



## Episode Title: A Conversation with Rear Admiral Melissa Bert, Esquire (Ret.)

Episode Number: 20230622

Publication Date: June 22, 2023

*All Things Chemical<sup>®</sup> is a podcast produced by Bergeson & Campbell, P.C., a Washington, D.C., law firm focusing on chemical law, business, and litigation matters.*

*This podcast transcript has been lightly edited for accuracy. It is an approximation of the podcast audio, and the audio recording remains the definitive record.*

*Let us know about any topics you would like to hear about in future episodes at [podcast@lawbc.com](mailto:podcast@lawbc.com).*

*A full recording of the podcast is available at <https://www.lawbc.com/podcasts/a-conversation-with-rear-admiral-melissa-bert-esquire-ret>.*

**Lynn L. Bergeson (LLB):** Hello, and welcome to All Things Chemical, a podcast produced by Bergeson & Campbell, P.C. (B&C<sup>®</sup>) a Washington, D.C., law firm focusing on chemical law, business, and litigation matters. I'm Lynn Bergeson.

This week I had the distinct pleasure of speaking with retired Rear Admiral Melissa Bert, who served as the Judge Advocate General (JAG) and Chief Counsel of the United States Coast Guard, the first woman to serve at this position. Admiral Bert's accomplishments are way too numerous to note here, but her Wikipedia page is sure to impress. We discussed the Coast Guard's responsibilities, what the Chief Counsel of the Coast Guard does, some of Admiral Bert's more memorable engagements, and the Admiral's founding of the Coast Guard Women's Leadership Initiative and Leadership Diversity Advisory Council. Now, here is my conversation with Melissa Bert.

Retired Rear Admiral Bert, I am so thrilled that you are joining us today. I have been an admirer of your career, and I can't wait to talk with you.

**Melissa Bert (MB):** I'm really looking forward to it as well.

**LLB:** Melissa, you have ascended to extremely high military rank. You became a military leader, Chief Counsel of the U.S. Coast Guard. I can tell you right now you are an inspiration to women of all walks of life. Based on the little bit of investigative work I did in preparation for this podcast, I know your dad was in the Coast Guard, and he, too, was a lawyer. I'm guessing here that your career may have been influenced -- or his career may have influenced your decision-making process. Can you tell us a little bit about yourself and how you came to be the leader and outstanding lawyer that you are?

**MB:** It's kind of an accidental process, I guess you would say. I went to public school in New Mexico and Atlanta, Georgia -- Albuquerque, New Mexico. Then my family moved around a bit because my father was a civil rights lawyer and he worked for the government. He actually was in the Coast Guard when he was 17 and 18 at the very tail end of World War II, and that probably was pivotal in propelling him forward. He came back, went to college at

Hunter, which of course, at that point was all girls, until the veterans started coming back, so I think he really enjoyed college. He was a probation officer, and my mom encouraged him to go to law school at night. He was interested in the least lucrative form of legal practice you could, which is civil rights.

**LLB:** -- but the most noble, right?

**MB:** Yes. Growing up, I guess, we always talked about a lot of issues at the dinner table, and sense of justice was always a key discussion point. The Coast Guard wasn't really that big a discussion option until I was looking at what I wanted to do for college and the future, and I guess I saw my trajectory in a very traditional way. I would go to college, I would get married, have kids, or whatever it was. I thought -- and I would get an education, and some line of employment -- but it just seemed I wanted to have a more exciting life, or just a different life than what I was anticipating. My father mentioned the Coast Guard. At the time, there was a cover of a woman, one of the first women there, sailing on the cover of *Smithsonian* magazine, and she looked very majestic -- that they used to send out for college catalogs, had a picture of a tall ship on it and very attractive, fun-loving cadets. I thought, "Oh, what a different life I'll have. It's up north, where I've never -- I don't know anybody up in Connecticut. I don't know anything about the water, never having been on a sailboat myself." I just went completely blind --

**LLB:** No kidding.

**MB:** I didn't think about the fact that I am -- my father. I don't know whether he realized this, but that I would be one of a very small minority. And that's not a great thing, when you're young. That was a big struggle, I guess you'd say, that I never anticipated, but I made friends for life out of that struggle, I guess you'd say.

