



OFFICE OF THE UNDER SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-3000

0100
1/2

ACQUISITION,
TECHNOLOGY
AND LOGISTICS

ACTION MEMO

TO: Secretary Rumsfeld
THROUGH: Acting Deputy Secretary England
FROM: Ken Kriste
SUBJECT: Response to Snowflake on Travel

[Handwritten signature] 1/2

I am currently scheduled to travel to India December 2-9. The purpose of my visit is to discuss improving defense relations with an emerging strategic partner in the region for establishing a framework to conduct defense cooperation. I arranged this trip at your direction following your meetings this summer with the Minister of Defense from India.

While this is outside the window in your snowflake, there is a SLRG on the schedule for the week I will be out. My concern is that with the upcoming QDR and budget decisions there may be reason for me to be here and available. If you agree, I'd like to coordinate with my Indian counterparts now and postpone this trip until sometime in 2006.

I will not make any schedule changes until I receive your guidance.

Thank you.



FOUO

July 27, 2005

0005

TO: Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: *Pew Survey*

Please get this ~~Pew~~ Center for Research Survey around to all the people you can think of, so people have it in their minds. Someone ought to summarize it crisply and see that people *are* aware of it, because we can all then *start talking* about it.

I would like a one-pager that summarizes it, so I can talk about it.

Thanks.

Attach.

7/15/05 PDUSD(P) memo to SD re: Support for Violence and bin Laden Drops in Key Muslim Countries [OSD13885-05]

DHR:db
072705-22TS

.....
Please respond by August 18, 2005

JUL 27 2005

MF

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FOUO

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OSD 21600-05

11-L-0559

SECRET

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USDP *provided*
1-05/009582-PDUSDP *7/17/05*
ES-3767

INFO MEMO

Robert Rangel

FOR THE SECRETARY OF DEFENSE

RR 7/22

FROM: Ryan Henry, Principal Deputy Under Secretary of Defense for Policy *ASST*

JUL 16 2005

SUBJECT: Support for Violence and bin Laden Drops in Key Muslim Countries

- Recently, the Pew Center for Research released a major **survey of six** Muslim countries, plus 11 other nations. The survey indicated a significant and positive shift in public opinion **over the** last three months.
 - Tab 1 shows a snapshot of results snapshot with a **summary** article, and
 - Tab 2 contains the full **report**.
- Of note -- Jordan, Lebanon, Pakistan, Indonesia, Turkey, and Morocco, support for suicide bombings, Osama bin Laden, and **terrorism** in general have **declined** dramatically.
- Some Muslim countries still show support as high as 50 percent for suicide attacks against U.S. **forces in Iraq**. However, all **Muslim** nations surveyed showed a **remarkable** decline in support for violence against U.S. **troops**.
 - The survey also showed increasingly sophisticated **support** and understanding for "Western concepts" of democracy, **with over 70 percent** of the publics in Lebanon, Jordan, Morocco, and Indonesia expressing belief that democracy can work in their countries
- Pew Center President, Andrew Kohut, attributed the **trends** as a reaction to recent **terrorist** attacks **against** civilians in Muslim countries, improving domestic conditions, and dissipation in **the** emotional response to the **Iraq** war.
- The Pew survey represents a **significant** datapoint in better understanding evolving Muslim attitudes, which **are** beginning to move away from the **overwhelmingly** negative views we saw as recently as last summer.
 - Tab 3 contains polls cited in the 2004 Defense Science Board Study. *ESB 7/22*

Attachments: **As** stated

Prepared by: T. Gipe/J. Geis OPDUSDP (b)(6)

MA SD	<i>7/14</i>	SMA DSD	
TSA SD	<i>7/22</i>	SA DSD	
EXEC SEC	<i>M/A</i>	<i>1822</i>	
ESR MA	<i>1/5/05</i>	<i>27-1905</i>	<i>1656</i>

OSD 13885-05



a Pew Research Center project

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FOR RELEASE THURSDAY, JULY 14, 2005, 2:00 PM EDT

Support for Terror Wanes Among Muslim Publics
**ISLAMIC EXTREMISM: COMMON CONCERN FOR MUSLIM
AND WESTERN PUBLICS**

17-Nation Pew Global Attitudes Survey

FOR FURTHER INFORMATION CONTACT:

Andrew Kohut, Director
Jodie Allen, Senior Editor
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11-L-0559/OSD/53913

205 ... DSD
USDP *9/17/05*
1-05/009582-PDU SDF
ES-3767

INFO MEMO

FOR THE SECRETARY OF DEFENSE

FROM: Ryan Henry, Principal Deputy Under Secretary of Defense for Policy *JUL 19 2005*

SUBJECT Support for Violence and bin Laden Drops in Key Muslim Countries

- Recently, the Pew Center for Research released a major survey of six Muslim countries, plus 11 other nations. The survey indicated a significant and positive shift in public opinion over the last three months.
 - Tab 1 shows a snapshot of results snapshot with a **summary** article, and
 - Tab 2 contains the **full report**.
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- Some Muslim countries still show support as high as **50** percent for suicide attacks against U.S. forces in **Iraq**. However, all Muslim nations surveyed showed a remarkable decline in support for violence against U.S. **troops**.
 - The survey also showed increasingly sophisticated support and understanding for "Western concepts" of democracy, with over 70 percent of the publics in Lebanon, Jordan, Morocco, and Indonesia expressing belief that democracy can work in their countries.
- Pew Center President, Andrew Kohut, attributed the **trends as** a reaction to recent terrorist attacks against civilians in Muslim countries, improving domestic conditions, and dissipation in the emotional response to the Iraq war.
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Attachments: **As** stated

Prepared by: T. Gipe/J. Geis OPDUSD (b)(6)

13-07-05 09:22 11
OSD 13885-05

Highlights from the Pew Center for Research Survey
Islamic Extremism: Common Concern for Muslim and Western Publics
 Released July 14, 2005

Table 1

Islamic Extremism a Threat to Your Country?			
	Yes^a	No	DK
	%	%	%
Morocco	73	18	9=100
Pakistan	52	27	21=100
Turkey	47	34	19=100
Indonesia	46	50	6=100
Lebanon	28	66	6=100
Christians	53	42	5=100
Muslims	4	85	11=100
Jordan	10	87	3=100

^a Yes if 24% or more agree at the state level
^b No if 60% or more agree at the state level

Table 2

Support for Suicide Bombing Declines				
<i>Violence against civilian targets justified</i>				
	Often			
	Sometimes	Rarely	Never	DK
	%	%	%	%
Jordan	67	31	11	1=100
Summer 2002	43	22	26	8=99
Lebanon	35	18	33	14=101
Summer 2002	73	9	12	6=100
Pakistan	26	19	48	10=100
March 2004	41	8	35	17=101
Summer 2002	33	5	38	23=99
Indonesia	15	18	68	1=100
Summer 2002	27	10	54	3=100
Turkey	14	8	68	13=98
March 2004	15	9	67	9=100
Summer 2002	13	7	64	15=98
Morocco	13	5	78	3=100
March 2004	40	15	38	3=101

Table 3

Beliefs About Governance		
	Democracy can work <u>here</u>	Islam plays large role in <u>political life</u>
	%	%
Turkey	48	82
Pakistan	43	62
Lebanon	83	54
Jordan	80	30
Morocco	83	75
Indonesia	77	85

Table 4

Confidence In Osama bin Laden*				
	A lot Some %	Not too much %	None %	DK %
Jordan	56	29	18	2=100
May 2003	55	28	18	1=100
Pakistan	51	11	12	26=100
May 2003	45	7	20	28=100
Indonesia	16	27	18	27=99
May 2003	58	28	10	7=900
Morocco	28	8	48	26=100
May 2003	49	7	29	15=100
Turkey	7	8	73	14=100
May 2003	15	7	67	11=100
Lebanon	2	9	78	13=98
May 2003	14	18	64	4=100

*Confidence in Osama bin Laden is to do be regarding
regarding world affairs.

Support For Bin Laden, Violence Down Among Muslims, Poll Says

By Robin ~~Wright~~, Washington Post ~~Staff~~ Writer

Washington Post

July 15, 2005

Osama bin Laden's standing **has** dropped significantly in some pivotal **Muslim countries**, while **support** for suicide bombings and other acts of violence **has** "declined dramatically," according to a new survey released yesterday.

Predominantly Muslim populations in a sampling of ~~six~~ **North African, Middle Eastern** and Asian countries share to a "considerable degree" Western concerns about Islamic extremism, according to the poll by the Pew Global Attitudes Project, conducted by the Pew Research Center, a nonpartisan and nonprofit organization.

"Most Muslim publics **are** expressing less support for **terrorism** than **in** the past. Confidence **in** **Osama** bin Laden has declined markedly in some countries, and fewer believe suicide bombings that target civilians **are** justified in the defense of Islam," the poll concluded.

The one exception is attitudes toward suicide bombings of U.S. and ~~Western~~ **targets in** Iraq, a subject on which Muslims were divided. Roughly half of Muslims in Lebanon, Jordan and Morocco said such attacks are justifiable, while sizable majorities in Turkey, Pakistan and Indonesia **disagreed**. Yet, **support** for suicide bombings in **Iraq** still declined by **as** much as 20 percent compared with a poll **taken** last year.

The results, which also reveal widespread support for democracy, show how profoundly opinions have changed in parts of the Muslim world since Pew took similar surveys in recent **years**. The poll attributed the difference in attitudes toward extremism to both the terrorist attacks in Muslim nations and the passage of time since the **U.S.** invasion of Iraq.

In May 2003, many Muslims "saw a worldwide threat to Islam and [bin Laden] represented opposition to the West and the United States," said **Andrew** Kohut, president of the Pew Research Center and project director. "Tempers have since cooled."

The poll results **are** a rare piece of good news for the Bush administration, which **has** faced difficulties seeing gains in its **two** top foreign policy goals -- combating **terrorism** and promoting democracy in the Islamic world.

