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(b)(1) + (b)(5)

[REDACTED]

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(S)

[REDACTED]

(U) Secretary of Defense Approval of a Limited  
Number of Working Group Techniques

(S)

[REDACTED]

(S/NF)

[REDACTED]

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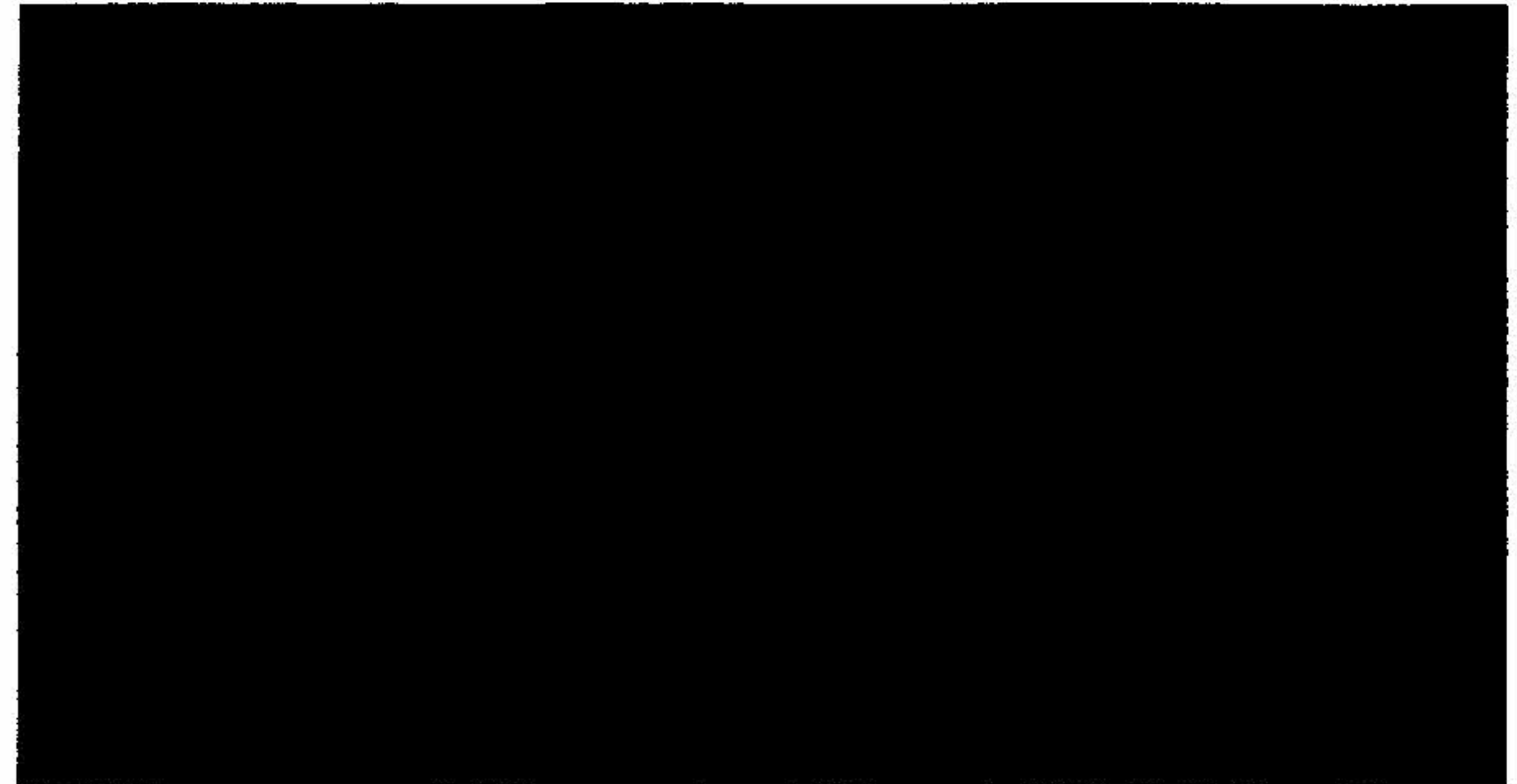
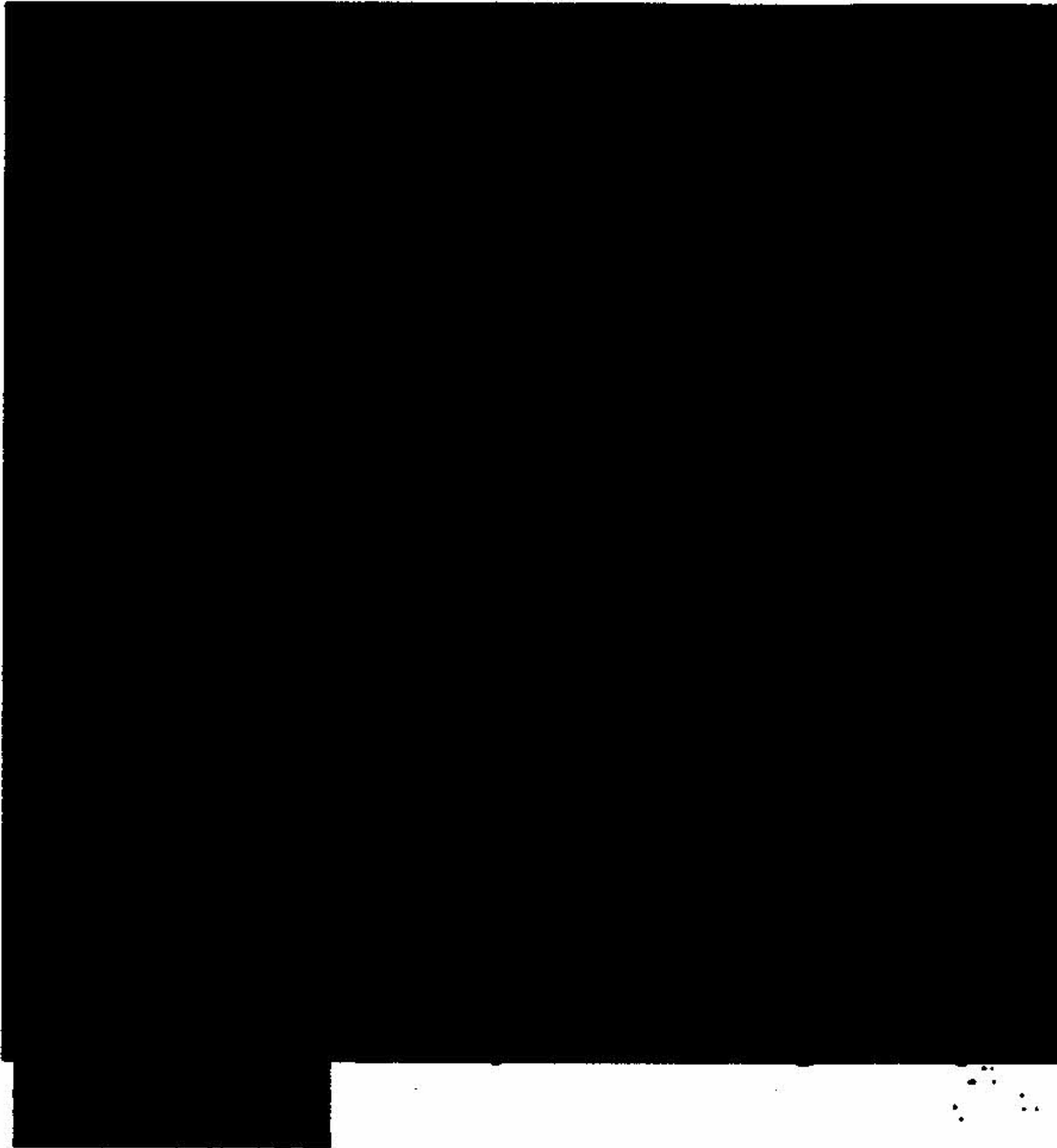
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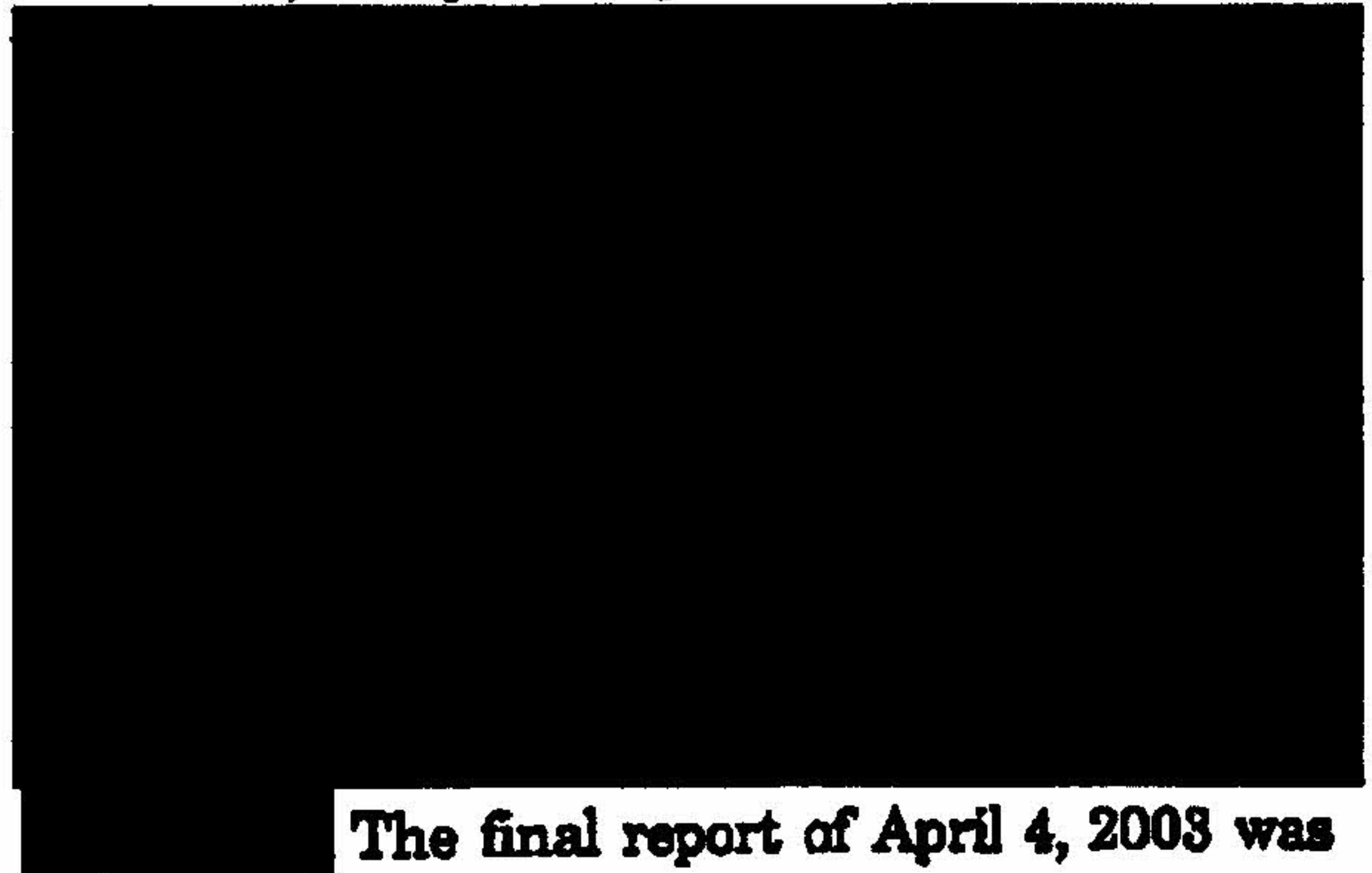
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