**LLB:** That's not exactly how I thought you would have entered your very unique career trajectory, but it sounds like you quite literally just stumbled into it.

**MB:** I did. But it's this idea of -- I think a lot of people do this kind of thing where they look at their options. It's one thing if you can go anywhere, do anything you want, and money is unlimited, but if you're looking at staying local and going to public schools, public colleges, I thought, "That's great, but I can do something different even with that as my limiter."

**LLB:** It truly sounds like it had you at hello, because your career and the years that you spent in the military since that early beginning have served you well. Obviously, you've served the country well. In that regard, you are really the first -- definitely, retired rear admiral that has ever graced this podcast. But more to the point, you're the first lawyer that has had a career in military justice. As a civilian, I will confess to knowing very little about that system, so I was hoping that since you were named JAG and Chief Counsel of the Coast Guard --

A couple of questions popped into my head, pretty immediately. Number one, can you broadly outline the military justice system? And secondarily, is it unusual for a person of your rank to hold both -- or for any rank for that matter -- to hold both positions? That struck me as a little unusual, but I could be dead wrong.

**MB:** You're right on both counts. The Coast Guard is a little unique, in that what we do is primarily not military justice. Most of what we're doing is regulatory and based on authorities that are outside of the military justice regime, whether it's intelligence collection or war fighting, or whatever it is, we don't really do military justice as a primary thing. But

all the services have this foundation, which comes from this idea that if you're far away and deployed in the middle of nowhere, that there has to be some way that if somebody is doing something horrible and criminal, that they can be held accountable right there on the spot.

Now, that's evolved quite a bit, and it really wasn't until the second half of the century that it's become much more of a regular justice system. The rules are very much like the federal practice rules and evidentiary rules. It's very, very similar to federal practice, but the idea still exists that there are people who move around a bit, and they're never going to be held accountable for things -- if they're wandering around the country committing crimes, one place they're stationed and the next, the military can capture that. For instance, the military in 1987, the military justice system gained universal jurisdiction over soldiers and sailors wherever they are and whenever, like 24-seven.

**LLB:** Oh, I didn't know that.

**MB:** That was really because of somebody -- a sailor -- who had been accused of child molestation in three different places. There was no way to kind of tie that together, and the Supreme Court said, because of the nature of the service, that this is something that only the service can address. So that's really how the justice system evolved. It's -- from my perspective, as being part of it in the past, I was initially a prosecutor, and I was later a collateral duty judge. It wasn't my main job, but it's the most thorough system. Things take time. There's not -- it's not like a state court where you're just -- there's five cases an hour.

Any case gets really a lot of attention from -- the accused is assigned at least one defense counsel, and they can also choose a defense counsel in the system, in the military system or without. In other words, let's say they know of some famous military defense lawyer -- and there are some who are very well regarded. They can request that person, too. Right off the bat, you're going to have a lot more motion practice, a lot more individualized attention, and so it's kind of an old-fashioned system in that regard.

Of late, though, it's now separate from -- as of December of this coming year -- everything's going to be separate in terms of -- it's going to be independent from the commanders, which is kind of interesting. It's not completely independent from the commanders, but on victim crimes, it will be. So that means yes.

**LLB:** Oh, no kidding. That's effective as of this December, or just recently transitioned to that?

**MB:** No, it's effective -- this December it's going into effect.

**LLB:** This December. Interesting.

**MB:** That's a big change because right now, a military commander is accountable for his or her people in all respects. This bifurcates that when it comes to victim crimes, like sexual assault, the things that are -- any, like murder or anything like that the commander is out of. That's a big change for the military, because we expect that we want our military commanders to be responsible and accountable for their people. This kind of -- this is somebody who has committed a -- or is alleged to have committed an offense, and the commander is not involved. This is an interesting change. It's a monumental change for the military justice system, and we'll see how that works. Yes.

