

security ~~for~~ detainees are responsible for ensuring the safety and well being of detainees in their custody. They *shall* not ~~directly participate~~ in the conduct of interrogations.

3.4.4.1. The detention facility commander or designee, in accordance with applicable law and policy, may cooperate in responding to requests to facilitate interrogation operations. Applicable law and policy may include U.S. law, the law of war, relevant international law, and applicable directives, instructions or other issuances. Disagreements concerning such requests shall be resolved by the Joint Task Force Commander, the ~~Combatant~~ Commander, or other designated authority, after consultation with the servicing Staff Judge Advocate. Any remaining disagreements shall be resolved by the Under Secretary of Defense for Policy (USD(P)), after consultation with the USD(I) and the DoD General Counsel (GC).

3.4.4.2. Detention personnel shall report information and observations relevant to interrogation operations, such as detainee behavior, attitudes, and relationships, in accordance with procedures established by the detention facility commander or higher authority.

3.4.4.3. Any other U.S. Government agencies, foreign government representatives, or other parties who request to conduct intelligence interrogations, debriefings, or other questioning of persons detained by the Department of Defense must agree to abide by DoD policies and procedures before being allowed access to any detainee under DoD control. Such agreement shall be formalized in a written document signed by the agency, government representative, or party requesting access to a detainee. A trained and certified DoD interrogator shall monitor all interrogations, debriefings, and other questioning conducted by non-DoD or non-U.S. Government agencies or personnel. If an interrogator is not available, a DoD representative with appropriate training and experience shall monitor the interrogation, debriefing, or other questioning. The DoD monitor shall terminate the interrogation, debriefing, or other questioning, and report to higher authorities if the other party does not adhere to DoD policies and procedures.

3.4.4.4. Military working dogs, contracted dogs, or any other dog in use by a government agency shall not be used as part of an interrogation approach nor to harass, intimidate, threaten, or coerce a detainee for interrogation purposes.

4. RESPONSIBILITIES

4.1. The Under Secretary of Defense for Intelligence shall:

4.1.1. Exercise primary staff responsibility for DoD intelligence interrogations, detainee debriefings, and tactical questioning and serve as the advisor to the Secretary and Deputy Secretary of Defense regarding DoD intelligence interrogations policy.

4.1.2. Serve as primary DoD liaison between the Department and the Intelligence Community on matters related to intelligence interrogations, detainee debriefings, and tactical questioning.

4.1.3. Provide oversight of operations concerning intelligence interrogations, detainee debriefings, and tactical questioning, and ensure overall development, coordination, approval, and promulgation of DoD policies and implementation plans related to intelligence interrogations, detainee debriefings, and tactical questioning, including coordination of such proposed policies and plans with other Federal departments and agencies as necessary.

4.1.4. Review, approve, and ensure coordination of all DoD Component implementation plans, policies, orders, directives, and doctrine related to intelligence interrogation operations. DoD Components will forward two copies of implementing documents to the USD(I) for review and to the Director of DIA, as the Defense HUMINT Manager.

4.1.5. Refer reportable incidents not involving DoD personnel to applicable Federal agencies, foreign governments, or other authorities. Coordinate with appropriate OSD entities and other Federal agencies, as appropriate, prior to referral.

4.1.6. Review proposed funding by the Military Departments according to subparagraph 4.42., in coordination with the Military Departments, the USD(P&R), the Under Secretary of Defense (Comptroller), and the DoD GC.

4.1.7. Develop policies and procedures, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the DoD GC, and the appropriate DoD Components, to ensure all contracts in support of intelligence interrogation operations and detainee debriefings include the obligation to abide by the standards in this Directive and exclude performance of inherently governmental functions in accordance with DoD Directive 1100.4 (reference(e)) and that all contractor employees are properly trained.

4.1.8. Ensure the Director of the Defense Intelligence Agency (DIA):

4.1.8.1. Plans, executes, and oversees DIA intelligence interrogation operations.

4.1.8.2. Issues appropriate intelligence interrogation implementing guidance and forwards it for review in accordance with subparagraph 4.1.4.

4.1.8.3. Institutes programs within DIA to:

4.1.8.3.1. Comply with this Directive.

4.1.8.3.2. Ensure all plans, policies, orders, directives, training, doctrine, and tactics, techniques, and procedures issued by DIA or its subordinate elements are in accordance with this Directive and subject to periodic review and evaluation, particularly considering any reported violations.

4.1.9. Ensure the Defense Human Intelligence (HUMINT) Manager, in accordance with USD(I) memorandum dated December 14, 2004 (reference (f)):

4.1.9.1. Includes DoD intelligence interrogations and detainee debriefings in the periodic assessment of DoD HUMINT enterprise activities, including an assessment of the effectiveness of intelligence interrogations.

4.1.9.2. Establishes interrogation training and certification standards, in coordination with applicable DoD Components, to ensure all personnel who conduct DoD intelligence interrogations are properly trained and certified, including appropriate training in applicable laws and policies in accordance with paragraph 3.1.

4.2. The Under Secretary of Defense for Policy shall coordinate with the USD(I) on all detainee-related policies and publications that affect intelligence interrogations and detainee debriefings. The USD(P) retains primary staff responsibility for DoD policy oversight of the DoD detainee program.

4.3. The Under Secretary of Defense for Personnel and Readiness shall:

4.3.1. Coordinate with USD(T) and the Secretaries of the Military Departments to ensure interrogators have appropriate language skills and training to support interrogation operations and trained and professional interpreters and other personnel are available to augment and support interrogation operations.

4.3.2. Provide overall guidance in accordance with reference (e), including on the performance of inherently governmental functions.

4.3.3. Ensure the ASD(HA) develops policies, procedures and standards for medical program activities affecting intelligence interrogation activities, in accordance with this Directive and in coordination with USD(T).

4.4. The Secretaries of the Military Departments shall:

4.4.1. Implement policies in accordance with this Directive. To the extent required, forward two copies of implementing documents to the USD(I) for review in accordance with paragraph 4.1.4., and to the Director of DIA, as the Defense HUMINT Manager.

4.4.2. Plan, program, and budget for adequate resources to ensure sufficient numbers of trained interrogators, interpreters, and other personnel are available to conduct intelligence interrogation operations.

4.4.3. Train and certify interrogators in accordance with the standards established pursuant to this Directive.

4.4.4. Provide training on the conduct of tactical questioning for appropriate personnel.

4.4.5. Coordinate with the Combatant Commanders or other appropriate authorities to ensure prompt reporting and investigation of reportable incidents committed by members of their respective Military Departments, or persons accompanying them, in accordance with the requirements of enclosure 3, and ensure the results of such investigations are provided to appropriate authorities for possible disciplinary or administrative action as appropriate.

4.5. The Chairman of the Joint Chiefs of Staff shall provide appropriate oversight to the Commanders of the Combatant Commands to ensure their intelligence interrogation operations, detainee debriefings, and tactical questioning policies and procedures are consistent with this Directive.

4.6. The _____ shall:

4.6.1. Develop and submit Combatant Command level guidance, orders, and policies (to include policies governing third-party interrogations) implementing this Directive through the Chairman of the Joint Chiefs of Staff to USD(I) for review in accordance with paragraph 4.1.4., and to the Director of DIA, as the Defense HUMINT Manager.

4.6.2. Plan, execute, and oversee Combatant Command intelligence interrogation operations, detainee debriefings, and tactical questioning in accordance with this Directive.

4.6.3. Ensure all intelligence interrogation and detainee debriefing plans, policies, orders, directives, training, doctrine, and tactics, techniques, and procedures issued by subordinate commands and components are consistent with this Directive and USD(I) approved policies, and that they and are subject to periodic review and evaluation.

4.6.4. Ensure personnel who may be involved in intelligence interrogations have been trained and certified consistent with the standards established according to this Directive.

4.6.5. Ensure personnel who may be involved in detainee debriefings and tactical questioning have been appropriately trained.

4.6.6. Ensure third-party interrogations are conducted in accordance with subparagraph 3.4.4.3.

4.6.7. In coordination with the Secretaries of the Military Departments, ensure reportable incidents involving DoD personnel or coalition, allied, host nation, or any other persons are promptly reported to appropriate authorities in accordance with enclosure 3, that violations by DoD personnel are properly and thoroughly investigated, and the results of such investigations are provided to appropriate authorities for possible disciplinary or administrative action.

4.6.8. Coordinate with USD(I) and DoD GC, through the Chairman of the Joint Chiefs of Staff, regarding whether a DoD investigation is required for reportable incidents involving non-DoD personnel.

5. INFORMATION REQUIREMENTS

The reporting requirements in this Directive are exempt from licensing according to paragraphs C4.4.7. and C4.4.8. of DoD 8910.1-M (reference (g)).

6. EFFECTIVE DATE AND IMPLEMENTATION

6.1. This Directive is effective immediately.

6.2. The policy in the Directive shall be disseminated at all levels of command and to all DoD Components that conduct intelligence interrogations, detainee debriefings, or tactical questioning, to gain intelligence from captured or detained personnel. DoD Components will comply with paragraph 4.1.4, as required.


Gordon England

ACTING 11-3-05

Enclosures - 3

- E1. References, continued
- E2. Definitions
- E3. Reportable Incident Requirements

El. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Directive 1100.4, "Guidance for Manpower Management," February 12, 2005
- (f) Under Secretary of Defense for Intelligence Memorandum, "Guidance for the Conduct and Oversight of Defense Human Intelligence (HUMINT)," December 14, 2004
- (g) DoD 8910.1-M, "DoD Procedures for Management of Information Requirements," June 1998
- (h) DoD Directive 5100.77, "DoD Law of War Program," December 9, 1998
- (i) DoD 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," December 1982
- (j) DoD Instruction 5240.4, "Reporting of Counterintelligence and Criminal Violations," September 22, 1992

E2. ENCLOSURE 2**DEFINITIONS**

Terms listed below are defined as used in this Directive.

E2.1.1. Captured or Detained Personnel. For the purposes of this Directive, "captured or detained personnel" or "detainee" refers to any person captured, detained, held, or otherwise under the control of DoD personnel (military and civilian, or contractor employee). It does not include DoD personnel being held for law enforcement purposes.

E2.1.2. Debriefing. The process of questioning cooperating human sources to satisfy intelligence requirements, consistent with applicable law. The source may or may not be in custody. His or her willingness to cooperate need not be immediate or constant. The debriefer may continue to ask questions until it is clear to the debriefer that the person is not willing to volunteer information or respond to questioning.

E2.1.3. Intelligence Interrogation. The systematic process of using approved interrogation approaches to question a captured or detained person to obtain reliable information to satisfy intelligence requirements, consistent with applicable law.

E2.1.4. Law of War. The part of international law that regulates the conduct of armed hostilities and occupation. It is often called the "law of armed conflict" and encompasses all international law applicable to the conduct of hostilities that is binding on the United States or its individual citizens, including treaties and international agreements to which the United States is a party, and applicable customary international law.

E2.1.5. Reportable Incident. Any suspected or alleged violation of DoD policy, procedures, or applicable law relating to intelligence interrogations, detainee debriefings or tactical questioning, for which there is credible information.

E2.1.6. Tactical Questioning. Direct questioning by any DoD personnel of a captured or detained person to obtain time-sensitive tactical intelligence, at or near the point of capture or detention and consistent with applicable law.

E3. ENCLOSURE 3

REPORTABLE INCIDENT REQUIREMENTS

E3.1.1. Reports of Incidents. All military and civilian personnel and DoD contractors who obtain information about a reportable incident will immediately report the incident through their chain of command or supervision. Interrogation support contracts will require contractor employees to report reportable incidents to the commander of the unit they are accompanying, the commander of the installation to which they are assigned, or to the Combatant Commander. Reports also may be made through other channels, such as the military police, a judge advocate, a chaplain, or an Inspector General, who will then forward a report through the appropriate chain of command or supervision. Reports made to officials other than those specified in this paragraph shall be accepted and immediately forwarded through the recipient's chain of command or supervision, with an information copy to the appropriate Combatant Commander.

B3.1.2. Initial Report. Any commander or supervisor who obtains credible information about a reportable incident shall immediately report the incident through command or supervisory channels to the responsible Combatant Commander, or to other appropriate authority for allegations involving personnel who are not assigned to a Combatant Commander. In the latter instance, an information report shall also be sent to the Combatant Commander with responsibility for the geographic area where the alleged incident occurred.

E3.1.3. The Combatant Commanders, the Secretaries of the Military Departments, and similar authorities shall establish procedures and report, by the most expeditious means available, all reportable incidents to the Chairman of the Joint Chiefs of Staff, the USD(I), the DoD GC, the Director of DIA, and the DoD IG. Reports shall specify any actions already taken and identify the investigating authority, or explain why an inquiry or investigation is not possible, practicable, or necessary.

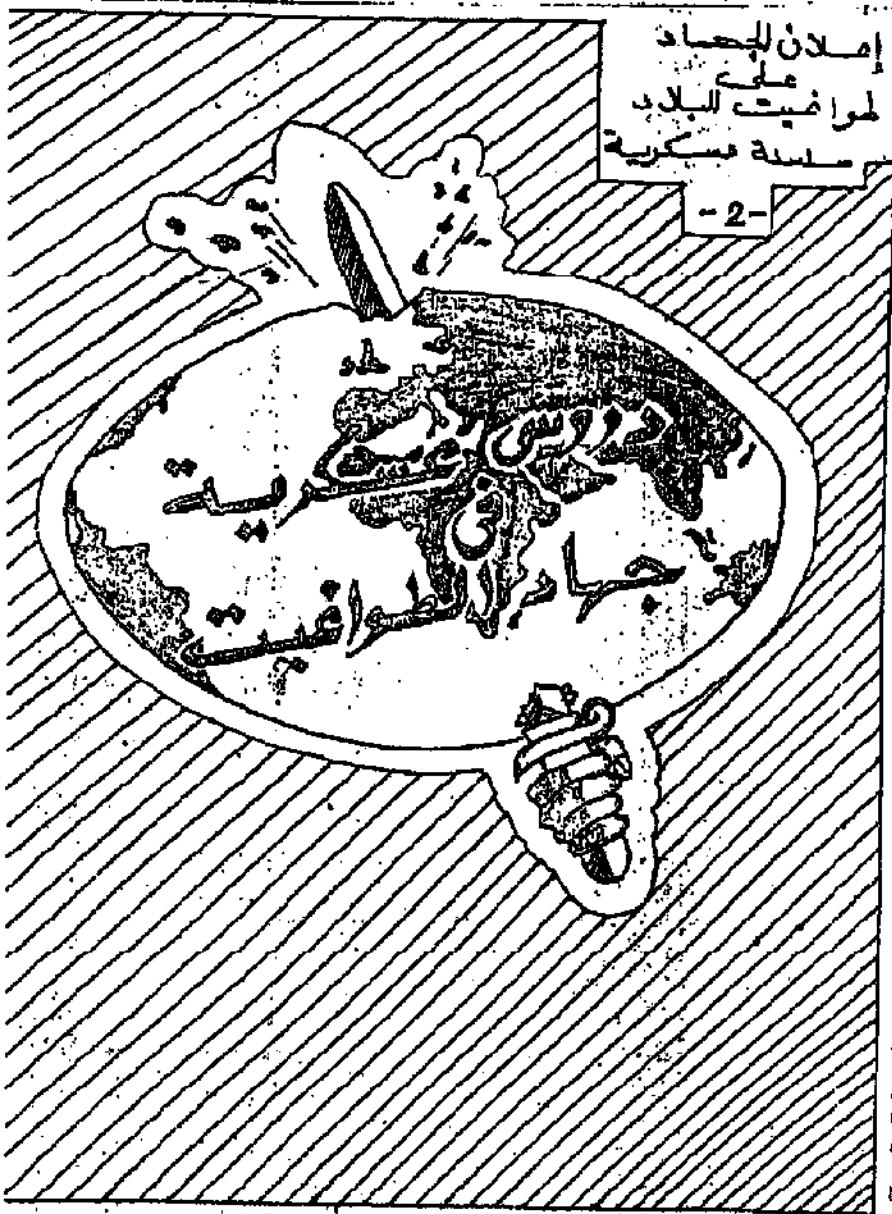
E3.1.4 The Combatant Commander or other appropriate authority shall ensure an appropriate inquiry or investigation is conducted. Final reports will be forwarded consistent with the procedures established in paragraph E3.1.3:

E3.1.4.1. When appropriate, submit a report, in accordance with DoD Directive 5100.77 (reference (h)) concerning any reportable incidents under the DoD Law of War Program; when intelligence component personnel are involved in any questionable activity, submit a report to the appropriate intelligence component General Counsel or Inspector General or to the Assistant to the Secretary of Defense for Intelligence Oversight under Procedure 15 of reference (i) for the identification, investigation, and reporting of questionable intelligence activities. When appropriate, submit a report in accordance with DoD Instruction 5240.4 (reference (j)). Multiple reporting may be required for a single credible allegation. The Commanders or supervisors shall coordinate with legal counsel to determine whether a single inquiry or investigation is appropriate.

TAB

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OK/AM-2

UK/BM-176 TO UK/BM-180 TRANSLATION
Lesson Eighteen

PRISONS AND DETENTION CENTERS

IF AN INDICTMENT IS ISSUED AND THE TRIAL BEGINS. THE BROTHER HAS TO PAY ATTENTION TO THE FOLLOWING:

1. At the beginning of the trial, once more the brothers must insist on proving that torture was inflicted on them by State Security [investigators] before the judge.
2. Complain [to the court] of mistreatment while in prison.
3. Make arrangements for the brother's defense with the attorney, whether he was retained by the brother's family or court-appointed.
4. The brother has to do his best to know the names of the state security officers, who participated in his torture and mention their names to the judge. [These names may be obtained from brothers who had to deal with those officers in previous cases.]
5. Some brothers may tell and may be lured by the state security investigators to testify against the brothers [i.e. affirmation witness]. either by not keeping them together in the same prison during the trials, or by letting them talk to the media. In this case, they have to be treated gently, and should be offered good advice, good treatment, and pray that God may guide them.
6. During the trial, the court has to be notified of any mistreatment of the brothers inside the prison.
7. It is possible to resort to a hunger strike, but it is a tactic that can either succeed or fail.
8. Take advantage of visits to communicate with brothers outside prison and exchange information that may be helpful to them in their work outside prison [according to what occurred during the investigations]. The importance of mastering the art of hiding messages is self evident here.
 - When the brothers are transported from and to the prison [on their way to the court] they should shout Islamic slogans out loud from inside the prison cars to impress upon the people and their family the need to support Islam.
 - Inside the prison, the brother should not accept any work that may belittle or demean him or his brother, such as the cleaning of the prison bathrooms or hallways.
 - The brothers should create an Islamic program for themselves inside the prison, as well as recreational and educational ones, etc.
 - The brother in prison should be a role model in selflessness. Brothers should also pay attention to each others needs and should help each other and unite vis a vis the prison officers.
 - The brothers must take advantage of their presence in prison for obeying and worshipping [God] and memorizing the Qora'an, etc. This is in addition to all guidelines and procedures that were contained in the lesson on interrogation and investigation. Lastly, each of us has to understand that we don't achieve victory against our enemies through these actions and security procedures. Rather, victory is achieved by obeying Almighty and Glorious God and because of their many sins. Every brother has to be careful so as not to commit sins and everyone of us has to do his best in obeying Almighty God, Who said in his Holy Book: "We

will, without doubt, help **Our** messengers and those who believe **(both)** in **this** world's life and the **one** Day when the Witnesses will stand forth."

May God guide us.

[Dedication]

To this pure Muslim youth, the believer, **the** mujahid (fighter) **for** God's **sake**. I present this modest effort as a contribution from me to pave the way that will lead to **Almighty** God and to establish a caliphate along the lines of the prophet.

The prophet, peace be upon him, said according to what was related by Imam Ahmed: "Let the prophecy that God **wants** be in you, yet God **may** remove it if **He** so wills, and then **there** will be a Caliphate according to the prophet's path [instruction], if **God** so wills it. He will also **remove** that [the Caliphate] if **He** so wills, and you will have a disobedient **king** if **God** so wills it. **Once** again, if **God** so wills, **He** will remove him [the disobedient king], and you will have an oppressive king. [Finally], if **God** so wills. He will remove him [the oppressive king], and you will have a Caliphate according to the prophet's path [instruction]. **He then became silent.**"

THE IMPORTANCE OF TEAM WORK

1. Team work is the **only** translation of **God's** command, **as well as** that of the **prophet**, to unite and not to disunite. **Almighty God** says, "And hold fast, all together, by the **Rope** which Allah (stretches out for you), and be not divided among yourselves." In "**Sahih Muslim**," it was reported by Abu Horairah, may Allah look kindly upon him, that the prophet, may Allah's peace and greetings be upon him, **said** "Allah approves **three** [things] for you and disapproves **three** [things]: **He** approves that you worship him, that you do not disbelieve in Him, and that you hold fast, all together, by the **Rope** which Allah, and be not divided among yourselves. He disapproves of three: gossip, asking too much [for help], and **squandering** money."
2. Abandoning "team work" for individual and haphazard work means disobeying that orders of God and the prophet and falling victim to disunity.
3. Team work is conducive to cooperation in righteousness and piety.
4. Upholding religion, which God has **ordered** us by **His saying**, "Uphold religion" will necessarily require an all out confrontation against all our **enemies**, who want to **recreate** darkness. In addition, it is imperative to stand against darkness in all arenas: the media, education, [religious] guidance, and counseling, as well as others. **This will make** it necessary for us to move on **numerous** fields **so as** to enable the Islamic movement to confront ignorance and achieve victory against it in the battle to uphold **religion**. **All these** vital goals can not be adequately achieved without organized team work. Therefore, **team** work **becomes** a necessity, in accordance with the fundamental rule, "Puty cannot be accomplished without it, and it is a requirement." This way, team work is achieved through mustering and organizing the ranks, while putting the Amir (the Prince) before them, and the right man in the right place, making plans **for** action, organizing work, and obtaining facets **of** power.

TAB

12

UNCLASSIFIED

**THE WHITE HOUSE
WASHINGTON**

February 7, 2002

**MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR OF CENTRAL INTELLIGENCE
ASSISTANT TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF**

SUBJECT: Humane Treatment of al Qaeda and Taliban Detainees

1. Our recent extensive discussions regarding the status of al Qaeda and Taliban detainees confirm that the application of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (Geneva) to the conflict with al Qaeda and the Taliban involves complex legal questions. By its terms, Geneva applies to conflicts involving "High Contracting Parties," which can only be states. Moreover, it assumes the existence of "regular" armed forces fighting on behalf of states. However, the war against terrorism ushers in a new paradigm, one in which groups with broad, international reach commit horrific acts against innocent civilians, sometimes with the direct support of states. Our Nation recognizes that this new paradigm -- ushered in not by us, but by terrorists -- requires new thinking in the law of war, but thinking that should nevertheless be consistent with the principles of Geneva.
2. Pursuant to my authority as Commander in chief and Chief Executive of the United States, and relying on the opinion of the Department of Justice dated January 22, 2002, and on the legal opinion rendered by the Attorney General in his letter of February 1, 2002, I hereby determine as follows:
 - a. I accept the legal conclusion of the Department of Justice and determine that none of the provisions of Geneva apply to our conflict with al Qaeda in Afghanistan or elsewhere throughout the world because, among other reasons, al Qaeda is not a High Contracting Party to Geneva.
 - b. I accept the legal conclusion of the Attorney General and the Department of Justice that I have the authority under the Constitution to suspend Geneva.

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exercise that authority at this time. Accordingly, I determine that the provisions of Geneva will apply to our present conflict with the Taliban. I reserve the right to *exercise* this authority in this or future conflicts.

c. I also accept the legal conclusion of the Department of Justice and determine that common Article 3 of Geneva does not apply to either al Qaeda or Taliban detainees, because, among other reasons, the relevant conflicts ~~are international in scope and common Article 3 applies only to "armed conflict not of an international character.~~

d. Based on the facts supplied by the Department of Defense and the recommendation of the Department of Justice, I determine that the Taliban detainees are ~~unlawful combatants and, therefore, do not qualify as prisoners of war under Article 4 of Geneva. I note that, because Geneva does not apply to our conflict with al Qaeda; al Qaeda detainees also do not qualify as prisoners of war.~~

3. Of course, our values as a Nation, values that we share with many nations in the world, call for us to treat detainees humanely; including those who are not legally entitled to such treatment. Our Nation has been and will continue to be a strong supporter of Geneva and its principles. AS a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principle; of Geneva.

4. The United States will hold states, organizations; and individuals who gain control or United States personnel responsible for treating such personnel humanely and consistent with applicable law.

5. I hereby reaffirm the order previously issued by the Secretary of Defense to the United States Armed Forces requiring that the detainees be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.

6. I hereby direct the Secretary of State to communicate my determinations in an appropriate manner to our allies, and other countries and international organizations cooperating in the war against terrorism of global reach.

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TAB

13

Guantanamo Detainee Processes

Detainee Administrative Review

Definition/purpose: Annual review to determine the need to continue the **detention** of an enemy combatant. The review includes an assessment of whether the enemy combatant poses a threat to the United States or its allies in the ongoing armed conflict against **terrorist** such as al Qaeda and its affiliates and supporters and whether **there** are other factors bearing on the need for continued detention (e.g., intelligence value). Based **on** that assessment, a review board will recommend whether **an** individual should be released, transferred or continue to be detained. This process will help ensure **no** one is detained **any** longer than is warranted, and that **no** one is released who remains a threat **to** our **nation's** security.

Applies to: All **GTMO** detainees

Link to fact sheet: <http://www.defenselink.mil/releases/2004/nr20040623-0932.html>

Responsibility: Designated Civilian Official

PA Point of Contact: OARDEC PAO, Lt. Cmdr. Chito Penpler (b)(6)

OARDEC = Office for the Administrative Review of the Detention of Enemy Combatants

Combatant Status Review

Definition/purpose: A formal review of all the information related to a detainee to determine whether each person meets the criteria to be designated **as an** enemy combatant. (Enemy combatant is defined as an individual who was part of or supporting Taliban or al Qaeda forces, or associated forces that **are** engaged in hostilities against the United States or its coalition partners. This includes any person who has committed a belligerent act or has directly supported hostilities in aid of enemy armed forces.)

Applies to: All **GTMO** detainees

Link to website: <http://www.defenselink.mil/news/CombatantTribunals.html>

Responsibility: Designated Civilian Official

PA Point of Contact: OARDEC PAO, Lt. Cmdr. Chito Pepler (b)(6)

Commissions

Definition/purpose: Prosecute enemy combatants who violate the laws of war. Provides a fair and full trial, while protecting national security and the safety of all those involved, including the accused.

Applies to: Non-U.S. citizens, found to be subject to the President's military order of Nov. 13, 2001; primarily based upon the individual's participation in al Qaeda and acts of international terrorism.

Link to website: <http://www.defenselink.mil/news/commissions.html>

Responsibility: Office of Military Commissions

PA Point of Contact: OMC PAO, Maj. Jane Boomer (b)(6)

Detainee Operations

Definition/purpose: - Detain enemy combatants to prevent combatants from continuing to fight against the U.S. and its allies. Includes a process to identify enemy combatants' threat and intelligence value.

Applies to: All GTMO detainees

Link to website: <http://www.defenselink.mil/news/detainees.html>

Responsibility: JTF GTMO

PA Point of Contact: JTF GTMO Public Affairs (b)(6)

SouthCom Public Affairs (b)(6)

Process	Definition/purpose	Applies to	Responsibility	Public Affairs Liaison
<u>Admin Review</u>	Annual review to assess whether an individual should be released, transferred or should continue to be detained, based on threat or continued intelligence value.	All GTMO detainees.	Designated Civilian Official (Secretary of the Navy)	OARDEC PAO, Lt. Cmdr. Chito Pepler (b)(6) <i>OARDEC = Office for the Administrative Review of the Detention of Enemy Combatants</i>
<u>Combatant Status Review</u>	Determine whether a person meets the criteria to be designated as an enemy combatant.*	All GTMO detainees.	Designated Civilian Official (Secretary of the Navy)	OARDEC PAO, Lt. Cmdr. Chito Pepler (b)(6)
<u>Commissions</u>	Prosecute enemy combatants who violate the laws of war.	Non-U.S. citizens based upon the individual's participation in al Qaeda and acts of international terrorism.	Office of Military Commissions	OMC PAO, Maj. Jane Boomer (b)(6)
<u>Detainee Operations</u>	Detain enemy combatants to prevent them from continuing to fight against the U.S. and its allies.	All GTMO detainees.	ITF GTMO	JTF GTMO Public Affairs (b)(6) SouthCom Public Affairs (b)(6)

* Enemy combatant is defined as an individual who was part of or supporting Taliban or al Qaeda forces, or associated forces that are engaged in hostilities in aid of enemy armed forces.

TAB

14



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JUL 14 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Handling of Reports from the International Committee of the Red Cross

Prompt evaluation and transmission of reports from the International Committee of the Red Cross (ICRC) to senior DoD Leaders is of the utmost importance. Recognizing that information may be reported at various command levels and in oral or written form, I direct the following actions:

- All ICRC reports received by a military or civilian official of the Department of Defense at any level shall, within 24 hours, be transmitted to the Under Secretary of Defense for policy (USD(P)) with information copies to the Director, Joint Staff; the Assistant Secretary of Defense for Public Affairs; the General Counsel of DoD; and the DoD Executive Secretary. ICRC reports received by officials within a combatant command area of operation shall also be transmitted simultaneously to the commander of the combatant command.
- The USD(P) shall be responsible for determining the significance of ICRC reports and immediately forwarding those actions of significance to the Secretary of Defense.
- For all ICRC reports, the USD(P) shall, within 72 hours of receipt, develop a course of action, coordinate such actions with the Chairman of the Joint Chiefs of Staff, the pertinent Combatant Commander, the General Counsel of DoD, and, as appropriate,



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the **Secretaries of the Military** Departments, the Assistant **Secretaries** of Defense for **Public Affairs** and **Legislative Affairs**, and other **DoD officials**. **Actions of** significance shall be **submitted to the Secretary of Defense** for approval.

- **Combatant Commanders shall provide their assessment** of the **ICRC reports** they receive to the **USD(P)** through the **Director, Joint Staff** within **24 hours** of receipt.
- **To ensure essential information is reported, oral reports shall be summarized in writing.** The following **information shall** be included:
 - **Description** of the **ICRC** visit or meeting: **Location? When? Has corrective action been initiated if warranted?**
 - **Identification of specific detainee or enemy prisoner of war** reported upon (if applicable).
 - **Name of ICRC Representative.**
 - **Identification of U.S. official who received the report.** Also, identify the **U.S. official submitting the report.**
- All **ICRC** communications shall be marked with the following statement: **'ICRC communications are provided to DoD as confidential, restricted-use documents. As such, they will be safeguarded the same as SECRET NODIS information using classified information channels. Dissemination of ICRC communications outside of DoD is not authorized without the approval of the Secretary or Deputy Secretary of Defense.'**

These temporary procedures **are** effective immediately and **shall be reviewed in six months** with a view to **incorporating** these changes into pertinent DoD issuances.

At the same time, the USD(P) shall establish an ICRC Interagency Group, consisting of representatives of the **Defense and State Departments** and the **National Security Council Staff**, and **other appropriate agencies**, that **will meet, initially monthly,** to review **ICRC matters, coordinate responses,** and ensure that all **ICRC matters are** appropriately addressed.

Your compliance with the procedures in **this memorandum** is a **matter of DoD policy** and **is essential to** enabling the Department to continue to **meet** its responsibilities and obligations for the **humane care and full accountability for all persons captured or detained during military operations.**



TAB

15

THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JUL 16 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, FORCE TRANSFORMATION
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Office of ~~Detainee~~ Affairs

Effective today, I hereby establish the Office of ~~Detainee~~ Affairs under the authority, direction, and control of the Under Secretary of Defense for Policy (USD(P)) to serve as the Department's single focal point for all matters regarding detainees. This office will develop policy recommendations and oversee detainee affairs, which include matters related to any detained, non-coalition personnel under DoD control.

The DoD Component Heads and the OSD Principal Staff Assistants shall support the USD(P) in overseeing detainee-related functions within their areas of responsibility. The DOD General Counsel shall advise on all matters of law, including the procedural aspects of military commissions and other tribunals. The Secretaries of the Military Departments and the Combatant Commanders, through the Joint Staff, shall support detainee operations and administration as assigned and shall coordinate their activities with the USD(P).

This memorandum is not intended, and should not be construed, to inhibit in any way the unfettered discretion of commanders at all levels to exercise their independent professional judgment in taking action under the Uniform Code of Military Justice, or to interfere with the professional actions of other participants in the military justice process.



OSD 10559-04

11-L-0559/OSD/54433

Matters pertaining to detainees held by U.S. Government agencies other than DoD or the Department of Justice shall be coordinated or overseen by the Under Secretary of Defense for Intelligence (USD(I)).

The USD(P) shall establish a committee comprised of representatives of the OSD Principal Staff Assistants and DoD Components with responsibilities in detainee affairs - including USD(I), the DoD General Counsel, the Joint Staff and others as appropriate - to coordinate actions, share information, and provide advice on detainee matters.

The Director of Administration and Management shall incorporate these responsibilities in the DoD Directives System and take the actions necessary to implement this directive.

A handwritten signature in black ink, appearing to be "Z. R. Kelly", is written across the page.

TAB

16



HEALTH AFFAIRS

THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301-1200

JUN 03 2005

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR OF ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM **ANALYSIS** AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE **TRANSFORMATION**
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Medical Program Principles and Procedures for the Protection and Treatment of Detainees in the Custody of the **Armed** Forces of the United **States**

REFERENCES: (a) DoD Directive 5136.1, "Assistant Secretary of Defense for Health Affairs," May 21, 1994
(b) AF 190-8, OPNAVINST 3461.6, AFJ 31-304, MCO 3461.1, "Enemy Prisoners of **War**, Retained Personnel, Civilian Internees and Other Detainees"
(c) DoD Directive 5100.77, DoD Law of **War** Program, December 9, 1998

This memorandum is issued under the authority of reference (a) and **reaffirms** the historic responsibility of health care personnel of the Armed Forces (to include physicians, nurses, and all other medical personnel including contractor personnel) to protect and treat, in the context of a professional treatment relationship and established principles of medical practice, all detainees in the custody of the Armed Forces during armed conflict. This includes enemy prisoners of **war**, retained personnel, civilian internees, and other detainees.

It is the policy of the Department of Defense Military Health System that health care personnel of the Armed Forces and the Department of Defense (**particularly** physicians) will perform their duties consistent with the following principles.

HA POLICY: 05-006

11-L-0559/OSD/54436

Principles

1. Health care personnel charged with the medical care of detainees have a duty to protect their physical and mental health and provide appropriate treatment for disease. To the extent practicable, treatment of detainees should be guided by professional judgments and standards similar to those that would be applied to personnel of the U.S. Armed Forces.

2. All health care personnel have a **duty** in all matters affecting the physical and mental health of detainees to perform, encourage and support, directly and indirectly, actions to uphold the humane treatment of detainees.

3. It is a contravention of DoD policy for health care personnel to be involved in any professional provider-patient treatment relationship with detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health.

4. It is a contravention of DoD policy for health care personnel:

(a) To apply their knowledge and skills in order to assist in the interrogation of detainees in a manner that is not in accordance with applicable law;

(b) To certify, or to participate in the certification of, the fitness of detainees for any form of treatment or punishment that is not in accordance with applicable law, or to participate in any way in the infliction of any such treatment or punishment.

5. It is a contravention of DoD policy for health care personnel to participate in any procedure for applying physical restraints to the person of a detainee unless such a procedure is determined in accordance with medical criteria as being necessary for the protection of the physical or mental health or the safety of the detainee himself or herself, or is determined to be necessary for the protection of his or her guardians or fellow detainees, and is determined to present no serious hazard to his or her physical or mental health.

Procedures

Consistent with the foregoing principles, the following procedures are established.

1. Medical Records. Accurate and complete medical records on all detainees shall be created and maintained in accordance with reference (b).

2. Treatment Purpose. Health care personnel engaged in a professional provider-patient treatment relationship with detainees shall not undertake detainee-related activities for purposes other than health care purposes. Such health care personnel shall

HA POLICY: 05-006

not actively solicit information from detainees for purposes other than health care purposes. Health care personnel engaged in non-treatment activities, such as forensic psychology or psychiatry, behavioral science consultation, forensic pathology, or similar disciplines, shall not also engage in any professional provider-patient treatment relationship with detainees.

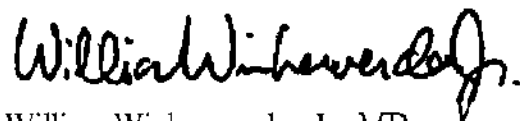
3. Medical Information. Under U.S. and international law and applicable medical practice standards, there is no absolute confidentiality of medical information for any person. Detainees shall not be given cause to have incorrect expectations of privacy or confidentiality regarding their medical records and communications. However, whenever patient-specific medical information concerning detainees is disclosed for purposes other than treatment, health care personnel shall record the details of such disclosure, including the specific information disclosed, the person to whom it was disclosed, the purpose of the disclosure, and the name of the medical unit commander (or other designated senior medical activity officer) approving the disclosure. Analogous to legal standards applicable to U.S. citizens, permissible purposes include to prevent harm to any person, to maintain public health and order in detention facilities, and any lawful law enforcement, intelligence, or national security related activity. In any case in which the medical unit commander (or other designated senior medical activity officer) suspects that the medical information to be disclosed may be misused, he or she should seek a senior command determination that the use of the information will be consistent with applicable standards.

4. Reporting Possible Violations. Any health care personnel who in the course of a treatment relationship or in any other way observes circumstances indicating a possible violation of applicable standards, including those prescribed in references (b) and (c), for the protection of detainees, or otherwise observes what in the opinion of the health care personnel represents inhumane treatment of a detainee, shall report those circumstances to the chain of command. Health care personnel who believe that such a report has not been acted upon properly should also report the circumstances to the technical chain, including the Command Surgeon or Military Department specialty consultant. Technical chain officials may inform the Joint Staff Surgeon or Surgeon General concerned, who then may seek senior command review of the circumstances presented. As always, other reporting mechanisms, such as the Inspector General, criminal investigation organizations, or Judge Advocates, also may be used.

5. Training. The Secretaries of the Military Departments and Combatant Commanders shall ensure that health care personnel involved in the treatment of detainees or other detainee matters receive appropriate training on applicable policies and procedures regarding the care and treatment of detainees.

HA POLICY: 05-006

This memorandum, effective immediately, **affirms as** a matter of Department of Defense policy the professional medical standards and principles applicable within the Military Health System. This memorandum does not alter the legal obligations of health care personnel under applicable law. The principles and procedures contained in this memorandum and experience implementing **them** will be reviewed within six **months**, including input **from** interested parties outside DoD.



William Winckenwerder, Jr., MD

HA POLICY: 05-006

11-L-0559/OSD/54439

TAB

17

Professionalism of the Guard Force

Much has been written -- millions of words -- about the behavior of those with the responsibility of guarding and interrogating detainees. **However**, little has been written about the behavior of the detainees themselves.

It is vital to note that detainees have on numerous occasions behaved violently and assaulted guards. **Prisoners:**

- Spit on guards;
- Bit them;
- Hit them;
- Throw urine and feces **at** them;
- Insult African American guards with racial slurs; and
- Have knocked out guards' teeth.

At times, guards who lost family members and friends on September 11th **are** harassed by the same men who supported **or** helped plan the September 11th attacks.

In the rare instances when guards have reacted to provocation, they have been reprimanded and held accountable. Although one can perhaps understand why guards might react when provoked by terrorist detainees, DoD does not condone acts of abuse or violence – period.

TAB

18

Specific Allegations Against Senior Civilian Officials

Some have raised concerns about several of the Department's more senior officials who perform roles as advisors in developing policies for the War on Terror: Former Under Secretary for Policy Doug Feith, Under Secretary for Intelligence Steve Cambone, and General Counsel Jim Haynes.

Before addressing their conduct and performance, it is important to make a point that is fundamental in assessing the accountability of all individuals and their staffs and to recall information that has come to light since most of the allegations against these men were made.

First, the Secretary of Defense is in the chain of command. The Under Secretaries of Defense and General Counsel are not. They are advisors to the Secretary of Defense. The Secretary of Defense is free to accept or reject their advice and is accountable for the decisions of the office. That is in accordance with the laws of the United States.

Second, recent statements by the soldiers who engaged in the criminal acts at Abu Ghraib undercut the allegations that specific senior officials should be held directly responsible.

Specifically, SPC Jeremy Sivits said;

"I apologize to the Iraqi people and to those detainees. . . . I want to apologize to the Army, to my unit, to the country. I've let everybody down. That's not me. I should have protected the detainees. . . . It was wrong. It shouldn't have happened."

SG Ivan Frederick said;

“I was Wrong about what I did and I shouldn’t have done it.”

SPC Sabrina Harman told investigators;

“As a soldier and military police officer, I failed my duty and failed my mission to protect and defend. I not only let down the people in Iraq, but I let down every single soldier that served today . . . I take full responsibility for my actions. I do not place blame on my chain of command or others I worked with during this time. The decisions I made were mine and mine alone. I **am** truly *sorry*.”

Without going any further, one could conclude that Under Secretary Feith, Under Secretary Cambone, and Mr. Haynes had no direct responsibility for the abuses at Abu Ghraib and therefore deserve no sanction. But they deserve a public accounting of the job they have done for the nation.

Their performance was reviewed in the Schlesinger and Church Reports, and the Secretary can speak from personal knowledge of their conduct and integrity. He worked with these individuals on a daily basis during the time period at issue. They understood the relevant Presidential decisions and guidelines and the operative legal standards for Iraq, Afghanistan, and Guantanamo. Significant policy initiatives at the Pentagon were properly vetted by both civilian and military leadership of the department to ensure compliance with applicable legal standards. None - repeat none - of these individuals proposed or condoned inhumane treatment or endorsed a policy that would permit or tolerate such misconduct.

War poses hard choices. Decision-makers **are** asked to consider life and death issues **in real time**, often without precedents to draw upon, and without the benefit of hindsight. History will judge their efforts. It should be the task of history to consider the context of **the new tumultuous and dangerous times** our country faced.

The global struggle against violent extremists has presented the Department with unprecedented challenges. Captured terrorists like Mohamed al-Khatani, the detainee **at** Guantanamo identified by the 9/11 Commission as the probable 20th hijacker, possess intelligence that can and has saved American lives, including information about suspected Al Qaeda operations in the United States.

Among the toughest decisions faced in the struggle against extremism involved those detainees. It is known from the "Manchester Report" -- the Al Qaeda terrorist **training manual** -- **that** captured terrorists are trained in tactics for resisting **U.S.** methods of interrogation and to claim that they have been tortured even when treated humanely by captors. (See Attachment 11 – Lesson 18 of the Manchester Manual).

DoD knew -- and **the** 9/11 Commission agreed -- that law enforcement was insufficient **in** the face of suicide terrorists. DoD knew that the enemy that had brought such violence to **our** shores, and who was and is still committed -- let there be no doubt -- to bring it again to the American people.

After September 11, 2001, the senior civilian and military leadership was required to confront difficult issues in uncharted waters. Senior leaders made hard choices **in** the defense of the nation. They are patriotic men and women of conscience. While in retrospect, not perfect, they conducted **themselves** honorably and well in the circumstances.

Allegations Against Senior DoD Officials

Specific allegations cited against Douglas Feith, Stephen Cambone and William Haynes are difficult to address because of the lack of legal or intellectual rigor in the allegations that have been made in the public.

Feith

Mr. Feith was the Under Secretary of Defense for Policy and held that position during the period at issue. A few critics have tried to connect him to the illegal acts at Abu Ghraib through a three step process:

- Falsely characterizing the Administration's determination of the legal status of the Al Qaeda and Taliban detainees at Guantanamo as permitting abuse, which it did not;
- Improperly attributing that to Feith; and
- Trying to make an extremely tenuous connection between that Presidential decision and the conduct of some soldiers on the night shift at Abu Ghraib.

The argument fails on all three points.

The President made clear in his directive that all detainees should be treated humanely, just as the Secretary of Defense did in his order promulgated to all Combatant Commanders. Any instance of illegal conduct was in violation of both Administration and Department policy.

Critics' argument that there is a connection between the January 2002 decision on the legal status of Al Qaeda and Taliban detainees at Guantanamo and the conduct of the night shift at Abu Ghraib between October and December 2003 is not supported by the record.

The President's directive requiring humane treatment for detainees from the Afghanistan fighting was clear. There is no way it could conceivably be read to allow conduct otherwise. Furthermore, the officers in command of Operation Iraqi Freedom understood that the Iraq conflict operation was covered by and planned and commanded with that as their governing principle.

Further, the statements by the soldiers who participated in the illegal acts at Abu Ghraib should dispel any notion that the President's directive influenced their conduct.

There is no evidence that would support sanctioning Mr. Feith for what happened on the night shift at Abu Ghraib.

Cambone

It is difficult to summarize the allegations against Dr. Cambone. They range from vague innuendo from various sources to the irresponsible fiction of Seymour Hersh. Critics try to connect Cambone to the illegal acts at Abu Ghraib by claiming he put undue pressure on interrogators at that facility and by attributing to him the decision to send Major General Geoffrey Miller to Iraq in August 2003.

We have found no evidence that Dr. Cambone exerted undue pressure on interrogators or anyone

else. Regarding the decision on Major General Miller, it was neither an unreasonable decision nor [REDACTED] the decision made by Dr. Cambone:

Dr. Cambone is Under Secretary of Defense for intelligence and held that position during the time at issue. He is the Department's chief advisor on intelligence matters. Among his duties is the responsibility to advise on how to support the intelligence structure in Iraq and to ensure that the military commanders have the necessary coordination and support from the intelligence community.

As has been true every day since September 11th, there was a wholly reasonable desire to get intelligence on enemy operations during that time period. The enemy was killing American soldiers and better intelligence could save additional lives. If there had not been a determined effort to [REDACTED] other intelligence from detainees, that would have been dereliction of duty.

Dr. Cambone was not in the chain of command, but should be expected to do all within his power to support the intelligence effort, according to the laws and policies governing the conflict. There is no credible evidence that he applied any improper pressure or that he did anything in violation of law or policy. Nor is there any evidence that the perpetrators of the crimes at Abu Ghraib attributed their conduct to anything Cambone said or did. In fact, it has been well established that most crimes committed at Abu Ghraib were not even related to intelligence collection, which makes the charges even more irresponsible.

Regarding Major General Miller's mission to Iraq: the decision to send Miller to Iraq was made [REDACTED] between Combined Joint Task Force-7 and the Joint Staff, following a Combined Joint Task Force •

7 request for assistance with detention and interrogation operations. Dr. Cambone agreed with the decision, but he did not make the decision. Major General Miller had reorganized the operations at Guantanamo, and it was believed that "lessons learned" from that experience could prove helpful in Iraq, even though it was well understood by all involved that the policies in Iraq were tied directly to Geneva. Considering all evidence available, sending Major General Miller to Iraq was a reasonable response to the Combined Joint Task Force-7 request for assistance.

Accordingly, no credible evidence exists thus far to support sanctioning Dr. Cambone for the illegal acts at Abu Ghraib.

Haynes

Mr. Haynes is General Counsel of the Department of Defense and held that position during the time period at issue. He has been criticized in the media and by politicians over the course of the debate about Abu Ghraib because of a recommendation he made in November 2002 regarding the SOUTHCOM Combatant Commander's request for expanded interrogation authorities. Some critics contend that his legal advice in November 2002 set in motion a chain of events responsible for the Abu Ghraib night shift's criminal acts.

On November 27, 2002, Mr. Haynes offered counsel on a request from SOUTHCOM for enhanced interrogation tactics for use at Guantanamo. As mentioned, the legal standard for operations at Guantanamo differed from Iraq and was established by a Presidential determination in January 2002.

After considering the applicable legal standard and consulting with other senior Department

officials, Mr. Haynes recommended that some, but not all, be approved. In other words, he recommended a more restrained interrogation policy than had been suggested. The Secretary of Defense made the decision to follow the General Counsel's advice after consulting with senior Department officials, including the Deputy Secretary of Defense Paul Wolfowitz, the Chairman and Vice Chairman of the Joint Chiefs of Staff and their legal counsel, and other senior civilian and military leadership in the Department. The Secretary signed out a memo to SOUTHCOM, dated December 2, 2002, approving certain interrogation practices and disapproving others. His advice and the Secretary's decision were limited to Guantanamo.

It is believed that the approved techniques were used in the interrogation of only one detainee, who was then and is today believed to be the 20th September 11th hijacker. The use of approved techniques required a written interrogation plan, with command, medical, and legal oversight. After learning of some concerns within the Department, the team orally rescinded his approval on January 12, 2003, and then in writing on January 15, 2003. The December 2, 2002, approved techniques were in effect for six weeks, only for use at Guantanamo, and were used only on one dangerous terrorist.

If anyone used those techniques elsewhere, at another time, or without the proper controls and oversight, that person would have been acting in direct violation of the policy decision the Secretary made. There is no evidence that the December 2, 2002 decision or its application on one detainee during the six weeks it was in effect in any way factored into the consideration of the soldiers who

committed their crimes on the midnight ~~shift~~ at Abu Ghraib. It is clear that such misconduct did not occur on the shift before or the shift after the midnight shift.

Mr. Haynes was never asked to approve interrogation guidance for Iraq, nor did he do so. CENTCOM officers had the authority to make and did make decisions on Iraq interrogation practices without consultation with Mr. Haynes or the Secretary. The responsible commanders so testified before the Congress last summer. There is no evidence to the contrary.

Of particular note with respect to Mr. Haynes is that both in his memorandum of November 27, 2002 and in his advice to the Secretary regarding the April 4, 2003 report of the Working Group on Detainee Interrogations in the War on Terrorism, Mr. Haynes recommended that the Secretary approve fewer and less aggressive techniques than had been requested in the former or recommended for his consideration in the latter. Mr. Haynes was an early proponent within the Department for the creation of the type of long-term review procedures that were later instituted in the form of the Administrative Review Board process now underway in Guantanamo.

Accordingly, we know of no credible evidence to support sanctioning Mr. Haynes for what happened at Abu Ghraib on the night shift half a world away from the Pentagon.

Indeed, as General Counsel, Mr. Haynes is the chief legal officer of one of the largest organizations in the world and is responsible for the delivery of legal services throughout the organization.

From day one, Jim Haynes has taken care and exercised careful judgment to ensure that the Department received legal advice consistent with United States law and the laws of war. As the Department's chief legal officer, he has dealt with tough legal issues, worked closely with other attorneys in the Department and the Department of Justice, and has furnished legal advice to help the Department accomplish its mission, within the bounds of the law. We understand why the American Bar Association has rated him -- twice -- once before the Abu Ghraib matter came to light, and once after -- "well qualified" to be a Federal judge, a position for which the President has nominated him.


Feith, Cambone, Haynes Summary

In summary, considering all of the information available, there is no legitimate rationale to fault Mr. Feith, Dr. Cambone and Mr. Haynes for the crimes committed at Abu Ghraib. On the contrary, they are able public servants who have served our country well at a time of great national need.

FOUO

OFFICE OF THE
DEPARTMENT OF DEFENSE

2005 NOV 10 PM 3: **September 19, 2005**

TO: [REDACTED]
FROM Donald Rumsfeld 
SUBJECT MEK and PKK

05/012627
ES-4238

Please see me on the MEK and the PKK. We have to get some motion there.

Thanks.

DHR:ss
091905-12

.....
Please Respond By September 27, 2005

383,6

19 Sept 05

FOUO

FORM 2005-01-01

11-L-0559/OSD/54453

OSD 221 83-05

FOUO

November 10, 2005

TO: Stephen J. Hadley

FROM: Donald Rumsfeld *DR*

SUBJECT Vershbow Remarks about Liaison ~~Office~~ in North Korea

Please see the attached article where Vershbow is saying we will open a liaison office in North Korea. I have never heard of that. Is that correct?

Thanks.

Attach 11/10/05 *WashingtonPost* article

DHR.ss
111005-17

North Korea (North)

10 NOV 05

OSD 22217-05

FOUO

11-L-0559/OSD/54454

Washington Post
November 10, 2005
Pg. 23

World In Brief

SEOUL -- The U.S. ambassador to South Korea, Alexander Vershbow, told a gathering of South Korean lawmakers that the United States would be willing to open a liaison office in North Korea as a gesture of goodwill on the road to that nation's nuclear disarmament.

"We are prepared to go down the road of normalizing our relations, negotiating a permanent peace agreement for the Korean Peninsula, open an office in Pyongyang, things that show in concrete ways that we have no hostile intention toward North Korea," Vershbow said at a breakfast meeting at the National Assembly in Seoul.

The comments came as a fresh round of six-nation talks aimed at dismantling North Korea's nuclear weapons program continued in Beijing.

- Anthony Faiola

~~FOUO~~

SEP 15 2005

TO: Paul McHale

FROM: Donald Rumsfeld *DL*

SUBJECT: Scenario of an Attack which Crosses National Borders

We ought to think about is a CBRN attack that crosses a border with Canada or Mexico, and how we would handle the problems of governors and mayors from two nations, as well as two federal governments.

Have you folks given thought to that?

Thanks.

EX-100-10
091403-12

.....
Please respond by 9/29/05

~~FOUO~~

OSD 22247-05

11-L-0559/OSD/54456

46

FOUO

NOV 10 2005

TO: Dan Bartlett

FROM: Donald Rumsfeld *[Signature]*

SUBJECT: Detainee Operations

383.6

Attached is a report that has a draft statement on detainee operations, and also a series of appendices which list the investigations, briefings, improvements that have been made, and various policy directives.

It will give you a sense of the enormous amount of work that has been done.

Please note that it is still in draft form, and we're editing and polishing it now.

Any suggestions you may have would be appreciated.

Thanks,

▪

Attach: Detainee Report

DHR:dh
110805-08

10/20/05

OSD 22263-05

FOUO

11-L-0559/OSD/54457

A Report on Detention Operations

More than a year ago senior civilian and military officials appeared before Congress and the American people to discuss the serious misconduct that took place at Abu Ghraib prison in Iraq and other detainee matters. We remember well the body blow that hit the Department of Defense when we first saw the photos of the **criminal** acts on Iraqi detainees. Those images left an inaccurate impression of the values of **our** nation and of the conduct of the **U.S.** servicemen and women who serve overwhelmingly with professionalism and compassion. The purpose of this report is to summarize what we, as a department, have done since the events of Abu Ghraib.

At that time, we stated that the Department would follow the facts wherever they led -- to let the chips fall where they may -- that wrongdoers would be held accountable, that the Department would amplify the record as more information was learned, review Department procedures, and that we would implement appropriate reforms. To date, many of these tasks have been completed. The remaining actions will be completed soon.

We also invited the world to watch how America's democracy deals with misconduct and with the pain of acknowledging and correcting these actions.

In contrast to the murderers and terrorists the United States confronts today, Americans address wrongdoing publicly for the world to see. The Department has conducted numerous investigations and shared that information with both Congress and

DRAFT - NOVEMBER 8, 2005
PRE-DECISIONAL DOCUMENT//FOR OFFICIAL USE ONLY

the American people. Responsible officials have testified at public hearings. And a free press has communicated that information to the world.

This is the difference between our country and those who are killing innocent men, women and children across the globe. The United States is waging a shooting war with a dangerous enemy, but it is also engaged in a war of ideas -- competing visions of what the world should look like, one that is governed by free men and free women or one ruled by terrorists and violent extremists. How this country has handled incidents of misconduct against detainees -- openly, honestly, transparently -- speaks to the character of our military, of our nation, and of the American people.

Since launching its first review of detainee operations, the Department of Defense has:

- Concluded 12 major reviews; (See Attachment 1 - Investigation lists)
- Interviewed more than 2,800 people;
- Provided more than 138 Congressional member and staff briefings (See Attachment 2);
- Testified at over two dozen related congressional hearings (See Attachment 2);
- Initiated more than 510 criminal investigations;
 - Of which 80 Soldiers were referred to trial by court martial; 87 Soldiers, nine Sailors and seven Marines received non-judicial punishment, and 15 Marines were convicted by court martial. (See Attachment 3)
- Delivered more than 16,000 pages of documents to Congress; and

DRAFT

2

11-L-0559/OSD/54459

- Instituted literally hundreds of departmental reforms including broad policy revisions, increased oversight procedures, expanded doctrine and training, and improved facilities. (See Attachment 4)

Throughout this process, the Department has fulfilled its stated commitment to transparency and to investigate fully allegations of abuse or discovery of potential illegal acts.

It should be noted that there are other detainee operations conducted by other agencies. Oversight of those operations is generally handled by different Congressional committees, and these operations are not addressed here.

It is also important to remember that it was the Department of Defense -- not the press, not Congress, not an outside investigation -- that first disclosed and investigated the Abu Ghraib allegations. The launch of the original Central Command investigation into Abu Ghraib was announced through a press release in Baghdad, without prompting from anyone. They knew **this** was the right thing to do, and their announcement was three months before any photos were released to the public by the media.

Since then, most pieces of detainee-related information reported by journalists or employed by the numerous critics have come from the U.S. Department of Defense's own investigations or reports. In spite of that fact -- and it is a fact -- the Department of Defense has faced a persistent chorus of irresponsible charges of "cover-up" and "whitewash" from critics in Washington, D.C. and around the world.

DRAFT - NOVEMBER 8, 2005
PRE-DECISIONAL DOCUMENT//FOR OFFICIAL USE ONLY

Twelve major reviews of detention operations have provided the Department with information regarding criminal and administrative accountability and with helpful suggestions for improving operations. (See Attachment 5) The reviews and investigations were led by respected and accomplished individuals, including 12 active duty general or flag officers, a former Chief of Staff of the U.S. Air Force, two former Secretaries of Defense, and a former Member of Congress.

Each of these individuals has earned a reputation as a person of character and integrity over a lifetime of public service. The choice of these principled individuals to head the investigations is evidence of the Department's determination to follow the facts wherever they lead.

Undoubtedly few issues in our history have received such intensive scrutiny as the U.S. Government's handling of the killers and terrorists and would-be suicide bombers who have been captured. Democracy depends on responsible oversight. But at times the media coverage has lacked appropriate context and included clearly erroneous allegations, such as the story of a Koran flushed down the toilet by a U.S. service member. Unbalanced coverage has created a distorted image of the U.S. military men and women. Our country's enemies have exploited those distorted images to weaken America's standing in the world and to increase the danger to troops in the field.

In every war in history, there have been bad actors, mistreatment of prisoners, and other inexcusable illegal acts -- even by Americans. Acts of lawlessness should not be equated with an abandonment of the rule of law.

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The abuse of any detainee is “one too many.” The Department takes all credible allegations of abuse seriously and continues to work to improve standards of practice and to prevent future abuses. While the Department will continue to improve procedures (See Attachment 4), facilities (See Attachment 6), and monitor operations closely, the continued allegations that **U.S.** detention facilities are plagued by abuse are false.

The Importance of Interrogations

Controversy over allegations of mistreatment of detainees **has** gone far beyond the incidents at Abu Ghraib -- to envelop the full scope of **U.S.** military detention operations, and most recently the largely unsubstantiated charges about the administration of the detention facility housing terrorists at Guantanamo Bay, **Cuba**.

A discussion of detainee operations cannot be understood without **examining** why it is necessary to detain and interrogate suspected terrorists. In the Global War on Terror, one of America’s most important weapon is information -- information that can prove vital in preventing further terrorist attacks. While it is essential that detainees be treated humanely, as the President and the Secretary of Defense have required from the outset, it is also critical to the war effort that the **U.S.** government obtains the information **from** detainees needed to save Americans’ lives. The intelligence group at Guantanamo and elsewhere **executes this difficult mission with honor and professionalism. Moreover,**

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DoD has focused considerable resources on refining and clarifying its policies and procedures.

In the war on terror, the **U.S. has** captured

- Terrorist trainers;
- Skilled engineers and bomb makers;
- Recruiters;
- Terrorist financiers;
- Bodyguards for Osama **Bin** Laden; and
- Would-be suicide bombers.

(See Attachment 8 for detail)

From them and others, the United States has and continues to learn:

- The organizational structure **of** Al Qaeda and other terrorist groups;
- Their pursuit **of** powerful weapons;
- Their methods and the locations **of** recruiting new terrorists;
- The extent of terrorists' presence in Europe, the U.S., the Middle East; and elsewhere;
- How otherwise legitimate financial activities **are** used to hide terrorist financing.

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To list a few specific examples, intelligence from detainee interrogations thus far has led to:

- The capture of Saddam Hussein;
- The capture of some 22 terrorists in Germany plotting attacks in January 2005;
- The capture of Abu Musab Al-Zarqawi's chief lieutenant in the Northern Iraq;
- The identification of seven Improvised Explosive Device trainers still at large;
- The belated identification of over 20 bodyguards for Osama Bin Laden who **were** already detained at Guantanamo Bay;
- Information about Al-Qaeda operatives at large in Europe and the United States;
and
- Detailed diagrams of a sophisticated system used in Improvised Explosive Devices that has helped combat similar systems used by extremists in Iraq.

Department critics have asserted that DoD is willing to do anything to **obtain** intelligence or that it condones the unlawful use of force or torture to obtain intelligence. That is flat untrue. DoD has released its interrogation policies for the world to see. It **has** disclosed approved techniques to both Congress and the public. The documents are available online at the DoD website (<http://www.defenselink.mil/releases/2004/nr20040622-0930.html>) DoD practices are lawful and appropriate. They are being refined and revised based upon the lessons learned in the investigations and conflicts in Afghanistan and Iraq.

After an extensive review, the Department revised and is finalizing **FM 2.223** (formerly 34-52) and has developed a new DoD directive on human intelligence gathering. (See Attachment 10) DoD faces difficult challenges in **this** new war, and information provided by detainees saves lives, but it **is** important to remain **fully** conscious **of U.S.** values, principles, and laws and DoD has attempted to reconcile **all** of these issues squarely. (Attachment 7 details the intelligence and treatment policies currently under review).

Abu Ghraib Accountability

Despite the DoD's efforts to ensure appropriate treatment **of** detainees, some mistreatment occurred. When there were credible allegations of mistreatment, every allegation was investigated and wrongdoers have been or will be held accountable. DoD will continue to hold accountable any who violate the law.

For the misconduct and dereliction **of** duty related to Abu Ghraib thus far -- and the process is not yet complete -- nineteen men and women, from privates to a brigadier general, have been disciplined. Of these, eight soldiers from military police and military intelligence units were court-martialed and found guilty, with sentences of up to 10 years in prison. The brigadier general in command **of** the military police brigade with a unit at Abu Ghraib and the colonel in command of the military intelligence brigade at Abu Ghraib were both reprimanded and relieved of their commands. Additionally, the brigadier general was reprimanded and has been reduced in rank from general officer to

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colonel. A lieutenant colonel in charge of the military intelligence interrogation activities at Abu Ghraib remains under investigation.

As part of his Abu Ghraib investigation, the Army Inspector General *investigated* allegations against ten general officers and found the allegations unsubstantiated except for the brigadier general previously mentioned. Additional actions -- investigative, criminal and administrative -- are pending against other military personnel, ~~officers~~ and enlisted, active and reserve. Further, the Department of Justice is currently investigating the conduct of civilian contractors. Both DoD and the Department of Justice will pursue these actions to their final conclusion.

Events depicted in the Abu Ghraib photos have been judged to have ~~been~~ criminal acts. The leaders responsible for the supervision of those individuals who perpetrated the acts in the photos and for the care of detainees in DoD custody were judged to have been derelict in performing their duties. All investigations agree that the misconduct at Abu Ghraib was not the result of the actions or inaction of senior leaders. Accountability ~~has~~ been established.

Accountability for Detainee Mistreatment Elsewhere

DoD investigates all credible allegations of detainee mistreatment. The ~~Department~~ launched more than 600 investigations of alleged misconduct, ranging ~~from~~ petty theft to homicide. Beyond Abu Ghraib, thus far, 238 Soldiers, nine Sailors and 23 Marines have been punished for misconduct involving detainees. This number may

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increase as investigations and administrative and judicial proceedings continue. But it is important to remember that the number of **U.S.** forces involved in misconduct is an exceedingly small percentage of the more than one million U.S. military men and women who have served honorably in the **War** on Terrorism.

Senior Leader Accountability

The Secretary of Defense has ultimate command and executive responsibility for the actions of the Department. Accountability is not an abstract concept. Secretary Rumsfeld submitted his resignation to President Bush after the misconduct occurred at Abu Ghraib. He believed it was appropriate that the President be free to consider whether someone else should lead the Department. The President declined to accept his resignation.

Some have expressed concerns that civilian advisors or military leaders at the Pentagon, and senior military leader above a brigadier general, have not been punished. To be sure, when something such as **this** comes to light, it is frequently the case that **some** observers demand that “heads should roll.” However, the process of establishing accountability must be driven by the facts and established legal and administrative processes, not politics or agendas. As John Adams reminded us, “We are a nation of laws **and** not of men.”

A fair assessment of accountability in regard to detainee operations also requires an understanding of the Department’s command and leadership structure. There is the

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operational chain of command, in keeping with the reforms of the Goldwater-Nichols legislation, which extends up ~~from~~ the officers commanding units in the field, to the unified Combatant Commanders, to the Secretary of Defense, and finally to the President as Commander-in-Chief. There is also the administrative chain of command -- with the Military Departments -- responsible for the training, equipping, and readiness ~~of~~ personnel and units -- which runs to the Service Chiefs and Vice Chiefs of Staff, the Secretaries and Under Secretaries of the Military Departments, and the Secretary and Deputy Secretary of Defense. (See Attachment 9 for a chart depicting these leadership chains and their occupants during the periods in question.)

When determining accountability, these two separate chains of responsibility can create confusion and can also result in unfortunate delays. Questions that arise include:

- Which of the two chains should be followed in determining the appropriate level of accountability; the operational chain or the administrative chain, or both?;
- **Where** in each chain should the responsibilities lie when things **go** wrong?; and
- When, if ever, is the operational task so burdensome that it would be best to have primary actions for these matters taken **on** by the Services and the administrative chain of command, so as to not distract those in the field?