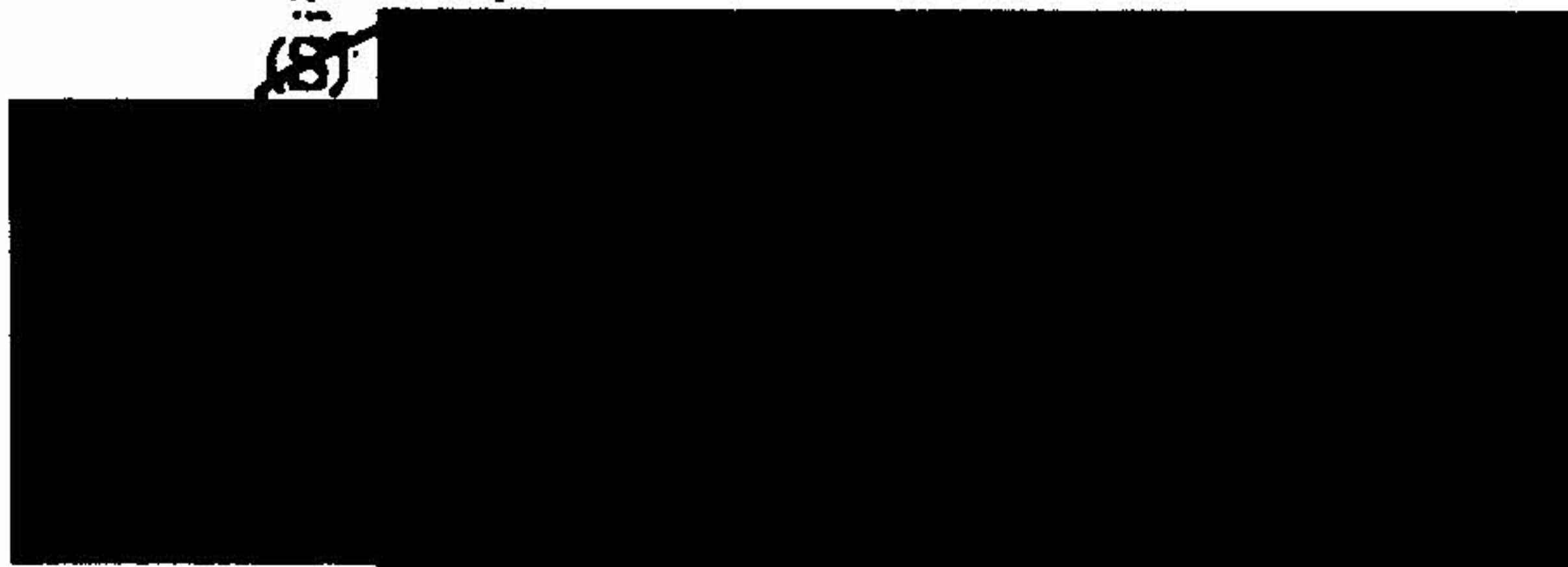
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(U) Ms. Walker on April 4, 2003 presented to Mr. Haynes the final version of the Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy and Operational Considerations.