"These are eye-catching results, but not surprising," said Augustus Richard Norton, a Middle East specialist at Boston University. "Muslims, like non-Muslims, are plugged into the world. . . . It is one thing to be caught up in the supposed glamour of attacking the superpower or global bully, but it is quite another to have to pay the consequences economically, politically -- not to mention personally. **This** is what **has** happened in places like Indonesia, Morocco, Pakistan and Turkey, where many people now see extremist Islam as a threat to their lives, not a fantasy game of kick Uncle **Sam**."

The survey, conducted from April **through** mid-June, before the London bombings, polled 17,000 people in the six Muslim-dominated countries and in 11 major Western and Asian nations, including the United States. They were asked about their attitudes toward Islam, Muslim nations

and extremist violence. More than 6,200 interviews in Muslim countries were conducted in person, while interviews in the West and in Asia were done by telephone and in person.

The new poll also found that growing majorities or pluralities of Muslims now say that democracy can work in their countries and is not just a Western ideology. Support for democracy was in the 80 percent range in Indonesia, Jordan, Lebanon and Morocco. It was selected by 43 percent in Pakistan and 48 percent in Turkey -- the largest blocks of respondents in both countries because significant numbers were unsure.

"They are not just paying lip service. They are saying they specifically want a fair judiciary, freedom of expression and more than one party in elections. It wasn't just a vague concept," Kohut said. "U.S. and Western ideas about democracy have been globalized and are in the Muslim world."

At the same time, however, most Muslims surveyed said they think Islam is playing an increasing role in their politics, a development they view as a positive shift in response to economic problems, growing immorality and concern about Western influence. Jordan was the only exception.

The survey results indicate that growing numbers of Muslims differentiate between what they consider the peaceful influence of Islamic values in politics and the use of religion to justify attacks. "The people who see Islam playing an important role in political life are the ones most worried about extremism," Kohut said.

Yet solid majorities in five of the six Muslim countries surveyed -- Indonesia, Jordan, Lebanon, Pakistan and Turkey -- also now have unfavorable views of the United States. In the sixth, Morocco, views are divided. The governments in all six countries are U.S. allies and receive U.S. aid.

The survey found only 2 percent of the people polled in Lebanon and 7 percent in Turkey expressing confidence that bin Laden would "do the right thing regarding world affairs." The proportion that expressed confidence in the al Qaeda leader dropped from almost half to about a quarter in Morocco, and from 58 percent to 37 percent in Indonesia. Bin Laden's standing went up slightly in Pakistan, to 51 percent, and in Jordan, to 60 percent.

Three factors, Kohut said, contributed to the notable shift in views on bin Laden and suicide bombings: incidents of terrorism in Muslim countries, an increase in positive feelings about events at home, and the passage of time since the 2003 survey conducted after the U.S. invasion of Iraq.

The decline in support for suicide bombings was largest in Indonesia, which has witnessed deadly bombings at a Marriott hotel in Jakarta and at a Bali tourist hotel -- attacks that seriously affected tourism and foreign investment. Jordan was the only country where the majority surveyed -- 57 percent -- still support terrorist acts in defense of Islam, possibly because the majority Palestinian population is tied to the conflict with Israel, Kohut said.

But Norton also noted: "As the events in London show, it does not take too many people to cause big problems. If only 1/10,000 of 1 percent [of the Muslim world] is inclined to terrorism, that is still 1,200 potential mass killers."

One of the starkest findings was the divide in views on religion. Most of those surveyed in nine Western countries -- including the United States, Britain, Canada, France and Russia -- said they have favorable views of Muslims, although the non-Muslims surveyed were more likely to say Islam is more violent than Christianity, Judaism or Hinduism.

The Muslims surveyed had mixed views on Christians, and anti-Jewish sentiment was "endemic," the survey reported.



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17-Nation ~~Pew~~ Global Attitudes Survey
July 14, 2005

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Support for Terror Wanes Among Muslim Publics

ISLAMIC EXTREMISM COMMON CONCERN FOR MUSLIM AND WESTERN PUBLICS

Concerns over Islamic extremism, extensive in the West even before this month's terrorist attacks in London, are shared to a considerable degree by the publics in several predominantly Muslim nations surveyed. Nearly three-quarters of Moroccans and roughly half of those in Pakistan, Turkey and Indonesia see Islamic extremism as a threat to their countries. At the same time, most Muslim publics are expressing less support for terrorism than in the past. Confidence in Osama bin Laden has declined markedly in some countries and fewer believe suicide bombings that target civilians are justified in the defense of Islam.

	Yes* %	No %	DK %
Morocco	73	18	9=100
Pakistan	52	27	21=100
Turkey	47	34	19=100
Indonesia	45	50	5=100
Lebanon	26	66	8=100
Christians	53	42	5=100
Muslims	4	85	11=100
Jordan	10	87	3=100

* Yes is very or fairly great threat and No is not too great or no threat at all.

Nonetheless, the polling also finds that while Muslim and non-Muslim publics share some common concerns, they have very different attitudes regarding the impact of Islam on their countries. Muslim publics worry about Islamic extremism, but the balance of opinion in predominantly Muslim countries is that Islam is playing a greater role in politics – and most welcome that development. Turkey is a clear exception: the public there is divided about whether a greater role for Islam in the political life of that country is desirable.

In non-Muslim countries, fears of Islamic extremism are closely associated with worries about Muslim minorities. Western publics believe that Muslims in their countries want to remain distinct from society, rather than adopt their nation's customs and way of life. Moreover, there is a widespread perception in countries with significant Muslim minorities, including the U.S., that resident Muslims have a strong and growing sense of Islamic identity. For the most part, this development is viewed negatively, particularly in Western Europe. In France, Germany and the Netherlands, those who see a growing sense of Islamic identity among resident Muslims overwhelmingly say this is a bad thing.

	distinct %	Islamic identity %
Germany	88	66
Russia	72	55
Spain	68	47
Netherlands	65	60
India	61	64
Great Britain	61	63
Canada	60	51
France	59	70
		50
Poland	42	20

The latest survey by the Pew Global Attitudes Project, conducted among more than 17,000 people in 17 countries this spring, finds that while many Muslims believe that radical Islam poses a threat, there are differing opinions as to its causes. Sizable minorities in most

predominantly Muslim countries point to poverty, joblessness and a lack of education, but pluralities in Jordan and Lebanon cite U.S. policies as the most important cause of Islamic extremism.

The polling also finds that in most majority-Muslim countries surveyed, support for suicide bombings and other acts of violence in defense of Islam has declined significantly. In Turkey, Morocco and Indonesia, 15% or fewer now say such actions are justifiable. In Pakistan, only one-in-four now take that view (25%), a sharp drop from 41% in March 2004. In Lebanon, 39% now regard acts of terrorism as often or sometimes justified, again a sharp drop from the 73% who shared that view in 2002. A notable exception to this trend is Jordan, where a majority (57%) now says suicide bombings and other violent actions are justifiable in defense of Islam.

Support for Suicide Bombing Declines				
Violence against civilian targets justified				
	Often	Rarely	Never	DK
	Sometimes			
	%	%	%	%
Jordan	57	31	11	1=100
Summer 2002	43	22	26	8=99
Lebanon	39	19	33	10=101
Summer 2002	73	9	12	0=100
Pakistan	25	19	46	10=100
March 2004	41	8	35	17=101
Summer 2002	33	5	38	23=99
Indonesia	15	18	66	1=100
Summer 2002	27	18	54	3=100
Turkey	14	6	66	13=99
March 2004	15	8	67	9=100
Summer 2002	13	7	64	14=98
Morocco	13	5	79	3=100
March 2004	40	15	38	8=101

When it comes to suicide bombings in Iraq, however, Muslims in the surveyed countries are divided. Nearly half of Muslims in Lebanon and Jordan, and 56% in Morocco, say suicide bombings against Americans and other Westerners in Iraq are justifiable. However, substantial majorities in Turkey, Pakistan and Indonesia take the opposite view.

As in past Global Attitudes surveys, publics in predominantly Muslim countries believe that democracy can work in their countries. Large and growing majorities in Morocco (83%), Lebanon (83%), Jordan (80%) and Indonesia (77%) – as well as pluralities in Turkey (48%) and Pakistan (43%) – say democracy can work well and is not just for the West.

Beliefs About Governance		
	Democracy can work here	Islam plays large role in political life
	%	%
Turkey	48	62
Pakistan	43	62
Lebanon	83	54
Jordan	80	30
Morocco	83	75
Indonesia	77	85

Yet there is some ambivalence about the role of Islam in government. Majorities or pluralities in each of the predominantly Muslim countries surveyed, except for Jordan, say Islam is playing a greater role in politics than a few years ago. But those who see Islam playing a large role in political life are also somewhat more likely to say that Islamic extremism poses a threat to their countries.

Overall, the sense that Islamic extremism poses a major national threat is strongest in Morocco, the site of a devastating terrorist attack two years ago, where nearly three-quarters of the public (73%) hold that view. In Pakistan, 52% believe Islamic extremism presents a very or fairly great threat to the country, as do 47% in Turkey. In Lebanon, opinions are divided, with Christians much more likely to see Islamic extremism as a threat than Muslims. And just 10% of Jordanians view Islamic extremism as at least a fairly great threat.

Outside the Muslim world, the Pew survey finds that in countries such as India, Russia, Germany and the Netherlands, concerns about Islamic extremism – both within their own borders and around the world – are running high. Worries over Islamic extremism are nearly as high in France and Spain. Concern about terrorism at home and around the world run parallel in only three countries, Russia, India and Spain. Before the London terrorist attacks, Americans and Britons expressed more concern about extremism around the world than they did at home.

	In your country?		In the world?	
	Very %	Some- what %	Very %	Some- what %
Russia	52	32	51	33
India	48	36	46	36
Spain	43	34	45	37
Germany	35	43	48	39
Great Britain	34	36	43	37
Netherlands	32	44	46	44
France	32	41	46	43
United States	31	39	42	37
Canada	22	34	41	38
Poland	7	30	23	39

There also is evidence that these concerns are associated with opposition to Turkey's entry into the European Union. Overall, nearly two-thirds of French (66%) and Germans (65%) oppose Turkey's EU bid, as do a majority of the Dutch (53%). Support for Turkey's admittance to the EU is most extensive in Spain (68%) and Great Britain (57%).