**LLB:** Oh, yes. You've already alluded a little bit to my next question, and that is, What are some of the areas in which the Coast Guard engages in both regulatory, law enforcement, and

both domestic and international waters? And you also engage, as you noted, in kind of federal regulatory functions. Is it chiefly security focused, like securing that our ports and our coast are protected? Search and rescue? Or all of the above?

**MB:** It's different, because it's all of the above, because you can't really separate some of those things. The reason why the Coast Guard is the Coast Guard, it's -- that's also a little bit by happenstance. We were obviously formed because Alexander Hamilton could not figure out a way to collect taxes other than to get schooners, sailing ships out there in the harbors or at the approaches to the harbors and stop vessels from coming in without paying taxes, tariffs.

**LLB:** Oh, no kidding.

**MB:** It was originally a revenue cutter service --

**LLB:** Interesting.

**MB:** -- as they called it. That was very important for the new nation. There was not at the time -- the Navy had disbanded for some period of time. Then the War of 1812, the Coast Guard was involved again as a military because there were not enough ships out there to fight, and you always need vessels that can maneuver in tight areas. There's a lot of use for the Coast Guard in the defense realm in that respect.

But then other things were happening in the country over the century, like the steam engine. And with the steam engine came some horrible steam explosions on vessels. No one was -- they needed somebody to inspect them, so there was a steamboat inspection service that was formed -- the federal government formed -- so that they would have more safety on these vessels. And that later became part of the Coast Guard.

The lighthouses, the lighthouse service was also an interesting thing that became part of the Coast Guard. And that was -- I find it really interesting because it was women, heavily women, because what would happen is the federal government would commission a man to maintain a light. These lights were obviously on very precarious shorelines, where there were a lot of rocks and a lot of chances for ships to come in and ground, so they had to maintain the light, and that meant they were carrying heavy coal and things like that up to the light. They had to maintain some boats to rescue people. It was very, very hard work, and their whole families lived out there. Inevitably, they would pass before their spouses, and then it would be up to the spouse to just continue on.

**LLB:** To maintain the light.

**MB:** Yes. There were women in this odd, very challenging federal service early on in the 19th century, just because their husbands died, and then nobody -- I guess it was too hard to figure out what was going on in time for replacements.

**LLB:** They just carried on.

**MB:** And then you also have the small boat stations, these life-saving stations, which you've probably seen in a lot of movies. All of those things rolled into the Coast Guard in World War I because President Wilson did not see another way to get forces overseas on land in Europe. The Coast Guard, of course, had lots and lots of small boats from the life-saving stations and the ability to operate an escort on our cutters. Also there were -- this is the era

with the advent of subs and other things, and subversive activity, as they were calling it back then, on the coasts, so there was a need for the Coast Guard on the coastline and overseas.

Interestingly, you might recall there was a wave of anti-immigration in that period of time, and it coincided with -- the Germans bombed one of the biggest U.S. munitions stations in the East Coast. America at the time -- it was not a West Coast war. It's called Black Tom Island, in New Jersey today. It would have caused in present money a billion dollars' worth of damage, but it was def -- it was found to be German-Americans who had basically done this through espionage.

Then the Espionage Act passed, which was probably the most sweeping, I guess, broadening of government power that the United States has seen because now the government, without a warrant, without probable cause, can take over a port or take over waterfront facilities, and that became the Coast Guard's job. So, little by little, the Coast Guard got involved more and more. That's why, when people talk about the Coast Guard, there are really a lot of aspects -- and people have normally encountered maybe search and rescue, or something like that, when they were out there.

The drug issues, or the narcotics trafficking, was more since the 1980s, but that actually had its roots in -- during the rum-running days. They were using codes -- just like the codes that were later used in World War II -- and cracking those codes, not just Enigma, but the drug runners' codes. That was -- that fell to the Department of Treasury and the Coast Guard. That, I guess it just became a natural, this idea of cryptology and intelligence that also fell to the Coast Guard later on.