The final report of April 4, 2003 was not provided to the Working Group participants, principals or action officers. In fact, the majority of the Working Group participants first saw a copy of the final April 4, 2003 report in June 2004 when it was declassified and released to the public. According to Ms. Walker, her office was instructed by Daniel Dell'Orto, Principal Deputy General Counsel of the Department of Defense, not to provide copies of the final report to the Working Group



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participants. According to Mr. Dell'Orto, he directed that the final report not be distributed because he was concerned that "some might use it in settings other than Guantanamo and thereby cause confusion," particularly since it contained discussion of techniques that had been purposely rejected by the Secretary of Defense on March 28, 2003.

~~(S/NF)~~ On April 5, 2003, the Chairman of the Joint Chiefs of Staff, Gen Myers, forwarded to the Secretary of Defense an action memorandum, which enclosed a separate, proposed memorandum on interrogation techniques to the SOUTHCOM Commander for the Secretary's signature. This proposed memorandum to the SOUTHCOM Commander contained 24 interrogation techniques. In his action memorandum, General Myers noted that he was sending the memorandum to the Secretary as a follow-up to "our discussion on 31 March regarding the Working Group Report on Detainee Interrogations in the Global War on Terrorism." On April 8, 2003, Mr. Haynes concurred with Gen Myers' recommendation, and on April 15, 2003, Douglas Feith, the Under

Secretary of Defense for Policy, also concurred.

(U) The Secretary of Defense on April 16, 2003 approved the memorandum to the SOUTHCOM Commander. Entitled "Counter-Resistance Techniques in the War on Terrorism," the memorandum noted in its first sentence that the Secretary had "considered the report of the Working Group that I directed be established on January 15, 2003." The memorandum contained 24 approved interrogation techniques that were "limited to interrogations of unlawful combatants held at Guantanamo Bay, Cuba." (We note for clarification purposes that the Mikolashek Report indicated that this memorandum approved 26 specific techniques for use at GTMO; in fact, the memorandum contains only 24 techniques). Interrogations at GTMO continue to be governed by this memorandum to this day. The memorandum, originally classified as secret, not releasable to foreign nationals, was declassified and released to the public on June 22, 2004. The 24 approved techniques are listed in the figure on the following pages, as described verbatim in the memorandum.

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## April 16, 2003 Approved GTMO Interrogation Techniques (U)

