

U05816-03

U05816-03/C3I #04-056/03

SECRETARY OF DEFENSE CORRESPONDENCE ACTION REPORT

4

This form must be completed and forwarded to the Correspondence Control Division (CCD), WHS Room (b)(6) Suspense Desk: (b)(6) FAX Number (b)(6)

(b)(6) Email: (b)(6)

Action Agency

C3I

Suspense Date

5/08/03

1. ACTION TAKEN (Check one)

- a. ACTION HAS BEEN COMPLETED (Copy attached)
- b. REQUEST EXTENSION OF SUSPENSE DATE TO [] (Justify below)
- c. INTERIM REPLY HAS BEEN SENT (Copy attached) EXTEND SUSPENSE TO [] (Justify below)
- c. REQUEST CANCELLATION (Justify below)
- e. REQUEST TRANSFER TO [] (Justify below /include POC Name & Phone Number)
- f. REQUEST DOWNGRADE TO [] (Justify below)

2. JUSTIFICATION

Col (b)(6) did meet with NARA on May 16, 03 and met with them again on Tuesday, May 27, 03, at CIA. He will keep NARA fully informed, and has asked they send a NARA officer in support of the ISG.

Iraq

3. REPORTING AGENCY

a. ACTION AGENCY

C3I

e. APPROVING AUTHORITY

(Service Secretary/Under Secretary/ASD/Military/Executive Assistant Level)

b. NAME OF ACTION OFFICER

(b)(6)

DIA

Dir of Admin

Date Signed

6/12/03

c. TELEPHONE NO.

(b)(6)

5. ACTION TAKEN

(For EXSEC/ Correspondence Control Division Use Only)

a. EX []

(b)(6)

Approved

Disapproved

b. CANX

Approved

Disapproved

c. DWNGRD

Approved

Disapproved

d. TRANSFER

Approved

Disapproved

e. OTHER (Specify)

4. CCD CONTROL #

U05816-03

Signa (b)(6)

COR/USN

Date Signed

6/13/03

(17 Apr 03)

SECRET
2003 APR 10 AM 9:11

APR 17 2003

Honorable Donald H. Rumsfeld
Secretary of Defense
The Pentagon
Washington, DC 20301-1155

Dear Mr. Secretary:

I am writing to offer the assistance of the National Archives and Records Administration (NARA) in dealing with the documents that Coalition forces are securing from the Iraqi Government and other institutions. Especially in the case of government records, these documents will be essential in rebuilding and maintaining the country's infrastructure, protecting property rights, and in providing evidence in judicial proceedings. I believe we can be of assistance to you in two areas: guidance relating to the legal status of the records and protecting their evidential value, and technical assistance relating to preserving original records and in scanning records to obtain copies that your agency may need for business purposes including for future judicial uses.

As it relates to the legal status of the records, since World War II NARA has been involved in an evolving process of dealing with foreign records that are obtained by the U.S. Government as a result of armed conflict. The laws and regulations governing the disposition of Federal records, as well as established international norms, support the general principle that original Iraqi records secured by Coalition forces will and should eventually be the legal property of a new Iraqi Government. In addition, wherever possible they should remain in Iraq. In the meantime, chain of custody must be carefully documented to protect the evidential value of these records.

In those cases where some records have been or still may need to be brought to the United States, they can and should remain the legal property of Iraq, and should be stored and protected for eventual return to Iraq. This is the approach that the Department of Defense used, and NARA endorsed, for records obtained during Operation Just Cause in Panama in 1989. Documenting the chain of custody will be especially important for records removed from Iraq.

Iraqi records that the U.S. Government intends to return to a future Iraqi Government would not be subject to the Federal Records Act (FRA). Copies of original records that you make and actively use to carry out agency business would likely be subject to the requirements of the FRA. We would be pleased to work with a member of your staff to develop agency guidance that would help ensure the segregation of original records that you intend to return to a future Iraqi Government, and the management of copies that are made part of agency files.

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Scanning and copying technology now allow American forces to obtain copies of virtually any type of record that will be necessary for military and intelligence purposes, for helping to manage the transition to a democratic government, and for assisting in possible criminal, human rights, and war crimes prosecutions. We stand ready to provide technical advice and to provide storage for a preservation copy of these scanned images. In addition, NARA has experts in a wide range of skills in preservation and protection of records in all media, including electronic records. These staff members also carry the highest level of security clearances. NARA will also be working with the Departments of Defense and State, and other interested U.S. Government agencies, in developing strategies for dealing with other issues that arise regarding Iraqi records. This includes the formulation of a U.S. Government response to the attached statement issued by the Arab Regional Branch of the International Council of Archives.

If you have any questions or would like our assistance, please contact Dr. Michael Kurtz, Assistant Archivist for Records Services – Washington, DC, on 301-837-1893.

