



DEPARTMENT OF THE NAVY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
WASHINGTON NAVY YARD  
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WASHINGTON DC 20374-5066

IN REPLY REFER TO

5000  
Ser 13/3IR12236.07  
7 Nov 07

MEMORANDUM

From: Director of Operations  
To: Executive Administrative Office of the Judge Advocate  
General (Code 60)

Subj: CANCELLATION OF JAGINST 5720.2B - INDEXING NAVY  
DEPARTMENT FINAL OPINIONS AND STATEMENTS OF POLICY OR  
INTERPRETATION RENDERED BY THE JUDGE ADVOCATE GENERAL

Ref: (a) JAGINST 5720.2B  
(b) 5 U.S.C. §552  
(c) DOD Directive 5400.7  
(d) SECNAVINST 5720.45A  
(e) SECNAVINST 5720.45B  
(f) JAGINST 5720.3A

1. Purpose. To cancel reference (a). The mandates of reference (a) have either been superseded or are duplicative of existing JAG instructions. Reference (a) is no longer required.

2. Background. OJAG recently reviewed all JAG/CNLSC Instructions and Notices published on the JAG website. Based on this review, it has been determined that reference (a) is outdated and is no longer required.

Reference (a), JAGINST 5720.2B, sets forth criteria and procedures for indexing Navy Department final opinions and statements of policy or interpretation rendered by the Judge Advocate General. Reference (a) was implemented to comply with the Freedom of Information Act (FOIA), DOD Freedom of Information Act Program, and SECNAVINST 5720.45A and SECNAVINST 5720.45B (references (b) through (d)).

Reference (d), SECNAVINST 5720.45A, served as the underlying authority of reference (a) for the indexing of JAG final opinions and statements of policy or interpretation. SECNAVINST 5720.45A was superseded by reference (e), SECNAVINST 5720.45B dated 28 December 2005. SECNAVINST 5720.45B does not require the maintenance of an indexing system of DON documents, but rather, prescribes procedures and responsibilities for

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publishing certain DON directives and documents that affect the public in the Federal Register. Although there is no indication for the deletion of the indexing requirement, indexing has been effectively marginalized by the use of electronic databases with content search functions.

Reference (f), JAGINST 5720.3A, "Freedom of Information/Privacy Act Policies and Procedures within the Office of the Judge Advocate General" addresses the requirements of the FOIA and FOIA DoD Directive, to make available for public inspection and copying final opinions and statements of policy or interpretation in decisional documents created by JAG in the adjudication of cases - without a requirement of indexing.

3. Action. Cancel reference (a).

4. Point of Contact. The point of contact on this matter is the Administrative Law Division, Office of the Judge Advocate General, LT Tanya Cruz, JAGC, USN and she can be reached at 703-604-8216 or DSN: 664-8216.



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