1. (U) Direct: Asking straightforward questions.
2. (U) Incentive/Removal of Incentive: Providing a reward or removing a privilege, above and beyond those that are required by the Geneva Convention, from detainees. [Caution: Other nations believe that detainees are entitled to POW protections may consider that provision and retention of religious items (e.g., the Koran) are protected under international law (see, Geneva III, Article 34). Although the provisions of the Geneva Convention are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]
3. (U) Emotional Love: Playing on the love a detainee has for an individual or group.
4. (U) Emotional Hate: Playing on the hatred a detainee has for an individual or group.
5. (U) Fear Up Harsh: Significantly increasing the fear level in a detainee.
6. (U) Fear Up Mild: Moderately increasing the fear level in a detainee.
7. (U) Reduced Fear: Reducing the fear level in a detainee.
8. (U) Pride and Ego Up: Boosting the ego of a detainee.
9. (U) Pride and Ego Down: Attacking or insulting the ego of a detainee, not beyond the limits that would apply to a POW. [Caution: Article 17 of Geneva III provides, "Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind." Other nations that believe that detainees are entitled to POW protections may consider this technique inconsistent with the provisions of Geneva. Although the provisions of the Geneva Convention are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]
10. (U) Futility: Invoking the feeling of futility of a detainee.
11. (U) We Know All: Convincing the detainee that the interrogator knows the answers to questions he asks of the detainee.
12. (U) Establish Your Identity: Convincing the detainee that the interrogator has mistaken the detainee for someone else.
13. (U) Repetition Approach: Continuously repeating the same question to the detainee within interrogation periods of normal duration.
14. (U) File and Dossier: Convincing detainee that that the interrogator has a damning and

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inaccurate file, which must be fixed.

15. (U) Mutt and Jeff: A team consisting of a friendly and a harsh interrogator. The harsh interrogator might employ the Pride and Ego Down technique. [Caution: Other nations that believe that POW protections apply to detainees may view this technique as inconsistent with Geneva III, Article 13 which provides that POWs must be protected against acts of intimidation. Although the provisions of the Geneva are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]
16. (U) Rapid Fire: Questioning in rapid succession without allowing detainee to answer.
17. (U) Silence: Staring at the detainee to encourage discomfort.
18. (U) Change of Scenery Up: Removing the detainee from the standard interrogation setting (generally to a location more pleasant, but no worse).
19. (U) Change of Scenery Down: Removing the detainee from the standard interrogation setting and placing him in a setting that may be less comfortable; would not constitute a substantial change in environmental quality.
20. (U) Dietary Manipulation: Changing the diet of a detainee; no intended deprivation of food or water; no adverse medical or cultural effect and without intent to deprive subject of food or water, e.g., hot rations to MREs.
21. (U) Environmental Manipulation: Altering the environment to create moderate discomfort (e.g., adjusting temperature or introducing an unpleasant smell). Conditions would not be such that they would injure the detainee. Detainee would be accompanied by interrogator at all times. [Caution: Based on court cases in other countries, some nations may view application of this technique in certain circumstances to be inhumane. Consideration of these views should be given prior to use of this technique.]
22. (U) Sleep Adjustment: Adjusting the sleeping times of the detainee (e.g., reversing sleep cycles from night to day.) This technique is NOT sleep deprivation.
23. (U) False Flag: Convincing the detainee that individuals from a country other than the United States are interrogating him.
24. (U) Isolation: Isolating the detainee from other detainees while still complying with basic standards of treatment. [Caution: The use of isolation as an interrogation technique requires detailed implementation instructions, including specific guidelines regarding the length of isolation, medical and psychological review, and approval for extensions of the length of isolation by the appropriate level in the chain of command. This technique is not

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known to have been generally used for interrogation purposes for longer than 30 days. Those nations that believe detainees are subject to POW protections may view use of this technique as inconsistent with the requirements of Geneva III, Article 13 which provides that POWs must be protected against acts of intimidation; Article 14 which provides that POWs are entitled to respect for their person; Article 34 which prohibits coercion and Article 126 which ensures access and basic standards of treatment. Although the provisions of the Geneva Convention are not applicable to the interrogation of unlawful combatants, consideration should be given to these views prior to application of the technique.]

(U) The Secretary's memorandum specified that four of these techniques - incentive/removal of incentive, pride and ego down, Mutt and Jeff, and isolation - could only be used if the SOUTHCOM Commander specifically determined that military necessity required their use and notified the Secretary in advance. The Secretary also stated all of the 24 techniques must be employed with the following safeguards:

- (U) Limited to use only at strategic interrogation facilities;
- (U) There is a good basis to believe that the detainee possesses critical intelligence;
- (U) The detainee is medically and operationally evaluated as suitable (considering all techniques to be used in combination);
- (U) Interrogators are specifically trained for the technique(s);
- (U) A specific interrogation plan (including reasonable safeguards, limits on duration, intervals between applications, termination criteria and the presence or availability of qualified medical personnel) has been developed;

- (U) There is appropriate supervision; and
- (U) There is appropriate specified senior approval for use with any specific detainee (after considering the foregoing and receiving legal advice).