~~Additionally, subordinate commanders in the combatant commands often wear **dual** hats, and have operational as well as administrative responsibilities. This can result in ambiguity as to authority, responsibility and accountability. In the past year, the~~

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Department has made progress in addressing these organizational realities stemming from Goldwater-Nichols in regard to the narrow question of detainee operations, but this area merits additional examination.

It is important to note that the administrative chain of command assumes -- reasonably so -- that the position of Secretary of the Army will be filled. But for a period of the time relevant to abuse at Abu Ghraib, that post was vacant. The position was unfilled for over 18 months, from April, 2003, to November, 2004. In fact, because of DoD nominations held up in the Senate confirmation processes, the Department has had to manage its affairs with a large number of senior civilian positions vacant. The Department has experienced vacancy rates averaging 25 percent over the past **four years** and 10 months.

There has been an effort by some critics to pick out a few senior individuals at the Pentagon -- civilian and military -- and to try to hold **them** to account for detainee operations that were not under their command and that occurred on the midnight **shift** thousands of miles away.

In considering the conduct of senior civilian and military officials with respect to **Abu Ghraib**, we therefore asked the following questions:

- Were the recommendations or decisions of senior officials in violation of the law and/or policy governing the control of detained persons?
- Did any policies, acts or omissions by senior officials result, directly or indirectly, in the illegal acts discovered during that night shift at Abu Ghraib?

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Senior officials in and out of the Department, have found the answer to these questions to be “no.”

After reviewing the available evidence, and the Schlesinger and Church Reports, it is clear that senior officials were not responsible for the criminal acts committed at Abu Ghraib. Further, there is no evidence that policies or directives from the Department were in contravention of the operative standards for detention operations in Iraq, Afghanistan, or Guantanamo. Accordingly, there are no grounds to sanction senior Department civilian or military officials for the misconduct that occurred at Abu Ghraib beyond those who have been criminally or administratively dealt with thus far and where actions may be pending. (See Attachment 10)

Legal Standards for Operations At Abu Ghraib and Guantanamo Bay

Since pictures of the illegal acts at Abu Ghraib became public, there has been considerable confusion about the relationship between detainee operations at Abu Ghraib and operations at Guantanamo Bay.

There are differences in legal terms between the Global War on Terrorism and the war in Iraq.

~~... The detention operations at Abu Ghraib were part of Operation Iraqi Freedom. We acknowledged and stated from the outset that operations in Iraq, including detention and interrogation activities, were required to be in full accordance with the Geneva~~

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Conventions. This was well understood by those who planned and conducted Operation Iraqi Freedom.

In regard to the War on Terrorism, including operations in Afghanistan and detention operations at Guantanamo, the law of war was also applied. In applying the law of war, the President determined that Al Qaeda and Taliban detainees under the control of the Department were unlawful combatants and not entitled to prisoner of war ~~status~~ under the Geneva Conventions. While not entitled to Prisoner of ~~War~~ status, the President also determined that the United States will "treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva."

On January 19, 2002, the Secretary of Defense issued an order to all Combatant Commanders which was communicated to them by the Chairman of the Joint Chiefs of Staff, implementing the President's policy. The Chairman issued the order on January 21, 2002, and it remains in effect today.

The Department was advised that although the President had determined that the Geneva Conventions applied to the conflict with the Taliban, he determined that the Taliban did not qualify for the prisoners of war protections provided by the Third Geneva Convention because the conduct of the Taliban forces failed to meet the requirements of that Convention for prisoners of war.

~~The President concluded~~, after discussion at ~~the highest levels of the U.S.~~ government, that the provisions of the Geneva Conventions did not apply to the conflict

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against Al Qaeda. They did not qualify as prisoners of war. The President **also** determined that common Article 3 did not apply to either Al Qaeda **or** Taliban detainees, because the relevant conflicts were international in scope and common Article 3 applies to **non-international** conflicts.

Based on those legal conclusions, in a February 7, 2002 directive, President Bush reiterated the legal standard for detainees in the War on Terrorism:

“The United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.”

(See Attachment 12 – Presidential Memorandum of February 7, 2002).

The President’s decision that Al Qaeda and Taliban fighters were unlawful enemy combatants is consistent with the law of war, **in** that those **fighters** conduct their operations in a manner contrary to the law of war, including the Geneva Conventions. The Schlesinger **Report** agreed, concluding that unlawful combatants were not entitled to the protection of the rules of war.

As demonstrated by its many horrific attacks, Al Qaeda intentionally targets innocent civilians while disguising themselves as civilians to avoid attack. Similarly, the Taliban did not wear identifiable insignias or uniforms, lacked a chain of command that was responsible for its forces, and did not operate according *to* the laws **of war**.

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The President's decision was based on the principles that fundamentally support Geneva principles and stands as an affirmation of our nation's **full** commitment to compliance with the Geneva Conventions.

Senior Department officials, military and civilian, involved in detention and interrogation policy well understood the different governing standards for Iraq and Guantanamo and worked to ensure that policies developed by the Department were in accordance with **this** legal framework. The Department's policies require humane treatment of all detainees. No policy promulgated by the Department could reasonably have been interpreted to endorse acts of detainee abuse the military discovered on the night **shift** at Abu Ghraib. **This** conclusion is supported by the findings of all investigations conducted by DoD.

Specifically, the Schlesinger review -- developed by **two** former Secretaries of Defense (Dr. James Schlesinger and Dr. Harold **Brown**) who served Presidents of **both** political parties -- concluded

"No approved procedures called for or allowed the kinds of abuse that in fact occurred."

The Church Report, headed by the then Navy Inspector General, found similarly:

e ■ , “None of the approved policies -- no matter which version the interrogators followed -- would have permitted the types of abuse that occurred.” (emphasis in original)

The Schlesinger and Church investigations both considered the detention and interrogation policies promulgated by senior Department of Defense officials, and neither found any policy condoning torture or establishing an environment where abuse or torture was acceptable. In fact, they found just the opposite, clear policies requiring “humane” treatment.

Both reports did, however, find “missed opportunities” in detention operations across all theaters of the Global War on Terror and concluded that senior leaders in the Department shared in the shortcomings. We have reviewed those findings and the findings of other investigations and have concluded that, while there were institutional failings, they were not due to personal culpability or the failure of senior military or civilian leaders beyond those cited.

For the Department’s institutional failings, the Secretary has concluded that ~~punishment of additional senior civilian and military officials~~ is not appropriate. The Secretary has also accepted his responsibility to change the institution where necessary, and that process has been long underway.

Addressing Institutional Shortcomings

Individual accountability alone will not address institutional shortcomings. At the same time, the institutional failings must be corrected and that is being aggressively pursued. Accountability involves not only fixing the blame, but also fixing any problems and improving doctrine, procedures and execution.

First, there must be a clear system of accountability. To that end, a Deputy Assistant Secretary of Defense for Detainee Affairs has been appointed. The Army has made the Provost Marshal General the executive agent for detainee operations. **And** General John Abizaid, Commander of U.S. Central Command, has assigned a two-star officer to take charge of all detention and interrogation operations in Iraq.

Second, the Department must become more effective in translating policy into action. To do that we require clear doctrine and procedures. The Department has focused its efforts on this task and refreshed doctrine and procedures. (Attachment 7 details some of the regulations and doctrine changes that are underway as a direct result of addressing the institutional issues.)

Third, there must be training and oversight to ensure that policy, doctrine and procedures are implemented properly. It is to ~~this~~ task that the Department's ongoing efforts are dedicated. The Department has implemented changes at every level, from policy to the training of individual service members -- Active, Guard and Reserve.

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Fourth, the Department must account for detainees in its control. On June 17, 2004, the Secretary answered questions about his decision to not immediately register a particular Iraqi detainee. He did *so* at the request of and under the [advisement] of the Central Intelligence Agency and explained at the time why, in **this** particular case, it was appropriate. Guidance has been issued to ensure that all DoD detainees are promptly registered, normally within **14** days after capture.

Finally, Department senior leadership -- military and civilian -- have or are currently reviewing more than **490** recommendations proposed by the investigations, reviews, and other internal initiatives. Many of the recommended changes have already been implemented

- Establishment of a Joint Staff Detainee Affairs Division; Establishment of a Detainee Operations Oversight Council; Significantly improved the reporting relationship with International Committee of the Red Cross (ICRC) and expanded and expedited internal review of ICRC reports to senior DoD leaders;
- Multi-million dollar investments to upgrade and improve detention facilities; and
- Improved training in accommodating religious and cultural practices.

In addition, the Department has issued policies regarding the medical treatment of ~~detainees in both Iraq and the broader War On Terror~~. The Assistant Secretary of Defense for Health Affairs, Dr. ~~Winkenwerder~~, has issued ~~policy guidance~~ on the use of Behavioral Science Consultants (known as "Biscuit" or BSCT – behavior science

consultant teams) and the handling of detainee medical records. Both of these policies were developed in response to concerns raised in DoD investigations regarding the use of medical information for interrogation. Further, Health Affairs has developed a DoD Directive pertaining to medical care for detainees in DoD custody. Detainees receive excellent medical and dental care in Guantanamo and elsewhere and the basic policy is to provide them the same medical care as we provide to U.S. service members. (See Attachment 16)

The Department is committed to seeing further reforms implemented.

Realigning Authority, Responsibility, and Accountability

One final point regarding military accountability. Among the many lessons learned since September 11, 2001, as highlighted and perhaps epitomized by Abu Ghraib, is that the procedures for establishing accountability are uneven among the four Military Departments and other Defense Components.

In retrospect, there has been a lack of clarity in oversight responsibilities for detainee operations between the Army, which is the Executive Agent for administration of Department of Defense's Detainee Programs, and the Combatant Commanders. However, the Department is addressing this issue separately in the revision of DoD Directives (DoD Directive 2310.1 in particular) -- assigning program and operational responsibility more clearly.

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Similarly, there has been some lack of clarity in authority, responsibility, and accountability between the warfighting and the administrative chains of command. As the attached document illustrates, subordinate commanders in the combatant commands often wear dual hats. (See Attachment 9) They can have operational chain of command responsibilities reporting to a combatant commander and, at the same time, have administrative responsibilities -- as military service component commanders -- reporting to the Service Chief and Military Department Secretary. The resulting ambiguity, particularly with regard to accountability, may need to be resolved by revisiting responsibilities under the Goldwater-Nichols Act of 1986.

Whatever the source of the problems, the length of time it has taken for the U.S. Army and the Combatant Commanders to establish accountability for the illegal acts at Abu Ghraib was greater than what should have been necessary. It underscores the need for a review of Department investigative and legal practices and the assignment of responsibilities. The Chairman of the Joint Chiefs of Staff and the "Acting" Deputy Secretary of Defense -- "acting" in that, even during wartime, the Deputy Secretary of Defense still has not been confirmed by the U.S. Senate -- are currently assessing institutional shortcomings in order to understand them better and address this problem.

Questions and Answers

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In editorials and articles, on television and the radio, and in Congress, a number of myths about detainee abuse have been circulating. It is appropriate to address some of the more serious -- and most inaccurate -- fictions:

- 1) That abuses were the result of interrogations;
- 2) That the Department has understated the extent of abuse;
- 3) That the Department has disregarded concerns about detainee treatment made by the International Committee of *the* Red Cross (ICRC);
- 4) That abuse at Abu Ghraib reflects abusive interrogation tactics approved at Guantanamo Bay;
- 5) That the U.S. military cannot legally detain terrorists, or try them through military commissions.

1) Did abuses result from top-level pressure to get more information out of prisoners? **No.**

One largely unreported reality is this: only one of the widely disseminated photographs of humiliation and misconduct at Abu Ghraib had anything to do with interrogations. With one exception, the prisoners in the photographs were criminal suspects with no intelligence value. In flagrant violation of regulations and policies, they were mistreated as a form of unlawful punishment or amusement for prison guards. In fact, many of the now infamous images were from an appalling and illegal birthday bash held one night for one of the soldiers, who has since been court-martialed.

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2) **Has the Department of Defense understated the extent of abuse beyond Abu Ghraib? No.**

When the Secretary and senior officials first testified about the Abu Ghraib scandal in May of 2004, they warned that more instances of abuse could surface as a result of the investigations. The Department has since consistently informed Congress and the American people that allegations are in the hundreds and that more allegations could be forthcoming. If ever a Department official has misspoken and indicated a certain number of instances of misconduct, they have tried hard to correct it as additional information has become available.

While not understating the full extent of misconduct, what the Department *has* correctly asserted is that any misconduct is neither representative of the conduct of America's men and women in uniform or how the overwhelming majority of detainees in **U.S.** custody have been treated. Nothing uncovered in the past year has **led** the Department to change that view.

One must also remember that according to training manuals discovered in Manchester, England, Al-Qaeda teaches its followers to claim torture no matter the circumstances. (See Attachment 11) Their correct conclusion is that such claims will cause Western democracies, under pressure from the news media and activists, to suspend or curtail interrogations to avoid criticism or bad publicity. In a way, it's a backhanded compliment to the basic decency and humanity of our society.

3) Is the Department unresponsive to concerns about detainee treatment made by the International Committee of the Red Cross? **No.**

The International Committee of the Red Cross (ICRC) and its sister organization, the International Committee of the Red Crescent, assume a responsibility to review the treatment of detainees held in captivity worldwide and measure that treatment against what they consider basic standards of humane treatment. Their work requires cultivating a rapport with a wide range of governments, including regimes which the United States considers terrorist sponsors. As such, their work requires a degree of confidentiality. In the past, the ICRC has asked U.S. government officials, for example, to keep the ICRC reports on detainee conditions confidential. The U.S. government has tried to honor such requests. For these reasons, ICRC reports have rarely been released to the media or to the general public. However, some of these documents have leaked.

The administration's interaction with the ICRC is complicated by differences over what constitutes "abuse" or "torture." The ICRC's position that certain **U.S.** practices -- such as holding certain terrorists in separate confinement and using loud noise and music -- are "tantamount to torture" is objected to by the U.S. government.

At the time of the abuses at Abu Ghraib, the military's practice was to keep ICRC reports with the military officials who were responding to ICRC concerns, and to not forward ~~them up the~~ chain of command immediately. The rationale had been that

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military commanders in the field were the ones best able to correct **any** deficiencies and to work closely with ICRC officials.

This process, however, often kept more senior officials -- military and civilian -- including the Secretary of Defense and Combatant Commanders -- in the **dark** about the ICRC's concerns -- although at least one Department of Defense official once met with ICRC representatives and the Secretary of State to discuss concerns about detention facilities.

On July **14, 2004**, the Secretary issued new guidance on the handling of ICRC reports to ensure that the information provided would be properly handled and that the information would be brought to the attention of senior leadership, including the Secretary. (See Attachment 15). Further, on July **16, 2004**, the Office **of** Detainee Affairs **was** established under the direction of the Under Secretary of Defense for Policy. One primary function of the Detainee Affairs office is to liaison with the ICRC. (See Attachment 16). DoD's efforts are evidence that it recognized flaws in the communications process in dealing with the ICRC at the time of the Abu Ghraib incidents. Such efforts are sharply at odds with accusations that the Department has been unresponsive to ICRC requests.

4) Did supposedly abusive policies originating at Guantanamo Bay migrate to Iraq, resulting in the mistreatment of prisoners at Abu Ghraib and elsewhere -- in an erroneous so-called "**torture** narrative?" Answer: No.

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First, improper or illegal policies cannot migrate from one theater to another if there was no policy of mistreatment to begin with. And there was none.

Secretary Schlesinger reported that, “The policies established for Guantanamo were made solely for Guantanamo, and while unauthorized passage of the rules may have taken place -- that was not the intent.” At Guantanamo Bay, rules specifically forbid guards from abusing prisoners. Detainees frequently and sometimes violently provoke guards, but the case of any guard who responds by violating Guantanamo Bay’s strict rules have been and will be addressed by that command. For example, one MP was punished for hitting a detainee in response to the detainee striking the MP in the face and biting a second MP. A military barber was reprimanded for giving a detainee an “inverse Mohawk” haircut. (See Attachment 13). The Department of Defense does not tolerate any deviation from established procedures and policy for detainee handling.

The Department has attempted to increase transparency at Guantanamo to broaden the understanding of operations there. Facilities have been opened to the media, to members of Congress, lawyers for detainees, and the International Committee of the Red Cross (ICRC) -- which has had access to the facility since January 2002. Further, the Department has invited members of the UN Human Rights Committee (the Special Rapporteurs) to Guantanamo in an unprecedented effort to include the international community.

Thus far, visits to Guantanamo have been made by:

- 25 Senators;

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- 113 Representatives; and
- Over 1000 journalists.

The Department invites any members of Congress who wish to visit Guantanamo to do so. Senator Pat Roberts, who this summer visited Guantanamo Bay, which had been compared by Amnesty International to a "gulag," observed

"They have a Muslim menu down there of 113 dishes. . . . I saw them playing soccer. I saw them playing ping-pong."

He also noted that the report by Generals Schmidt and Furlow found three substantial violations of the rules for detainee treatment -- that occurred over two years ago -- out of 24,000 interrogations at Guantanamo. While any abuse is unacceptable, only a small fraction of incidents of abuse have occurred.

5) Can the U.S. military legally detain terrorists, or try them through military commissions? Answer: Yes.

Closed (non-public) military trials for foreign enemy combatants are appropriate and legal. Because transnational terrorism is in a gray area between criminal activity and warfare -- neither model applies completely. The terrorists **are** not simple criminals or car thieves. By their own admission they **are** engaged in what they call a Jihad, a holy war, against the U.S., the West, **and** moderate Muslim regimes. However, the "Holy

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War” is not reflective of the conventional “laws of land warfare,” in that terrorists do not wear uniforms, they intentionally attack innocent civilians, and they are not a party to and do not abide by the Geneva Conventions. **Thus**, the USG is responding to Al Qaeda with a hybrid of the two systems used to fight crime and to conduct the war.

As a result, the Department has been criticized by conventional practitioners of both military and criminal law. This discomfort is understandable, but fails to address the realities of the Global War on Terror.

If the U.S. were to apply U.S. criminal justice to combatants in times of armed conflict, **the** protections afforded to combatants could or probably would result in either their being released or deported to plot their next attack.

Under the laws of war, the United States has the right **to** detain individuals who have taken **up arms** against our country until the cessation of hostilities. **This** has been the case in every war since our country’s founding -- from the thousands of British prisoners held for many years during the Revolutionary War, to **the** hundreds of thousands of German and Italian prisoners held during World War II. Those combatants were not charged with a crime **or** awarded access to a lawyer. If there is any doubt whether hostilities continue in this war against violent extremists, consider the **downing** of a helicopter holding 16 Special Operations Forces in Afghanistan, the bombings which killed so many in London, and the suicide attack which murdered two dozen children who were receiving candy from American soldiers in Iraq.

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A significant effort has been made to establish procedures that provide an appropriate legal process for every suspected extremist -- procedures that go beyond what is required even under the Geneva Conventions. At Guantanamo Bay, the cases of all detainees have been thoroughly considered

- Some 750 detainees have been sent to Guantanamo Bay;
- More than 250 have been released or transferred to other countries,
- More than 100 currently are awaiting release or transfer; and

Combatant Status Review Tribunals have reviewed the cases of all detainees currently held at Guantanamo Bay to assess whether they continue to be properly classified as enemy combatants. Furthermore, each unlawful combatant's situation is reviewed at least annually by an administrative review board to determine the threat posed by a detainee's release and the need for continued detention by DoD. The United States is looking for ways to accelerate further transfers of detainees to their home countries or to other countries that will take the necessary steps to prevent transferred combatants from re-engaging in hostile activity and provide credible assurances of humane treatment. To date, the United States has transferred or released more than 250 detainees from Guantanamo. The pace and extent of transfers will depend in part on our coalition partners' ability and willingness to share the burden of preventing more terrorist activities. Where necessary, the U.S. will assist coalition partners to develop the legal and physical capacity to contain terrorist threats.

DRAFT

29

11-L-0559/OSD/54486

An important aspect of the legal process for fighting extremists is the concept of Military Commissions. It was established to try unlawful combatants for war crimes. Such Commissions provide many of the protections for defendants of U.S. criminal courts, but without jeopardizing U.S. national security. Commissions were suspended in December, 2004, because of a federal district court order, but that order subsequently was unanimously overturned by a U.S. Court of Appeals on July 15, 2005. That court's ruling marks an advance in the global struggle against extremists and aids the effort to protect innocent life. It upheld the President's authority to convene military commissions and affirmed that the Geneva Conventions do not apply to Al Qaeda terrorists.

In light of the court's ruling, the Department began taking the following steps:

- Proceedings would resume as soon as possible against two detainees accused of terrorist activities, including one individual who served as a personal bodyguard and driver for Osama bin Laden.
- The Office of Military Commission resumed preparing charges against eight other individuals and preparing recommendations to the President to conduct military commission proceedings against additional individuals currently held at Guantanamo Bay, Cuba.

On November 7, 2005, the United States Supreme Court announced that it would review the ruling in *Hamdan v. Rumsfeld* to determine whether the President has the authority to

conduct tribunals for enemy combatants. The Department is currently reviewing its legal options to determine if this will once again put military commissions in abeyance.

Conclusion

A final word about America's men and women in uniform. Because of the ~~nature~~ of today's "Information Age," incidents of criminal wrongdoing receive immediate worldwide attention. However, the reality is that America's forces today are the most professional and best-disciplined forces in our country's history.

All should remember that while more than 170 service members have been found responsible for varying degrees of misconduct involving detainees, more than one million men and women in uniform have served honorably and more than 70,000 captured persons have passed through Department custody. The overwhelming majority of the U.S. uniformed military responsible for detainees has handled its responsibilities with skill, dedication and professionalism. (See Attachment 17)

We must not allow breaches of discipline to blind the world to the true picture -- that the men **and** women of America's military are selfless defenders of all we hold dear, including the worth and dignity of every human being. They deserve far better than the impression that has been left by **the** scandalous pictures *taken* on the night shift at Abu Ghraib and the slander that has been directed at them by many -- far too many -- voices of national prominence.

Further, the reforms and improvements that are being made in Afghanistan and Iraq are **part** of a larger initiative to transition detention operations from DoD to home governments and to share detention responsibilities with our partners in the Global War on Terror. The U.S. recently reached an understanding with the government of Afghanistan to help them develop capacity to hold enemy combatants, **to** include renovating detention facilities as well as training and equipping Afghan personnel **so** they can assume this mission safely and humanely. The Department **is** also working closely with the Iraqi government to transition control of our facilities in Iraq to local control and **to shift** responsibility for detention to the new government there.

Although Abu Ghraib called into question many of **our** beliefs and values, America is not what is wrong with the world – violent extremists and terrorists **are** what is wrong with the world, and we need to get back to the task at hand.

Report on Detention Operations

(Nov 2005)

ATTACHMENTS:

- #1: DOD Investigations and descriptions
- #2: Congressional testimony and briefings
- #3: Detention Operations Accountability
- #4: Detention Operations Improvements
- #5: Investigation Recommendations
- #6: Detention Facilities Improvements
- #7: Policy Publications
- #8: Guantanamo Bay - A Report; Guantanamo Today
- #9: DoD Chain of Command
- #10: DoD Directive 31 15.09 (DoD Intelligence, Interrogation, Detainee Debriefings, and Tactical Questioning)
- #11: Manchester Document - Terrorist training manual (Lesson #18)
- #12: President Bush's Memos on humane treatment (7 Feb 2002)
- #13: Guantanamo Detainee Processes
- #14: ICRC Handling Memo
- #15: Deputy Assistant Secretary of Defense for Detainee Affairs establishment Memo
- #16: Medical Program Principles and Procedures for the Protection and Treatment of Detainees in the Custody of the Armed Forces of the United States
- #17: Professionalism of the Guard Force
- #18: Specific Allegations Against Senior Civilian Officials

Completed Reviews/Investigations/Panels/Reports

12 Major reviews

- 492 recommendations;
 - 307 recommendations are closed;
 - 66 recommendations have had their intent met;
 - 119 recommendations are underway and satisfactory progress is being made

1. MG Ryder Report – 160 recommendations – 117 closed; 38 intent met; 5 in progress

- **PURPOSE:** General assessment of detention and corrections operations in Iraq to include 9 assessment areas:
 - Detention & Corrections (D&C) Management
 - Detainee Management
 - Means of Command and Control
 - Integration of military D&C with CPA and transition to Iraqi run system
 - Detainee Medical Care and Health Management
 - D&C facilities meeting health, hygiene & sanitation standards
 - Court integration and docket management
 - Detainee legal processing
 - Detainee databases and records

- Assessment was initiated by LTG Sanchez
 - Began 11 August 2003; completed 6 November 2003
 - SECDEF briefed 11 May 2004
- Some of the recommendations (representative sampling)
 - Delineate facilities & staffing responsibilities between Department of Justice and Department of Interior (Open – Department of State/Department of Justice/Interim Iraqi Government issue)
 - Hire correction experts (Open – Department of State/Department of Justice/Interim Iraqi Government issue)
 - Operations and budget policy should be based on national plan (Open – Department of State/Department of Justice/Interim Iraqi Government issue)
 - Segregate detainees by status (Closed)
 - Consolidate security internees at Abu Ghraib (Closed)
 - Once CPA MOJ prisons department is staffed, determine if military augmentation is necessary (Closed)
 - Develop standard for safe and secure operations of prison facilities (Closed)
 - Each ministry should submit budget to Ministry of Finance (Open – Department of State/Department of Justice/Interim Iraqi Government issue)

- Renovate all cells in Abu Ghraib to facilitate segregation and consolidation of detainees (Closed)
- Recruit civilian correctional administrators for detention operations and to operate Iraqi Correctional Officer Training Academies prisons (Open – Department of State/Department of Justice/Interim Iraqi Government issue)
- Transition all operations to the Iraqi Correctional Force prisons (Open – Department of State/Department of Justice/Interim Iraqi Government issue)
- Complete construction of 4 regional prisons (Open – Department of State/Department of Justice/Interim Iraqi Government issue)
- Develop plan to remove weapons ~~from~~ interior/close proximity to internment facilities (Closed)
- Develop Standard Operating Procedures for family/relative visitation (Closed)
- Develop Standard Operating Procedures for accountability for keys (Closed)
- Develop Standard Operating Procedures for accountability for tools (Closed)
- Use experience of Military Police and Standard Operating Procedures (Closed)

- Continue to conduct training for Iraqi correctional officers prisons
(Open – Department of State/Department of Justice/Interim Iraqi Government issue)
- Budget for improvements in sanitary conditions (Closed)
- Coalition Provisional Authority and Ministry of Justice must direct the court to go to the facilities to expedite the judicial process prisons (Open – Department of State/Department of Justice/Interim Iraqi Government issue)
- Segregate detainees as appropriate (Closed)
- Use EXCEL spreadsheet in Arabic at all facilities (Closed)
- Military Intelligence and legal should make Interest determinations and release appropriate personnel (Closed)

2. MG Miller Report – 21 recommendations; 17 closed; 1 intent met; 3 in progress

- **PURPOSE:** Joint Task Force GTMO assessment of intelligence and detention operations in Iraq
- Assessment was initiated by SECDEF and DEPSECDEF
- Began 31 August 2003; completed 9 September 2003
- SECDEF briefed 5 September 2003
 - Some of the recommendations (representative sampling)
 - Provide for the special medical needs of detainees (Closed)

- Provide scenario based training on the operating environment to Soldiers prior to deployment to the theater (Closed)
- Establish procedures for segregating detainees (by sex, age and category of detention) to prevent unauthorized contact (Closed)
- Expedite the exchange and analysis of collected intelligence (Ongoing)
- Assess and refine transfer criteria to exploit high value detainees and release low value detainees in a more timely manner (Closed)
- Dedicate additional judge advocates to advise commanders on approved interrogation procedures (Closed)
- Develop comprehensive physical security standard operating procedures (Closed)

3. MG Taguba Report – 35 recommendations; 32 closed; 3 in progress

- **PURPOSE:** Conduct Army Regulation (AR) 15-6 Administrative investigation of detainee operations and 800 Military Police Brigade
- Investigation ~~was~~ initiated by LTG McKiernan on behalf of LTG Sanchez
- Began 31 January 2004; completed 12 March 2004
- SECDEF briefed 6 May 2004
 - Some of the recommendations (representative sampling)
 - Deploy a mobile training teams comprised of subject matter experts in detention operations to the theater (Closed)

- Provide additional training to Military Police and Military Intelligence Soldiers on Law of War and Geneva Conventions (Closed)
- Provide and prominently post Geneva Conventions in English and other languages (as appropriate) for all detention facilities (Closed)
- Develop and distribute comprehensive set of standard operating procedures for all detention facilities (Closed)
- Assign a single commander for all detention operations in Iraq (Closed)
- Determine culpability of Military Intelligence personnel for abuses at Abu Ghraib Prison (Closed)
- Dedicate senior staff judge advocate to advise commanders (Closed)
- Improve detainee accountability procedures (Closed)
- Segregate detainees by category of offense (Closed)
- Relieve BG Karpinski of command (Closed)
- Take action against personnel involved in Abu Ghraib Prison abuses (in progress)

4. Navy IG (VADM Church) Review – GTMO/Charleston – Church 1 – 12

recommendations; 9 closed; 1 intent met; 2 in progress

- **PURPOSE:** Review of procedures at GTMO and Charleston
- Review was initiated by the SECDEF through SECNAV
- Began 3 May 2004; ~~completed 11 May 2004~~ —
- SECNAV briefed 11 May 2004

- Some of the recommendations (representative sampling)
 - Consider other military Service participation in Military Police responsibilities at GTMO (Closed)
 - Consolidate guidance for GTMO and Charleston facilities (Closed)
 - Examine process for interagency detainee movement orders (Closed)
 - Establish a formal process for detainees to make complaints (Closed)
 - Review GTMO mail policies for detainees (Closed)
 - Review detainee clothing policy (Closed)
 - Cease use of removal of Koran as an interrogation technique (Closed)

5. BG Formica Investigation – 8 recommendations; 6 closed; 2 intent met

- Appointed by LTG Sanchez

- **PURPOSE**

- Investigate allegations of detainee abuse
- Applies to all detainees under the control of Combined Joint Special Operations Task Force – Arabian Peninsula (CJSOTF-AP) or 5th Special Forces Group
- Examine procedures and facilities used for detainee operations
- Establish command and control authorities over detainees within CJSOTF

- Began 14 May 2004; completed 10 October 2004

- Briefed to SECDEF on 11 January 2005

- Some of the recommendations (representative sampling)

- Provide greater oversight of subordinate organizations (Closed)
- Units should receive corrective training in detention operations (Closed)
- Ensure proper dissemination of policy and provide oversight of compliance (Closed)
- Publish guidance on clarification of interrogation policy (Closed)
- Investigate allegations of abuse (Closed)
- Establish policy guidance on minimum standards for detention facilities (Closed)
- Advise other commands of ongoing investigations (Intent met)

6. MG Fay Report – 28 recommendations; 15 closed; 2 intent met; 11 in progress

LTG Jones – 19 recommendations; 9 closed; 4 intent *met*; 6 in *progress*

- **PURPOSE:** Reviewing military intelligence and contractor interrogation procedures of 205th Military Intelligence Brigade personnel at Abu Ghraib
- Review was initiated by LTG Sanchez
- Began 23 April 2004; completed 5 August 2004
 - **Some of the recommendations (representative sampling)**
 - Army should reemphasize Soldier and leader responsibilities in interrogation (Closed)
 - Designate a single authority for command and control of detention ~~operations~~ (Closed)

- Tactical Control/Operational Control relationships should be clarified in Fragmentary Orders (Closed)
- JIDC should be manned, trained and equipped as standard military organizations (In progress)
- More training on Soldier and leader responsibilities in detention operations (In progress)
- Improve training for all personnel in Geneva Conventions (In progress)
- Review policies with regard to International Committee of the Red Cross visits (Closed)
- Determine accountability for abuses at Abu Ghraib (In progress)
- Designate single authority for detention operations (Closed)
- Review command relationships and responsibilities for detention operations (Closed)
- JFCOM and Army update publications on the concept and organization of the Joint Interrogation and Detention Center (In progress)
- Clarify interrogation processes at the tactical and strategic levels (In progress)

7. Army IG (LTG Mikolashek) Assessment – 52 recommendations; 34 closed; 4 intent met; 14 in progress

- **PURPOSE:** Review overall assessment of doctrine and training of detention operations

8. **BG Jacoby Afghanistan Assessment – 32 recommendations; 24 complete; 3 intent met; 5 in progress**

BG Jacoby is Deputy Commanding General Combined Joint Task Force – Seventy ~~Six~~ (CJTF-76), Afghanistan

- **PURPOSE:** Assessment will review detainee operations and facilities in Afghanistan
- Assessment was initiated by LTG Barno
- Began on 18 May 2004; ongoing; expected completion is 15 June 2004
 - Some of the recommendations (representative sampling)
 - Provide correct Military Police force structure to conduct the mission in Afghanistan (Closed)
 - Deploy Mobile Training Teams to ensure timely collection of actionable intelligence (Closed)
 - Increase number of interpreters available in theater (In progress)
 - Provide additional training in detention operations (Closed)
 - Certify interrogators (In progress)
 - Provide familiarization training for methods of determining age of detainees (In progress)
 - Improve communications capability in theater (In progress)
 - Provide Soldiers with hand held metal detectors for searches (Closed)
 - Provide access to U.S. national databases to determine detainee status (Closed)

- Provide additional funding for renovation of detention facilities (Intent met)
- Designate a single authority for detention operations (Closed)
- Ensure International Committee of the Red Cross has access to all detainees (Closed)

9. Navy IG (VADM Church) – Detainee Operations and Interrogation Review – Church II – 44 recommendations; 18 closed; 2 intent met; 24 in progress

- **PURPOSE:** Collection of authorized interrogation practices and to ensure that all appropriate guidance is being followed
- Assessment was initiated by SECDEF
- Includes Afghanistan, Iraq, **GTMO**, Joint Special Operations in CENTCOM AOR and the Iraq Survey Group
- Began 25 May 2004 – completed 7 March 2005
 - **Some of the recommendations (representative sampling)**
 - Incorporate lessons learned in future planning (In progress)
 - Establish autopsy policy for detainee deaths (Closed)
 - Review medical support for detention operations (In progress)
 - Establish policy on interagency relationships for detention operations (In progress)
 - Further investigate allegations of abuse (In progress)

- Establish standard procedures for reporting and investigating procedures for allegations of abuse (In progress)
- **Clarify** and reconcile roles of Military Police and Military Intelligence in detention operations (In progress)
- Improve policy dissemination process (In progress)
- Provide additional training for medical personnel (In progress)
- Increase the number of linguists and interrogators to meet the demands of the Global War on Terror (In progress)

10. Schlesinger Panel – 14 recommendations; 2 closed; 4 intent met; 8 in progress

- **PURPOSE:** Independent examination of Department of Defense detention operations in the Global War on Terror
- Panel includes: Hon. James R. Schlesinger, Hon. Harold Brown, Hon. Tillie K. Fowler and General Charles A. Horner, USAF (RET.)
- Established by SECDEF
- Began 12 May 2004; completed 23 August 2004
 - **Some of the recommendations (representative sampling)**
 - Define DoD policy on the categorization and status of detainees (In progress)
 - Develop joint doctrine on the relationship between Military Police and Military Intelligence personnel (In progress)

- Correct Military Police/Military Intelligence force structure problems (In progress)
- Recruit and train more linguists, interrogators, HUMINT experts and behavioral scientists (In progress)
- Develop a professional ethics program for detention operations personnel (In progress)
- DoD should continue to foster its relationship with the International Committee of the Red Cross (Closed)
- Establish an office of Detainee Affairs (Closed)
- Conduct further studies into detention operations (In Progress)

11. Schmidt – Furlow – 27 recommendations; 15 closed; 12 in progress

- **PURPOSE:** Conduct and Army Regulation 15-6 investigation into the facts and circumstances surrounding allegations of detainee abuse at JTF-Guantanamo Bay, Cuba.
- Assessment was initiated by General **Bantz J. Croddock**, Commander, **SOUTHCOM**
- Began **5 January 2005**; completed **9 June 2005**.
 - **Some of the recommendations (representative sampling)**
 - Investigation allegations that DoD interrogators impersonated FBI agents (Closed)
 - Investigate allegations that a female interrogator wiped “menstrual blood” on a detainee during an interrogation (Closed)

- Investigate allegations that interrogators improperly interfered with FBI interrogators in the performance of their FBI duties (Closed)
- Re-evaluate DoD and Interagency interrogation training (In progress)
- Policy level review of Military Police role in interrogations (In progress)

12. LTG Kiley Medical Review – 23 recommendations; 23 in progress

- **PURPOSE :** To assess detainee medical operations in Operation Enduring Freedom, Guantanamo Bay Cuba and Operation Iraqi Freedom. LTG Kiley specifically directed the team to look at **14** assessment areas with respect to Army Active Component and Reserve Component medical personnel providing support and/or care to detainees in Afghanistan, Cuba and Iraq.
- Assessment was initiated by the Army Surgeon General LTG Kiley
- Began 12 November **2004**; completed 13 April 2005.
 - Some of the recommendations (representative sampling)
 - Establish DoD level guidance for pre- and post-interrogation medical screening of detainees (In progress)
 - Establish DoD standards for medical record documentation ICO detainees (In progress)
 - Establish DoD policy on use of Behavioral Science Consultation Teams (In progress)

- **Establish standard policy for cross utilization of translators for medical and interrogation activities (In progress)**
- **Provide additional training for medical personnel providing medical care to detainees (In progress)**

Selected Congressional Hearings Related to Detention Operations

07 May 2004 HASC Full Committee (Detainee abuse in CENTCOM AOR)

07 May SASC Full Committee (Allegations of Mistreatment of Iraqi Prisoners)

11 May SASC Full Committee (Allegations of Mistreatment of Iraqi Prisoners II)

19 May SASC Full Committee (Allegations of Mistreatment of Iraqi Prisoners III)

21 May HASC (OIF)

16 Jun HASC (Iraqi Transition)

22 Jun HASC Full Committee (Progress in Iraq)

25 Jun SASC Full Committee (Transition to Sovereignty in Iraq)

14 Jul HPSCI (Critical need for interrogation in GWOT)

15 Jul HASC Full Committee (Army Transformation: Implications for the Future)

21 Jul HASC Full Committee (Army Transformation: Implications for the
Future II)

22 Jul SASC Full Committee (Army IG report on Detention Doctrine and Training)

08 Sep HASC Full Committee (Performance of U.S. Military in Iraq and
Afghanistan)

09 sep HASC Full Committee (Independent Panel Detention Report)

09 sep SASC Full Committee (Independent Panel Detention Report)

09 sep HASC Full Committee (Investigation of military intelligence at Abu Ghraib)

09 Sep SASC Full Committee (Investigation of military intelligence at Abu Ghraib)

03 Feb 2005

**SASC Full Committee (Operations and Stabilization in Iraq and
Afghanistan)**

10 Mar

**SASC Full Committee (Review of DoD Detention and Interrogation
Operations)**

29 Jun

HASC (GTMO Detention Operations)

13 Jul

SASC Full Committee (FBI Allegations of Abuse at GTMO)

14 Jul

SASC Personnel Sub-Committee (Military Justice and Detention Policy)

59 Member Briefings Related to Detention Operations

04 May 2004 SASC (VCSA/TIG/TJAG/PMG) (closed)

04 May HASC (VCSA/TIG/TJAG/PMG) (closed)

05 May SSCI (G2/PMG/TAJAG/CIA) (closed)

06 May HPSCI (G2/PMG/TAJAG) (closed)

12 May SSCI (Cambone/G2/TJAG/CIA)

12 May HPSCI (Cambone/MG Taguba)

12 May House (Abuse Photos)

12 May Senate (Abuse Photos)

13 May HASC (Abuse Photos)

18 May HASC (MG Taguba/MG Ryder)

18 May House (Abuse Photos)

19 May HPSCI (LTG Boykin)

20 May HPSCI (MG Miller)

20 May Senate (Abuse Photos)

02 Jun **HASC** (Gen Hill/Dell'Orto/MG Burgess)

24 Jun Senate (Smith/O'Connell/Liotta/Beaver)

24 Jun HASC (Smith/O'Connell/Liotta/Beaver)

25 Jun HASC (Beaver)

14 Jul HASC (Henry/Waxman/Parks/CENTCOM)

14 Jul Sen Levin (Henry/Waxman/Parks/CENTCOM)

15 Jul SASC (Henry/Waxman/Parks/CENTCOM)
20 Jul Sen Kennedy (ICRC ~~Report~~ Review)
20 Jul Sen Warner (ICRC Report Review)
20 Jul HPSCI (Henry/Waxman/Parks/CENTCOM)
21 Jul HASC (Henry/Waxman/Parks)
22 Jul SASC (Waxman/Beaver/SOUTHCOM)
25 Aug SASC (Kern/Jones/Fay)
08 Sep HPSCI (Kern/Jones/Fay)
13 Sep SSCI (CIA/Fay)
29 Sep Rep Hefley (TAJAG-Samarra)
02 Feb 2005 Rep Costello (BG Wright-Maynulat)
16 Feb Sen Warner (VCSA/TIG/TJAG/COL Vowell/COL Miltner)
27 Apr Sen Reed/Liz King (TIG/TJAG ref Senior Leader Investigations)
27 May Sen Reed/Staff Directors/BM/CA (TIG/TJAG ref DAIG ROI process)
16 Jun Rep Murtha (CID/OTJAG ref Bagram)
29 Jun SASC (BG Hood/CDR Ostergaard)
29 Jun HASC (BG Hood/CDR Ostergaard)
29 Jun Sen Reed (TIG/TJAG ref DAIG ROI process)
30 Jun HPSCI (Army ref CID detainee investigations process)
06 Jul SASC (BG Hemingway/RADM Mcgarrah/Waxman)
06 Jul HASC (BG Hemingway/RADM Mcgarrah/Waxman)
06 Jul SSCI (BG Hemingway/RADM Mcgarrah/Waxman)

06 Jul SASC (BG Hemingway/RADM Mcgarrah/Waxman)
07 Jul SJC (BG Hemingway/RADM Mcgarrah/Waxman)
07 Jul HASC (Army ref Medical Assessment)
07 Jul SASC (Army ref Medical Assessment)
08 Jul HJC (BG Hemingway/RADM Mcgarrah/Waxman)
11 Jul HPSCI (BG Hemingway/RADM Mcgarrah/Waxman)
13 Jul SASC (GEN Craddock/Lt Gen Schmidt/BG Furlow)
13 Jul Sen Domenici (BG Hemingway/RADM Mcgarrah/Waxman)
14 Jul SASC Personnel Sub Committee (Policy)
20 Jul Sen Chambliss (BG Hemingway/RADM Mcgarrah/Waxman)
26 Jul HGRC (BG Hemingway/RADM Mcgarrah/Waxman)
25 Aug HASC (GTMO Transfers)
31 Aug HASC (BG Hemmingway ref Commissions Changes)
31 Aug SASC (BG Hemmingway ref Commissions Changes)
31 Aug SJC (BG Hemmingway ref Commissions Changes)
08 Sep HPSCI (GTMO Brief)
21 Oct HASC (ref ICRC Documents)

79 Staffer Briefings Related to Detention Operations

11 May 2004 HAC-D (Iraqi detainees)

12 May SAC-D (FY05 Defense Appropriation - Detainees)

18 May SFRC (Iraq - Way Ahead)

19 May SASC (LTG Alexander/COL Warden)

19 May SSCI (MG Miller)

19 May HASC (LTG Alexander)

20 May SFRC (LTG Alexander)

21 May SASC (MG Romig/MG Ryder)

21 May HJC (LTG Alexander)

01 Jun SASC (GEN Hill)

01 Jun SASC (Dell'Orto/MG Burgess/COL Lynch)

01 Jun Bill Castle [Hatch] (GEN Hill)

01 Jun Tim Reiser [Leahy] (GEN Hill)

01 Jun HPSCI (Dell'Orto)

01 Jun SJC (Dell'Orto/MG Burgess/COL Lynch)

01 Jun HPSCI (COL Stai)

02 Jun HPSCI (LTG Alexander/BG Wright)

02 Jun HASC (Davidson/Geren/Parks/Tierney)

03 Jun HIRC (LTG Alexander/BG Wright)

04 Jun SASC (Davidson)

09 Jun SASC (Dell'Orto/ LTG Alexander/Liotta)
09 Jun HASC (Dell'Orto/ LTG Alexander/Liotta)
14 Jun SSCI (Dell'Orto/ LTG Alexander/Liotta)
14 Jun HPSCI (LTG Alexander/VADM Jacoby/CIA/FBI)
16 Jun HGRC (Contracting and rebuilding Iraq)
18 Jun HASC ref Disc and Invest Update (CID/TAJAG)
18 Jun SASC ref Disc and Invest Update (CID/TAJAG)
21 Jun HASC (VADM Olson)
21 Jun SASC (VADM Olson)
07 Jul SASC (LTG Alexander/BG Wright)
09 Jul SASC (Henry/Waxman/Moore/Geren)
14 Jul SASC (MG Hood)
14 Jul SSCI (LTG Alexander/BG Wright)
14 Jul Tim Reiser [Leahy] (MG Hood)
20 Jul SASC (Henry/Waxman)
20 Jul HASC (Henry/Waxman)
21 Jul SASC/HASC/SAC-D/HAC-D (Army Leadership)
21 Jul HPSCI (LTG Mikolaahek)
21 Jul SSCI (LTG Mikolaahek)
23 Jul HASC (COL Ley/LTC Miller)
27 Jul SASC (Henry/Beaver/Pede)
27 Jul HASC (Henry/Beaver/Pede)

17 Aug SASC (Nielsen/LTG Alexander/Ballard)

17 Aug SASC (LTG Alexander/MG Romig)

20 Aug HIRC (Waxman/Parks)

24 Aug SASC/HASC (Kern/Jones/Fay)

25 Aug SSCI (LTG Alexander/Gandy/Symanski)

02 Sep HASC (COL Taylor/COL Condron)

13 Oct HASC PSMs (TJAG/CID-Bagram)

13 Oct SASC PSMs (TJAG/CID-Bagram)

14 Oct SASC PSMs/MLAs (TJAG/CID-Bagram)

22 Oct SASC PSMs (OTSG-Med Spt)

26 Oct SASC PSMs (SG-Med Spt)

19 Nov SASC (Geren on ICRC)

01 Dec SASC PSMs (MG Fay-Harrington)

01 Dec SASC (Jacoby Report and ICRC Update)

02 Dec HASC (ICRC Update)

10 Dec SASC (CIA on ICRC Update)

5 Jan 2005 SASC (Detainee Policy)

10 Jan SASC PSMs (OTSG-Med Spt)

15 Feb HASC PSMs (OTSG-Med Spt)

08 Feb SASC Staff Directors and Select PSMs (TIG/TJAG/COL Vowell/COL
Miltner on Senior Leader ROIs)

18 Feb SJC (TAJAG/DEPCID/SA Barton/OSD Policy-Bagram)

23 Feb SenMcCain's Staff (TIG/TJAG)
23 Feb SASC PSMs/MLAs (PMG-Remedial Actions)
04 Mar SASC (Formica Report)
08 Mar SAC-D (FY06 Budget)
18 Apr SASC Staff Directors and Select PSMs (TIG/TJAG)
27 Apr SAC-D (FY06 Budget)
20 May SASC (DoD Interrogation Policy Review)
27 May SASC (Waxman on ICRC Update)
29 Jun SASC (GTMO Detention and Interrogation Procedures)
07 Jul SASC/HASC PSMs (OTSG on Med Assessment)
18 Jul SASC PSMs (OTSG on Med Assessment)
24 Jul SASC PSMs (OTJAG on MJ and Det Ops)
13 Sep brief to SASC on variety of detainee issues by Alan
19 Sep Min SASC (OSD Policy on Camp Cropper)
23 Sep HASC/SASC (OSD Policy on hunger strike)
2 Nov SASC (ICRC Documents)

**Statements by Daniel Dell'Orto, Rear Admiral James McGarrah and
Brigadier General Thomas Hemingway before SASC**

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FDCH Political Transcripts

July 14,2005 Thursday

Type: Committee Hearing

Committee: Senate Armed Services Committee

Headlines: U.S. Senator Lindsey O. Graham (R-SC) Holds Hearing on Detention
Policies and Military Justice

Speaker: U.S. Senator Lindsey O. Graham (R-SC), Chairman

WITNESSES:

- **DANIEL DELL'ORTO, PRINCIPAL DEPUTY GENERAL COUNSEL,**
DEFENSE DEPARTMENT

- MAJ. GEN. **THOMAS** ROMIG, JUDGE ADVOCATE GENERAL, U.S. *ARMY*

- **BRIG.** GEN. KEVIN SANDKUHLER, STAFF JUDGE ADVOCATE TO THE
COMMANDANT OF THE U.S. MARINE CORPS

- MAJ. GEN. JACK **RIVES**, DEPUTY JUDGE ADVOCATE GENERAL, U.S. *AIR*
FORCE

- REAR ADM. JAMES MCGARRAH, DIRECTOR, OFFICE OF THE ADMINISTRATIVE REVIEW OF DETENTION OF ENEMY COMBATANTS
 - BRIG. GEN. THOMAS HEMINGWAY, LEGAL ADVISER TO THE APPOINTING AUTHORITY FOR THE OFFICE OF MILITARY COMMISSIONS
 - REAR ADM. JAMES E. MCPHERSON, JUDGE ADVOCATE GENERAL, U.S. NAVY
 - GEN. WILLIAM BARR, FORMER U.S. ATTORNEY
 - STEPHEN SALTZBURG, PROFESSOR OF LAW, THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL
 - JOHN HUTSON, PRESIDENT AND DEAN, FRANKLIN PIERCE LAW CENTER
-

GRAHAM:

I understand you have an opening statement.

DELL'ORTO:

I do, Senator.

GRAHAM:

Thank you.

DELL'ORTO:

And my statement is one on behalf of the judge advocates general and the staff judge advocates of the commandant and myself.

Mr. Chairman and members of the Committee, thank you for the **opportunity** to **contribute** to this important discussion concerning **military justice and detention policy** in the global war on terrorism.

We understand the committee is focusing **on military justice** aspects of detention policy in the Department of Defense, including the **definition and classification of enemy combatants**; the role of military commissions; as well as responsibilities of the United States for the conduct of detention operations under U.S. laws, existing international treaty obligations and the law of **war**.

Our nation has faced many challenges since the **deadly** and savage attacks **of** September 11, 2001. The devastating loss of civilian lives and destruction of property **and** infrastructure of that day have been echoed in the cities and countries of our friends and allies, including Baghdad, Kabul, Istanbul, Bali, Riyadh, Madrid, Russia, Uzbekistan and, most recently, London.

The armed conflict with Al Qaida and its supporters continues. For as long as it does, we will continue to meet each challenge steadfastly and consistent with the rule of law.

Throughout this conflict, we have looked to the United States Constitution, U.S. statutes, U.S. treaty obligations and the law of **war** to frame our actions. The president,

acting as commander in chief, has taken action to defend the country and to prevent additional attacks.

Congress, in the Authorization for Use of Military Force of September 18, 2001, supported the president's use of all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed, or aided the terrorist attacks or harbored such organizations or persons.

Congress also emphasized that the forces responsible for the September 11th attacks continue to pose an unusual and extraordinary threat to the national security, and that the president has the authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States.

Consistent with this authority, US. and coalition forces have removed the Taliban from power, eliminated the primary source of support to the terrorists who viciously attacked our nation on September 11, 2001 and seriously degraded Al Qaida's training capability.

In the conduct of these operations, US. armed forces, consistent with the law and settled practice during armed conflict, have seized many hostile persons and detained a small proportion of them as enemy combatants.

On February 7, 2002, the president determined that the Third Geneva Convention applies to the Taliban detainees but not to the Al Qaida detainees, because Afghanistan is a party to the Geneva Convention but Al Qaida, an international terrorist group, is not.

e ■ He also determined that under Article 4 of that convention Taliban detainees **are** not entitled to prisoner of war status. Even *so*, he directed the armed forces to treat such detainees humanely.

Those who are members of Al Qaida, the Taliban **or** their affiliates and supporters are enemy combatants who may be detained for the duration of hostilities.

Such detention serves the vital military objectives of preventing additional attacks, preventing captured combatants from rejoining the conflict, and gathering intelligence to further the overall war effort. The military's authority to capture **and** detain enemy combatants is both well-established and time-honored.

Enemy combatants. Enemy combatants are personnel engaging in hostilities during an armed conflict on behalf of a party to the conflict. Enemy combatants are lawful targets unless they are captured **or** wounded, sick **or** shipwrecked and no longer resisting.

In a more conventional armed conflict between states, enemy fighters **of** a government are recognizable by their uniforms or fixed insignia, fight under responsible command, carry their **arms** openly, and otherwise abide by the law of war.

Enemy fighters in the global war on terrorism are not recognizable in those ways. In fact, their strategy and tactics include hiding within civilian populations and deliberately targeting civilians in violation of the law. And as private citizens, these enemy fighters do not have a law of war right to engage and wage **war**.

— ~~The law of war, including the Third Geneva Convention, offers specific protections~~ and privileges to conventional combatants but **not** to terrorist fighters. Department of

Defense doctrine currently defines an enemy combatant to be any person in an armed conflict who could be properly detained under the laws and customs of war.

The definition has the flexibility to meet the specific circumstances of a particular conflict. It has been adapted in war on terrorism operations to define who is part of an opposing force.

For example, the deputy secretary of defense's order establishing combatant status review tribunals defined an enemy combatant for purposes of that order as an individual who was part of or supporting Taliban or Al Qaida forces or associated forces that are engaged in hostilities against the United States or its coalition partners.

Consistent with these definitions, the Supreme Court has recently endorsed a similar definition of enemy combatant in a case involving the detention of an enemy combatant captured in Afghanistan.

The court stated for the purposes of this case, enemy combatant is an individual who was part of or supporting forces hostile to the United States or coalition partners in Afghanistan and who is engaged in an armed conflict against the United States there.

With respect to the definition and classification of enemy combatants, it is important to maintain flexibility in the terminology in order to allow us to operate effectively with coalition forces, and to address the changing circumstances of the types of conflicts in which we are engaged and will be engaged.

Generally speaking, the terms combatant, unprivileged belligerent, unlawful combatant and enemy combatant are well-established in the law of war.

The detention review process, From the early stages of military operations in Afghanistan, the Department of Defense has taken steps to examine the status of captured personnel and determine the need for their continued detention.

In a conflict in which the enemy does not use distinctive insignia or uniforms to distinguish itself from the civilian population, the department has established review mechanisms to test and revalidate the status of each detainee as an enemy combatant.

Individuals taken into DOD control in connection with the ongoing hostilities undergo a multi-step screening process to determine if their detention is necessary.

When an individual is captured, commanders in the field, using all available information, make a determination as to whether the individual is an enemy combatant -- that is, whether the individual is part of or supporting forces hostile to the United States or coalition partners and engaged in an armed conflict against the United States.

Individuals who are not enemy combatants are released.

Between August 2004 and January 2005, the combatant status review tribunals reviewed the status of all individuals detained at Guantanamo in a fact-based proceeding, to determine whether the individual is still properly classified as an enemy combatant. The CSRTs, as they are known, gave each detainee the opportunity to contest the designation as an enemy combatant.

In December 2004, the administrative review board, or ARB, process began to assess whether an enemy combatant continues to pose a threat to the United States or its allies, or whether there are other factors bearing on the need for continued detention.

The process permits the detainee to appear in person before an ARB panel of three military officers to explain why the detainee is no longer a threat to the United States ~~or~~ its allies and to provide information to support the detainee's release. This process remains ongoing, and we'll review each detainee's status annually.

Commissions. With respect to the role of military commissions, their use is **firmly** based in international law, our Constitution, the Uniform Code of Military Justice, our nation's history and international practice.

The United States employed a military commission to try eight Nazi saboteurs during World War II. At the conclusion of that conflict, U.S. military commissions heard some 500 cases against enemy war criminals. Australia, Canada, China, France, Greece, Norway and the United Kingdom used military commissions to prosecute another 1,166 cases against war criminals.

In Article 21 of the Uniform Code of Military justice, Congress expressly recognizes military commissions and other military tribunals **as** lawful and legitimate means available to the president to try violations of the law **of war**.

Additionally, Article 36 of the Uniform Code of Military Justice codifies the president's authority to prescribe pretrial, trial and post-trial procedures for military commissions.

That they have not been used since World War II constitutes acknowledgement of the necessity ~~for~~ their use only in exceptional situations. Such is the case with respect to international terrorists who have violated the law of war.

On November 13, 2001, the president authorized the use of military commissions in his military order detention, treatment and trial of certain non-citizens in the war against terrorism.

The president took this action in response to the grave acts of terrorism and threats of terrorism, including the attacks of September 11, 2001 on the Pentagon, the World Trade Center, and on the civilian aircraft that crashed in Pennsylvania.

After the president authorized the use of military commissions, work began within the department to establish, consistent with the president's order, the procedures to be used and the rights to be afforded the accused.

This process involved working to achieve certain *ends*, including: **ensuring a fair** and full trial of the accused; protecting classified and sensitive information; **and** protecting the safety of personnel participating in the process, including the accused.

The use **of** military commissions **for** terrorists who violate the laws of war, as opposed to other trial alternatives such as the federal courts or military courts-martial, best provides the flexibility necessary to ensure that these equally important yet competing goals are attained.

In conclusion, the contemporary battlefield has challenged members of the DOD legal community as intensively as it has challenged the commanders and soldiers, sailors, airmen and Marines they advise.

~~The exceptional performance of our judge advocates at every level of command, and in particular in combat in Iraq and Afghanistan, where members of the uniformed legal branches have been killed and wounded in action, has been essential to ensuring the~~

overall record of excellence, of compliance with the law of war achieved by our armed forces.

For this, our nation should be justifiably proud. This success has not occurred in a legal environment without its share of uncertainty. This complex legal reality has generated significant discussions, reviews and commentaries on how issues related to executing national security objectives should be resolved.

Department of Defense lawyers, both military and civilian, have worked long and hard to ensure that our forces had the tools to meet this threat while upholding the rule of law and preserving American values.

We are confident that judge advocates and DOD civilian attorneys will continue to make essential contributions to our efforts to reconcile the unconventional nature of combating these threats with the traditional and historically essential commitment of our armed forces to conduct disciplined military operations in compliance with the law of war.

Established principles of law have served us well to meet the challenges of military operations in the war on terrorism. We are confident that they provide the firm foundation for meeting future challenges. *Thank* you very much. **Mr. Chairman.**

FDCH Political Transcripts

July 14, 2005 Thursday

Type: Committee Hearing

Committee: Senate Armed Services Committee

Headlines: U.S. Senator Lindsey O. Graham (R-SC) Holds Hearing on Detention
Policies and Military Justice

Speaker: U.S. Senator Lindsey O. Graham (R-SC), Chairman

WITNESSES:

- DANIEL DELL'ORTO, PRINCIPAL DEPUTY GENERAL COUNSEL, DEFENSE
DEPARTMENT
- MAJ. GEN. THOMAS ROMIG, JUDGE ADVOCATE GENERAL, U.S. ARMY
- ~~BFUG~~. GEN. KEVIN SANDKUHLER, STAFF JUDGE ADVOCATE TO THE
COMMANDANT OF THE U.S. MARINE CORPS
- MAJ. GEN. JACK RIVES, DEPUTY JUDGE ADVOCATE GENERAL, U.S. AIR
FORCE
- REAR ADM. JAMES MCGARRAH, DIRECTOR, OFFICE OF THE
ADMINISTRATIVE REVIEW OF DETENTION OF ENEMY COMBATANTS
- BRIG. GEN. THOMAS HEMINGWAY, LEGAL ADVISER TO THE APPOINTING
AUTHORITY FOR THE OFFICE OF MILITARY COMMISSIONS

- **REAR** ADM. JAMES E. MCPHERSON, JUDGE ADVOCATE GENERAL, U.S.

NAVY

- GEN. WILLIAM BARR, FORMER **U.S.** ATTORNEY

- STEPHEN SALTZBLJRG, PROFESSOR OF LAW, THE GEORGE WASHINGTON
UNIVERSITY LAW SCHOOL

- JOHN HUTSON, PRESIDENT AND **DEAN**, FRANKLIN PERCE LAW CENTER

GRAHAM:

Admiral?

MCGARRAH:

Senator Graham, members of the committee, I'm Admiral Jim McGarrah, civil engineer *corps*, United States Navy, and **I'm** glad to have this opportunity to appear before you today.

Enemy fighters being detained in Guantanamo Bay are being held to prevent them from returning to the fight. **This is** consistent with internationally accepted principles of the law of armed conflict, which allows parties to detain enemy fighters **for** the duration of hostilities.

The Supreme Court last June affirmed the president's authority to detain enemy fighters during the conflict. However, as we all know, this is not a traditional type of armed conflict and is unlikely to end with the signing of a formal armistice.

As a result, in May of last year Deputy Secretary of Defense Paul Wolfowitz named Navy Secretary Gordon England the designated civilian official to oversee a process to review annually the cases of all detainees held under DOD control at Naval Base Guantanamo.

This process is called the administrative review board, or *ARB*. Its purpose is to assess whether each enemy combatant continues to pose a threat to the United States or its allies, or whether there are other factors that would support continued detention.

Based on this assessment, the *ARB* panel can recommend to Secretary England that detainees be released, that they continue to be detained or that they be transferred to another country, typically their country of nationality. Secretary England, as the designated civilian official, is the final decision maker for this process.

A process like the *ARB* is not required either by Geneva Conventions or by international or domestic law. However, because of the highly unusual nature of the global war on terrorism, and because we do not want to detain any combatant any longer than is necessary, we have taken this unprecedented and historic action to establish a process to permit enemy combatants to be heard while a conflict is ongoing.

While the *ARB* procedures were being developed last summer, the Supreme Court issued three rulings related to detained combatants. Among other things, a plurality of the

court cited Army regulation **190-8** as an example of the military process that might satisfy the due process requirements that the plurality indicated might apply.

As a result, Deputy Secretary of Defense Wolfowitz established the combatant status review tribunals, or CSRT. That process is to assess formally whether each detainee was properly detained as an enemy combatant and to permit each detainee the opportunity to formally contest the enemy combatant designation.

The CSRT process was based on Army regulation **190-8**, though it provides more opportunities for detainees than that regulation, and specifies provisions for tribunals consistent with Article 5 of the **1949** Geneva Convention.

The CSRT is a one-time process and provides each detainee with a number of opportunities: the review and consideration by a neutral decision making panel composed of three commissioned military officers sworn to execute their duties faithfully and impartially, to attend all open portions of the proceedings if the detainee desires, to call relevant and reasonably available witnesses, to question the witnesses called by the tribunal, to testify in his own behalf if he desires, to receive assistance of an interpreter and, when necessary, to freely decline to testify.

The CSRT also provides more process and protections than Army regulation **190-8**. A detainee can receive assistance from a military officer to ensure he understands the process and the opportunities available and to prepare for the hearing.

The CSRTs contain express qualifications to ensure the independence and lack of pre-judgment of the tribunal members. The CSRT recorder is obligated to search government files for evidence suggesting that the detainee is not an enemy combatant.

In advance of the hearing, the detainee is provided with an unclassified summary of evidence supporting his enemy combatant classification. The detainee is allowed to introduce relevant and reasonably available documentary evidence, and the result of every CSRT is automatically reviewed by a higher authority who is empowered to return the record to the tribunal for further proceedings if appropriate.

The tribunals make their decision by majority vote based on preponderance of the evidence. In less than six months, tribunal hearings were conducted on all 558 detainees under DOD control at Guantanamo Bay.

The CSRT panels determined that 520 of those detainees were properly classified as enemy combatants and that 38 detainees no longer met the criteria for designation as enemy combatants.

Those found no longer to meet the criteria for enemy combatant designation were processed for release. To date, 23 have been released and Department of Defense continues to work closely with Department of State to effect the release of the remaining 15.

While the one-time CSRTs were winding down, we started the ARB process. The first administrative review board was conducted in December of last year. The ARB process is still ongoing, and we expect to complete the first annual review for all eligible detainees by the end of this calendar year.

The ARB process is similar to the CSRT in the opportunities it affords detainees to have their cases reviewed by a neutral panel of decision makers and to participate in the proceedings.

The ARB panels make their assessments on whether there's reason to believe the enemy combatant no longer poses a threat to the United States or its allies or any other factors bearing on the need for continued detention.

We coordinated within Department of Defense and across many **U. S.** government agencies to acquire information relevant to each detainee. Additionally, unless national security concerns dictate otherwise, we coordinate through Department of State to provide each detainee's home nation the opportunity to provide information, including **the** opportunity **to** submit information from family members.

To date, we have completed 164 ARB hearings at Guantanamo Bay. Secretary England has made the final decisions in 70 of these cases. Those decisions were that four detainees should be released, 25 detainees should be transferred, and **41** detainees should continue to be held in detention.

We have notified Department of State and they are pursuing the appropriate assurances from detainees' countries of nationality. The ARB and CSRT processes have **required** significant time and resources, but we must do this right, because there are two sides to the fairness coin.

First, fairness to the American people requires that detainees who still pose a threat should not be released and permitted to return to terrorist activities.

Second, fairness to the detainee, as well as our clear desire not to detain persons **any** longer than necessary, suggests that those who no longer pose a threat to the United States or our allies be released or transferred to their own countries.

Mr. Chairman, **thank** you **again** for the **opportunity** to **provide** this information. I'd be **happy to** answer questions.

GRAHAM :

Thank you, Admiral.

