

Congress of the United States
Washington, DC 20515

August 10, 2012

The Honorable Michael B. Donley
Secretary of the Air Force
1670 Air Force Pentagon
Washington, DC 20330-1670

Dear Secretary Donley:

Thank you for your August 2, 2012 briefing on the ongoing Lackland Air Force Base investigations. We agree with your assessment that there is no place for sexual assault within the Air Force or Department of Defense (DoD) and are committed to working with our colleagues in Congress and the Administration to shape law and policy to improve the climate and culture.

In an effort to protect victims of sexual assault, the House Armed Services Committee included a provision in the FY12 National Defense Authorization Act (HR 1540) requiring the DoD to guarantee that victims of sexual assault have access to a military or a civilian lawyer. The intent of this provision was to ensure that all victims of sexual assault had access to legal counsel to help them navigate the often confusing investigative and prosecutorial systems of the military while preventing any further revictimization.

Unfortunately, it has come to our attention that the Air Force Judge Advocate is interpreting the provision to only apply in civil matters. The Air Force seems to be alone in this interpretation, and, as the authors of that provision, we assure you that it is not correct. We are particularly concerned about this interpretation in light of a policy memo issued on October 17, 2011 from the Under Secretary of Defense for Personnel and Readiness that gives a long list of types of legal assistance to sexual assault victims that can be given by military legal assistance attorneys without statutory changes and from the Air Force's earlier assurances to the Department of Defense that it had established a Joint Legal Assistance for Victims of Crime Working Group.

As co-chairs of the Military Sexual Assault Prevention Caucus, we appreciate your promise to Congresswoman Tsongas during the House Armed Services Committee briefing that the Air Force would reexamine this matter. It is critical that we create an environment that punishes criminals and encourages victims to come forward. Providing access to legal counsel is a critical step in that process and should not be further delayed.

We appreciate your attention to this issue and look forward to your prompt response. If you have any questions or concerns, please contact us directly or have your staff contact Don Bergin in Congressman Turner's office: don.bergin@mail.house.gov or (202) 225-6465 or Sara Outtersen in Congresswoman Tsongas's Office: sara.outtersen@mail.house.gov or (202) 225-3411.

Sincerely,



Michael R. Turner
Member of Congress



Niki Tsongas
Member of Congress