These safeguards, which the Secretary mandated apply to all approved techniques, were virtually identical to the safeguards that the Working Group Report had recommended for only those techniques that the Working Group had identified as "exceptional."

(U) The Secretary's memorandum also reiterated that "US 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 the Geneva Conventions." Finally, the Secretary left open the possibility that other interrogation techniques could be approved, noting that if, in the SOUTHCOM Commander's view, he required additional interrogation techniques for a particular detainee, he should provide the Secretary, via the Chairman of the Joint Chiefs of Staff, "a written

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request describing the proposed technique, recommended safeguards, and the rationale for applying it with an identified detainee." For ease of refer-

ence, the 24 techniques are listed in summary form in the figure below, with those techniques requiring advance notice to the Secretary in bold.

**April 16, 2003 Approved Interrogation Techniques (U)**  
*(Techniques requiring advance notice to Secretary of Defense in bold)*

1. (U) Direct
2. (U) Incentive/removal of incentive
3. (U) Emotional love
4. (U) Emotional hate
5. (U) Fear up harsh
6. (U) Fear up mild
7. (U) Reduced fear
8. (U) Pride and ego up
9. (U) **Pride and ego down**
10. (U) Futility
11. (U) We Know All
12. (U) Establish your identity
13. (U) Repetition approach
14. (U) File and dossier
15. (U) Mutt and Jeff
16. (U) Rapid fire
17. (U) Silence
18. (U) Change of scenery up
19. (U) Change of scenery down
20. (U) Dietary manipulation
21. (U) Environmental manipulation
22. (U) Sleep adjustment
23. (U) False flag
24. (U) Isolation

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(U) These 24 techniques were significantly less aggressive than the techniques that the Secretary approved on December 2, 2002. The first 19 of the techniques were identical to the 17 specifically enumerated in FM 34-52, except that the policy added one technique (Mutt and Jeff) that was in the 1987 version of FM 34-52 but is not found in the current version, and the policy also listed Change of Scenery Up and Change of Scenery Down as separate techniques, rather than using the more general Change of Scene technique listed in FM 34-52. In two cases (incentive/removal of incentive, and pride and ego down), the policy was actually more restrictive than FM 34-52, as interrogators could not use these techniques without advance notice to the Secretary.

(U) Of the remaining five techniques, (dietary manipulation, environmental manipulation, sleep adjustment, false flag, and isolation), only one (isolation) was identified by the Working Group as "exceptional." The April 16, 2003 policy contained none of the most aggressive Category II techniques - such as stress positions, 20-hour interrogations, removal of clothing, or use of individual phobias (such as fear of dogs) to induce stress - contained in the December 2, 2002 policy, nor the one Category III technique (mild, non-injurious physical contact). Finally, as described above, the current policy included a number of safeguards, which were not specifically enumerated in the December 2, 2002 policy.

## (U) Conclusion

(U) While the foregoing discussion lays out a detailed and often complicated debate surrounding the evolution of approved interrogation techniques for GTMO, several relatively simple themes emerge. First, the push for interrogation techniques beyond those found in FM 34-52 came from GTMO itself, not from the Office of the Secretary of Defense or the Joint Chiefs of Staff. The GTMO leadership and interrogators on the ground felt that they needed counter resistance techniques in order to obtain intelligence from high value detainees who had been trained to resist standard interrogations. Moreover, based on their experience with the counter resistance techniques - especially Kahtani's interrogation - the GTMO leadership felt that such techniques were essential to mission success.

(U) Second, when formulating GTMO interrogation policy, the Office of the Secretary of Defense received meaningful input from military service lawyers. This was most evident in the establishment of the Working Group in January 2003 and the ensuing debate among the Working Group representatives that led to the April 16, 2003 interrogation policy. While many of the representatives levied strong objections to the OLC memorandum - objections that turned out to be entirely justified, especially in light of the White House's and DOJ's June 2004 characterization of the August 1, 2002 memorandum which formed

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the basis of the OLC memorandum as "overbroad" and "unnecessary" - their specific concerns (or at the very least, the spirit of their concerns) ultimately carried the day when the Secretary dramatically cut back on the Working Group's recommendations and accepted only 24 interrogation techniques for GTMO on April 16, 2003.

