Custer Scott MajGen SAF/LL

From: Walker Mary L Hon SAF/GC
Sent: Thursday, June 24, 2004 6:48 PM
To: Roche James Dr SAF/OS
Cc: Custer Scott MajGen SAF/LL; Ramos Daniel SES SAF/GC
Subject: Defeating the Graham Amendment

Boss,
The word on the street is that Sen. Graham's TJAG amendment remains on a fast track to enactment. I know that DOD has prepared a letter to Sen. Warner declaring its opposition (which letter I'm told is at OMB), but I wonder if it might not be appropriate to mount a more coordinated and aggressive strategy to defeat this measure. The other Service GC's think so and I'm told Secretary England is engaged as well. Because the bill primarily affects Army, Navy and Air Force prerogatives, one possible thought would be for the Service Secretaries to send a letter as more direct proponents of the DOD position and with greater detail on the bill's ills. As you know, from time to time the JCS proffers "24-star letters" (signed by all six chiefs) to the Hill when addressing especially significant matters they wish to receive heightened attention. With the thought you might be willing to ask Secretaries Brownlee and England to join you as signatories on a letter to Sen. Warner, I have attached some points such a letter could make. (I have also sent these to the other GCs--the Army GC also suggested the idea of a letter signed by all of you.) Given the lack of declared Congressional opponents to the Graham amendment, it seems likely that crucial institutional prerogatives implicated in the legislation may be overlooked if we do not weigh in vigorously..perhaps you are here "for such a time as this."

Mary

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Halbert Gary Col HAF/CZ

From: Roche James Dr SAF/OS
Sent: Thursday, May 27, 2004 12:48 PM
To: Halbert Gary Col HAF/CZ
Subject: Fw: EB SUPP--Draft Senate Measure Seeks To Boost Voice Of Military Lawyers

Fyi. JGR

Dr. James G. Roche
Secretary of The Air Force

-----Original Message-----
From: Walker Mary L Hon SAF/GC <MaryL.Walker@pentagon.af.mil>
To: Roche James Dr SAF/OS <James.Roche@pentagon.af.mil>
Sent: Thu May 27 12:44:36 2004
Subject: Re: EB SUPP--Draft Senate Measure Seeks To Boost Voice Of Military Lawyers

Ok, Boss.

Mary

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Sent from my BlackBerry device.

-----Original Message-----
From: Roche James Dr SAF/OS <James.Roche@pentagon.af.mil>
To: Walker Mary L Hon SAF/GC <MaryL.Walker@pentagon.af.mil>
Sent: Thu May 27 12:21:08 2004
Subject: Re: EB SUPP--Draft Senate Measure Seeks To Boost Voice Of Military Lawyers

Gary will be limiting comments since he argues that OSD should respond for the Dept. Any Air Force "position" should be vetted through both you and Tom, then to me. The news stuff reflects the SASC staffers' and Sen Graham's staffer's views of my attempt to bring some oversight to bear. Jim

Dr. James G. Roche
Secretary of The Air Force

-----Original Message-----
From: Walker Mary L Hon SAF/GC <MaryL.Walker@pentagon.af.mil>
To: Roche James Dr SAF/OS <James.Roche@pentagon.af.mil>
Sent: Thu May 27 12:04:35 2004
Subject: Re: EB SUPP--Draft Senate Measure Seeks To Boost Voice Of Military Lawyers

Boss, with your permission, I would like Gary's comments to require approval therough my office. The other GCs are helping write their Service's comments.

Mary

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Sent from my BlackBerry device.

-----Original Message-----
From: Roche James Dr SAF/OS <James.Roche@pentagon.af.mil>
To: Walker Mary L Hon SAF/GC <MaryL.Walker@pentagon.af.mil>
Sent: Thu May 27 10:55:54 2004
Subject: Re: EB SUPP--Draft Senate Measure Seeks To Boost Voice Of Military Lawyers

Ah, just more to work on. I hope the DoD and WH oppose--and note that Sen Graham is do legislation for a community that might promote him in the reserves.... Jim

Dr. James G. Roche
Secretary of The Air Force

-----Original Message-----
From: Walker Mary L Hon SAF/GC <MaryL.Walker@pentagon.af.mil>
To: Roche James Dr SAF/OS <James.Roche@pentagon.af.mil>
Sent: Thu May 27 10:49:50 2004
Subject: Re: EB SUPP--Draft Senate Measure Seeks To Boost Voice Of Military Lawyers

Sir,
I read this proposal as taking away authority from the GC and I would oppose. Both the WH and DOD GC represented to me when I was hired that the GCs lead the Service legal teams and this is consistent with our being "the final legal authority." This proposal would make the GC head of a "boutique" office to guide you which is the history our TJAG and his deputy have made clear they would prefer to return to. You have made changes on paper in the SAFO which are helpful and though not always complied with might help future legal teams. By the way, though I have noticed Tom now attends your staff meeting and comes to see you without my involvement, that opportunity is not afforded me or my Principal Deputy by the Chief.

Mary

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Sent from my BlackBerry device.

-----Original Message-----
From: Roche James Dr SAF/OS <James.Roche@pentagon.af.mil>
To: Halbert Gary Col HAF/CZ <Gary.Halbert@pentagon.af.mil>; Roggero Frederick Brig Gen SAF/PA <Frederick.Roggero@pentagon.af.mil>; DeFrank James Col SAF/PA <James.DeFrank@pentagon.af.mil>
CC: Therianos Janet Col SAF/OS <Janet.Therianos@pentagon.af.mil>; Beierle Mark T Lt. Col SAF/OS <Mark.Beierle@pentagon.af.mil>; Fiscus Thomas Maj Gen AF/JA <Thomas.Fiscus@pentagon.af.mil>; Walker Mary L Hon SAF/GC <MaryL.Walker@pentagon.af.mil>; Jumper John Gen AF/CC <John.Jumper@pentagon.af.mil>
Sent: Thu May 27 08:19:32 2004
Subject: RE: EB SUPP--Draft Senate Measure Seeks To Boost Voice Of Military Lawyers

Gary,
Our position should be that we have done nothing to restrict the access of TJAG. In fact, what we have done is to permit the CSAF and the SecAF to have the advantage of independent inputs from both. And, as to the delineation of responsibilities, the GC and TJAG have worked out a division of labor to their mutual satisfaction. Military advice to commanders was never in question, nor were matters associated with the UCMJ. Questions of policy for the Dept of the Air Force were the focus, as was the oversight of a major function of the Air Force (organizing, training, responsibilities, and quality of legal service).
I now believe we have the best arrangement. There are areas where the GC takes the lead, and other areas where TJAG has the demonstrated comparative advantage. And, both are free to comment. This, the CSAF and the SecAF can benefit from good, meaningful debate when they differ-which is seldom in actuality.
Thanks for bringing this to my attention. Oh, I have no problem with the