Sincerely,

LEWIS J. BELLARDO



JOHN W. CARLIN
Archivist of the United States

Enclosure

"The Catastrophe of The Iraqi Civilization"
A Statement By The Arab Regional Branch
Of The International Council of Archives

The Arab Regional Branch of the International Council of Archives has been observing with great anxiety the events of the war against Iraq which started on 20/3/2003, and is going on until now. Until the war ends, we hold all the international and national organizations historically responsible to avert the serious dangers that constitute a threat to the treasures in Iraq -the cradle of civilization.

The ancient civilizations of Babylon, Sumer, Nineveh - the land of prophets and missions, inspire all responsible officials as well as the intellectual and cultural institutions around the world to protect this invaluable heritage in the face of the modern destructive weapons of war. Such weapons have killed innocent children, women, sick people, and media men. This war has unleashed a sense of fear amongst the inhabitants who were safe and secure. It has eliminated all the humanitarian values and principles, as well as the lofty ideals preserved in the city of Assyria which was founded in the third millennium B.C.

The councils of Archives around the world have confirmed that the Code of Hammurabi (1792-1750 B.C.), the oldest archive in the history of the world, along with its 285 articles of social and administrative laws, is a collection of jurisprudence for the organization of social life. The fertile land of Iraq produced many distinguished personalities in different fields of arts, sciences, literature and philosophy. Further still, the translation of scholarly treatises made the banks of the Tigris and the Euphrates the forum of civilizations. At the turn of the 21st century, it is a historical compulsion for the masters of Science and technology to protect this unique heritage of mankind. Instead, we are watching the most powerful country in the world destroying all the museums, and further threatening the documents and archives with serious danger by fierce bombardment.

The world's super power supposedly protects human values, hoists the banner of freedom and bears the responsibility for eliminating global threats including weapons of mass destruction. But what we are presently witnessing is a total destruction of all the archives and the documents in the civil service departments which are of great significance for the people's daily lives, official archives, cultural libraries, university libraries, ancient documents, archeological remains and the historical heritage of the nation. All these treasures are already in a state of serious danger resulting from the missiles and bombs before the plundering and looting began to take place.

It is the obligation of the UNESCO and the other international organizations to have been prepared for this situation before it became too late, and to have rescued the lost treasures as much as possible. We appeal to the International Council of Archives and the other responsible authorities world wide to take a quick initiative to save and preserve the libraries, documents, ruins, museums, and all sources of knowledge, to set up urgent funds to cover the expenses for executing the required plan, and prevent them from being taken out of their homeland. We hold the coalition forces and their respective governments fully responsible for all the material, moral and intellectual damages inflicted upon the museums, archeological sites, universities, libraries and educational institutes, and hope that each side will carry out responsibilities in a satisfactory manner.

We are horrified and grieved to observe the mob looting plundering and

destroying the Iraqi National Library with its manuscripts, books and rare historical journals, the National Archives Center which represents the memory of modern Iraq, the museums in Baghdad and Mosul. Furthermore, 170,000 rare and invaluable archeological pieces which date back to thousands of years were also plundered and destroyed. The libraries of the museums and universities of Iraq were looted during daytime under the observation of the armed forces of the coalition who had the power to prevent such atrocities from taking place. Is it possible that such an expedition was organized to demolish the identity of the Iraqi civilization?! The media reported that an American cultural agency has requested to purchase all the looted antiquities and documents in order to sell them to certain specialized authorities. This particular action is against the norms of all international treaties and conventions that stipulate the protection of the historical, archeological and intellectual heritage of a nation.

We remind the leaders of the world, and above all the government of the United States of America, that the governmental and non-governmental intellectual and cultural organizations are always prepared to confront the dangers that threaten the moral values and material ruins in the entire world. Intellectuals all over the world strongly condemned the destruction of the statues of Buddha in Bamyan in Afghanistan by ignorant people. We also mention in this context, the honorable example of saving and rescuing the ruins of Al Noba in Egypt and Sudan by the specialized institutions. The efforts of archivists all over the world, and the diligent work of archeologists excavating, exploring, restoring and preserving, are much appreciated.

The United States of America deserves credit for having the best universities and libraries in the world. Furthermore, the U.S.A. owns excellent museums which are visited by seekers of knowledge. Consequently, the United States has a greater responsibility to abide by the principles of international law and moral code for the protection of the ruins, museums, universities, libraries, theatres and other cultural centers in Iraq, and preserve them for the human race which does not accept the price for the "The freedom of Iraq" to be tyranny and enmity.

We, in the Arab Regional Branch of the International Council of Archives, beseech the leaders of the United States of America, the United Kingdom and the allied countries, as well as their respective organizations, institutions, universities and centers of research to take the wise decision and prompt initiative to strictly enforce the preservation of the great heritage of Iraq until it is vested in the trustful hands of the Iraqi scholars and intellectuals.

Dr. Abdullah Mohammed El Reyes
President of the Arab Regional Branch of the International Council of Archives
15/4/2003
Abu Dhabi - United Arab Emirates