An analysis of the polling finds that opposition to Turkey's admission is also tied to growing concerns about national identity. Negative views about immigration – not only from the Middle East and Africa but from Eastern Europe as well – are even more strongly related to opposition to Turkey's admission to the EU than are concerns over Islamic extremism.

Nonetheless, favorable views of Muslims outpace negative views in most countries of North America and Europe. Hostility toward Muslims is much lower in Great Britain, the United States and Canada than in other Western countries surveyed. And while worries about Islamic extremism are substantial in these three English speaking countries, the survey found somewhat less concern about rising Islamic identity among their resident Muslim populations.

Islam in Politics

A complex set of attitudes about the place of Islam in politics emerges from the findings. Most people surveyed in predominantly Muslim countries identify themselves first as Muslims, rather than as citizens of their country. Moreover, except in Jordan, there is considerable acknowledgement that Islam is playing a significant role in the political life of these countries.

Worries about extremism are often greater among those who believe Islam has a significant voice in the political life of their country. This is particularly the case in Turkey and Morocco. The polling finds that those in Turkey who self-identify primarily with their nationality worry more about Islamic extremism than do those who think of themselves first as Muslim.

However, Muslim publics who see Islam's influence in politics increasing say that this trend is good for their country, while those who see Islam's influence slipping overwhelmingly say it is bad. Turkey, whose EU candidacy is weakened by European worries about Islamic extremism, has the least clear cut opinions on this issue. An increasing role for Islam in politics in Turkey, a country that has been officially secular since 1923, is seen as a bad thing. Those in Turkey who see Islam's influence diminishing are divided over whether this is good (44%) or bad (47%).

Views of Religious Groups

Majorities in Great Britain, France, Canada, the U.S. and Russia, as well as pluralities in Spain and Poland, say they have a somewhat or very favorable view of Muslims. In the West, only among the Dutch and Germans does a majority or plurality hold unfavorable views of Muslims (51% and 47%, respectively).

For their part, people in predominantly Muslim countries have mixed views of Christians and strongly negative views of Jews. In Lebanon, which has a large Christian minority, 91% of the public thinks favorably of Christians. Smaller majorities in Jordan and Indonesia also have positive views of Christians.

However, in Turkey (63%), Morocco (61%) and Pakistan (58%), solid majorities express negative opinions of Christians.

	-Christian-		-Jews-		-Muslims-	
	Fav %	Unfav %	Fav %	Unfav %	Fav %	Unfav %
United States	87	5	77	7	57	22
Canada	83	9	78	11	60	26
Great Britain	85	6	78	6	72	14
France	84	15	82	16	64	34
Germany	83	13	67	21	40	47
Spain	80	10	58	20	48	37
Netherlands	83	15	85	11	45	51
Russia	92	3	63	26	55	36
Poland	86	5	54	27	46	30
Turkey	21	63	18	80	83	11
Pakistan	22	58	6	74	94	2
Indonesia	58	38	13	76	98	1
Lebanon	91	7	0	99	92	7
Morocco	58	41	0	100	99	1
China	33	61	6	88	97	3
India	26	41	28	49	20	50
India	61	19	28	17	46	43

Anti-Jewish sentiment is endemic in the Muslim world. In Lebanon, all Muslims and 99% of Christians say they have a **very** unfavorable view of Jews. Similarly, 99% of Jordanians have a **very** unfavorable view of Jews. Large majorities of Moroccans, Indonesians, Pakistanis and **six-in-ten Turks** also view Jews unfavorably.

In the Asian countries surveyed, views of religious groups are generally more moderate. **India**, with its substantial Muslim minority, is closely divided with respect to views about Muslims; 46% hold a favorable view while 43% view them unfavorably. Opinions of Christians are considerably higher: 61% favorable compared with 19% unfavorable. Most **Indians** (56%) offer no opinion on Jews; those that do split 28% favorable to 17% unfavorable.

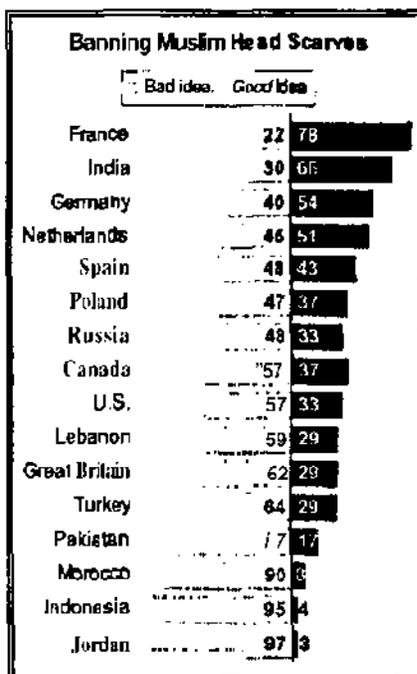
In **China**, half view Muslims unfavorably while only 20% hold a favorable opinion. Views about Christians are scarcely better: 47% unfavorable compared with 26% favorable. Chinese views of Jews are essentially the same as their attitudes toward Christians: 49% negative vs. 28% positive.

In most of Europe as well as North America, majorities or pluralities judge some religions as more prone to violence than others, and those that do mostly have Islam in mind. Similarly, in India, among the 39% who see some religions as more violent than others, nearly three-in-four (73%) point to Islam, while 17% designate Hinduism. In predominantly Muslim countries, many agree that some religions are more prone to violence than others, but those who think this mostly have Judaism in mind. In Turkey, a plurality sees Christianity as the most violent.

Ban Muslim Head Scarves?

On another controversial issue, the prohibition on wearing head scarves by Muslim women in public places including schools, attitudes are uniformly negative in the Muslim world but differ sharply among non-Muslim countries.

Majorities in the U.S., Canada and Great Britain, as well as pluralities in Spain, Russia and Poland, view such prohibitions as a bad idea. However, in France, where a ban on wearing head scarves and other "conspicuous" religious symbols in secular schools went into effect last year, a large majority (78%) favors such prohibitions. They are joined in this



view by smaller majorities in Germany (54%), the Netherlands (51%) and by nearly two-thirds of the Indian public (66%).

In Turkey, where a longstanding ban on head scarves in schools and public buildings has come under increasing attack from Muslim activists, 64% of the public calls such a ban a bad idea compared with 29% who view it as a good idea. Lebanon weighs in against head scarf bans by 59% opposed to 29% in favor, while even larger majorities in Jordan (97%), Indonesia (95%), Morocco (90%) and Pakistan (77%) call them a bad idea.

While support for suicide bombings and other terrorist acts has fallen in most Muslim-majority nations surveyed, so too has confidence in Al Qaeda leader Osama bin Laden. In Lebanon, just 2% report some or a lot of confidence in bin Laden, and in Turkey only 7% do so.

In Morocco, just 26% of the public now say they have a lot or some confidence in bin Laden, down sharply from 49% in May 2003. In Indonesia, the public is now about evenly split, with 35% saying they place at least some confidence in bin Laden and 37% saying they have little or none; that represents a major shift since 2003, when 58% expressed confidence in

	A lot		Not too	
	%	%	%	%
Jordan	60	20	18	2=100
May 2003	55	26	18	1=100
Pakistan	51	11	12	26=100
May 2003	45	7	20	28=100
Indonesia	35	27	10	2=99
May 2003	58	26	10	7=100
Morocco	26	6	40	28=100
May 2003	49	7	29	15=100
Turkey	7	6	73	14=100
May 2003	15	7	67	11=100
Lebanon	2	9	78	10=99
May 2003	14	18	64	4=100

*Confidence in Osama bin Laden to do the right thing regarding world affairs.

In Pakistan, however, a narrow majority (51%) places some measure of confidence in bin Laden, a slight increase from 45% in 2003. And in Jordan, support for the Al Qaeda leader has risen over the last two years from 55% to a current 60%, including 25% who say they have a lot of confidence in him. Unsurprisingly, support for bin Laden in non-Muslim countries is measured in the small single digits.

Declining support for terror in a number of the Muslim countries surveyed tracks with previously reported dramatic increases in favorable views of the United States in Indonesia and Morocco. Favorable opinions of the U.S. surged most among younger people in Morocco, but were equally evident among both the young and old in Indonesia. The polling also found that in

most Muslim countries women were less likely to express an opinion of the U.S. than were men, but when they did, they held a somewhat more positive view.

Roadmap to the Report

The first section of the report analyzes how people in Western countries view people of the Muslim faith and how people in predominantly Muslim countries view people of the Christian and Jewish faiths. It also looks at attitudes toward the banning of Muslim headscarves in some countries and differing views of the U.S. among demographic groups in Muslim countries. Section II focuses on concerns in non-Muslim countries about growing Islamic identity and extremism as well as opinions about Turkey's bid to join the European Union. Section III deals with Muslims' perceptions of themselves and the role of Islam in the political life of their home country, and concerns about Islamic extremism within their own borders. A final section explores views in predominantly Muslim countries of Islam's role in the larger world and support for acts of terrorism in support of Islam both generally and specifically against the U.S. and its allies in Iraq. At the end of each section, excerpts from interviews conducted by the International Herald Tribune are included to illustrate some of the themes covered by the survey.

A description of the Pew Global Attitudes Project and a list of the countries surveyed immediately follows. A summary of the methodology can be found at the end of the report, along with complete results for all countries surveyed.

About the Pew Global Attitudes Project

The *Pew Global Attitudes Project* is a series of worldwide public opinion surveys encompassing a broad array of subjects ranging from people's assessments of their own lives to their views about the current state of the world and important issues of the day. The *Pew Global Attitudes Project* is co-chaired by former U.S. Secretary of State Madeleine K. Albright, currently principal, the Albright Group LLC, and by former Senator John C. Danforth, currently partner, Bryan Cave LLP. The project is directed by Andrew Kohut, president of the Pew Research Center, a nonpartisan "fact tank" in Washington, DC, that provides information on the issues, attitudes and trends shaping America and the world. The *Pew Global Attitudes Project* is principally funded by The Pew Charitable Trusts. The William and Flora Hewlett Foundation provided a supplemental grant for the 2002 survey.