It's a very -- I think -- one of my predecessors used to say it was a unique instrument of national security because it's doing, it's involved in everything. That includes -- now it's environmental pollution, international -- a lot of international law -- because on the maritime, the Navy is not there in a defense role, but in terms of commerce, and safety, and all of these other things that roll together in international commercial shipping, that's the Coast Guard.

**LLB:** My sense is that the jurisdiction of the Coast Guard engages in just an extraordinary array of legal issues: drug smuggling and other forms of smuggling, oil discharge and some of the major releases of petroleum into waterways, search and rescue, the whole nine yards. But when you practice law for the Coast Guard, what types of legal issues strike you as either most interesting or most memorable? Or just give our listeners an indication of the diversity of your portfolio.

**MB:** Well, I always tell my ship driver and aviation brethren that the Coast Guard JAG, or the lawyers, are the hard nucleus about which the Coast Guard is forged, because basically everything we do involves enforcement or an authorization of statutory authorization. It's a little different than in the Department of Defense: everything is top-down orders. People do things on orders. And in the Coast Guard, there's an expectation that the people out there, our members, all of our members, are figuring out what the laws are and what their authorities are to enforce them.

For instance, a marine inspector who's going out to do an exam on a cruise ship -- which would be safety, security, environmental, they're very comprehensive exams -- they're going to, basically they'll have been trained to understand how the ship works, what the laws are, what the regulations are, all of that, based on authorities. Let's say there's something wrong on the cruise ship that is concerning, then that would be something that

the officer in charge of re-inspection and ultimately the captain of the port, which is the head of that region, could issue an order to say, "You need to stay in port until this problem is fixed." That's done grassroots. That's not something that the commandant orders. It's just something that happens as a routine.

Or if there's an oil spill. I worked in Alaska for a couple of years, and there were constantly groundings, and minor spills, but -- because there's a very high tidal range. What would happen is something would happen. We'd get notification, and we'd send out a couple of our Marine safety folks would go and respond, and that could be somebody who's junior enlisted who just has those qualifications. It could be any number of people, and they would literally contract for a seaplane, fly out, meet with the vessel's owners and come up with a plan for extracting the oil and safely removing the vessel. That was under, basically, the law and the safety of the folks there, so they would separately do that. That's also not a top-down. It was just -- people are expected to know what to do. The same with search and rescue and many other things. But anyway, there's a lot of consultation with lawyers throughout all of this, because there's always a question about, "What can we do? What can't we do?"

**LLB:** Right. What's in your bailiwick, and what isn't? Right?

**MB:** Yes. The drug trafficking. I was involved in a lot of that initially because the Coast Guard has developed, over the course of probably two or three decades, executive agreements with 45 different countries on basically jurisdictional issues. Let's say, for instance, the Coast Guard is patrolling waters outside of a country, and the agreement says the Coast Guard can go into the waters of that country for different reasons. And then there's a discussion about, if a vessel is found to have illicit drugs, who is going to prosecute it, and how does all that work?

So that was kind of a new thing. Now it's kind of old hat, and we've changed it. These agreements are now becoming about illegal fisheries and other things, because unregulated fisheries are a big problem around the world, with poaching. Particularly, there's a big concern of Chinese, the Chinese fleet, because they are all over the world trying to get a food supply. That's depleting the food for a lot of countries. Lately, we've been involved in autonomous vessels and autonomous activity, because none of the international laws take into account that vessel -- they're all -- the regulations, the treaties -- they're all about manning and how a vessel should be operating, like with a helmsman, all these ideas, like how many people should be on the bridge at a given time. If you have autonomous vessels, you don't need all these engineers. You don't need -- and I'm not saying completely autonomous, but you certainly don't need the levels that you had before.