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FDCH Political Transcripts

July 14, 2005 Thursday

Type: Committee Hearing

Committee: Senate Armed Services Committee

Headlines: U.S. Senator Lindsey O. Graham (R-SC) Holds Hearing on Detention Policies and Military Justice

Speaker: U.S. Senator Lindsey O. Graham (R-SC), Chairman

WITNESSES:

- DANIEL DELL'ORTO, PRINCIPAL DEPUTY GENERAL COUNSEL, DEFENSE DEPARTMENT
- MAJ. GEN. **THOMAS** ROMIG, JUDGE ADVOCATE GENERAL, U.S. ARMY
- **BRIG.** GEN. KEVIN SANDKUHLER, STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE **U. S. MARINE** CORPS
- MAJ. GEN. JACK RIVES, DEPUTY **JUDGE** ADVOCATE GENERAL, **U.S.** AIR FORCE
- REAR ADM. JAMES MCGARRAH, DIRECTOR, OFFICE OF THE ADMINISTRATIVE REVIEW OF DETENTION OF ENEMY COMBATANTS

11-L-0559/OSD/54535

- BRIG. GEN. THOMAS HEMINGWAY, LEGAL ADVISER TO THE
APPOINTING AUTHORITY FOR THE OFFICE OF MILITARY
COMMISSIONS

- REAR ADM. JAMES E. MCPHERSON, JUDGE ADVOCATE GENERAL, U.S.
NAVY

- GEN. WILLIAM BARR, FORMER U.S. ATTORNEY

- STEPHEN SALTZBURG, PROFESSOR OF LAW, THE GEORGE WASHINGTON
UNIVERSITY LAW SCHOOL

- JOHN HUTSON, PRESIDENT AND DEAN, FRANKLIN PIERCE LAW CENTER

GRAHAM:

General Hemingway?

HEMINGWAY:

Mr. Chairman, members of the committee, I am Brigadier General **Thomas L.**
Hemingway. I am the legal adviser to the appointing authority in the **Office of Military**
Commissions, and I'm pleased to discuss the operations of the Office of Military
Commissions.

America is at war. It's a ~~war~~ as tangible as the blood and dust that littered the streets of
Manhattan on September 11. In response to the attacks on the United States, the president

established military commissions to try those non-citizen members of Al Qaida and other persons engaging in specified terrorist activities who are alleged to have committed violations of the law of wars and related offenses.

Military commissions tried enemy combatants for violations of the law of war in many of the conflicts in which the United States has been involved.

The president has determined that military commissions shall be full and fair trials. However, the application of the federal rules of evidence have been deemed impracticable.

The president's military order focuses on the unique factors of the ongoing hostilities and affirms that national security interest requires the continued application of U.S. national security laws in developing commission instructions and regulations consistent with a full and fair trial for each accused.

One DOD directive, six commission orders, nine separate commission instructions, and three appointing authority regulations implement military commission processes. Our commission rules, which afford an accused multiple procedural protections balanced with national security interests, compare favorably to those being used in the international criminal tribunal for Rwanda and the international criminal tribunal for the former Yugoslavia.

The Office of Military Commissions has taken key steps to move the commission processes forward. Trials commenced in 2004. Trials are stayed pending an appellate court decision in the case of Mr. Hamdan. Counsel for Mr. Hamdan brought an action in the United States District Court to review the legality of military commissions.

The court recognized the authority of the president to establish military commissions to try offenders or offenses that by statute or the law of war may be tried by military commission and a review panel as an appeals mechanism.

However, the court raised concerns about the exclusion of the accused during the hearing of classified and protected information. The government has appealed this ruling.

The delays to the commission process are directly attributable to the exercise of the accused's ability to challenge that process in federal courts.

The ongoing global war on terrorism continues to pose unique challenges. Neither the United States nor the international community contemplated a non-state organization having the capability to wage war on a global scale.

Military commissions are the appropriate forum to preserve safety, protect national security, and provide for full and fair trials consistent with our standards and those of the international community. Thank you, Mr. Chairman.

GRAHAM:

Thank you, General.

Detainee Ops: Accountability

- Thorough, comprehensive and transparent assessment:
 - 12 major reviews, assessments, inspections, and investigations completed.
 - 2,800+ interviews.
 - 16,000+ pages of documents delivered to Congress **thus far**.
 - Detention operations enhancements **range** from increased oversight and expanded training to improved facilities **and** new doctrine.
- **430** + criminal investigations completed or on-going
- More than **31** congressional hearings; **45** + staff briefings
- Those responsible are being held accountable. **Thus far:**

- **Abu Ghraib Accountability**

- **General Officer Accountability:**

- BG Karpinski, Commander, **800th Military Police Brigade**

- Memorandum of Admonishment from LTG Sanchez, Commander **CJTF-7** on 17 January 2004
 - Relieved from command by **LTG Helmly**, Chief of Staff Army Reserve
 - Memorandum of **Reprimand** by Vice Chief of **Staff of Army**
 - Reduction to Colonel approved by President

- **Courts-Martial Completed:**

11-L-0559/OSD/54540

Seven Soldiers (E6 to E2) from Military Police and Military Intelligence units

- All found guilty
- Sentences range from 10 years, 8 yrs, 1 yr, 10 months, 8 months, 6 months to no confinement
- All were reduced in paygrade

Courts-Martial Pending:

- 1 E3 Military Police Soldier (original guilty plea not accepted by military judge)
- 1 E4 Military Police Soldier

Non-Judicial Punishments Completed:

Four officers (05-02) from 2 different Military Police Companies

- 3 received General Officer Memoranda of Reprimand
- 05 (LTC) was suspended from command
- 02 (1LT) received letter of admonishment

Disciplinary/Adverse Action Pending: (should be completed in one month)

- 06 (COL)
 - fined \$4000 month x 2 months
 - General Officer Memorandum of Reprimand
- 3 Military Intelligence Soldiers (E4/E5) pending NJP

Command Disposition Pending: (should be completed in one month)

- 3 Military Intelligence officers (O5, O4 & CW2)
 - 4 Military Police Soldiers (E5/E6)
 - 3 Military Intelligence Soldiers (E5)
- **Army (including Abu Ghraib):**
- 1 general officer has been relieved from command; demoted to Colonel and received General Officer Memorandum of Reprimand
 - (BG Karpinski)
 - 76 Soldiers have been referred to trial by court martial
 - 87 Soldiers have received non-judicial punishment
 - 47 Memoranda of Reprimand have been issued
 - 24 Soldiers have been administratively separated
- **Navy**
- 9 received NJP
- **Marines**
- 15 convicted by court ~~martial~~
 - 7 received non-judicial punishment
 - 4 reprimanded

Detention Operations **IMPROVEMENTS**

(November 2005)

We have continued to make improvements in the way that we train and organize to handle detainees, both safely and humanely. **This** includes improvements to training, doctrine, and facilities. Defense Department-wide, **much** has **been** done to improve detainee operations:

ARMY:

- o Established Provost ~~Marshal~~ General in September 2003 as **Army** executive agent for detainee operations.
- o Planning for General officer-level Military Police command in Army future force.
- o Developed detainee operations integration plan – prioritized plan addressing policy, doctrine, organization, training, materiel, leadership, personnel, and facilities.
- o Synchronized **Army** with joint policy and doctrine.
- o Established Detainee Operations Oversight Council.

CENTCOM:

- o Assigned a general officer to be in charge of all detention and interrogation operations in Iraq.

- o Issued standard interrogation policies that emphasize application of Geneva Conventions and that are fully consistent with overall DoD policies.
- o Upgrading detention facilities for soldiers and detainees.

OSD:

- o Established Deputy Assistant Secretary of Defense for *Detainee Affairs* (DASD-DA) office.
- o **Working** with Combatant Commands and other **USG** departments to improve transfer and release processes, and working with home governments so ~~that~~ they assume responsibility for their nationals.
- o Established a Joint Detainee Coordination Committee on Detainee Affairs (DASD-DA) office chaired by DASD-DA.
- o Issued policy "Procedures for Investigations into the Death of Detainees in the Custody of the Armed Forces of the U.S."
- o Issued policy "Handling of Reports from the International Committee of the Red Cross."
- o Initiated a department-wide review of detainee-related policy directives.

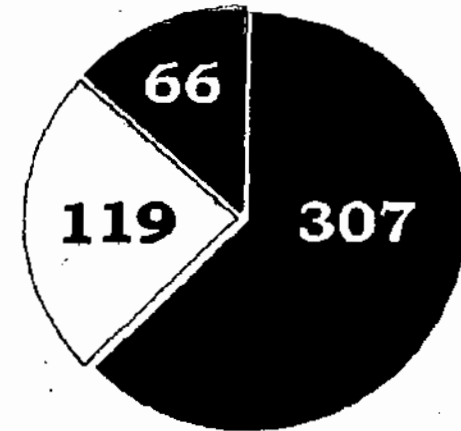
JOINT STAFF:

- o Created Joint Staff Detainee Affairs Division to address detainee operations.
- o Drafted **Multi-Service Tactics, Techniques & Procedures on Detainee Operations** by the **Air, Land, & Sea Applications Center**.

- **Expediting publication of Joint Doctrine for Detainee Operations (Joint Publication 3-63).**
- **Including Joint Interrogation Operations in “Joint and National Intelligence Support to Military Operations.” (Joint Publication 2-01)**
- **Added Detainee Operations to “Joint Training Policy and Guidance for the Armed Forces of the United States.” (Chairman, Joint Chiefs of Staff Instruction 3500.01C)**

Detainee Senior Leadership Oversight Council (DSLOC) Recommendations Status by Organization

Organization	Recommendations	Closed Items	Open Items (Amber)	Open Items (Blue)
CENTCOM	175	162	10	3
OSD	126	34	44	48
Army	106	64	37	5
SOUTHCOM	30	21	9	0
Policy Working Group	20	9	4	7
Joint Staff	16	6	8	2
JFCOM	10	5	5	0
Navy	4	3	0	1
Army/Navy	2	2	0	0
CENTCOM/SOUTHCOM	1	0	1	0
Army/CENTCOM	1	0	1	0
UCMJ Working Group	1	1	0	0
Total	492	307	119	66



Total = 492

● GREEN: Recommendation Closed
● AMBER: Approved Action Plan
● BLUE: Intent of initial recommendation

As of 05 Aug 05

Detainee Senior Leadership Oversight Council (DSLOC) Recommendations Status by Report

Source Report	Recommendations	Closed Items	Open Items (Amber)	Open Items (Blue)
RYDER	160	117	5	38
MILLER	21	17	3	1
TAGUBA	35	32	3	0
DAIG	52	34	14	4
FAY	28	15	11	2
JONES	19	9	6	4
SCHLESINGER	14	2	8	4
JACOBY	32	24	5	3
FORMICA	8	6	0	2
CHURCH G&S	17	9	3	5
CHURCH DO&DIT	44	18	24	2
CHURCH GTMO/CHAR	12	9	2	1
SCHMIDT & FURLOW	27	15	12	0
KILEY	23	0	23	0
Total	492	307	119	66

GREEN: Recommendation Closed
 AMBER: Approved Action Plan
 BLUE: Intent of initial recommendation met

As of 05Aug 05

1
1
1

TAB 6

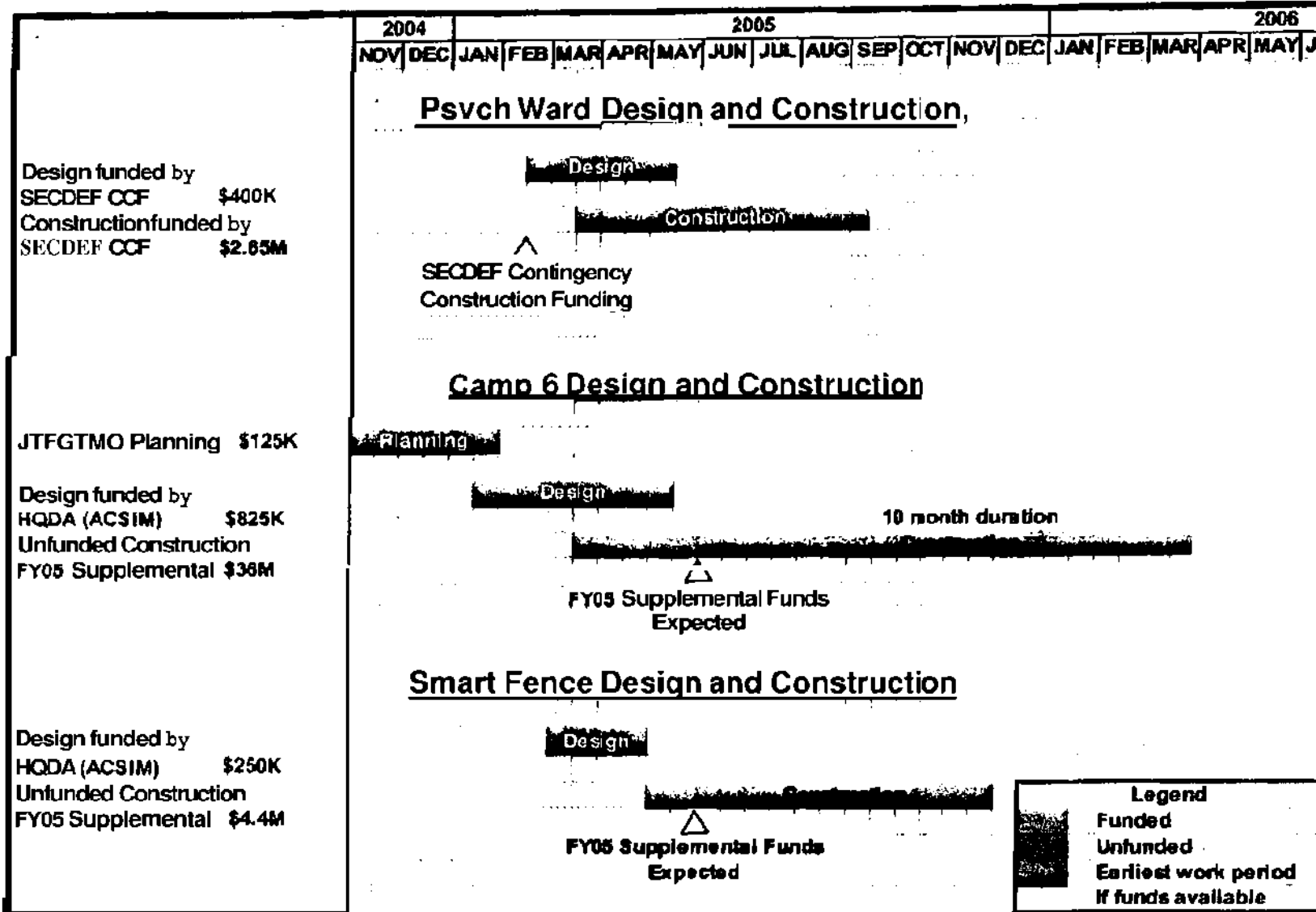
11-L-0559/OSD/54551

Afghanistan Detention Facilities

The United States recently reached an agreement with the government of Afghanistan to assist them in developing capacity to hold enemy combatants, to include renovating detention facilities and training and equipping Afghan personnel so they can assume this mission safely and humanely. Currently, the cost for the renovation of Pol-e-Charki (PEC) Prison is estimated to be \$14.1 M. The estimate includes the renovation of PEC to provide a self sustaining facility housing detainees and providing full medical and exercise capabilities.

Approximately 500 detainees are being held at the Bagram internment facility in Afghanistan. As the security situation allows, Afghan detainees are released in support of the Afghan reconciliation program.

GTMO Funding Plan



Expansion of Theater Internment Facilities

1. BACKGROUND.

- a. Since September 2004 (5,444), the number of detainees interned in the TIFs has steadily risen (10,839).
- b. The number of detainees has risen due to on-going military operations against the insurgency, the Iraqi Special Forces and the Iraqi Police becoming more active in capturing insurgents, and the Iraqi populace becoming more involved in the hunt for the insurgents.
- c. The current detainee population is a more high-risk population and is a security risk to the stability of Iraq, the Iraqi people and Coalition Forces.
- d. Before January 2005, the Combined Review and Release Board, which reviews detainee's files to determine if they are security risks, released approximately 60% of the detainees they reviewed. Since **January**, release rates have dropped below 40%. (The CRRB is releasing approximately 50% of the detainee files they review)

2. TIF EXPANSION.

- a. Camp Bucca. Capacity = **5,040** / Surge = **6,270**

Current population = 6,209.

Two additional compounds are under construction to hold **an** additional 1,400

detainees. Cost = \$12 M. Completion Date = 1 November 2005.

b. Abu Ghraib. Capacity = 3,516 / Surge = 4,206

Current population = 4,346

Two additional compounds are under construction to hold an additional 800 detainees. Cost = Less than \$1 M. Completion Date = 15 June 2005.

(COMPLETED)

c. Camp Cropper. Capacity = 163

.Current population = 133

Camp Cropper will be expanded to hold approximately 2,000 detainees. Cost = \$30

M. Completion Date = February 2006.

d. Fort Suse. This is an old Russian fort located near the town of As Sulaymaniya.

Fort Suse will hold approximately 2,000 detainees. Cost = \$7.5 M. Completion

Date = 30 September 2005.

TAB 7

11-L-0559/OSD/54556

Detainee Publications' Status

<u>Publication</u>	<u>Purpose</u>	<u>OPR</u>	<u>Publication Date</u>	<u>Status</u>
DoDD 31 15.09 DoD Intelligence Interrogation, Detainee Debriefings, and Tactical Questioning	Establishes policy and assigns responsibilities for intelligence interrogations, detainee debriefings, tactical questioning, and supporting activities conducted by DoD personnel.	USD(I)	3 Nov 05	Complete Distribution initiated
DoDD 2310.1 The Department of Defense Detainee Program	non-conventional warfare and operations other than war. The directive also includes unlawful enemy combatants as well as traditional enemy prisoners of war, and directs humane treatment and full accountability of all persons captured or detained. Like the current version, the proposed revision outlines policy and responsibilities within DOD that ensure implementation of the international laws of war.	Affairs		Final Coordination draft is out for review

Detainee Publications' Status

<u>Publication</u>	<u>Purpose</u>	<u>OPR</u>	<u>Publication Date</u>	<u>status</u>
JP 3-63 Detainee Operations	Establish joint level doctrine that will govern detainee operations.	DDWOT DAD	Feb 2006	Final Coordination draft is out for review
JP 2-01.2 Counterintelligence and Human Intelligence Support to Joint Operations	Establishes joint doctrine for CI/HUMINT support to joint military operations.	J-2X	Feb 2006	Final Coordination Draft being prepared for staffing
ALSA MTPP Detainee Operations in a Joint Environment	Fill the void in existing TTPs regarding planning for, handling, transferring, and transporting detainees.	ALSA Center	TBD	Signature Draft is out for final comments
AR 381-100 US Army Intelligence Activities	Establish overarching HUMINT collection program guidance.	Army	Mar 2006	Under Revision Synchronization w/ DoDD 3115.09
AR 190-8 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees	Establish overarching multi-service detainee operations policy guidance.	Army	Jun 2006	Under Revision Pending final publication of DoDD 2310.1

Detainee Publications' Status

<u>Publication.</u>	<u>Purpose</u>	<u>OPB</u>	<u>Publication Date</u>	<u>Status</u>
FM 2-22.3 Human Intelligence Collector Operations	Provide doctrinal guidance, techniques and procedures for HUMINT Collector Operations	Army	Dec 2005 - based on COCOM staffing	HQDA implementing OSD review & staffing with COCOMs
TC 2-22.301 Specific HUMINT Collection Techniques, Tactics and Procedures (Classified).	Provide TTPs for HUMINT Collector Operations Give specific training guidance to FM2-22.3 with respect to intelligence interrogation operations	Army	Jan 2006 (Initial Draft)	Initial Draft completed Awaiting release for staffing
FMI 2-22.302 Internment /Resettlement and Interrogation Cooperation	Serve as quick reference guide for HUMINT and MP personnel involved with detainee internment/resettlement and intelligence interrogation operations	Army	Dec 2005 (Initial Draft)	Initial Draft out for staffing
MP DO TSP Point of Capture to TIF	Provide guidance to all MOS's for detainee operations from point of capture thru collection point and detainee holding area operations. Provides a clear nexus between evidence and final disposition.	Army	9 Sep 2005	Complete Posted to AKO
FMI 3-19.40 Internment and Resettlement Operations	Provide procedures for Internment and Resettlement Operations	Army	Nov 2005 - Jan 2006	Draft revisions out for staffing

JTF-GTMO Information on Detainees

INFORMATION FROM GUANTANAMO DETAINEES

The US Government currently maintains custody of approximately **550** enemy combatants in the Global ~~War~~ on Terrorism at Guantanamo Bay, Cuba. Many of these enemy combatants **are** highly trained, dangerous members of al-Qaida, its related terrorist networks, and the former Taliban regime. More **than** 4,000 **reports** capture information provided by these detainees, much **of** it corroborated by other intelligence reporting. This unprecedented body of information has expanded our understanding of al-Qaida and other terrorist organizations and continues to prove valuable. ~~Our~~ intelligence and law enforcement communities develop leads, comprehensive assessments, and intelligence products based on information detainees provide. The information includes their leadership structures, recruiting practices, funding mechanisms, relationships, and the cooperation between terrorist **groups**, **as well as** training programs, and plans **for** attacking the United States and other countries.

The Joint Task Force, Guantanamo Bay, Cuba (JTF-GTMO) remains the single best repository of al-Qaida information in the Department of Defense. Many detainees have admitted close relationships or other access to senior al-Qaida leadership. They provide valuable insights into the structure of that organization

and associated terrorist groups. They have identified additional al-Qaida operatives and supporters, and have expanded **our** understanding of the extent of their presence in Europe, the United States, and throughout the CENTCOM area of operations. Detainees have also provided information on individuals connected to al-Qaida's pursuit of chemical, biological, and nuclear weapons. Exchanges with European allies have supported investigations of Islamic extremists in several European countries.

INFORMATION PROVIDED BY DETAINEES

Support to combat operations in Afghanistan

Coalition forces in Afghanistan continue to capture al-Qaida, Taliban, and anti-coalition militia fighters. Guantanamo detainees remain a valuable resource to identify these recently captured fighters. Detainees also still provide useful information on locations of training compounds **and** safe houses, terrain features, travel patterns and routes used for smuggling people and equipment, as well as for identifying potential supporters and opponents.

Terrorist Trainers and Bomb Makers

Some detainees served as trainers in al-Qaida training camps; significant **among** these are the detainees that served as explosives trainers. Information given includes technical training provided by al-Qaida on building improvised explosive devices (IEDs) and the use of poisons. They have also explained the details of

training courses and the process used to identify more talented recruits **for further** training and **future** operational activities.

Many detainees have been implicated in using, constructing, or being trained to construct IEDs. Some are low-level jihadists with just enough training to construct grenades from soda cans. Others are highly skilled engineers with the ability to design and build sophisticated, remotely triggered bombs made with explosives manufactured from household items. Additionally, detainees **have** been identified as explosives trainers who passed their techniques **on** to others through structured courses. The courses ranged from a few days (**for** basic bomb making) up to several weeks on subjects like electronic circuitry. The detainees have also provided the names of at least seven other explosives trainers still **at** large. At least one detainee holds a degree in Electrical Engineering. Another detainee has been cooperative enough to draw schematic diagrams of the bombs he designed and built, in addition, he **has** provided his critiques **of** the design **of** IEDs being constructed by terrorists in Iraq. He has also identified a complex detonation system – a dual tone multi-frequency (DTMF) encode/decode system – that had been used in the Chechen conflict, and is now being used on **IEDs** in Iraq, helping U.S. forces to combat this lethal weapon.

--- Detainees were frequently captured **with a type** of watch that **has** been linked to al-Qaida and radical Islamic terrorist **IEDs**. **This** particular model **of** watch is

favored by al-Qaida bomb-builders because it allows alarm settings (and, therefore, detonations) more than 24-hours in advance. One detainee also detailed how pagers and cellular telephones are used to initiate detonations.

Terrorist Operatives

Detainees were either actively involved in operational planning for terrorist attacks or had already participated in attacks in Europe, the United States, and/or central Asia at the time of detention. One detainee attempted to enter the United States in the summer of 2001, and a substantial volume of information suggests that he may have intended to participate in the September 11 attacks. Detainees have also provided information about al-Qaida operatives who remain at large as well as numerous al-Qaida, Taliban, and anti-coalition militia members who remain active in Central Asia, Europe, and the United States. Law enforcement entities in Europe and the United States continue to pursue leads provided by Guantanamo detainees.

One detainee identified 11 fellow GTMO detainees as Usama bin Ladin (UBL) bodyguards who all received terrorist training at al Farouq, a known terrorist training camp. This detainee also identified another detainee as UBL's "spiritual advisor," a significant role within al-Qaida.

Another detainee, the probable 20th 9/11 hijacker, confirmed more than 20 detainees as UBL bodyguards who received terrorist training at al Farouq and were active fighters against the northern alliance. This detainee admits attending terrorist training at al Farouq with many of these detainees.

Financial Issues

Detainees provide information that helps sort out legitimate financial activity from illegitimate terrorist financing operations, as Islamic extremists exploit existing banking systems to take advantage of widespread informal financial networks. These networks include the hawala system, front companies, and the use of charitable organizations to hide financial transactions.

One detainee was a senior member of one such illegitimate international humanitarian aid organization that provided significant and prolonged aid and support to both the Taliban and al Qaida in Afghanistan. He was given a letter by UBL providing assistance in the establishment of three new offices in Afghanistan and at least one office in Pakistan for this organization. The detainee had complete authority over the organization and has stated; "nothing happened in this organization without my knowledge."

This same detainee related that this organization spent \$1 million US dollars in Afghanistan between November 2000 - November 2001. During this time, he

admittedly purchased \$5,000 US dollars worth of weapons utilizing the organization's **funds**, stating they were for NGO personnel protection against the Northern Alliance during the onset of Operation Enduring Freedom.

Another detainee claims to have traveled to Cambodia to assist with relief efforts at an unidentified orphanage on the behalf of an Islamic organization. By his own admission, this detainee met UBL **as many** as four times during July 2001 and is believed to have substantial ties to al-Qaida. He was approached by an al-Qaida leader to straighten out logistics and supply problems that al-Qaida was experiencing in the Tora Bora region of Afghanistan.

More than a dozen detainees had the cash equivalent of US\$1,000-10,000 in their pockets when apprehended; four detainees had US\$10,000-25,000; two detainees had the cash equivalent of **more** than US\$40,000 each when captured.

Terrorist Facilitators

Detainees have described their experiences with al Qaida recruiters and facilitators, the encouragement they received to participate in jihad, and **how** their travel was facilitated. Detainees who were actual facilitators have detailed their efforts to send interested young men to training camps in Afghanistan, and for some eventually to meetings with the highest circles of al Qaida leadership.

Over 25 GTMO detainees have been identified by other detainees as being facilitators who provided money, documentation, travel, or safe houses.

Detainee Skill Sets

More than 10 percent of the detainees possess college degrees or obtained other higher education, often at western colleges, many in the United States. Among these educated detainees are medical doctors, airplane pilots, aviation specialists, engineers, divers, translators, and lawyers.

A detainee, who produced al Qaida videos, was hired by a Taliban leader to provide computer services to include installing hardware and software.

Another detainee, who has threatened guards and admits enjoying terrorizing Americans, studied at Texas A&M for 18 months and has acquaintances in the U.S. He also studied English at the University of Texas in Austin.

Another detainee, who has been identified as an al Qaida weapons supplier, studied at Embry Riddle Aviation School in Arizona, obtaining a graduate degree in avionics management.

One detainee has a Masters degree in Aviation Management. Another detainee has a Masters degree in Petroleum Engineering.

Insight into Future Leaders and Centers of Activity

Guantanamo detainees provide a unique insight into the type of individuals likely to become participants, recruiters, and leaders for the Islamic extremist movements. Detainees possess an astonishing variety of skills, educational levels, levels of motivation and experience. It is likely that many Guantanamo detainees would have risen to positions of prominence in the leadership ranks of al Qaida and its associated groups.

Since the elimination of Afghanistan as a sanctuary for al Qaida, the organization has endured a transitional period and become a looser network of extremists. In many cases, it has had to rely upon regional or local extremist networks to **carry** out its missions. A detainee does not have to be a member of al Qaida to provide valuable intelligence. The information provided by detained members of lesser-known extremist groups will prove to be valuable in the **future** as we continue to work to prevent the resurgence of groups like al Qaida and its supporters.

GTMO as a Strategic Interrogation Center

GTMO is currently the only DoD strategic interrogation center and will remain ~~useful as long as the war on terrorism is underway and new enemy combatants are~~ captured and sent there. The lessons learned at GTMO have advanced both the

operational art of intelligence, and the development of strategic interrogations doctrine.

Detainees Returning to the Fight

We know of several former detainees from **JTF-GTMO** that have rejoined the fight against coalition forces. We have been able to identify at least ten by name. Press reporting indicates al Qaida-linked militants recently kidnapped two Chinese engineers and that former detainee Abdullah Mahsud, their reputed leader, ordered the kidnapping. (Fox News report October 12, 2004, Islamabad the News October 20, 2004, Washington Post October 13, 2004). Mahsud, now reputed to be a militant leader, claimed to be an office clerk and driver for the Taliban from 1996 to 1998 or 1999. He consistently denied having any affiliation with al Qaida. He also claimed to have received no weapons or military training due to his handicap (an amputation resulting from when he stepped on a land mine 10 years ago). He claimed that after September 11, 2001 he was forcibly conscripted by the Taliban military.

Another released detainee assassinated an Afghan judge. Several former GTMO detainees have been killed in combat with U.S. soldiers and Coalition forces.

SELECTED STATEMENTS FROM DETAINEES

Statements made by detainees provide valuable insights into the mindset of these terrorists and the continuing threat they pose to the United States and the rest of the world.

A detainee who has assaulted GTMO guards on numerous occasions and crafted a weapon in his cell, stated that he can either go back home and kill as many Americans as he possibly can, or he can leave here in a box; either way it's the same to him.

A detainee with ties to UBL, the Taliban, and Chechen mujahideen leadership figures told another detainee, "Their day is coming. One day I will enjoy sucking their blood, although their blood is bitter, undrinkable.."

During an interview with U.S. military interrogators this same detainee then stated that he would lead his tribe in exacting revenge against the Saudi Arabian and U.S. governments. "I will arrange for the kidnapping and execution of US citizens living in Saudi Arabia. Small groups of four or five U.S. citizens will be kidnapped, held, and executed. They will have their heads cut off."

After being informed of the Tribunal process, the detainee replied, "Not only am I thinking about threatening the American public, but the whole world."

A detainee who has been identified as a UBL bodyguard, stated, "It would be okay for UBL to kill Jewish persons. There is no need to ask for forgiveness for killing a Jew. The Jewish people kill Muslims in Palestine so it's okay to kill Jews. Israel should not exist and be removed from Palestine."

A detainee who has been identified as UBL's "spiritual advisor" and a relative of a fighter who attacked U.S. Marines on Failaka Island, Kuwait on October 8, 2002, stated, "I pray everyday against the United States." This detainee repeatedly stated, "The United States government is criminals."

A detainee and self-confessed al Qaida member who produced an al Qaida recruitment video stated, "...the people who died on 9/11/2001 were not innocent because they paid taxes and participated in the government that fosters repression of Palestinians." He also stated, "...his group will shake up the U.S. and countries who follow the U.S." and that, "it is not the quantity of power, but the quality of power, that will win in the end."

A detainee who has assaulted GTMO guards on over 30 occasions, has made gestures of killing a guard and threatened to break a guard's arm.

A detainee, captured by Pakistani authorities and who, while being transported, was involved in a riot during which several Pakistani guards were killed, stated that acts of terrorism are a legitimate way for a Muslim to wage jihad against the United States, even if innocent women and children are killed. He also said that he believes that Muslim jihadists will wipe out the government of the United States within the next 20 years.

A detainee described how he was sought to assist an extremist in the purchasing of possible biological weapons-related medical equipment through humanitarian organizational channels. The detainee has also assaulted GTMO guards on various occasions and incited riots in the holding areas.

A detainee who admits to being one of UBL's primary drivers and bodyguards had in his possession surface to air missiles when captured. This detainee identified eight bodyguards currently held at GTMO.

A detainee, who fought as a Taliban soldier at Konduz, stated to the MPs that all Americans should die because these are the rules of Allah. The detainee also told the MPs that he would come to their homes and cut their throats like sheep. The detainee went on to say that upon his release from GTMO, he would use the Internet to search for the names and faces of MPs so that he could kill them.

Contrasting DETAINEE COMMENTS

The following comments from current and past detainees are in contrast to other detainee comments concerning treatment at GTMO.

“Americans are very kind people...If people say that there is mistreatment in Cuba with the detainees, those type speaking **are** wrong, they treat **us** like a Muslim not a detainee.”

“...the devil Saddam and his **party** have fallen down. How people go to Najaf and Karbala walking and nobody prohibits them? This was grace of God and the **USA** to Iraqi people.”

“I’m in good health and have good facilities of eating, drinking, living, and playing.”

“These people take good care of me...The **guards** and everybody else is fine. We are allowed to talk to our **friends**.”

“The **food** is **good**, the bedrooms are clean and the health care is **very** good. There is a library full of Islamic books, science **books**, and literature...Sport, reading, and praying, all of these options are not mandatory for everyone, it is up to the person.”

Guantanamo (GTMO) Detention Operations

Terrorists must be captured and prevented **from** returning to the battlefield. All nations that have joined forces in the Global War on Terrorism (GWOT) share responsibility for keeping captured terrorists from returning to violence.

During the course of the GWOT, the **U.S.** Armed Forces and allied forces have captured or procured the surrender of thousands of individuals fighting as part of the al Qaeda and Taliban effort. The law of **war** has long recognized the right to detain combatants until the cessation of hostilities.

Detaining enemy combatants prevents them from returning to the battlefield and engaging in **further** armed attacks against innocent civilians and **U.S.** forces.

Further, detention serves as a deterrent against **future** attacks by denying the enemy the fighters needed to conduct **war**. Interrogations during detention enable the United States to gather important intelligence to prevent future attacks.

At the same time, the United States **has** no interest in detaining enemy combatants any longer than necessary. The **U.S.** Department of Defense (DoD) has

transferred or released 247 detainees from GTMO as of Oct. 1, 2005.

Approximately 505 detainees remain at GTMO.

Who We Hold and What We Have Learned

Detainees at GTMO include:

- Terrorist trainers
- Terrorist financiers
- Bombmakers
- Bin Laden bodyguards
- Recruiters and facilitators
- Would-be suicide bombers

Intelligence gained at GTMO has prevented terrorist attacks and saved lives.

Information obtained from questioning detainees includes:

- Organizational structure of al Qaeda and other terrorist groups;
- Extent of terrorist presence in **Europe**, the United States, and the Middle East;
- Al Qaeda's pursuit **of weapons of mass** destruction;

- Methods of recruitment and locations of recruitment centers:
- Terrorist skill sets, including general and specialized operative training; and
- How legitimate financial activities are used to hide terrorist operations.

GTMO remains a key intelligence resource. The information provided by detainees will continue to be valuable in the future as we work to defeat violent extremist groups like al Qaeda and its supporters.

Living Conditions

Since DoD began detention operations in the GWOT, it has continued to review and improve detainee living conditions. DoD is committed to ensuring detainees are kept in a safe, secure, and humane environment. The original detention facility, Camp X-Ray, was built shortly after the 9/11 terrorist attacks. Camp X-Ray has been completely replaced with improved facilities. Other improvements to detention facilities are ongoing. U.S. taxpayers have invested more than \$100 million in the detention facilities at GTMO.

Detainees at GTMO are provided with:

- o Three meals per day that meet cultural dietary requirements;

- o Adequate shelter, including cells with beds, mattresses, sheets, and running water toilets;
- o Adequate clothing, including shoes, uniforms, and hygiene items, such as toothbrush, toothpaste, soap and shampoo;
- o The opportunity to worship, including prayer beads, rugs, and copies of the Quran in their native languages for the detainees from some 40 countries;
- o The means to send and receive mail; more than **14,000** pieces of mail were sent to or by detainees at **GTMO** between September 2004 and February 2005;
- o **Books** and other reading materials during periodic visits from a designated librarian (Agatha Christie and Harry Potter books in Arabic **are** very popular.); and
- o Excellent medical care (see details below).

Camp rules **are** posted in multiple languages in the exercise yards in each camp. Recently, enclosed bulletin boards have also featured posters with information about current events such as the Afghan elections.

Camps 1-3

Detainees in these camps are housed in individual cells with a toilet and sink in each cell. There are 10 cellblocks with **48** cells each. Detainees wear tan

uniforms and canvas sneakers. The detainees are permitted 30 minutes twice a week in one of two exercise yards at the end of each cellblock. Showers are allowed in outdoor stalls after exercise periods. Detainees in these camps may be eligible, based upon their compliance with the camp rules, to move to Camp 4.

Camp 4

In Camp 4, part of Camp Delta, detainees live in 10-man bays with access to exercise yards and other recreational privileges. Detainees wear white uniforms and share living spaces with other detainees. Detainees are generally allowed to use outdoor exercise yards attached to their living bays several hours a day.

Exercise yards include group recreational and sports equipment, such as ping-pong and soccer equipment.

Camp 5

The newest detention facility, Camp 5, is a state-of-the-art, \$16 million facility, completed in May 2004. Its construction was based upon a modern maximum-security design used for U.S. federal penitentiaries. Composed of four wings of 12 to 14 individual cells each, the two-story maximum-security detention and interrogation facility can hold about 100 individuals. Those detainees deemed to be the highest threat to themselves, other detainees or guards, as well as detainees considered to be the most valuable intelligence assets, are housed here. The camp

is run from a centralized, raised, glass-enclosed control center in the middle of the facility, giving the guards a clear line of sight into both wings of each wing.

The modern facility features some cells equipped with overhanging sinks and grab bars on the toilets for detainees with physical disabilities. Detainees also have 10-foot-by-20-foot outdoor exercise yards, to which they generally have access for an hour every day.

Camp Iguana

This facility was renovated to accommodate detainees determined no longer to be enemy combatants (NLECs). This facility also allows NLECs a communal style of living with shared living and dining areas and unlimited recreation time.

Residents have their own bunk house, activity room, air-conditioned living areas, recreation items and yard, television, stereo, unlimited access to a shower facility, and library materials.

Cultural sensitivity

The Muslim call to prayer is broadcast for the detainees at GTMO five times a day -- generally at 5:30 a.m., 1 p.m., 2:30 p.m., 7:30 p.m. and 9:30 p.m.

Once the prayer call sounds, detainees receive 20 minutes of uninterrupted time to practice their faith. The guard force strives to ensure detainees are not interrupted during the 20 minutes following the prayer call, even if detainees are not involved

in religious activity. DoD detention personnel schedule detainee medical appointments, interrogations, and other activities mindful of the prayer call schedule.

Every detainee at GTMO has been issued a personal copy of the Quran. Strict measures are also in place throughout the facility to ensure that the Quran is treated properly by detention personnel.

Detention personnel also pay respect to Islamic holy periods, like Ramadan, by modifying meal schedules in observance of religious requirements.

DoD personnel deployed to GTMO undergo a program of sensitivity training before their assignments to ensure all detention personnel understand Islamic practices.

Improvements

Living Environment

DoD is planning to take further steps to make the living environment more suitable for long-term detention, including:

- o Expanded communal living environments;
- o Increased opportunities for exercise and group activities;

- o Enhanced medical facilities; and
- o Increased mail privileges and access to foreign language materials.

The International Committee of the Red Cross (ICRC) regularly visits detainees. ICRC representatives also process mail to and from the detainees.

Medical Care

The medical care provided to detainees at GTMO is comparable to what U.S. servicemembers receive. The lives of several detainees have been saved by the excellent medical treatment provided by U.S. military personnel.

Most routine medical care is administered by Navy corpsmen who visit each cellblock every two days and whenever a detainee requests care. In addition to providing routine medical care, the hospital staff has treated detainees for wounds sustained prior to detention and other pre-existing medical conditions (often unknown to the detainees before their medical treatment at **GTMO**).

Detainees at GTMO have received immunizations, which most would not have had available to them in their home countries. Some detainees have been provided life-changing ~~—, such as receiving prosthetic limbs and having a cancerous~~

tumor removed. Psychological care also is available for detainees who need or request it.

Detainees are treated at a dedicated facility with state-of-the-art equipment **and** an expert medical staff of more than 70 personnel. The medical facility is equipped with 19 inpatient beds (expandable to 28), a physical-therapy area, pharmacy, radiology department, central sterilization area, and a single-bed operating room. More serious medical conditions can be treated at the Naval Base Hospital operating room and intensive-care unit. Specialists are available to provide care at GTMO for any medical needs that exceed the capabilities of the Naval Base Hospital.

Combatant Status Review Tribunals (CSRTs)

The Combatant Status Review Tribunals (CSRTs), which were completed in March 2005, are a non-adversarial administrative process established to provide individuals detained by DoD at GTMO an opportunity to contest their designation as **an** enemy combatant.

A CSRT is comprised of three neutral **U.S.** military officers sworn to determine whether the detainees meet the criteria for designation as enemy combatants. **An** enemy combatant is defined as an individual who **was** part of or supported Taliban

or al Qaeda forces, or associated forces that were engaged in hostilities against the United States or its coalition partners. This definition includes any person who has committed a belligerent act or has directly supported hostilities in aid of enemy armed forces.

Each detainee is assigned a military officer as a personal representative. That officer assists the detainee in preparing for the CSRT. Detainees have the opportunity to testify before the tribunal, call witnesses, and introduce evidence. Following the taking of testimony and the reviewing of other evidence, the tribunal decides whether the detainee continues to be properly classified as an enemy combatant. Any detainee who is determined no longer to meet the criteria for an enemy combatant (NLEC) will be transferred consistent with applicable U.S. policies and obligations.

As a result of the CSRT process, 38 detainees were determined NLECs. As of August 22, 2005, the U.S. Government has successfully arranged for 28 of these individuals to return to their home countries and continues to work through the Department of State to transfer the remaining individuals.

Administrative Review Boards (ARBs)

In addition to the CSRTs, which each detainee undergoes once, Administrative Review Board (ARBs) conduct a rigorous review to assess annually whether an enemy combatant not designated for trial by a military commission for violations of the law of war continues to pose a threat to the United States or its allies, or whether there are other reasons for continued detention. The ARB process began in December 2004.

During the review, each enemy combatant is given the opportunity to appear in person before an ARB panel of three military officers and provide information to support his release. The enemy combatant is provided a military officer to assist him throughout the ARB process. In advance of the ARB hearing, information bearing on this assessment is also solicited from DoD and other U.S. Government agencies, and from the family and national government of the enemy combatant, through the Department of State. Based on all of the information provided, the ARB makes a recommendation to the Designated Civilian Official (DCO), who makes the final decision whether to release, transfer or continue to detain the individual. If the DCO determines that continued detention is warranted, the enemy combatant will remain in DoD control and a new review date will be scheduled to ensure an annual review.

~~The ARB process is not required by the Geneva~~ Conventions, nor is it required by domestic or international law. Given the unique nature of the GWOT, the U.S.

Government has taken historic and unprecedented steps to ensure that every detainee's case is reviewed annually and that each detainee has an opportunity to present information on why he no longer poses a threat to the United States or its allies, or why he should no longer be detained, despite the ongoing hostilities in the GWOT.

DoD Official Web Sites

DoD Official Web Site DefenseLink – www.defenselink.mil

- Official DoD portal that features top stories and links to detainee-specific information

DoD News Releases – www.defenselink.mil/releases

- Comprehensive list of DoD news releases from the previous 30 days, with a link to an archive that dates back to 1994

DoD News Transcripts – www.defenselink.mil/transcripts

- Comprehensive list of transcripts from briefings and significant interviews from the previous 30 days, with a link to an archive that dates back to 1994

Detainee Affairs & Operations

Detainees at Guantanamo Bay – www.defenselink.mil/news/detainees.html

- List of articles, news releases, transcripts, photos, and fact sheets concerning detainees at Guantanamo Bay

Detainee Investigations –

www.defenselink.mil/news/detainee_investigations.html

- DoD coverage of detainee investigations, including released reports, news releases, articles, briefing transcripts, and background information

Guantanamo Detainee Process –

www.defenselink.mil/news/Jan2005/d20050131process.pdf

- Fact sheet for the Guantanamo Detainee Process that includes a brief description of each process, the responsible organization, a point of contact, and a website

Military Commissions – www.defenselink.mil/news/commissions.html

- Information on military commissions, including official DoD documents, background information, and news releases

Combatant Status Review Tribunals/Administrative Review Board –

www.defenselink.mil/news/Combatant_Tribunals.html

- List of news releases, briefing transcripts, and official updates pertaining to the Combatant Status Review Tribunals and Administrative Review Boards

Information from Guantanamo Detainees –

www.defenselink.mil/news/Mar2005/d20050304info.pdf

- Summary of information gleaned **from** interrogations of detainees at Guantanamo

Joint Task Force – Guantanamo – www.jtfgtmo.southcom.mil/index.htm

- Joint Task Force – Guantanamo home page that includes news **reports** and the Task Force newsletter ‘The Wire.’

U.S. Southern Command – www.southcom.mil/home

- Southern Command home **page** that includes news releases, testimony transcripts, and other information concerning detainees at Guantanamo Bay.

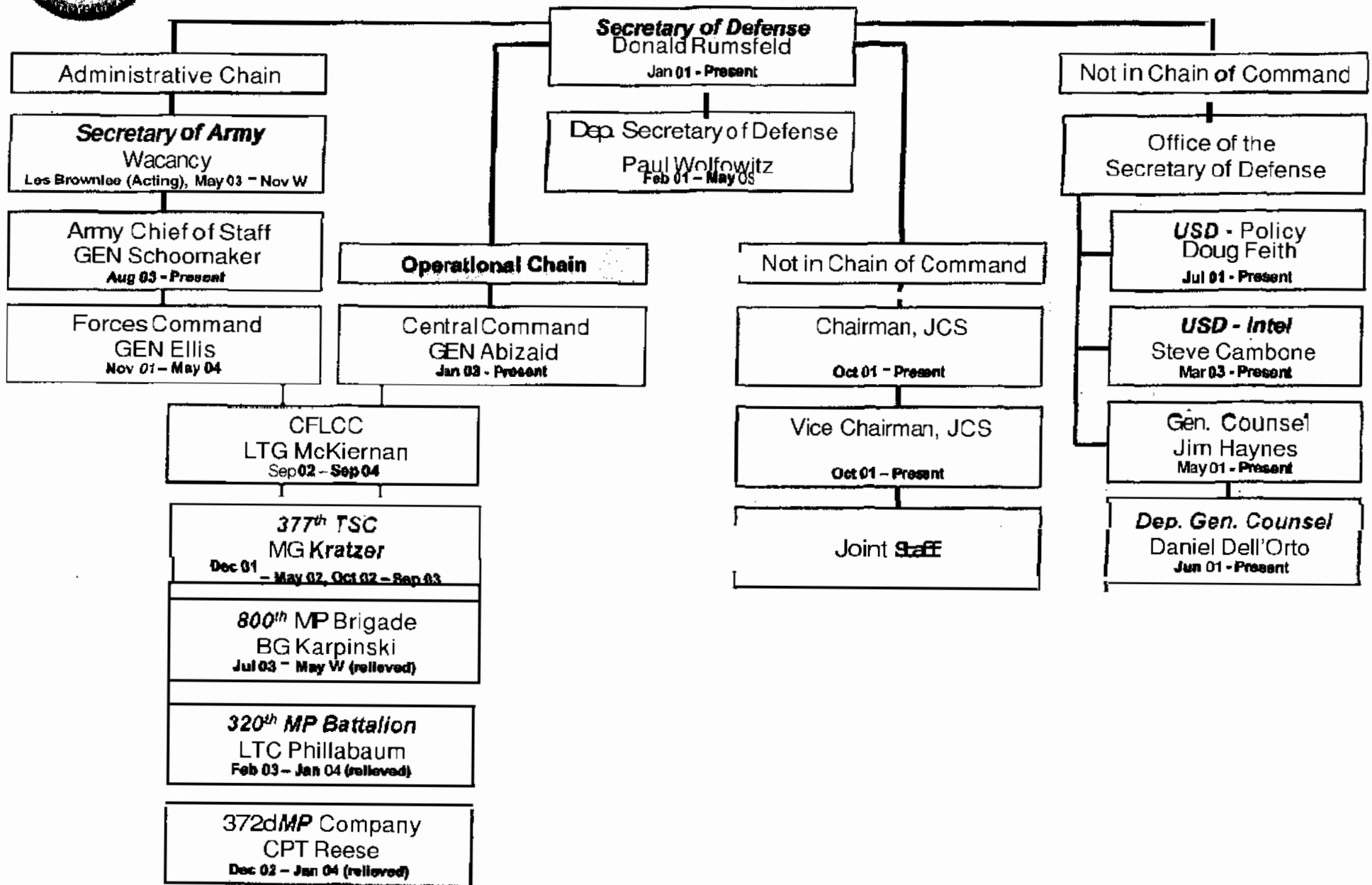
TAB 9

11-L-0559/OSD/54589



DoD Chains of Command until 19 Nov 03

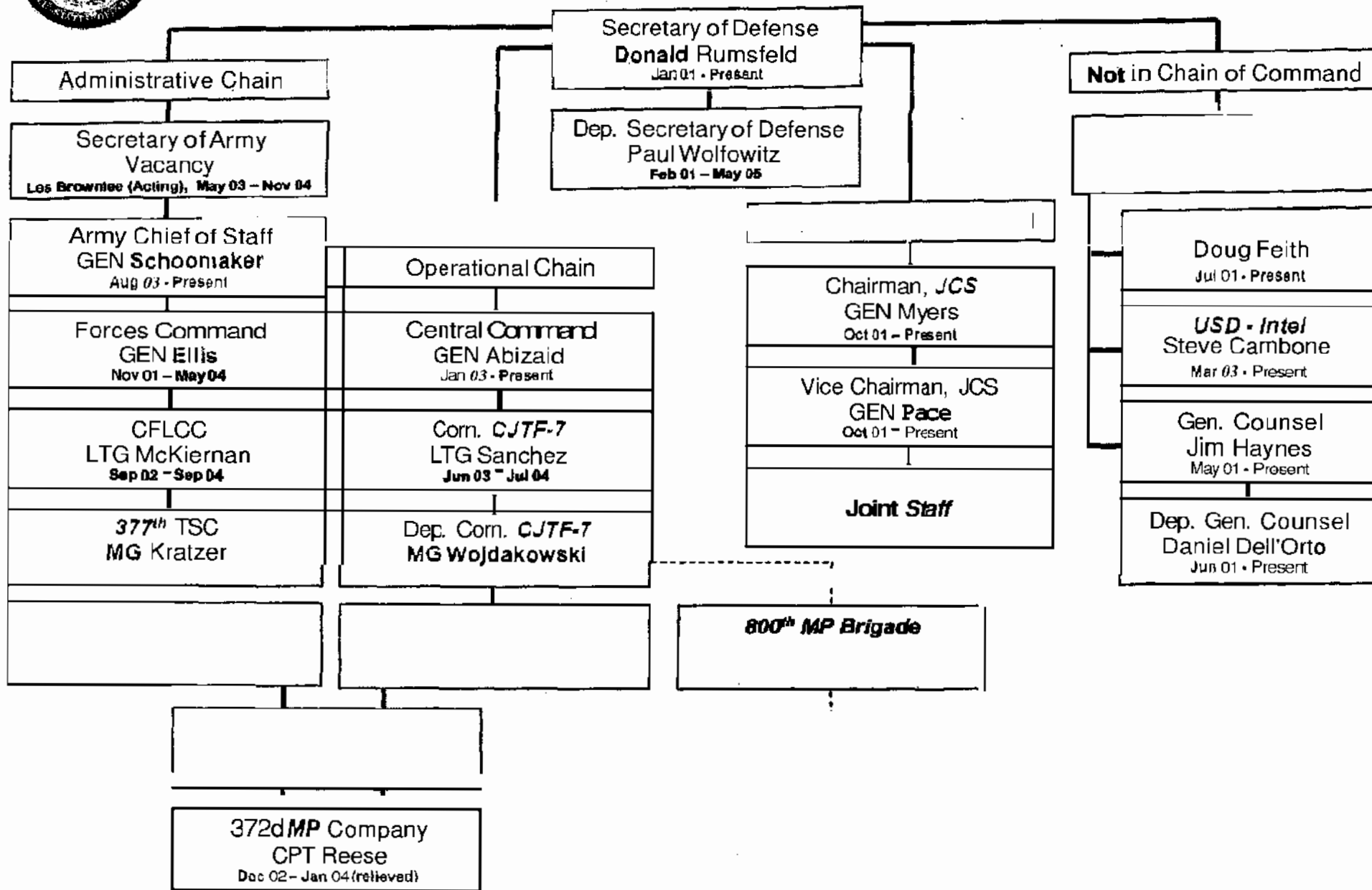
(Abu Ghraib and other incidents: Sep - Dec 03)





DoD Chains of Command after 19 NOV 03

(Abu Ghraib and : Sep - Dec 03)



TAB 10

11-L-0559/OSD/54592



Department of Defense DIRECTIVE

NUMBER 3115.09

USD(I)

SUBJECT: DoD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning

- References: (a) Title 10, United States Code
(b) Title 50, United States Code
(c) Executive Order 12333, "United States Intelligence Activities," December 4, 1981, as amended
(d) DoD Directive 2310.1, "DoD Detainee Program" (draft), upon publication
(e) through (j), see enclosure 1

1. PURPOSE

By the authority vested in the Secretary of Defense under references (a) through (c), this Directive:

- 1.1. Consolidates and codifies existing Departmental policies, including the requirement for humane treatment during all intelligence interrogations, detainee debriefings, or tactical questioning to gain intelligence from captured or detained personnel.
- 1.2. Assigns responsibilities for intelligence interrogations, detainee debriefings, tactical questioning, and supporting activities conducted by DoD personnel.
- 1.3. Establishes requirements for reporting violations of the policy regarding humane treatment during intelligence interrogations, detainee debriefings, or tactical questioning.

2. APPLICABILITY AND SCOPE

This Directive:

- 2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense (DoD IG), the Defense Agencies, the DoD Field Activities, and all other

organizational entities in the Department of Defense (*hereafter* referred to collectively as the "DoD Components").

2.2. Applies to all intelligence **interrogations**, detainee **debriefings** and **tactical questioning** conducted by DoD personnel (**military** and civilian), contractor **employees under DoD cognizance**, and DoD **contractors supporting such interrogations**, to the extent incorporated **into such contracts**.

2.3. Applies to DoD **contractors assigned to or supporting DoD Components**, to the extent incorporated **into such contracts**.

2.4. Applies to **non-DoD civilians** as a condition of permitting access to conduct **intelligence interrogations, debriefings, or other questioning** of persons detained by the Department of Defense.

2.5. Does not apply to interrogations or interviews conducted by DoD law enforcement or counterintelligence personnel primarily for law enforcement purposes. Law enforcement and counterintelligence personnel conducting **interrogations or other forms** of questioning primarily for intelligence collection are bound by the requirements of this Directive.

3. **POLICY**

It is DoD policy that

3.1. All **captured or detained personnel** shall be treated humanely, and all **intelligence interrogations, debriefings, or tactical questioning to gain intelligence from captured or detained personnel** shall be conducted humanely, in accordance with applicable law and policy. Applicable law and policy may include the law of war, relevant international law, U.S. law, and applicable directives, including DoD Directive 23 10.1, "DoD Detainee Program" (*last*), upon publication (reference (d)), **instructions or other issuances**. Acts of physical or mental torture are prohibited.

3.2. All reportable incidents, as defined in enclosure 2, allegedly committed by any DoD personnel or DoD contractors, shall be:

3.2.1. Promptly reported as outlined in enclosure 3

3.2.2. Promptly and thoroughly investigated by proper authorities, and

3.2.3. Remedied by disciplinary or administrative action, when appropriate. On-scene commanders and supervisors shall ensure measures are taken to preserve evidence pertaining to any reportable incident.

3.3. Reportable incidents allegedly committed by non-DoD U.S. personnel or by coalition, allied, host nation, or any other persons shall be reported as outlined in this Directive and

referred to proper authorities for investigation. Any additional DoD investigation of such incidents shall be conducted only at the direction of the appropriate Combatant Commander, the DoD IG, the Under Secretary of Defense for Intelligence (USD(I)), or higher authority.

3.4. All DoD Components shall comply with the following general principles of interrogation operations:

3.4.1. Intelligence interrogations will be conducted in accordance with applicable law, this Directive and implementing plans, policies, orders, directives, and doctrine developed by the DoD Components and approved by USD(I), unless otherwise authorized, in writing, by the Secretary of Defense or Deputy Secretary of Defense.

3.4.2. Tactical questioning may be conducted by any DoD personnel trained in accordance with subparagraph 4.6.5. Intelligence interrogations will be conducted only by interrogators properly trained and certified in accordance with subparagraph 4.1.9.2.

3.4.3. Medical. Decisions regarding appropriate medical treatment of detainees and the sequence of that treatment are the responsibility of the DoD Component responsible for detainee operations is governed by policies set forth by the Assistant Secretary of Defense for Health Affairs (ASD(HA)), under the direction of the Secretary of Defense for Personnel and Readiness (USD(P&R)). It is determined by medical personnel to be unfit to undergo interrogation will not be interrogated.

3.4.3.1. Medical Care. DoD personnel will not apply any abuse to the detainee as outlined in this Directive. The standards for medical care are by the ASD(HA) and specified in enclosure 3.

3.4.3.2. Medical Information. DoD personnel will not disclose medical information and care provided to patients including medical care to the public, the media, or other personnel without respect for patient privacy. Under U.S. and international law, there is no exception for the release of medical information for any person, including detainees. Release of medical information for purposes other than treatment is prohibited. The DoD may release medical information for all lawful purposes, in accordance with such policies and procedures, including release for any lawful intelligence or security related activity.

3.4.3.3. Behavioral Science. Behavioral science consultants are authorized to make psychological assessments of the personality, social interactions, and other behavioral characteristics of detainees and to advise DoD personnel performing interrogations. Such activities are consistent with subparagraph 4.1.9.2.

3.5. Those who provide medical care may not provide medical care for detainees except in an emergency when the detainee cannot respond.

3.4.4. DoD Personnel. DoD personnel responsible for detainee operations, including the Army, Navy, Air Force, Marine Corps, and other DoD components, shall comply with this Directive.

security for detainees are responsible for ensuring the **safety and well being of detainees in their custody**. They shall not directly participate in the conduct of interrogations.

3.4.4.1. The detention facility commander or designee, **in accordance with applicable law and policy**, may cooperate in responding to requests to **facilitate** interrogation operations. Applicable law and policy may include U.S. law, the law of war, relevant international law, and applicable directives, instructions or other issuances. Disagreements **concerning** such requests shall be **resolved** by **the** Joint Task Force Commander, the Combatant Commander, or other designated authority, after consultation with the servicing Staff Judge Advocate. **Any remaining** disagreements shall be resolved by the Under Secretary of Defense for Policy (USD(P)), after consultation with the **USD(I)** and the **DoD General Counsel (GC)**.

3.4.4.2. Detention personnel shall report information and observations relevant to interrogation operations, **such as** detainee behavior, attitudes, and relationships, in accordance with **procedures established** by the detention facility commander or higher authority.

3.4.4.3. **Any other U.S. Government agencies, foreign government representatives, or other parties** who request to conduct intelligence interrogations, debriefings, or other questioning of persons detained by the Department of Defense must agree to abide by DoD policies and procedures before being allowed access to any detainee under DoD control. Such agreement shall be formalized in a written document signed by the agency, government representative, or party requesting access to a detainee. A trained and certified DoD interrogator shall monitor all interrogations, debriefings, and other questioning conducted by non-DoD or non-U.S. Government agencies or personnel. If an interrogator is not available, a DoD representative with appropriate training and experience shall monitor the interrogation, debriefing, or other questioning. The DoD monitor shall terminate the interrogation, debriefing, or other questioning, and report to higher authorities if the other party does not adhere to DoD policies and procedures.

3.4.4.4. Military working dogs, contracted dogs, or any other dog in use by a government agency shall not be used as part of an interrogation approach nor to harass, intimidate, threaten, or coerce a detainee for interrogation purposes.

4. RESPONSIBILITIES

4.1. The **Under Secretary of Defense for Intelligence** shall:

4.1.1. Exercise primary staff responsibility for DoD intelligence interrogations, detainee debriefings, and tactical questioning and serve as the advisor to the Secretary and Deputy Secretary of Defense regarding DoD intelligence interrogations policy.

4.1.2. Serve as primary DoD liaison between the Department and the Intelligence Community on matters related to intelligence interrogations, detainee debriefings, and tactical questioning.

4.1.3. Provide oversight of operations concerning intelligence interrogations, detainee debriefing, and tactical questioning, and ensure overall development, coordination, approval, and promulgation of DoD policies and implementation plans related to intelligence interrogations, detainee debriefings, and tactical questioning, including coordination of such proposed policies and plans with other Federal departments and agencies as necessary.

4.1.4. Review, approve, and ensure coordination of all DoD Component implementation plans, policies, orders, directives, and doctrine related to intelligence interrogation operations. DoD Components will forward two copies of implementing documents to the USD(I) for review and to the Director of DIA, as the Defense HUMINT Manager.

4.1.5. Refer reportable incidents not involving DoD personnel to applicable Federal agencies, foreign governments, or other authorities. Coordinate with appropriate OSD entities and other Federal agencies, as appropriate, prior to referral.

4.1.6. Review proposed funding by the Military Departments according to subparagraph 4.4.2., in coordination with the Military Departments, the USD(P&R), the Under Secretary of Defense (Comptroller), and the DoD GC.

4.1.7. Develop policies and procedures, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the DoD GC, and the appropriate DoD Components, to ensure all contracts in support of intelligence interrogation operations and detainee debriefings include the obligation to abide by the standards in this Directive and exclude performance of inherently governmental functions in accordance with DoD Directive 1100.4 (reference (e)) and that all contractor employees are properly trained.

4.1.8. Ensure the Director of the Defense Intelligence Agency (DIA):

4.1.8.1. Plans, executes, and oversees DIA intelligence interrogation operations.

4.1.8.2. Issues appropriate intelligence interrogation implementing guidance and forwards it for review in accordance with subparagraph 4.1.4.

4.1.8.3. Institutes programs within DIA to:

4.1.8.3.1. Comply with this Directive.

4.1.8.3.2. Ensure all plans, policies, orders, directives, training, doctrine, and tactics, techniques, and procedures issued by DIA or its subordinate elements are in accordance with this Directive and subject to periodic review and evaluation, particularly considering any reported violations.

4.1.9. Ensure the Defense Human Intelligence (HUMINT) Manager, in accordance with USD(I) memorandum dated December 14, 2004 (reference (f)):

4.1.9.1. Includes DoD intelligence interrogations and detainee debriefings in the periodic assessment of DoD HUMINT enterprise activities, including an assessment of the effectiveness of intelligence interrogations.

4.1.9.2. Establishes interrogation training and certification standards, in coordination with applicable DoD Components, to ensure all personnel who conduct DoD intelligence interrogations are properly trained and certified, including appropriate training in applicable laws and policies in accordance with paragraph 3.1.

4.2. The Under Secretary of Defense for Policy shall coordinate with the USD(I) on all detainee-related policies and publications that affect intelligence interrogations and detainee debriefing. The USD(P) retains primary staff responsibility for DoD policy oversight of the DoD detainee program.

4.3. The Under Secretary of Defense for Personnel and Readiness shall:

4.3.1. Coordinate with USD(I) and the Secretaries of the Military Departments to ensure interrogators have appropriate language skills and training to support interrogation operations and trained and professional interpreters and other personnel are available to augment and support interrogation operations.

4.3.2. Provide overall guidance in accordance with reference (e), including on the performance of inherently governmental functions.

4.3.3. Ensure the ASD(HA) develops policies, procedures and standards for medical program activities affecting intelligence interrogation activities, in accordance with this Directive and in coordination with USD(I).

4.4. The Secretaries of the Military Departments shall:

4.4.1. Implement policies in accordance with this Directive. To the extent required, forward two copies of implementing documents to the USD(I) for review in accordance with paragraph 4.1.4., and to the Director of DIA, as the Defense HUMINT Manager.

4.4.2. Plan, program, and budget for adequate resources to ensure sufficient numbers of trained interrogators, interpreters, and other personnel are available to conduct intelligence interrogation operations.

4.4.3. Train and certify interrogators in accordance with the standards established pursuant to this Directive.

4.4.4. Provide training on the conduct of tactical questioning for appropriate personnel.

4.4.5. Coordinate with the Combatant Commanders or other appropriate authorities to ensure prompt reporting and investigation of reportable incidents committed by members of their respective Military Departments, or persons accompanying them, in accordance with the requirements of enclosure 3, and ensure the results of such investigations are provided to appropriate authorities for possible disciplinary or administrative action as appropriate.

4.5. The Chairman of the Joint Chiefs of Staff shall provide appropriate oversight to the Commanders of the Combatant Commands to ensure their intelligence interrogation operations, detainee debriefings, and tactical questioning policies and procedures are consistent with this Directive.

4.6. The Co shall:

4.6.1. Develop and submit Combatant Command level guidance, orders, and policies (to include policies governing third-party interrogations) implementing this Directive through the Chairman of the Joint Chiefs of Staff to USD(I) for review in accordance with paragraph 4.1.4., and to the Director of DLA, as the Defense HUMINT Manager.

4.6.2. Plan, execute, and oversee Combatant Command intelligence interrogation operations, detainee debriefing, and tactical questioning in accordance with this Directive.

4.6.3. Ensure all intelligence interrogation and detainee debriefing plans, policies, orders, directives, training, doctrine, and tactics, techniques, and procedures issued by subordinate commands and components are consistent with this Directive and USD(I) approved policies, and that they and are subject to periodic review and evaluation.

4.6.4. Ensure personnel who may be involved in intelligence interrogations have been trained and certified consistent with the standards established according to this Directive.

4.6.5. Ensure personnel who may be involved in detainee debriefings and tactical questioning have been appropriately trained.

4.6.6. Ensure third-party interrogations are conducted in accordance with subparagraph 3.4.4.3.

4.6.7. In coordination with the Secretaries of the Military Departments, ensure reportable incidents involving DoD personnel or coalition, allied, host nation, or any other persons are promptly reported to appropriate authorities in accordance with enclosure 3, that violations by DoD personnel are properly and thoroughly investigated, and the results of such investigations are provided to appropriate authorities for possible disciplinary or administrative action.