The *Pew Global Attitudes Project* was originally conceived with two primary objectives: to gauge attitudes in every region toward globalization, trade and an increasingly connected world; and to measure changes in attitudes toward democracy and other key issues among some of the European populations surveyed in the 13-nation 1991 benchmark survey, the *Pulse of Europe* (also directed by Dr. Albright and Mr. Kohut). After the terrorist attacks on September 11, 2001, the scope of the project was broadened to measure attitudes about terrorism, the intersection between the Islamic faith and public policy in countries with significant Muslim populations, and to probe attitudes toward the United States more deeply in all countries. Recent *Global Attitudes* surveys have gauged worldwide opinion about international news developments, including the war in Iraq. Over time, the project has surveyed more than 90,000 people in 50 countries.

The inaugural effort of this project was a worldwide survey in 24 countries of 275 opinion leaders (influential people in politics, media, business, culture and government). The survey, entitled "America Admired, Yet its New Vulnerability Seen as Good Thing, Say Opinion Leaders," was released December 19, 2001. The first multinational public opinion survey was conducted in the summer of 2002 in 44 nations. The first major report, "What the World Thinks in 2002," was released December 4, 2002. It focused on how people view their own lives, their countries and the world, as well as attitudes toward the United States. It was followed by a smaller release on the importance of religion worldwide (December 19, 2002) and a new nine-country survey on the eve of the Iraq war ("America's Image Further Erodes, Europeans Want Weaker Ties," March 18, 2003). The second major release of the *Pew Global Attitudes Project*, "Views of a Changing World, June 2003" focused on a changing world, specifically with respect to globalization, democratization, modernization and, in countries with significant Muslim populations, the role of Islam in public policy. It included a survey of 21 populations conducted in May 2003, as major hostilities ended in Iraq. In March 2004, at the one-year anniversary of the start of the war in Iraq, the *Pew Global Attitudes Project* released a 9-nation survey entitled "Mistrust of America in Europe ever Higher, Muslim Anger Persists." "Islamic Extremism: Common Concern for Muslim and Western Publics: Support for Terror Wanes Among Muslim Publics" is the tenth *Global Attitudes* survey report. This and the previous report

Pew Global Attitudes Project Public Opinion Surveys		
Survey		Interviews
Summer 2002	44 Nations	38,263
November 2002	6 Nations	6,056
March 2003	9 Nations	5,520
May 2003	21 Publics*	15,946
March 2004	9 Nations	7,765
May 2005	17 Nations	17,766

* Includes Palestinian Authority

6

“U.S. Image Up Slightly, But Still Negative; American Character Gets Mixed Reviews,” released June 23, 2005) are based on field work conducted in the spring of 2005.

Other *Pew Global Attitudes Project* team members include Bruce Stokes, an international economics columnist at the National Journal; Mary McIntosh, president of Princeton Survey Research Associates International; Wendy Sherman, principal at The Albright Group LLC, and Jodie T. Allen, Nicole Speulda, Paul Taylor, Carroll Doherty, Carolyn Funk, Michael Dimock, Elizabeth Mueller Gross and others of the Pew Research Center. The *International Herald Tribune* is the international newspaper partner of the Global Attitudes Project. The IHT's reporters conducted interviews with people in several countries covered by the survey; excerpts from those interviews are used in this report to illustrate some of the views expressed. Those interviewed were not respondents to the survey.

Secretary Albright and Senator Danforth co-chair the *Pew Global Attitudes Project* international advisory board, consisting of policy experts and business leaders. In addition, the *Pew Global Attitudes Project* team consulted with survey and policy experts, academic regional and economic experts, activists and policy-makers. Their expertise provided tremendous guidance in shaping the surveys.

Following each release, the data will be examined in greater detail for a series of in-depth discussions and publications of several of the varied topics covered in these surveys. The *Pew Global Attitudes Project* is a unique, comprehensive, internationally comparable series of surveys that will be available to journalists, academics, policymakers and the public.

I. How Muslims and Westerners See Each Other

While there are concern in Western countries about Islamic identity and extremism, these do not necessarily translate into unfavorable views of people of the Muslim faith. In Europe and North America, majorities in Great Britain, France, Canada, the U.S., and Russia, as well as pluralities in Spain and Poland, say they have somewhat or very favorable views of Muslims. Only in the Netherlands and Germany does opinion tilt toward an unfavorable view (51%-45% unfavorable in the Netherlands; 47%-40% unfavorable in Germany). While fewer hold positive opinions of Muslims relative to either Jews or Christians in every Western country surveyed, the differences are relatively modest compared to the gap between views of these groups among publics of most Muslim countries surveyed.



Predominantly Muslim countries have mixed views of Christians and strongly negative views of people of the Jewish faith. Majorities in Jordan (58%) and Indonesia (58%) have positive views of Christians. In Lebanon, with its large Christian minority, more than nine-in-ten (91%) think favorably of Christians; these overwhelming positive views hold among both Muslim (86% favorable) and Christian (100% favorable) Lebanese. However, in both Turkey and Pakistan, the majority view of Christians is unfavorable, by margins of 63% unfavorable to 21% favorable in Turkey and 58% unfavorable to 22% favorable in Pakistan.

Throughout the Muslim world, opinions of Jews are highly unfavorable. Dislike of Jews is universal in Jordan and Lebanon, with 99% of the publics in both countries saying they have a very unfavorable view of Jews (the remaining 1% in Jordan takes a "somewhat unfavorable" view, while in Lebanon 1% offer no response). Similarly, 76% of Indonesians, 74% of Pakistanis, and 60% of Turks have an unfavorable opinion of Jews.

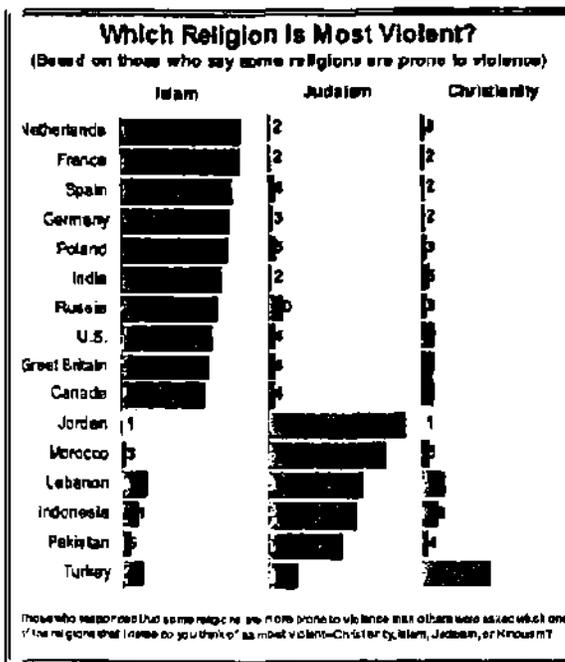
In India, with its Hindu majority and substantial Muslim population, the public tends to hold a favorable opinion of Christians, but is closely divided with respect to opinions of Muslims. About six-in-ten Indians (61%) hold a favorable view of Christians – a figure that holds among both Hindus and Muslims. Among the Hindu majority in India, views of Muslims are closely divided with 42% viewing them favorably and 44% unfavorably; for all Indians, the divide tilts favorable by 46% to 43%.

In China, however, majorities or pluralities hold negative views of Muslims, Christians and Jews. A 50% majority views Muslims unfavorably while only 20% have a favorable opinion. Similarly, 47% view Christians unfavorably while just 26% express a positive opinion. Chinese respondents express comparable opinions of Jews (49% favorable/28% unfavorable).

Religions and Violence

Majorities or pluralities in the U.S., Canada, and every European country, other than France, judge that some religions are more prone to violence than others. And when those taking this view are asked which religion they think of as more violent, Islam is designated by large majorities in each of these countries.

For the most part, people in predominantly Muslim countries are less likely to express the view that some religions are more prone to violence. Only in Jordan does a large majority (75%) say that some religions are more violence prone than others, with 98% of those holding this view pointing to Judaism as most violent. Similarly in Morocco, a 40% plurality views some religions as more violent than others, with most (83%) pointing to Judaism as most violent. In Pakistan, a 40%



plurality views **some** religions as more violent, but while half (51%) choose Judaism as most violent, 31% designate Hinduism.

Fewer than 20% of Lebanese and Indonesians deem **some** religions more prone to violence than others; among these respondents more than **six-in-ten** in both countries (66% and 63%) select Judaism as most violent, with the rest split about evenly between Christianity and Islam. In Turkey, however, about a quarter (26%) of the population subscribes to the view that **some** religions tend to violence more than others; a plurality (46%) points to Christianity as the most violent.

In India, a majority (52%) thinks all religions are about the same in terms of violence; among the 39% who see some as more violent than others, nearly three-in-four (73%) point to Islam, while 17% designate Hinduism

Banning Head Scarves

The decision by some countries to ban the wearing of head scarves by Muslim women in public places – including schools – draws a uniformly negative reaction in the Muslim world. In non-Muslim countries, by contrast, there is a substantial division of opinion over this issue.

Majorities in the U.S., Canada and Great Britain, as well as pluralities in Spain, Russia and Poland, view such bans as a bad idea. However, in France, a large majority (78%) favors such prohibitions. They are joined in this view by smaller majorities in Germany (54%), the Netherlands (51%) and by two-thirds of the Indian public (66%).

Support for Banning Head Scarves Tied to Extremism Concern

<i>Banning Muslim headscarves is a good idea ...</i>	Total %	Extremism Concern in Our Country		Diff.
		Yes*	No	
Germany	54	59	36	+23
Canada	37	45	27	+18
Netherlands	51	55	39	+16
Great Britain	29	33	20	+13
United States	33	36	24	+12
France	78	81	70	+11
Spain	43	45	35	+10
Poland	37	43	34	+9
Russia	33	34	30	+4
India	68	67	65	+2

* 'Yes' is very or somewhat concerned and 'No' is not too or not concerned at all.

