



SECRETARY OF THE AIR FORCE  
WASHINGTON

DEC 21 2012

The Honorable Michael Turner  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Turner:

In your letter of August 10, you expressed concern to me about the Air Force interpretation of the 2012 National Defense Authorization Act (NDAA) with respect to the provision of legal assistance to victims of sexual assault. As you know, the express language of the statutory authorization for the provision of legal assistance to victims is limited to "personal civil legal affairs." Since receiving your letter, the Air Force Judge Advocate General, Lieutenant General Rich Harding, engaged the Department of Defense General Counsel, Mr. Jeh Johnson, and advocated for a broader legal services authorization for sexual assault victims.

In his role as the Chief Legal Officer of the Department of Defense, Mr. Johnson has concluded that the language of the 2012 NDAA is broad enough to encompass the provision of legal assistance to a victim of a sexual assault in criminal contexts, including attending interviews of the victim and interfacing with military prosecutors, defense counsel, and investigators.

In accordance with Mr. Johnson's opinion, Lieutenant General Harding will make judge advocates available to serve as "Special Victims' Counsel" within the Air Force JAG Corps. Assignment of these counsel will be based on the assessment of a Sexual Assault Response Coordinator. Lieutenant General Harding devised business rules for the provision of legal assistance to victims, provided training to 60 attorneys in a 3-day course held last week at the Air Force Judge Advocate General's School, and expects to implement the Air Force Special Victims' Counsel program no later than January 28, 2013. These actions will ensure that legal assistance is available to sexual assault victims throughout the investigative and court-martial process consistent with the due process rights of the accused.

I am very proud that the Air Force has undertaken this effort. Our Special Victims' Counsel Program is a pilot program that will be applied across the Air Force. At the end of one year, we will assess its effectiveness in providing legal assistance to victims of sexual assault. The lessons that we learn will inform us about how to improve the availability and delivery of legal services to victims of sexual assault. This in turn should improve victim satisfaction and cooperation.

We are very excited about this initiative and believe it will help us strengthen our Sexual Assault Prevention program. Thank you for your continued support of our men and women in uniform. A similar letter has been sent to Congresswoman Tsongas.

Sincerely,

A handwritten signature in black ink that reads "Michael B. Donley". The signature is written in a cursive style with a long, sweeping tail on the letter "y".

Michael B. Donley