

The DoD Times (Redacted)



Alone and Afraid – A Lesson in How to Isolate Victims and Witnesses of Injustice

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Did You Know: The Department of Defense will not provide legal assistance to DoD Civilians and Uniformed Service Members who make a complaint via one of the DoD’s self-regulation tools – the IG, EEO/EO, etc. If a complainant asks for legal assistance, the General Counsel / Judge Advocate General (GC/JAG) will inform the complainant that the GC/JAG office represents the organization, not its people. One exception is the [Special Victims’ Counsel](#) (SVC) who are intended to help some ([paragraph H](#)) [Military Sexual Trauma](#) (MST) victims navigate the military judicial system. However, SVCs are assigned to the same organization within which reside the GC/JAG who cannot assist non-SVC eligible complainants.

Here are some potential implications of these facts:

1. GC/JAG are the best line of defense to protect potentially corrupt organizational leadership.
2. Complainants who are not eligible for SVC support and who seek to have any understanding of what is happening / will happen if they make a complaint, must retain a private attorney who will often charge an upfront \$3,000+ retainer fee.
3. Junior enlisted, officers, and government civilians, or over 70% of the DoD’s federal workforce, is the population most vulnerable to leadership abuses. This population, many of whom rely on [food stamps](#) to eat, likely will not be able to afford to retain an attorney. Thus, they risk navigating the complex DoD system entirely alone – a nearly hopeless proposition.
4. Given the GC/JAG “represents the organization,” the victim/witness who makes a complaint risk enduring [organizational efforts](#) to invalidate **them** (the [Ad Hominem](#)) instead of organizational efforts to validate/invalidate the **issues** raised in their complaint.
5. Organizational leadership that encourages “doing the right thing” and reporting a wrong, are wittingly encouraging their subordinates to make themselves an organizational target.

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6. Given the person who completes an SVC's performance evaluation is also the same person who "represents the organization," in the Army this is the [Chief of Legal Assistance](#) who is the Staff Judge Advocate for the installation commander, there exists an immediate conflict of interest that risks negatively impacting the "unbiased" quality of advocacy the SVC provides to the MST victim.
7. Complainants located at remote locations such as Syria and forward operating bases around the world have an even lower chance of legal assistance given the frequently limited communications infrastructure that would complicate their attempts to connect with a U.S.-based civilian attorney.

A question to ask yourself is why DoD leadership emphasizes that federal employees (military and civilian) have a duty to report wrongdoing, and yet design a system that is naturally biased against complainants. One could conclude that the DoD prioritizes maintaining the status quo instead of improving itself.

If you feel that you have been a victim of this "Did You Know" highlight, feel free to reach out privately or share your story in the comments.