

Lore of the Corps:
Crossed Sword and Pen:
The History of the Corps' Branch Insignia

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While there have been judge advocates (JAs) in the Army since the Revolution, they did not have any distinguishing insignia until 1857, and the crossed sword and pen familiar to Army lawyers today did not exist until 1890. But the story of that insignia is an important one, since it is the trademark of the Corps and is today proudly worn by JAs, legal administrators, and paralegals.

Some will be surprised to learn that for many years, JAs did not wear a uniform. While William Tudor, the first Judge Advocate General (JAG), had the military rank of lieutenant colonel, he did not wear a uniform, and neither did his successors. Army regulations published in 1825 explicitly stated that JAs (along with chaplains) "have no uniform."¹

Not until 1857 did the Army authorize a distinguishing item for JA wear: a white pompon.² Judge advocates were to wear this pompon—"a tuft of cloth material which looked like an undersized tennis ball and protruded from the hat"³—whenever they wore the standard staff officer uniform with epaulettes. But, as there was but one JA of the Army during this period in history, and JAs in the field all held commissions in other branches, it is likely that the white pompon was infrequently worn, if at all.⁴ When the Army subsequently revised its uniform regulations in 1862, any mention of the white pompon was omitted, suggesting that it was not a popular uniform item.⁵

When the Civil War began in April 1861, the Regular Army consisted of 15,000 enlisted men and 1100 officers, most of whom were on duty on the western frontier. By the end of the war, however, 2.2 million men had served in Union blue uniforms, but not the JAG.⁶ On the contrary, Brigadier General Joseph Holt, who served as the JAG from

1862 to 1875, never wore a uniform; he wore only civilian clothing.⁷ Some officers who worked for Holt in the Bureau of Military Justice (the forerunner of today's Corps) also wore civilian clothes. Others, who had started their careers as line officers, did wear Union blue out of habit, but there was nothing to distinguish them as Army JAs.

It was not until 1872 that Army JAs were first authorized to wear special uniforms with distinctive insignia, and that the letters "JA" in Old English letters were embroidered on each shoulder knot.⁸ The term "shoulder knot" describes insignia consisting of gold wire or rope that is twisted in a series of loops. These shoulder knots are still worn by officers on the Army blue mess uniform jacket.⁹

The "JA" letters worn on each shoulder disappeared in 1890, and were replaced with the insignia familiar to Soldiers today—the crossed pen and sword.¹⁰ General Order No. 53 provided that the following insignia for officers in the Judge Advocate General's Department (JAGD) (a "Department" had been created in 1884 and remained so until becoming a Corps in 1947) was to be worn on shoulder knots:

of gold cord, one-fourth of an inch in diameter . . . on dark blue cloth ground; insignia of rank embroidered on the cloth ground of the pad . . . with sword and pen crossed and wreathed, according to pattern, embroidered in silver on the cloth ground of the pad (except for a colonel and assistant judge advocate general, who will wear the device made of solid silver on the knot midway between the upper fastening of the pad).¹¹

¹ WAR DEP'T, REG. OF 1825, para. 865.

² WAR DEP'T, REG. OF 1857, para. 1430.

³ Edward F. Huber, *Crossed Sword and Pen*, JUD. ADV. J, Mar. 1945, at 43.

⁴ JUDGE ADVOCATE GENERAL'S CORPS, THE ARMY LAWYER 34-35 (1975) [hereinafter THE ARMY LAWYER].

⁵ Whatever one may think of the white pompon as a badge of office, the Cavalry (the forerunner of today's Armor Branch) could claim the most unique identification in the mid-19th century: from 1841 to 1857, Army regulations provided that "mustaches" or "moustaches" would not be worn, *except by cavalry regiments*, "on any pretense whatsoever." Huber, *supra* note 3, at 43.

⁶ JAMES M. MCPHERSON, BATTLE CRY OF FREEDOM 313 (1988).

⁷ THE ARMY LAWYER, *supra* note 4, at 54-55.

⁸ LEON W. LAFRAMBOISE, HISTORY OF THE ADMINISTRATIVE AND TECHNICAL SERVICES BRANCH OF SERVICE INSIGNIA 349 (1986).

⁹ See U.S. DEP'T OF ARMY, REG. 670-1, WEAR AND APPEARANCE OF ARMY UNIFORMS AND INSIGNIA paras. 24-5 & fig.24-11 (3 Feb. 2005).

¹⁰ LAFRAMBOISE, *supra* note 8.

¹¹ War Dep't, General Orders No. 53 (23 May 1890).