In Turkey, 64% of the public calls such a ban a bad idea, as do large majorities in Jordan (97%), Indonesia (95%), Morocco (90%) and Pakistan (77%). In Lebanon, nearly all Lebanese Muslims (99%) disapprove of a ban on head scarves, but 71% of Lebanese Christians approve.

In most non-Muslim countries, opinions on policies that bar Muslim women from publicly wearing head scarves are related to perceptions of Islamic separatism and concerns about Islamic extremism. Across Western Europe and North America, those supportive of the ban register greater concern about Islamic extremism in their countries. Opinion about the head

scarf issue in India is unrelated to extremism concerns, however. People in non-Muslim countries who think a **ban** is a good idea also are more likely to perceive Muslims in **their** country as wanting to be distinct **from** the larger society; **this** is especially the case **in** the Netherlands.

Demographic Differences in U.S. Image

A previous Pew Global Attitudes report, released June 23, showed some improvement in the U.S. image in the Muslim world (“U.S. Image Up Slightly, But Still Negative: American Character Gets Mixed Reviews”). ~~Yet~~ majorities in five of six predominantly Muslim countries surveyed continue to express unfavorable opinions of the United States. Morocco is the lone exception; in ~~that~~ country, favorable views of the U.S. outnumber unfavorable opinions by 49%-44%.

The survey also finds modest, but noteworthy, demographic differences in opinions of the U.S. in several countries. In general, younger people and women express more positive views than do older people and men.

The United States is viewed more favorably by people under age 35 than by older people in Morocco, Lebanon, Pakistan and Turkey. As America’s image has improved in Morocco over the past year, ~~more~~ young people are giving the U.S. favorable marks (53%) than Moroccans ages 35 and older (45%). A similar generational gap is seen in Lebanon, where the percentage rating the U.S. favorably has increased from 27% to 42% since 2003. (The pattern recurs in Jordan, but the differences by age are not statistically significant.) A sizable generational difference is also seen in both Pakistan and Turkey, where overall views of America remain predominantly negative, with younger people 10-to-12 points more likely to give a favorable rating than their seniors.

	Overall Percent Favorable	by Age		Diff.
		18-34	35+	
Morocco	49	53	45	+8
Lebanon	42	48	39	+7
Indonesia	38	38	40	-4
Pakistan	23	28	18	+10
Turkey	23	29	17	+12
Jordan	21	22	18	+4

The polling shows a modest gender gap in the U.S. image in most Muslim countries; women are less likely to offer an opinion of the U.S. than are men, but when they did, they held a somewhat more positive opinion. Women are more likely to have favorable views of the U.S. relative to men in Pakistan (28% of women compared with 17% of men) and in Lebanon (46% to 39%). The pattern also occurs in Turkey, Morocco, and Indonesia, but the differences are not statistically significant. No gender differences are observed in Jordan where opinions of the U.S. are highly negative (only about a fifth of either gender has a somewhat or very favorable view).

	Women	Men	Diff.
Morocco	52	47	+5
Morocco	46	39	+7
Lebanon	40	37	+3
Indonesia	28	17	+11
Pakistan	25	21	+4
Turkey	26	21	+5
Jordan	26	21	+5

Voices

Reporting by the International Herald Tribune'

"I see more headscarves. I feel this is not a good thing. A part of the Muslim population keeps more apart than before. I thought it would only be a matter of time before the Turks would integrate. You hear more, too, about honor killings. They don't have to be like us. It starts to be difficult when everyone has their own laws. There is a sense of drifting apart as if splitting the society."

— A 42-year-old piano teacher in Berlin

"Especially in this region and especially in this country, where: a) the majority of the population is Muslim and b) you have a resistance group (Hizbullah) to whom the people feel loyalty because of its ability to end Israeli occupation... the Christian/Muslim factor is natural. The Christians did not live the Israeli occupation in the same way the Muslims in south Lebanon did. So Muslims in this country have a certain loyalty to Hizbullah and its role as a resistance group."

— 27-year-old primary school teacher in Lebanon

"Muslims want to be recognized as "Muslims," not as "Arabs" or immigrants. In this sense, the way Islam reasserts itself has more to do with the Christian "born-again" than with a pristine Arabic culture. The sense of threat among French public opinion (which by the way is also directed towards cults like Scientology) comes from the fact that the French political culture is based on the rejection of religion from the public sphere, whatever the religion. Any religious assertiveness is seen as a threat."

— Senior researcher at Centre National de la Recherche Scientifique, Paris

"How can our religion be a cause of danger? Islam teaches kindness and love for humanity. Islam is moderation, not extremists. Extremists are not real Muslims. They just give us a bad name."

— A 48-year-old housewife from Rawalpindi, Pakistan

"The problem is expectations, not only in Germany but in other countries in Europe. There is the attitude that the more secular you become the more of a 'Good citizen' ... If society expects a Muslim not to be a Muslim, but a good citizen, we have a problem ... The more secular a society becomes, say like Germany, you wonder how tolerant and understanding it is of religious identity. I changed a lot. Islam was seen as non-modern. If people go to a mosque, they are seen as non-modern. This is a danger."

— 39-year-old parliamentarian, born in Germany of Turkish parents

"The French ... have no problems with Dutch, German or British immigrants, but a different color and a different religion are still real barriers for most people. Such sentiment is bound to increase after the London attacks - that's natural perhaps but I find it really sad."

— Antique stall owner in a Paris flea market

*Interviews were conducted by Katrin Bennhold in France, Judy Dempsey in Germany, Salman Masood in Pakistan, Evelyn Rusli in Indonesia and Marise Simons in the Netherlands, all of the International Herald Tribune and Moyssem Zaaroura in Lebanon of The Daily Star.

II. How Non-Muslim Publics View Muslims

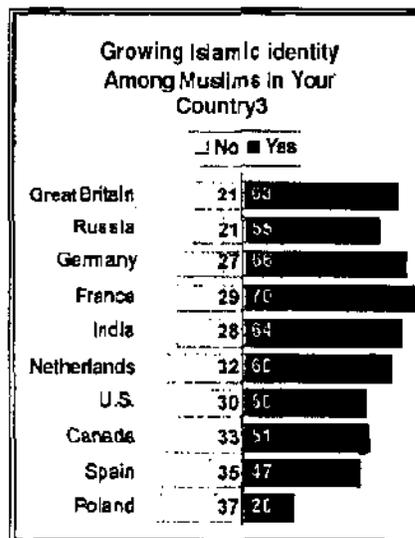
Public attitudes toward Muslims and concerns over Islamic extremism are remarkably consistent in Western Europe, the U.S., and other countries with sizeable Muslim minorities. Majorities in all Western European countries as well as Canada, India and Russia agree that Muslims coming to their countries want to be distinct from the larger country instead of adopting its customs and way of life.

In several of these countries, two-thirds or more take that view, with Germany leading the list (88% agree). In France, nearly six-in-ten (59%) see a desire for distinctness while 36% say that Muslims there want to adopt French customs. Americans are somewhat less likely to take this view; a 49% plurality thinks Muslims in the U.S. want to be distinct from the larger American society.

Large majorities in all of these countries, except Russia and Poland, feel that resident Muslims have at least a fairly strong sense of Islamic identity. About two-thirds in the United States (65%) and Canada (66%) view resident Muslims as having a very or fairly strong sense of Islamic identity. Even larger majorities take this view in Western Europe. The Dutch have the highest level of consensus on this point, with 86% seeing Muslims residing in the Netherlands as having at least a fairly strong sense of Islamic identity. Similarly, in India, with its substantial Muslim minority, 77% take this view.

Further, substantial majorities across Western Europe see resident Muslims' sense of identity as growing - and those who do see this as a negative development. Better than three-quarters of the publics in France, Germany, the Netherlands, and Spain view the growing sense of identity among resident Muslims as a bad thing for their country. In Great Britain and Eastern Europe, smaller majorities agree. In North America, 50% in the U.S. and 51% in Canada perceive a growing sense of Islamic identity; on balance, both publics see this as a bad thing for their respective countries, though sizable minorities disagree.

The concerns people express over this growing sense of Islamic identity are more varied. Majorities in India, Russia and France, as well as pluralities in the U.S., Spain and Poland, cite the fear that it can lead to violence as their primary

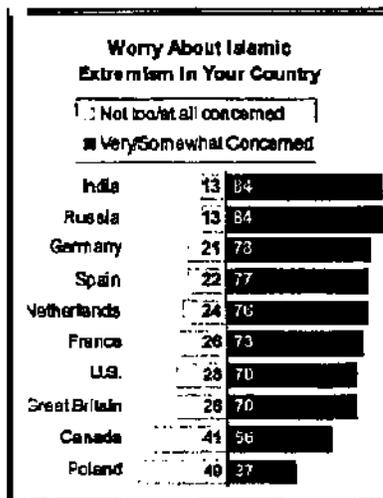


Islamic identity would impede Muslim integration into the larger society (all surveys were conducted prior to the July terrorist attacks in London).

Concerns Over Islamic Extremism: Local and Global

The rise of Islamic extremism in their own countries is seen as worrisome by large majorities throughout Western Europe as well as the U.S., Canada, India and Russia. Most concerned are the publics in Russia and India, where 52% and 48%, respectively, say they are very concerned. In Canada, concern is somewhat less intense with 56% being at least somewhat concerned about extremism there, while in Poland just 37% are somewhat or very concerned about this.

Worry about the rise of Islamic extremism around the world is even more intense with substantial majorities in each of these non-Muslim countries expressing some measure of concern. Nine-in-ten in the Netherlands, and nearly as many elsewhere in Western Europe, are somewhat or very concerned about the global rise of Islamic extremism. A narrow majority in Russia (51%) and pluralities elsewhere in Europe are very concerned about this.



Opinion on Turkey Joining the EU

The concerns over Islamic extremism are reflected in European opinions about Turkey's bid to join the European Union. However, attitudes toward immigration are even more strongly associated with views about Turkey's admission to the EU.