4.6.8. Coordinate with USD(I) and DoD GC, through the Chairman of the Joint Chiefs of Staff, regarding whether a DoD investigation is required for reportable incidents involving non-DoD personnel.

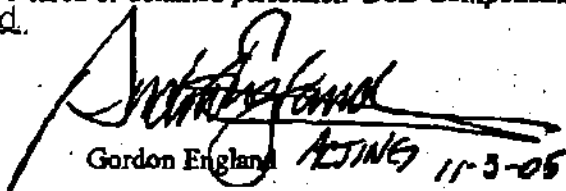
5. INFORMATION REQUIREMENTS

The reporting requirements in this Directive are exempt from licensing according to paragraphs C4.4.7. and C4.4.8. of DoD 8910.1-M (reference (g)).

6. EFFECTIVE DATE AND IMPLEMENTATION

6.1. This Directive is effective immediately.

6.2. The policy in the Directive shall be disseminated at all levels of command and to all DoD Components that conduct intelligence interrogations, detainee debriefings, or tactical questioning, to gain intelligence from captured or detained personnel. DoD Components comply with paragraph 4.1.4, as required.


Gordon England *ACTING 11-3-06*

Enclosures - 3

- E1. References continue
- E2. Definitions
- E3. Reportable Incident Requirements

EI. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Directive 1100.4, "Guidance for Manpower Management," February 12, 2005
- (f) Under Secretary of Defense for Intelligence Memorandum, "Guidance for the Conduct and Oversight of Defense Human Intelligence (HUMINT)," December 14, 2004
- (g) DoD 8910.1-M, "DoD Procedures for Management of Information Requirements," June 1998
- (h) DoD Directive 5100.77, "DoD Law of War Program," December 9, 1998
- (i) DoD 5240.1-R, "Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons," December 1982
- (j) DoD Instruction 5240.4, "Reporting of Counterintelligence and Criminal Violations," September 22, 1992

E2. ENCLOSURE?

DEFINITIONS

Terms listed below are defined as used in this Directive.

E2.1.1. Captured or Detained Personnel. For the purposes of this Directive, "captured or detained personnel" or "detainee" refers to **any** person captured, detained, held, or otherwise under the control of DoD personnel (military and civilian, or contractor employee). It does not include DoD personnel **being** held for law enforcement purposes.

E2.1.2. Debriefing. The process of questioning cooperating human sources to satisfy intelligence requirements, **consistent** with applicable law. The source may or may not be in custody. His or her **willingness** to cooperate need not be immediate or **constant**. The debriefer may continue to ask questions until it is **clear** to the debriefer that the person is not **willing** to volunteer **information** or respond to questioning.

E2.1.3. Intelligence Interrogation. The systematic process of using approved interrogation approaches to question a captured or detained person to obtain reliable **information** to satisfy intelligence requirements, **consistent** with applicable law.

E2.1.4. Law of War. The part of international law **that** regulates the conduct of **armed hostilities** and occupation. It is often called the "law of armed conflict" and encompasses all **international** law applicable to the conduct of hostilities **that** is binding on **the** United States or its individual **citizens**, including treaties and international agreements to which **the United States is a party**, and applicable customary international law.

E2.1.5. Reportable Incident. **Any** suspected or alleged violation of DoD policy, procedures, or applicable law relating to intelligence interrogations, detainee debriefings or tactical questioning, for which **there is** credible **information**.

E2.1.6. Tactical Questioning. **Direct** questioning by any DoD personnel of a **captured or detained person** to obtain **time-sensitive tactical** intelligence, at or near the **point** of capture or detention and consistent with applicable law.

E3. ENCLOSURE 3**REPORTABLE INCIDENT REQUIREMENTS**

E3.1.1. Reports of Incidents. All military and civilian personnel and DoD contractors who obtain information about a reportable incident will immediately report the incident through their chain of command or supervision. Interrogation support contracts will require contractor employees to report reportable incidents to the commander of the unit they are accompanying, the commander of the installation to which they are assigned, or to the Combatant Commander. Reports also may be made through other channels, such as the military police, a judge advocate, a chaplain, or an Inspector General, who will then forward a report through the appropriate chain of command or supervision. Reports made to officials other than those specified in this paragraph shall be accepted and immediately forwarded through the recipient's chain of command or supervision, with an information copy to the appropriate Combatant Commander.

E3.1.2. Initial Report. Any commander or supervisor who obtains credible information about a reportable incident shall immediately report the incident through command or supervisory channels to the responsible Combatant Commander, or to other appropriate authority for allegations involving personnel who are not assigned to a Combatant Commander. In the latter instance, an information report shall also be sent to the Combatant Commander with responsibility for the geographic area when the alleged incident occurred.

E3.1.3. The Combatant Commanders, the Secretaries of the Military Departments, and Similar authorities shall establish procedures and report, by the most expeditious means available, all reportable incidents to the Chairman of the Joint Chiefs of Staff, the USD(I), the DoD GC, the Director of DIA, and the DoD IG. Reports shall specify any actions already taken and identify the investigating authority, or explain why an inquiry or investigation is not possible, practicable, or necessary.

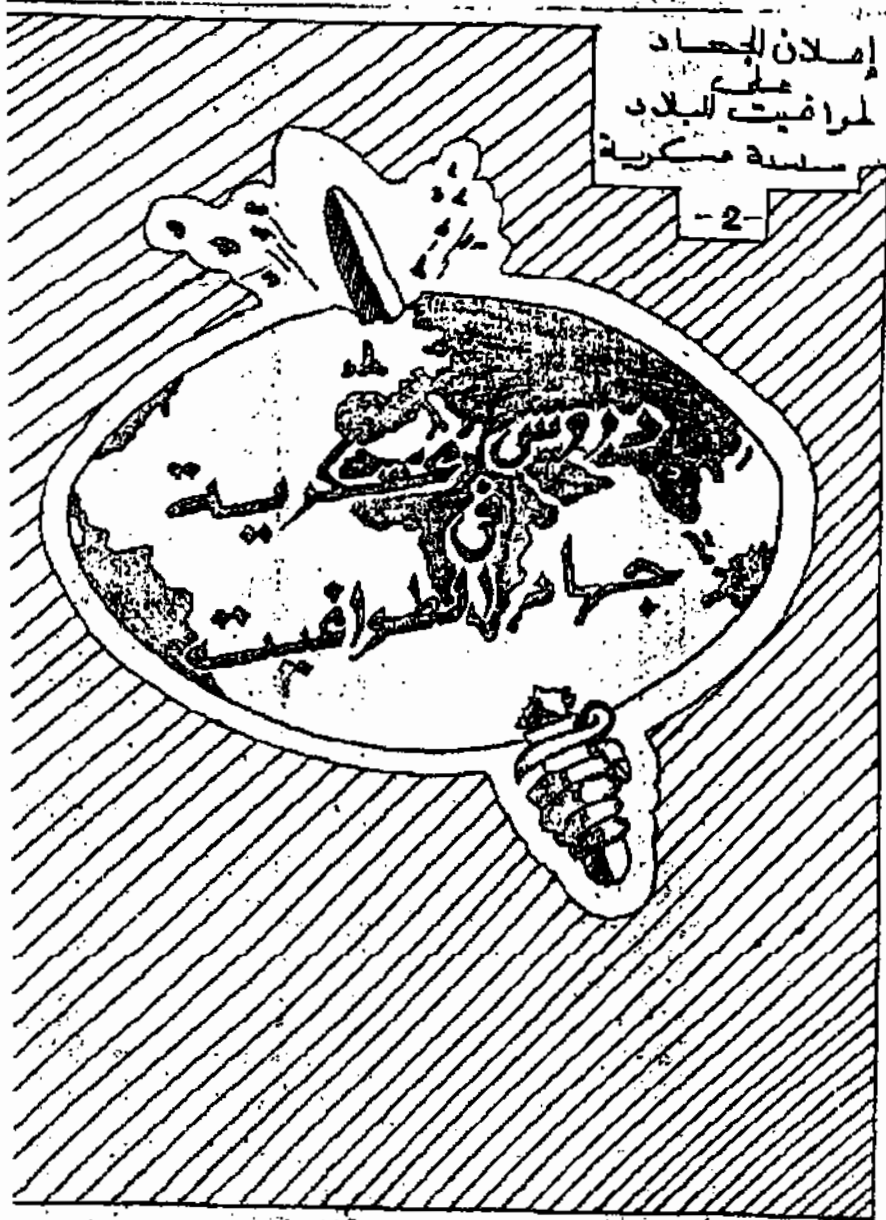
E3.1.4 The Combatant Commander or other appropriate authority shall ensure an appropriate inquiry or investigation is conducted. Final reports will be forwarded consistent with the procedures established in paragraph E3.1.3.

W.1.4.1 When appropriate, submit a report, in accordance with DoD Directive 5100.77 (reference (b)) concerning any reportable incidents under the DoD Law of War Program; when intelligence component personnel are involved in any questionable activity, submit a report to the appropriate intelligence component General Counsel or Inspector General or to the Assistant to the Secretary of Defense for Intelligence Oversight under Procedure 15 of reference (i) for the identification, investigation, and reporting of questionable intelligence activities. When appropriate, submit a report in accordance with DoD Instruction 5240.4 (reference (j)). Multiple reporting may be required for a single credible allegation. The Commanders or supervisors shall coordinate with legal counsel to determine whether a single inquiry or investigation is appropriate.

TAB 11

11-L-0559/OSD/54604

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UK/BN-2

UK/BM-176 TO UK/BM-180 TRANSLATION
. Lesson Eighteen

PRISONS AND DETENTION CENTERS

IF AN INDICTMENT IS ISSUED AND THE TRIAL BEGINS, THE BROTHER HAS TO PAY ATTENTION TO THE FOLLOWING :

1. At the **beginning** of the trial, once more the brothers must **insist on** proving that torture **was** inflicted on them by State Security [investigators] before the judge.
2. Complain [to the court] of mistreatment while in prison.
3. **Make** arrangements ~~for~~ the brother's defense with **the** attorney, ~~whether he was~~ retained by the brother's family or court-appointed.
4. The brother **has** to do his best to know the names of **the** state security officers, who participated in his torture and mention their names to the judge. **[These names may be obtained from brothers who had to deal with those officers in previous cases.]**
5. Some brothers may tell and may be lured by **the** state security investigators to testify against the brothers [**i.e.** affirmation witness], either **by not** keeping ~~them~~ together in the **same** prison, during the trials, or by letting them talk to the media. In this **case**, **they** have to **be treated** gently, and should be offered good advice, good treatment, **and** pray that God may guide them.
6. During the mal. the court has **to be** notified of any mistreatment of **the** brothers inside the prison.
7. It is possible to resort to a hunger strike, but it is a tactic that ~~can~~ either succeed or fail.
8. Take advantage of visits **to** communicate with brothers outside prison and exchange information that may be helpful to them in their **work** outside prison [according to what occurred during the investigations]. The importance of **mastering the art** of hiding messages is self evident here.
 - When **the brothers** are transported from and to the **prison** [on **their** way to the court] they should shout Islamic slogans out loud from inside the prison **cars** to impress upon the people and their family **the need to support** Islam.
 - Inside the **prison**, the brother should not accept any work that may belittle or demean him or his brothers, such **as** the cleaning of the prison bathrooms **or hallways**.
 - The brothers should create an Islamic program **for** themselves inside **the** prison, as well as recreational and educational **ones**, etc.
 - **The** brother in prison should **be** a role model in selflessness. Brothers should also pay attention to **each** others needs and should help each other and unite vis a vis the **prison officers**.
 - The brothers must take advantage of their **presence** in prison **for** **obeying** and worshipping [God] and memorizing the Qora'an, etc. This is in addition **mal** **guidelines** and **procedures** that **were** contained in the **Lesson** on interrogation and investigation. Lastly, each **of us** has **to** understand that we don't achieve victory against our enemies **through** these actions and security procedures. Rather, victory is achieved by obeying **Almighty** and Glorious **God** and **because** of their many sins. Every brother has to be careful **so as not** to commit sins and everyone of us has to do his best in **obeying** **Almighty God**. **Who said** in his Holy Book **"We**

will, without doubt, help Our messengers **and** those who believe (both) in this world's life and the one Day when the Witnesses will stand forth." May **God** guide us.

[Dedication]

To this pure Muslim youth, the believer, the mujahid (fighter) for God's sake, I present this modest effort as a contribution from me to pave the way that will lead to Almighty God and to establish a caliphate along the lines of the prophet.

The prophet, peace be upon him, said according to what was related by Imam Ahmed "Let the prophecy that **God** wants be in you, yet **God** may remove it if He so wills, and then there will be a Caliphate according to the prophet's path [instruction], if **God** so wills it. He will also remove that [the Caliphate] if He so wills, and you will have a disobedient king if **God** so wills it. Once again, if **God** so wills, He will remove him [the disobedient king], and you will have an oppressive king. (Finally), if **God** so wills, He will remove him [the oppressive king], and you will have a Caliphate according to the prophet's path [instruction]. He then became silent."

THE IMPORTANCE OF TEAM WORK :

1. Team work is the only translation of **God's** command, as well as that of the prophet, to unite and not to disunite. Almighty **God** says, "And hold fast, all together, by the **Rope** which Allah (stretches out for you), and be not divided among yourselves." In "Sahih Muslim," it was reported by Abu Hurairah, may Allah look kindly upon him, that the prophet, may Allah's peace and greetings be upon him, said "Allah approves three [things] for you and disapproves three [things]: He approves that you worship him, that you do not disbelieve in Him, and that you hold fast, all together, by the **Rope** which Allah, and be not divided among yourselves. He disapproves of three: gossip, asking too much [for help], and squandering money."
2. Abandoning "team work" for individual and haphazard work means disobeying that orders of God and the prophet and falling victim to disunity.
3. Team work is conducive to cooperation in righteousness and piety.
4. Upholding religion, which God has ordered us by His saying, "Uphold religion," will necessarily require an all out confrontation against all our enemies, who want to recreate darkness. In addition, it is imperative to stand against darkness in all arenas: the media, education, [religious] guidance, and counseling, as well as others. This will make it necessary for us to move on numerous fields so as to enable the Islamic movement to confront ignorance and achieve victory against it in the battle to uphold religion. All these vital goals can not be adequately achieved without organized team work. Therefore, team work becomes a necessity, in accordance with the fundamental rule, "Duty cannot be accomplished without it, and it is a requirement." This way, team work is achieved through mustering and organizing the ranks, while putting the Amir (the Prince) before them, and the right man in the right place, making plans for action, organizing work, and obtaining facets of power.. . . .

TAB 12

11-L-0559/OSD/54608

UNCLASSIFIED

THE WHITE HOUSE

WASHINGTON

February 7, 2002

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR OF CENTRAL INTELLIGENCE
ASSISTANT TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SUBJECT: Humane Treatment of al Qaeda and Taliban Detainees

1. Our recent extensive discussions regarding the status of al Qaeda and Taliban detainees confirm that the application of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (Geneva) to the conflict with al Qaeda and the Taliban involves complex legal questions. By its terms, Geneva applies to conflicts involving "High Contracting Parties," which can only be states. Moreover, it assumes the existence of "regular" armed forces fighting on behalf of states. However, the war against terrorism ushers in a new paradigm, one in which groups with broad, international reach commit horrific acts against innocent civilians, sometimes with the direct support of states. Our Nation recognizes that this new paradigm -- ushered in not by us, but by terrorists -- requires new thinking in the law of war, but thinking that should nevertheless be consistent with the principles of Geneva.
2. Pursuant to my authority as Commander in Chief and Chief Executive of the United States, and relying on the opinion of the Department of Justice dated January 22, 2002, and on the legal opinion rendered by the Attorney General in his letter of February 1, 2002, I hereby determine as follows:
 - a. I accept the legal conclusion of the Department of Justice and determine that none of the provisions of Geneva apply to our conflict with al Qaeda in Afghanistan or elsewhere throughout the world because, among other reasons, al Qaeda is not a High Contracting Party to Geneva.
 - b. I accept the legal conclusion of the Attorney General and the Department of Justice that I have the authority under the Constitution to suspend Geneva as to those

11-L-0559/OSD/54609

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exercise that authority at this time. Accordingly, I determine that the provisions of Geneva will apply to our present conflict with the Taliban. I reserve the right to exercise this authority in this or future conflicts.

c. I also accept the legal conclusion of the Department of Justice and determine that common Article 3 of Geneva does not apply to either al Qaeda or Taliban detainees, because, among other reasons, the relevant conflicts ~~are international in scope and common Article 3 applies~~ only to "armed conflict not of an international character."

d. Based on the facts supplied by the Department of Defense and the recommendation of the Department of Justice, I determine that the Taliban detainees are unlawful combatants and, therefore, do not qualify as prisoners of war under Article 4 of Geneva. I note that, because Geneva does not apply to our conflict with al Qaeda, al Qaeda detainees also do not qualify as prisoners of war.

3. Of course, our values as a Nation, values that we share with many nations in the world, call for us to treat detainees humanely; including those who are not legally entitled to such treatment. Our Nation has been and will continue to be a strong supporter of Geneva and its principles. As a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.

4. The United States will hold states, organizations, and individuals who gain control of United States personnel responsible for treating such personnel humanely and consistent with applicable law.

5. I hereby reaffirm the order previously issued by the Secretary of Defense to the United States Armed Forces requiring that the detainees be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.

6. I hereby direct the Secretary of State to communicate my determinations in an appropriate manner to our allies, and other countries and international organizations cooperating in the war against terrorism of global reach.

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TAB 13

11-L-0559/OSD/54611

Guantanamo Detainee Processes

Detainee Administrative Review

Definition/purpose: Annual review to determine the need to continue the detention of **an** enemy combatant. The review includes an assessment of whether the enemy combatant **poses** a threat to the United States or its allies in the ongoing armed conflict against terrorist **such as** al Qaeda and its affiliates and supporters and whether there are other factors bearing **on** the need for continued detention (e.g., intelligence value). Based **on** that assessment, a review board will recommend whether **an** individual should be released, transferred or continue to be detained. This process will help ensure **no** one is detained **any** longer than is warranted, and **that** no one is released who remains a threat to **our** nation's security.

Applies to: All GTMO detainees

Link to fact sheet <http://www.defenselink.mil/releases/2004/nr20040623-0932.html>

Responsibility: Designated Civilian Official

PA Point of Contact OARDEC PAO, Lt. Cindr. Chito Pepler (b)(6)

OARDEC = *Office for the Administrative Review of the Detention of Enemy Combatants*

Combatant Status Review

Definition/purpose: A formal review of all the information related to a detainee to determine whether each person meets the criteria to be designated as an enemy combatant. (Enemy combatant is defined as **an** individual who **was** part of or supporting Taliban **or** al Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who **has** committed a belligerent act or has directly supported hostilities in aid of enemy armed forces.)

Applies to: All GTMO detainees

Link to website: <http://www.defenselink.mil/news/CombatantTribunals.html>

Responsibility: Designated Civilian Official

PA Point of Contact: OARDEC PAO, Lt. Cmdr. Chito Perpler (b)(6)

Commissions

Definition/purpose: Prosecute enemy combatants who violate the laws of war. provides a fair and full trial, while protecting national security and the safety of all those involved, including the accused.

Applies to: Non-U.S. citizens, found to be subject to the President's military order of Nov. 13, 2001; primarily based upon the individual's participation in al Qaeda and acts of international terrorism.

Link to website: <http://www.defenselink.mil/news/commissions.html>

Responsibility: Office of Military Commissions

PA Point of Contact: OMC PAO, Maj. Jane Boomer (b)(6)

Detainee Operations

Definition/purpose: - Detain enemy combatants to prevent combatants from continuing to fight against the U.S. and its allies. Includes a process to identify enemy combatants' threat and intelligence value.

Applies to: All GTMO detainees

Link to website: <http://www.defenselink.mil/news/detainees.html>

Responsibility: JTF GTMO

PA Point of Contact: JTF GTMO Public Affairs (b)(6)

SouthCom Public Affairs (b)(6)

Process	Definition/purpose	Applies to	Responsibility	Public Affairs
<u>Admin Review</u>	Annual review to assess whether an individual should be released, transferred or should continue to be detained, based on threat or continued intelligence value.	All GTMO detainees.	Designated Civilian Official (Secretary of the Navy)	OARDEC PAO , Lt. Cmdr. Chito Peppler (b)(6) <i>OARDEC = Office for the Administrative Review of the Detention of Enemy Combatants</i>
<u>Combatant Status Review</u>	Determine whether a person meets the criteria to be designated as an enemy Combatant.*	All GTMO detainees.	Designated Civilian Official (Secretary of the Navy)	OARDEC PAO , Lt. Cmdr. Chito Peppler (b)(6)
<u>Commissions</u>	Prosecute enemy combatants who violate the laws of war.	Non-U.S. citizens based upon the individual's participation in al Qaeda and acts of international terrorism.	Office of Military Commissions	OMC PAO , Maj. Jane Boomer (b)(6)
<u>Detainee Operations</u>	Detain enemy combatants to prevent them from continuing to fight against the U.S. and its allies.	All GTMO detainees.	JTF GTMO	JTF GTMO Public Affairs (b)(6) SouthCom Public Affairs (b)(6)

* Enemy combatant is **define** as an individual who was part of or supporting Taliban or al Qaeda forces, or associated forces that are engaged in hostilities against the **United States** or its coalition partners. **This includes any** person who has committed a belligerent act or has directly supported hostilities in aid of enemy armed forces.

TAB 14

11-L-0559/OSD/54615



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JUL 14 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDERS OF THE COMBATANT COMMANDS
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, NET ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Handling of Reports from the International Committee of the Red Cross

Prompt evaluation and transmission of reports from the International Committee of the Red Cross (ICRC) to senior DoD leaders is of the utmost importance. Recognizing that information may be reported at various command levels and in oral or written form, I direct the following actions:

- All ICRC reports received by a military or civilian official of the Department of Defense at any level shall, within 24 hours, be transmitted to the Under Secretary of Defense for Policy (USD(P)) with information copies to the Director, Joint Staff; the Assistant Secretary of Defense for Public Affairs; the General Counsel of DoD; and the DoD Executive Secretary. ICRC reports received by officials within a combatant command area of operation shall also be transmitted simultaneously to the commander of the combatant command.
- The USD(P) shall be responsible for determining the significance of ICRC reports and immediately forwarding those actions of significance to the Secretary of Defense.
- For all ICRC reports, the USD(P) shall, within 72 hours of receipt, develop a course of action, coordinate such actions with the Chairman of the Joint Chiefs of Staff, the pertinent Combatant Commander, the General Counsel of DoD, and, as appropriate,



OSD 10190-04

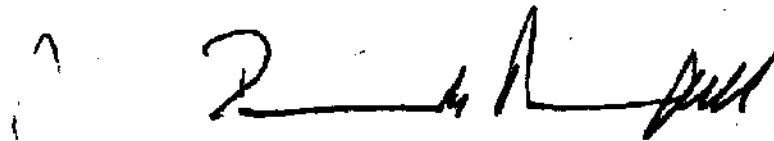
the **Secretaries** of the **Military Departments**, the **Assistant Secretaries** of Defense for **Public Affairs** and **Legislative Affairs**, and **other DoD officials**. **Actions** of significance shall be submitted to the **Secretary of Defense** for approval.

- e Combatant Commanders shall provide their assessment of the ICRC reports they receive to the USD(P) through the Director, Joint Staff within 24 hours of receipt.
- e To ensure essential information is reported, oral reports shall be summarized in writing. The following information shall be included:
 - Description of the ICRC visit or meeting; Location? When? Has corrective action been initiated if warranted?
 - Identification of specific detainee or enemy prisoner of war reported upon (if applicable).
 - Name of ICRC Representative.
 - Identification of U.S. official who received the report. Also, identify the U.S. official submitting the report.
- All ICRC communications shall be marked with the following statement "ICRC communications are provided to DoD as confidential, restricted-use documents. As such, they will be safeguarded the same as SECRET NODIS information using classified information channels. Dissemination of ICRC communications outside of DoD is not authorized without the approval of the Secretary or Deputy Secretary of Defense."

These temporary procedures are effective immediately and shall be reviewed in six months with a view to incorporating these changes into pertinent DoD issuances.

At the same time, the USD(P) shall establish an ICRC Interagency Group, consisting of representatives of the Defense and State Departments and the National Security Council Staff, and other appropriate agencies, that will meet, initially monthly, to review ICRC matters, coordinate responses, and ensure that all ICRC matters are appropriately addressed.

Your compliance with the procedures in this memorandum is a matter of DoD policy and is essential to enabling the Department to continue to meet its responsibilities and obligations for the humane care and full accountability for all persons captured or detained during military operations.



TAB 15

11-L-0559/OSD/54618



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JUL 16 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DIRECTOR, DEFENSE RESEARCH AND ENGINEERING
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF
DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF
DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION
DIRECTOR, FORCE TRANSFORMATION
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Office of Detainee Affairs

Effective today, I hereby establish the Office of **Detainee Affairs** under the authority, direction, and control of the Under Secretary of Defense for **Policy** (USD(P)) to **serve as** the Department's single focal point for all **matters** regarding **detainees**. This office will develop policy **recommendations** and oversee detainee affairs, which include **matters** related to **any** detained, non-coalition personnel under **DoD** control.

The DoD Component Heads and the OSD **Principal Staff Assistants** shall support the USD(P) in overseeing detainee-related **functions** within their **areas** of responsibility. The DOD **General Counsel** shall advise on all matters of **law**, including the **procedural aspects** of military commissions and other **tribunals**. The Secretaries of the **Military Departments** and the **Combatant Commanders**, **through** the **Joint Staff**, shall support detainee operations and administration as assigned **and** shall coordinate their activities with the USD(P).

This memorandum is not intended, and should not be construed, to inhibit in **any way** the unfettered discretion of commanders **at** all levels **to exercise** their independent professional judgment in **taking** action under the Uniform **Code** of Military Justice, **or** to interfere with the professional actions of other participants in **the** military justice process.



OSD 10559-04

11-L-0559/OSD/54619

Matters pertaining to detainees held by U.S. Government agencies other than DoD or the Department of Justice shall be coordinated or overseen by the Under Secretary of Defense for Intelligence (USD(I)).

The USD(P) shall establish a committee comprised of representatives of the OSD Principal Staff Assistants and DoD Components with responsibilities in detainee affairs - including USD(I), the DoD General Counsel, the Joint Staff and others as appropriate - to coordinate actions, share information, and provide advice on detainee matters.

The Director of Administration and Management shall incorporate these responsibilities in the DoD Directives System and take the actions necessary to implement this directive.

A handwritten signature in black ink, appearing to be "D. R. [unclear]", is written in a cursive style.

TAB 16

11-L-0559/OSD/54621



HEALTH AFFAIRS

THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301-1200

JUN 03 2005

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE **JOINT** CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
COMMANDERS OF **THE** COMBATANT COMMANDS
ASSISTANT SECRETARIES OF DEFENSE
GENERAL **COUNSEL** OF THE DEPARTMENT OF **DEFENSE**
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR OF ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM **ANALYSIS** AND EVALUATION
DIRECTOR, **NET** ASSESSMENT
DIRECTOR, FORCE TRANSFORMATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Medical Program Principles and Procedures for the Protection and Treatment of Detainees in the Custody of the Armed Forces of the United States

REFERENCES: (a) DoD Directive **5136.1**, "Assistant Secretary of Defense for Health Affairs," May **21, 1994**
(b) **AR 190-8**, OPNAVINST **3461.6**, AFJI 31-304, **MCO 3461.1**, "Enemy Prisoners of **War**, **Retained** Personnel, Civilian Internees and Other Detainees"
(c) DoD Directive **5100.77**, DoD **Law** of War Program, December 9, **1998**

This memorandum is issued under the authority of reference (a) and reaffirms the historic responsibility of health care personnel of the Armed Forces (to include physicians, nurses, and all other medical personnel including contractor personnel) to protect and treat, in the context of a professional treatment relationship and established principles of medical practice, all detainees in the custody of the **Armed** Forces during armed conflict. This includes enemy prisoners of **war**, retained personnel, civilian internees, and other detainees.

It is the policy of the Department of Defense Military Health System that health care personnel of the Armed Forces and the Department of Defense (particularly physicians) will perform their duties consistent with the following principles.

HA POLICY: 05-006

11-L-0559/OSD/54622

Principles

1. Health care personnel charged with the medical care of detainees have a duty to protect their physical and mental health **and** provide appropriate treatment for disease. To the extent practicable, treatment of detainees should be guided by professional judgments and standards similar to those that would be applied to personnel of the **U.S. Armed Forces**.

2. All health care personnel have a duty in all matters affecting the physical and mental health of detainees to perform, encourage and support, directly and indirectly, actions to uphold the humane treatment of detainees.

3. It is a contravention of DoD policy for health *care* personnel to be involved in any professional provider-patient treatment relationship with detainees the purpose of which is not solely to evaluate, protect or improve their physical and mental health.

4. It is a contravention of DoD policy for health care personnel:

(a) To apply their knowledge and skills in order to assist in the interrogation of detainees in a **manner** that is not in accordance with applicable law;

(b) To certify, or to participate in the certification of, the **fitness** of detainees for any form of treatment or punishment that is not in accordance with applicable **law**, or to participate in any way in the infliction of any such treatment or punishment.

5. It is a contravention of DoD policy for health care personnel to participate in any procedure for applying physical restraints to the person of a detainee unless such a procedure is determined in accordance with medical criteria **as** being necessary for **the** protection of the physical or mental health or the safety of the detainee himself or herself, **or** is determined to be necessary for the protection of his or her **guardians** or fellow detainees, and is determined to present no **serious** hazard to his or her physical or mental health.

Procedures

Consistent with the foregoing principles, the following procedures are established.

1. Medical Records. Accurate and complete medical records on all detainees shall be created and maintained in accordance with reference (b).

2. Treatment Purpose. Health care personnel engaged in a professional provider-patient treatment relationship with detainees shall not undertake detainee-related activities for purposes other than health care purposes. Such health care personnel shall

HA POLICY: 05-006

not actively solicit information from detainees for purposes other than health **care** purposes. Health care personnel engaged in non-treatment activities, such **as** forensic psychology or psychiatry, behavioral science consultation, forensic pathology, or **similar** disciplines, shall not also engage in any professional provider-patient treatment relationship with detainees.

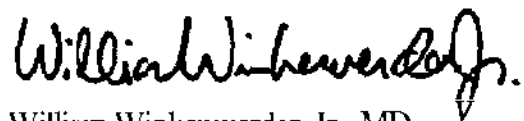
3. **Medical Information.** Under **U.S.** and international law and applicable medical practice standards, there is no absolute confidentiality of medical information **for** any person. Detainees shall not be given cause to have incorrect expectations of privacy or confidentiality regarding their medical records and communications. However, whenever patient-specific medical information concerning detainees is disclosed for purposes other than treatment, health care personnel shall record the details of such disclosure, **including** the specific information disclosed, the person to whom it was disclosed, the purpose of the disclosure, and the name of the medical unit commander (or other designated senior medical activity officer) approving the disclosure. Analogous to legal standards applicable to **U.S.** citizens, permissible purposes include to prevent harm **to** any person, to maintain public health and order in detention facilities, and any lawful law enforcement, intelligence, or national security related activity. In any case in which the medical unit commander (or other designated senior medical activity officer) suspects that the medical information to be disclosed may be **misused**, he or she should **seek** a senior command determination that the use of the information will be consistent with applicable standards.

4. **Reporting Possible Violations.** Any health care personnel who in the course of a treatment relationship or in any other way observes circumstances indicating a possible violation of applicable standards, including those prescribed in references (b) **and** (c), for the protection of detainees, or otherwise observes **what** in the opinion of the health care personnel represents inhumane treatment of a detainee, shall report those circumstances to the chain of command. Health care personnel who believe that such a report has not been acted upon properly should also report the circumstances to the technical chain, including the Command Surgeon or Military Department specialty consultant. **Technical** chain officials may inform the Joint Staff Surgeon or Surgeon General concerned, who then may seek senior command review of the circumstances presented. As always, other reporting mechanisms, such as the Inspector General, criminal investigation organizations, or Judge Advocates, also may be **used**.

5. **Training.** The Secretaries of the Military Departments and Combatant Commanders shall ensure that health care personnel involved in the treatment of detainees or other detainee matters receive appropriate training on applicable policies and procedures regarding the care and treatment of detainees.

HA POLICY: 05-006

This memorandum, effective immediately, affirms as a matter of Department of Defense policy the professional medical **standards** and principles applicable **within** the Military Health System. This memorandum does not alter the legal obligations of health care personnel under applicable law. The principles and procedures contained **in** this memorandum and experience implementing them will be reviewed within six **months**, including input from interested parties outside DoD.



William Winkenwerder, Jr., MD

HA POLICY: 05-006

11-L-0559/O.SD/54625

TAB 17

11-L-0559/OSD/54626

Professionalism of the Guard Force

Much has been ~~written~~ -- ~~millions~~ of words -- about the behavior of those ~~with~~ the responsibility of guarding and interrogating detainees. However, little ~~has~~ been written about the behavior of the detainees themselves.

It is vital to note that detainees have on numerous occasions behaved violently and assaulted **guards**. Prisoners:

- Spit on guards;
- **Bite them;**
- Hit them;
- Throw urine and feces at them;
- Insult African American **guards** with racial slurs; and
- Have knocked out guards' teeth.

At times, **guards** who lost family ~~members~~ and friends on September 11th ~~are~~ **harassed** by the same men who supported or helped plan the September 11th attacks.

In the rare instances when **guards** have reacted to *provocation*, **they** have **been** reprimanded and held accountable. Although one can perhaps understand why **guards** might react when provoked by terrorist detainees, DoD does not condone **acts** of abuse or violence - period.

TAB 18

11-L-0559/OSD/54628

Specific Allegations Against Senior Civilian Officials

Some have raised concerns about several of the Department's more senior officials who perform roles as advisors in developing policies for the War on Terror: Former Under Secretary for Policy Doug Feith, Under Secretary for Intelligence Steve Cambone, and General Counsel Jim Haynes.

Before addressing their conduct and performance, it is important to make a point that is fundamental in assessing the accountability of all individuals and their staffs and to recall information that has come to light since most of the allegations against these men were made.

First, the Secretary of Defense is in the chain of command. The Under Secretaries of Defense and General Counsel are not. They are advisors to the Secretary of Defense. The Secretary of Defense is free to accept or reject their advice and is accountable for the decisions of the office. That is in accordance with the laws of the United States.

Second, recent statements by the soldiers who engaged in the criminal acts at Abu Ghraib undercut the allegations that specific senior officials should be held directly responsible.

Specifically, SPC Jeremy Sivits said;

"I apologize to the Iraqi people and to those detainees. . . . I want to apologize to the Army, to my unit, to the country. I've let everybody down. That's not me. I should have protected the detainees. . . . It was wrong. It shouldn't have happened."

Ivan Frederick said;

“I was **wrong** about what I did and I shouldn't have done it.”

SPC Sabrina Harman told investigators;

“As a soldier and military police officer, I failed my duty and failed my mission to protect and defend. I not only let down the people in Iraq, but I let down every single soldier that served today . . . I take full responsibility for my **actions**. I do not place blame on my chain of command or others I worked with during this time. **The** decisions I made were mine and mine alone. I am truly *sorry*.”

Without going any further, one could conclude that Under Secretary Feith, Under Secretary Cambone, and **Mr. Haynes** had no direct responsibility for the abuses at Abu **Ghraib** and therefore, deserve no sanction. But they deserve a public accounting of the job they have done for the nation.

Their performance was reviewed in the Schlesinger and Church Reports, and the Secretary can speak from personal knowledge of their conduct and integrity. He worked with these individuals on a daily basis during the time period at issue. They understood the relevant Presidential decisions and guidelines and the operative legal **standards** for Iraq, Afghanistan, and Guantanamo. Significant policy initiatives at the Pentagon were properly vetted by both civilian and military leadership of the department to ensure compliance with applicable legal standards. None - - repeat none -- of these individuals proposed or condoned inhumane treatment or endorsed a policy that would permit or tolerate such misconduct.

War poses hard choices. Decision-makers are asked to consider life and death issues in real time, often without precedents to draw upon, and without the benefit of hindsight. History will judge their efforts. It should be the task of history to consider the context of the new tumultuous and dangerous times our country faced.

The global struggle against violent extremists has presented the Department with unprecedented challenges. Captured terrorists like Mohamed al-Khatani, the detainee at Guantanamo identified by the 9/11 Commission as the probable 20th hijacker, possess intelligence that can and has saved American lives, including information about suspected Al Qaeda operations in the United States.

Among the toughest decisions faced in the struggle against extremism involved those detainees. It is known from the "Manchester Report" -- the Al Qaeda terrorist training manual -- that captured terrorists are trained in tactics for resisting U.S. methods of interrogation and to claim that they have been tortured even when treated humanely by captors. (See Attachment 11 -- Lesson 18 of the Manchester Manual).

DoD knew -- and the 9/11 Commission agreed -- that law enforcement was insufficient in the face of suicide terrorists, DoD knew that the enemy that had brought such violence to our shores, and who was and is still committed -- let there be no doubt -- to bring it again to the American people.

After September 11, 2001, the senior civilian and military leadership was required to confront difficult issues in uncharted waters. Senior leaders made hard choices in the defense of the nation. They are patriotic men and women of conscience. While in retrospect, not perfect, they conducted themselves honorably and well in the circumstances.

Allegations Against Senior DoD Officials

Specific allegations cited against Douglas Feith, Stephen Cambone and William Haynes are difficult to address because of the lack of legal or intellectual rigor in the allegations that have been made in the public.

Feith

Mr. Feith was the Under Secretary of Defense for Policy and held that position during the period at issue. A few critics have tried to connect him to the illegal acts at Abu Ghraib through a three step process:

- Falsely characterizing the Administration's determination of the legal status of the Al Qaeda and Taliban detainees at Guantanamo as permitting abuse, which it did not;
- Improperly attributing **that** to Feith; and
- Trying to make **an** extremely tenuous connection between that Presidential decision **and the** conduct of some soldiers on the night shift at Abu Ghraib.

The argument fails on all three points.

The President made clear in his directive that all detainees should be treated humanely, just as the Secretary of Defense did in his order promulgated to all Combatant Commanders. **Any** instance of legal conduct was in violation of both Administration and Department policy.

es' argument that there is a connection between the January 2002 decision on the legal status of Al Qaeda and Taliban detainees at Guantanamo and the conduct of the night shift at Abu Ghraib between October and December 2003 is not supported by the record.

The President's directive requiring humane treatment for detainees from the Afghanistan fighting was clear. There is no way it could conceivably be read to allow conduct otherwise. Furthermore, the officers in command of Operation Iraqi Freedom understood that the Iraq conflict ~~operation was~~ covered by and planned and commanded with that as their governing principle.

Further, the statements by the soldiers who participated in the illegal acts at Abu Ghraib should dispel any notion that the President's directive influenced their conduct.

There is no evidence that would support sanctioning Mr. Feith for what happened on the night shift at Abu Ghraib.

Cambone

It is difficult to *summarize* the allegations against Dr. Cambone. They range from vague innuendo from various sources to the irresponsible fiction of Seymour Hersh. Critics ~~try~~ to connect Cambone to the illegal acts at Abu Ghraib by claiming he put undue pressure on interrogators at that facility and by attributing to him the decision to send Major General Geoffrey Miller to Iraq in August 2003.

We have found no evidence that Dr. Cambone exerted undue pressure on interrogators ~~or~~ anyone

else. Regarding the decision on Major General Miller, it was neither **an** unreasonable decision **nor** the decision made by Dr. Cambone.

Dr. Cambone is Under Secretary of Defense for Intelligence and held that position during the **time** at issue. He is the Department's chief advisor on intelligence matters. Among his duties is the responsibility to advise on how to support the intelligence structure in Iraq and **to** ensure **that the** military commanders have the necessary coordination and support from the intelligence community.

As has been true every day since September 11th, there was a wholly reasonable desire to get intelligence on enemy operations during that time period. The enemy was killing American soldiers and better intelligence could save additional lives. If there had not been a determined effort to **gather** intelligence **from** detainees, that would have been dereliction of duty.

Dr. Cambone was not in the chain of command, but should he expected **to** do all within his power to **support** the intelligence effort, according to the laws and policies governing the conflict. There is **no** credible evidence that he applied any improper pressure or that he did anything in violation of law **or** policy. Nor is there any evidence that the perpetrators of the crimes at Abu Ghraib attributed **their** conduct to anything Cambone said or did. In fact, it has been well established that most crimes committed at Abu Ghraib were not even related to intelligence collection, which makes the charges even more irresponsible.

Regarding Major General Miller's mission to Iraq: the decision to send Miller to Iraq was made **between** Combined Joint Task Force-7 and the Joint Staff, following a Combined Joint **Task** Force -

7 request for assistance with detention and interrogation operations. Dr. Cambone agreed with the decision, but he did not make the decision. Major General Miller had reorganized the operations at Guantanamo, and it was believed that "lessons learned" from that experience could prove helpful in Iraq, even though it was well understood by all involved that the policies in Iraq were tied directly to Geneva. Considering all evidence available, sending Major General Miller to Iraq was a reasonable response to the Combined Joint Task Force-7 request for assistance.

Accordingly, no credible evidence exists thus far to support sanctioning Dr. Cambone for the illegal acts at Abu Ghraib.

Haynes

Haynes is General Counsel of the Department of Defense and held that position during the time period at issue. He has been criticized in the media and by politicians over the course of the debate about Abu Ghraib because of a recommendation he made in November 2002 regarding the SOUTHCOM Combatant Commander's request for expanded interrogation authorities. Some critics contend that his legal advice in November 2002 set in motion a chain of events responsible for the Abu Ghraib night shift's criminal acts.

On November 27, 2002, Mr. Haynes offered counsel on a request from SOUTHCOM for enhanced interrogation tactics for use at Guantanamo. As mentioned, the legal standard for operations at Guantanamo differed from Iraq and was established by a Presidential determination in January 2002.

After considering the applicable legal standard and consulting with other senior Department

officials, Mr. Haynes recommended that some, but not all, be approved. In other words, he recommended a more restrained interrogation policy than had been suggested. The Secretary of Defense made the decision to follow the General Counsel's advice after consulting with senior Department officials, including the Deputy Secretary of Defense Paul Wolfowitz, the Chairman and Vice Chairman of the Joint Chiefs of Staff and their legal counsel, and other senior civilian and military leadership in the Department. The Secretary signed out a memo to SOUTHCOM, dated December 2, 2002, approving certain interrogation practices and disapproving others. His advice and the Secretary's decision were limited to Guantanamo.

It is believed that the approved techniques were used in the interrogation of only one detainee, who was then and is today believed to be the 20th September 11th hijacker. The use of approved techniques required a written interrogation plan, with command, medical, and legal oversight. After learning of some concerns within the Department, the team orally rescinded his approval on January 12, 2003, and then in writing on January 15, 2003. The December 2, 2002, approved techniques were in effect for six weeks, only for use at Guantanamo, and were used only on one dangerous terrorist.

If anyone used those techniques elsewhere, at another time, or without the proper controls and oversight, that person would have been acting in direct violation of the policy decision the Secretary made. There is no evidence that the December 2, 2002 decision or its application on one detainee during the six weeks it was in effect in any way factored into the consideration of the soldiers who

committed their crimes on the midnight shift at Abu Ghraib. It is clear that such misconduct did not occur on the shift before or the shift after the midnight shift.

Mr. Haynes was never asked to approve interrogation guidance for Iraq, nor did he do so. CENTCOM officers had the authority to make and did make decisions on Iraq interrogation practices without consultation with Mr. Haynes or the Secretary. The responsible commanders so testified before the Congress last summer. There is no evidence to the contrary.

Of particular note with respect to Mr. Haynes is that both in his memorandum of November 27, 2002 and in his advice to the Secretary regarding the April 4, 2003 report of the Working Group on Detainee Interrogations in the War on Terrorism, Mr. Haynes recommended that the Secretary approve fewer and less aggressive techniques than had been requested in the former or recommended for his consideration in the latter. Mr. Haynes was an early proponent within the Department for the creation of the type of long-term review procedures that were later instituted in the form of the Administrative Review Board process now underway in Guantanamo.

Accordingly, we know of no credible evidence to support sanctioning Mr. Haynes for what happened at Abu Ghraib on the night shift half a world away from the Pentagon.

Indeed, as General Counsel, Mr. Haynes is the chief legal officer of one of the largest organizations in the world and is responsible for the delivery of legal services throughout the organization.

From day one, Jim Haynes has taken care and exercised careful judgment to ensure that the Department received legal advice consistent with United States law and the laws of war. As the Department's chief legal officer, he has dealt with tough legal issues, worked closely with other attorneys in the Department and the Department of Justice, and has furnished legal advice to help the Department accomplish its mission, within the bounds of the law. We understand why the American Bar Association has rated him -- twice -- once before the Abu Ghraib matter came to light, and once after -- "well qualified" to be a Federal judge, a position for which the President has nominated him.

Feith, Cambone, Haynes Summary

In summary, considering all of the information available, there is no legitimate rationale to fault Mr. Feith, Dr. Cambone and Mr. Haynes for the crimes committed at Abu Ghraib. On the contrary, they are able public servants who have served our country well at a time of great national need.

~~FOUO~~

275 11/18/05 08:00:05 3 2005

TO: Dan Staniev
CC: Eric Edelman
FROM: Donald Rumsfeld
SUBJECT: Question from Senator Reed

Senator Reed asked about the CIA IG and the DoD IG with respect to ghost detainees. We need to get back to him (and me) as to when the inspection will be done.

Thanks

DIR:JL
09/005-11

.....
Please Respond By 10/18/05


11-L-0559/OSD/54639

OSD 22269-05

~~FOUO~~

2005 OCT 04 11:05

OCT 04 2005

TO: Dan Stanley
FROM: Donald Rumsfeld 
SUBJECT: Answer to Senator Reed

I need to get an answer back to Senator Reed on the IG report that he asked about, which I don't remember.

Thanks.

DHR.dh
100305-24

.....
Please Respond By October 13, 2005

~~FOUO~~

11-L-0559/OSD/54640

OSD 22270-05



LEGISLATIVE
AFFAIRS

THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1300

7015 11 10 05

UNCLASSIFIED

INFO MEMO

November 10, 2005, 5:00 P.M.

FOR: SECRETARY OF DEFENSE

FROM: Daniel R. Stanley, Assistant Secretary of Defense
for Legislative Affairs, (b)(6)

SUBJECT: Snowflake Response -- Inspector General Reports on Ghost Detainee Policy,
#093005-11 and # 100305-24

- Senator Jack Reed (D-RI) inquired about the status of a reported CIA and DoD Inspector General investigation of "ghost detainee policy."
- Senator Reed's inquiry stems from the attached testimony of General Paul Kern, *et al.*, on September 9, 2004 to the Senate Armed Services Committee hearing on investigation into abuses at Abu Ghraib prison. He states, "the Department of Defense Inspector General and the CIA Inspector General ... have agreed that they will take on that task of investigating this *ghost detainee policy*."
- To date, the DoD and CIA Inspector Generals have not undertaken an investigation on ghost detainee policy.
- The CIA Inspector General has completed four reports on the subject of detainees.
 - o In May of 2004, the CIA Inspector General completed a report on detainees, and although it included some information the topic, the primary focus of the report was on interrogation and detention.
 - o CIA Inspector General completed three other reports on individual detainees.
- My staff contacted Senator Reed's office on November 9, 2005 and provided this information to the Senator's Military Legislative Assistant.

Attachments:

Snowflake #093005-11 (TAB A)

Snowflake #100305-24 (TAB B)

SASC 9 Sept 04 Transcript (TAB C)

Prepared by: Christian P. Marrone, Special Assistant, OASD (IA) (b)(6)

11-L-0559/OSD/54641

OSD 22270-05


TAB

A

~~FOUO~~

SECRET

2005 OCT 14 PM 0005 B 2005

TO: Dan Stanley
CC: Eric Edelman
FROM: Donald Rumsfeld 
SUBJECT: Question from Senator Reed

Senator Reed asked about the CIA IG and the DoD IG with respect to ghost detainees. We need to get back to him (and me) as to when the inspection will be done.

Thanks

DHR:js
10/10/05-1

.....
Please Respond By 10/18/05

11-L-0559/OSD/54643

OSD 22269-05

TAB

B

~~FOUO~~

11 F
11 F
11 F

OCT 04 2005

TO: Dan Stanley
FROM: Donald Rumsfeld *DR*
SUBJECT: Answer to Senator Reed

I need to get an answer back to Senator Reed on the IG report that he asked about, which I don't remember.

Thanks.

DHR.dh
100305-24

.....
Please Respond By October 13, 2005

~~FOUO~~
11-L-0559/OSD/54645

OSD 22270-05

TAB

C

CONGRESSIONAL TRANSCRIPTS
Congressional Hearings
Sept 29, 2005

Senate Armed Services Committee Holds Hearing on U.S. Military Strategy and Operations in Iraq

REED:

Well, first, General Myers, let me, too, compliment you on 40 years of honorable service to the nation in the uniform of our country. That's something we all can agree upon and something to be very proud of. Thank you, sir.

Mr. Secretary, last September General Curran (ph) came before the committee and a response to a question from Chairman Warner indicated that the inspector general of the Department of Defense and the inspector general of the CIA had taken upon the task, in his words, of investigating the ghost detainee policy.

Can you give us an update on those investigations, when they are to conclude and when we might get results?

RUMSFELD:

I have no information about the CIA investigation. I certainly can get you an answer as to when the I.G. and the department estimates that they'll complete it.

Federal News Service September 9, 2004 Thursday

you do not have to register them immediately. That is part of the Geneva Convention, is allowed. We also found many reports for which we cannot document for you because the documentation does not exist for people who were brought into the facilities and who were moved so that they could not be identified by the International Red Cross. This is in violation of our policy which requires us to register people so that it can be reported that they are being held in detention.

We have taken those actions and, as required by the instructions that we have given, and asked two organizations to do further investigations, the Department of Defense Inspector General and the CIA Inspector General, and both have agreed that they will take on that task of investigating this ghost detainee policy. The CIA has provided us a document that says their current policy is to abide by our regulations and policies if they bring a detainee to our facilities, but that policy was apparently, from what we can find, either not in effect or not known at the time that the violations that we believe happened are being reported, and that's what we're asking for further investigation to go into.

SEN. WARNER: What's the volume of cases?

GEN. KERN: I can't give you a precise volume, Chairman, because there is no documentation of the numbers. We believe, and I would ask General Fay to perhaps add to this, that the number is in the dozens to perhaps up to 100. I cannot give you a precise number.

GEN. PAY: This is accurate, sir. We were not able to get documentation from the Central Intelligence Agency to answer those types of questions, so we really don't know the volume, but I believe it's probably in the dozens.

SEN. WARNER: Up to 100?

GEN. PAY: I doubt that it's that high, sir, but I think it's somewhere in the area of maybe two dozen or so, maybe more.

GEN. KERN: It's a very difficult question for us to answer, Mr. Chairman, because we don't have the documentation. What you see in our report is during the interviews of people reporting to us what happened without documentation.

That is a summary of what we found, and the causes of it, failures of leadership, failures of our own discipline when we expect people without leadership to do the right thing, failures to follow our own policy, doctrine and regulations which allowed these to take place, confusion because other policies which were designed for other theaters, Guantanamo, Afghanistan, found their way into documentation that we found in Abu Ghraib, which led to numerous iterations of how interrogations and the limits of authority were to be conducted. Those interrogations -- those policies were being debated while we were asking soldiers to conduct interrogations, and so they were seeking to find their limits of their authority at the same time, as reported, they were receiving pressure to produce intelligence. The purpose of interrogations clearly is to produce intelligence, and so that is a natural state of affairs. What was not occurring, though, was the leadership to stand in-between the interrogators and the sources of those who were trying to determine the intelligence to relieve the pressure on the interrogators. Again, a failure in the leadership and the chain of command to do the right thing.

We have found, and is reported in here, that it is not just enlisted soldiers, there are commissioned officers through the grade of colonel whom we believe are culpable, and through the grade of general officer whom we believe are responsible for these allegations, and for the actions that took place.

1 of 1 DOCUMENT

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Federal News Service

September 9, 2004 Thursday

SECTION: PRESS CONFERENCE OR SBEECX

LENGTH: 32191 words

HEADLINE: HEARING OF THE SENATE ARMED SERVICES COMMITTEE

SUBJECT: INVESTIGATION OF THE 205TH MILITARY INTELLIGENCE BRIGADE AT ABU GHRAIB PRISON, IRAQ

CHAIRER BY: SENATOR JOHN WARNER (R-VA)

WITNESSES: GENERAL PAUL J. KERN, COMMANDING GENERAL, UNITED STATES ARMY MATERIEL COMMAND; LIEUTENANT GENERAL ANTHONY R. JONES, DEPUTY COMMANDING GENERAL, CHIEF OF STAFF, UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND; MAJOR GENERAL R. STEVEN WHITCOMB, SPECIAL ASSISTANT TO THE COMMANDER, UNITED STATES CENTRAL COMMAND; MAJOR GENERAL GEORGE R. FAY, DEPUTY COMMANDER, UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND; MAJOR GENERAL ANTONIO M. TAGUBA, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS, READINESS, TRAINING AND MOBILIZATION

LOCATION: 216 HART SENATE OFFICE BUILDING, WASHINGTON, D.C.

BODY:

SEN. WARNER: (Sounds gavel.) Good morning, everyone. The committee meets today to receive testimony on the investigation of the 205th Military Intelligence Brigade at Abu Ghraib prison in Iraq, commonly referred to as the **Fay-Jones Report**. We welcome our witnesses, General Paul Kern, United States Army, appointing officer for the investigation; Lieutenant General Anthony R. Jones, investigating officer; Major General George Fay, investigating officer; and Major General Anthony Taguba, investigating officer concerning the detainee abuse by members of the 800th Military Police Brigade at the prison; and Major General R. Steven Whitcomb, United States Army, special assistant to the commander of Central Command, representing the command responsible for acting on the majority of the recommendations that are flowing from this investigation and how they are being implemented.

General Fay was originally appointed as the investigating officer by General Sanchez, and was tasked with investigating allegations that members of the 205th Military Intelligence Brigade were involved in detainee abuse at the Abu Ghraib detention facility, and were the MI personnel, that's military intelligence personnel, compacted with established interrogation procedures and applicable laws and regulations. General Fay's investigation was subsequently augmented by the addition of Lieutenant General Jones as an investigating officer. General Jones was charged with focusing on whether organizations or personnel higher than the 205th brigade chain of command or events and circumstances outside of

11-L-0559/OSD/54649

Federal News Service September 9, 2004 Thursday

GEN. KERN: We have that in our report, Senator. I don't have it at the tip of my fingers. We can provide that for the record.

SEN. WARNER: It's a mix?

GEN. KERN: It's a mix.

In addition, for non-military intelligence personnel, military police, as reported previously by Major General Taguba, there are seven who are previously charged. Those are the court cases which we see that are being followed today. In addition, we found three more. And we also found one more military police failure to report. We also found that there were medical personnel who failed to report abuses even though they clearly see what had happened. Next.

I'd like to summarize our findings in these points. First, there is no single cause. There are multiple causes of the abuses that took place at Abu Ghraib. Second, as you pointed out, Senator, the primary cause of detainee abuse was individual misconduct. But also very disappointing to us is there was a failure of leadership, and a failure of discipline -- both hallmarks of our soldiers that we expect to be followed. In these cases, we found that there were failures in the entire chain-of-command, and in many cases a lack of a chain-of-command to oversee the operations that took place. What should have been reported by non-commissioned officers and officers was not.

Finally, and I really would like to emphasize this point, the vast majority of our soldiers are doing the right thing and are following the right standards. We're reporting to you on those that did not. We are taking action to ensure that those corrections are in place, and I will tell today that if you visited Abu Ghraib, if you visited with our soldiers, you would see a very, very different picture.

The 7,000 is now fewer than 2,400. The number of boards takes place on a regular basis to review the detainees and to ensure their release is appropriate. IA and IB now belong entirely to the Iraqi government. And so when a determination is made that a detainee is no longer to be held in U.S. custody, if they violated an Iraqi law, they are turned over to the Iraqi government for detention and further disposition in their court system.

And others are returned to their hometowns, but not just let out the front gate and said, "Go home." They make a strong effort today to go to the town, bring in the community, to talk to the religious leaders, the imams, to talk to the community leaders to ensure that they welcome these people back and know that they have been cleared, even if they had been brought into a U.S. detention facility. And so we are working both the quality of life for these people and the cultural issues as they are returned to their towns from which they were originally captured.

Finally, the soldiers there are being screened through a certification process to know that they clearly understand the rules of interrogation and detention. The medical personnel are providing medical care today in those facilities far better than most of these people have seen in their entire lives. So all of those previous problems, which were reported are greatly improved today. And I would report that it is also underway that we will close out this facility for U.E. operations in the future.

Finally, ghost detainees. This is perhaps one of the more troubling pieces of our investigation. We did find, in fact, that there were detainees brought into Abu Ghraib who were not registered in accordance with our regulations and policy. These personnel in some cases of eight that we could identify were done under an Article 143 exception, which says that for military security purposes

~~FOUO~~

OCT 24 2005

05/014186
ES-4528

China

TO: Eric Edelman
CC: Gen Pete Pace
FROM: Donald Rumsfeld *DR*
SUBJECT: Emphasizing Military Education Exchanges with China

Let's make sure we offer suggestions for the President's talking points for his meeting with the Chinese president next month. It would help if he could push increases in military education exchanges hard and get agreement from President Hu, so we can see that something actually happens.

Thanks.

OSD:sk
102205-05 (13)sk

.....
Please respond by November 3, 2005

~~FOUO~~

24 Oct 05

OSD 22276-05


~~FOUO~~

OCT 18 2005

10:06:10

I-05/013903

ES-4473

TO Roger Pardo-Maurer
CC: Eric Edelman
Peter Rodman
FROM Donald Rumsfeld 
SUBJECT: OAS Participation

Should we have invited anyone from OAS to the defense ministerial meeting in Miami?

Thanks.

DHR:dh
101705-25(79).doc

.....
Please respond by October 27, 2005

~~FOUO~~

OSD 22419-05

11-L-0559/OSD/54652

g

2005 NOV 16 10

INFO MEMO

A/DSD
USDP *W*
NOV 16 2005
1-05/013903
ES-4473

FOR SECRETARY OF DEFENSE

FROM: Peter W. Rodman, Assistant Secretary of Defense (ISA) *PR* NOV 14 2005

SUBJECT: OAS Participation in Central American Defense Ministerial

- You asked whether we should have invited anyone from the OAS to your meeting in Miami.
- Major General Keith M. Huber, USA, Chairman of the Inter-American Defense Board, whom you met at the conference, represented OAS interests, and there is no other obvious OAS official who would have been appropriate.
- We probably do not want to involve the OAS as an international organization to participate any more directly in our security relationships with the Central Americans.

COORDINATION: None required.

Prepared by: Michael M. MacMurray, ISA/WHA (b)(6)



OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

2005 11 16 AM 11:38

ACTION MEMO

Acting DepSec Action _____

FOR SECRETARY OF DEFENSE

FROM Michael B. Donley, Director, Administration and Management *MD*

15 NOV 2005

*200,000
PHSM
ISNOV06
34 AUG 06*

SUBJECT: Nomination of Ambassador Howard J. Baker, Jr. for the DoD Distinguished Public Service Award

- I recommend you approve the nomination of Ambassador Howard J. Baker, Jr., United States Ambassador to Japan, for the DoD Distinguished Public Service Award. Attached at TAB A is your note regarding consideration of an award for Ambassador Baker. His contributions merit the Department's highest level public service award.
- Ambassador Baker successfully fostered a deeper relationship between the United States and Japan to the greater benefit and prosperity of both countries. He worked to advance the United States-Japan alliance, resulting in Japan's participation in the Global War on Terrorism, including military contributions to Operation ENDURING FREEDOM and the deployment of Japanese Self-Defense Forces to Iraq. Ambassador Baker guided United States-Japan missile defense cooperation, helping to position Japan as one of the United States' most-valued missile defense partners. His leadership contributed to significant advancements to the Defense Policy Review Initiative, and he also facilitated major improvements to the administration of the Status of Forces Agreement.
- Ambassador Baker has not received any Department of Defense-level awards.
- During your tenure, 108 Department of Defense Distinguished Public Service Awards have been approved.
- In accordance with Agency regulations and current guidance, Ambassador Baker is eligible to receive this award, and his record of service supports presentation of the Department of Defense Distinguished Public Service Award.

RECOMMENDATION: Secretary of Defense approve the nomination and the SOM'ing of the certificate (copy at TAB B).

Approve _____ Disapprove _____ Other _____

COORDINATION None
ATTACHMENT As stated

Prepared by: Ms. Amy Hunt, WHS/HRD/LMER, (b)(6)

OSD 22452-05

11-L-0559/OSD/54654

2/21
142

~~FOUO~~

AUG 31 2005

TO: ~~Robert Rangel~~
CC: Mary Claire Murphy
FROM: Donald Rumsfeld *DR*
SUBJECT: Howard Baker

If I never wrote a letter to Ambassador Howard Baker thanking him for his work in Japan, I certainly ought to get one drafted and send it off. We may also want to consider giving him some sort of DoD award.

Thanks,

DHR:ls
082905-02

.....
Please Respond By 5:00 PM

ESD:
JIMMY
FOR MR RUMSFELD
WE USED TO GET
AN AWARDED PACKAGE
ON THIS - BAKER - DEB
CIVILIAN SERVICE AWARD? *M*

OSD 22452-05

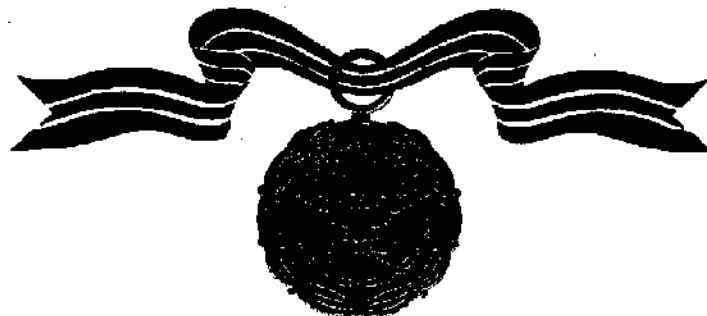
11-L-0559/OSD/54655



Citation

to accompany the award of the
**Department of Defense Medal
for Distinguished Public Service**
to
Howard H. Baker, Jr.

Ambassador Howard H. Baker, Jr. is recognized for distinguished public service as United States Ambassador to Japan, from June 2001 to February 2005. With civility, wisdom, and unbounded enthusiasm, Ambassador Baker successfully fostered a deeper relationship between the United States and Japan to the greater benefit and prosperity of both countries. He worked tirelessly to advance the United States-Japan alliance, resulting in Japan's participation in the Global War on Terrorism, including military contributions to Operation ENDURING FREEDOM and the deployment of Japanese Self-Defense Forces to Iraq. Ambassador Baker guided United States-Japan missile defense cooperation, helping to position Japan as one of the United States' most-valued missile defense partners. His steady leadership contributed to significant advancements to the Defense Policy Review Initiative, and he also facilitated major improvements to the administration of the Status of Forces Agreement, including the revision and update of criminal jurisdiction procedures. Ambassador Baker's diligent and dedicated efforts reinforced and elevated United States-Japan bilateral cooperation, understanding, and strategic partnership to unprecedented levels. The distinctive accomplishments of Howard Baker reflect great credit upon himself and the Department of Defense.



THE UNITED STATES OF AMERICA

**THE SECRETARY OF DEFENSE
HAS AWARDED**

**THE DEPARTMENT OF DEFENSE MEDAL FOR
DISTINGUISHED PUBLIC SERVICE**

TO

Howard J. Baker, Jr.

For exceptionally distinguished public service as United States Ambassador to Japan, from June 2001 to February 2005.

November 2005



11-L-0559/OSD/54657

*Donald H. Rumsfeld
Secretary of Defense*

8/31
1745

~~FOUO~~

AUG 31 2005

TO: [REDACTED]
CC: Mary Claire Murphy
FROM: Donald Rumsfeld *DR*
SUBJECT: Howard Baker

If I never wrote a letter to Ambassador Howard Baker thanking him for his work in Japan, I certainly ought to get one drafted and send it off. We may also want to consider giving him some sort of DoD award.

Thanks.

DHR:ss
082905-02

.....
Please Respond By Se

JIMMY
PER MR RANGEL
WE NEED TO START
AN AWARD PACKAGE
ON AMB. BAKER - DEFENSE
CIVILIAN SVC AWARDS? *M*

sent to Amy 10/17
[Signature]

FOUO

2245205
A-15-5



THE SECRETARY OF DEFENSE
WASHINGTON

JUN 29 2005

The Honorable Howard H. Baker, Jr.
One Courthouse Square
P.O. Box 600
Huntsville, Tennessee 37756

Dear Howard,

Thanks so much for your e-mail. I appreciate your nice thought. It is quite a time we're going through.

I hope things are going well for you and Nancy.

Warm regards,

335 SD

29 Jun

OSD 12581-05

11-L-0559/OSD/54659

MESSAGE FROM
HOWARD BAKER

(b)(6) CIV, OSD

From: Baker, Jr., Howard [hbaker@bakerdonelson.com]
Sent: Tuesday, June 28, 2005 9:03 AM
To: (b)(6)@osd.mil
Subject: Message for Secretary Rumsfeld

CC: JOYCE

Dear Don –

I saw you on *Meet the Press* Sunday, and you were superb. The best you've ever been.

Sincerely,

Howard Baker

NOTICE: Unless otherwise expressly stated, nothing in this message is intended to or can be used by any recipient to avoid the imposition of federal tax penalties.

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6/28/2005

11-L-0559/OSD/54660

FOTO

AUG 31 2005

TO: Robert Rangel
CC: Mary Claire Murphy
FROM: Donald Rumsfeld *DR*
SUBJECT: Howard Baker

200,6 P00 RPSM

If I never wrote a letter to Ambassador Howard Baker thanking him for his work in Japan, I certainly ought to get one drafted and send it off. We may also want to consider giving him some sort of DoD award.