(U) Similarly, when JTF-170 and SOUTHCOM initially requested counter resistance techniques in October 2002, the Joint Staff solicited input from all the services during the lead-up to the December 2, 2002 policy. While all of the services in November 2002 expressed serious reservations about approving these techniques without further legal and policy review, these views undoubtedly played a role in the Secretary's ultimate decision on December 2, 2002 to reject the three most aggressive Category III techniques. It is true that, in light of their objections, the respective services were uncomfortable with the Secretary's adoption of a subset of the counter resistance techniques, but this decision was driven by the perceived urgency at the time of gaining actionable intelligence from particularly resistant detainees (principally Kahtani) that could be used to thwart possible attacks on the United States.

(U) Third, when considering requests for additional interrogation techniques beyond those in FM 34-52, the Office of the Secretary of Defense was a moderating force that cut back on the number and types of techniques under consideration. Again, this was most evident in the promulgation

of the April 16, 2003 policy, which included only 24 of the 35 techniques recommended by the Working Group, and included none of the most aggressive techniques. This was also true to a lesser extent in the December 2, 2002 policy, which included only one of the requested Category III techniques. This policy netted valuable intelligence, especially from the 20th hijacker, Kahtani, and yet the Secretary took a relatively cautious approach by suspending this policy on January 15, 2003, largely in response to Mr. Mora's concerns, and establishing the Working Group.

(U) Fourth, the April 16, 2003 interrogation policy for GTMO (which is still in effect) was a conservative policy that was closely tied to FM 34-52 and contained none of the interrogation techniques - such as stress positions, removal of clothing, or the use of dogs to induce stress - that previous investigations have identified as possibly leading to detainee abuse. As noted above, the first 19 techniques in the current policy were virtually identical to the techniques found in FM 34-52. Of the remaining techniques, dietary manipulation simply consisted of feeding detainees military field rations instead of hot meals; sleep adjustment did not entail depriving detainees of sleep, but rather adjusting their sleep cycles from night to day; and false flag involved the sort of nonviolent trickery or ruse that is inherent in many of the FM 34-52 techniques. The last two techniques, environmental manipulation and isolation, were the most aggressive of the 24, but were to be implemented only with appropriate safeguards.

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(U) Finally, in our view, the unifying theme among all participants in the debate surrounding interrogation policy for GTMO - from the Secretary of Defense, to the Joint Staff, to the various military service lawyers, to the Working Group, to the leaders at SOUTHCOM and GTMO - was the sincere desire to do what was right for the United States under exceedingly difficult circumstances. Much of the debate on interrogation policy took place when the memory of 9/11 was much fresher than it is today, and many of the participants felt that the United States would be attacked again, and that the detainees at GTMO had information that could prevent such attacks. While it is impossible to quantify how many American lives have been saved by the intelligence gathered at GTMO, it is undoubtedly true that lives have been saved. As the Independent Panel wrote, "[t]he interrogation of al Qaeda members held at Guantanamo has yielded valuable information used to disrupt and preempt terrorist planning and activities," and in fact "[m]uch of the 9/11 Commission's report on the planning and execution of the attacks on the World Trade Center and Pentagon came from interrogation of detainees." The interrogation policy development process, we think, reflected the honest efforts of our country's military and civilian leaders to come up with the right solution - one that would both protect our nation and our values.

## Interrogation Techniques Actually Employed (U)

(U) The above discussion sets the stage for an analysis of interrogation techniques actually employed at GTMO. This section begins with a short description of our investigation, followed by a discussion of some of the specific policies and procedures that have developed at GTMO into what we describe as the GTMO "model." Next, we analyze the interrogation techniques actually employed at GTMO (and compare them to those that were approved for use), and conclude with a discussion of detainee abuse.

## (U) Investigation Procedure

(U) Vice Admiral Church in early May 2004 led a review into detainee treatment at GTMO (and at the Naval Consolidated Brig in Charleston, SC), and briefed the Secretary of Defense with his findings on May 11, 2004. The review team completed more than 100 interviews, including 43 sworn statements from military intelligence and military police leadership, interrogators, interpreters, and military police guards. For purposes of the current investigation, we have attempted to leverage the work done in the previous review where possible, although the previous review looked more broadly at compliance with DoD orders in general and therefore did not focus on interrogation techniques with the detail found in the current investigation.