The Turkish public strongly endorses membership (68%). An equally large majority in Spain (68%) also favors Turkey's admission, as do 57% in Great Britain and 51% in Poland. Elsewhere in Europe, however, majorities oppose allowing Turkey to join the EU; 66% in France, including 30% who strongly oppose; 65% in Germany; and 53% in the Netherlands.

	Favor	Oppose	DK
Turkey			
Spain		21	11=100
Great Britain	57	29	14=100
Poland		22	27=100
Netherlands	44	53	2=99
France	33	66	1=100
Germany	32	65	3=100

Attitudes toward immigration are associated with these views. Those who consider immigration (from the Middle East and North Africa, or from Eastern Europe) to be a bad thing are more likely to oppose Turkey's membership into the European Union. This pattern is particularly strong in the Netherlands, France and Germany. Similarly, those who are more concerned about Islamic extremism in their homeland are more likely to oppose having Turkey join the E.U., especially in Germany, France, and the Netherlands, but less strongly elsewhere.

Immigration Concerns Associated with Opposition to Turkey's EU Bid

Opposition to Turkish membership...	Mideast and North African Immigration			Eastern European Immigration		
	Good	Bad	Diff.	Good	Bad	
	thing	thing		thing	thing	
%	%		%	%		
Netherlands	38	67	+29	40	67	+27
France	54	81	+27	55	79	+24
Germany	49	76	+27	52	74	+22
Great Britain	23	44	+27	23	46	+23
Spain	17	32	+15	20	26	+6
Poland	19	26	+7	N A	N A	

Voices

Reporting by the International Herald Tribune.

"I'm not surprised at all that so many people are worried about rising extremism. We all saw what happened in London... What if Paris is next? Now when I take the metro I am actually a bit worried. I'm afraid, but I'm also annoyed because some of the Muslims in France are becoming very feisty. Like when they whistled and booed during the Marseille match during a football match between France and Algeria last year. They're in our country because they don't want to be in their own, but they criticize France and more and more of the young ones are now parading their Muslim identity."

— A 23-year-old newspaper vendor in Paris

"Who are the Muslims? In the economic sphere, they are integrated. I think a recognizable part of the Muslim people want to be distinct. The question is wrong because there are many different kinds of Muslims. My friend has married a Muslim from Syria. She can still wear a short skirt. And her mother-in-law does not wear a headscarf... As for the immigration issue, it depends who is coming. Many are not qualified. They think there is a better life here. They will be looked after. They have to be fed. The fear is not just that many Turks will come to Germany if Turkey joins the EU. It's something else as well. The liberals feel that their liberal values will be undermined."

— A piano teacher in Berlin

"Certainly since Sept. 11 there is a growing emphasis among Muslims on faith, also among young people. There is a growing distance between them and the rest of Dutch society... The most orthodox Muslims tell their fellow believers: Either you are a good Muslim and keep your distance from the Dutch ways, or you integrate and corrupt your faith. There is a large group of Muslims that does not agree with this view... So people wonder if it is possible to be a Dutch Muslim. The most orthodox preachers and believers want a cohesive Muslim community which they can control."

— A sociology professor in Amsterdam

"Muslims in France are seen as people who want to impose their religion on others. It's true that their search for an identity seems to have become a lot more pronounced, especially in the younger generations. Sometimes it annoys me, too. When I go to Sri Lanka and visit a temple I have to put on a veil. Why don't they adapt to our culture here?"

— A 34-year-old immigration researcher at a Paris institute

"You cannot separate the issue of Turkey from domestic politics. There is a very important trend emerging and we see this in the Netherlands. The liberal-thinking people... have a feeling that the Muslim identity combined with Turkish accession to the EU is putting into danger what the EU has achieved in the societies... that the sexual/gender issues, the honor killings, the headscarves, these could become the lifestyles if it continues like this."

— A European Union Parliamentarian born in Germany of Turkish parents

*Interviews were conducted by Katrin Bernhold in France, Judy Dempsey in Germany, Salman Masood in Pakistan, Evelyn Rusli in Indonesia and Marise Simons in the Netherlands, all of the International Herald Tribune and Mayssam Zaarour in Lebanon of The Daily Star.

III. How Muslims See Themselves and Islam's Role

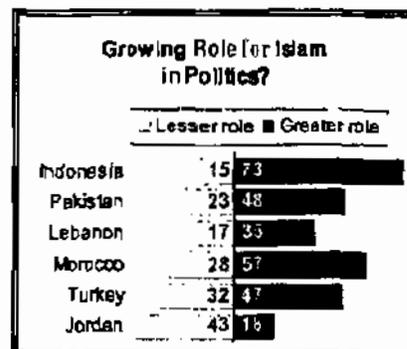
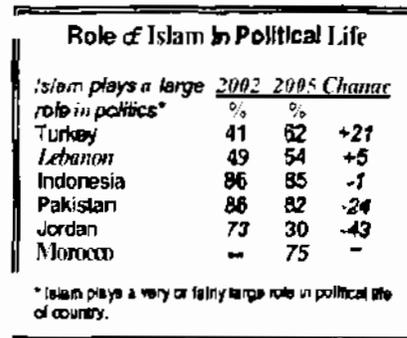
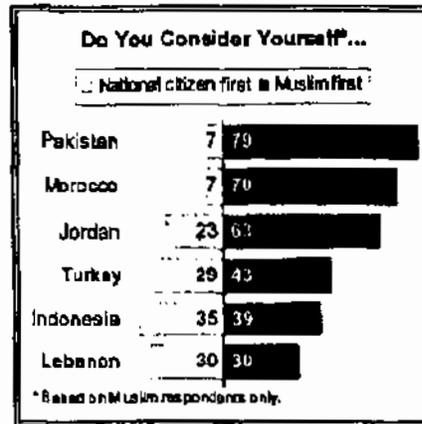
The importance of Islam in the political life of many countries where it is the predominant religion is underscored by the large percentages in these countries saying that they think of themselves first as a **Muslim**, rather than as a citizen of their particular country.

Large majorities in **Pakistan** (79%), Morocco (70%) and Jordan (63%) say they self-identify first as Muslims, rather than as **Pakistanis**, Moroccans or Jordanians. Even in Turkey, with its more *secular* traditions, a 43% plurality among Muslims identify primarily with their religion rather than their nationality. Indonesians are closely split with 39% self-identifying as Muslims first, 35% as Indonesians and 26% saying **both** equally. In Lebanon, however, just 30% of Muslims (this question was not asked of Christians) say they view themselves primarily in terms of their faith, rather than as Lebanese.

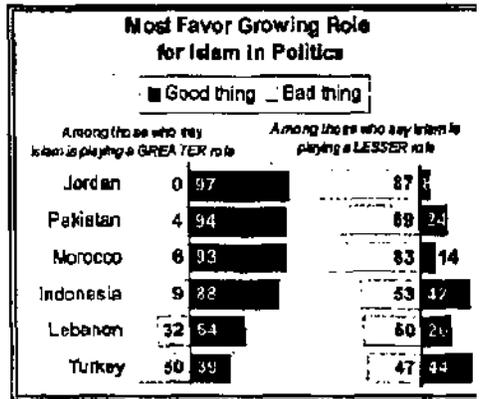
Islam's Political Influence

Substantial majorities in all but one of the predominantly Muslim countries surveyed – including as many as 85% in Indonesia and 75% in Morocco – say that Islam plays a **very large** or **fairly large** role in the political life of their countries. The major exception is Jordan; just 30% of Jordanians now see Islam playing a large political role in that country, a sharp decline from the 73% who said so in the summer of 2002.

In Pakistan as well, those seeing substantial Islamic influence in political life have also declined in number – from 86% in 2002 – but remain in the majority (62%). Only in Turkey has the proportion of those seeing a large Islamic political influence increased substantially, from 41% in 2002 to 62% currently.



Further, large majorities in most of these countries welcome the idea of Islam playing a greater role in political life. **Here**, the exceptions are Turkey, where half of those who see Islam playing a greater role say **this as** a bad thing; and Lebanon (32% bad thing). Lebanese Muslims and Christians divide on this issue; Muslims who believe Islam's political role is increasing are **unanimous** in thinking this is a good thing, while **Christians** mostly view **this as** a negative development (71%).



At the **same** time, most of those who **see** Islam playing a lesser role in politics view **this** as bad for their countries. **Turks**, however, are narrowly split **with 44%** considering a reduced role good compared with **47%** who call it bad.

Those who see Islam playing a greater role **differ as** to the reasons for this. In Jordan, a majority (**58%**) among this group attributes Islam's larger role in politics to growing immorality in society, as do pluralities in Morocco and Turkey. Indonesians are divided, with a narrow plurality citing growing immorality. In **Pakistan**, a 37% plurality says that dissatisfaction with the current government is the most important reason for Islam's larger role. In Lebanon, a **44%** plurality (including **50%** of Christian respondents) points to concerns about Western influence.

Why Islam's Role is Increasing*

Because of...	Cited in...	
Growing immorality in our society	Jordan	58%
	Morocco	44%
	Turkey	35%
	Indonesia	35%
Concerns about Western influence in our country	Lebanon	44%
	Jordan	30%
	Indonesia	30%
Dissatisfaction with current government	Pakistan	37%
	Indonesia	31%
	Lebanon	30%

* Based on those who say Islam is playing a greater role in politics in their country these days.

However, even in some predominantly Muslim countries where support for a politically active Islam is strong, concerns about Islamic extremism are substantial. In Morocco, nearly three-quarters of the public view Islamic extremism as a very great (60%) or fairly great (13%) threat to that country. Those who see Islam playing a very large role in Morocco's political life are also more likely to see a very great extremist threat – a pattern that is also seen in Pakistan, Indonesia and Turkey and to a lesser degree in Lebanon.

In Indonesia, where nearly half of the population sees Islamic extremism as a threat, household income is a factor in these opinions: 57% of the top income group considers the threat either very great or fairly great compared with 42% of those in the middle and lower-income ranges.

Slightly more than half of Pakistanis (52%) also express substantial concern about Islamic extremism. In Pakistan, gender and age are significant dividers: 59% of men, compared with 44% of women see a substantial extremist threat as do 57% of those under age 35 compared with 47% of those in older age groups.