Thanks.

DNR:js
082903-02

Please Respond By Se

ESD!
JIMMY
PER MR RANGEL
WB TO START
AN AWARD PACKAGE
ON AMR. BAKER - DEGREE
CIVILIAN SVC AWARD? M

31 AUG 06

OSD 22452+05

11-L-0559/OSD/54661

~~FOUO~~

2005 11 04 11:41

November 04, 2005
I-05/014855
ES-4628

TO: Ryan Henry
CC: Eric Edelman
FROM: Donald Rumsfeld *DR*
SUBJECT: SOF and the Italy Decision

I am concerned about SOF and the Italy decision. Let's get moving on it.

Thanks.

DHR:es
110405-13

.....
Please Respond By 11/23/05

OSD 22458-05

~~FOUO~~

11-L-0559/OSD/54662

01-11-05 10:23:11

~~FOUO~~

AP

COORD w/ PA

October 31, 2005

05/014475

ES-4572

TO: Eric Edelman
Peter Rodman
Richard Lawless

CC Larry DiRita

FROM: Donald Rumsfeld *DR*

SUBJECT: Japan's "Free Gas Station"

We ought to publicize what Japan is doing with respect to the "freegas station."
People deserve to be noticed for what they do. Let's figure out a way to do that.

Thanks.


DHR:sl
102905-01

.....
Please Respond By November 15, 2005

OSD 22491-05

11-L-0559/OSD/54663

OCT 26 2005

TO David Chu
FROM Donald Rumsfeld 
SUBJECT: Non-KIA Deaths in Iraq

I notice that 424 people have died in non-hostile deaths in Iraq since March of '03. For the sake of argument, if you look at a military population the *size* of the number of people we have in Iraq (140,000), what is the death rate *among* them (non-KIA)? Please let me know if that number (the 424) is a high number or low number, proportionately *speaking*.

Thanks.

DHR:as
102605-09

.....
Please Respond By November 10, 2005

~~FOUO~~

OSD 22508-05

11-L-0559/OSD/54664



UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

2009 11 16 10:07

PERSONNEL AND
READINESS

INFO MEMO

FOR: SECRETARY OF DEFENSE

Acting DepSec _____

FROM: Dr. David S. C. Chu

David S. C. Chu 16 Nov 09
SUBJECT: Non-KIA Deaths in Iraq - SNOWFLAKE (TAB A)

- You asked about non-hostile death in Iraq versus other similarly sized military populations. We used deaths per 100,000 military members to calculate rates for OIF, OEF, all other, and all DoD. These data are shown at TAB B.
- In short, OIF non-hostile death rates are 30% higher compared to "all other", and Operations in Afghanistan are 115% higher.
- These rates vary considerably by Service. The Army and Marine Corps have higher rates for non-hostile death in OIF/OEF as well as on average. The Navy and Air Force, on the other hand, are considerably lower in these operations than the DoD average.
- A single serious accident that involves multiple individuals can drive these rates. The Marine Corps lost 31 military in a CH-53 mishap in Iraq this past January and hence have a high rate. Likewise, the Navy OEF rate is high due to 4 fatalities with an average deployment population of 340.
- The Joint Staff is leading a task force as part of our Defense Safety Oversight Council effort to reduce accidents in OIF/OEF and all the Combatant Commands. This effort, along with a number of initiatives from the Army and the other Services, will help reduce these unfortunate events.


Attachments:

As stated

OSD 22508-05


11-L-0559/OSD/54665

OCT 26 2005

TO: David Chu
FROM: Donald Rumsfeld 
SUBJECT: Non-KIA Deaths in Iraq

I notice that 424 people have died in non-hostile deaths in Iraq since March of '03. For the sake of argument, if you look at a military population the size of the number of people we have in Iraq (140,000), what is the death rate among them (non-KIA)? Please let me know if that number (the 424) is a high number or low number, proportionately speaking.

Thanks,

DHR:aa
102603-09

.....
Please Respond By November 10, 2005

~~FOUO~~

OSD 22508-05

11-L-0559/OSD/54666

TAB B

<i>Non-Hostile Fatalities</i>				
<i>March 19, 2003 to October 15, 2005</i>				
Deaths	DoD Wide	OIF	OEF	All Others
Army	1,393	313	53	1,027
Navy	623	16	4	603
Marine Corps	449	96	7	346
Air Force	431	11	8	412
DoD	2,896	436	72	2,388
Rate per 100,000				
Army	84.7	95.4	160.6	80.1
Navy	67.8	37.2	486.8	68.9
Marine Corps	97.1	157.8	166.6	87.1
Air Force	42.9	25.4	82.5	43.3
DoD	71.9	90.0	150.9	68.3
Percent (+/-) of DoD Rate				
Army	118%	133%	224%	111%
Navy	94%	52%	678%	96%
Marine Corps	135%	220%	232%	121%
Air Force	60%	35%	115%	60%
DoD	100%	125%	210%	95%

FOUO

11-L-0559/OSD/54667

TAB
~~FOUO~~

2005 11 03 11: 53

October 06, 2005

TO: Gen Pete Pace
FROM: Donald Rumsfeld *DR*
SUBJECT: Joint Requirements

Should we build a joint requirements organization and give up on the Services?

DHR:d
100605-10

Please Respond By 11/03/05

~~FOUO~~

Tab OSD 22541-05

11-L-0559/OSD/54668



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999

2005 NOV 16 11:53 INFO MEMO

CM-0059-05
16 November 2005

FOR: SECRETARY OF DEFENSE

FROM: General Peter Pace, CJCS

SUBJECT: Joint Requirements (SF 100605-10)

- **Answer.** In response to your question (TAB), the Joint Requirements Oversight Council (JROC) provides the necessary framework and a strong foundation to effectively identify and assess joint requirements.
- **Analysis.** Joint requirements are the responsibility of JROC, established under 10 USC 181, to identify and assess the priority of joint military requirements and to consider alternative acquisition programs. The Vice Chairman of the Joint Chiefs of Staff chairs JROC, which includes general and flag officer members from each Service. One of my priorities for the Vice Chairman is to improve development of joint capabilities. Under Admiral Giambastiani's leadership, I am certain JROC will meet your expectations.

COORDINATION: NONE

Attachment:

As stated

Prepared By: Vice Admiral E. M. Chanik, USN; Director, J-8; (b)(6)

OSD 22541-05

~~FOR OFFICIAL USE ONLY~~

TAB
~~FOUO~~

33 11/03/05

October 06, 2005

TO: Gen Pete Pace
FROM: Donald Ramsfeld *DR*
SUBJECT: Joint Requirements

Should we build a joint requirements organization and give up on the Services?

DR:dh
100605-10

Please Respond By 11/03/05

~~FOUO~~

Tab OSD 22541-05

11-L-0559/OSD/54670



COMMANDER
UNITED STATES EUROPEAN COMMAND

OFFICE OF THE
SECRETARY OF DEFENSE

2005 NOV 17 PM 5:37

ECCC

16 November 2005

MEMORANDUM FOR Secretary of Defense, 1000 Defense Pentagon, Washington, DC
20301-1000

SUBJECT: (U) US European Command Public Affairs Effort Regarding the Global War
on Terror

1. As you mention in your 5 October note, John Abizaid's recent presentation "The Long War" highlights pertinent points we must stress to both domestic and international audiences. US European Command (USEUCOM) is actively engaged in reinforcing the message concerning the common threat and challenges we collectively face in the Global War on Terrorism.

2. My SACEUR role provides a unique position to inform and persuade our allies and partners—my internal audience. As you know, I routinely attend sessions with the foreign and defense ministers and chiefs of defense from each NATO nation. An example of my message is the "anchor points" I mentioned to you in our recent discussions. Outside these official proceedings, we are actively engaged in informing our allies through venues such as the SHAPE Lecture Series, the Mediterranean Dialogue Conference, and SHAPE Mentor's Group meetings. Each of these events affords me the opportunity to reinforce the challenges and requirements associated with the long-term, global struggle against terrorism.

3. Beyond this internal audience, we consistently emphasize the global nature of the threat with U.S. and international opinion leaders, think tanks, and media. When visiting NATO units in Afghanistan and Iraq, I host wide-ranging groups of business leaders and media to provide them first-hand knowledge of the valor of allied troops and their personal and national commitment to global stability. In the non-governmental arena, recently both General Wald and I addressed the Atlantik-Bruecke Conference in Berlin where we discussed how the on-going NATO/EUCOM transformation is geared toward establishing the right mentality and structure for supporting the global efforts against terrorism. These same points were stressed in my presentation to the Clingendael Institute at The Hague and my September testimony to the Senate Foreign Relations Committee.

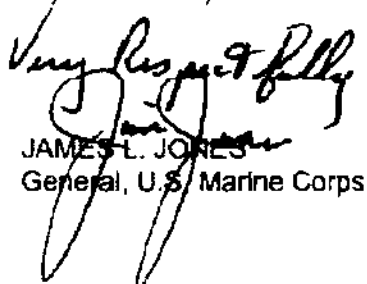
11-L-0559/OSD/54671

OSD 22572-05

ECCC

SUBJECT: US European Command Public Affairs Effort Regarding the Global War on Terror

4. I appreciate the opportunity to share with you just a few examples of our proactive reinforcement of these critical messages. Enclosed is a six-month snapshot of our varied engagements and samples of the material presented. My staff has been instructed to contact Larry Di Rita's team to ensure we have the latest presentation materials available. Please let me know if you need any additional information.

Very Respectfully

JAMES L. JONES
General, U.S. Marine Corps

Encls:

1. CDRUSEUCOMP Public Affairs Support for GWOT (since Jun 05)
2. "NATO's 21st Century Face: Potential Enduring Anchor Points for the Trans-Atlantic Link"
3. Brief to Senior Advisory Group, 7 Oct 05

CDRUSEUCOM's Public Affairs Support for GWOT (since Jun 05)

Conferences

Jun 05 Defense Ministerial (Belgium)
Jul 05 SACEUR Commander's Conference (Belgium)
Jul 05 Mediterranean Dialogue Conference (Belgium)
Aug 05 Senior Commanders Warfighter Seminar (Italy)
Sep 05 Defense Ministerial (Berlin)
Sep 05 Military Committee Meeting (Netherlands)
Oct 05 Senior Advisory Group Meeting (Washington DC)
Oct 05 SHAPE Exercise and SHAPE Mentors Group (Belgium)
Nov 05 SHAPE Lecture Series (Keynote Speaker: Dr. Kissinger, Belgium)
Nov 05 Military Committee Meeting (Belgium)

Speeches

Sep 05 Alantik-Bruecke Conference (Germany)
Oct 05 Joint Civilian Orientation Conference (Germany)
Oct 05 Business Executives for National Security (Germany)
Oct 05 Hague Conference, Clingendael Institute (Netherlands)
Nov 05 Center for Security and Democracy (Bulgaria)

Media Events

Jun 05 Associated Press: Article on Trans-Sahara Counter-Terrorism Initiative (TSCTI) based on interview with Gen Wald
Jun 05 New York Times Article on Africa Theater Security Cooperation (TSC) activities based on interview with Gen Wald, MG Zahner (ECJ2) & RADM Tallent (ECJ3)
Jul 05 National Public Radio on Flintlock & TSCTI, including interview with Gen Wald
Jul 05 Washington Post on EUCOM TSC activities and regional threats in Africa
Sep 05 Wall Street Journal OPED, Robert Kaplan, on SOCEUR forces in Africa (Flintlock)
Oct 05 Interview with CNN - "The Situation Room"
Oct 05 Roundtable with Defense Writers Group & Pentagon broadcast media.
Nov 05 Interview - US News & World Report cover story on the nexus of terror & crime.

Congressional Engagements

Jul 05 Presentation to Warner, McCain, Clinton, Skelton, Hoyer, Tauscher, and Davis (Washington DC)
Jul 05 Presentation to Chairman Young (Italy)
Aug 05 Presentation to Chairman Young (Belgium)
Aug 05 Presentation to Senator Lugar (Algeria)
Sep 05 Presentation to Chairmen Warner and Stevens (Portugal)
Sep 05 Presentation to CM Hobson and CM Murtha (Belgium)
Sep 05 SFRC Testimony on NATO in Darfur & TSC (Washington DC)
Oct 05 Presentation to Senator Obama (Washington DC)
Nov 05 Presentation to Senator Lugar (Belgium)

Senior U.S. Leaders Engagements

Oct 05 Mr. Ken Krieg, OSD AT&L (Belgium)
Oct 05 Ms. Karen Tandy, Administrator, DEA (Washington DC)
Oct 05 Secretary Zoellick, DEPSECSTATE (Washington DC)

11-L-0559/OSD/54673

“NATO’s 21st Century Face: Potential Enduring Anchor Points for the Trans-Atlantic Link”

**General James L. Jones, USMC
Supreme Allied Commander Europe/Commander, US European Command**

Overarching theme: NATO no longer has a single enemy / threat serving as an anchor for the Alliance. Instead, it faces a host of threats and opportunities that require commitment and cooperation that is at least as great as during the Cold War.

NATO Today

- Paradox: increased political will to assume new missions; decreased will to resource missions appropriately
- Expanded concept for change—transformation in NATO HQ in Brussels

Anchor Points: the ties binding the Trans-Atlantic relationship

- 20th Century Clarity: Soviet Union, Mutual Assured Destruction, Arms Control—public awareness of all
 - Strong rallying points despite occasional discord
 - Produced a reactive, defensive, and responsive mindset
- 21st Century Realities:
 - Gap/void in Trans-Atlantic understanding—political not military
 - Little public understanding of the “new” NATO
 - Urgent need for common political and public awareness
 - Critical question: can NATO still afford to be reactive?

Five potential new anchor points for the Trans-Atlantic Link

1. Global War on Terror: the war on terror has not become a new anchor point. Different outlooks: Europeans often view as a national responsibility vs. global concern
2. NATO’s Expanding Security, Stability and Reconstruction Role: success with Balkans and Afghan operations—can NATO play a preventative role?
3. Critical infrastructure security: key infrastructure (energy, transportation, computers/communications) is vulnerable—its protection is a national responsibility, but the effects of an attack would be strategic and may transcend borders.
4. Energy security: many new energy reserves lie in areas of instability—can NATO assist local governments to build defense and security capabilities? Could this be a future Article 5 mission?
5. Weapons of Mass Destruction (WMD) and Consequence Management: WMD is proliferating and becoming an increasing threat. Is there a role for NATO to play in preventing this proliferation? Can NATO assist after a chemical, biological, nuclear event or natural disaster?

Conclusion: NATO was a great success during the Cold War. It remains a great Alliance today, but it should be willing to do great things. Our common security interests must be better articulated and more proactively addressed. It is probable NATO’s most important missions lie in the future.



Senior Advisor Group Washington Meeting

**General James L. Jones, USMC
6-7 October 2005**



Anchor Points

Ties that bind the Trans-Atlantic Relationship

- **Global War on Terror**
 - Not enough
 - Allies view strategy differently
- **Critical Infrastructure Protection**
 - Potential Emerging Mission
- **WMD Proliferation**
- **Access to Markets**
 - Oil / Gas / Raw Materials
- **Transnational Threats**
 - Disease and Famine
 - Narco-trafficking
 - Illegal Immigration
- **Challenges to the state from non-state entities**
- **Russian Drift**
 - US & EU Common Concern
- **Growing Chinese Influence**



Common Security Interests

- What US-European policy consensus currently exists?
 - Is there a US-Euro difference in the perception of the threat from violent extremism?
 - Is there common ground?
 - Is a coordinated response essential to defeat these threats?
- What is the role of EUCCOM;
 - In advancing a common view of threats?
 - Building consensus about the nature of threats?
 - Developing capacities to counter common threats?



Threats

- Radical Fundamentalism
 - Future attacks in Europe/US
- Divergent US-European Security Cooperation
- Path of Russian Reform
- Evolution of Chinese Internationalism
- Pressure of EU demographics on national priorities
- European Defense Investment Trends

11-L-0559/OSD/54678



Risks

- New friendships = new risks
 - e.g. Mauritania
- Sufficient Interagency Cooperation?
 - Improvements necessary?
 - Possible?
- US popular support for GWOT
 - Defense outlays vs. deficits
 - Duration
- European Security & Defense Policy



Assumptions

Underpinnings to EUCOM Transformation

- Desires to maintain its current position as a nation of global influence through leadership and the efficient and effective application of informational, military, economic, and diplomatic power
- Remains committed to its friends and allies through global, regional and bilateral organizations and institutions, and supports treaties and international agreements to which it is a signatory
- Pursues a global strategy, a cornerstone of which is increased access and forward presence in key areas, which contributes to the first line of defense for peace, stability and order
- Supports in-depth transformation of its armed forces and basing structure to respond to 21st century asymmetrical threats and challenges



Assumptions

Underpinnings to EUCOM Transformation

- Supports in-depth transformation of its armed forces and basing structure to respond to 21st century asymmetrical threats and challenges
- Seeks ways to mitigate or offset obstacles posed by 21st century sovereignty realities through a re-orientation of its land, maritime, air and space presence
- Recognizes current U.S. basing within EUCOM may not adequately support either the strategic changes attendant to an expanded NATO Alliance, or the national requirements of a rapidly changing AOR
- Seeks to preserve those assets which have enduring value to its missions, goals, and national interests
- Continues to enhance and build defense relationships enabling the United States, allies, and friends to respond effectively



Fundamental Questions for EUCOM

- What is required for the U.S. to retain its leadership role in Europe and achieve global influence?
 - What is the extent of EUCOM's influence with allies?
- What is the efficacy of U.S. application of informational, military, economic, and diplomatic power?
 - What is the impact on EUCOM's overarching strategic objectives?
 - What is the ability of EUCOM to influence these activities?
 - Should CoCom's be given greater control over resource decision making?
- What is the level of U.S. commitment to its friends and allies in Europe?
 - NATO Alliance?
 - Emerging partners and friends? (Caucasus / Africa)
 - Should we be concerned about overreach with new commitments?
- What is the true value of forward presence?
 - Does our forward presence contribute to increased access?
 - How effective is our presence as a first line of defense? (can it be quantified)
 - Is EUCOM properly positioned in the theater?
 - Does are Strategic Theater Transformation plan (bases/forces) focus on the right locations/countries?
 - What is, or should be our intended End State?



Fundamental Questions for EUCOM

- Will EUCOM's in-depth transformation have the appropriate forces and bases to respond to present day and future threats?
 - Does are Strategic Theater Transformation plan (bases/forces) focus on the right regions/countries?
 - Do EUCOM's capabilities match U.S. strategy?
 - What is, or should be our intended End State?
 - What transformation goals are attainable given the strategic focus on Iraq and Afghanistan?

- Is EUCOM's reorientation --efforts to increase its strategic effectiveness-- threatened by sovereignty realities?
 - SOF Consolidation
 - What role can/should EUCOM undertake to enhance security cooperation efforts amongst its allies and partner nations?

- Does EUCOM's transformation plan comport to strategic changes occurring in the theater?
 - Do we have an accurate understanding of what these changes are?
 - How does an expanded NATO Alliance impact our efforts?
 - Are we using the right metrics to guide our changes?
 - Is EUCOM's strategic vision aligned with US national security strategy?



Fundamental Questions for NATO

- What is NATO's destiny?
- Can NATO afford to be a reactive alliance?
- What prevents NATO from contributing to matters of common concern?
- How will Russia's future path affect the Trans-Atlantic alliance?
- Is there sufficient political appetite in the EU to continue NATO's military transformation?



Vulnerabilities

How does EUCOM's forward presence contribute to our collective security and prevent or mitigate potential vulnerabilities?

- Energy Security
- Lines of Communication
- Arms Proliferation
- Radical elements
- Immigration/Impact of Demographic Changes
- Economic Competition with Asia



Constraints/Restraints

- Is the EUCOM AOR an economy of force theater?
- Competing national priorities
- Imposed limitations by host nations
 - Freedom of Action
- Legislative prohibitions
 - Article 98



EUCOM & NATO Transformation

Linkages

- **Need for Greater Regional intelligence capability**
 - NIFC – Combined Joint Intelligence gathering

- **WMD Proliferation/Attack**
 - Prevention/Interdiction – rapid deployment
 - Consequence Management / Crisis response

- **Smuggling Interdiction**

- **Balkan Security & Stability**
 - KFOR/SFOR, now EU (Althea)

~~FOUO~~

October 05, 2005

TO: Gen Pete Pace
ADM Ed Giambastiani
Fran Harvey
Pete Geren
Gordon England
GEN John Abizaid
GEN Doug Brown
Gen James Cartwright
GEN John Craddock
ADM Bill Fallon
GEN Mike Hagee
Gen Mike Moseley
ADM Tim Keating
ADM Mike Mullen
GEN Pete Schoomaker
Gen Norty Schwartz
LTG Robert Wagner
Gen Jim Jones

350.001

FROM: Donald Rumsfeld
SUBJECT: Public Affairs Effort



Over the past few days, we have had good meetings with interesting presentations and some good discussion. I am hopeful that many of you will use the material in the Global War on Terror briefs, such as John Abizaid's "The Long War," in your upcoming speeches and testimony.

Please send along examples of what you are doing in this regard. I know Larry Di Rita and his team would be willing to help your staffs in preparing such materials.

Thanks again for a good set of meetings and for all you do. We have a good deal of important work to do, but we have a good team to deal with the many challenges we face.

500-05

~~FOUO~~

OSD 21992-05

11-L-0559/OSD/54688

~~FOUO~~

DFIR.m
10000-20

.....

Please Respond By 11/02/05

~~FOUO~~

11-L-0559/OSD/54689

~~FOUO~~

October 31, 2005

I-OS/014474
ES-4574

TO: Richard Lawless

CC: Eric Edelman
Peter Rodman

FROM Donald Rumsfeld *DL*

SUBJECT Issue Raised Regarding Idle Facilities

What is this business in Japan that they raised about idle facilities not being turned back or closed? I had not heard of that.

Thanks.

DHR:sj
102903-02

.....
Please Respond By November 15, 2005

JAPAN

~~FOUO~~

OSD 22580-05

31-10-05 10:21:11

31 Oct 05

11-L-0559/OSD/54690

SECRET
DEFENSE
~~FOUO~~

2005 NOV 13 AM 9:19

October 24, 2005

I-05/014156
ES-4518

Mongolia

TO: Peter Rodman

CC: Eric Edelman
Robert Rangel
Steve Bucci

FROM: Donald Rumsfeld *DR*

SUBJECT: Visit from Mongolia

When the Mongolians come to Washington this year, I ought to be told so I can walk down and say hello to them. I think they

have a bilateral meeting sometime.

Thanks.

DMR:af
102205.05

.....
Please Respond By 11/10/05

240605

~~FOUO~~

OSD 22587-05

11-L-0559/OSD/54691

~~FOUO~~

Handwritten mark

OFFICE OF THE
SECRETARY OF DEFENSE

2005 NOV 18 AM 9:19

A/DSD _____

USDP *Handwritten* 18 2005

I-05/014750-AP
014156/05-4518

Mongolia

SCHEDULING PROPOSAL FOR SECRETARY OF DEFENSE

MEMORANDUM FOR CATHY MAINARDI, THE CONFIDENTIAL ASSISTANT TO THE SECRETARY OF DEFENSE

THROUGH: PROTOCOL

FROM: Peter W. Rodman, Assistant Secretary of Defense (ISA)

Handwritten signature: Peter W. Rodman

PURPOSE: Request for Drop-by to the U.S.-Mongolia Bilateral Consultative Council

DESCRIPTION:

- (U) The U.S.-Mongolia Bilateral Consultative Council (BCC) meets annually to discuss ways of furthering U.S.-Mongolia defense security cooperation. The DUSD for Asian and Pacific Affairs will host the event.
- (U) The objectives for the 2005 BCC are to expand the U.S.-Mongolia defense relationship, support efforts for Mongolia's participation in international peacekeeping operations, and to enhance Mongolia's role in the region.
- (U) You expressed an interest in dropping by the BCC to say hello to the Mongolian delegation (Next Under).

17 NOV 05

RECOMMENDATION: (U) Recommend 10-minute drop-by during the period from 1000-1030 at 5E636 on Thursday, 1 December 2005.

REVIEW OF EVENTS: (U) The U.S.-Mongolia Bilateral Consultative Council will meet on Thursday, 1 December 2005 to discuss the future of U.S.-Mongolia defense security cooperation. The DUSD for Asian and Pacific Affairs respectfully requests SecDef to do a 10-minute drop-by to the meeting during the period from 1000-1030 to show senior-level DoD support for enhanced defense security cooperation between the U.S. and Mongolia.

PARTICIPANTS: (U) **U.S. Delegation:** DUSD ~~AP~~ Lawless, PD/AP BGen Allen, and representatives from Joint Staff, PACOM, Defense Security Cooperation Agency, and the

24 Oct 05

~~FOUO~~

OSD 22587-05

17-11-05 16:16 LM

11-L-0559/OSD/54692

Department of State. **Mongolian Delegation:** Ambassador Bold, Mongolia's Ambassador to the United States; Major General Basaankhu, State Secretary of Defense; and, representatives from Mongolia's Ministry of Defense and ~~General~~ Staff of the Armed Forces.

SECDEF DECISION:

Accept: _____
Decline: _____
Defer to: _____

RELATIONSHIP HISTORY (U) You have not met any of the people listed in this delegation. You did meet with President Enkhbayar, Prime Minister Elbegdorj, and Minister of Defense Sharavdorj during your October 2005 visit to Mongolia.

COORDINATION:

PDASD/ISA _____

DUSD/AP HMG SGG

PD/AP [Signature]

Prepared by: Ms. Suzanne Ross, OSD/ISA/AP (b)(6)

Schedule Proposal Checklist
(Attach to back of Schedule Proposal - non Tabbed)

For assistance, contact the OSD Protocol office at (b)(6)

- Has** an executive agent been assigned
Yes _____ (specify who) No

- Is** the visit at the request of President, State Department or SecDef
Yes _____ (specify who) No

- Is this** the first visit during the current administration
Yes _____ No

- If a previous visitor, when - **2 NOV. 2004**
U.S. - Mongolia Bilateral Consultative Council

- Is** the visit at the request of the foreign digni (attach request)
Yes _____ No

- Are** honors required (See Note 1)
Yes _____ (Recommended honors -- call protocol with questions) No

- Will the spouse be accompanying the dignitary
Yes _____ No

- Type of meeting: (see Note 2)
Office call _____ Plenary Both _____

- Recommended DoD Participants, including U.S. Embassy representation (specify by name, title and order of priority for attendance in an attachment if necessary) (See Note 3)

- Is** lunch or ~~dinner~~ recommended
Yes _____ (lunch/dinner) No

- Will there be a gift exchange (See Note 4)
Yes _____ (please provide details) No

- OSD Protocol contacted and meeting set up to discuss:
 - Requirement for Letter of Welcome (official visit only)
 - Translation/interpretation requirements
 - Dietary considerations
 - Complete itinerary (Non-DoD meetings -- White House, State Department, NSC...)
 - Names and phonetic spelling of the delegationYes **message left w/OSD Protocol** No _____
Fri 4 Nov. @ 1520

OFFICE OF THE
SECRETARY OF DEFENSE
~~FOUO~~

2005 OCT 10 AM 9:19

October 24, 2005

I-05/014156
ES-4518

TO: Peter Rodman

CC: Eric Edelman
Robert Rangel
Steve Bucci

FROM: Donald Rumsfeld *DR*

SUBJECT: Visit from Mongolia

When the Mongolians come to Washington this year, I ought to be told so I can walk down and say hello to them, I think they

have a bilateral meeting sometime.

Thanks.

DHR:sf
102208-08

.....
Please Respond By 11/10/05

~~FOUO~~

OSD 22587-05

11-L-0559/OSD/54695

~~FOUO~~

733 11/04/05 09:49

OS/014772
ES-4612
November 04, 2005

TO: Ryan Henry
CC: Eric Edelman
FROM: Donald Rumsfeld *D.R.*
SUBJECT: Phase II of the Global Posture

I would like to see Phase II of the Global Posture. I think it has got to get started fast.

Thanks.

DHR:ss
110405-12

.....
Please Respond By 11/17/05

~~FOUO~~

07-11-05 AM 11:33 AM

OSD 22616-05

11-L-0559/OSD/54696



SECRETARY OF THE ARMY
WASHINGTON

INFO MEMO

2005-11-18 11:39
2005-11-18 12:19

FOR: SECRETARY OF DEFENSE

FROM: Francis J. Harvey

SUBJECT: Senator DeWine and Casualty Affairs

- This responds to the Secretary of Defense's Snowflake dated November 10, 2005, Subject: Senator DeWine and Casualty Affairs.
- I met with Senator DeWine on November 14, 2005. The Senator raised the following concerns: the current quality of medical care provided to Soldiers; the length of time Soldiers wait for medical board determinations; the quality of casualty assistance provided to the primary Next of Kin (NOK) versus secondary NOK, and the requirement for families to request copies of autopsy reports in writing.
- I provided Senator DeWine with an outline of current Army casualty affairs procedures and informed him of an ongoing Department of the Army Inspector General (DAIG) inspection as described below.
- In October 2005, as a result of a few complaints from parents of Soldiers that had been killed in action, I directed the DAIG to conduct a review of Army regulations and policies governing casualty reporting concerning NOK and Casualty Assistance Officer (CAO) operations (see Tab A). The results of that review will be available in January 2006. We will continue to reiterate to commanders in the field the importance of direct and timely communications with the family members of deceased Soldiers, with special emphasis placed on the accuracy and consistency of information provided to them.
- In addition, I will direct the following actions: a review of hospital procedures for the care and transfer of patients in CONUS; a review of the medical board process/timelines; a legal review of the Health Insurance Portability and Accountability Act requirements regarding autopsy requests; the establishment of a system for CAOs to assist families with autopsy requests; an investigation into the specific cases and issues referenced during the meeting with Senator DeWine's office; and a review of CAO training for uniformity of standards and training throughout the 34 Casualty Area Commands, to include support to secondary NOK.

Copy Furnished Mr. Dan Stanley

Attachments:
As stated

Prepared by: Lieutenant Colonel Douglas L. Flohr, (b)(6)

11-L-0559/OSD/54697

OSD 22654-05

~~FOUO~~

Jessie G
- Assigned to ISP

OCT 25 2005

I-05/014244

TO: Eric Edelman
FROM: Donald Rumsfeld *DR*
SUBJECT: UN Paying Peacekeepers

Please go to work on John Bolton, and see if we can get him to help find a way to get the United Nations to pay peacekeepers on ~~time~~ instead of lagging six month, or whatever it is.

Thanks.

DHR:dh
10/24/05 2:24:17 PM
102405-24

.....
Please respond by November 17, 2005

03

25 OCT 05

~~FOUO~~

OSD 22690-05



UNDERSECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000



INFO MEMO

2005 11:54

PERSONNEL AND
READINESS

October 13, 2005

FOR: SECRETARY OF DEFENSE

DEPSEC _____

FROM: David S. C. Chu, USD (P&R)

SUBJECT: *David S. C. Chu 19 Nov 05*
Thrift Savings Plan (TSP) Figures - SNOWFLAKE (Tab A)

- All of the Services agree that additional and continuous education regarding the benefits of the Thrift Savings Plan is necessary.
- The Navy and Marine Corps are the only Services that specifically target recruits and new inductees with information on the TSP.
- Newly accessed Navy recruits receive 1.5 hours of instruction and information on the TSP and its benefits. Their participation rates illustrate the success of this method.
 - o Over 40 percent of the active Navy force participates in TSP. Participation rate for active duty in the other services is: Army 18 percent; Air Force 27 percent, Marine Corps 28 percent.
 - o Forty-eight percent of Navy and 30 percent of Marine Corps junior enlisted participate in TSP compared to 6 percent in the Army and 13 percent in the Air Force.
 - o Sixty percent of Navy company grade officers participate in TSP compared to 34 percent of Army, 47 percent Marine Corps, and 54 percent of Air Force.
- The Navy incorporates TSP information in its traveling Career symposia, which goes to ships and installation town hall meetings worldwide.
- The Marine Corps includes TSP information to all applicants in its recruiting material on financial security. Army is developing a marketing plan for inclusion in their recruiting campaign.
- All Services are committed to increasing awareness and information regarding TSP to the force and recruits. We will ensure this occurs by working with the Military Department Assistant Secretaries for Manpower and Reserve Affairs.

Attachment:
As stated

Prepared By: LTC Janet Fenton, USA (JAG Corps), OUSD(P&R), (b)(6)



OSD 227 46-05

11-L-0559/OSD/54699

~~FOUO~~

SECRETARY

August 10, 2005

TO: David Chu

CC: Larry DiRita
Service Secretaries
service chiefs

FROM Donald Rumsfeld *D. Rumsfeld*

~~SUBJECT:- Thrift Savings Plan Figures~~

Attached is a memo David Chu sent me by request. What it says basically is a person who joins the Service ends up with a nest egg of a substantial sum.

To my knowledge, this has never been communicated. It is not a part of the recruiting activity, it is not a part of the retention activity, and it is not even on the radar screen of most of the men and women who serve in the military.

My personal view is it would be an attractive addition to be injected into their considerations for recruited and being retained.

Please think about this and get back to me through David Chu.

David, I would like you to consider this and get back to me and get back to me with a memorandum no later than August 22.

Thank you.

Attach: 7/18/05 USD (P&R) Memo to SecDef

DHR:as
080905-40

.....
Please Respond By 08/22/05

2005 Aug 10 AM 10:12

OFFICE OF THE
SECRETARY OF THE
NAVY

~~FOUO~~

11-L-0559/OSD/54700

OSD 14286-05



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

INFO MEMO

FOR: UNDER SECRETARY OF DEFENSE (PERSONNEL & READINESS)

FROM: ADM M. G. MULLEN, Chief of Naval Operations

M. G. Mullen

9/7/05

SUBJECT: THRIFT SAVINGS PLAN (TSP)

- The Navy has a very aggressive marketing plan for TSP and the results show in our Sailor participation rates.
- Once accessed, recruits are provided 1.5 hours of information and instruction at Recruit Training Command (Boot Camp) on the advantages of TSP.
- They are encouraged to enroll and are afforded an opportunity to do so.
- From a retention perspective, Navy's Center for Career Development (CCD) aggressively disseminates information about TSP in their traveling Career symposia, which goes to ships and installation town hall meetings around the world.
- Links to TSP information are included on the "Stay Navy" website and publications of TSP information is a regular part of Navy's communications to the Fleet (including Naval Administrative messages, press releases, etc.).
- The positive results of these efforts are clearly evidenced by the outstanding levels of participation by Sailors - E1-E3-54%, E-4-38%, E5-34%, E6-37%, E7-38%, E8-35%, and E9-33%.
- Participation of officers is just as positive, for examples 57% of O 4s and O 5s. **Navy has the highest participation rate of all the Services.**
- Based on Youth Attitudinal Tracking studies (as current as Spring 2005), Navy does not aggressively use TSP as a recruiting tool. Studies support that the Millennial Generation is more interested in the here and now. However, our older officer candidate audience does have a better feel for these issues and TSP is advertised in our Medical Officer Direct Mail products.

COORDINATION: TAB A

Attachments:

As stated

Prepared by: Ms. Jeri Busch, (b)(6)

11-L-0559/OSD/54701

16 Aug 2005

INFORMATION PAPER

Subject: ~~Triff~~ Savings Plan (TSP)

1. Purpose. To provide information on what the Marine Corps does to provide information to all recruiting applicants about the TSP.
2. Key Points
 - Upon enactment of the FY-01 National Defense Authorization Act (NDAA), the Commanding General, Marine Corps Recruiting Command (MCRC) published a Frost Call (FC 29-01) to all levels of MCRC making it a requirement to inform all applicants about the provisions of TSP.
 - Information about ~~the~~ TSP was included in the Financial Security and Advancement section of the Marine Corps Opportunities Book when republished in 2003. This manual is used during sales presentations to provide a proof source when discussing benefits and opportunities in the Marine Corps.
 - In 2005, information about TSP was incorporated into the most recent revision of the Marine Corps' collateral material suite that explains financial security. This material is provided to the applicant for reference during and after the sales presentation.

Prepared by: K. Thompson, LtCol, USMC
G-3, Enlisted Ops, (b)(6)

11-L-0559/OSD/54702



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, D.C.

26 August 2005

MEMORANDUM FOR OSD P&R

FROM: AF/DP

SUBJECT: Thrift Savings Plan

I appreciate the opportunity to provide inputs to your response to SECDEF regarding Thrift Savings Plan "not being on the radar scope". We understand and agree with your concerns and will ensure that our recruiting/retention materials and programs emphasize the value of TSP.

We welcome the opportunity to work with your office to obtain more information from the TSP board and develop a more effective education program aimed at our Airmen and prospective recruits. In the meantime, we will increase our efforts to keep our members informed through briefings at Basic Training, Officer Training School, the Academy, and by information provided by recruiters and supervisors.

A handwritten signature in black ink, appearing to read "Roger A. Brady".

ROGER A. BRADY, Lt Gen, USAF
Deputy Chief of Staff, Personnel

11-L-0559/OSD/54703

INFORMATION PAPER

SAMR-HR
16 August 2005

SUBJECT: Thrift Savings Plan Participation

PURPOSE: Provide the Secretary of the Army information on the Thrift Savings Plan (TSP) Participation

BACKGROUND: This office received a request to provide a response to the SA in response to a SECDEF Snowflake on the Thrift Savings Plan and the highlighting of the potential benefits of the program in our recruiting and retention campaigns. Basic statistics on the percentage of Soldiers enrolled are also provided below.

FACTS:

As of 9 August 2005 16.8% of Army Soldiers were participating in the TSP program (18.7% AC and 11.3% RC).

The Defense Finance and Accounting Service (DFAS) does not currently track TSP contributions in terms of the percentage of the current maximum contribution (10%) each Soldier has elected. Because Soldiers may elect to contribute to TSP or change their contribution level at any time, the number and level of Soldiers' participation in TSP changes daily.

Beginning 1 January 2006, Soldiers can contribute any percentage of their basic pay and 100% of their special, incentive, and bonus pay up to the IRS annual contribution limitation of \$15,000. The IRS contribution limitation for 2005 is \$14,000.

Currently, the Army is developing a marketing plan that includes the potential benefits of TSP in its recruiting campaign. This will include a tool and language in the benefits section of the recruiter's ARISS (Army Recruiting Information Support System) regarding TSP. The Army is also exploring options to update its recruiting campaign with information on the potential benefits of TSP.

MAJ Omuso George (b)(6)

Approved by _____
John P. McLaurin III
DASA (HR)

11-L-0559/OSD/54704

DSS

7.3

OCT 14 2005

TO: Gen Pete Pace

CC: GEN Doug Brown
 GEN John Abizaid
 Eric Edelman
 Steve Cambone

FROM: Donald Rumsfeld *DR*

SUBJECT: Operation Torch

322

I would like to *start* receiving a weekly update on the work of *Operation Torch*.
 Doug Brown briefed me on their activities. It is impressive. I need to keep
 abreast of their progress.

Thanks.

DHR:as
 101305-01(TS)

.....
Please respond by October 25, 2005

OSD 22780-05

14 Oct 05

FOUO

NOV 08 2005

TO: Eric Edelman
Dan Stanley

CC: Gen Pete Pace
ADM Ed Giambastiani

FROM: Donald Rumsfeld *DR*

SUBJECT: ~~War~~ Games for Congress

It might be helpful to step up efforts to engage Members of Congress in participation in war games.

We have some fine venues close to Washington: National Defense University, Marine Corps ~~War~~ College and Army ~~War~~ College. People like to get up to Newport to the Navy ~~War~~ College. INSS runs an excellent war gaming center located at NDU.

353

Some of the topics which might help the Members understand the kind of war we are fighting might include:

- Noble Eagle/Domestic Response Scenarios
- Interrogation Issues
- Cross-border Operations into safe havens in nations the US is not at war with
- Response to Natural Disasters

Eric and Dan, please work together to craft a concept and then let's see what we think about it. We should consider both short, one-day events and longer scenarios as well.

Thanks.

DHR:dh
110705-33

.....
Please Respond By December 08, 2005

OSD 22783-05 *gi*

S. M. V. S.

FOUO
11-L-0559/OSD/54706

INFO MEMO

A/DSD _____

I-05/01488 I-ES

ES-4634

FOR SECRETARY OF DEFENSE

FROM: Eric S. Edelman, Under Secretary of Defense for Policy *ES* NOV 8 2006

SUBJECT: War Games for Congress

- You asked about our efforts to engage Members of Congress to participate in war games. (Tab A.)
- DoD has just such a venue. The National Defense University's Institute of National Strategic Studies runs the Strategic Policy Forum (SPF).
 - The SPF brings together Members of Congress, senior Executive Branch officials, and military leaders for strategic-level crisis simulation exercises.
 - It held five war games in 2005, addressing North Korea, South Asia, and homeland security/defense topics. (Details at Tab B.)
 - These were one-day events.
- We will work with NDU and OSD/LA to incorporate the topics you recommended into the future SPF program, as well as to develop longer scenarios for the war games.

COORDINATION: OSD/LA (copy provided)

Attachments: **As** stated.

Prepared by: John Kreul, OUSDP Strategy (b)(6)

TAB A

00

FOUO

J05/014881
ES-4634

NOV 08 2005

TO: Eric Edelman
Dan Starley

CC Gen Pete Pace
ADM Ed Giambastiani

FROM: Donald Rumsfeld *DR*

SUBJECT War Games ~~for~~ Congress

It might be helpful to step up **efforts** to engage Members of Congress in participation in war games.

We have some fine venues close to ~~Washington~~: National Defense University, Marine Corps War College and Army War College. People like to get up to Newport to the Navy War College. INSS runs an excellent war gaming center located at NDU.

Some of the topics which might help the Members understand the kind of ~~war~~ we are fighting might include:

- Noble Eagle/Domestic Response Scenarios
- Interrogation Issues
- Cross-border Operations into safe havens in nations the US is not at war with
- Response to Natural Disasters

Eric and Dan, please work together to craft a concept and then let's see what we think about it. We should consider both short, one-day events and longer scenarios as well.

Thanks.

DHR:dh
110705-33

.....

Please Respond By December 08,2005

FOUO

09-11-05 16:33 IN

11-L-0559/OSD/54709

OSD 22783-05

TAB B



"Congressional and Executive Branch leaders must build programs to encourage individual members to acquire knowledge and experience in both national security and foreign policy"

"Giving members of Congress a [vehicle] to learn about a region, about the procedures and systems of Executive Branch decision making, and about crisis interactions will lead eventually to a more sophisticated Legislative Branch."

Hart-Rudman Commission, Phase 3 Report, p. 111

Background

Initiated by the Secretary of Defense, the SPF program is conducted under the auspices of the National Strategic Gaming Center, a component of National Defense University's Institute for National Strategic Studies. SPF brings together Members of Congress, senior Executive Branch officials, and military leaders for strategic-level crisis simulation exercises that highlight the nuance and complexity of national security policy formulation in the current global political environment. Designed to enhance understanding of the challenges of crisis decision-making in an interagency setting, the forums allow for an exploration of emerging national security issues and examination of the capabilities and limitations of various instruments of national power in dealing with these security challenges. The SPF also illuminates policy and organizational options available to U.S. decision-makers.

Purpose

- Enhance understanding among Members of Congress of the complexities of crisis decision-making in an interagency setting;
- Allow for an exploration of emerging national security issues and enhance Executive-Legislative dialogue on policy and governmental organization options; and
- Explore the capabilities and limitations of various instruments of national power in dealing with these security challenges.

Program Methodology

- The exercises feature a realistic national security setting, with participants from Executive Branch agencies appropriate to the scenario including DoD, DHS, State, Treasury, the Intelligence Community, and other agencies/organizations, as appropriate. Participants from the state and local levels help illuminate the impacts that a homeland security scenario has at their respective levels.
- The scenario for each game is chosen from potential real-world crises. An expert facilitation team ensures a crisp introduction of the short scenarios and injects, and comprehensive discussion of key issues and likely outcomes.
- The exercise is a facilitated consensus decision-making exercise in which Congressional Members and Executive Branch participants can examine issues in a "not for attribution" setting. There are up to 22 participants in each game room. Exercise play, lasting about 2 hours and 30 minutes, consists of a tabletop scenario containing several moves and an interactive "lessons learned" session.
- Because each exercise will be attended by a different group of participants, the SPF exercises may be conducted more than once. In those instances, the exercises are updated to capture any recent developments in Homeland Security and the geopolitical landscape so that the participants are able to address the issues in an up-to-date operating environment.

Past Efforts

- *Silent Prairie* (June 2002 and February 2003) addressed the impact of a national incident on the agricultural infrastructure. A total of thirty members of the House of Representatives attended with Executive Branch participants from DoD, USDA, FBI, FEMA, NORTHCOM, the U.S. Surgeon General, and state officials from North Carolina.
- *Impending Storm* (May and September 2003) explored the potential impact of terrorist exploitation of the transportation infrastructure. Twenty-eight members of Congress attended along with Executive Branch participants from FBI, DoD, the Department of Homeland Security, and state/local officials from Virginia, Maryland, and Louisiana.
- *Scarlet Shield* (July 2003, May 2004 and February 2005) examined the implications of a bioterror attack to national security and military readiness. A total of twenty-three Members of the House of Representatives attended, along with Executive Branch participants from DoD, FBI, Department of Health and Human Services, Department of Homeland Security and officials from the State of Minnesota, New York City, Florida, Virginia, and California.
- *Dark Portal* (February 2004) addressed the potential impact of a combination of cyber and physical attacks on the Nation's critical infrastructure. Fourteen Members of the House of Representatives attended, along with Executive Branch participants from DoD, DHS, DOJ, DOE, Department of Treasury, Federal Reserve Board, and officials from the States of Maryland and Oregon.
- *Masked Dragon* (March 2004) focused on an escalation in proliferation concerns on the Korean Peninsula. Fourteen Members of Congress participated, along with along with Executive Branch participants from DoD, the Departments of State, Treasury and Energy, USAID, the National Intelligence Council, and regional experts from the National Defense University's Institute for National Strategic Studies.
- *Dragons' Thunder* (July 2004) examined the full range of policy options and their associated consequences available to the U.S. to maintain stability and restore peace to the Taiwan Straits and the surrounding region. Fourteen Members of Congress participated, along with Executive Branch participants from the Departments of Defense, State and Commerce, the National Security Council, National Intelligence Council and Central Intelligence Agency.
- *Fragile Crescent* (April 2005) explored the implications of transnational extremism on South Asian stability and other U.S. regional interests. Six Members of Congress participated along with Executive Branch participants from the Departments of Defense, State and Commerce, the US Agency for International Development and the National Intelligence Council.

Upcoming Efforts

June 21, 2005 – Impending Storm (Transportation/Port Security)

July 18, 2005 – Masked Dragon (Korean Peninsula)

Sep 20, 2005 – Terminal Glow (Critical Infrastructure Protection)

Contact

The Director, SecDef Strategic Policy Forum is Col Chris Goggins, USAF. She may be reached in her office at (b)(6) by email at gogginsc@ndu.edu, or by cellular telephone at (b)(6). The Deputy Director, SecDef Strategic Policy Forum is CAPT Eric Wright, USN. He may be reached in his office at (b)(6) by email at wrighte@ndu.edu.



LEGISLATIVE
AFFAIRS

THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1300

SECRET OFFICE OF THE
DEFENSE

2005 NOV 21 PM 5:10

UNCLASSIFIED

INFO MEMO

November 14, 2005, 3:00 P.M.

FOR: SECRETARY OF DEFENSE

FROM: Daniel R. Stanley, Assistant Secretary of Defense
for Legislative Affairs (b)(6)

Robert L. Wilkie

SUBJECT: War Games for Congress Snowflake #110705-33.

- You raised the possibility of engaging Members of Congress in war games through the facilities of the service and staff colleges.
- Since 2003, we have had a robust strategic gaming program in place for which this office is the executive agent.
 - o Through the National Defense University's Strategic Policy Forum and the Institute for National Strategic Studies we have conducted 13 strategic simulations: homeland security (terrorist attacks) and regional crisis (Korea and Taiwan).
 - o These exercises, conducted at NDU, are full simulations and last from half a day to a full day. To date, we have engaged over half of the current Congressional membership--252 members.
- On November 8, we conducted Exercise Dual Gambit simulated anthrax and smallpox attacks on several American cities. Participants were asked to develop policy recommendations for the President in response to the unfolding crisis.
 - o Secretary England delivered remarks and Executive Branch participants included the Surgeon General, Dep Dir FBI, General Ordinerio, and NORTHCOM's CoS.
 - o My Principal Deputy secured the attendance of the Senate Majority Leader and Senators Kennedy, Clinton, Enzi, Burr, Harkin, Allen, Mikulski, and Cornyn.
- We will conduct another exercise in February for House members and are looking to expand the program to include the Governors.

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14 Nov 05

8 Nov 05

COORDINATION: None

Attachments: Snowflake #110705-33

OSD 22783-05

Prepared by: Mr. Robert Wilkie, PDASD (Legislative Affairs), (b)(6)

11-L-0559/OSD/54713

ACTION MEMO

A/DSD

USDP

NOV 21 200

PDASD

1-007013270

25-4545

PLANFIK R.S.PONSE

Robert 11/23

FOR SECRETARY OF DEFENSE

From: Peter W. Rodman, Assistant Secretary of Defense (ISA)

Max Buehler 11/18/0

Subject: E-mail from Ted Pincus via Representative Hyde

- You asked (attached) what to do with a column written by DePaul professor Ted Pincus and forwarded by Representative Henry Hyde.
- While Pincus shares our concerns about ending the insurgency, his proposal to partition Iraq along ethnic lines is inconsistent with our desire to maintain Iraq's territorial integrity.
- Attached at Tab A is a letter highlighting these points which you could send to Representative Hyde.

THMP

RECOMMENDATION: Sign letter as drafted.

Approve _____ Approve with Edits _____ Disapprove _____

COORDINATION: OSD-LA (Tab B)

Attachment: As stated.

Director (NG) *[Signature]* Principal Director (NESA) *[Signature]* PDASD (ISA) *[Signature]*

18 Nov 05

Prepared By: Josh Carter, ISA NESA Northern Gulf, (b)(6)

SP13 11/23

MA SD	<i>11/23</i>	SMA DSD	
TSA SD	<i>11/22</i>	SA DSD	
EXECSEC	<i>M 11/24</i>	1340	<i>11/23</i>
ESR MA	<i>RSV 11/22</i>		

3

9

-FOUO

ES-4345
05/013270
OCT 03 2005

TO: Eric Edelman
FROM: Donald Rumsfeld *DR*
SUBJECT: E-Mail from ~~Ted~~ Pincus via Henry Hyde

I received ~~the~~ attached from Congressman Henry Hyde, who is a good friend of mine. Apparently, he received it from a professor ~~from~~ DePaul University in Illinois.

Please take a look at it and tell me what I ought to do ~~with~~ it.

Thanks.

Attach: 9/23/05 Ted Pincus e-mail to Henry Hyde

DHR:js
093005-06

.....
Please Respond By October 25, 2005

*Sir,
Response attached.
v/r
Lt Col Leavel*

NOV 23 2005

~~-FOUO~~

. **Schiesser, Sue**

From: Ted Pincus [theopincus@hotmail.com]
Sent: Friday, September 23, 2005 11:20 AM
To: Schiesser, Sue
Subject: URGENT MESSAGE TO CONGRESSMAN HYDE

Dear Sue:

Per our phone discussion, please forward this email and the attached proposal to Congressman Hyde. Many thanks.

Ted Pincus, Columnist, The Chicago Sun Times

DEAR CONGRESSMAN HYDE:

In advance of the **Oct. 15** Iraqi constitutional referendum, I have prepared the attached proposal for our editorial page and would like to provide an advance copy to you. If you agree with the thesis –providing a new strategy for an honorable exit from Iraq– and could help advance the idea with the administration, I would welcome the support.

I will be in Washington on **Oct.** 11-12 and of course would be available to meet if that would be appropriate.

As you may recall, our mutual friend Newt Minow had originally **recommended** me to you for possible referral as a pro bono consulting resource on **U.S.** public diplomacy to Charlotte Beers, and then Patricia Harrison. I'd welcome the opportunity to provide ideas on new initiatives to Karen Hughes if you believe this would be timely.

Meanwhile, as you may know, I've been active with DDB Chairman Keith Reinhard (who recently testified in Congress on the need) and fellow board members in building Business for Diplomatic Action as a means of marshalling some top communications thinking on the subject.

I look forward to hear from you.

Respectfully Yours,

Ted Pincus , Columnist, Chicago Sun Times; Professor, DePaul University
phone: 312-321 1202 or cell 312 493 9393 email theopincus@hotmail.com or,

11-L-0559/OSD/54716

tedpincus@tmo.blackberry.net
.office: Theodore Pincus & Associates LLC
400 E, Ohio, east penthouse
Chicago IL 60611

IRAQ PARTITION -A

THE PHOENIX SOLUTION - A PRACTICAL PROPOSAL TO EXIT IRAQ

By Ted Pincus

We're stumped. No **way** out.

We can't stay mired in the sand for **years**, as **the** neocon hawks insist. It's unthinkable to say we won and walk away, as **the** doves demand.

But **there's** a third omithological alternative. Call it The **Phoenix** solution.

In boxing, when there's excessive bleeding, **you** separate the adversaries, especially when they were coerced into the ring together in the first place.

When you cut **through** all the chatter, there's one basic **reason** that we face endless bloodshed that has prevented our departure: Sunni paranoia that **as** a 20% minority, it will be forever outvoted **and** dominated in **any** form of "free democratic" Iraq. It's the terror of this prospect that has generated its

own reign of terror and will sustain it ad infinitum. The fact is that **95%** of the insurgent attacks have been initiated by Sunni Arabs, primarily against Shiite and Kurdish troops, police and civilians. Finding a way to overcome Sunni fear holds the key to a peaceful exit. And how **has** history shown that we resolve a bitter ethnic dispute? By separating the parties, making each feel secure, and giving the underdog **a bone he can't refuse** – **a portion that is more** than his fair share. **You** pacify even the most rabid suicidal fanatic by taking away a cause to die for.

That solution could be embodied in **a** new strategy not yet considered by American, Mideast **or** world leadership: **a** Confederation of Iraqi States with a **three way** partition administered by **NATO**. In summary, it would create an independent Sunni state – Babylonia (**20%** of the population); **an** independent Kurdistan (**Kurds, Turkomen, Chaldeans, 17%** of the population); and an independent Shiite Sumeria (**63%** of the population), **all** under the continued umbrella of **a joint** border protection **force** and **an** oil revenue-sharing guarantee.

IS THERE A NEED FOR A NEW INITIATIVE?

Despite the **Bush** administration's grasping for auspicious straws in the wind, any realistic assessment (including those by some of **our own** generals) is **grim**. Iraq has successfully elected **an** interim central government dominated by Shiites whom the Sunni has sworn to thwart. **This** coming Oct. **15** the Iraqi people will go back to the polls in a referendum to a Shiite-drafted constitution, written over the loud objections of most **Sunni** leaders. The content reflects what many observers feel is a worrisome regression into a theocracy dominated by clerics administering **Shariah** law, rigidly **restraining** women's rights and posing low tolerance for non-believers. While it does propose creation of semi-autonomous regions of the country, it still paves the way for permanent Shiite supremacy **as** the faction holding the overwhelming majority trump card. Currently five million copies of the draft constitution **are** being printed for distribution, allowing only three weeks for the public to study, debate and consider it prior to balloting. Under transitional law, it **can** only be defeated if two thirds of the voters in any three of Iraq's 18 provinces vote it down.

Either way, the result may be moot. If the constitution is passed despite the violent protests of the Sunnis, the current rate of bloodshed – highest since the 2003 invasion – will continue or intensify, perhaps provoking Lebanon-

style all-out civil **war**. If it's defeated, it would mean new elections for a new temporary national assembly that would **draft** a new constitution, presumably with a similar scenario, and meanwhile continued terror and destruction unabated. On any basis, we're at square one, or worse.

WHY SHOULD THE PROBLEM **GO AWAY**?

Let's pause and **look** at it **from** the underdog's perspective. As **an Iraqi Sunni**, you've been on top since the Sixteenth Century when the **Ottomans** threw out the last of the Mongols and gave your tribes the prime position. You've been the elite political force, **the** intelligentsia, with **overriding** economic control, and enjoying a highly secular regime. And for **35** years, **you** were Saddam's Baath **brethren** and beneficiaries —riding herd over the majority—until his downfall. Suddenly you're face with a U.S.-imposed "democracy" in which your adversaries, **with** a massive majority led by clerics take control. There you sit, five million surrounded by 22 million non-Sunni neighbors. **You** now face the prospect of being allocated the pauper's share of government posts, top jobs, access to ports (you have none), access to oil reserves (you have almost no wells) **and** a legal and religious climate wholly unacceptable despite **the** fact that the Shiites **are** **your** Arab brothers and even the non-Arab Kurds are mostly of **the** same Muslim faith. To avoid **this** fate, you believe, may be well worth dying for. And there's always the hope that you'll fight and **survive**, grind down **the** Americans after 10 or 20 years of occupation, see them finally exit like the French in Algeria, and **then** take over **the** country by force.

It's unlikely that our sheer perseverance will pay. The latest Brookings Institution report shows the insurgents growing in two years from an estimated 3,000 fighters in Aug. 03 to **18,000** as of Aug. 05. In that month there **were** 90 U.S. troops killed vs. 36 in the same month of 03; **608** wounded vs. **181** in the 03 month; **280** Iraqi security personnel killed vs. 50 in Aug. 03; and 600 Iraqi civilians killed vs. **225** in Aug. 03. And on **this** past Sept. **14** alone, there were eight separate terrorist bombings that killed 160 and injured 500, for which various **Al Qaeda/Sunni** groups took full credit, including their **Abu Musab** Zarqawi who brazenly declared "all-out **war** on Iraq's Shiites." One underlying tangible motivation is that the expected **Sunni** share of future national oil revenue was 20% in 03 and now estimated to be **as low as 5%**, Brookings says.

Little wonder that the Sunnis **are** pessimistic about a fair share, **and** thousands of them took to the streets in Tikrit alone on Aug. 29 and since, to denounce the draft. Sunni Alliance spokesman Adnan Muhammad **Salman al-Dulairni** has urged his followers to flatly reject the constitution next month. Meanwhile, **Iraq** Prime Minister Ibrahim al-Jaafari **has** turned a deaf ear.

But **the sorry** state of affairs should surprise no **one** (least of **whom those** CIA officials who had accurately predicted it four years ago). Iraq is **an** artificial land, never meant to be a united country. It **was** invented out of the post World War I mess inherited by Winston Churchill **as** British Colonial Secretary charged with making sense of the defeated Ottoman Empire. The three major ethnic groups were united by decree, **with the Sunnis** given the upper hand through most of the Twentieth Century. This force togetherness laid the same seeds of ultimate violence **as** had similar cases such as Sudan, Rwanda, Serbia and Chechnya. **An** age-old folly repeated once again.

HOW **WOULD** A **PARTITION** PLAN WORK?

There **is** every historical precedent for the potential success of a **partition** solution, witness the Balkans, or better yet the eminently positive separation of Slovakia **from** the Czech Republic in 1993. It's notable that **in** the same year, Eritrea was finally separated **from** Ethiopia and has become **the** comeback **story** of East **Africa**.

Essentially, the reorganization of Iraq must be implemented not by the **U.S.** or Coalition Command, nor the Oil-For-Food-tarnished U.N. which has lost much credibility, but by The North Atlantic Treaty Organization. NATO has earned its stripes repeatedly, most particularly in the Balkans. Symbolizing Europe, it would have **far** greater respect in the Mideast than any other entity. Those with **whom** I've spoken who see practical sense in **the** idea include former **U.S.** Ambassador and State Dept. Director of Central European Affairs J.D. Bindinagle, and University of Chicago Professor of Near Eastern Civilization **Ilai** Alon.

While there would continue **to** be **an** operating umbrella government, it would serve only three purposes: 1. a joint military force to protect Iraq borders; 2. the production and distribution of all Iraqi oil and natural **gas**; and 3. operation **of the** refineries, pipelines and ocean tanker ports on the

Persian Gulf, on behalf of all three states of the Confederation. Beyond this, each of the sectors would operate as an autonomous entity with total freedom to draft its own constitution, establish its own legal system government and taxation power. Each would have sovereign status and representation at the U.N.

The partitioning would be along existing ethnic population lines, with the arable land split almost evenly. The Kurdish north would be centered at Kirkuk (pop. 728,000), Irbil (pop. 839,000) and Mosul (pop. 1.7 million). The Shiite south would be centered at Basra (pop. 1.3 million), Karbala (pop. 549,000) and Amarah (pop. 340,000). The Sunnis would occupy the central sector as most do now, anchored by Baghdad (pop. 5.6 million), Hilla (pop. 524,000) and Samarra (pop. 200,000).

Of Iraq's total population of 27 million, some would be voluntarily relocated to unify them with their ethnic countrymen. There would be myriad sacrifices, but far smaller ones than the certain casualties of continued strife. Consider that the partition of India in 1947 precipitated a massive transfer of Hindus to India and Muslims to Pakistan –but with positive long term blessings, as did the transfer of populations in Post World War II Poland, Czechoslovakia and Germany, for improved quality of life.

HOW TO SELL IT?

Confronting the idea would be three major hurdles, each surmountable.

The key to the entire plan is to feed the underdog. This means a willingness by the Shiites and Kurds to hand the Sunnis more than they deserve in economic benefits, namely a 25% share of the nation's oil and gas net revenues. With 80% of the producing oil output in the south and virtually the balance in Kurdistan, and the most gas coming from Kirkuk, Bai Hassan and other fields in the north, and the Zubair field in the south, the Shiites and Kurds have a monopoly that needs equalization. By taking slightly less than their rightful share, and providing a permanent guarantee to the Sunni, they hopefully would be buying a lasting peace.

In selling this idea to Shiite and Kurd leadership, we're halfway home. Top Shiite Grand Ayatollah Ali al-Sistani has already gone on public record as supporting the concept of autonomy for the three regions. While some independent clerics like Moktada al-Sadr and Ayatollah Muhammad

Yacoubi have opposed the concept, some of the most politically powerful Shiites in Iraq, like Abdul-Aziz al-Hakim, a key mover in the influential Supreme Council for Islamic Revolution in Iraq, are ardent supporters.

The Kurds meanwhile have already achieved semi-autonomy and leaders like Massoud Barzani would likely be the first in line to concede oil revenues in exchange for peaceful independence and guaranteed protection on the borders of Turkey and Syria—two nations never enamored with the prospect of a free Kurdistan. And although Saddam's "Arabization" programs forced an influx of Sunni who would now be relocated—mainly from the province of Nineveh—this once again may be a trade-off well worth the disruption.

The second hurdle will be selling the idea to Europe. Sending a NATO peacekeeping force to Iraq is no small order. But today, with the massive immigration of Muslims into Central Europe (new total: over 20 million, and in France alone representing 11% of the nation's population) and with the London subway bombings as a clear warning, Europe may see that it has far more to lose from a sustained conflagration in Iraq. It may well have a new perspective of the return-on-investment in stepping off the sidelines and playing a key role to bring lasting peace (including the reduction of risk of oil shortages and further price inflation).

Far fetched? Bear in mind that NATO has a stellar history of successes in peacekeeping—in contrast to the U.N.'s deer-in-the-headlights paralysis that cost a half-million lives in Rwanda. NATO has acted decisively in bringing peace to Bosnia, Kosovo, Macedonia, and now has trained, airlifted and directed 1,300 African Union peacekeepers that are bringing the Darfur genocide to an end. Also bear in mind that NATO is already actively fighting terrorism in Central Asia, where four provisional reconstruction teams are in West Afghanistan, providing security, rehab and extending the government authority beyond Kabul. Its International Security Assistance Force is now heading south to secure that area as well. Lastly, bear in mind that NATO is already in Iraq, quietly and with meager publicity. Its Secretary General Jaap de Hoop Scheffer said last month that "we recognize a continuing commitment to the democratic process in Iraq," as exemplified by NATO's current training of Iraqi troops at Ar Rustimiyah.

The third hurdle of course would be to gain consent from the U.S. government. A year ago, the idea would have been dismissed categorically

as one offering less than the president's vision of "mission accomplished." But today's altered circumstances present a **far more compelling incentive** to consider this compromise solution as a welcome gift. In the **wake** of wholly unanticipated **Katrina**, the president's overall approval rating has **sunk** to a record low of 40%, according to the latest Wall St Journal/NBC News poll, **and** it says **55%** favor bringing **our** soldiers home. Meanwhile, the latest **NY Times/CBS News** poll shows only **35%** with confidence about **his** ability to handle Iraq. It reported **52%** of Americans call for immediate **withdrawal** "even if it means abandoning the president's goal of restoring stability to that country." **An** increasing number of experts **are** predicting **that our** chances **of** ultimately surmounting the rising, resilient, ubiquitous insurgency **are** no better than they were in Viet Nam, or the French experience in Algeria and Indo-China, or the Israeli experience in Lebanon. With the U.S. Army spread thin, with the National Guard unable to **keep a** serviceman on active duty longer **than 24** months, with no chance for a draft as a congressional election year looms, The White House has few options. And on the flip side, what greater political bonanza could the **GOP** find in 06 **than** a rapid, decisive shift of **our** responsibilities to NATO, winning credit for implementing a peaceful solution, and bringing the boys home?

BUT COULD WE PULL IT OFF?

Follow the money. **Look** at the fundamental math. Iraq and the U.S.—besides offering ethnic separation and **security**—**can** virtually buy themselves a lasting peace. Consider that Iraq is sitting on **115** billion barrels of proven oil reserves—the third largest known deposit in the world—and **110** trillion cubic feet of natural gas. Yet its current production of only 2.2 million barrels of oil per day helps boost its **gross** domestic product to only **\$54** billion. Only **10%** of the nation **has** been geologically explored **and** only **17** of 80 discovered oil fields have even been developed. Of Iraq's 1,500 operating wells, about 1,000 are in the Shiite south (mainly the Rumaila field) with its high quality "sweet crude" that contains **far** lower percent **of** hydrogen sulfide and **burns** much cleaner. Moreover, most Iraqi oil in both north and south **is** some **of** the world's least costly to extract because it lies close to the surface, with an average cost of less **than \$2** per barrel **to** produce.