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(U) For our current investigation, we collected information from a variety of sources. First, a five-person team traveled to GTMO from June 21 to 25. Upon arrival, the team received a briefing from the current JIG Commander, Mr. Esteban Rodriguez. The team conducted a number of interviews with military intelligence and military police leadership, interrogators, military police guards, intelligence analysts, interpreters, linguists, military working dog handlers, staff judge advocates, and medical personnel. These interviews were then turned into sworn statements. The team also reviewed and collected a large volume of various documentation during the on-site visit. Second, we requested and received GTMO-related materials from throughout DoD, many of which were used to construct the detailed chronology of approved interrogation techniques described above. SOUTHCOM, in particular, proved especially helpful in gathering various documentation. Finally, in order to gain a more complete historical picture of interrogation operations at GTMO, the current investigation team conducted a number of "reach-back" interviews of personnel who had served at GTMO previously but had since moved on to other assignments. These reachback interviews included interrogators, military intelligence leadership and staff judge advocates who were stationed at GTMO as early as January 2002. Included in this reach-back effort were interviews and accompanying statements from the former JTF-170 Commander, MG Dunlavey, and the former JTF-GTMO Commander, MG Miller. Overall, we conducted

over 60 additional interviews as part of the current investigation, 47 of which were turned into sworn statements.

**(U) The GTMO "Model"**

(U) Intelligence operations at GTMO are conducted in a highly-structured, well-disciplined environment that is conducive to intelligence collection. This is partially due to the fact that GTMO is in a remote and secure location, far from any battlefield. Unlike their counterparts at Abu Ghraib, for example, interrogators and military police at GTMO have not had to contend with the numerous difficulties associated with operating within a combat zone: the confusion, chaos, mortal danger, logistical difficulties, highly variable detainee population, or any number of other challenges inherent to combat operations. But much of the credit for the structure and discipline at GTMO is due to specific policies and procedures that have developed at GTMO over time, or what we refer to in shorthand as the GTMO "model." Outlined below are the most significant aspects of this model.

**(U) Command Organization**

(U) As discussed in the background section, the command structure at GTMO has evolved significantly from the original organization, which had separate chains of command for intelligence and detention operations, to the current structure, which places both intelligence and detention oper-

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ations under the command of a single entity, designated Joint Task Force GTMO (JTF-GTMO). Placing one commander in charge of both military intelligence and military police operations has enabled greater coordination and cooperation in the accomplishment of the assigned mission.

(U) Significantly, the Independent Panel in its report endorsed this organizational structure by noting that the need for this type of organization was a lesson learned from Operation ENDURING FREEDOM and earlier phases of Operation IRAQI FREEDOM, but was not adequately followed in the phase of the Iraq campaign following major combat operations. The Independent Panel wrote of "the value of establishing a clear chain of command subordinating MP and MI to a Joint Task Force or Brigade Commander. This commander would be in charge of all aspects of both detention and interrogations just as tactical combat forces are subordinated to a single commander."

## (U) Relationship Between Military Police and Military Intelligence

(U) Under the GTMO model, military police (MP) work closely with military intelligence (MI) in helping to set the conditions for successful interrogations. The overarching command structure is what makes this possible: having military police answer to the same commander as military intelligence ensures that the detention function supports the intelligence collection function, and

thus recognizes the primacy of the human intelligence collection mission at GTMO.

(U) When discussing MP/MI relations at GTMO, it is helpful to differentiate between events that occur during interrogations (or inside the interrogation room) and those that occur in preparation for interrogations (or in the cellblock, outside the interrogation room). Generally speaking, interrogators are in charge of a detainee when he is in the interrogation room, while MPs are in charge of a detainee when he is in the cellblock, or being moved anywhere within the detention facility. This is a matter of both doctrine and practicality. Interrogators are responsible for devising interrogation plans and have the specific training and experience to conduct interrogations. MPs, in turn, are responsible for the security, discipline and welfare of detainees in the cellblock.

(U) MPs at GTMO are not permitted to participate in the interrogations themselves. According to our investigation, this has always been generally understood by both military police and interrogators. However, in response to isolated instances in March and April 2003 in which interrogators directed MPs to carry out forced physical exercise on one particular detainee during interrogation sessions, MG Miller made it an official policy that MPs may not participate in interrogations. In a letter to the JIG Director on May 2, 2003, MG Miller wrote that "Military Police personnel may not participate in interrogations,"

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except to safeguard the "security and safety of all involved." [REDACTED]

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(U) Second, several of the interrogation techniques currently approved for either general use at GTMO or upon specific notification to the Secretary of Defense [REDACTED]

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(U) MPs are very involved, however, in events outside the interrogation room that are done in preparation for interrogations. This is accomplished principally in two ways. First, as the Independent Panel described it, MPs serve "as the eyes and ears of the cellblocks for military intelligence personnel. This collaboration helped set conditions for successful interrogation by providing the interrogator more information about the detainee - his mood, his communications with other detainees, his receptivity to particular incentives, etc." [REDACTED]

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