In Turkey, where a 47% plurality sees Islamic extremism as a substantial threat in that country, there are sharp secular/religious differences not apparent in other countries surveyed. Those who self-identify as Turks rather than Muslims are far more likely to see Islamic extremism as a threat to that country. And Turks who say that religion is less important in their lives are far more likely to view Islamic extremism as a substantial threat (62%) than are those who say that religion is very important in their lives (40%).

In Lebanon, attitudes on this issue are highly polarized along religious lines. Overall, about a quarter of Lebanese (26%) see a substantial internal threat from Islamic extremism, but this includes 53% of Christians and only 4% of Muslims. In Jordan, a large majority (87%) see little or no threat from Islamic extremism.

Extremism Concerns Among Those Seeing Islam Playing Role in Political Life		
Perceived extremism threat	Islam plays very large role in political life	
	Yes ^a %	No %
Morocco		
Very great	67	52
Fairly great	9	20
Not too/no threat	16	21
Don't know	8	7
	100	100
Pakistan		
Very great	36	24
Fairly great	22	32
Not too/no threat	27	30
Don't know	13	14
	100	100
Turkey		
Very great	34	17
Fairly great	25	27
Not too/no threat	25	39
Don't know	15	17
	99	100
Indonesia		
Very great	26	10
Fairly great	23	35
Not too/no threat	47	50
Don't know	3	5
	99	100
Lebanon		
Very great	14	7
Fairly great	16	17
Not too/no threat	67	67
Don't know	3	9
	100	100
Jordan		
Very great	0	2
Fairly great	13	8
Not too/no threat	84	88
Don't know	3	2
	100	100

^a "Yes" is very large role for Islam in political life and "No" is fairly large, fairly small or very small role.

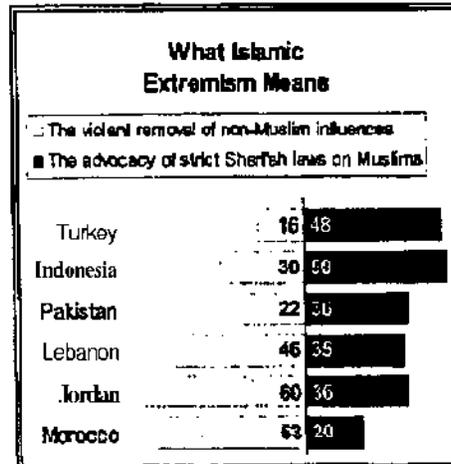
Defining Islamic Extremism

In part, these differences in perceived threat may arise from differing views about what constitutes Islamic extremism.

Six-in-ten Jordanians, and roughly half of those in Morocco (53%) and Lebanon (46%), believe that Islamic extremism means using violence to rid the country of non-Muslim influences.

In Indonesia and Turkey, roughly half say that advocating the legal imposition of strict Shari'ah on all Muslims comes closest to defining Islamic extremism. Relatively large percentages in every country except for Jordan – including 42% in Pakistan – declined to offer an opinion on this issue.

In Jordan, Pakistan and Turkey, men are more likely than women to associate Islamic extremism with the legal imposition of strict Shari'ah on all Muslims rather than on the use of violence to eliminate non-Muslim influences. However, in both Pakistan and Turkey (though not in Jordan), the gender differences may be accounted for by higher no-opinion rates among women rather than by a larger proportion selecting violence as the defining characteristic of Islamic extremism.



How Men and Women Define Islamic Extremism

	Violent removal of non-Muslim influences %	Strict Shari'ah %	DK %
Jordan			
Men	58	41	3=100
Women	65	32	3=100
Morocco			
Men	60	20	20=100
Women	47	20	33=100
Lebanon			
Men	45	36	19=100
Women	47	35	19=101
Indonesia			
Men	31	50	19=100
Women	28	51	21=100
Pakistan			
Men	22	45	33=100
Women	21	26	53=100
Turkey			
Men	16	53	30=99
Women	15	43	42=100

In Indonesia, Morocco and Turkey, age is also a significant determining factor, with those under age 35 considerably more likely to associate extremism with strict Shari'ah than are their elders.

In most countries, the polling finds that concerns about Islamic extremism are not especially linked to how people define the term. But in Morocco, those who define Islamic extremism in terms of the use of violence were more apt to see it as a threat to that country than those who associated it with strict Shari'ah (68% compared with 47%, respectively).

Views were mixed as to the negative consequences of extremism. In Morocco and Indonesia, six-in-ten cite violence as the potential consequence of greatest concern to them; in Lebanon and Jordan, loss of freedom and division of the country are most frequently cited. A majority of Turks and Moroccans were also concerned about divisions in the country from extremism. Setback to economic development is one of the top concerns for 58% of Jordanians and 46% of Pakistanis.

Identifying the Causes

There is also little consensus among Muslim publics on the causes of Islamic extremism. In no country did a majority agree on a primary factor. Pluralities in the range between 34% and 40% point to U.S. policies and influence (Lebanon, Jordan); poverty and lack of jobs (Pakistan, Morocco); lack of education (Turkey); and immorality (Indonesia). In no country is either government corruption or lawlessness designated as a wellspring for extremism by more than a small percentage.

Concerns about Islamic Extremism.		
	Cited by majorities in ...	
It is violent	Indonesia	60%
	Morocco	60%
Leads to fewer personal freedoms	Lebanon	55%
	Jordan	51%
Divides the country	Lebanon	59%
	Jordan	55%
	Morocco	53%
	Turkey	53%
Setback economic development	Jordan	58%

* Based on those who say Islamic extremism poses a threat to their country. Respondents were asked which of the four items concerned them most, then next most. Values listed combine those citing each as the greatest and next greatest concerns.

What Causes Islamic Extremism in Your Country?		
	Cited in ...	
U.S. policies and influence	Lebanon	40%
	Jordan	36%
Poverty and lack of jobs	Morocco	39%
	Pakistan	38%
Immorality	Indonesia	35%
Lack of education	Turkey	34%

* Most important cause of Islamic extremism of the following: government corruption, immorality, U.S. policies and influence, poverty and lack of jobs, lack of education, lawlessness.

Voices

Reporting by the International Herald Tribune'

"Politicians have indulged in corruption. Islamic parties are comprised of pious people, who follow the word of Allah. It is a good thing. People would believe a person who follows Islam more than a corrupt politician."

—The 48-year-old housewife of a Pakistani businessman

"It's not Islam which is playing a bigger role in politics. Political parties, which preach Islam, are gaining political power. They use the umbrella of Islam... I believe Islamic extremism is dangerous to the country not because of bombs or terror attacks, but because it prevents the advent of technology and modernism."

— A primary school teacher in Lebanon

"Religion is playing a greater role in politics because of the globalization process. Globalization has made new values and new cultures that are starting to penetrate Indonesia. The changes are so quick and so drastic, that of course this creates problems. Many people cannot cope with this change, and to create certainty in their life they turn back to values they know, such as religious ones. It's a defense mechanism, that is not exclusive to Muslim culture."

—The co-founder of a think tank in Jakarta

"Yes, a lot of people put religion in politics now, but I'm not sure why. I don't understand because I sell food and I don't care to learn about politics."

— A 55-year old vendor in Jakarta

"Extremism poses a danger to the communalism of Pakistan. I think we should let democracy rule and let everyone be happy. Where nobody pushes anyone around, no fundamentalists, no fanatics, whether religious or not."

— A 29-year-old television marketing consultant in Islamabad, Pakistan

"When Pakistanis say they want a greater role for Islam they usually mean they want greater morality. There is no evidence that Pakistanis support the perspective of Islamist parties who managed to get only 11 percent of the popular vote in the 2002 parliamentary elections..."

— A Pakistani professor and author now teaching in Boston

"There is no such thing as violence against civilians in defense of Islam. The wording is misleading. What is happening in Iraq, the UK, in the US is not violence against civilians in defense of Islam. It is resistance against occupation."

— A 31-year-old bank employee in Lebanon

Interviews were conducted by Karin Bennhold in France, Judy Dempsey in Germany, Salman Masood in Pakistan, Evelyn Rusli in Indonesia and Marise Simons in the Netherlands, all of the International Herald Tribune and Moyssem Zaaroura in Lebanon of The Daily Star.

IV. How Muslims View Relations with the World

Large majorities of Muslims in most predominantly Muslim countries surveyed think that it is *very* important that Islam play a more important and influential role in the world than that religion now does. In Morocco, 84% of Muslim subscribe to this view, as do 73% in Jordan, 70% in Pakistan and 64% in Indonesia. Even in Lebanon and Turkey, where fewer among the Muslim population place high importance on a larger global role for Islam, pluralities in both countries do so.

	Very	Some-what	Not at all	DK
	%	%	%	%
Morocco	84	12	2	2=100
Jordan	73	26	1	1=100
Pakistan	70	14	4	12=100
Indonesia	64	31	4	1=100
Lebanon	47	46	2	5=100
Turkey	43	32	18	7=100

While many Muslim continue to see serious threats to Islam, in most predominantly Muslim countries surveyed those fears are declining. Concern remains very widespread in Jordan and Morocco where 82% and 72%, respectively, of the publics see Islam as facing serious threats. However, those levels are down significantly from the 97% and 79% levels recorded in May 2003. Similar declines in perceived threat since 2003 are found in Lebanon (down to 65% among Muslims from 73%), Pakistan (52% down from 64%) and Indonesia (46% down from 59%). Only in Turkey has concern among Muslims about threats to Islam increased since 2003, from 80% to 58% now.

Support for Islamic Terrorism

Support for acts of terrorism in defense of Islam has declined dramatically among Muslims in most predominantly Muslim countries surveyed, although support has risen in Jordan. And while support for suicide bombings against Americans and other Westerners in Iraq remains at higher levels, it too has declined substantially among Muslim publics in all four countries with trend comparisons available, including Jordan.