But even with its present export limitations, **Iraq's** 2.2 million daily barrels now enjoy record price levels of over **\$65** (before tanker **costs**), translating into projected annual gross revenues of **\$52** billion, not to mention natural

gas and other exports. If the Sunni Federal Republic of Babylonia were handed a guaranteed **25%** share or perhaps **\$13 billion** (i.e., **\$2.6 million** per capita), gross before transport, it would be receiving over a **\$2.5 billion** premium per year above its proportional share. Obviously, if peace can at last permit expanded exploration and production activity, the numbers would **soar**.

At the same **time**, to fund a **NATO** administration of the regional separation, relocation and confederation government, would it not be a bargain for the **U.S.**, after withdrawal, to subsidize **NATO** with the full **\$5 billion** per month we now spend fighting a futile conflict? After two years of ~~that~~ subsidy, the cost requirement may well drop to the **\$1 billion** monthly level, eminently affordable by **our** treasury.

HOW TO INITIATE?

We should launch the idea with a bold-stroke proposal placed upon the world stage by **Sec. of State Condi Rice**, delivered through **our** Ambassador **Zalmay Khalilzad** to Iraq President **Jalal Talabani** and the National Assembly. It would call for a petition, signed by leaders of all three ethnic factions plus the National Assembly and President **Bush**, to be presented to **NATO's Jaap de Hoop Scheffer**, formally requesting a **NATO** partnership with the Iraq legislature to create the Confederation and partition the country. The proposal would include an expeditious U.S. withdrawal and guarantee of a full **24 months** subsidy followed by the reduced level of funding. The Rice manifesto would be communicated on a basis not to appear that we're "dumping" Iraq on a NATO fall-guy, but with full recognition (and humility) that the **U.S.** has outlived its usefulness as chief rebuilders of that nation. It would candidly acknowledge **that**, mindful of the lightning rod of anti-Western resentment that we've become, the most constructive alternative is to shift the security and administration role to a respected neutral organization, while we continue to provide the bulk of financial support for security, humanitarian aid, and rebuilding.

Rather **than** earning Arab and worldwide derision and condemnation as a cut-and-run coward, we'd **earn** respect as an imaginative facilitator who was able to break a deadly, ~~mindless, hopeless~~ logjam. We'd be seen as an enlightened benefactor that truly learned lessons ~~from~~ history, finally realizing that if President Clinton had acted as decisively in Bosnia or Rwanda, over a million lives would have been saved. The fact is that we

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What **we** need most is a new mindset. We must awaken to the realities of the Iraq enigma, not spitefully throw the **Sunni** Babylonians out with the **Bath** water, **and** recognize that next month's referendum will not be a triumph of freedom but only **another** incendiary bomb. Rethinking our hapless Mideast aspirations, we must be willing to end up with **three** stable, workable little democracies rather than blindly insisting on **a** single, flawed, **fantasy** democracy doomed to disintegration. In the **real** world of cold, corporate calculation, companies that consolidated unwisely in **the 80's and 90's** are busy spinning **off and** separating the misfitting parts into more sensible entities. The same logic **shodd** set a pattern for geopolitics. Blood is forever thicker than mandates.

Will the proposal **fly**? Maybe **not**. But considering the morass engulfing us, exactly what do we have to lose in asking ?

-30-

Mr. Pincus is a newspaper columnist, university finance professor and communications consultant. He was formerly **an** advisor to USIA and **USAID**, and **CEO/owner** of the nation's third largest independent public

relations agency. He was named 2002 PR Professional of the Year by The Public Relations Society of America.

###

October 19, 2005
1-05/013270

MEMORANDUM FOR Legislative Affairs

SUBJECT: Congressional Letter Response Coordination

- Congressman Henry Hyde (R-IL) sent the Secretary a column written by one of his constituents proposing Iraq be partitioned along ethnic lines.
- The Secretary asked in a snowflake what he should do with the column.
- The attached letter from the Assistant Secretary for International Security Affairs explains to Congressman Hyde why the partition proposed in the column would be unsuccessful.
- Expeditious coordination of this package is requested.
- Please contact Josh Carter (b)(6) for coordination of the response to this letter.

Josh Carter
ISA-NESA

Attachment: Correspondence package from Congressman Hyde

LA Gen Gary Testat

Add "House of Representatives" under Hyde's
name in the address block.

1-05/013270

11-L-0559/OSD/54728



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

11/23

The Honorable Henry Hyde
House of Representatives
2110 Rayburn House Office Building
Washington, DC 20515

Red

Dear Representative Hyde:

Thank you for sending me a copy of Ted Pincus's column proposing a partition of Iraq into Shia Arab, Sunni Arab and Kurdish homelands. I always appreciate hearing from you, and I welcome the opportunity to consider a wide array of ideas concerning Iraq's future.

The Administration

We share many of Mr. Pincus's goals in Iraq. Ending the insurgency and bringing peace to the Iraqi people, as well as avoiding a civil war between Iraqi ethnic groups are central considerations. We also have some important differences in the way we approach this issue: in particular, one of the Department's key goals continues to be the maintenance of Iraq's territorial integrity.

It is

You and I share a strong desire to develop the best possible policies in support of the outstanding men and women serving our country in Iraq. Though we may differ with Mr. Pincus on some issues, he has provided a detailed, thoughtful analysis that deserves careful consideration. To that end, I have shared this column with appropriate offices in the Department where it has spurred essential discussion and debate. Again, thank you for bringing his column to my attention.

Sincerely,

6/10/11
his

We appreciate his contribution to this important subject.



~~FOUO~~

ES-4345
05/013270
OCT 03 2005

TO: Eric Edelman
FROM: Donald Rumsfeld *DR*
SUBJECT: E-Mail from Ted Pincus via Henry Hyde

I received the attached from Congressman Henry Hyde, who is a good friend of mine. Apparently, he received it from a professor from DePaul University in Illinois.

Please take a look at it and tell me what I ought to do with it.

Thanks.

Attach: 9/23/05 Ted Pincus e-mail to Henry Hyde

DHR:ss
093005-06

.....
Please Respond By October 25, 2005

TRAP

*Sir,
Response attached.
v/r
Lt Col Leavel*

NOV 23 2005

30404

~~FOUO~~

OSD 22794-05
~~OSD 23557-05A~~

11-L-0559/OSD/54730

. Schiesser, Sue

From: Ted Pincus [theopincus@hotmail.com]
Sent: Friday, September 23, 2005 11:20 AM
To: Schiesser, Sue
Subject: URGENT MESSAGE TO CONGRESSMAN HYDE

Dear Sue:

Per our phone discussion, please forward this email and the attached proposal to Congressman Hyde. Many thanks.

Ted Pincus, Columnist, The Chicago Sun Times

DEAR CONGRESSMAN HYDE:

In advance of the Oct. 15 Iraqi constitutional referendum, I have prepared the attached proposal for our editorial page and would like to provide an advance copy to you. If you agree with the thesis –providing a new strategy for an honorable exit from Iraq– and could help advance the idea with the administration, I would welcome the support.

I will be in Washington on Oct. 11-12 and of course would be available to meet if that would be appropriate.

As you may recall, our mutual friend Newt Minow had originally recommended me to you for possible referral as a pro bono consulting resource on U.S. public diplomacy to Charlotte Beers, and then Patricia Harrison. I'd welcome the opportunity to provide ideas on new initiatives to Karen Hughes if you believe this would be timely.

Meanwhile, as you may know, I've been active with DDB Chairman Keith Reinhard (who recently testified in Congress on the need) and fellow board members in building Business for Diplomatic Action as a means of marshalling some top communications thinking on the subject.

I look forward to hear from you.

Respectfully Yours,

Ted Pincus , Columnist, Chicago Sun Times; Professor, DePaul University

phone: 312-321 1202 or cell 312 493 9393 email theopincus@hotmail.com or,

.....
11-L-0559/OSD/54731

tedpincus@tmo.blackberry.net
office: *Theodore Pincus & Associates LLC*
400 E. Ohio, east penthouse
Chicago IL 60611

IRAQ PARTITION-A

THE PHOENIX SOLUTION - A PRACTICAL PROPOSAL TO EXIT IRAQ

By Ted Pincus

We're stumped. **No way out.**

We can't **stay** mired in the sand for **years**, as the neocon hawks insist. It's unthinkable to say we won and walk away, as the **doves** demand.

But there's a Urd ornithological alternative. Call it The Phoenix solution.

In **boxing**, when there's excessive **bleeding**, you separate the adversaries, especially when they were coerced into the ring together in the first place.

When **you cut** through all the chatter, there's **one** basic reason that we face endless **bloodshed** that has prevented **our** departure: Sunni paranoia that **as** a 20% minority, it will be forever outvoted and dominated in any **form** of "free democratic" Iraq. It's the terror of this prospect that has generated its

own reign of terror and will sustain it ad infinitum. **The fact is** that 95% of the insurgent attacks have been initiated by Sunni Arabs, primarily against Shiite and Kurdish troops, police and civilians. Finding a way to **overcome Sunni** fear holds the key to a peaceful exit. And how **has** history shown that we resolve **a** bitter ethnic dispute? By separating the parties, **making** each feel secure, and giving the underdog a bone he can't refuse – a portion that is more than his fair share. **You** pacify even the most rabid suicidal fanatic by taking away a cause to die for.

That solution could be embodied in **a** new strategy not yet considered by American, Mideast or world leadership: a Confederation of Iraqi States with a three way partition administered by **NATO**. In summary, it would create **an** independent Sunni state – Babylonia (20% of the population); **an** independent Kurdistan (Kurds, Turkomen, Chaldeans, 17% of the population); and **an** independent Shiite Sumeria (63% of the population), all under the continued umbrella of a joint border protection force and **an** oil revenue-sharing guarantee.

IS THERE A NEED FOR A NEW INITIATIVE?

Despite the Bush administration's grasping for auspicious straws in **the** wind, any realistic assessment (including **those** by some of our own generals) is **grim**. Iraq has successfully elected an interim central government dominated by Shiites whom the Sunni has sworn to thwart. **This** coming Oct. **15** the Iraqi people will **go** back to the polls in a referendum to a Shiite-drafted constitution, written over the loud objections of **most** Sunni leaders. The content reflects what many observers feel is a worrisome regression into a theocracy dominated by clerics administering **Shariah** law, rigidly restraining women's rights and posing low tolerance for non-believers. **While** it does propose creation of semi-autonomous regions of **the** country, it still paves the way for permanent Shiite supremacy as the faction holding the overwhelming majority trump card. Currently five million copies of the draft constitution are being printed for distribution, allowing only three weeks for **the** public to **study, debate** and consider it prior to balloting. Under transitional law, it can only be defeated if two thirds of the voters in **any** three of Iraq's **18** provinces vote it **down**.

Either **way**, the result may be moot. If the constitution is passed despite the violent protests of the Sunnis, the current rate of bloodshed –highest since the 2003 invasion—will continue or intensify, perhaps provoking Lebanon-

style all-out civil war. If it's defeated, it would mean new elections for a new temporary national assembly that would draft a new constitution, presumably with a similar scenario, and meanwhile continued terror and destruction unabated. On **any** basis, we're at square one, or worse.

WHY SHOULD THE PROBLEM GO AWAY?

Let's pause **and** look at it from the underdog's perspective. As an Iraqi Sunni, you've been on top since the Sixteenth Century when the Ottomans threw out the last of the Mongols and gave your tribes the prime position. You've been the elite political force, the intelligentsia, with overriding economic control, and enjoying a highly secular regime. **And** for 35 years, **you** were Saddam's Baath brethren and beneficiaries — riding herd over the majority—until his downfall. Suddenly you're face with a U.S.-imposed "democracy" in which your adversaries, with a massive majority led by clerics take control. There **you** sit, five million surrounded by 22 million non-Sunni neighbors. **You now** face the prospect of being allocated the pauper's share of government posts, top **jobs**, access to ports (you have none), access to oil reserves (you have **almost** no wells) and a legal **and** religious climate wholly unacceptable despite the fact that the Shiites are **your** Arab brothers **and** even the non-Arab Kurds are mostly **of** the same Muslim faith. To avoid this fate, you believe, may be well worth dying for. And there's always the hope that you'll fight and survive, grind down the **Americans** after 10 or 20 years of occupation, **see** them finally exit like the French in Algeria, and then take over the country by force.

It's unlikely that our sheer perseverance will pay. The latest **Brookings** Institution report shows the insurgents growing in two years from an estimated 3,000 fighters in **Aug. 03** to 18,000 **as of Aug. 05**. In that month there were 90 U.S. troops killed vs. **36** in the same month of 03; 608 wounded vs. 181 in the **03** month; 280 Iraqi security personnel killed vs. **50** in Aug. 03; and 600 Iraqi civilians killed vs. **225** in Aug. 03. And on this past Sept. **14** alone, there were eight separate terrorist bombings that killed 160 and injured 500, for which various Al Qaeda/Sunni groups took **full** credit, including their Abu Musab Zarqawi who brazenly declared "all-out war on Iraq's Shiites." One underlying tangible motivation is that **the** expected Sunni share of future national oil revenue was 20% in 03 and now estimated to be as low as **5%**, Brookings says.

Little wonder that the Sunnis **are** pessimistic about a fair share, and thousands of them took to the streets in Tikrit alone on Aug. **29** and since, to denounce the draft. **Sunni** Alliance spokesman Adnan Muhammad Salman al-Dulaimi has urged his followers to flatly reject the constitution next month. Meanwhile, Iraq Prime Minister Ibrahim al-Jaafari has **turned a deaf ear**.

But the sorry state **of** affairs should surprise no one (least of whom **those** CIA officials **who** had accurately predicted it **four** years ago). Iraq is **an** artificial land, never meant to be a united country. It was invented out of the post World War I mess inherited by Winston Churchill as British Colonial Secretary charged with making sense of the defeated Ottoman Empire. The three major ethnic groups were united by decree, with the **Sunnis** given the upper hand through most of the Twentieth Century. This force togetherness laid the same seeds of ultimate violence as had similar cases such as Sudan, Rwanda, Serbia and Chechnya. **An** age-old folly repeated once again.

HOW WOULD A PARTITION PLAN WORK?

There is every historical precedent for the potential success of **a** partition solution, witness the Balkans, or better yet the eminently positive separation of Slovakia from the Czech Republic in **1993**. It's notable that in the same year, Eritrea was finally separated from Ethiopia and has become the comeback story of East Africa.

Essentially, the reorganization of Iraq **must** be implemented not by the **U.S.** or Coalition Command, nor the Oil-For-Food-tarnished **U.N.** which has lost much credibility, but by The North Atlantic Treaty Organization. **NATO** has earned its stripes repeatedly, most particularly in the Balkans. Symbolizing Europe, it would have **far** greater respect in the Mideast than any other entity. Those with whom I've spoken who see practical sense in the idea include former **U.S.** Ambassador and State Dept. Director of Central European Affairs J.D. Bindinagle, and University of Chicago Professor of Near Eastern Civilization Ilai Alon.

While there would continue to be **an** operating umbrella government, it would serve only three purposes: 1. a joint military force to protect Iraq borders; 2. the production and distribution of all Iraqi oil and natural gas; and 3. operation **of** the refineries, pipelines and **ocean** tanker ports on **the**

Persian Gulf, on behalf of all three states of the Confederation. Beyond this, each of the sectors would operate as an autonomous entity with total freedom to draft its **own** constitution, establish its **own** legal system government and taxation power. Each would have sovereign status and representation at the U.N.

The partitioning would be along existing ethnic population lines, with the arable land split almost evenly. The Kurdish north would be centered at Kirkuk (pop. 728,000), Irbil (pop. 839,000) and Mosul (pop. 1.7 million). The Shiite south would be centered at Basra (pop. 1.3 million), Karbala (pop. 549,000) and Amarah (pop. 340,000). The Sunnis would occupy the central sector as most do now, anchored by Baghdad (pop. 5.6 million), Hilla (pop. 524,000) and Samarra (pop. 200,000).

Of Iraq's total population of 27 million, some would be voluntarily relocated to **unify** them with their ethnic countrymen. There would be myriad sacrifices, but far smaller ones **than** the certain casualties of continued strife. Consider that the partition **of** India in 1947 precipitated a massive transfer of Hindus to India and Muslims to Pakistan –but with positive long term blessings, **as** did the transfer of populations in Post World **War II** Poland, Czechoslovakia and Germany, for improved quality of life.

HOW TO **SELL** IT?

Confronting the idea would be three major hurdles, each surmountable.

The key to the entire plan is to feed the underdog. This means a willingness by the Shiites and Kurds to hand the **Sunnis more** than they deserve in economic benefits, namely a 25% share of the nation's oil and **gas** net revenues. With 80% of **the** producing oil output in the **south** and virtually the balance in Kurdistan, and the most **gas** coming from Kirkuk, Bai Hassan and other fields in the **north**, and the Zubair field in the **south**, the Shiites and Kurds have a monopoly that needs equalization. By taking slightly less **than** their rightful share, and providing a permanent guarantee to the Sunni, they **hopefully** would be buying a lasting peace.

In selling **this** idea to Shiite and Kurd leadership, we're halfway home. Top Shiite Grand Ayatollah AB al-Sistani has already gone on public record as supporting the concept of autonomy for the three regions. While some independent clerics like Moktada al-Sadr and Ayatollah Muhammad

Yacoubi have opposed the concept, some of the most politically powerful Shiites in Iraq, like Abdul-Aziz al-Hakim, a key mover in the influential Supreme Council for Islamic Revolution in Iraq, are ardent supporters.

The Kurds meanwhile have already achieved semi-autonomy and leaders like Massoud Barzani would likely be the first in line to concede oil revenues in exchange for peaceful independence and guaranteed protection on the borders of Turkey and Syria –two nations never enamored with the prospect of a free Kurdistan. And although Saddam's "Arabization" programs forced an influx of Sunni who would now be relocated –mainly from the province of Nineveh—this once again may be a trade-off well worth the disruption.

The second hurdle will be selling the idea to Europe. Sending a NATO peacekeeping force to Iraq is no small order. But today, with the massive immigration of Muslims into Central Europe (new total: over 20 million, and in France alone representing 11% of the nation's population) and with the London subway bombings as a clear warning, Europe may see that it has far more to lose from a sustained conflagration in Iraq. It may well have a new perspective of the return-on-investment in stepping off the sidelines and playing a key role to bring lasting peace (including the reduction of risk of oil shortages and further price inflation).

Far fetched? Bear in mind that NATO has a stellar history of successes in peacekeeping –in contrast to the U.N.'s deer-in-the-headlightsparalysis that cost a half-million lives in Rwanda. NATO has acted decisively in bringing peace to Bosnia, Kosovo, Macedonia, and now has trained, airlifted and directed 1,300 African Union peacekeepers that are bringing the Darfur genocide to an end. Also bear in mind that NATO is already actively fighting terrorism in Central Asia, where four provisional reconstruction teams are in West Afghanistan, providing security, rehab and extending the government authority beyond Kabul. Its International Security Assistance Force is now heading south to secure that area as well. Lastly, bear in mind that NATO is already in Iraq, quietly and with meager publicity. Its Secretary General Jaap de Hoop Scheffer said last month that "we recognize a continuing commitment to the democratic process in Iraq," as exemplified by NATO's current training of Iraqi troops at Ar Rustimiyah.

The third hurdle of course would be to gain consent from the U.S. government. A year ago, the idea would have been dismissed categorically

as one offering less than the president's vision of "mission accomplished." But today's altered circumstances present a far more compelling incentive to consider this compromise solution as a welcome gift. In the wake of wholly unanticipated Katrina, the president's overall approval rating has sunk to a record low of 40%, according to the latest Wall St Journal/NBC News poll, and it says 55% favor bringing our soldiers home. Meanwhile, the latest NY Times/CBS News poll shows only 35% with confidence about his ability to handle Iraq. It reported 52% of Americans call for immediate withdrawal "even if it means abandoning the president's goal of restoring stability to that country." An increasing number of experts are predicting that our chances of ultimately surmounting the rising, resilient, ubiquitous insurgency are no better than they were in Viet Nam, or the French experience in Algeria and Indo-China, or the Israeli experience in Lebanon. With the U.S. Army spread thin, with the National Guard unable to keep a serviceman on active duty longer than 24 months, with no chance for a draft as a congressional election year looms, The White House has few options. And on the flip side, what greater political bonanza could the GOP find in 06 than a rapid, decisive shift of our responsibilities to NATO, winning credit for implementing a peaceful solution, and bringing the boys home?

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relations agency. He was named 2002 PR Professional of the ~~Year~~ by The Public Relations Society of America.

###



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

DEC 6 2005

The Honorable Henry Hyde
House of Representatives
2110 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Hyde:

Thank you for sending me a copy of Ted Pincus's column proposing a partition of Iraq into Shia Arab, Sunni Arab and Kurdish homelands. I always appreciate hearing from you, and I welcome the opportunity to consider a wide array of ideas concerning Iraq's future.

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Sincerely,

JMP

4 Dec 05




OSD 22794-05

30. dx

~~FOUO~~

10:00 AM '05 9:21

OCT 18 2005
05/03891
ES-4465

TO: Roger Pardo-Maurer
CC: Eric Edelman
Peter Rodman
FROM: Donald Rumsfeld 
SUBJECT: Maritime Cooperation in Latin America

Should we be pushing maritime cooperation in Latin America in the Congress?

Thanks.

DFR:ah
161705-36 (TS).doc

.....
Please respond by November 17, 2005

~~FOUO~~

11-L-0559/OSD/54744

161705-36 (TS).doc

OSD 22795-05

~~FOR OFFICIAL USE ONLY~~
INFO MEMO

11-05-21

11-05-21

A/DSD
USDP
I-05/013891 NOV 21 2005
ES-4405 20 2005
RDUSDP

FOR: SECRETARY OF DEFENSE

FROM: Peter W. Rodman, Assistant Secretary of Defense (ISA) *Nov 17 2005*

SUBJECT: Maritime Cooperation in Latin America (U)

- You asked if we should be pushing maritime cooperation with Latin America in Congress.
- We are doing just that. We worked very closely with State to build support for your regional maritime security initiative, *Enduring Friendship*, and SOLIC (CN) is also working with USSOUTHCOM to develop an updated regional counter-narcoterrorism (CNT) strategy, including a substantial maritime component.
 - o USSOUTHCOM is hosting an interagency conference in December to push the CNT strategy effort forward.
- The House-Senate FY 2006 foreign ops conference agreed to \$4 M in FMF funding for *Enduring Friendship*.
 - o This is the only new FMF initiative worldwide in this very tight budget year.
- This is doubly beneficial: it will strengthen maritime interoperability, and the Panama aspects of the initiative add real substance to DoD's response to Panama's "Secure Trade and Transportation Initiative".
 - o You wrote last-minute letters (Tah A) urging several members to support, and DASD Pardo-Maurer and colleagues from State repeatedly briefed key members and staff, including Rep. Dan Burton, chairman of the HIRC Western Hemisphere subcommittee.
 - We were told your letters made all the difference.
- State's FY 2007 foreign ops budget request, currently at OMB, doubles the request for *Enduring Friendship* to \$10 million (DoD recommended \$25.1 million).
- For our next project, we should look at updating UNITAS—our traditional naval exercise program for Latin America, now in its 47th iteration.

Prepared by: M. M. MacMurray, ISA, WHA, (b)(6)

~~FOR OFFICIAL USE ONLY~~
11-L-0559/OSD/54745

OSD 22795-05

TAB

A

USP



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

NOV 1 2005

The Honorable Thad Cochran
Chairman
Committee on Appropriations
United States Senate
Washington DC 20510-6025

Dear Mr. Chairman:

The President's Fiscal Year 2006 International Affairs Budget Request for the Department of State included funding for Enduring Friendship, the Administration's proposed new initiative for maritime security cooperation in the Caribbean.

Enduring Friendship is an important part of President Bush's Western Hemisphere Strategy. I understand the House and Senate will discuss Enduring Friendship during the budget reconciliation conference. I hope you and your colleagues will find it worthy of support. Enclosed is the Administration's budget justification for Fiscal Year 2006.

I know you share my view of the Caribbean's importance to our country's security. Although Enduring Friendship is a relatively small investment for the United States (the Administration required \$5 million for Fiscal Year 2006), it should return significant benefits for us and our Caribbean friends.

I am sending identical letters to Chairman McConnell, Senator Byrd, Senator Leahy, and the leadership of the House of Representatives Committee on Appropriations.

Thank you for your consideration of this important initiative.

Sincerely,

Enclosure: Fiscal Year 2006 Budget Request - Operation Enduring Friendship



OSD 21264-05

11-L-0559/OSD/54747



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1000

NOV 7 2005

The Honorable Robert C. Byrd
Ranking Member
Committee on Appropriations
United States Senate
Washington DC 20510-6025

Dear Senator Byrd:

The President's Fiscal Year 2006 International Affairs Budget Request for the Department of State included funding for Enduring Friendship, the Administration's proposed new initiative for maritime security cooperation in the Caribbean.

Enduring Friendship is an important part of President Bush's Western Hemisphere Strategy. I understand the House and Senate will discuss Enduring Friendship during the budget reconciliation conference. I hope you and your colleagues will find it worthy of support. Enclosed is the Administration's budget justification for Fiscal Year 2006.

I know you share my view of the Caribbean's importance to our country's security. Although Enduring Friendship is a relatively small investment for the United States (the Administration required \$5 million for Fiscal Year 2006), it should return significant benefits for us and our Caribbean friends.

I am sending identical letters to Chairman Cochran, Chairman McConnell, Senator Leahy, and the leadership of the House of Representatives Committee on Appropriations.

Thank you for your consideration of this important initiative.

Sincerely,

Enclosure: Fiscal Year 2006 Budget Request - Operation Enduring Friendship



OSD 21264-05

11-L-0559/OSD/54748



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

NOV 1 2005

The Honorable Mitch McConnell
Chairman
Subcommittee on State,
Foreign Operations, and Related Programs
Committee on Appropriations
United States Senate
Washington DC 20510-6031

Dear Mr. Chairman:

The President's Fiscal Year 2006 International Affairs Budget Request for the Department of State included funding for Enduring Friendship, the Administration's proposed new initiative for maritime security cooperation in the Caribbean.

Enduring Friendship is an important part of President Bush's Western Hemisphere Strategy. I understand the House and Senate will discuss Enduring Friendship during the budget reconciliation conference. I hope you and your colleagues will find it worthy of support. Enclosed is the Administration's budget justification for Fiscal Year 2006.

I know you share my view of the Caribbean's importance to our country's security. Although Enduring Friendship is a relatively small investment for the United States (the Administration required \$5 million for Fiscal Year 2006), it should return significant benefits for us and our Caribbean friends.

I am sending identical letters to Chairman Cochran, Senator Byrd, Senator Leahy, and the leadership of the House of Representatives Committee on Appropriations.

Thank you for your consideration of this important initiative.

Sincerely,

Enclosure: Fiscal Year 2006 Budget Request - Operation Enduring Friendship



OSD 21264-05

11-L-0559/OSD/54749



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

NOV 1 2005

The Honorable Patrick J. Leahy
Ranking Member
Subcommittee on State,
Foreign Operations, and Related Programs
Committee on Appropriations
United States Senate
Washington DC 20510-6031

Dear Senator Leahy:

The President's Fiscal Year 2006 International Affairs Budget Request for the Department of State included funding for Enduring Friendship, the Administration's proposed new initiative for maritime security cooperation in the Caribbean.

Enduring Friendship is an important part of President Bush's Western Hemisphere Strategy. I understand the House and Senate will discuss Enduring Friendship during the budget reconciliation conference. I hope you and your colleagues will find it worthy of support. Enclosed is the Administration's budget justification for Fiscal Year 2006.

I know you share my view of the Caribbean's importance to our country's security. Although Enduring Friendship is a relatively small investment for the United States (the Administration required \$5 million for Fiscal Year 2006), it should return significant benefits for us and our Caribbean friends.

I am sending identical letters to Chairman Cochran, Chairman McConnell, Senator Byrd, and the leadership of the House of Representatives Committee on Appropriations.

Thank you for your consideration of this important initiative.

Sincerely,

Enclosure: Fiscal Year 2006 Budget Request - Operation Enduring Friendship



OSD 21264-05

11-L-0559/OSD/54750



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

NOV 1 2005

The Honorable Jerry Lewis
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515-6015

~~Dear~~ Mr. Chairman:

The President's Fiscal Year 2006 International Affairs Budget Request for the Department of State included funding for Enduring Friendship, the Administration's proposed new initiative for maritime security cooperation in the Caribbean.

Enduring Friendship is an important part of President Bush's Western Hemisphere Strategy. I understand the House and Senate will discuss Enduring Friendship during the budget reconciliation conference. I hope you and your colleagues will find it worthy of support. Enclosed is the Administration's budget justification for Fiscal Year 2006.

I know you share my view of the Caribbean's importance to our country's security. Although Enduring Friendship is a relatively small investment for the United States (the Administration required \$5 million for Fiscal Year 2006), it should return significant benefits for us and our Caribbean friends.

I am sending identical letters to Chairman Kolbe, Representative Obey, Representative Lowey, and the leadership of the Senate Committee on Appropriations.

Thank you for your consideration of this important initiative.

Sincerely,

Enclosure: Fiscal Year 2006 Budget Request - Operation Enduring Friendship



OSD 21264-05

11-L-0559/OSD/54751



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

NOV 1 2005

The Honorable David Obey
Ranking Member
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515-6015

Dear Representative Obey:

The President's Fiscal Year **2006** International Affairs Budget Request for the Department of State included funding for Enduring Friendship, the Administration's proposed new initiative for maritime security cooperation in the Caribbean.

Enduring Friendship is an important part of President Bush's Western Hemisphere Strategy. I understand the House and Senate will discuss Enduring Friendship during the budget reconciliation conference. I hope you and your colleagues will find it worthy of support. Enclosed is the Administration's budget justification for Fiscal Year **2006**.

I know you share my view of the Caribbean's importance to our country's security. Although Enduring Friendship is a relatively small investment for the United States (the Administration required **\$5** million for Fiscal Year 2006), it should return significant benefits for us and our Caribbean friends.

I am sending identical letters to Chairman Lewis, Chairman Kolbe, Representative Lowey, and the leadership of the Senate Committee on Appropriations.

Thank you for your consideration of this important initiative.

Sincerely,

Enclosure: Fiscal Year 2006 Budget Request - Operation Enduring Friendship



OSD 21264-05

11-L-0559/OSD/54752



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

NOV 1 2005

The Honorable **Jim** Kolbe
Chairman
Subcommittee on Foreign Operations,
Export Financing, and Related Programs
Committee on Appropriations
U.S. House of Representatives
Washington, DC 205 15-6021

Dear Mr. Chairman:

The President's Fiscal Year 2006 International Affairs Budget Request for the Department of State included funding for Enduring Friendship, the Administration's proposed new initiative for maritime security cooperation in the Caribbean.

Enduring Friendship is an important part of President Bush's Western Hemisphere Strategy. I understand the House and Senate will discuss Enduring Friendship during the budget reconciliation conference. I hope you and your colleagues will find it worthy of support. Enclosed is the Administration's budget justification for Fiscal Year 2006.

I know you share my view of the Caribbean's importance to our country's security. Although Enduring Friendship is a relatively small investment for the United States (the Administration required \$5 million for Fiscal Year 2006), it should return significant benefits for us and our Caribbean friends.

I am sending identical letters to Chairman Lewis, Representative Obey, Representative Lowey, and the leadership of the Senate Committee on Appropriations.

Thank you for your consideration of this important initiative.

Sincerely,

Enclosure: Fiscal Year 2006 Budget Request - Operation Enduring Friendship



OSD 21264-05

11-L-0559/OSD/54753



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

NOV 1 2005

The Honorable Nita M. Lowey
Ranking Member
Subcommittee on Foreign Operations,
Export Financing, and Related Programs
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515-6021

Dear Representative Lowey:

The President's Fiscal Year 2006 International Affairs Budget Request for the Department of State included funding for Enduring Friendship, the Administration's proposed new initiative for maritime security cooperation in the Caribbean.

Enduring Friendship is an important part of President Bush's Western Hemisphere Strategy. I understand the House and Senate will discuss Enduring Friendship during the budget reconciliation conference. I hope you and your colleagues will find it worthy of support. Enclosed is the Administration's budget justification for Fiscal Year 2006.

I know you share my view of the Caribbean's importance to our country's security. Although Enduring Friendship is a relatively small investment for the United States (the Administration required \$5 million for Fiscal Year 2006), it should return significant benefits for us and our Caribbean friends.

I am sending identical letters to Chairman Lewis, Chairman Kolbe, Representative Obey, and the leadership of the Senate Committee on Appropriations.

Thank you for your consideration of this important initiative.

Sincerely,

Enclosure: Fiscal Year 2006 Budget Request – Operation Enduring Friendship



OSD 21264-05

11-L-0559/OSD/54754

Operation Enduring Friendship
(\$ in thousands)

Account	FY 2004 Actual	FY 2005 Estimate	FY 2006 Request
FMF	-	-	5,000

The Caribbean, **our** Third Border, *has* become a convenient avenue for transnational criminals **trafficking in** aliens, narcotics, **arms**, and other contraband to the **U.S.**; terrorists could exploit the region's **vulnerability** to threaten our homeland security. **U.S.** assets to counter these threats are stretched thin and Caribbean countries **lack** the resources and interoperability to adequately maintain control of their **own** waters and assist the **U.S.** in maintaining regional maritime presence.

Operation Enduring Friendship **is** an FMF-funded, multinational, regional security initiative to develop a partnership of willing nations to work together to **identify**, monitor, and intercept transnational maritime threats under international and domestic laws. This cooperative effort will maximize the application of available **resources** so that each participating nation receives timely threat information and develops the capability to contribute to effective maritime security efforts. The intent is to provide standardized command, **control**, and communications equipment; training; spare parts; **and** logistical support for forces that can complement **U.S.** and allied interdiction forces (e.g. United Kingdom, France, Canada, Norway) along our Third **Border**.

Our request for **FY 2006** includes assistance to the *Dominican Republic* and Panama, and more modest support for the **Bahamas** and **Jamaica**. The initiative's immediate objective is to allow coalition forces to maintain command of the Caribbean's critical choke points, react to **shifting** threats, and share information allowing them to contribute to the security of territorial **and** international *seas* and the *U.S. homeland*. It will also improve regional response capabilities to deal with environmental crises, such as oil spills and hurricanes. Operation Enduring Friendship will be coordinated through US Naval Forces Southern Command and USSOUTHCOM Military Assistance and Advisory Groups within participating nations.

11/16
1427

~~FOUO~~

LD5/015222
ES-4714

November 15, 2005

2005 11 15 09:32

TO: Steve Bucci
CC: Eric Edelman
Cathy Mainardi
FROM: Donald Rumsfeld *DR*
SUBJECT: Phone call to Uzbekistan

I would like to talk to Ghulamov of Uzbekistan on the phone sometime.

Thanks.

INFO:OB
11/15/05-10 (17)

.....
Please respond by December 1, 2005

~~FOUO~~

12-9

17-11-35 08:59 IN

OSD 22798-05

11-L-0559/OSD/54756

INFO MEMO

705 9:32
USDPA NOV 21 2005
I-051015336-ERA
I-05/015222
ES-4714

FOR SECRETARY OF DEFENSE

FROM: ASSISTANT SECRETARY OF DEFENSE FOR
INTERNATIONAL SECURITY POLICY, Peter Flory

NOV 18
ASD has seen

SUBJECT: Talking points for phone call to Uzbek Defense Minister Ghulamov

- On 18 November we were informed that Kodir Ghulamov was removed as Uzbekistan's Minister of Defense.
- You previously mentioned you wanted to call Minister Ghulamov. Given the latest events, we have provided talking points appropriate to the current situation (Tab A).

Attachment:

Tab A Talking points for phone call to former Minister Ghulamov

Tab B Snowflake on calling Minister Ghulamov

Prepared by: Dr. Amer Latif (b)(6)

A/DASD Eurasia *Just Johnson*

11-L-0559/OSD/54757

USD 22798-05

TAB

A

**SECDEF PHONE CALL TO
FORMER UZBEK MINISTER OF DEFENSE KODIR GHULAMOV
0800 TUESDAY, 29 NOVEMBER 2005**

Talking Points

- I regret to hear that you will no longer be serving as the Minister of Defense.
- Thank you for your support in the War on Terror. Your cooperation allowed us to achieve great success in Afghanistan.
- I look forward to continuing our cooperation under your new Minister of Defense. I hope we can continue to count on Uzbekistan's support in the War on Terror.
- I wish you all the best in your future endeavors.

TAB

B

11/16
1427

~~FOUO~~

LD5/015222
ES-4714

November 15, 2005

2005 11 15 09:32

TO Steve Bucci
CC: Eric Edelman
Cathy Mainardi
FROM Donald Rumsfeld *DR*
SUBJECT Phone call to Uzbekistan

I would like to talk to Ghulamov of Uzbekistan on the phone sometime.

Thanks.

DMR:dh
(11505-10 (TS))

.....
Please respond by December 1, 2005

~~FOUO~~

12-7

17-11-35 08:59

OSD 22798-05

11-L-0559/OSD/54761

23
12
900



UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

SEC OF DEFENSE
2005 JUN 22 PM 3:08

all
12/1

340

PERSONNEL AND
READINESS

ACTION MEMO

FOR: SECRETARY OF DEFENSE

FROM: David S. C. Chu, USD (P&R)

David S. C. Chu

SUBJECT: Opportunities for Non Graduates to Enlist in the Military —SNOWFLAKE
(attached)

- You asked about the opportunities for non high school graduates to serve in the U.S. military.
- The Services prefer to enlist high school diploma graduates because their first-term completion rates are much higher (70 percent) than those of alternative credential holders (e.g., GED holders) or drop-outs, whose completion rates are 55 and 50 percent, respectively.
- Since the Services typically recruit over 90 percent high school diploma graduates, enlistment opportunities for non high school graduates are limited.
- The Army sponsors three programs for non graduates:
 - A pilot program for up to 5 percent of the Army's non prior service accessions and includes opportunities for non high school diploma graduates.
 - Army National Guard program called the Youth ChalleNGe Program, designed to help youths turn their lives around in a residential, boot camp-like environment and are helped to earn a GED certificate.
 - Coordination with selected Job Corps programs to provide training opportunities for underprivileged youth.

22 Nov 05

25 Oct 05

RECOMMENDATION: Sign response to Mr. Sendak's inquiry (TAB A).

Attachment:
As stated

Prepared by: Dr. Jane Arabian, OUSD(P&R)/MPP/AP, (b)(6)

SP3 11/28

MA SD		SMA DSD	
TSA SD	11/25	SA DSD	
EXEC SEC	11/23	1230	4/30
ESR MA	7/1/23	1223	11/30

~~FOUO~~

SENSE

2005 NOV 22 PM 3:08
October 25, 2005

340

TO: David Chu

FROM: Donald Rumsfeld

P.A.

SUBJECT: Program for High School Dropouts

Please take a look at this suggestion from Dr. Sendak that we have a program for high school dropouts and let me know what you think.

Thanks.

Attach.

Sendak ltr to SecDef

DHR:ds
102305-15

.....
Please Respond By 12/01/05

11/30

*Jim,
Response attached.*

25 Oct 05

~~FOUO~~

OSD 22835-05

11-L-0559/OSD/54763

Ronald Maurice Sendak, PhD

(b)(6)

2005 12 18

PERSONAL TO

Mr. Donald Rumsfeld
Secretary of Defense
The Pentagon
Washington, DC 20001

Dear Don:

Again I want to thank you for the help given us in that Korean flap involving my GI daughter a couple years ago. She is doing fine and is in Iraq doing honor to our country.

I wanted to suggest a way that the Army can better meet its enlistment goals while doing a GREAT service to the society and culture of our great country.

If the Army will take high school dropouts, and, as a condition of enlistment, require that they be given high school completion courses while in a probationary period, the enlistees would be brought up to the high school grad minimum requirement, AND they, one of the groups most needing of discipline and training, would be saved from lives of social outcasts and given a wonderful new opportunity at life, while helping the services meet their goals.

I see the problem in one of my grandsons, who got in with the wrong crowd and dropped out of high school in the 11th grade, and, after two years of knocking around, now regrets his action and wants desperately to enlist in the army, but he has no high school diploma and he has to work at every part time job he can find, to pay his bills, and at 19 years of age, he cannot even study for a GED. He has a brilliant mind, and even looks like his late granduncle Ted of Indianapolis.

If the Army could issue a waiver to let him enlist on condition of completing high school education during a probationary period, we could save a soul and a mind, and get the Army a soldier that would excel. Any assistance would be appreciated, not only for my grandson, but for the thousands of other drop-outs who need a boost to a better life, while boosting the Army's enlistment goals in a positive manner.

With kindest personal regards, and sincere gratitude for the excellent job you have done and are doing for the country.

Ron
RONALD MAURICE SENDAK

OSD 20669-05

11-L-0559/OSD/54764



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

NOV 30 2005

3410

Ronald Maurice Sendak, Ph.D.

(b)(6)

Dear Ron,

Thank you for your letter inquiring about enlistment opportunities for high school drop-outs. I welcome this opportunity to tell you about some programs.

As you noted, Army recruiting currently faces many challenges, and we are looking for ways to expand the recruiting market without hurting the performance of the force. Indeed, there are many bright young people who failed to finish high school and would like a second chance.

The Army is testing a program to select non-high school diploma graduates who are likely to complete their service obligation. In addition to that program, the Army National Guard sponsors the Youth Challenge Program, a residential program in a boot camp-like setting, which also helps youths prepare for and pass the GED test. I suggest you have your grandson contact his local Army recruiter for more specific information on these programs.

I appreciate your personal interest in this matter and hope this information will be useful to you. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

30 Nov 05

25 Oct 05



OSD 22835-05

NOV 22 2005

TO: Paul McHale

CC: Gen Pete Pace
Eric Edelman
Gen Lance Smith

FROM Donald Rumsfeld *DR*

SUBJECT: Lessons Learned on KATRINA

I've had a chance to go through the package you sent me on KATRINA Lessons Learned, which looks good. When will we see the final report?

Also, beginning in mid-December, I'd like to see a monthly update on our work to incorporate the lessons learned and be prepared for the next big natural disaster.

Please work with Joint Staff and JFCCOM to provide me a good sense of the progress.

Thanks.

DHR:as
112105-01

.....

Please Respond By December 15, 2005

020.92

22 Nov 05



HDNREMG71

ASSISTANT SECRETARY OF DEFENSE
2600 DEFENSE PENTAGON
WASHINGTON, DC 20301-2600
INFOMEMO

11:18

ADepSecDef/
USD(P) *22*

JAN 03 2006

1-051015443

ES-4742

Peter F. Verga
Principal Deputy

FOR SECRETARY OF DEFENSE

FROM: ^f Paul McHale, Assistant Secretary of Defense (Homeland Defense)

SUBJECT: Lessons Learned on KATRINA

- This is in response to your inquiry of November 21, 2005.
- General Lance Smith, Admiral Tim Keating, and I are scheduled to present you an update on January 5, 2006.

COORDINATION: Ms. Mainardi

Prepared by: Mr. Salesses, OASD(HD), (b)(6)

cc: Chairman, Joint Staffs of Staff

FOUO

November 21, 2005
I-05/015443
ES-4742

TO: Paul McHale
CC: Gen Pete Pace
Eric Edelman
Gen Lance Smith

FROM: Donald Rumsfeld *DR*

SUBJECT: Lessons Learned on KATRINA

I've had a chance to go through the package you sent me on KATRINA Lessons Learned, which looks good. When will we see the final report?

Also, beginning in mid-December, I'd like to see a monthly update on our work to incorporate the lessons learned and be prepared for the next big natural disaster.

Please work with Joint Staff and JFCOM to provide me a good sense of the progress.

Thanks,

DHR ss
12105-01

.....
Please Respond By 12/15/05

FOUO

OSD 22855-05

11-L-0559/OSD/54768

11-11-05 142 13

FOUO

FOI/04648
ES-4598

NOV 03 2005

092.3

TO: Eric Edelman
cc: Roger Pardo-Maurer
FROM: Donald Rumsfeld *DR*
SUBJECT: Reaction and Follow-Up to CENTAM MOD Conference

What has been the reaction to our Central American MOD Conference in Miami?
And what is happening by way of follow-up?

Thanks.

DHR:aj
110205-01

.....
Please Respond By November 22, 2005

03-11-05 10:40 1N

3 ENVOIS

FOUO

11-L-0559/OSD/54769

OSD 22929-05

~~FOUO~~


OCT 18 2005

OCT 18 2005

I-05/013908

ES-4476

TO: Gen Pete Pace
Eric Edelman

FROM: Donald Rumsfeld 

SUBJECT: Foreign Liaison for the "Long War"

We have to figure out how we get the liaison people in CENTCOM converted to global, as opposed to just Afghanistan or Iraq.

We need a liaison plan that fits into the "long war" plan. This was raised when I met with the CENTCOM liaison people.

Please get *together* and get back to me with a proposal.

Thanks.

DEPR:dh
101705-23(TSI).doc

.....
Please respond by November 17, 2005

~~FOUO~~

OSD 22940-05

13-11-05 10:29 AM

11-L-0559/OSD/54770

~~FOUO~~

13

205 11:02 11:05

INFO MEMO

1-05/013908

ES 4476

USDP *[Signature]* NOV 23 2005
PDUSD *[Signature]* NOV 1 2005

FOR: SECRETARY OF DEFENSE

FROM: Peter W. Rodman, Assistant Secretary of Defense (ISA) *[Signature]*

SUBJECT: Foreign Liaison for the "Long War" (~~FOUO~~)

- (~~FOUO~~) You asked us to develop a CENTCOM liaison plan that fits into the "Long War."
- (~~FOUO~~) We are working with the Joint Staff and the Combatant Commanders (COCOM) to identify several approaches.
 - Policy's Coalition Affairs (under Peter Rodman) and NATO (under Peter Flory) shops are working toward developing a plan for a long term, global Coalition strategy. CENTCOM and EUCOM are heavily involved.
 - JFCOM has foreign liaison officers, and is contributing significantly to this effort.
- (~~FOUO~~) We will meet with CENTCOM coalition planners and the J5 the week of 21 November to further develop our ideas.
- (U) We will get back to you with some options and recommendations.

COORDINATION:

DJ5 LiGen Renuart (Col Norwood for) 15 Nov 05

PDASD (ISA) _____

Prepared by: Michael Niles, ISA/Coalition Affairs (b)(6)

OSD 22940-05

~~FOUO~~

11-L-0559/OSD/54771 21-11-05 07:59 AM

FOUO

2005 OCT 18 8:37

OCT 18 2005
I-05/013901
ES-4472

To: Roger Pardo-Maurer

CC: Eric Edelman
Peter Rodman

FROM Donald Rumsfeld 

SUBJECT Map of Connections

At the ministerial I said that in my mind's eye I could picture a *map* where we tried to show all the places that the Central American countries were connected to each other and to the US, and then show all the places where there were gaps in the connections.

I wonder if we could do that.

Thanks.

DHR:ab
101705-37(78)doc

.....
Please respond by November 17, 2005

~~FOUO~~

OSD 23047-05

18-13-05 P03136 IN

11-L-0559/OSD/54772

~~FOR OFFICIAL USE ONLY~~

A/DSD
USD(P) *May 23* 2005
I-05/013901
E8-4472
DDUSOP *NOV 22* 2005

125 37

INFO MEMO

FOR SECRETARY OF DEFENSE

FROM: Peter W. Rodman, Assistant Secretary of Defense (ISA) *PRM*

NOV 22

SUBJECT: Map of Connections (Central America)

- You asked if we could prepare a "map" or organizational chart depicting:
 - o The security linkages among the Central American nations, and with the United States.
 - o Where there are gaps in the connections.
- This is a question to which there is no single correct answer. Much depends on the perspective of the agency preparing the map.
- For this reason; we have decided to sponsor an "art competition." We have set in motion requests to DIA, SOUTHCOM/J2, CIA, and State's INR bureau.
- The terms of reference explain that our objectives are to identify:
 - 1) Gaps or seams that terrorists, drug traffickers, gangs, money-launderers, and other bad actors might exploit.
 - 2) Where good coordination already occurs, as well as opportunities for improved coordination among the countries and with the United States
- The products from this competitive and comparative approach will inform interagency discussion on how to improve cooperation with Central America.
 - o We will provide the maps to you once we receive them.

~~FOR OFFICIAL USE ONLY~~

OSD 23047-05

Prepared by: R. Pardo-Maurer, DASD-WHA (b)(6)

11-L-0559/OSD/54773

~~FOUO~~

ES-4349
05/013272

OCT 03 2005

TO Eric Edelman
FROM: Donald Rumsfeld *DR*
SUBJECT Full Sovereignty Coalition Coordinator

092

We ought to think about a Full Sovereignty Coalition Coordinator for Iraq.
Someone like Paddy Ashdown.

Let me know what you think.

Thanks.

DHR is
093003-05

.....
Please Respond By 10/25/05

~~FOUO~~

OSD 23056-05

03-10-05 13:02 IN

30405

FOUO

OCT 04 2005
I-05/013272
E-4349

TO Eric Edelman
FROM: Donald Rumsfeld *DR*
SUBJECT: Paddy Ashdown Equivalent

Should we get a "Paddy Ashdown" for Iraq and Afghanistan?

DHR:dh
100305-30

Please Respond By October 27, 2005

092

40405

FOUO

OSD 23057-05
04-10-05 13:33 IN

11-L-0559/OSD/54775

~~FOUO~~

2005 OCT 25 10:06

OCT 25 2005

J-05/014241
ES-4542

TO: Peter Rodman
CC: Eric Edelman
FROM: Donald Rumsfeld *DR*
SUBJECT: Mongolian Exercise

We ought to think of countries we'd like to get involved in that Mongolian conquest exercise.

Thanks.

DIR:jh
11-L-54776 (15) doc

.....
Please respond by November 17, 2005

~~FOUO~~

OSD 23059-05

25-10-05 10:30:10

11-L-0559/OSD/54776

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2005 NOV 23 06

INFO MEMO

A/DSD
USDB *[Handwritten mark]* NOV 23 2005
PD *[Handwritten mark]* NOV 22 2005
I-05/015134-AP
OS/014241
ES-4540
NOV 21 2005
[Handwritten signature]

FOR SECRETARY OF DEFENSE

FROM: Peter W. Rodman, Assistant Secretary of Defense, International Security Affairs
(b)(6)

SUBJECT: Response to SecDef Question on How to Attain Participation of Other Countries in the Mongolian Multi-lateral Exercise KHAAN QUEST 2006

- (U) You asked which countries we would like to see participate in KHAAN QUEST 2006 (next under).
- (U) Mongolia will host KHAAN QUEST 2006 in August. The 2006 exercise will be the first held under the auspices of the Global Peace Operations Initiative (GPOI).
 - o (U) PACOM has invited Japan, Republic of Korea (ROK), Thailand, Fiji, Tonga, and Australia.
 - o (U) We anticipate Mongolia will request their neighbors, Russia and China, attend the exercise as observers.
 - o (U) Mongolia will have 500 infantry soldiers take part in the exercise. KHAAN QUEST 2006 is designed to support up to 1,000 participants.
- (U) Increasing the number of participating countries will help Mongolia to become a hub for regional peacekeeping training and is critical to maintaining troop skills and interoperability.

COORDINATION:

Ms. Mary Beth Long, PDASD/ISA *[Handwritten signature]*
 Mr. Richard Lawless, DUSD/AP *[Handwritten signature]*
 BGen John Allen, PD/AP *[Handwritten signature]*
 ASD/SOLIC: Mr. Quentin Hodgson, 11/15/05
 Joint Staff NEA/SEA: COL Little, 11/16/05
 PACOM J5: CAPT Skinner, 11/15/05
 State PM & EAP: Ms. Rachel Featherstone & Mr. Michael Goldman, 11/15/05

Prepared by: Ms. Suzanne Ross, OSD/ISA/AP, (b)(6)

UNCLASSIFIED

OSD 23059-05

11-L-0559/OSD/54777

05/012827
ES-4278

~~FOUO~~

SEP 25 10:25

September 22, 2005

TO: Eric Edelman
FROM: Donald Rumsfeld *DR*
SUBJECT: LT(jg) Jimmy Deane

Here is a letter from a good friend of mine, the widow of a friend of mine who was shot down by the Chinese in 1956.

Rich Haver is an expert on this subject. I don't know if you know him, but he is a good friend of ours and used to be here in the Pentagon until recently.

Since I am going to China, I think I would like to do something on this. Would you please get with Rich, and figure out what you think is the appropriate thing for me to do?

Thank you so much.

Attach.

9/20/05 Shaver ltr to SecDef

DHR:dh
092205-27

.....
Please Respond By 10/06/05

~~FOUO~~

OSD 23061-05

11-L-0559/OSD/54778

English Translation

China

**Air Force Headquarters,
Chinese People's Liberation Army (Report)**

(56)GSH-O. 4/1115	Classification	Confidential	
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Cc: Operations Department, Ministry of Foreign Affairs

(Copies Printed: 5)

Comments:

**Report on the Air Battle and Shooting-Down of an American Aircraft
At Night, August 23**

This is a report on the air engagement at night on August 23, when Zhang Wenyi, Navigation Director, 6th Regiment, 2nd Air Division, PLAAF, shot down a US Navy patrol aircraft.

First, background: At 23:17 on 22, one US Navy P4M-I patrol bomber was found at 32° 30' N and 121° 58' E (145 km northeast of Shanghai). Altitude: 1500-2000. Speed: 300-350. Course: 140" ,north to south. At 23:54:10, it was at 31" 20' N and 122" 30' E (100 km east of Shanghai), intruding into the Chinese marginal sea. It then changed the course to 200" , and intruded straight into the Chinese airspace over Ding-hai and Zhou-shan Archipelago. By 00:13:30 on 23, it had been well into the Chinese airspace at 30" 37' N and 122" 15' E, or over Xia-chuan-shan Island. Afterwards, it changed its course to 145" and flew towards the Southeast.

19 Jul 06

20 Sep 05

23061-05
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11-L-0559/OSD/54779

Second, the course of the engagement: At 23:59 on 22, a Mig-17 (the pilot being Zhang Wenyi, Navigation Director ~~of~~ the Regiment) of the 6th Regiment, 2nd ~~Air~~ Division in Shanghai was directed to ~~take off~~ to intercept the enemy aircraft. Course: 120° . Altitude: 1500. Speed 750. At 00:17:02 on 23, guided by Radar II -20, the Mig-17 found the enemy aircraft in the airspace near Qu-shan. The Mig-17 launched its first attack 500-600m away from the enemy aircraft at 00:17:09. The second attack happened at 00:17:52, when the enemy aircraft began to ~~fire~~ back. A third attack was launched thereafter. It was ~~then~~ found the enemy aircraft was on ~~fire~~. The Mig-17 continued to watch the enemy aircraft till 00:20:22, when the later plunged into the sea 15 km southeast of Qu-shan. It ~~was~~ by then the Mig-17 returned to the base.

Third, the East China ~~Sea~~ Fleet sent patrol boats to search for ~~the~~ ~~airman~~ bailing out of the enemy aircraft after the battle, yet nothing is found so far.

The above is the primary information gathered. The reports on the details and the experience gained will be submitted separately.

Fourth, attached is a drafted news bulletin on this battle, for your examination and revision. As for whether it should be released, it ~~is~~ up to ~~the~~ decision of the General ~~Staff~~ Headquarters.

Air Force Headquarters
(Official Seal)

14:00, Aug. 23, 1956

Print Number: 1034

保密室收字
1956.9.22

總參作部
1956.9.22

持急

中國人民解放軍空軍司令部 (報告)

月格

(56) 參作 字第 4/1115 号 秘密等級 秘密

主送: 總參謀部、電委

抄送: 作戰部、機要部

(打印5份)

批办:

八月廿三日夜击落美机战斗情况报告

茲將八月廿三日空軍第二師六團偵航主任張文遠夜間击落美機
運飞机的战斗情况报告如下:

一、情况: 22日23時17分在东經121度58分, 北緯32度30分(上海西北145公里)发现美海P4M-1艦電巡邏機一架, 高度1500-2000, 速度300-350, 航向140度, 由北向南飞行, 23時54分10秒在东經122度30分, 北緯1度20分(上海东100公里)进入我領海, 並改航向200度南向我定海、舟山羣島上空入海, 于23日零時13分30秒降至东經122度18分, 北緯30度37分我下川山島上空, 后改航向145度向东南飞行。

二、战斗经过: 22日23時50分我上海空二師六團奉命起飛

OSD 23061.05



7/19/2006 2:39:24 PM

11-L-0559/OSD/54781

第十七〇一架（飞行副团领航主任李文逸），航向120度，高度1500，
速度750出航稍晚，23日零时17分02秒，在几—20雷达引导下
于嵩山附近上空发现敌机，于零时17分00秒在距我500—600公
尺时转入第一次攻击，零时17分52秒进行第二次攻击，并发现敌机避
击，后又进行第三次攻击，见敌机加大并发现敌机至零时20分22秒移
离于嵩山东南15公里前后才返航。

三、战斗后我海陆空部队曾派出探察队寻找敌机残骸人员，迄今未得结果。
以上系初步了解的情况，详情及主要数据待后上报。

四、另附此次战斗的公报初稿一份，请查收指正，关于战果发表，请总
参核阅。

此 报 告



打印号：1034

(b)(6)

17:25

The Honorable Donald Rumsfeld
U.S. Secretary of Defense
The Pentagon
c/d (b)(6)

Dear Rummy:

It **has** been a year since I last wrote you about my search into what happened to **Jim** after his Navy plane was shot down off the coast of China on Aug. 22, 1956. I hope **you** know how very grateful I **am** for all of you've done over the years in helping me **try** to find the answers.

I **am** writing again because I understand you will be making your **first** official visit to China in **October**. I have been told by numerous China experts that the **only** people **who** would have access to, and control over, **this information** is the PLA. I **realize** the Pentagon's Defense Prisoner of War/Missing Personnel **Office** and State Department have made inquiries about **Jim's case** in the past. However, I believe your **trip** provides a unique and crucial opportunity to get the **answers** once and for all from **China's top** military officials.

I **turned** (b) this summer and want nothing **more** than to finally close this **painful** chapter in my life. I believe you are one of the few people who can help me do **that** I **am** hoping you personally will **inquire** about Jim as an **MIA** case during your discussions with the Chinese.

As you will recall, I have **obtained six** declassified U.S. intelligence reports from 1956 and 1957 reporting that Lt. j.g. James Brayton Deane Jr. and another crew **member** survived the shoot-down and **were taken** prisoner by the **Chinese**. I appreciate the fact that, so far, there **has been no** definitive proof whether these reports were true or fabricated. However, I have **been** told by numerous **U.S.** intelligence analysts that the reports appear to be credible. Moreover, the former head of Chinese **air** defense in 1956 confirmed there **were** two survivors of that plane taken prisoner.

I don't believe the **U.S.** has made a concerted effort at the highest **military** levels, such as yours, to find **out** what the **PLA** knows about the incident. I hope you **will** ask your Chinese military counterparts to release all reports on the incident and any survivors. I have **been assured** by numerous China experts in the **U.S.** that the PLA would still have these records in their **military** and party archives. Even if they will not release any records of **survivors**, the Chinese could, at the very least, provide whatever historical information they surely do have on **the** incident itself.

As you **might** know from your press office, my daughter, Katherine Shaver, is a Washington Post reporter and is writing a **story** for the Post's **magazine** about my

OSD 23061-05

11-L-0559/OSD/54783

research into Jim's disappearance. I believe she has requested an interview with you through Larry Di Rita via Col. Joseph Richard. However, please know that I am making this request only on my own behalf as an old friend seeking a personal favor. I fully appreciate the fact that you will have more pressing matters to discuss with the Chinese during your visit. However, I hope you will bring up Jim's case as a purely humanitarian issue — a 49-year-old case from a different era that the Chinese could use to demonstrate their openness and cooperation with the United States.

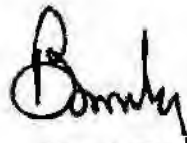
In the past you have cautioned me that I might never learn Jim's fate. I could come to peace with that if I knew that I had done everything possible to try. I have come to realize that obtaining information from the PLA via the U.S. Secretary of Defense may be the best resolution I might ever get. After years of painful uncertainty, I would have to live with that.

I am enclosing a synopsis of Jim's case, his Navy photo and copies of the declassified intelligence reports as background.

Thank you, Rummy, as always. I wish you a safe and productive trip to china and hope to hear from you soon about whether seeking answers in Jim's case will be part of it. I wish I were getting in touch with you all these years about a happier matter.

Please give my best to Joyce and your family.

Sincerely,



Beverly Deane Shaver, M.D.

Tel: (b)(6) Fax: (b)(6)
(b)(6)

SYNOPSIS

P4M Shootdown Incident of August 22/23, 1956

Lt jg. James Brayton Deane, Jr., USN (#536882/1310) was the co-pilot of a P4M Martin Mercator electronic countermeasure plane shot down off the coast of Shanghai August 22 (23 Far East time), 1956. The plane was deployed from VQ-1 (ECMRON ONE) squadron based in Iwakuni, Japan, carried a crew of 16, and had a Navy bureau number of 124362.

While flying a course to the south, the plane reported at 00:19 August 23, 1956 local Far East time, an emergency message that it was "under attack by aircraft". Newspaper reports noted the shoot down involved one Mig 15 and two Mig 17s, and that "lie rafts" were seen jettisoning from the tail of the plane as it flew off in a southeasterly direction.

On August 24, 1956 search and rescue by the US 7th fleet recovered debris from the plane and one body. A second body was found several days later. Subsequent investigation concluded that the plane had crashed into the sea in the vicinity of latitude 30-23 North, longitude 122-53 with great impact, but that the possibility could not be ruled out.

The People's Republic of China announced attacking over Huang tse Island a plane, presumed to be Chinese Nationalist, which had intruded over Ma-an Island. Both islands are part of the Choushan archipelago about 30 miles off the coast of Shanghai. The Chinese reported that the plane flew off in a southeasterly direction. A week or so later, the Chinese recovered two additional bodies, those of AT1 William F. Haskins and AT3 Jack A. Curtis, off the shore of Choushan Tao Island and returned them to the U.S. via the British Charge d'Affaires in Beijing. The remaining twelve crew members, including Lt. jg Deane, were held in a missing status for one year, and were presumed deceased August 31, 1957.

A Naval Court of Inquiry concluded that the plane was probably off course to the west due to a navigational error unavoidable because of weather conditions, topography of the local coast, and limitations on the plane's navigational capabilities imposed by the nature of the mission.

In 1992, the newly discovered and declassified files of Samuel Klaus, Office of the Legal Advisor, U.S. Department of State, brought to light many documents concerning similar incidents during the Korean and Cold Wars. Among these documents were a series of intelligence reports indicating that

1. Three survivors of the P4M were picked up in the water by a Chinese patrol boat Number 4 of the Chang-tu Island detachment of the Choushan Islands garrison, and were taken to a local hospital at Cheng-hai. One died, one was severely injured, and the other slightly injured. The rescue occurred approximately 35 minutes after the shoot down. The remains of three other bodies recovered were cremated on Chang-tu Shan Island, and believed sent to Chen-hai.

2. Subsequently on September 15 (or 1st?), 1956 the two remaining survivors were admitted to Paoing (Baoding) Army Hospital's third ward (NR). Both were recovering. The one most severely injured was the taller of the two. Both had been questioned to a limited extent. Their presence at the hospital was a closely guarded secret, and the identities were not known. They were discharged November 26th, 1956 and transferred to Wen Ping, a small secret military prison in the Beijing area, where they were under surveillance of the Inspector General (Toku Satsucho).

3. The two prisoners were housed in the quarters of Tsai Mao, Chief of Public Information, Ministry of Social Welfare at WanPing prison, 40 kilometers south of Beijing. The taller one, described as the "crew leader" was identified by U.S. intelligence from the physical description (tall, not hairy, raised cheekbones, letter "P" on notebook, doesn't speak much, well-built, brown hair), as Lt jg Deane. The shorter one was identified as either A02 Warren Edgar Caron or AT2 Leonard Strykowski.

4. On April 10, 1957 Lt.jg Deane was moved to the quarters of Ch'eng Lung, Assistant Chief of the Public Security Department in Peking (Beijing). A military hearing was held in mid-April. Lt. jg Deane was reported in this last location as late as December 1957. The other prisoner remained at the quarters of Tsai Mao, and later was "employed" at the Sheng-Lung Corporation in Shanghai.

5. Although Klaus' file contain no later reports, his conversation memos as late as April 1958 indicate that he was still receiving reports of survivors of the P4M but had poor cooperation from the CIA and Office of Naval Intelligence.

.....

Lt. jg Deane's remarried widow, Dr. Beverly Deane Shaver, became aware of the P4M survivors in 1993, upon declassification of parts of the files of Samuel Klaus cited above. Numerous Freedom of Information Act requests were filed at many USG agencies seeking further information on the fate of Lt. jg Deane. One of the few documents released was a copy of the entire report of the Board of Inquiry conducted by the Navy in September, 1956. Despite the report including the early intelligence reports of survivors, the Board determined that all 16 members of the plane had died in the crash. Information was also sought at several times and routes from the People's Republic of China directly. The answer was always that they know nothing of survivors and that the crew must have all died in the crash.

Dissatisfied with the efforts of the USG to provide any significant information, Dr. Shaver in April 1999 made a visit to the People's Republic of China. During an interview with the 1956 head of Chinese Air Defense through intermediaries, Dr. Shaver learned that

- a) the name of the PRC pilot who shot down the P4M was Zhang Wen-yi. He was highly decorated for the shoot down and later became Chief of Staff of the PRC Air Force., and is now retired in Guangzhou (telephone numbers available).
- h) The head of Chinese Air Defense during 1956 recalled with much detail the great celebration among the senior military because of the arrest of two of the plane's "pilots" or crewmen after the incident.. He does not, however, know the disposition of the two prisoners. The existence of the two survivors was highly classified, and known only to the top military echelon..