That has to be agreed upon internationally, defined really, and agreed upon internationally before you can do anything domestically, because of course, since shipping is innately international, you --

**LLB:** -- Of course.

**MB:** You can't just do things domestically. That's why, I guess, lawyers are heavily needed for that. The same in the cyber realm. That's become a really -- national security law is becoming a huge issue because, as you know, technology is changing and evolving at a rate faster than anything we've seen in our history. There are just so many questions that are not answered by any laws right now. The concern, of course, is always at what point do you want, just like the Espionage Act, at what point you want the government looking into

computer systems to avoid something where someone takes down our entire banking system, or oil? It's very -- these are very challenging areas.

And day to day, you just have interesting things that come up, like the SpaceX. It's an interesting thing that's happened as of the past couple of years because space exploration, you can't have vessels sitting out there in an area of the ocean that could be -- the space debris could come flying down on you.

**LLB:** Gosh, I never thought about that. I mean, do you actually monitor for avoidance of space debris? How would you know anything is coming out of the sky?

**MB:** That's -- we work heavily with the NASA and the SpaceX folks, but the problem with all of that is if we started securing parts of the ocean and saying we're securing it for national security reasons, that's not consistent with international law. If Russia or China was to secure parts of their waters that are not theirs, we would balk at that, so it's a very -- that's been a very interesting process, figuring out how to move forward with this because space exploration is really -- and satellite placement, and all of those things are really the future. Not as much on land, I guess you'd say.

**LLB:** It's interesting. One of the questions I wanted to ask you is out of all the areas in which you have engaged: port security, oil releases, hazardous material handling, among all of the other tasks and duties that fall within your jurisdictional portfolio, what has evolved the most? It sounds like there's a good deal now of cybersecurity and some of these more -- satellite placement -- some of these more sophisticated tasks that are born of necessity and just reflect the world in which we now live. Is that a true statement?

**MB:** Oh, absolutely. Cyber, national security law, intelligence -- that has changed dramatically. The other things are, I guess, communications in general. I remember -- I served two tours at sea, and when you're on the water outside of a pretty -- not too far out on the ocean -- you really didn't have a way to communicate. There was a lot of autonomy by the Coast Guard folks operating, and there's expectation that you could make decisions on your own, and you didn't really know what was happening in the rest of the world. We actually had a teletype machine on our first vessel I served aboard. But you could be at sea going down -- we used to go to the Caribbean a lot for different kinds of work -- and you were out of touch. That's just -- the idea that you could be out there on your own -- we were a little bit more of a ma and pa franchise operation years ago. You could go from one station -- Coast Guard station -- to another, and they would have different boat types, different doctrine. It was really -- so much was based on the leadership and the tradition of that station. That all changed. Certainly, 9/11 probably changed things the most significantly. At that point, the idea that people were out there operating without anybody knowing what's going on, that was gone.

**LLB:** That's so foreign, for those of us that just live by our iPhones, and you're never lost, you're never out of touch. I can imagine 9/11 as being truly pivotal for communication purposes in that regard.

**MB:** Yes. Nobody was on their computers back then, and on iPhones. That was really a new world, and not just because of the security issues, but just in general how we operate. It dramatically changed our Service, and we became much larger and much more, I guess you'd say, more professional and centralized. That is something that has some great aspects to it and some unpleasant aspects to it.

**LLB:** I was going to say, “And maybe some lessons.”

**MB:** Right.

**LLB:** I read your article in *American Foreign Policy Interest* and thought you did just a superb job of explaining why the United States should ratify the Law of the Sea Convention, something about which I know very little, because as Heidi, I’m sure, our colleague here at Bergeson & Campbell and your friend of many years, made known to you, we do a lot of chemical law, both domestically and internationally, so we interact an awful lot with EPA and the Food and Drug Administration.

International diplomacy and conventions outside of those that relate directly with chemicals are a little outside of our bailiwick, but the Law of the Sea, I learned a lot from your article, which is excellent. My understanding is we still have not ratified. We signed but not ratified. Given the arguments you made about how important the Arctic is with respect to natural resources and rare minerals and the strategic importance of the Arctic, my sense is not a whole lot has changed since you wrote that article in 2012, but a lot has changed in the world of diplomacy, and our need for strategic alignment, and security, and certainly our need for raw materials, oil, and gas. What’s your sense there? Are things going to change, or have you given it additional thought in the past several years since you wrote that wonderful article?

