in the Navy.¹⁶

More historical information can be found at
The Judge Advocate General’s Corps
Regimental History Website
<https://www.jagcnet.army.mil/8525736A005BE1BE>
*Dedicated to the brave men and women who have served our
Corps with honor, dedication, and distinction.*

⁸ *Id.* at 177.

⁹ *Id.* at 178, n 5-13; CHARLES M. REMEY, REMINISCENCES OF COLONEL WILLIAM BUTLER REMEY, UNITED STATES MARINE CORPS, 1842-1894, AND LIEUTENANT EDWARD WALLACE REMEY, UNITED STATES NAVY, 14-28 (1955).

¹⁰ *Id.* at 178-79.

¹¹ *Id.* at 180.

¹² *Id.* at 195.

¹³ *Id.* at 195-96.

¹⁴ *Id.* at 195.

¹⁵ *Id.* at 211-13.

¹⁶ Under Title 10, United States Code 5148, a Marine may serve as the top uniformed lawyer in the Navy. 10 U.S.C. § 5148 (2012).