In April 2000, on a second visit to the PRC, the Chinese People's Association for Friendship with Foreign Countries informed Dr. Shaver that, according to the Foreign Ministry and the People's Liberation Army, all information on Lt. jg Deane was still "highly classified", "top secret", and involved the "national security of China". She was strongly advised her to give up her search. In addition, upon being reinterviewed, the 1956 head of Chinese Air Defense, after speaking with another military colleague by phone, decided that now he was "not sure about survivors".

SECFILES FULL RECORD DETAIL

Print Date: 11/28/2005

DOCUMENT TYPE: INCOMING ATTACHMENT:
OSD CONTROL OSD 23061-05 DOC 9/20/2005 DOR 11/28/2005 SIGNATURE CASE
FROM SHAVER, B TO SECDEF
SUBJECT QUESTIONS REGARDING LT(JG) JAMES BRAYTON DEANE, JR. BEING SHOT DOWN AND TAKEN
PRISONER BY THE CHINESE

KEYWORDS MIA CHINA

COMMENTS CAF.

FN

SEC U OCN

REFERENCE DOCUMENTS

STATUS CODE DECISION

AGENCY ACTION ASSIGNED

SUSPENSE COMPLETE ACD

PAGES 2 ENCLOSURES 1

SUSPENSE STATUS

DECISION DATE

DOC SUSPENSE

COORDINATION

PRIORITY ACTION REPORT:

SUSPENSE

PACKAGE VIEW:

INCOMING

FRONT OFFICE DOC

INFO MEMO

CREATED BY: lawson

DISTRIBUTION: OFFICE COPIES

ADC RWI

11-L-0559/OSD/54787

INFORMATION MEMO

2005 11 25

DSD
USD (P) *[Signature]* NOV 23 2005
PDUSD *[Signature]* NOV 22 2005
I-05/012827-ES
ES-4278

FOR SECRETARY OF DEFENSE

FROM: Peter W. Rodman, Assistant Secretary of Defense (ISA) *[Signature]* NOV 27 2005

SUBJECT: LTJG Jimmy Deane

- You asked about the appropriate way to handle assisting the widow of LTJG Jimmy Deane (next under).
- On the margin of your China trip, DUSD Lawless and I met with the Director of the Ministry of National Defense Foreign Affairs Office, MG Zhang Bangdong, to discuss the POW-MIA archival research proposal and the Deane case.
- At that time, Zhang responded to your October 18 request to Dai Bingguo for more information on the Deane case. He said the Chinese had reviewed their records but had no new information.
 - We requested that the Chinese thoroughly research the issue and report any findings during the December policy dialogue (scheduled for Dec 8-9 in Beijing). Zhang agreed.
 - We have prepared a non-paper on the Deane case (total of 12 Americans) to give to the Chinese. The document does not provide any new information, maintains our assumption that the Chinese have not told us everything, and requests further information.
- DUSD Lawless recently spoke with Rich Haver who is in touch with Dr. Shaver (who is currently vacationing in India). Haver will recontact Dr. Shaver after we have passed him any Deane-related information we obtain during the December dialogue.

COORDINATION:

PDUSD(P): _____
PDASD/ISA: *[Signature]* 11/15/05
DASD/DPMO: A. Cronauer, 9 Nov 05
DUSDIAP: *[Signature]*
PD/AP: 4 Nov 05

Prepared by: LTC Brian Davis, OSD/ISA/AP (b)(6)

OSD 23061-05

SECFILES FULL RECORD DETAIL

Print Date: 11/28/2005

DOCUMENT TYPE: INFO MEMO
OSD CONTROL **OSD 23061-05** DOC 11/21/2005 ATTACHMENT: DOR 11/28/2005 SIGNATURE CASE
FROMISA RODMAN TO SECDEF
SUBJECT LTJG JIMMY DEANE
KEYWORDS RODMAN, P
COMMENTS
FN SEC U OCN 1-012827/05
REFERENCE DOCUMENTS
STATUS CODE DECISION DATE PRIORITY ACTION REPORT:
AGENCY ACTION ASSIGNED DOC SUSPENSE SUSPENSE
SUSPENSE COMPLETE ACD COORDINATION
PAGES 1 ENCLOSURES 1
SUSPENSE STATUS PACKAGE VIEW
INCOMING
FRONT OFFICE DOC
INFO MEMO

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DSD RWI



WITH THE COMPLIMENTS OF
THE SECRETARY OF DEFENSE

China

20 Jul 06

20 Sep 05

11-L-0559/OSD/54790

23061-05
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x

London Daily Telegraph
July 20, 2006

China Gives Rumsfeld Secret Papers On Friend's Mystery Death

By Francis Harris

When communist Chinese jets shot down an American surveillance aircraft 50 years ago, the Beijing government did not care that the co-pilot was a close friend of a young US naval officer called Donald Rumsfeld.

But now China cares so much that when it sent its most senior military officer to the United States for a visit this week, Gen Guo Boxiong handed over previously classified papers on the incident to Defence Secretary Rumsfeld.

An American official said the documents had yet to be translated, but appeared to contain the Chinese air force account of the shooting down of an American Mercator electronic surveillance aircraft in international airspace off Taiwan in August 1956.

The pilot, 24-year-old Lt James Deane, had trained with Mr Rumsfeld in Florida.

China has acknowledged that its MiGs shot down the plane, but has denied claims that it saved and then secretly held some survivors. The papers are thought to confirm the official Chinese account.

Only four bodies were ever found from the 16-man crew. Lt Deane's was not among them and there have been questions about what really happened that night.

Suspicious deepened in 1992 when a previously classified US intelligence report was discovered saying that two Americans, one of them matching the lieutenant's description, had been moved from a hospital to the house of a Chinese government official. The document's discovery fuelled a private campaign by Lt Deane's widow, Dr Beverly Deane Shaver, to discover what had happened to her husband of three months.

She travelled to China and was told that details of her husband's shooting down were considered "highly classified".

Mr Rumsfeld first raised the issue with China when he was chief of staff to President Gerald Ford, 32 years ago.

In response, Deng Xiaoping told Mr Ford that there was "no information" on what had happened to Lt Deane. Over the years, China repeatedly denied that the men had been taken alive.

Eventually, Mrs Shaver and Mr Rumsfeld went public. "I remember the sorrow of losing him," Mr Rumsfeld said at the time.

It is uncertain what effect Lt Deane's death had on Mr Rumsfeld's strategic thinking. The US has been extremely suspicious about China during Mr Rumsfeld's tenure.

He has questioned China's huge arms build-up and has initiated a substantial reinforcement of US forces

in the Pacific.

PLS MAIL TO:

Dr. Beverly Deane Shaver, M.D.

(b)(6)



ESD → UCB. PLS mail
Thank you
9/2
7/20
from SD
OFFICIAL CORRESPONDENCE
M

THE SECRETARY OF DEFENSE
WASHINGTON

JUL 19 2006

China

Dr. Beverly Deane Shaver, M.D.

(b)(6)

Dear Beverly,

Yesterday I met with General GUO Boxiong, the senior military official from the People's Republic of China. He was my host when I visited China last October. At that time, I asked for any additional information they could find on Jim Deane, and he agreed to look into it.

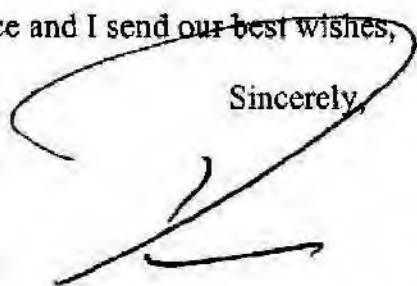
In our meetings yesterday, he said he opened a new investigation after my visit, but he regrets they found no new clues. He personally checked the records and contacted Air Force headquarters. He was provided the enclosed material, which I understand is a replica of the original report and includes an English translation. You may have seen it before

He went on to say that if at any time members of Jim's family would like to visit China to pay their respects to him at some appropriate location, I could contact him and he would see that proper arrangements were made.

I hope things **are** going well for you. Seeing that photograph of the **two** of us waterskiing in Pensacola so many decades ago brought back good memories!

Joyce and I send our best wishes,

Sincerely,



Enclosure

19 Jul 06

20 Sep 05

OSD 23061.05



7/19/2006 2:29:11 PM

11-L-0559/OSD/54794



English Translation

China

**Air Force Headquarters,
Chinese People's Liberation Army (Report)**

(56) GSH-O. 4/1115	Classification	Confidential	
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Cc: Operations Department, Ministry of Foreign Affairs

(Copies Printed: 5)

Comments:

**Report on the Air Battle and Shooting-Down of an American Aircraft
At Night, August 23**

This is a report on the air engagement at night on August 23, when Zhang Wenyi, Navigation Director, 6th Regiment, 2nd Air Division, PLAAF, shot down a US Navy patrol aircraft.

First, background At 23:17 on 22, one US Navy P4M-1 patrol bomber was found at 32° 30' N and 121° 58' E (145 km northeast of Shanghai). Altitude: 1500-2000. Speed: 300-350. Course: 140° , north to south. At 23:54:10, it was at 31° 20' N and 122° 30' E (100 km east of Shanghai), intruding into the Chinese marginal sea. It then changed the course to 200° , and intruded straight into the Chinese airspace over Ding-hai and Zhou-shan Archipelago. By 00:13:30 on 23, it had been well into the Chinese airspace at 30° 37' N and 122° 15' E, or over Xia-chuan-shan Island. Afterwards, it changed its course to 145° and flew towards the Southeast.

19 Jul 06

20 Sep 05

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11-L-0559/OSD/54795

R

Second, the course of the engagement: At 23:59 on 22, a Mig-17 (the pilot being Zhang Wenyi, Navigation Director of the Regiment) of the 6th Regiment, 2nd Air Division in Shanghai was directed to take off to intercept the enemy aircraft. Course: 120° . Altitude: 1500. Speed: 750. At 00:17:02 on 23, guided by Radar II -20, the Mig-17 found the enemy aircraft in the airspace near **Qu-shan**. The Mig-17 launched its first attack 500-600m away from the enemy aircraft at 00:17:09. The second attack happened at 00:17:52, when the enemy aircraft began to fire back. A third attack was launched thereafter. It was then found the enemy aircraft was on **fire**. The Mig-17 continued to watch the enemy aircraft till 00:20:22, when the later plunged into the sea 15km southeast of **Qu-shan**. It was by then the Mig-17 returned to the base.

Third, the East China Sea Fleet sent patrol boats to search for the airman bailing out of the enemy aircraft after the battle, yet nothing is found **so far**.

The above is the primary information gathered. *The* reports on the details and the experience gained will be submitted separately.

Fourth, attached is a drafted news bulletin on this battle, for your examination **and** revision. **As** for whether it should be released, it is up to the decision of the General **Staff** Headquarters.

Air Force Headquarters
(Official Seal)

14:00, Aug. 23, 1956

Print Number: 1034

保密室收学
字第 059 号
1956.9.27

总参作战部
1956.9.27

持急

中国人民解放军空军司令部 (报告)

后特

(56) 参作 字第 4/1115 号 机密等级 秘密

主送: 总参联部、电委

抄送: 作战部、外交部

(打印5份)

批办:

八月廿三日夜击落飞机战斗情况报告

兹将八月廿三日空军第二师六团副团长任振文遵夜间击落美海軍巡邏飞机的战斗情况报告如下:

一、情况: 22日23时17分在东南121度58分, 北纬32度30分(上海东北145公里)发现美海軍P4M-1型巡逻机一架, 高度1500-2000, 速度300-350, 航向140度。由北向南飞行, 23时54分10秒在东南122度30分, 北纬1度20分(上海东100公里)进入我领空, 速度航向200度南向我定海、舟山群岛上空入侵, 于23日零时15分30秒降至东南122度15分, 北纬30度37分我下川山岛上空, 后改航向145度向南飞行。

二、战斗经过: 22日23时59分我上海空二师六团副团长任振文



7/19/2006 2:39:24 PM

格十七中一架(飞行员即领航主任李文逸)、航向120度,高度1500,速度750出航,23日零时17分02秒,在H-20雷达引导下于西山附近上空发现敌机,于零时17分09秒在距我500—600公尺时进入第一次攻击,零时17分52秒进行第二次攻击,并发现敌机被击,后又进行第三次攻击,见敌机起火并燃起浓烟,于零时20分22秒结束于西山东南1.5公里处而后才返航。

三、战斗后我地空队曾派出巡逻队搜索敌机残骸人员,迄今未得结果。

以上是初步了解的情况,详情及主要经验待后上报。

四、另对此次战斗的公报初稿一并审查修正,至于是否发表,请总参决定。

此 报 告



打印号: 1034

Lowery, Michael CIV WHSIESD

From: Lowery, Michael CIV WHS/ESD
Sent: Wednesday, July 19, 2006 2:48 PM
To: Helvey, David, CIV, OSD-POLICY
Subject: OSD 23061-05, SECDEF Letter to Shaver

David Helvey,

I have the signed letter from SecDef to Beverly Shaver with the enclosure ready for pick up at (b)(6) it will be in the unclassified control pick up box for Policy.

Michael Lowery
Washington Headquarters Services
Executive Services Directorate (b)(6)
1155 Defense Pentagon, Room (b)(6)
Washington, D.C. 20301-1155
Telephone: (b)(6)
Fax: (b)(6)



THE SECRETARY OF DEFENSE
WASHINGTON

DEC 2 2005

Dr. Beverly Deane Shaver, M.D.

(b)(6)

Dear Beverly,

As you know, I am back from China. While there, I raised the issue of Jim's status with various Chinese officials. As in the past, they have offered no new information as yet.

In early December, we have a policy dialogue scheduled in Beijing, and I will have our people raise the issue again with the appropriate authorities. Rich Haver, with whom I know you've been in contact, will be in touch with you about any additional information after that session.

We wish you the best of the Holiday Season,

Sincerely,

CHINA

RD

20 Sep 05

OSD 23061-05

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NOV 21 2005
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12/1

~~FOR OFFICIAL USE ONLY~~

OFFICE OF THE
SECRETARY OF DEFENSE

INFORMATION MEMO

2005 NOV 09 10:24

DSD
USD(P) *gto* NOV 23 2005
PDUSD NOV 22 2005
I-057012827-ES
ES-4278

FOR SECRETARY OF DEFENSE

FROM: Peter W. Rodman, Assistant Secretary of Defense (ISA) *WRC* NOV 21 2005

SUBJECT: LTJG Jimmy Deane

- You asked about the appropriate way to handle assisting the widow of LTJG Jimmy Deane (next under).
- On the margin of your China trip, DUSD Lawless and I met with the Director of the Ministry of National Defense Foreign Affairs Office, MG Zhang Bangdong, to discuss the POW-MIA archival research proposal and the Deane case.
- At that time, Zhang responded to your October 18 request to Dai Bingguo for more information on the Deane case. He said the Chinese had reviewed their records but had no new information.
 - We requested that the Chinese thoroughly research the issue and report any findings during the December policy dialogue (scheduled for Dec 8-9 in Beijing). Zhang agreed.
 - We have prepared a non-paper on the Deane case (total of 12 Americans) to give to the Chinese. The document does not provide any new information, maintains our assumption that the Chinese have not told us everything, and requests further information.
- DUSD Lawless recently spoke with Rich Haver who is in touch with Dr. Shaver (who is currently vacationing in India). Haver will recontact Dr. Shaver after we have passed him any Deane-related information we obtain during the December dialogue.

COORDINATION:

PDUSD(P):
PDASD/ISA: *WRC* 11/15/05
DASD/DPMO: A. Cronauer, 9 Nov 05
DUSD/AP:
PD/AP: 4 Nov 05 *scw*

SPB 11/28

MA SD	11/20	SMA DSD	
ISA SD	11/29	SA DSD	
EXEC SEC	11/28	1250	4/30
ESR MA	11/28	1147	

Prepared by: LTC Brian Davis, OSD/ISA/AP (b)(6)

OSD 23061-05

~~FOR OFFICIAL USE ONLY~~
11-L-0559/OSD/54801

- 15 AIG 1 1

05/012827
ES-4278

~~FOUO~~

2005 NOV 06 AM 10: 24

September 22, 2005

TO: Eric Edelman

FROM: Donald Rumsfeld *D.R.*

SUBJECT: LT(jg) Jimmy Deane

Here is a letter from a good friend of mine, the widow of a friend of mine who was shot down by the Chinese in 1956.

Rich Haver is an expert on this subject. I don't know if you know him, but he is a good friend of ours and used to be here in the Pentagon until recently.

Since I am going to China, I think I would like to do something on this. Would you please get with Rich, and figure out what you think is the appropriate thing for me to do?

Thank you so much.

Attach.

9/20/05 Shaver ltr to SecDef

DHR.dh
092205-21

.....
Please Respond By 10/06/05

*Dist 11/30
Sin,
Response attached.*

~~FOUO~~

11-L-0559/OSD/54802

OSD 23061-05

(b)(6)

SECRET THE
DEFENSE
2005 JUN 26 10:25

The Honorable Donald Rumsfeld
U.S. Secretary of Defense
The Pentagon
c/o Ms. Nancy Pardo

Dear Rummy:

It has been a year since I last wrote you about my search into what happened to Jim after his Navy plane was shot down off the coast of China on Aug. 22, 1956. I hope you know how very grateful I am for all of you've done over the years in helping me try to find the answers.

I am writing again because I understand you will be making your first official visit to China in October. I have been told by numerous China experts that the only people who would have access to, and control over, this information is the PLA. I realize the Pentagon's Defense prisoner of War/Missing Personnel Office and State Department have made inquiries about Jim's case in the past. However, I believe your trip provides a unique and crucial opportunity to get the answers once and for all from China's top military officials.

I turned (b)(6) this summer and want nothing more than to finally close this painful chapter in my life. I believe you are one of the few people who can help me do that. I am hoping you personally will inquire about Jim as an MIA case during your discussions with the Chinese.

As you will recall, I have obtained six declassified U.S. intelligence reports from 1956 and 1957 reporting that Lt. j.g. James Brayton Deane Jr. and another crew member survived the shoot-down and were taken prisoner by the Chinese. I appreciate the fact that, so far, there has been no definitive proof whether these reports were true or fabricated. However, I have been told by numerous U.S. intelligence analysts that the reports appear to be credible. Moreover, the former head of Chinese air defense in 1956 confirmed there were two survivors of that plane taken prisoner.

I don't believe the U.S. has made a concerted effort at the highest military levels, such as yours, to find out what the PLA knows about the incident. I hope you will ask your Chinese military counterparts to release all reports on the incident and any survivors. I have been assured by numerous China experts in the U.S. that the PLA would still have these records in their military and party archives. Even if they will not release any records of survivors, the Chinese could, at the very least, provide whatever historical information they surely do have on the incident itself.

As you might know from your press office, my daughter, Katherine Shaver, is a Washington Post reporter and is writing a story for the Post's magazine about my

OSD 23061-05

11-L-0559/OSD/54803

research into Jim's disappearance. I believe she has requested an interview with you through Larry Di Rita via Col. Joseph Richard. However, please know that I am making this request only on my own behalf as an old friend seeking a personal favor. I fully appreciate the fact that you will have more pressing matters to discuss with the Chinese during your visit. However, I hope you will bring up Jim's case as a purely humanitarian issue — a 49-year-old case from a different era that the Chinese could use to demonstrate their openness and cooperation with the United States.

In the past you have cautioned me that I might never learn Jim's fate. I could come to peace with that if I knew that I had done everything possible to try. I have come to realize that obtaining information from the PLA via the U.S. secretary of Defense may be the best resolution I might ever get. After years of painful uncertainty, I would have to live with that.

I am enclosing a synopsis of Jim's case, his Navy photo and copies of the declassified intelligence reports as background.

Thank you, Rummy, as always. I wish you a safe and productive trip to China and hope to hear from you soon about whether seeking answers in Jim's case will be part of it. I wish I were getting in touch with you all these years about a happier matter.

Please give my best to Joyce and your family.

Sincerely,



Beverly Deane Shaver, M.D.

Tel: (b)(6) Fax: (b)(6)
(b)(6)

SYNOPSIS

P4M Shootdown Incident of August 22/23, 1956

Lt jg. James Brayton Deane, Jr., USN (#536882/13 10) was the co-pilot of a P4M Martin Mercator electronic countermeasure plane shot down off the coast of Shanghai August 22 (23 Far East time), 1956. The plane was deployed from VQ-1 (ECMRON ONE) squadron based in Iwakuni, Japan, carried a crew of 16, and had a Navy ~~bureau~~ number of 124362.

While flying a course to the south, the plane reported at 0019 August 23, 1956 local Far East time, an emergency message that it was "under attack by aircraft". Newspaper reports noted the shoot down involved one Mig 15 and two Mig 17s, and that "life rafts" were seen jettisoning from the tail of the plane as it flew off in a southeasterly direction.

On August 24, 1956 search and rescue by the US 7th fleet recovered debris from the plane and one body. A second body was found several days later. Subsequent investigation concluded that the plane had crashed into the sea in the vicinity of latitude 30-23 North, longitude 122-53 with great impact, but that the possibility could not be ruled out.

The People's Republic of China announced attacking over Huang (se) Island a plane, presumed to be Chinese Nationalist, which had intruded over Ma-an Island. Both islands are part of the Choushan archipelago about 30 miles off the coast of Shanghai. The Chinese reported that the plane flew off in a southeasterly direction. A week or so later, the Chinese recovered two additional bodies, those of AT1 William F. Haskins and AT3 Jack A. Curtis, off the shore of Choushan Tao Island and returned them to the U.S. via the British Charge d' Affaires in Beijing. The remaining twelve crew members, including Lt. jg Deane, were held in a missing status for one year, and were presumed deceased August 31, 1957.

A Naval Court of Inquiry concluded that the plane was probably off course to the west due to a navigational error unavoidable because of weather conditions, topography of the local coast, and limitations on the plane's navigational capabilities imposed by the nature of the mission.

In 1992, the newly discovered and declassified files of Samuel Klaus, Office of the Legal Advisor, U.S. Department of State, brought to light many documents concerning similar incidents during the Korean and Cold Wars. Among these documents were a series of intelligence reports indicating that

1. Three survivors of the P4M were picked up in the water by a Chinese patrol boat Number 4 of the Chang-tu Island detachment of the Choushan Islands garrison, and were taken to a local hospital at Cheng-hai. One died, one was severely injured, and the other slightly injured. The rescue occurred approximately 35 minutes after the shoot down. The remains of three other bodies recovered were cremated on Chang-tu Shan Island, and believed sent to Chen-hai.

2. Subsequently on September 15 (or 1st), 1956 the two remaining survivors were admitted to Paoting (Baoding) Army Hospital's third ward (NR). Both were recovering. The one most severely injured was the taller of the two. Both had been questioned to a limited extent. Their presence at the hospital was a closely guarded secret, and the identities were not known. They were discharged November 26th, 1956 and transferred to Wan Ping, a small secret military prison in the Beijing area, where they were under surveillance of the Inspector General (Toku Satsucho).

3. The two prisoners were housed in the quarters of Tsai Mao, Chief of Public Information, Ministry of Social Welfare at WanPing prison, 40 kilometers south of Beijing. The taller one, described as the "crew leader" was identified by U.S. intelligence from the physical description (tall, not hairy, raised cheekbones, letter "J" on notebook, doesn't speak much, well-built, brown hair), as Lt. jg Deane. The shorter one was identified as either A02 Warren Edgar Caron or AT2 Leonard Strykowski.

4. On April 10, 1957 Lt. jg Deane was moved to the quarters of Ch'eng Lung, Assistant Chief of the Public Security Department in Peking (Beijing). A military hearing was held in April. Lt. jg Deane was reported in this last location as late as December 1957. The other prisoner remained at the quarters of Tsai Mao, and later was "employed" at the Sheng-Lung Corporation in Shanghai.

5. Although Klaus' file contain no later reports his conversation memos as late as April 1958 indicate that he was still receiving reports of survivors of the P4M but had poor cooperation from the CIA and Office of Naval Intelligence.

.....
Lt. jg Deane's remarried Widow, Dr. Beverly Deane Shaver, became aware of the P4M survivors in 1993, upon declassification of parts of the files of Samuel Klaus cited above. Numerous Freedom of Information Act requests were filed at many USG agencies seeking further information on the fate of Lt. jg Deane. One of the few documents released was a copy of the entire report of the Board of Inquiry conducted by the Navy in September, 1956. Despite the report including the early intelligence reports of survivors, the Board determined that all 16 members of the plane had died in the crash. Information was also sought at several times and routes from the People's Republic of China directly. The answer was always that they knew nothing of survivors and that the crew must have all died in the crash.

Dissatisfied with the efforts of the USG to provide any significant information, Dr. Shaver in April 1999 made a visit to the People's Republic of China. During an interview with the 1956 head of Chinese Air Defense through intermediaries, Dr. Shaver learned that:

- a) the name of the PRC pilot who shot down the P4M was Zhang Wen-yi. He was highly decorated for the shoot down and later became Chief of Staff of the PRC Air Force.. and is now retired in Guangzhou (telephone numbers available).
- b) The head of Chinese Air Defense during 1956 recalled with much detail the great celebration among the senior military because of the arrest of two of the plane's "pilots" or crewmen after the incident.. He does not, however, know the disposition of the two prisoners. The existence of the two survivors was highly classified, and known only to the top military echelon..

In April 2000, on a second visit to the PRC, the Chinese People's Association for Friendship with Foreign Countries informed Dr. Shaver that, according to the Foreign Ministry and the People's Liberation Army, all information on Lt. jg Deane was still "highly classified", "top secret", and involved the "national security of China". She was strongly advised her to give up her search. In addition, upon being reinterviewed, the 1956 head of Chinese Air Defense, after speaking with another military colleague by phone, decided that now he was "not sure about survivors".

March 2, 2005

013

TO: (b)(6)

FROM: Donald Rumsfeld *DR*

SUBJECT Talk to Jim Haynes

Please talk to Jim Haynes about the risk that I could be served at the house. We should talk to Joyce, the women who work there, the security and anyone else **who** goes in and out of the house, so they don't accept **anything**.

Thanks.

DHR:ss
030205-5

.....

Please respond by 3/5/05

2 MAR 05

-11/16
1/22

~~FOUO~~

NOV 17 2005

20122

TO: Steve Bucci
CC: Cathy Mairardi
FROM: Donald Rumsfeld *DR*
SUBJECT: Phone call to Donald Keough

Within the next 10 days, I would like to have a phone call with Donald Keough.
Please give me this memo back to talk to him about it.

Thanks.

Attach:
7/13/05 Keough lt to SecDef

DHR:ab
11/20/05 (75)

.....
Please respond by December 1, 2005

~~FOUO~~

113

17 NOV 05

OSD 23068-05

A-67-3

11-L-0559/OSD/54808

770-852-5050

2005 13:14 DONALD KEUGH 212 632 6875 P. 81

ALLEN & COMPANY
INCORPORATED

205 JUL 13 PM 1:32

DONALD R. KEUGH
CHAIRMAN OF THE BOARD

July 13, 2005

Secretary of Defense Donald Rumsfeld
The Pentagon
Washington, DC 20301-1188

Dear Mr. Secretary: *Don*

Each year Allen & Company hosts a conference in Sun Valley that attracts a rather remarkable group of executives and sponsors.

Included in the guest list are names like Rupert Murdoch, Sumner Redstone, Dick Parsons, Bill Gates, Warren Buffett, heads of all the motion pictures studios, a broad segment of America's creative and communications sector, along with leaders of major companies, and several key international figures.

This year, one of the speakers was the Prime Minister of Turkey, His Excellency Recep Tayyip Erdogan.

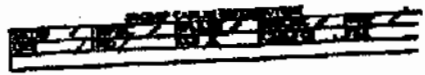
The Press is not invited, however, a few media types come as friends including Tom Friedman, Tom Brokaw, Dan Graham.

One Panel this year was entitled "In Harm's Way in Iraq and Afghanistan." The Panel was headed by retired General US Army, Montgomery Meigs. It involved the following panelists: LTC Robert E. Kelley (Deputy Commander, 5th Special Forces Group (Airborne) US Army, LTC Walter E. Platt Commander, 2nd Battalion, 27th Infantry Regiment, US Army, LTC James E. Rainey, Commander, 2-7 Cav., 1st Cavalry Division, US Army; LTC Jeffrey A. Sinclair, Commander, 1st Battalion, 18th Infantry, 1st Infantry Division, US Army.

These young Lieutenant colonels, each one a veteran of Afghanistan and/or Iraq activity, and each actively involved in the military, gave a

TH

11-5



OSD 13624-05

*How fast
Thru Col. on
Tunn Hall-*

11-L-0559/OSD/54809

A47-5

Page two

10 - 15 minute review of their activity. Each of them was clear, cogent, totally committed to our mission - each believing the American military is accomplishing that mission - each optimistic about Iraq's growing military ability to protect their own citizenry - each believing that the American people are getting the wrong information about our progress in both countries. I could write on - but - the audience, to a person, man or woman, was transfixed, newly informed, proud and really deeply moved. This "so-called, informed audience" had their views absolutely changed.

Mr. Secretary, the buzz of the entire meeting was "why can't we get this message delivered to the America people by folks like these wonderful young leaders of our military?" It might be worth a conversation.

With respect, always.

Sincerely,



ALLEN & COMPANY
INCORPORATED

11.14

A-67-6

~~FOUO~~

JUL 18 2005

801.22

TO: Steve Bucci

CC: Larry Di Rita
Cathy Mainardi

FROM: Donald Rumsfeld *DR*

SUBJECT: Phone Call with Don Keough

Please set up a conference call for Larry Di Rita and me to talk to Don Keough.
The subject of the call is outlined in the attached letter.

I will need a copy of the letter back to read before the phone call, and Larry will also need a copy.

Thanks.

Attach: 7/05/05 Don Keough Letter to SecDef

DR:as
07/18/05

.....

Please Respond By 08/05/05

Dr. Steven Bucci

~~FOUO~~

OSD 23069-05

18 JUL 05

A-67-4

11-L-0559/OSD/54811

770-852-5050

13:14 DONALD KEITH 212 USE 8875 P.88

ALLEN & COMPANY

INCORPORATED

711 FIFTH AVENUE, NEW YORK, N.Y. 10022 • (212) 486-0200

JUL 13 PM 1:32

DONALD R. KROGG
CHAIRMAN OF THE BOARD

July 13, 2005

Secretary of Defense Donald Rumsfeld
The Pentagon
Washington, DC 20301-1158

Dear Mr. Secretary: *Don*

Each year Allen & Company hosts a conference in Sun Valley that attracts a rather remarkable group of executives and spouses.

Included in the guest list are names like Rupert Murdoch, Sumner Redstone, Dick Farnco, Bill Gates, Warren Buffett, heads of all the motion pictures studios, a broad segment of America's creative and communications sector, along with leaders of major companies, and several key international figures.

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The Press is not invited, however, a few media types come as friends including Tom Friedman, Tom Brokaw, Don Graham.

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These young lieutenant colonels, each one a veteran of Afghanistan and/or Iraq activity, and each actively involved in the military, gave a



OSD 13624-05

*How get
How Col. on
Town Hall*

A-67-5

Page two

10 - 15 minute review of their activity. Each of them was clear, cogent, totally committed to our mission - each believing the American military is accomplishing that mission - each optimistic about Iraq's growing military ability to protect their own citizenry - each believing that the American people are getting the wrong information about our progress in both countries. I could write on - but - the audience, to a person, man or woman, was transfixed, newly informed, proud and really deeply moved. This "so-called, informed audience" had their views absolutely changed.

Mr. Secretary, the buzz of the entire meeting was "why can't we get this message delivered to the America people by folks like these wonderful young leaders of our military?" It might be worth a conversation.

With respect, always.

Sincerely,

Donald Keugh

ALLEN & COMPANY

11-14

A-67-6

1120
1320
1128
545

OFFICE OF THE
SECRETARY OF DEFENSE
2005 NOV 28 AM 11: 57

11/28

November 28, 2005, 10 a.m.

re →

For: Secretary of Defense
From: W.J. Haynes *WJ Haynes*
Subject: Ruth Wedgwood

- I have spoken **again** with Ruth about her continued wish to work for the President.
- In **late** June, she wrote you about a possible position with John Bolton at the UN, but that position is now filled.
- **She has** been very interested in working for Dr. **Rice** as the Ambassador-at-Large for War Crimes Issues. **Pierre Prosper**, the previous ambassador, resigned earlier this fall. (Note that Paul Butler **is** also interested in that **office**.)
- **Ruth is** also interested in one **of** the **Military** Department **General** Counsel jobs. (The Navy General Counsel will be leaving at the first of next year.) I will be sure that **Jim O'Beirne** has Ruth **on his** list of candidates.

OHIO STATE 28 NOV 05

RECOMMENDATION: That you write to Dr. Rice and Liza Wright (Presidential Personnel) to **recommend** Ruth for the position of Ambassador-at-Large for War Crimes Issues.

SPS 11/28

SECURE DECISIONS
APPROVED: _____
DISAPPROVED: _____
OTHER: _____

MA SD	11/28	SMA DSD	
TSA SD	11/28	SA DSD	
EXEC SEC	11/28 1450		
ESR MA	11/28 1303		

11-L-0559/OSD/54814

OSD 23074-05

S. Mack



THE SECRETARY OF DEFENSE
WASHINGTON

DEC 9 2005

Professor Ruth Wedgwood

(b)(6)

Dear Ruth,

I have talked to Condi and the White House about you, and about the possibility of the Prosper post. I sure hope it works out. I think you would be terrific at it!

If there is anything else I can do, do let me know.

Regards,

*040 STAFF
Dear*


8/1/05

OSD 23074-05

11-L-0559/OSD/54815

~~FOUO~~

December 01, 2005

TO The Honorable Dr Condoleezza Rice
FROM Donald Rumsfeld 
SUBJECT Ruth Wedgwood

Condi--

I hear you are looking for a new Ambassador-at-Large for War Crimes to replace Pierre Prosper. I think Ruth Wedgwood would be a good fit -- she's tough, smart and I would think well-qualified for the post. She has been an extraordinarily valuable voice supporting the Administration over the past five years, particularly in the media and academia circles.

Thanks.

DHR:db
113005-14

OSD 23356-05

~~FOUO~~

11-L-0559/OSD/54816

573...

~~FOUO~~

OFFICE OF THE
SECRETARY OF DEFENSE

2005 NOV 28 AM 11: 57

November 08, 2005

TO Jim Haynes
FROM Donald Rumsfeld *TR*
SUBJECT: Ruth Wedgwood

Please call and *check* with Ruth Wedgwood about the attached e-mail from June 2005 that I just came across.

I don't know to whom it is addressed. It indicates an interest in something at the UN. Whatever happened on that? If there is a way I can be helpful, I would be happy to do so.

Thanks.

Attach.
6/29/05 Wedgwood e-mail

DHR:dh
110705-39

.....
Please Respond By 12/01/05

11/30 *11/30*
Response attached.
dh

NO STATE

87205

~~FOUO~~

11-L-0559/OSD/54817

OSD 23074-05

Email from Ruth Wedgwood 6/28/05

~~Thanks for lending Mark Feldman to teach foreign affairs law at SAIS
he will be a great addition to the all-star adjuncts!~~

Meanwhile, wondering what is going to happen to John Bolton, who is so smart and tough (and yes, I still have a hankering to go inside). I assume John will get a recess appointment over this holiday. He has been so unfairly treated by the Senate.

Could I might burden your good graces, in that regard? It's not clear to me that Anne Patterson is doing to stay in the #2 slot at USUN (deputy perm rep).

And the #3 and #5 political slots at USUN (formerly Stu Holliday and Pat Kennedy) are currently standing vacant. #2 and #3 cover Security Council negotiations.

#5 does UN reform and management. There can be substantial W D equities in each.

Newt wrote a sweet note to Cheney, Rove, Condi and John, and Paul also wrote to Condi. But the real power in the world, I've concluded, lies in the White House Personnel Office, with its ever changing cast. If you have any beachheads there, I would be so very grateful for a Bronx cheer. I can send along a bio and list of Administration good deeds.

Regards, Ruth

6/30/05

11-L-0559/OSD/54818

FOUO

November 28, 2005

350.001 WH

TO: Marc Thiessen

CC: Stephen J. Hadley

FROM: Donald Rumsfeld *DR*

SUBJECT: Suggested Edits

I have attached my suggested edits to the speech for November 30. I have **tried** to take out **all** the instances where it says, "We did this," "We are doing that," and "our"-- we need to put the focus on the Iraqis. It is their country, and they have to take the lead.

It also comments on the training of the Iraqi Security Forces in the last year. Everything didn't **start** just in the last year. We have been training **them** for two and a half years, since combat operations ended. It is true that things have improved in the last year, but most everything **started** before that.

Marc, if you have any questions on any of this, please call me. I think this is really important.

Thanks.

Attach.

POTUS Remarks for November 30

DHR:dh
112905-37

.....

OSD 23076-05

28 Nov 05

FOUO

11-L-0559/OSD/54819

Remarks on the War on Terror
Wednesday, November 30, 2005
Draft #9

Thank you all for that warm welcome. It is good to be back ~~at~~ the United States Naval Academy. This is my third visit to Annapolis as President – and a lot has changed over the years. Before I spoke here in 2001, Navy football went 0 and 10. Last year, **you** went 10 and 2. It seems that whenever I visit to Annapolis, you end up visiting the White House to receive a Commander-in-Chief's trophy. This year, Navy **is** 6 and 4 ... you beat **Air Force** ... and in a few days you play Army. As Commander in Chief of *a//* the **Armed Forces**, I am not here to take sides – but for some reason, I do not think it is a coincidence that the Superintendent invited me to Annapolis today.

I have come to thank for your service to **our country** at a time when our country needs you. This is the first year that every Midshipman arrived at this Academy after the attacks of September 11, 2001. On that **terrible** day, **you** saw the future the terrorists intend **for us** – and decided it was up to you to stop them. I thank you for that courageous decision to serve. You have volunteered to wear the uniform in a time of war – knowing all the risks and dangers that accompany military service. Our citizens are grateful for your devotion to duty – and America is **proud of** the men and women of the United States Naval Academy.

Acknowledgments

- [TK]

Six months ago, I came here to address the graduating **class of 2005**. I spoke to them about the threats to our Nation, and the war on terror they were about to join. I told the class of 2005 that four years at this Academy had prepared them morally, mentally, and physically for the challenges ahead. And *now*, they are meeting **those** challenges **as** officers in the United **States** Navy and Marine Corps.

Some of your former classmates are training with **Navy SEAL** teams that will storm terrorist safe houses in lightning raids. Others **are** preparing to lead Marine rifle platoons that will hunt the enemy in the mountains of Afghanistan and the streets of Iraqi cities. Others are training as Naval

Note - I recommend
avoiding the word "insurgent" - The
sounds to legitimize the
terrorists - Are they
Iraqis

aviators who will fly combat missions over the skies of Afghanistan and Iraq. Still others are training as sailors and submariners who will deliver the combat power of the United States to the farthest regions of the world - and compassionate assistance to those suffering from natural disasters. Whatever their chosen mission, every graduate of the class of 2005 is bringing honor to the uniform - and helping to bring us victory in the war on terror.

In the years ahead, you will join them in the fight. Your service is needed in this time of danger for America and the world. We are fighting the terrorists across the world. Yet the terrorists have made dear - in videos, and audiotapes, and letters and declarations - that Iraq is the central front in their war against humanity. **And so we must recognize Iraq as the central front in the war on terror.**

The elements that are opposing the legitimate government of Iraq.

As we fight the enemy in Iraq, every man and woman who volunteers to defend our Nation deserves an unwavering commitment to the mission - and a clear strategy for victory. A clear strategy begins with a clear understanding of the enemy we face. The enemy in Iraq is a combination of Sunni rejectionists, former regime loyalists, and terrorists. The Sunni rejectionists are by far the largest group. **These are ordinary Iraqis who miss the privileged status Sunnis had under the regime of Saddam Hussein - and they reject an Iraq in which Sunnis are no longer the dominant group. Not all Sunnis fall into the rejectionist camp. Of those that do, most are not actively fighting us - but they give aid and comfort the insurgency. Many boycotted the January elections - yet as democracy takes hold in Iraq, many are beginning to recognize that opting out of the democratic process has hurt their interests. Today, those who advocate violent opposition are being increasingly isolated by Sunnis who choose peaceful participation in the democratic process. We believe that, over time, many more in this group will be persuaded to support a democratic Iraq led by a federal government that is strong enough to protect minority rights.**

The second group is smaller, but more determined. It is made up of former regime loyalists who held positions of power under Saddam Hussein - and who still harbor dreams of returning to power. These hard-core Ba'athists are fomenting anti-democratic sentiment among the larger Sunni community, and they will never be won over to support a free Iraq. Yet **they cannot stop Iraq's democratic progress - and over time, they can be neutralized and defeated by the security forces of a free Iraq.**

Iraqi people and the

Note: The most dangerous are the Sunnis who could tear the country apart!

(b)(6)

The third group is the smallest, but ~~by far~~ the most dangerous: the terrorists affiliated with or inspired by al-Qaida. Many are foreigners who are coming to fight freedom's progress in Iraq. This group includes terrorists from Saudi Arabia, Syria, Iran, Egypt, Sudan, Yemen, Libya, and other countries — and our commanders believe they are responsible for most of the suicide bombings, beheadings, and others atrocities we see on television. They are led by a brutal terrorist named Zarqawi — al-Qaida's chief of operations in Iraq — who has pledged his allegiance to Osama bin Laden. Their objective is to drive U.S. and Coalition forces out of Iraq, and use the vacuum ~~that~~ would be created by an American retreat to gain control of that country. They would then use Iraq as a base from which to launch attacks against America, overthrow moderate governments in the ~~region~~ ^{middle east}, and try to establish a radical Islamic empire that reaches from Indonesia to Spain. This is the same enemy that struck the United States on September 11... blew up commuters in London and Madrid ... murdered tourists in Bali ... workers in Riyadh ... and guests at a wedding in Amman, Jordan. And just last week, they massacred Iraqi children and their parents at a toy giveaway outside an Iraqi hospital. This is an enemy without conscience — and they cannot be appeased. If we were not fighting and destroying this enemy in Iraq, they would not be idle. They would be plotting and killing Americans across the world and within our ~~own~~ borders. By fighting these terrorists in Iraq, Americans in uniform are defeating a direct threat to the American people. Against this adversary, there is only one effective response: We will never back down. We will never give in. And we will never accept anything less than ~~complete~~ victory.

To achieve victory over such enemies, we *are* pursuing a comprehensive strategy in Iraq to defeat the terrorists and neutralize others who are working to stop the rise of a democratic Iraq. Many details of our strategy and tactics are classified, and for good reason: We do not want our adversaries to learn the details of how we will defeat them. Yet Americans should have a clear understanding of our strategy in Iraq — how we look at the war, how we see the enemy, how we define victory, and what we are doing to achieve it. So today, I am releasing an undclassified document called the "National Strategy for Victory in Iraq." This strategy document is posted on the White House website — whitehouse.gov — and I urge all Americans to read it.

"Our strategy for Iraq has three elements. On ~~the~~ political side, we

are *ing* *We will help them.* *The Coalition and the Iraqi Security Forces*

~~are helping~~ the Iraqis build ~~inclusive~~ democratic institutions that will protect the interests of all Iraqis. ~~We are working with the Iraqis to engage those who can be persuaded to join the new Iraq - and to marginalize those who never will.~~ On the security side, ~~we are~~ on the offensive against the enemy - clearing out areas controlled by the terrorists and their Ba'athist allies. And we are working to build capable and effective Iraqi security forces, so they can hold territory taken from the enemy, and can take responsibility for the safety and security of their citizens without major foreign assistance. And on the economic side, we are helping the Iraqis rebuild their infrastructure ... reform their economy ... and build the prosperity that will give all Iraqis a stake in a *free* and peaceful Iraq.

Today, I want to speak in depth about one aspect of this strategy that will be critical to our victory in Iraq: the training of the Iraqi Security Forces. Our strategy in Iraq is based on a clear premise: Breaking the back of the terrorists and neutralizing the Ba'athists and rejectionists requires a strong Iraqi military and police. Iraqi troops bring knowledge and capabilities to the fight that Coalition forces cannot. Iraqis know their people, they know their language, they know their culture - and they know who the terrorists are. Iraqi forces have the trust of their countrymen - who are willing to help them in the fight against the enemy. As the Iraqi forces grow in number, they are helping us to keep a better hold on the cities we have taken from the enemy. ~~And as the Iraqi forces grow more capable, they are increasingly taking the lead in the fight against the terrorists.~~ Our goal is to train enough Iraqi forces so they can carry the fight on their own - and this will take time and patience. And it is worth the time, and it is worth the effort - because Iraqis and Americans share a common enemy ... and when that enemy is defeated in Iraq, Americans will be safer at home.

and equipment

The training of the Iraqi Security Forces is an enormous task, ~~and it has not always gone smoothly.~~ Yet these forces have made real progress. At this time last year, there were only a handful of Iraqi battalions ready for combat. Now, there are 123 Iraqi Army and Police battalions in the fight against the terrorists - each comprised of between 350 and 800 Iraqi forces. Of these, 81 Iraqi battalions are fighting side-by-side with Coalition forces, and 42 others are taking the lead in the fight. Many of these 42 battalions are controlling their own battle space, and conducting their own operations against the terrorists - and they are helping us turn the tide of this struggle in freedom's favor.

to

The progress of the Iraqi forces is especially vivid when ~~the~~ recent anti-terrorist operations in Tal Afar ~~are~~ compared ~~with~~ last year's assault in Fallujah. In Fallujah, the assault was led by nine Coalition battalions made up primarily of United States Marines and Army— with six Iraqi battalions supporting them. In many situations, the Iraqi role was limited to protecting the flanks of Coalition forces, and securing ground that had already been cleared by our troops. This year in Tal Afar, it was a very different story. The assault was primarily led by the Iraqi Security Forces. Eleven Iraqi battalions went into battle against the terrorists, backed by five Coalition battalions providing support. Many Iraqis units conducted their own aggressive anti-terrorist operations, and controlled their own baffle space — hunting for enemy fighters and securing neighborhoods block-by-block. We followed up these efforts by working with the Iraqi government to ensure that Iraqi forces were able to maintain law and order. We worked with local leaders to improve infrastructure and create jobs and provide hope. As a result, the people of Tal Afar are safer, and their city is moving ahead with vital reconstruction.

One of the Iraqi soldiers who fought in Tal Afar was a private named Tarek Hazem. This brave Iraqi fighter says: "We were not afraid. We are here to protect our country. All we feel is motivated to kill the terrorists." Iraqi forces not only cleared the city, they held it. And because of their courage, the citizens of Tal Afar were able to vote in October's Constitutional referendum without terrorist intimidation.

As Iraqi forces take the lead in the fight ^{against} ~~with~~ the terrorists, they are also taking control of more and more Iraqi territory. At this moment, [33] Iraqi Army battalions have assumed control of their own areas of responsibility. In Baghdad, 13 Iraqi battalions have taken over major sectors ~~of~~ the capital — including some of the ~~city's~~ toughest neighborhoods. In April, the highway leading to the Baghdad airport was one of the most dangerous roads in the world — with dozens killed and injured in terrorist ambushes. Then an Iraqi mechanized police brigade began patrolling the road 24 hours a day, seven days a week — and transformed it into one ~~of~~ the safest routes in Iraq. Earlier this year, the area around Baghdad's Haifa ~~Street~~ was so thick with terrorists that it earned the nickname 'Purple ~~Heart~~ Boulevard.' Iraqi forces took responsibility for this dangerous ~~neighborhood~~ — and now attacks are down by 80 percent.

safest

Today, Iraqi forces control Haifa street, the airport road, and roughly [ninety square miles] of Baghdad province - about [half] of the area in and around the Iraqi capital. And they are making similar strides in other parts of Iraq. Eight Iraqi battalions have taken over responsibility for areas in South-Central Iraq ... three battalions have taken control of sectors of Southeast Iraq ... four battalions have taken control of sectors in Western Iraq ... and three are in control of sectors in North-Central Iraq. As Iraqi forces take responsibility for more of their own territory, Coalition forces are free to move elsewhere in Iraq - so they can hunt down high-value targets like the terrorist Zarqawi and his associates.

territory
responsibility

of the debrap in - determine
of the Iraqi villages.

As our Coalition hands over more and more territory to Iraqi Forces, we are also transferring forward operating bases to Iraqi control. Already, [17] bases in Iraq have been handed over to the Iraqi government - including Saddam Hussein's palace in Tikrit, which has served as the Coalition headquarters in one of Iraq's most dangerous regions. [In the next few months, our Coalition will hand over three more bases.] From many of these independent bases, the Iraqi Security Forces are planning and executing operations against the terrorists - and bringing security and pride to the Iraqi people.

began the process of creating

This progress by the Iraqi Security Forces has come, in part, because we learned from our earlier experiences and made changes in the way we train Iraqi troops. When our Coalition first arrived, we created an Iraqi Army to defend the country from external threats, and an Iraqi Civil Defense Corps to help provide the security within Iraq's borders. The civil defense forces were no match for an enemy armed with machine guns, rocket-propelled grenades, and mortars. So we changed our approach at

17/10

adjusted,
change

Iraq's leaders moved the civil defense forces into the Iraqi Army ... changed the way we trained them ... and focused the Army's mission on defeating those fighting against a free Iraq. Now, all Iraqi Army recruits receive about the same length of basic training as new recruits in the U.S. Army - a five-week core course, followed by an additional three-to-seven weeks of specialized training. Together we have established branch schools for the Iraqi military services ... an Iraqi Military Academy ... a non-commissioned officer academy ... a military police school ... and a bomb disposal school - and NATO has established an Iraqi Joint Staff College. We have also increased our focus on leadership training - with professional development courses for Iraqi squad leaders, platoon sergeants, warrant officers, and sergeants-major. We are training a new

The Iraqi's
with our
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↳ whole internal or external
The Coalition has

are being trained
generation of Iraqi officers, who will lead their forces with skill - so they can defeat the terrorists and secure their freedom.

was adjusted -

Similar changes have taken place in the training of the Iraqi police. When our Coalition first arrived, Iraqi police recruits spent seventy-five percent of their training time in classroom lectures - and they received limited training in the use of ^{weapons} ~~hand guns~~. These exercises did not adequately prepare them for what they would face. So we changed the way the Iraqi police are trained. Now, police recruits spend ~~much~~ more of their time outside the classroom - with intensive hands-on training in anti-terrorism operations and real-world survival skills. Iraq now has five police academies, and one in Jordan, that together produce over 3,500 new police officers every ten weeks. The Baghdad police academy has ~~a model roadblock, an IED alley, and other~~ simulation models where Iraqi police can prepare for situations they will experience in the field. And because Iraqi police are not just facing common criminals, they are getting live-fire training with the AK-47s they need to fight the terrorists.

Why tell the enemy

As more and more skilled Iraqi Security Forces come online, ^{there} we have been able to ~~make another~~ important change in the way new Iraqi recruits are trained. When ~~the~~ training effort began, nearly all the trainers came from Coalition countries. Today, the vast majority of Iraqi police and army recruits are being taught by Iraqi instructors. By training the trainers, ~~we are creating~~ an institutional capability that will allow the Iraqi forces to continue to develop and grow long after Coalition forces have left Iraq.

the CIS being created

As ~~our~~ training has improved, so has the quality of the recruits being trained. Even though the terrorists are targeting Iraqi police and army recruits, there is no shortage of Iraqis who want to serve their nation in uniform. And as more and more step forward to join the security forces of a free Iraq, admission to the training academies has become increasingly competitive. The Iraqis have established a rigorous vetting process - and these high standards mean they now reject, on average, about one-quarter of Iraqi police recruits. ~~When we began, the training program was focused on generating new Iraqi forces quickly. Now, we are working together to~~ ^{the} prepare Iraqi forces to take the lead in the fight with the terrorists.

Are being prepared

As the Iraqi Security Forces become ^{increasingly experienced and more} ~~more~~ capable, we are also encouraging disaffected Sunnis to join the new Iraq - by encouraging more Sunnis to join the Iraqi army and police. These efforts were given a

In the beginning, 7 - are being encouraged

significant boost earlier this year, when more than sixty influential Sunni clerics issued a fatwa calling on young Sunnis to join the Iraqi Army and police, quote "for the sake of preserving the souls, property and honor" of the Iraqi people. By encouraging more Sunnis to join the Iraqi Security Forces instead of fighting against them, these religious leaders are helping bring peace and stability to Iraq. It is vital that Iraqis see their security forces as a truly national institution - one that is ~~ready to serve, protect,~~ ^{able} and defend all the Iraqi people.

Some critics dismiss this progress - and point to the fact that only one Iraqi battalion has met the very high standard of complete independence from the Coalition. Reaching this level of complete independence is ~~extremely~~ difficult - in fact, it is a standard that ~~some~~ battalions from NATO militaries would not be able to meet. To meet the standard of complete independence, an Iraqi battalion must do more than fight the terrorists on its own - it must also have the ability to provide ~~its~~ own support elements, including logistics, airlift, intelligence, and command and control ~~through their~~ ^{supplies} ~~missions.~~ ^{has been established}

^{with the} We are helping more Iraqi units reach the highest levels of readiness, by helping Iraqis build the institutions they need to support their own forces. For example, ~~we have established a national depot north of Baghdad that is responsible for supplying the logistical needs of ten divisions of the Iraqi Army. We have created regional support units and base support units across the country whose mission it is to supply their own war fighters. We~~ ^{have been trained} ~~have trained 650 Iraqi medics, built 10 new military clinics, and established a Medical Officer Basic Course help teach Iraqis how to treat their soldiers wounded in battle. Iraqis now have a small but capable Air Force, that recently conducted its first combat airlift operations - bringing Iraqi troops to the front in Tal Afar. The new Iraqi Navy is now protecting the vital ports of Basra and Umm Qasr. We have established an Iraqi Army Support and Services Institute to train Iraqi medics, mechanics, and supply personnel. We have established an Iraqi Military Intelligence School to produce skilled Iraqi Intelligence analysts and collectors. Our focus is on developing institutions that will last when Coalition forces have gone home. And by taking these steps, we are helping the Iraqi Security Forces become self-supporting - so they can bring the fight to the enemy ... and sustain themselves in that fight.~~ ^{have been created} ^{with} ^{the} ^{has been established}

^{has been established} Over ~~the~~ past two and a half years, we have faced ~~some~~ setbacks in

the war had not started one year ago

the face of a brutal enemy – and the capabilities of the Iraqi Security Forces are still uneven. Some are better trained than others. Yet many have made real gains ~~over the past year~~ – and Iraqi soldiers take pride in their progress. An Iraqi First Lieutenant named Shoqut describes the transformation of his unit this way: "I really think we've turned the corner here. At first, the whole country didn't take us seriously... Now things are different. Our guys are hungry to demonstrate their skill and show the world."

Our troops in Iraq see the progress. Lieutenant Colonel Todd Wood of Richmond Hill, Georgia, is training Iraqi forces in Saddam Hussein's hometown of Tikrit. He says this about the Iraqi units he is working with: "They're pretty much ready to go it on their own ... What they're doing now would have been impossible a year ago These guys are patriots, willing to go out knowing the insurgents would like nothing better than to kill them and their families ... They're getting better, and they'll keep getting better."

Our Commanders on the ground see the progress. General Marty Dempsey is the commander of the Multinational Security Transition Command. Here is what he says this about the transformation of the Iraqi Security Forces: "It's beyond description.... They are far better equipped, far better trained" than they were, ~~one year ago~~. The Iraqis, General Dempsey says, are "increasingly in control of their future and their own security ... the Iraqi security forces are regaining control of the country."

lack of experience above

Standing up capable Iraqi Security Forces has taken considerable time and patience – and more time and patience will be required. I vividly recall the reports of Iraqi Security Forces ~~running from the fight more than a~~ year ago. Now, many are taking the lead in the fight. The facts in Iraq are clear: Every month, every week, every day, the Iraqi Security Forces are assuming more and more responsibility for the security of their country. As the Iraqi Security Forces stand up, their confidence is growing – and they are taking on tougher and more important missions on their own. As the Iraqi Security Forces stand up, the confidence of Iraqi civilians is growing – and more Iraqis are providing vital intelligence needed to track down the terrorists. And as the Iraqi Security Forces stand up, Coalition forces can stand down – and when the mission of defeating the terrorists in Iraq is complete, our troops will return with pride to a grateful Nation.

leaving a

Note: It will take time for the people to believe in the coalition

This is a goal our Iraqi allies share. An Iraqi Army Sergeant named

He 9 *people*

up from 137,000

continue to

Abbass Abdul Jabar puts it this way: "We have to help the coalition forces as much as we can to give them a chance to go home. These guys have been helping us. [Now] we have to protect our families." America will help the Iraqis so they can protect their families and secure their free nation. We will stay as long as necessary to complete the mission. If our military leaders tell me we need more troops, I will send them. For example, we have increased our force levels in Iraq to [158,000] in preparation for the December elections. Yet my commanders tell me that as Iraqi forces become more capable, the mission of our forces in Iraq will steadily continue to change: We will shift from providing security and conducting operations against the enemy nationwide, to conducting more specialized operations targeted at the most dangerous terrorists. And as we make this shift, our troop levels in Iraq will decrease. Over the next year, as the Iraqi Security Forces gain experience and the political process advances, we expect to begin to lower the number of our forces in Iraq [significantly.] But these decisions will be driven by the conditions on the ground in Iraq and the good judgment of our commanders - not by artificial timetables set by politicians in Washington.

when

Coalition be able to

Training the Iraqi Security Forces is a critical element of our strategy. And as we train Iraqis to take more responsibility in the battle with the terrorists, we are also helping them build a democracy that is worthy of their sacrifice. Iraqis are fighting bravely because they are fighting for something worthwhile: the free future of their country. And in just over two and-a-half years, they have made incredible progress on the road to lasting freedom. Iraqis have gone from living under the boot of a brutal tyrant ... to liberation ... free elections ... and a democratic constitution - and in 15 days they will go to the polls to elect a fully constitutional government that will lead them for the next four years. With each ballot cast, the people of Iraq have sent a clear message to the terrorists: Iraqis will not be intimidated. The Iraqi people will determine the destiny of their country. The future of Iraq belongs to freedom.

consequently

Iraqis are moving forward to build a free society - despite the costs, the pain, and the danger. And as Iraqis establish a lasting democracy in the heart of the Middle East, the United States of America will help them succeed. In the weeks ahead, I will be discussing our strategy to help Iraqis build stable, democratic government that brings all of its people into the political process - and gives every citizen of Iraq a stake in the future of their democracy.

~~Some of our critics~~ ^{there is} continue to assert that ~~we have~~ no plan in Iraq except to, quote, 'stay the course.' If by "stay the course" they mean we will not allow the terrorists to break our will, they are **right**. If by "stay the course," they mean we will not permit al-Qaida to turn Iraq into what Afghanistan was under the Taliban: a safe haven for terrorism and a launching pad for attacks on America – they are right as well. But if by "stay the course" they mean that we are not learning from ~~our experiences~~, or adjusting our strategy to meet the challenges on the ground, then they are flat wrong. As our top commander in Iraq, General Casey, has said, "Our commanders on the ground are continuously adapting and adjusting, not only to what the enemy does, but also to **try** to outthink the enemy and get ahead of ~~him~~." Our strategy in Iraq is flexible and dynamic ... we have changed it ~~when~~ conditions required ... and It is bringing us victory against a brutal enemy!

Victory in Iraq will demand the continued determination and resolve of the American people. It will also demand the strength and personal courage ~~of~~ the men and women who wear our Nation's uniform. And as the future officers of the United States Navy and Marine Corps, you are preparing to join this fight. You do so at a time when there is a vigorous debate about the war in Iraq. I know that for our men and women in uniform, this debate can be unseffling – when you are risking your life to accomplish a mission, the last thing you want is to hear that mission being questioned in our Nation's capital. I want you to know that while there may be a lot of heated rhetoric in Washington, D.C., one thing is not in dispute: The American people stand behind you. And we should not fear the debate in Washington. It is one of the great strengths of our democracy that we can discuss our differences openly and honestly – even at times of war. Your service makes that freedom possible – and today, because of **the** men and women in our military, people are expressing their opinions freely in the streets of Baghdad as well.

Most Americans want ~~two things~~ in Iraq: They want to see our troops prevail – and they want to see them home **as soon** as possible. These are my goals as well. In World War II, victory came when the Empire of Japan surrendered on the deck ~~of~~ the USS Missouri. In Iraq, there will not be a signing ceremony on the deck of a battleship. Victory will **come** when the terrorists and Ba'athists can no longer **threaten** the stability of Iraq ... **when** the Iraqi Security Forces can provide for the safety ~~of~~ their own citizens ...

America's exit strategy is not to quit and turn over Iraq to the terrorists and put the American people at risk.

and when Iraq is a working democracy and not a safe haven for terrorists who target our Nation. America will leave Iraq – but America will not abandon Iraq. And when our troops come home, they will leave behind a free Iraq nation that will add to the stability of the Middle East and the security of the American people.

Some are calling for a more precipitous withdrawal. Many advocating an artificial timetable for withdrawing our troops are sincere – but I believe they are sincerely wrong. Pulling our troops out before they have achieved their purpose is not a plan for victory. As Democratic Senator Joseph Lieberman said recently, setting an artificial timetable would 'discourage our troops because it seems to be heading for the door. It will encourage the terrorists, and it will confuse the Iraqi people.' Senator Lieberman is right. Setting an artificial deadline to withdraw would send the message across the world that America is a weak and unreliable ally. Setting an artificial deadline to withdraw would send a signal to our enemies – that if they wait long enough, America will cut and run and abandon its friends. And setting an artificial deadline to withdraw would vindicate the terrorists' tactics of beheadings, suicide bombings, and mass murder – and invite new attacks on America. To all who wear the uniform, I make this pledge: America will not run in the face of car bombers and assassins so long as I am your Commander in Chief.

There is only one way to ensure the security of our own citizens – and that is to spread the hope of freedom across the broader Middle East. And that effort begins ensuring the success of a free Iraq. You and I know the stakes in Iraq. Freedom's victory in that country will inspire democratic reformers from Damascus to Tehran ... spread hope across a troubled region ... and help lift a terrible threat from the lives of our children and grandchildren. By strengthening Iraqi democracy, we will gain a partner in the cause of peace and moderation in the Muslim world.

This is a difficult mission – and before it is accomplished, there will more tough days ahead. A time of war is a time of sacrifice – and we have lost some very good men and women in the war on terror. Many of you know comrades and classmates who left our shores to defend freedom and did not live to make the journey home. We pray for the military families who mourn the loss of loved ones. We hold them in our hearts – and we honor the memory of every fallen soldier, sailor, airman, [Coast Guardsman], and Marine.

One of those fallen heroes is a Marine Corporal named Jeff Starr, who was killed fighting the terrorists in Ramadi earlier this year. After he died, a letter was found on his laptop computer. Here is what he wrote: "[I]f you are reading this, then I have died in Iraq I don't regret going. Everybody dies, but few get to do it for something as important as freedom. It may seem confusing why we are in Iraq, it's not to me. I'm here helping *these* people, so *that they can live the way we live*. Not [to] have to *worry* about tyrants or vicious dictators... . Others have died for my freedom, now this is my mark."

There is no other way.

There is only one way to honor the sacrifice of Corporal Starr and his fallen comrades – and that is to take up their mantle, carry on their fight, and complete their mission. Our Nation will uphold the cause for which these brave Americans gave their lives. We will take the fight to the terrorists. We will help the Iraqi people lay foundations of a strong democracy that can govern itself, sustain itself, and defend itself. And by laying the foundations of freedom in Iraq, we will lay the foundation of *safety and* peace for our children and grandchildren.

You are the ones who will help accomplish all of this. Our freedom and way of life are in your hands – and they are in the best of hands. Thank you for your service in the cause of freedom. Thank you for wearing the uniform. God bless you. And may God bless the United States of America.

Drafted by Marc Thiessen, Chris Michel, and Bill McGurn, Office of Speechwriting
Offices: 202/456-2170, 202/456-5880, and 202/456-2553
Cell: 202/494-9952, 202/496-9403, and 202/441-1671

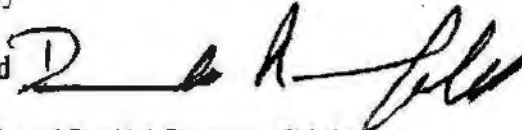
FOUO

November 29, 2005

IRAQ

TO: President George W. Bush
CC: Vice President Richard B. Cheney
The Honorable Dr. Condoleezza Rice
Stephen J. Hadley

FROM: Donald Rumsfeld



SUBJECT The "Clear, Hold and Build Bumper Sticker"

Mr. President,

I continue to be concerned about the use of the "Clear, hold **and** build " bumper sticker. When McCain and people of his view use it, they mean the US should clear, hold, and build.

That is not what we **are** doing, ~~nor~~ is it what we want to do. Rather, we are working with Iraqi Security Forces so they can "clear," so that they can "hold," and I **am** of the view that Congress is not going to appropriate any more money for the US to "build." Iraq has oil money, and they will have to rebuild themselves over time. They **are** charging pennies for a gallon of gasoline. How could we explain that to Americans if we were to ask Congress for still more money to help Iraq rebuild its country?

I hope this bumper sticker will be reconsidered and dropped before the Iraq Strategy paper goes out on Wednesday.

In the edits I sent over to Steve Hadley I have left the words **in** the document because of our prior discussions, but I --throughout-- have tried to shift the language so it is clear it will **not** be the US doing those things, but the Iraqis doings those things.

29 NOV 05

FOUO

OSD 23124-05

11-L-0559/OSD/54833

~~FOUO~~

However, I ~~am~~ afraid that that won't be good enough, given the echo chamber that that phrase already has developed. I ~~am~~ convinced the public will not see it as the Iraqis doing those things, but will see them as US. activities. And that's not ~~our~~ strategy, it's not what we are doing, and I don't think it is what we ought to be doing. Generals Pace, Abizaid and Casey all agree.