**MB:** We talk about this a lot in the Coast Guard and the International Maritime Organization, which is the [United Nations] UN body on the maritime side. Most of the treaty is about codifying what was practice before comity, I think they call it comity of law. But there are some areas that are really pushing that. One of the big arguments about this was this idea of the global commons: that the world’s oceans are the global commons, which means they belong to all of mankind. People -- some people -- found that offensive. Certainly if you were thinking about *your* ability to go do exploration, you don’t feel like this is something that needs to be shared amongst all of mankind.

But deep seabed mining is something that the Chinese already do, and they pay to this Commission. That’s not something we have an interest in doing right now, but probably in the future. But they do it, and they need rare earth minerals. They need fish, and food supplies. They need a lot of things that -- basically international law butts against those things. Also on the resource shelf -- they’re doing oil drilling on what Vietnam would consider its outer continental shelf, or its continental shelf. That’s something that would be governed by the Law of the Sea, but the Chinese have ratified the Law of the Sea, and they adhere to what they -- their interpretation of that.

For us, I think we will always adhere to that, because we’re a nation of the rule of law. But when you come to things in the Arctic, there’s a big -- it’s like a big jigsaw puzzle. Most of it is Russia’s. But by not having this -- by not having countries that are adhering to this, and by us not being members, even though it was long since ago -- long since been in force, when, for instance, the Russian government is placing tolls essentially in international straits across from Russia, across the Bering Straits, they’re requiring *their* vessels -- their icebreakers -- be paid to move commercial goods. The Chinese have also started doing that in the South China Sea in certain areas. That’s not free -- that’s not freedom of navigation, certainly. There are just areas where it comes up, and it’s a flashpoint, and they’re unresolved flashpoints, so they’re always out there.



**LLB:** Just given the geopolitical situation that we know to exist now, I would imagine some of these issues might become more pressing down the road. Do you think ultimately the United States *could* be a signatory, or ratify, or is that just not likely to change any time soon?

**MB:** I don't think -- I think what we've seen is less interest in -- I don't know. Maybe I'm just projecting. It just doesn't seem that either domestically or internationally, there's a big desire to resolve things by the law, as opposed to by other means. There's an action the Philippines brought against China in the International Court of Justice, and they prevailed. But they're still not going to go up against China over their waters and the rights to the Chinese on those waters. This is -- the fact that we might be right doesn't make it, in our view right, doesn't make it anything we can enforce.

**LLB:** Right, of course.

**MB:** I think that's -- we're seeing that all over China. China is very -- on the South China Sea is more and more dominant and less willing to even have a discussion about it. We have Iran with sanctions, and how they're operating. There's just so much "might makes right" at this point that it's hard to know how a treaty would help.

**LLB:** Necessarily influence that.

In addition to just serving a very high rank and being an inspiration to lawyers and women everywhere, Melissa, you also founded the Coast Guard's Women's Leadership Initiative. Can you tell me a little bit about what that is and what motivated you to do so?

**MB:** I guess myself and my peers -- friends, really -- women friends that I made so many years ago at the Coast Guard Academy -- one of the things that we noticed, and it bore out in the statistics, was that women in the service, and particularly our Service, but I think across the board, were not taking a lot of ownership in the Service itself. In other words, if you were to ask a male officer, "Where do you see yourself going?" he would be much more likely to say, "I hope to run this someday, or I" -- had higher aspirations. A woman might say, "We'll see how things go with my family," and things like that.

Part of that, I thought, was because we never felt like we *were* part of things. We were on the margins in many ways. Not all women, but there were a lot of women who felt as though, "I'm not valued," and so, of course, it doesn't matter. Women would get out of the service at much higher rates than men. It wasn't just that they wanted to have children or -- these issues were not all parental issues. These are -- more often than not, they were, "I didn't feel like I worked for people who valued me." "I was marginalized," and things like that. I felt like a lot of women were beat down and didn't have very high aspirations.