According to the Quartermaster General's Heraldic Section, the pen denoted the recording of testimony and the sword symbolized the military character of the JA mission. The wreath was part of the insignia because it was the traditional symbol of accomplishment. In the 1890s and early 1900s, the crossed-pen-and-sword was required to be worn on all shoulder knots. By World War I, however, shoulder knots disappeared from service dress uniforms, and JAs wore a one-inch dark brown metal crossed sword and pen insignia on the standing collar of the olive drab uniform coat. When the Army transitioned to olive-colored coats with lapels in the 1920s, the crossed pen and sword insignia moved from the standing collar to the lapel, where it remains today.¹²

In February 1924, a major change occurred when Major General (MG) Walter A. Bethel, the new Judge Advocate General (TJAG), authorized a new branch insignia for Army lawyers. The crossed sword and pen was out, and in its place was a gold-colored "balance" or scale, which rested on the point of a one-inch high silver Roman sword with a gold grip. A silver ribbon completed the design.¹³

Major General Bethel and others did not like the crossed sword and pen for several reasons. First, the insignia was thought to be too similar to the collar brass worn by the Inspector General's Department (IGD), especially as both the JAGD and the IGD insignia featured a wreath. While this might not seem to be a problem, more than a few JAs resented being mistaken for an inspector. Some Army lawyers apparently suggested to the IGD that it should change its insignia so that there would be no confusion between the two branches, but this suggestion was rebuffed.¹⁴

There was, however, a more fundamental reason to create a new insignia: the crossed sword and pen was not believed by MG Bethel and others to be "sufficiently symbolic" of the JA function.¹⁵ The result: MG Bethel consulted with Major G. M. Chandler, a member of the Quartermaster General's Heraldic Section, and asked him to create a new branch insignia. Chandler chose a sword to indicate the military character of the JA's practice. He used a Roman sword because the Romans were great law-givers.

As for the balance, Chandler recognized that it was a symbol of justice in antiquity, and he actually based his design on the bronze zodiac signs in the floor of the main reading room at the Library of Congress.¹⁶

Judge advocates hated the change: "the immediate reaction to the new insignia ranged from open hostility to ridicule, and the officers were almost unanimous in their opinion that the new device was no improvement."¹⁷ The outcry had an impact: in November 1924, MG Bethel canvassed JAs for their views on the new insignia, and most told him that they did not like it. Shortly thereafter, MG Bethel retired unexpectedly due to poor health. The new TJAG, MG John A. Hull, quickly moved to restore the old crossed sword and pen insignia, but the Adjutant General rescinded the new insignia in December 1924.¹⁸ As a result, the Roman balance insignia was out before many were produced for wear. Consequently, it is an extremely rare item and highly sought after by collectors of U.S. military insignia. As for the crossed sword and pen, it has remained the branch insignia of the Corps without change since that time.

Enlisted personnel—yesterday's legal clerks, today's paralegals—wore the crossed sword and pen briefly in World War I, when the Army authorized enlisted men to join the JAGD "for the period of the existing emergency."¹⁹ The Army authorized bronze collar disks from May 1918 through March 1920 but, after Congress restricted the JAGD to officers only in June 1920, enlisted personnel could no longer wear the crossed sword and pen. Although some legal clerks wore domed (convex) bronze disks with the crossed sword and pen in the 1950s and 1960s, these were unauthorized insignia. It was not until February 1968 that enlisted personnel assigned to staff judge advocate offices were *officially* allowed to wear gold-colored disks with the crossed sword and pen on their shirt collars and uniform lapels.²⁰

¹² Huber, *supra* note 3, at 44–45.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* at 45 n.32.

¹⁷ WILLIAM K. EMERSON, *ENCYCLOPEDIA OF U.S. ARMY INSIGNIA AND UNIFORMS* 251–52 (1966).

¹⁸ *Id.*

¹⁹ War Dep't, General Orders No. 27, para. XII (22 Mar. 1918).

²⁰ EMERSON, *supra* note 17, at 252.

Warrant officers were the last uniformed community in the Corps to adopt the crossed sword and pen as their insignia. This occurred in 2004, when legal administrators gave up their distinctive eagle rising insignia and began wearing branch insignia worn by the Corps' JAs. The rationale for the change was that if warrant officers were to be fully integrated into the branch-based systems of the larger Army officer corps, they should adopt both the branch insignia and the branch colors of their respective primary military occupation specialty. For legal administrators, this meant wearing the crossed sword and pen on their lapels and adopting the Corps' blue and white colors on their dress uniforms. It also meant exchanging the eagle rising on their service caps for the eagle worn by commissioned officers on their caps.²¹



MG Bethel's short-lived JAGD insignia, ca 1924

Today, JAs, legal administrators and paralegals throughout the Army are identified by the "gold-colored sword and pen, crossed and wreathed"²² which they wear both as insignia of branch and as Regimental distinctive insignia. There is every reason to believe that this unique badge of office will identify the members of the Corps for many years to come.



Current JAGC insignia

*More historical information can be found at
The Judge Advocate General's Corps
Regimental History Website*

Dedicated to the brave men and women who have served our Corps with honor, dedication, and distinction.
<https://www.jagcnet.army.mil/8525736A005BE1BE>

²¹ Message, 021111 Mar 04, U.S. DEP'T OF ARMY, subj: Changes to CW5 Rank and Warrant Officer Branch Insignia and Colors.

²² AR 670-1, *supra* note 9, para. 28-10.b.(9).