Respectfully,

DHR:sl
112805-63

~~FOUO~~

11-L-0559/OSD/54834

~~FOUO~~

2005 FEB 23

February 23, 2005

TO: Paul Wolfowitz
CC: Gen Dick Myers
Doug Feith
VAJDM Jim Stavridis
FROM: Donald Rumsfeld *DR*
SUBJECT: Kuwait Fuel Prices issue

Please take over the Kuwait fuel prices issue completely - I am out of it.

Thanks.

Dates
011305-6

.....
Please respond by 3/10/05

~~FOUO~~

080 23177-05

11-L-0559/OSD/54835

~~FOUO~~

NOV 29 2005

UK

TO: Karen Hughes
FROM: Donald Rumsfeld *DR*
SUBJECT: Prime Minister Blair's Speech to Congress

I don't know if you were around when Prime Minister Blair made this speech to Congress, but I thought it was a particularly interesting one. It may have some relevance for your work.

I hope things are going well for you.

Best wishes for the holiday season,

Attach Prime Minister Blair's speech to the Joint Session of Congress

DHR:js
112303-14

OSD 23195-05

29 NOV 05

~~FOUO~~

11-L-0559/OSD/54836

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Transcript of Blair's speech to Congress

Thursday, July 17, 2003 Posted: 9:44 PM EDT (0144 GMT)

WASHINGTON (CNN) -- Britain's Prime Minister Tony Blair addressed a joint meeting of the U.S. Congress on Thursday, July 17, 2003. Here is a transcript of his speech.

Mr. Speaker and Mr. Vice President, honorable members of Congress. I'm deeply touched by that warm and generous welcome. That's more than I deserve and more than I'm used to, quite frankly.

And let me begin by thanking you most sincerely for voting to award me the Congressional Gold Medal. But you, like me, know who the real heroes are: those brave service men and women, yours and ours, who fought the war and risk their lives still.

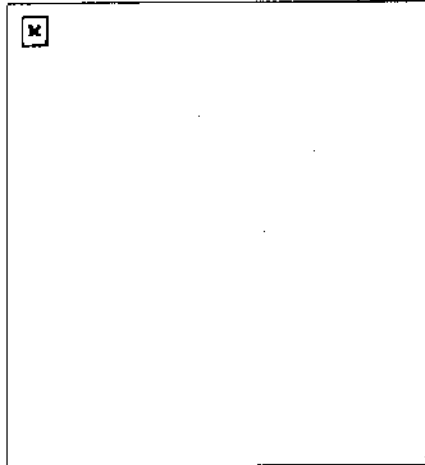
And our tribute to them should be measured in this way, by showing them and their families that they did not strive or die in vain, but that through their sacrifice future generations can live in greater peace, prosperity and hope.

Let me also express my gratitude to President Bush. Through the troubled times since September the 11th changed our world, we have been allies and friends. Thank you, Mr. President, for your leadership.

Mr. Speaker, sir, my thrill on receiving this award was only a little diminished on being told that the first Congressional Gold Medal was awarded to George Washington for what Congress called his "Wise and spirited conduct" in getting rid of the British out of Boston.

On our way down here, Senator Frist was kind enough to show me the fireplace where, in 1814, the British had burnt the Congress Library. I know this is, kind of, late, but sorry.

Actually, you know, my middle son was studying 18th century history and the American War of Independence, and he said to me the other day, "You know, Lord North, Dad, he was the British prime minister who lost us America. So just think, however many mistakes you'll make, you'll never make one that bad."



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Members of Congress, I feel a most urgent sense of mission about today's world.

September 11 was not an isolated event, but a tragic prologue, Iraq another act, and many further struggles will be set upon this stage before it's over.

There never has been a time when the power of America was so **necessary** or so **misunderstood**, or when, except in the most general sense, a study of history provides so little instruction for our present day.

We were all reared on baffles between great **warriors**, between great nations, between powerful forces and ideologies that dominated entire continents. And these were struggles for conquest, for land, or money, and the wars were fought by massed armies. And the leaders were openly acknowledged, the outcomes decisive.

Today, none of us expect our soldiers to fight a war on our own territory. The immediate threat is not **conflict** between the world's most powerful nations.

And why? Because we all have too much to lose. Because technology, communication, trade and travel **are** bringing us ever closer together. Because in the last 50 years, countries like yours and mine have tripled their growth and standard of living. Because even those powers like Russia or China or India can see the horizon, the future wealth, clearly and know they are on a steady mad toward it. And because all nations that are free value that freedom, will defend it absolutely, but have no wish to **trample** on the freedom of others.

We are bound together as never before. And this coming together **provides** us with unprecedented opportunity but also makes us uniquely vulnerable.

And the threat **comes** because in another part of our globe there is shadow and darkness, where not all the world is free, where many millions suffer under brutal dictatorship, where a third of our planet lives in a poverty **beyond anything** even the poorest in our **societies** can imagine, and where a **fanatical** strain of religious extremism has arisen, that is a mutation of the true and peaceful faith of Islam.

And because in the combination of these **afflictions** a new and deadly virus has emerged. The virus is terrorism whose intent to inflict **destruction** is unconstrained by human feeling and whose capacity to inflict it is enlarged by technology.

This is a battle that **can't** be fought or won only by armies. We are so much more powerful in all conventional ways than the terrorists, yet we in all our might, we are taught humility.

In the end, it is not our power alone that will defeat this evil. Our ultimate **weapon** is not our guns, but our beliefs.

There is a **myth** that though we **love** freedom, **others don't**; that our attachment to freedom is a product of our **culture**; that freedom, democracy, human rights, the rule of law are American values, or Western values; that Afghan women were content under the lash of the Taliban; that **Saddam** was somehow beloved by his people; that Milosevic was Serbia's savior.

Members of Congress, ours are not Western values, they are the universal values of the human spirit. And anywhere...

Anywhere, anytime ordinary people are given the chance to choose, the choice is the **same**: freedom, not tyranny; democracy, not dictatorship; the rule of law, not the rule of the secret police.

The spread of freedom is the best security for the free. It is our last line of **defense** and our first line of **attack**. And just as the terrorist seeks to **divide** humanity in hate,

so we have to unify it around an idea. And that idea is liberty.

We must find the strength to fight for this idea and the compassion to make it universal.

Abraham Lincoln said, "Those that deny freedom to others deserve it not for themselves."

And it is this sense of justice that makes moral the love of liberty.

In some cases where our security is under direct threat, we will have recourse to arms. In others, it will be by force of reason. But in all cases, to the same end that the liberty we seek is not for some but for all, for that is the only true path to victory in this struggle.

But first we must explain the danger.

Our new world rests on order. The danger is disorder. And in today's world, it can now spread like contagion.

The terrorists and the states that support them don't have large armies or precision weapons; they don't need them. Their weapon is chaos.

The purpose of terrorism is not the single act of wanton destruction. It is the reaction it seeks to provoke: economic collapse, the backlash, the hatred, the division, the elimination of tolerance, until societies cease to reconcile their differences and become defined by them. Kashmir, the Middle East, Chechnya, Indonesia, Africa—barely a continent or nation is unscathed.

The risk is that terrorism and states developing weapons of mass destruction come together. And when people say, "That risk is fanciful," I say we know the Taliban supported Al Qaida. We know Iraq under Saddam gave haven to and supported terrorists. We know there are states in the Middle East now actively funding and helping people, who regard it as God's will in the act of suicide to take as many innocent lives with them on their way to God's judgment.

Some of these states are desperately trying to acquire nuclear weapons. We know that companies and individuals with expertise sell it to the highest bidder, and we know that at least one state, North Korea, lets its people starve while spending billions of dollars on developing nuclear weapons and exporting the technology abroad.

This isn't fantasy, it is 21st-century reality, and it confronts us now.

Can we be sure that terrorism and weapons of mass destruction will join together? Let us say one thing: If we are wrong, we will have destroyed a threat that at its least is responsible for inhuman carnage and suffering. That is something I am confident history will forgive.

But if our critics are wrong, if we are right, as I believe with every fiber of instinct and conviction I have that we are, and we do not act, then we will have hesitated in the face of this menace when we should have given leadership. That is something history will not forgive.

But precisely because the threat is new, it isn't obvious. It turns upside-down our concepts of how we should act and when, and it crosses the frontiers of many nations. So just as it redefines our notions of security, so it must refine our notions of diplomacy.

There is no more dangerous theory in international politics than that we need to

balance the power of America with other competitive powers; different poles around which nations gather.

Such a theory may have made sense in 19th-century Europe. It was **perforce** the position in the Cold War.

Today, it is an anachronism to be discarded like traditional theories of **security**. And it is dangerous because it is not rivalry but partnership we need; a **common** will and a shared **purpose** in the face of a common threat.

And I believe any alliance must start with America and Europe. If Europe and America are together, the others will work with us. If we split, the rest will play around, play us off and nothing but mischief will be the result of it.

You may think after recent disagreements it can't be done, but the debate in Europe is open. Iraq showed that when, never forget, many European nations supported our action.

And it shows it still when those that didn't agree Resolution 1483 in the United Nations for Iraq's reconstruction.

Today, German soldiers lead in Afghanistan, French soldiers lead in the **Congo** where they stand between peace and a return to genocide.

So we should not minimize the differences, but we should not let them confound us either.

You know, people ask me after the past months when, let's **say**, things were a trifle strained in Europe, "Why do you persist in wanting Britain at the center of Europe? And I say, 'Well, maybe if the U.K. were a group of islands 20 miles off Manhattan, I might feel differently. But actually, we're 20 miles off Calais and joined by a tunnel.'"

We are part of Europe, and we want to be. But we also want to be **part** of changing Europe.

Europe has one potential for weakness. For **reasons** that are obvious, we spent roughly a thousand years killing each other in large numbers.

The political culture of Europe is inevitably rightly based on compromise. Compromise is a fine thing except when based on an illusion. And I **don't** believe you can compromise with this new form of **terrorism**.

But Europe has a strength. It is a formidable political achievement. Think of the past and think of the unity today. Think of it preparing to reach **out** even to **Turkey**—a nation of vastly different culture, tradition, religion—and welcome it in.

But my real point is this: Now Europe is at the point of transformation. Next year, 10 new countries will join. Romania and Bulgaria will follow.

Why will these new European members transform Europe? Because their scars are recent, their memories strong, their relationship with freedom **still** one of passion, not comfortable familiarity.

They believe in the trans-Atlantic alliance. They support **economic** reform. They want a Europe of nations, not a super state. They are our allies and they are yours. So don't give up on Europe. Work with it.

To be a serious partner, Europe must take on and defeat the anti-Americanism that sometimes passes for its political discourse. And what America must do is show

that this is a partnership built on persuasion, not command.

Then the other great nations of our world and the **small will** gather around in one **place**, not many. And our understanding of this threat will become theirs. And the United Nations **can** then become what it **should** be: an instrument **of** action **as well** as debate.

The Security Council should be reformed. We need a new international regime on the nonproliferation of weapons of mass destruction.

And we need to say **clearly** to United Nations members: "If you engage in the systematic the mission the **coalition**. But let **US** start preferring a **coalition** and acting **alone** if we have to, not the other way around.

True, winning wars is not easier that way, but winning the peace is.

And we have to win both. And you have an extraordinary record of doing so.

Who **helped** Japan **renew**, or Germany **reconstruct**, or Europe **get back on its feet** after World War ii? America.

So when we invade Afghanistan **or** Iraq, our responsibility does not end with **military** victory.

Finishing the fighting is not finishing the job

So if Afghanistan needs more troops from the international community to police outside Kabul, our duty is to get them.

Let us help them eradicate their dependency on the poppy, the crop whose wicked residue **turns** up on the streets of Britain as heroin to destroy young British lives, as much as their harvest warps the lives of Afghans.

We promised Iraq democratic government. We **will** deliver it.

We promised them the chance to **use** their oil **wealth** to build prosperity for **all** their citizens, not a **corrupt elite**, and we will do so. We **will** stay with these people **so** in need of our help until the job is done.

And then **reflect on** this: How hollow would the charges of American imperialism be when these **failed** countries are and are **seen** to be transformed from **states of** terror to nations of prosperity, from governments of dictatorship to examples of democracy, from sources of instability to beacons of **calm**.

And **how** risible would be the **claims** that **these were** wars on Muslims if the world could see these Muslim nations still Muslim, but with some hope for the future, not shackled by **brutal** regimes whose principal victims were the **very** Muslims they pretended to protect?

it would be the most **richly** observed advertisement for the **values of** freedom we can imagine. When we removed the Taliban and Saddam Hussein, this was not imperialism. For these oppressed people, it was their liberation.

And **why** can the terrorists even mount an argument in the Muslim world that it isn't?

Because there is one cause terrorism rides upon, a cause they have no belief in but can manipulate. I want to be very **plain**: This terrorism **will not** be defeated without peace in the Middle East between Israel and Palestine.

Here it is that the poison is incubated. Here it is that the extremist is able to confuse in the mind of a frighteningly large number of people the case for a Palestinian state and the destruction of Israel, and to translate this moreover into a battle between East and West, Muslim, Jew and Christian.

May this never compromise the security of the state of Israel.

The state of Israel should be recognized by the entire Arab world, and the vile propaganda used to indoctrinate children, not just against Israel but against Jews, must cease.

You cannot teach people hate and then ask them to practice peace. But neither can you teach people peace except by according them dignity and granting them hope.

Innocent Israelis suffer. So do innocent Palestinians.

The ending of Saddam's regime in Iraq must be the starting point of a *new* dispensation for the Middle East: Iraq, free and stable; Iran and Syria, who give succor to the rejectionist men of violence, made to realize that the world will no longer countenance it, that the hand of friendship can only be offered them if they desist completely from this malice, but that if they do, that hand will be there for them and their people: the whole of region helped toward democracy. And to symbolize it all, the Creation of an independent, viable and democratic Palestinian state side by side with the state of Israel.

What the president is doing in the Middle East is tough but right.

And let me at this point thank the president for his support, and that of President Clinton before him, and the support of members of this Congress, for our attempts to bring peace to Northern Ireland.

You know, one thing I've learned about peace processes: They're always frustrating, they're often agonizing, and occasionally they seem hopeless. But for all that, having a peace process is better than not having one.

And why has a resolution of Palestine such a powerful appeal across the world? Because it embodies an even-handed approach to justice, just as when this president recommended and this Congress supported a \$15 billion increase in spending on the world's poorest nations to combat HIV/AIDS. It was a statement of concern that echoed rightly around the world.

There can be no freedom for Africa without justice and no justice without declaring war on Africa's poverty, disease and famine with as much vehemence as we removed the tyrant and the terrorists.

in Mexico in September, the world should unite and give us a trade round that opens up our markets. I'm for free trade, and I'll tell you why: because we can't say to the poorest people in the world, "We want you to be free, but just don't try to sell your goods in our market."

And because ever since the world started to open up, it has prospered. And that prosperity has to be environmentally sustainable, too.

You know, I remember at one of our earliest international meetings, a European prime minister telling President Bush that the solution was quite simple: Just double the tax on American gasoline.

Your president gave him a most eloquent look.

It reminded me of the first leader of my party, Keir Hardy: in the early part of the

20th century.

He was a man who used to correspond with the Pankhursts, the **great** campaigners for women's votes.

And **shortly** before the election, June 1913, one of the Pankhursts sisters wrote to Hardy saying she had been studying Britain carefully and there was a worrying rise in sexual immorality linked to heavy drinking. So she suggested he **fight** the election on the **platform** of votes for women, chastity for men and prohibition for all.

He replied saying, 'Thank you for your advice. The **electoral** benefits of which are not immediately discernible.'

We all get that kind of advice, don't we?

But frankly, we need to go beyond even Kyoto, and science and technology is the way.

Climate change, deforestation, the voracious drain on natural resources cannot be ignored. Unchecked, these forces will hinder the economic development of the most vulnerable nations first and ultimately all nations.

So we must show the world that we are willing to step up to these challenges around the world and in our own backyards.

Members of Congress, if this seems a long way from the threat of terror and weapons of mass destruction, it is only to say again that the world security cannot be protected without the world's heart being one. So America must listen as well as lead. But, members of Congress, don't ever apologize for your values.

Tell the world why you're proud of America. Tell them when the Star-Spangled Banner **starts**, Americans get to their feet, Hispanics, Irish, Italians, Central Europeans, East Europeans, Jews, Muslims, white, Asian, black, those who go back to the early settlers and those whose English is the same as some New York cab driver's I've dealt with ... but whose sons and daughters could run for this Congress.

Tell them why Americans, one and all, stand upright and respectful. Not because some state official told them to, but because whatever race, color, class or creed they are, being American means being free. That's why they're proud.

As Britain knows, all predominant power seems for a time **invincible**, but, in fact, it is transient.

The question is: What do you leave behind?

And what you can bequeath to this anxious world is the **light** of liberty.

That is what this struggle against terrorist groups or states is about. We're not fighting for domination. We're not fighting for an American world, though we want a world in which America is at ease. We're not fighting for Christianity, but against religious fanaticism of all kinds.

And this is not a war of civilizations, because each civilization has a unique capacity to enrich the stock of human heritage.

We are fighting for the inalienable **right** of humankind—black or white, Christian or not, left, right or a million different—to be free, free to raise a family in love and hope, free to earn a living and be rewarded by your efforts, free not to bend your knee to any man in fear, free to be you so long as being you does not impair the

freedom of others.

That's what we're fighting for. And it's a baffleworth fighting.

And I know it's hard on America. and in some small corner of this vast country, out in Nevada or Idaho or these places I've never been to, but always wanted to go...

I know out there there's a guy getting on with his life, perfectly happily, minding his own business, saying to you, the political leaders of this country, "Why me? And why us? And why America?"

And the only answer is, "Because destiny put you in this place in history. in this moment in time, and the task is yours to do."

And our job, my nation that watched you grow. that you fought alongside and now fights alongside you, that takes enormous pride in our alliance and great affection in our common bond, our job is to be there with you.

You are not going to be alone. We will be with you in this fight for liberty.

We will be with you in this fight for liberty. And if our spirit is right and our courage firm, the world will be with us.

Thank you

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~~FOUO~~

November 29, 2005

IRAQ

TO: President George W. Bush
CC: Vice President Richard B. Cheney
Stephen J. Hadley
FROM: Donald Rumsfeld 
SUBJECT: Progress in Iraq

Mr. President --

Attached is two-pager on progress in Iraq that might be useful.

Respectfully,

Attach. "Progress in Iraq"

DHR.dh
112905-13

29 NOV 05

~~FOUO~~

OSD 23196-05

11-L-0559/OSD/54845

November 29, 2005

Progress in Iraq

- There **are** continuing difficulties in Iraq, to be sure.
 - Bursts of violence, **including assassinations** and attempts to intimidate **Iraqi** leaders;
 - Iran **and** Syria continue to be unhelpful, and
 - US casualties.
- However, there **are** a number of things that **are** positive:
 - The Iraqi people **now** have their own constitution. They **wrote** it. They voted **for** it. And it is theirs.
 - Politicians **are** politicking **for** the coming election, **as** they did for their Constitution. They want to be a part of their new **government**. There **are** debates, pushing, **pulling** and tugging. They **are learning** how to engage in politics. **This** is notably different from **shooting** each other **or** being **repressed** by a vicious dictator, **as** had been Iraq's recent **history**.
 - We have an effective political team in Baghdad in our Ambassador and **his** people. They **are** making progress and **encouraging** Iraqis to reach **out** to include **all** elements, **reaching** towards **creating a** centrist process that includes Sunnis.
 - The **pressure** that **US**, coalition and the **ISF** forces **are** putting **on** the **terrorists** has weakened them.
 - There **are** growing divisions among the enemies **of** the Iraqi government. The words "**insurgent**" and "**insurgency**" seem **inappropriate**. Now that there is **an** Iraqi constitution **and** **sovereign** Iraqi government, the enemies should be labeled what they **are** -- enemies **of** **the** Iraqi people and of the legitimate Iraqi government.
 - There is solid progress with the Iraqi **Security Forces**. Their **numbers** continue to rise and **recruiting** is robust. They **are** gaining experience, **and**, increasingly, we are turning over responsibility to them.

- o The number of tips the Iraqi **Security Forces** **and** the Coalition is **receiving** is increasing significantly, a positive indication that attitudes **are** changing among the Iraqi people. **This** is significantly increasing the effectiveness of the Iraqi **Security Forces**.
- o A vital and engaged Iraqi media is **emerging** in a country heretofore rendered silent by dictatorship. Today there **are some 100** newspapers, **72 radio** stations, and 44 television stations.
- o Telephone subscribers have **risen** five fold since the war.
- o Syria's regime is weakened because of **the UN** investigation. Therefore, **at least temporarily**, they will likely be more careful in **their** assistance to the **enemies** of the Iraqi people.
- o There is modest improvement **among** the behavior of the Sunni countries neighboring Iraq. They are increasingly **concerned** about Iran's influence in Iraq. It appears that they have concluded that there is **going** to be a free Iraqi government, **and** that they **better not** be on the wrong side.
- o And finally, Saddam Hussein is on **trial and his hour** of judgment approaches.

The key question is when there will be a clearly discernable "tipping point." Eventually, **more** and more Iraqi people will decide that they will no **longer** side with **the** enemies of the legitimate Iraqi government and move to the middle. **And** the people in the middle, at **some** point, will decide that there **is** going to be a legitimate, **free** Iraqi government, **and** that the Coalition forces will eventually leave, and they **will** decide to move from being "mugwumps" in the **undecided** column over to **being** positive in their support of the Iraqi government.

The message is that **the** conflict in Iraq **has** to do not only with the Iraqi people and their **fledgling** democracy. It **has** to do with protecting the **men**, women and children of **the United States of America -- our** children, grandchildren **and** their families. This is about the **safety** of the American people.

The **central** question is whether the **U.S.** will be **safer** by succeeding in Iraq or by precipitously withdrawing. The answer is clear. **Quitting** is not an exit strategy. **Victory** is the only acceptable exit strategy.

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~~FOUO~~

DEPARTMENT OF THE
SECRETARY OF DEFENSE

2005 NOV 30 AM 10:19

November 14, 2005

Mexico

TO: Roger Pardo-Maurer
CC: Eric Edelman
FROM: Donald Rumsfeld *DR*
SUBJECT: ~~Tour~~ for Mexican Minister of Defense

Should we invite *the Mexican Minister* of Defense back to Washington sometime, and give him a **tour** of everything -- the Joint Forces Command, maybe an aircraft carrier -- and really do it up for him? We may want to think about going way out of our way to give him a great tour.

Thanks.

DWR:sj
111405-20

.....
Please Respond By December 08, 2005

WHA: FORAC

15-11-05 06:18

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OSD 23225-05

~~FOUO~~

11-L-0559/OSD/54848

Rec 10/25/05
CC ADMIN

~~FOUO~~

280
NOV 10 58
OCT 24 2005

TO: David Chin
FROM: Donald Rumsfeld *DR*
SUBJECT: Teaching Korean

Please get a report to me on how much Korean language teaching our Department is still doing.

Thanks.

DWR:G
10/25/05 (10:00am)

.....
Please respond by November 17, 2005

USD	PDUSD
RA	NA
FI	Readiness
MPP	CPP
PLANS	MCAPP
CCO	

~~FOUO~~

OSD 23240-05



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000



INFO MEMO

November 29, 2005 – 3:00 PM

FOR: SECRETARY OF DEFENSE

FROM: DR. DAVID S. C. CHU, USD (Personnel and Readiness)

SUBJECT: *David S. C. Chu*
Korean Instruction—SNOWFLAKES

- Recently you asked about Korean language teaching in the Department (Snowflakes at Tab A).
- Defense Language Institute (DLI) is our principal provider of language instruction, especially Korean. For Fiscal Year 2005 (Tab B):
 - Korean represented 18 percent of DLI resident language instruction throughput (versus 33 percent for Arabic).
 - Korean accounted for only 4 percent of non-resident DLI instruction (versus 77 percent for Arabic).
- “Requirements” for Korean are primarily driven by the Intelligence community’s needs. As we canvass the Combatant Commanders needs using our revised process, I expect the Korean fraction to fall

Attachments: As stated

cc: USD (Intelligence)

Prepared by: Peter L. Gillis, (b)(6)



11-L-0559/OSD/54850

OSD 23240-05

TAB

A

Rec 10/25/05
CC ADMIN

FOUO

FILE

ZEL

10:58

OCT 24 2005

TO: David Chu
FROM: Donald Runsfeld *DR*
SUBJECT: Teaching Korean

Please get a report to me on how much Korean language teaching our Department is still doing.

Thanks.

DFIL:sh
10228-07 (77).doc

.....
Please respond by November 17, 2005

USD	POUSD
RA	NA
PI	Readiness
MPP	CPP
PLANS	MCAPP
CCO	

-FOUO

OSD 23240-05

11-L-0559/OSD/54852

FOUO

11:58 OCT 31 2005

TO David Chu

FROM: Donald Rumsfeld *DR*

SUBJECT Question about Language Training from Town Hall Meeting in Korea

Please get me an answer to the question I was asked at the town hall meeting in Korea regarding the percentage of people in each language that are trained by the military -- in any category, anywhere in the world.

I am told the percentage is the same for the Korean language as it is for the Arabic language. That's not good

Thanks.

DRR:ms
102805-19

.....

Please Respond By November 10, 2005

USD	POUSD
RA	HA
PI	Readiness
ΣPP	CPP
PLANS	NCAPP
CGO	

FOUO

OSD 23243-05

11-L-0559/OSD/54853

TAB

B

**Defense Language Institute
Language Training Throughput Percentages
Fiscal Year 2005**

Resident Instruction

Language	Percent of Total Throughput
Arabic-Modern	32.85%
Chinese-Mandarin	13.75%
French	2.81%
German	0.83%
Hebrew-Modern	2.02%
Italian	0.43%
Japanese	0.65%
Korean	17.67%
Kurdish	0.22%
Persian-Afghan (Dari)	1.55%
Persian-Farsi	9.46%
Portugese	0.43%
Pushtu-Afghan	2.02%
Russian	5.18%
Serbian/Croatian	1.98%
Spanish	6.37%
Tagalog	0.72%
Thai	0.43%
Turkish	0.36%
Uzbek	0.29%
Total	100.00%

Defense Language Institute
Language Training Throughput Percentages
Fiscal Year 2005
Non-Resident Instruction¹

Language	Percent of Total Throughput
Albanian	0.06%
Arabic-Modern	76.85%
Armenian	0.05%
Azerbaijani	0.02%
Bulgarian	0.07%
Burmese	0.01%
Cambodian	0.01%
Cantonese	0.06%
Chechen	0.05%
Chinese-Mandarin	3.34%
Czech	0.04%
Danish	0.05%
Dutch	0.29%
Estonian	0.01%
Finnish	0.04%
French	0.45%
Georgian	0.01%
German	0.50%
Greek	0.09%
Haitian Creole	0.05%
Hebrew-Modern	0.53%
Hindi	0.17%
Hungarian	0.16%
Indonesian	0.19%
Italian	0.10%
Japanese	0.11%
Kazak	0.01%
Korean	3.69%
Kurdish	0.10%
Lao	0.02%
Latvian	0.01%
Lithuanian	0.05%
Macedonian	0.06%
Malay	0.04%
Mongolian	0.02%
Moro (Tausug)	0.34%
Norwegian	0.10%
Persian-Afghan (Dari)	0.01%

¹Includes all courses taught in the DLIFLC Nonresident program, Language Training Detachments, and DLI-Washington DC

**Defense Language Institute
Language Training Throughput Percentages
Fiscal Year 2005**

Language	Percent of Total Throughput
Persian-Farsi	1.72%
Polish	0.06%
Portugese	0.23%
Punjabi	0.01%
Pushtu-Afghan	0.17%
Romanian	0.10%
Russian	6.10%
Serbian/Croatian	0.07%
Slovak	0.01%
Slovenian	0.02%
Somali	0.13%
Spanish	1.80%
Swahili	0.11%
Swedish	0.02%
Tagalog	0.04%
Tajik	0.02%
Thai	0.06%
Turkish	0.07%
Turkmen	0.02%
Ukranian	0.10%
Urdu	0.28%
Uzbek	0.15%
Vietnamese	0.09%
Total	100.00%

'Includes all courses taught in the DLIFLC Nonresident program, Language Training Detachments, and DLI-Washington DC

~~FOUO~~

2007 11 10 10:58 AM CCI 3 1 2005

TO David Chu
FROM: Donald Rumsfeld *DR*
SUBJECT Question about Language Training from Town Hall Meeting in Korea

Please get me an answer to the question I was asked at the town hall meeting in Korea regarding the percentage of people in each language that are trained by the military -- in any category, anywhere in the world.

I am told the percentage is the same for the Korean language as it is for the Arabic language. That's not good.

Thanks.

DNR:m
102805-19

.....
Please Respond By November 10, 2005

USD	PDUSD
RA	HA
PI	Readiness
MPP	CPP
PLANS	MCRFP
CCO	

~~FOUO~~

OSD 23243-05

11-L-0559/OSD/54858

12/1
1433
R/1
1700

FOR OFFICIAL USE ONLY

ACTION MEMO

Acting DepSecDef
USDP *SM* **NOV 30 2005**
I-05/013963-EP
ES-4769
05/015678

FOR SECRETARY OF DEFENSE

FROM: Peter Flory, Assistant Secretary of Defense for International Security Policy

John Dand, Acting ASD/ISP 11/29/05 1633

NOV 29 2005

SUBJECT: Letter to new German MoD Dr. Franz Josef Jung

- On 17 October, Chancellor-designate Angela Merkel nominated Franz Josef Jung as the new German Minister of Defense (MoD).
 - o Minister Struck will continue to serve in the Bundestag as the Social Democratic Party's parliamentary leader.
- Jung is a Christian Democrat from the state of Hesse and has no defense experience.
- The letter at Tab A congratulates Jung on his appointment, mentions the proposed meeting on 20 December 2005 and extends an official invitation for a later visit to Washington.
 - o Officially inviting Jung provides an opportunity to establish a relationship with him, help shape his agenda and convey the importance we place on improving the defense relationship with Germany.

Flumery

29 Nov 05

RECOMMENDATION: Sign the letter at Tab A.

SECDEF DECISION:

Approve: _____

Disapprove: _____

Other: _____

Attachment: As stated

DASD EUR/NATO _____ *[Signature]*

*Modify letter to reflect 12/19 date
SOM Approved
Ray*

MA SD		SMA DSD	
TSA SD	<i>12/1</i>	SA DSD	
EXEC SEC	<i>MU/1</i>	<i>1400</i>	<i>SM</i>
ESR MA	<i>12/1/05</i>		

28 Nov 05

OSD 23302-05

30-11-05 03:30 I

FOR OFFICIAL USE ONLY

FOUO

November 28, 2005

TO: Eric Edelman

I-05/015678
ES-4769

FROM: Donald Rumsfeld *D.A.*

SUBJECT: FRG MOD

Germany

I should write a note or call the ~~new~~ FRG MOD.

DHR ss
112804-10

.....
Please Respond By 12/13/05

FOUO

OSD 23302-05

28 Nov 05

11-L-0559/OSD/54860

29-11-05 10:03:11 AM



THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

DEC 2 2005

The Honorable Dr. Franz Josef Jung
Federal Minister of Defense
Federal Ministry of Defense
D-11055 Berlin
Germany

Dear Dr. Jung:

Congratulations on your appointment as Germany's Minister of Defense. I look forward to meeting you on 19 December in the Pentagon and discussing the many issues important to our two countries and to NATO. At a later date, I would like to invite you to return to the U.S. for discussions in Washington and briefings at the U.S. Joint Forces Command in Norfolk, Virginia.

Sincerely,

Sturmang

28/11/05

28/11/05

OSD 23302-05



UNCLAS
ROUTINE

FROM: SECDEF WASHINGTON DC
TO: USDAOBERLIN
INFO: SECDEF WASHINGTON DC
JOINT STAFF WASHINGTON DC
SECDEF WASHINGTON DC//CHAIRS//
SECDEF WASHINGTON DC//FILE//USDP ISP/USDP EUR POL//

UNCLASSIFIED

SUBJECT CONGRATULATIONS LETTER TO GERMAN MOD

PLEASE TRANSLATE AND FORWARD THE FOLLOWING SECDEF
CORRESPONDENCE TO MINISTER JUNG. ORIGINAL LETTER WILL
FOLLOW.

(BEGIN TEXT)

THE HONORABLE DR. **FRANZ** JOSEF JUNG
FEDERAL MINISTER OF DEFENSE
FEDERAL MINISTRY OF DEFENSE
D-11055 BERLIN
GERMANY

DEAR DR. JUNG:

(PARA) CONGRATULATIONS ON YOUR APPOINTMENT AS GERMANY'S
MINISTER OF DEFENSE. I LOOK FORWARD TO MEETING YOU ON 19
DECEMBER IN THE PENTAGON AND DISCUSSING THE MANY ISSUES
IMPORTANT TO OUR TWO **COUNTRIES** AND TO NATO. AT A LATER
DATE, I WOULD LIKE TO INVITE YOU TO RETURN TO THE U.S. FOR
DISCUSSIONS IN WASHINGTON AND BRIEFINGS AT THE U.S. JOINT
FORCES COMMAND IN NORFOLK, VIRGINIA.

SINCERELY,
//DONALD H. RUMSFELD//

(END TEXT)

OSD 23302-05

11-L-0559/OSD/54862

JOS/013781
ES-4440

~~FOUO~~

October 14, 2005

TO: Eric Edelman
CC: Gen Pete Pace
FROM: Donald Rumsfeld *D.A.*
SUBJECT Inter-American Defense Board

Please take a look at the Inter-American Defense Board -- wh we appoir there,
what it does and whether or not we want to continue doing it.

Thanks.

DHR:dh
101405-05

.....

Please Respond By 11/10/05

14-10-05 16:06 IN

~~FOUO~~
11-L-0559/OSD/54863

OSD 23305-05

INFO MEMO

2005 NOV 29 9:29

A/DSD NOV 30 2005
USDP *td*
I-05/013781
ES-2440 NOV 29 2005
PDU/SDP *[Signature]*

FOR SECRETARY OF DEFENSE

FROM: Peter W. Rodman, Assistant Secretary of Defense (ISA) *[Signature]*

28 NOV 2005

SUBJECT: Inter-American Defense Board (IADB)

- You asked about what we might do with the IADB.
- We agree with the Joint Staff that the IADB has enormous potential (Tab A). But the political obstacles in the way of achieving that potential are also enormous.
 - The IADB is a body of the OAS. Since the OAS works by consensus, any one country can block efforts to change its (very limited) mandate.
 - Mexico and Brazil oppose efforts to expand the mandate of the IADB, out of fear it would somehow end up as a tool of the United States.
- ISA-WHA's vision of the IADB is to empower it as an OAS body that can pool Inter-American military experts and resources to help out the smaller, poorer countries—especially in Central America and the Caribbean.
 - These countries share our view and would like to see a broader IADB mandate.
 - For example, the IADB is revered in Nicaragua for its excellent work on demining—one of the few tasks it is authorized to conduct.
- At your conference with the Central Americans (and Mexico) in Key Biscayne, we realized we might be able to persuade Mexico to agree that the IADB should provide technical assistance to the Central Americans as they host the 2006 Defense Ministerial of the Americas.
 - This might break the logjam and build some momentum for reform of the IADB.

COORDINATION: Joint Staff/J-5

Prepared by: DASD R. Pardo-Maurer, ISA/WHA, (b)(6)

11-L-0559/OSD/54864

20-11-13 21:23:14
OSD 23305-05



©

DRAFT

INFO MEMO

FOR SECRETARY OF DEFENSE

FROM: General Peter Pace, CJCS

SUBJECT: Inter-American Defense Board (IADB) (SF 101405-05)

- **Answer.** In response to your issue (TAB A), I appoint the Chairman of the IADB in my role as Chairman. The board is the military advisory body to the Organization of American States. It is in the US military's interest to continue to support this board.
- **Analysis**
 - The IADB is a multinational organization chaired by a US two-star (currently Major General Keith Huber) who serves as an "international" officer. He is dual-hatted as Director, Inter-American Defense College (IADC), a DOD-recognized senior Service college. The Joint Staff/J-5 Vice Director is the US delegate to the board.
 - The IADB offers the Department of Defense a unique and valuable mechanism to constructively influence the region on security issues. Although the board has a limited mandate, it has been a useful tool in US efforts to encourage regional confidence and security building measures such as de-mining, peacekeeping operations, and disaster response. The Joint Staff works closely with your staff to help the IADB further US initiatives.
 - Information paper (TAB B) provides further information.

COORDINATION: TAB C

Attachments:

As stated

Prepared By: Lieutenant General Victor Renuart, USAF; Director, J-5; (b)(6)

~~FOR OFFICIAL USE ONLY~~

11-E-05897-05/050866

TAB B

16 November 2005

INFORMATION PAPER

Subject: Inter-American Defense Board (IADB)

1. Purpose. To describe the IADB.

2. Key Points

- Established in 1942, the IADB later became the military advisory body to and is funded by the Organization of American States (OAS). Its mission is to provide technical advice and educational expertise on defense and security issues. Although slow to adapt to the post Cold-War environment, the IADB is increasingly relevant in terms of providing a security structure to counter transnational threats. It is the only entity that supports the OAS in these matters.
- Consistent with US national military strategy, US participation in the IADB and Inter-American Defense College demonstrates a commitment to the region and enhances military-to-military contacts with member nations. The board is comprised of 25 delegations from the 34 OAS member states; the college has graduated 2,128 officials, including 2 presidents, 30 ministers, and 497 general/flag officers.
- The IADB provides a venue to positively influence the region's military leaders via: promotion of common interests like counter-terrorism, humanitarian relief, demining, counternarcotics, interoperability, and peacekeeping; a forum to advance US interests by providing direct access to people of influence; and maintenance of a democratic hemisphere that promotes civilian oversight of the military and respect for democratic principles.
- The IADB offers the Department of Defense a unique and valuable mechanism for interaction with the OAS on hemispheric security issues. The board's limitations lie in the political landscape of the region, not in its role. Were the United States to withdraw support, others would seek to replace it with a less friendly framework. Therefore, the US delegation is advancing an agenda to revitalize the board by seeking a judicial link to the OAS along with other measures to involve it with DOD initiatives in the region.

Tab B

~~FOR OFFICIAL USE ONLY~~

FOUO

DEC 06 2005

TO Larry DiRita

CC: Steve Bucci
Cathy Mainardi
Robert Rangel

FROM Donald Rumsfeld *DR*

SUBJECT Invitation to ~~Mc~~ **Mc** ~~Neill~~ **Neill** School of Journalism

001150

We should keep in mind as a possibility this invitation to speak at the ~~Mc~~ **Mc** ~~Neill~~ **Neill** School of Journalism class on military and media relationships.

Thanks.

Attach. 11/20/05 Nelson ltr to SD

DHR.ch
120205-11

6 Dec 05

OSD 23329-05

30 NOV 05

FOUO

11-L-0559/OSD/54868

KJ

Medill

The McCormick Tribune Center
1870 Campus Drive - Room 2-125
Evanston, Illinois 60208-2170
847.491.2087
847.491.2370 (fax)
d-nelson@northwestern.edu
www.medill.northwestern.edu

WESTERN UNIVERSITY
EVANSTON, ILLINOIS 60208-2101

NOV 20 11:15

Nov. 20, 2005

The Honorable Donald E. Rumsfeld
Secretary of Defense
The pentagon
Washington

Dear Mr. Secretary:

When we first met five decades ago you were running for Congress from the old 10th District which included Morton Grove. My father, Allan R. Nelson, one of the police commissioners in the village was fixing pork chops for dinner when you rang our front door bell. My memory is that you were invited in and ate one of the chops!

We next met at New Trier's 100th anniversary -- again, at dinner. I mentioned that my mother, Lefa A. Nelson, had served as chief industrial nurse at GD Searle in Skokie for two decades before moving to the Southwest.

Now, I'd like to see you for dinner again. But, there's a catch, I'd like you to address my new class in military and media relationships at Medill -- preferably on a Wednesday afternoon, preferably in early February.

If your schedule does not permit this, I understand. On the other hand, if there is any way that this can be worked out, we would be most appreciative.

I would be happy to send you a copy of the syllabus for this new course. Richard Sobel, from Harvard, helped me put the class together. (He also spoke at the NT 100th.)

The course is also being assisted (financially) by the Carnegie Foundation, (academically) by the First Division Museum at Cantigny and (logistically) by the Northwestern University Naval ROTC.

It would be great to see you again. And I think you would find that the students would feel the same way.

Cordially,



David L. Nelson

OSD 23329-05

DC Happy Thanks 11-1-05 59/OSD/54869



THE SECRETARY OF DEFENSE
WASHINGTON

12/2

Professor David L. Nelson
Carnegie Teaching Fellow
Editorial Department
The McCormick Tribune Center
1870 Campus Drive - **Room 2-125**
Evanston, Illinois 60208-2170

Dear Professor Nelson,

Thank you **so** much for your thoughtful letter and invitation. It was good to hear about your father and Morton Grove back in those **days**, **as** well as our connection with respect to New Trier.

I **am** afraid I don't have plans **to** be in Illinois in February and my schedule is **as full as it could** be. It **is** something I would enjoy doing, **and** I wish it were possible for me to accept. I will keep it in mind **and** let you **know** if I do plan **to be** in Illinois in the **period** ahead.

Thanks **so** much. I hope you have a **Merry** Christmas and a Happy New Year.

Sincerely,

NORTHWESTERN UNIVERSITY
EVANSTON, ILLINOIS 60208-2101

OFFICE OF THE
SECRETARY OF DEFENSE
2005 11-20-11 AM 11:15

THE MEDILL SCHOOL OF JOURNALISM

Nov. 20, 2005

The Honorable Donald H. Rumsfeld
Secretary of Defense
The Pentagon
Washington

Dear Mr. Secretary:

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It would be great to see you again. And I think you would find that the students would feel the same way.

Cordially,

David Nelson

David L. Nelson

OSD 23329-05

P.S. Happy Thanks 9/11-14-0559/OSD/54871

Medill School of Journalism
Northwestern University

Prof. David L. Nelson
Carnegie Teaching Fellow
Editorial Department

Medill

The McCormick Tribune Center
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d-nelson@northwestern.edu
www.medill.northwestern.edu



THE SECRETARY OF DEFENSE
WASHINGTON

DEC 6 2005

Professor David L. Nelson
Carnegie Teaching Fellow
Editorial Department
The McCormick Tribune Center
1870 Campus Drive - Room 2-125
Evanston, Illinois 60208-2170

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Thanks so much. I hope you have a Merry Christmas and a Happy New Year.

Sincerely,

OSD 23329-05

11-L-0559/OSD/54873


DBM.181D

6 Dec 05

20 Nov 05

~~FOUO~~

DEC 01 2005

TO: Steve Cambone
CC: Gen Pete Pace
Eric Edelman
Lt Gen Mike Maples
FROM: Donald Rumsfeld 
SUBJECT: Translation of Documents

Iran

I saw Peter Hoekstra, chairman of the **House** Permanent Select Committee on Intelligence. He said he **has** been recommending that we put the 35,000 boxes of Iraqi documents that haven't been translated yet **on** the internet, and let other people translate them.

What are the pros **and** cons of that idea?

Thanks.

DHR:dh
113005-05

.....
Please Respond By December 15, 2005

1 Dec 05


OSD 23339-05

~~FOUO~~

11-L-0559/OSD/54874

~~FOUO~~

December 01, 2005

TO The Honorable Dr Condoleezza Rice
FROM Donald Rumsfeld 
SUBJECT Ruth Wedgwood

Condi--

I **hear** you are looking for a new Ambassador-at-Large for War Crimes to replace Pierre Prosper. I think Ruth Wedgwood would be a good fit -- she's tough, smart and I would think well-qualified for the post. She **has** been an extraordinarily valuable voice supporting the Administration over the past five years, particularly in the media **and** academia circles.

Thanks.

DHR.ch
113005-14

OSD STATE

1 Dec 05

OSD 23356-05

~~FOUO~~

11-L-0559/OSD/54875

~~FOUO~~

December 01, 2005

TO Liza Wright
FROM Donald Rumsfeld
SUBJECT: Ruth Wedgewood



Attached is a note I sent to Condi Rice regarding Ruth Wedgewood. Ruth Wedgewood has been a star over the last five years in supporting the Resident, the war in Iraq, and policy with respect to detainees. She is a very smart woman who has been on the mark.

Thanks.

Attach: 12/01/05 SecDef memo to SecState

DHR:as
120105-09

.....

D405 STATE

1 Dec 05

1 Dec 05


~~FOUO~~

OSD 23356-05

11-L-0559/OSD/54876

FOUO

December 01, 2005

TO The Honorable Dr **Condoleezza Rice**
FROM: Donald Rumsfeld 
SUBJECT: Ruth Wedgwood

Condi--

I hear you are looking for a new **Ambassador-at-Large for War Crimes** to replace **Pierre Prosper**. I think **Ruth Wedgwood** would be a good fit-- she's tough, smart and I would *think* well-qualified for the post. She has been an **extraordinarily** valuable voice supporting the Administration over the past five years, **particularly in the media and academia circles.**

Thanks.

DHR:ab
113005-14

FOUO

11-L-0559/OSD/54877

~~FOUO~~

December 01, 2005

TO Liza Wright
BCC: SECRETARY RICE
FROM Donald Rumsfeld



SUBJECT: Ruth Wedgewood

Attached is a note I sent to Condi Rice regarding Ruth Wedgewood. Ruth Wedgewood has been a star over the last five years in supporting the President, the war in Iraq, and policy with respect to detainees. She is a very smart woman who has been on the mark.

Thanks.

Attach 12/01/05 SecDef memo to SecState

DHR:sl
120105-09

.....

OSD 23356-05

~~FOUO~~

11-L-0559/OSD/54878

~~FOUO~~

OCT 18 2005

I-05/013890

ES-4466

000.5

TO: Roger Pardo-Mauer

CC: Eric Edelman
Peter Rodman

FROM: Donald Rumsfeld 

SUBJECT: Deporting Criminals

What do we do about this deporting of criminals to countries where they don't have any ability to incarcerate them because they don't have the charges?

Thanks.

DFIL:sh
101702-35 (73).doc

.....
Please respond by November 17, 2005

FOUO

OSD 23396-05

13-19-05 10:24:48 AM

18 OCT 05

11/14/05

INFORMATION RETENTION ~~FOUO~~

205/015089
ES-4678

November 14, 2005

NATO 337

TO Steve Bucci
CC: Eric Edelman
CAPT Tom Mascolo
FROM Donald Rumsfeld *DR*
SUBJECT: NATO Meeting in Sicily

Why don't we see if we *can* get the NATO meeting tied to the Wehrkunde Conference, so that I don't have to fly back across the ocean two weeks in a row.

I wonder if it is possible to have the Sicily meeting take place on Thursday-Friday, February 2-3, or Sunday-Monday, February 5-6, rather than February 9-10. If it remains on February 9-10, that means I'm gone for 10 days.

Thanks.

DRL:sa
111405-20

.....
Please Respond By November 22, 2005

14 NOV 05

11-L-0559/OSD/54880

15-11-05 00

OSD 23398-05

~~FOUO~~

~~FOUO~~

November 02, 2005

05/014722
ES-4604

TO: Eric Edelman

CC: *Gen* Pete Pace

FROM: Donald Rumsfeld *DR.*

SUBJECT Jim Jones's Idea about the NATO Summit

Jim Jones's ideas about the upcoming NATO Summit are interesting.

I think his point is right that calling this the transformation summit is not a great idea.

I liked his idea of trying to find a way to thread the following items together, since they are all areas NATO is already working on, and they reflect projects that merit more focus.

The items are:

1. Terrorism (for example: Air defense against rogue aircraft as opposed to against Soviet Aircraft)
2. Counter-proliferation
3. Protecting infrastructure: Oil infrastructure, ports, airfields and the like. (Single point attack locations where NATO has vulnerabilities.)
4. Counter-narcotics and its importance because of the amount of money involved, and that it can corrupt governments and finance terrorist networks.

Having NATO move away from common defense against the Soviet Union to common security is a much more proactive orientation that rally nations to engage with NATO Since they will see the benefit.

~~FOUO~~

OSD 23400-05

11-L-0559/OSD/54881

NATO 337

DR

FOUO

We need to find **ways** to engage NATO nations' publics and parliaments to better understand publics to understand the relevance of NATO

Why don't you get some folks from the Joint Staff, **put** your head into it and see what you think. Jim Jones says he has given a paper to Pete Pace, but I have not seen it. You ought to get a copy of it, and let's get moving.

Thanks.

DTR ss
110205-12

.....
Please Respond By 12/01/05

FOUO

11-L-0559/OSD/54882

12/6

December 2, 2005

TO: SecDef

FROM: Robert Rangel *RR*

SUBJECT: Newt Gingrich interest in EMP Commission

- Attached is the snowflake response from Ron Sega regarding the merit of extending the life of the EMP Commission.
- Newt Gingrich raised this matter with you via e-mail in early November.
- The Defense Authorization conference is presently considering a provision (Sec. 1042 of the House bill) that statutorily extends the commission through 2010.
- Sega's memo also makes excellent suggestions on how to better focus the **work** of the Commission into more solution-oriented areas of value to the Department.
- If you agree with Ron Sega's assessment that there is value in extending the life of this Commission, it is important to communicate this position to Legislative Affairs soon in order to inform the defense authorization conferees.

A-471.61

2 Dec

RR DEC 7 2005 Agree with recommendation to extend Commission

Disagree with recommendation

OSD 23407-05

8 Nov

1312
1357 ✓
12/2
1500



FOUO
UNDER SECRETARY OF THE AIR FORCE
WASHINGTON

OFFICE OF THE
SECRETARY OF THE AIR FORCE

INFO MEMO

2005 DEC -2 PM 11:28

Robert Rangel
FOR: SECRETARY OF DEFENSE

RR
E/S

FROM: Ronald M. Segal, Under Secretary of the Air Force *Ronald M Segal 12/1/05*

SUBJECT: EMP Commission

- I agree the EMP Commission should be retained for the near-term in an advisory role while action plans are being more fully developed.
- The EMP Commission's published report described the potential for significant damage to critical US electronic and electrical infrastructure from direct and indirect effects caused by a high-altitude nuclear weapon-generated electromagnetic pulse. They also noted how an adversary could achieve such a capability without a high level of sophistication, a threat that appears to be proliferating. The potential threat justifies continuing, dedicated attention. The DoD is also completing an assessment of the threat as part of the Department's EMP Vulnerability Assessment Action Plan.
- The EMP Commission brought together a diverse group of highly skilled, technical experts. In order to understand the complexity and potential consequences of the threat and develop recommendations, the Commission worked together over several years. Maintaining the Commission's working relationships and expertise intact makes sense.
- The path ahead to reducing known vulnerabilities to EMP effects is long and could involve significant cost. We would need to restore assessment capabilities and address vulnerabilities in nuclear and general-purpose forces alike, to the extent that such improvements are fiscally prudent and logistically feasible. Additionally, this will require partnering with other federal agencies, such as Department of Homeland Security, to address domestic and civilian infrastructure issues that also affect military capability.
- Potential future tasks for the EMP Commission could include expanding the threat analysis to cover probability of occurrence, analyzing near-ground, burst-induced EMP, and expanding the use of modern EM modeling applications (see Attachments A and B).

COORDINATION See Attached

ATTACHMENTS:

- A. AFRL Paper on Extending EMP Commission
- B. AFRL Paper on Topics for EMP Commission

S SAB 12/05

MA SD		SMA DSD	
TSA SD	12/2	SA DSD	
EXEC SEC	12/2	1350	12/2
ESR MA	12/2	1330	

Prepared By: COL SAM McCRAW, SAF/US, DSN (b)(6)

OSD 23407-05

FOUO

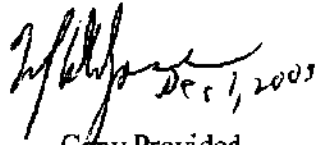
11-L-0559/OSD/54884

Secretary of the Air Force

Under Secretary of Defense **for** Intelligence

Director of Defense Research and Engineering

Assistant to the Secretary of Defense (NCB)

 Dec 1, 2003

Copy Provided

Coordinated

Coordinated

**Attachment A:
A Discussion on the Value of Extending the Life and Charter of the
EMP Commission**

**William D. Prather and Michael G. Harrison
AFRL/DEH
Kirtland AFB, NM 87117-5776
29 November 2005**

Introduction

The unclassified "Report of the Commission to Assess the Vulnerability of the United States to EMP Attack" does a commendable job of describing the worst-case scenarios that could result from a well-placed high-altitude EMP (HEMP) attack. The charter for the EMP Commission limited its investigation to HEMP threats. There are more HEMP-related issues that would be profitable for the EMP Commission to investigate. If the charter were to be expanded beyond the HEMP constraint, there are even more issues to address.

Retaining the EMP Commission: Advantages and Disadvantages

Advantages:

1. It should be determined if the combination of a nuclear weapon, a capable delivery system (essentially a missile) and the motivation exists that would make the threat of a high-altitude EMP event credible. Russia certainly has the hardware, but the motivation is questionable. Other states with the motivation may be nearing hardware capability.
2. The EMP Commission Report focuses on all the things that could go wrong in the event of a successful high-altitude EMP attack. The actual responses are most likely to be a subset of the effects that are listed. If there are to be any expenditures on protection or alternative procedures, it would be well to create estimates of the probability of these occurrences in order to prioritize the expenditures. Expenditures that would offer protection for additional threats such as EMI, lightning and HPM should receive priority.
3. The high-altitude EMP threat of the cold war was usually treated in the context of the very dire situation of a nuclear weapon exchange. This caused a focus on protecting the most critical parts of the military and civilian systems that would be necessary for ultimate survival. A modern EMP attack might be the precursor to a more serious attack by a major military power or an EMP-only attack may be a form of asymmetric warfare designed to inflict more economic damage than military damage. The latter possibility changes the rules for evaluating the requirements for system protection. A commission could take the lead in identifying the combination of threat recognition and associated protection that results in the best return on investment. Again, protection that applies to multiple threats may be the only form that is worth the investment.

4. The understanding of the physics of EMP effects on electronics components was very poor in the 70s and 80s. The capability to accurately model EMP interaction with complex systems was rudimentary. Because of the interest in the high-power microwave (HPM) threat, the understanding of EM effects on electronic components has increased substantially and the capability to model modestly complex systems has increased dramatically. The vulnerability assessment programs of the 70s and 80s relied primarily upon testing because of the poor modeling capability. The EMP simulators were seldom able to achieve a "threat field level." New assessments that would be undertaken would likely rely much more on modern EM modeling approaches and would be more affordable. Modeling would allow the employment of modern war gaming techniques to evaluate probable effects on military and civilian infrastructure.

5. Any proposals to develop new experimental assessment techniques to address the susceptibility of distributed systems like power grids and communications systems should be evaluated rigorously by an organization such as the EMP Commission. The investment to develop an EMP radiating system with any capability would be very large and the prospects for achieving a meaningful correlation with an actual threat would be questionable. Any decisions to perform vulnerability assessments should be carefully considered and if they are deemed to be necessary, the use of modeling should be evaluated first.

6. If the threat from a plane, ship or truck-borne nuclear weapon is much greater than that from a high-altitude detonation, the potential threat from the EMP produced by a near-ground burst should be examined more deeply. The range is far, far less than that for high-altitude EMP but effects induced in the power grid and communications networks might propagate outward and extend the damage and confusion that would result from an urban nuclear event. Such an investigation would require a change to the charter for the EMP Commission.

Disadvantages:

1. An EMP Commission that continued to list all the things that could go wrong when an area is exposed to an EMP attack without adding the probability of occurrence and establishing an approach for assigning priority for additional protection does not provide a clear path for making the nation better protected. If any investment is found to be warranted to protect infrastructure from the EMP threat, there must be a very logical method of selecting the priorities for investment rather than identifying almost all susceptible subsystems as candidates for additional protection.

2. An EMP Commission that identifies new efforts that largely duplicate the efforts that occurred in the 70s and 80s would not contribute to the nation's security. The Commission would need to be able to understand where new initiatives could extend the older knowledge and where there would be a substantial reward for the investment. There is still a large community of "old timers" that would welcome the opportunity to

provide incremental improvements to research from the cold war era. This approach should be avoided.

Attachment B: Topics for EMP Commission to Consider

The importance of the nuclear weapon characteristics to an investigation of the possible **EMP** threat:

The creation of MIL Spec 21696 (classified SECRET) for specifying important criteria of nuclear EMP was driven by two factors

1. Nuclear weapon designers had created designs that produced very fast electromagnetic pulse rise times and pulse fall times. These designs had much wider frequency spectra than the EMP that was produced by more conventional nuclear weapons. These designs were not put into production nor subsequently into the weapons inventory.

2. The Soviet Union had weapons with very large yields and longer lasting electromagnetic pulses which were a particularly severe threat to long, distributed electrical conductors such as electrical power lines. These weapons are no longer in the active inventory. The EMP from conventional nuclear weapons does still couple into distributed lines but on a much smaller scale.

Most of the focus can be placed on the traditional high-altitude EMP frequency spectrum that was the subject of most of the cold war era research. The lack of both the very fast rising EMP and the long lasting EMP should make the mission of identifying potential infrastructure vulnerabilities more tractable.

Topics for the **EMP** Commission to address that are outside the High-Altitude **EMP** focus of the **EMP** Commission Charter:

1. The local EMP threat from a nuclear weapon detonated on the earth's surface in a city or in a harbor.


Besides the blast and radiation damage within the local region, the associated EMP would inject large currents into the power lines that could cause arcs and short circuits that could play havoc with the power grid. The electronic controls for the power distribution grid could be adversely affected. The radius of the damage and disruption could be quite a bit larger than the blast and shock effects. The recent history of blackouts supports the fact that power system disruptions could propagate far from the nuclear detonation site. Many of the potential effects of EMP on electronic systems within the financial sector were identified in the EMP Commission Report. Such effects could also result from the nearby ground burst. The potential EMP threat posed by a ground or near-ground burst would be useful subject for the EMP commission to address.

2. The wide ranging EMP effects resulting from a weapon detonated at the altitude of important satellites.

This is a threat that has been recognized for a long time. Detonation of nuclear weapons in regions of the atmosphere where energetic photons can travel great distances or where these photons can create large regions of charged particles can create a threat to the electronics on board satellites that traverse these regions. Military satellites in low-earth or mid-earth orbits would likely be most threatened

~~FOUO~~

November 08, 2005

TO:
FROM: Donald Rumsfeld 
SUBJECT: EMP Issue

Attached is a note ~~from~~ Newt Gingrich on the EMP. Given your previous post, what is your view on it?

Thanks.

Attach: 11/7/05 Newt Gingrich E-Mail to SecDef

DHR:ss
110805-1S

.....
Please Respond By December 01.2005

FOUO

OSD 23407-05

11-L-0559/OSD/54891

(b)(6) CIV, OSD

~~CONFIDENTIAL~~

From: (b)(6) CIV, OSD
Sent: Monday, November 07, 2005 3:10 PM
To: (b)(6) CIV, OSD
Subject: Fw: keep the emp commission alive-newt

Sent from my BlackBerry Wireless Handheld

--- Original Message ---

From: Thirdwave2 <thirdwave2@speakingingrich.com>
To: (b)(6) CIV, OSD <(b)(6)@osd.mil>; Helmick, Frank, BG, OSD <frank.helmick@us.army.mil>; Stavridis, James, VADM, OSD <Jim.Stavridis@osd.mil>; Pace, Peter, Gen. JCS, CJCS <peter.pace@js.pentagon.mil>; Giambastiani, EP, ADM, VCJCS <edmund.giambastiani@js.pentagon.mil>
Sent: Sat Nov 05 11:37:13 2005
Subject: ~~keep the emp commission alive-newt~~

Electromagnetic pulse may be the biggest underanalyzed threat we face. The system is trying to avoid dealing with it head on.


I've heard that the DOD Office of Legislative Affairs is recommending that the EMP Commission not be continued under the FY 2006 Defense Authorization Bill. The OLAs position is that DOD has not had sufficient time to implement a proposed EMP Action Plan and that the commission competes with limited DOD resources required to implement the Action Plan.

These arguments do not seem entirely accurate. The EMP Commission serves without pay. The bulk of the EMP Commission's prior expenses were related to experiments to develop the report. Most new expenses should be administrative and, therefore, substantially less. More importantly, the commission's recommendations would be significantly easier to implement if they were available as an advisory committee.

While there may be issues that I'm unaware of, it seems prudent, given the highly technical nature of this threat, that the EMP Commission be retained at least until the action plans are more fully developed.

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Attach: 11/7/05 New Gingrich E-Mail to SecDef

DHR 14
110805-15

.....
Please Respond By December 01, 2005

A-471.61

~~FOUO~~

OSD 23407-05

8-71205

11-L-0559/OSD/54893

From NEWT G

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FOUO
UNDER SECRETARY OF THE AIR FORCE
WASHINGTON

OFFICE OF THE
SECRETARY OF DEFENSE

INFO MEMO

2005 DEC -2 AM 11:32

FOR: SECRETARY OF DEFENSE

FROM Ronald M. Sega, Under Secretary of the Air Force

Ronald M. Sega 12/1/05

SUBJECT EMP Commission

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A 42161

1 Dec 01

COORDINATION See Attached

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Prepared By: COL SAM McCRAW, SAF/US, DSN (b)(6)

FOUO

11-L-0559/OSD/54895

OSD 23407-05

S. J. ...

Secretary of the Air Force

[Handwritten signature]
Dec 7, 2001

Under Secretary of Defense for Intelligence

Copy Provided

Director of Defense Research and Engineering

Coordinated

Assistant to the Secretary of Defense (NCB)

coordinated

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**William D. Prather and Michael G. Harrison
AFRL/DEH
Kirtland AFB, NM 87117-5776
29 November 2005**

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Attach: 11/7/05 Newt Gingrich E-Mail to SecDef

DHR.ss
110805-15

.....
Please Respond By December 01, 2005

~~FOUO~~

~~OSD~~ 23407-05

11-L-0559/OSD/54902

(b)(6) CIV, OSD

From NEWT G

From: (b)(6) CIV, OSD
Sent: Monday, November 07, 2005 3:10 PM
To: (b)(6) CIV, OSD
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Sent from my BlackBerry Wireless Handheld

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From: Thirdwave2 <thirdwave2@speakinginrich.com>
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~~FOUO~~

November 23, 2005

TO: Dan Stanley
CC Gen Pete Pace
Eric Edelman
FROM: Donald Rumsfeld *DR*
SUBJECT Phone Call with John Warner

When I spoke with ~~John Warner~~ today he said he needed to know ~~what~~ we are doing to equip the Iraqi Security Forces - that they seem to be driving around in pick-up trucks instead of armored vehicles, and that the chain is no stronger than the weakest link.

We need to get him a report on what we are doing.

Thanks.

DHR:as
112305-19

.....
Please Respond By December 01, 2005

DR

~~FOUO~~

OSD 23412-05

*23 NOV 05
SJS*

11-L-0559/OSD/54904



LEGISLATIVE
AFFAIRS

THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1300

UNCLASSIFIED

OFFICE OF THE
SECRETARY OF DEFENSE

2005 DEC -2 AM 11:48

INFO MEMO

December 2, 2005, 7:30 A.M.

FOR: SECRETARY OF DEFENSE

FROM: Daniel R. Stanley, Assistant Secretary of Defense
for Legislative Affairs, (b)(6)

SUBJECT: Snowflake Response – Report to Senator Warner on Equipping Iraqi Security Forces, #112305-19

- The Defense Reconstruction Support Office (DSRO) and the Joint Staff (J5) are presently preparing a briefing on the equipping of Iraqi Security Forces for Senator Warner.
- To my knowledge, DRSO has been working this with the Joint Staff and OSD(P) for the past two weeks.
- We are working with Senator Warner's office to schedule a briefing at a date acceptable to the Senator.
- Also, we have begun an analysis of the authorities the Department currently possesses to make a determination of how we should engage on the upcoming authorization and appropriations conference reports.
- Our results of this analysis will be provided under separate cover.

ICAD

23 Dec 05

Attachments:

Snowflake #112305-19 (TAB A)

Prepared by: Christian P. Marrone, Special Assistant, OASD (LA) (b)(6)

23 Dec 05

OSD 23412-05

11-L-0559/OSD/54905

FOUO

November 23, 2005

TO: Dan Stanley
CC: Gen Pete Pace
Eric Edelman
FROM: Donald Rumsfeld *DR*
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Thanks.

DHR:as
112303-19

.....
Please Respond By December 01, 2005

FOUO

11-L-0559/OSD/54906

ICTS

FOUO

December 01, 2005

TO: President George W Bush
FROM Donald Rumsfeld
SUBJECT: Quote from Fouad Ajami

==RMO

Mr. President--

I had lunch with Dr. Fouad Ajami this week. He mentioned "the *gift* of liberty," and I asked him to send me the attached quote.

I think you will like it.

Respectfully,



Attach. Quote from Dr. Ajami

DHR:dh
113005-13

1 Dec 05

OSD 23429-05

FOUO

11-L-0559/OSD/54907

As I made my way on this Arab journey, I picked up a meditation that Massimo d'Azeglio, a Piedmontese aristocrat who embraced that "springtime" in Europe, offered about his time, which speaks so directly to this Arab time: "The gift of liberty is like that of a horse, handsome, strong, and high-spirited. In some it arouses a wish to ride; in many others, on the contrary, it increases the desire to walk." It would be fair to say that there are many Arabs today keen to walk -- frightened as they are by the prospect of the Islamists coming to power and curtailing personal liberties, snuffing out freedoms gained at such great effort and pain. But more Arabs, I hazard to guess, now have the wish to ride. It is a powerful temptation that George W. Bush has brought to their doorstep.

~~FOUO~~

NOV 09 2005 9:18

NOV 09 2005

TO: Bill Winkenwerder

cc: David Chu

FROM: Donald Rumsfeld *DR*

SUBJECT: Gingrich Suggestion

Please take a look at this note from Newt Gingrich on Walter Reed. **Any** thoughts?

Thanks.

Attach: 11/7/05 E-Mail from Newt Gingrich

DIR.ss
110805-13

.....
Please Respond By 12/01/05

~~FOUO~~
11-L-0559/OSD/54909

OSD 23468-05

95561