So I thought, wow, if we could -- and then I would meet women in the private sector, who probably also faced many challenges, but they had a lot of agency. You didn't talk to a woman lawyer on the private-sector side who was going to give up her job because somebody thought that she should have kids. It occurred to me that there's just a chasm there, and I wanted our younger people to see, "Hey, you can do what you want to do. You can own it. You can own the Service. You can go out there and do what you want to do to better the country, or whatever it is you want to do."

**LLB:** Yes. Empowering them.

**MB:** Empowering, yes. Basically, just saying hey. It became a -- but I also, at that time, it was not popular to be doing affinity groups and saying, "Women are being screwed" or things like that. I couched it all in terms of social, professional networking, and empowerment, and mentoring, and coaching, and all of those things. Because we did a lot of events that were more -- they were more social than anything else -- but we'd have people, we'd have like a [chief executive officer] CEO in the private sector and then maybe a senior government official, two women, talking about their lives at a more personal level, and it attracted a lot of women. It became -- I also ended up having a lot of -- people were investing in this, because they thought, "Wow. We can get more programs; we can get women to more leadership conferences. We can do a lot." It really -- it picked up momentum on its own, I'd say, more than just me. I was only at the kernel of this.

**LLB:** I think you're being entirely too modest. You started this when you saw the need, and it obviously was filling a need, because --

**MB:** Yes, I think there are something like 35 chapters now --

**LLB:** Oh, my goodness! That's fantastic.

**MB:** The funny thing is, or the ironic thing is, because so many people are involved, men come to all these events now. It's not a women's-only thing. Our commandant is -- this commandant and prior commandants -- they're attuned. They ask for the Women's Leadership Initiative's take on things, and actually they've changed some of the policies and actually driven some legislation that has made the workplace more flexible. That's something that not just women want; everybody needs and wants -- after COVID certainly -- but in general.

**LLB:** In that regard, I note also that during the pandemic, you started a dialog about racial equality with the Coast Guard that eventually led to the establishment of the Leadership Diversity Advisory Council, or LDAC. How did this process differ from founding the Women's Leadership Initiative, and what are some of the issues the Council is tackling?

**MB:** I don't want to overblow this. This is just in the lawyers, because the lawyers did not have one. The rest of the Coast Guard, there are Leadership Development Advisory Councils throughout, but our lawyers, we have approximately 500 lawyers and legal professionals in the Coast Guard, mostly spread around. But COVID was a very weird time, of course, for everybody, but particularly in the military.

**LLB:** For everyone.

**MB:** The military -- because you had -- the Coast Guard people who were on boats and ships, and they had to keep operating, and not only keep operating, but some of them had more to do, because we had enforcement and just discussions and how we can move forward with all the passengers with COVID. And there were so many issues. You had a lot of people who were working, and then a lot of people who were working at work. You had people who were working at home, and people were alone a lot, taking care of sometimes elderly relatives or whatever it was.

Meanwhile, as you know, from Washington, D.C., there's just a -- so much -- I don't know what you would call it. There was just a lot of churn. One day I had a -- at the time, we lived in Georgetown -- and somebody had put a poster on our door. It said, "Those with privilege have an obligation to help those who don't -- or without." That really got me thinking. And I was like, "Oh, gosh. I never really pictured myself with privilege. I always identified with

the lower middle class, who has no privilege.” But I *do* have privilege. Just by being white, I have a significant advantage.

**LLB:** Exactly.

**MB:** So I went to work, and I was talking to some folks, and one of our lawyers, actually, was maybe a second cousin that was related to George Floyd when all this is going on. Meanwhile, nobody was even talking about this. There’s not -- we’re talking about how much mask wearing you should be doing, and do this and don’t do that, and nobody was talking about this crazy world around them. I just sent out something to our lawyers, and I said, “I’m really -- this is really upsetting to me what’s going on. I don’t really know what the answer is, but we should have dialog about this kind of thing.” People were very receptive.

This group formed, because we didn’t want to have -- at first someone said, “I could lead this or lead that.” Then one of our -- our Head of Legislative Law, she was very impressive. She said, “I will lead something that’s sustained long term.” She and a couple of other folks, a judge -- one of our judges, a white male, a former Marine JAG. They all got together, and they actually formed a long-term governance plan. It included --and they still do this. This is obviously a couple of years ago, but they’ve really grown it. There are book readings, and speakers, and all kinds of just interesting activities and ways to get the dialog -- keep the dialog going about issues of the day. I give them a lot of credit, because that, once again, was their doing. One of -- a couple of people -- did this magazine that was just really inspiring because it was interviews of people and the experiences they had had in their lives. People were very up front. So here we are reading about the stories of the lawyers that we know and work with, and some of them are pretty harrowing. I didn’t -- you don’t really think about it.

**LLB:** I’m sure.

**MB:** I just thought that was interesting; it was not anything life-changing, but it’s just when people -- I think there’s a sense that “I better not say anything if there’s something controversial happening,” but it’s just the opposite. It’s better to just get it out there, and obviously there are people who disagree on what needs to happen, or did happen, or whatever, but it’s better to not have it all under the surface.

**LLB:** Just to provide these venues for communication, for shared experiences, and for facilitating this kind of grassroots openness on issues of concern to everyone -- it’s, you kind of got it all started. I think it’s great, your commitment to diversity, your commitment to women’s leadership initiatives. These are just huge, huge opportunities and very, very meaningful and have affected people’s lives. So good for you.

**MB:** Thank you. It also, I think, is -- I think getting people’s voices out there, of course, improves the whole organization. You really can’t operate when you’re only in an echo chamber, so it’s important.

**LLB:** I know you’ve recently transitioned out of the military. You are, after all, Retired Rear Admiral Melissa Bert. Could you tell us a little bit of what you’re up to now? What are you doing?

**MB:** Mostly catching up on life, but also I’m going to start doing some, I guess you’d say international capacity building work, and that’s something I really enjoyed doing when I

was in the Service. That is -- when you work with other countries for the U.S. -- the U.S. government obviously works with other countries on all kinds of things, and when I was in the Service, I had the opportunity to go to a number of countries and help them with whatever it was: legislative issues, fisheries enforcement, piracy, all kinds of things, depending on where we were in the world. And that was really -- that was just amazing to me.

The Coast Guard also had this movement called the -- basically, it was a maritime code that would help us -- it's like a recipe book, you'd say, for different things a country could use that is developing maybe their port security or different aspects of their laws. This would help them with that, so I'm going to work on that in a consulting way on jobs that I find compelling. And then I'll go from there. But that's -- it's been great for -- we're obviously, the Coast Guard's in [the U.S. Department of Homeland Security] DHS, and -- I noticed that a week after I left, I hadn't used the words "Southwest Border," and I never think about it anymore. And pouf!

**LLB:** You are a subject matter expert at so many things. Your leadership skills, your communication skills, your consultancy will be brilliant.

**MB:** Thank you. I hope I can contribute.

**LLB:** You have contributed much already, and thank you for your service, Retired Rear Admiral Melissa Bert. Thank you for the time you've shared with us today. This has been fascinating. Your career has been just astonishing, and your contributions amazing and have affected, I'm sure, hundreds if not thousands of lives. Thank you for being with us here today.

**MB:** Thank you so much, and I'll start paying more attention to chemical issues. You piqued my interest.

**LLB:** All right.

**MB:** Have a great day, and thanks again for having me on.

**LLB:** Thank you.

My thanks again to Admiral Bert for speaking with me today about her illustrious career in the U.S. Coast Guard, and the many leadership roles she has filled, and her devotion to women's leadership and diversity initiatives.

*All Things Chemical is produced by Jackson Bierfeldt of Bierfeldt Audio LLC.*

*All materials in this podcast are provided solely for informational and entertainment purposes. The materials are not intended to constitute legal advice or the provision of legal services. All legal questions should be answered directly by a licensed attorney practicing in the applicable area of law.*