In Turkey support for suicide bombing and other forms of violence against civilian targets in order to defend Islam from its enemies was already low compared to other majority-Muslim publics and has remained stable with just 14% of the public saying such actions are often or sometimes justified. In Indonesia only 15% now see terrorism as justified at least sometimes, down from 27% in summer 2002. In Pakistan, 25% now take that view, also a substantial

	Violence is often or sometimes justified		
	2002	2004	2005
	%	%	%
Lebanon	73	-	39
Morocco	-	40	13
Pakistan	33	41	25
Indonesia	27	-	15
Turkey	13	15	14
Jordan	43	-	57

* Based on Muslim respondents only.

decline from the 41% level to which support had risen in March 2004, while in Morocco support has fallen dramatically, from 40% to 13% over the last year.

In Lebanon, nearly four-in-ten Muslims (Christians and other religious groups were not asked this question) still regard acts of terrorism as often or sometimes justified, including 26% who see such acts as often justified. However, this is a sharp decline from 2002 when 73% thought these acts were often or sometimes justified. Moreover, when asked about suicide bombing against civilian targets in their own country, only 25% of Lebanese Muslims saw such violence as even sometimes justified.

Only in Jordan does a majority (57%) now say that suicide bombings and other attacks on civilians are sometimes or often justified and, unlike in other Muslim countries, that support has increased from 43% in 2002. However, as in Lebanon (but no other country), support for terrorist acts plummets when the question is confined to violence within Jordan itself, with less than one percent of respondents saying such acts are often justified and only 30% saying they are sometimes justified.

Having declined to relatively low levels in most predominantly Muslim countries surveyed, support for suicide bombing and other forms of violence against civilian targets shows little demographic variation. In Jordan, where support for terrorist tactics remains relatively high, income is the only significant factor, with those in the top income levels less likely to say that such acts are often or sometimes justified (45% in the top third of incomes say so compared with 67% of those with middle incomes and 59% in the lowest income range).

Muslim publics are somewhat more inclined to support suicide bombings when carried out against Americans and other Westerners in Iraq, although here, too, the proportions considering such actions justifiable have declined over the last year.

Only in Morocco does a majority still find such bombings justifiable, although that percentage is down substantially from March 2004. In both Jordan and Lebanon, nearly half of Muslims support suicide bombings against Westerners in Iraq, but in Jordan such support has declined from 70% a year ago. In Turkey, Indonesia and Pakistan, fewer than three-in-ten now see such attacks as justifiable. In Morocco, Pakistan and Turkey, men are significantly more likely than women to find such actions justifiable.

Declining Support for Suicide Bombings Against U.S. and Allies in Iraq*

	Suicide Attacks Justifiable	
	2004	2005
	%	%
Morocco	66	56
Jordan	70	49
Lebanon	-	49
Pakistan	46	29
Indonesia	-	26
Turkey	31	24

* Based on Muslim respondents only.

As is the case with views of terrorist acts within their own country, higher-income people in Jordan are less likely to condone similar acts against Americans and their Western allies in Iraq, with only 41% in the highest bracket saying such suicide bombings are justifiable compared with 56% with middle incomes and 50% with the lowest incomes. And on this question, a nearly identical pattern is seen in Lebanon and in Turkey.

Osama bin Laden

The Muslim publics surveyed hold mixed views of Osama bin Laden. In Lebanon, only 2% report even some confidence in the Al Qaeda leader and in Turkey only 7% do so. In Morocco, just 26% now say they have a lot or some confidence in bin Laden, down from 49% two years ago.

In Indonesia, the public is now about evenly split with 35% saying they place at least some confidence in bin Laden and 37% saying they have little or none, a major loss of confidence from the 58% to 36% split recorded in May 2003. Among Indonesians, confidence in the Al Qaeda leader is lower among older citizens but is higher among the more affluent. Among those ages 18-34, 39% express a lot or some confidence in bin Laden compared with less than a third of those 35 and over. However, while only 32% of people in the bottom income tier have confidence in bin Laden, 37% of middle-income and 42% of higher-income people do so.

	A lot or some		Diff.
	2003	2005	
	%	%	
Jordan	55	60	+5
Pakistan	45	51	+6
Indonesia	58	35	-23
Morocco	49	28	-23
Turkey	15	7	-8
Lebanon	14	2	-12

In only two countries, Pakistan and Jordan, has support for the Al Qaeda leader increased. In Pakistan, slightly more than half now place a lot or some confidence in bin Laden, an increase from the 45% who said so in 2003. Among Pakistanis, gender is a significant dividing line with nearly two-in-three men (65%) reporting a lot or some confidence in bin Laden, compared with 36% of women.

In Jordan, support for bin Laden has risen slightly, although the percentage saying they have a lot of confidence in him has declined to 25% from 38% in May 2003. In Jordan, both age and income patterns are the reverse of those in Indonesia: Confidence in bin Laden rises among older age groups - 56% of those under age 35 trust bin Laden compared with 64% of their older countrymen - and falls (as does support for terrorism generally) among higher income groups - 67% of the lowest-income Jordanians have confidence in bin Laden, compared with 63% of those with middle incomes and 47% of the highest income group.

In Turkey and Lebanon, the numbers expressing any degree of confidence in bin Laden are too low to reveal any significant demographic variations.

Voices

Reporting by the International Herald Tribune'

"I think people are starting to see the negative impacts of terrorism. People see that terrorism hurts our tourism industry and people will not come here if they are scared. People know we can't fight violence with violence and Islam does not teach violence."

— A 35-year-old newspaper salesman in Indonesia

"The Lebanese are known for being sympathetic to 'jihad' or resistance – not terrorism, there's a difference – but with the series of bombings that has been happening in Lebanon, it has become more of a reality for people here. Innocent people are dying."

— A Lebanese bank employee

"Pakistanis have experienced terrorism first hand in the last few years and that may have something to do with the decline in support for terrorism. Also, the state propaganda that eulogized militants fighting in Kashmir as freedom fighters has declined and the brutality of terrorism is now openly discussed in the Pakistani media. All this is clearly influencing Pakistani public opinion. [But] one must remember that public opinion changes. If people see excessive force being used against Muslim civilians in Iraq, Kashmir or Afghanistan, the pendulum may yet swing in the other direction."

— A Pakistani professor and author now teaching in Boston

"People are less supportive of terrorist attacks because we know what terrorism does, we're afraid of attacks."

— A 55-year-old food stand vendor in Jakarta

"Interviews were conducted by Katrin Bennhold in France, Judy Dempsey in Germany, Salman Masood in Pakistan, Evelyn Rusti in Indonesia and Marisa Simons in the Netherlands, all of the International Herald Tribune and Maysam Zaaroura in Lebanon of The Daily Star."

Methodological Appendix

ABOUT THE 2005 GLOBAL ATTITUDES SURVEY

Results for the survey are based on telephone and face-to-face interviews conducted under the direction of Princeton Survey Research Associates International. All surveys are based on national samples except in China, India, Morocco and Pakistan where the sample was disproportionately or exclusively urban.

The table below shows the margin of sampling error based on all interviews conducted in that country. For results based on the full sample in a given country, one can say with 95% confidence that the error attributable to sampling and other random effects is plus or minus the margin of error. In addition to sampling error, one should bear in mind that question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of opinion polls.

country: Britain
 company: NOP World
 Sample design: Probability
 Mode: Telephone adults 18 plus
 Languages: English
 Fieldwork dates: April 25-May 7, 2005
 Sample size: 750
 Margin of Error: 4%
 Representative: Telephone households

country: France
 company: Taylor, Nelson & Sofres (TNS)
 Sample design: Quota
 Mode: Telephone adults 18 plus
 Languages: French
 Fieldwork dates: May 2-7, 2005
 Sample size: 751
 Margin of Error: 4%
 Representative: Telephone households

Country: Canada
 Company: Environics
 Sample design: Probability
 Mode: Telephone adults 18 plus
 Languages: English and French
 Fieldwork dates: May 6-11, 2005
 Sample size: 500
 Margin of Error: 4%
 Representative: Telephone households

Country: Germany
 Company: TNS EMNID
 Sample design: Probability
 Mode: Telephone adults 18 plus
 Languages: German
 Fieldwork dates: April 27-May 4, 2005
 Sample size: 750
 Margin of Error: 4%
 Representative: Telephone households

Country: China
 Company: Horizon Market Research (Data were purchased from Horizon Market Research and based on their self-sponsored survey "Chinese People View the World")
 Sample design: Probability sample in six cities and surrounding rural areas - Shanghai (in east China), Beijing (north), Guangzhou (southeast), Chengdu (southwest), Wahan (central) and Shenyang (northeast).
 Mode: Face-to-face adults 18 to 60
 Languages: Chinese (dialects: Mandarin, Beijingsese, Cantonese, Sichuan, Hubei, Dongbei, Shanghaiese)
 Fieldwork dates: May 21-31, 2005
 Sample size: 2191
 Margin of Error: 2%
 Representative: Disproportionately urban

Country: India
 Company: TNS
 Sample design: Probability
 Mode: Face-to-face adults 18-64
 Languages: Hindi, Gujarati, Tamil, Kannada, Bengali
 Fieldwork dates: May 1-29, 2005
 Sample size: 2042
 Margin of Error: 2%
 Representative: Urban only

Country: Indonesia
 company: TNS Indonesia
 Sample design: Probability
 Mode: Face-to-face adults 18 plus
 Languages: Bahasa Indonesia
 Fieldwork dates: April 30-May 16, 2005
 Sample size: 1022
 Margin of Error: 3%
 Representative: Eighteen provinces representing 87% of adult population

Country: Jordan
Company: MRO
Sample design: Probability
Mode: Face-to-face adults 18 plus
Languages: Arabic
Fieldwork dates: May 3-24, 2005
Sample size: 1000
Margin of Error: 3%
Representative: Adult population

country: Lebanon
Company: MRO
Sample design: Probability
Mode: Face-to-face adults 18 plus
Languages: Arabic
Fieldwork dates: May 3-24, 2005
Sample size: 1000
Margin of Error: 3%
Representative: Adult population

Country: Morocco
company: Pan Arab Research Center
Sample design: Probability
Mode: Face-to-face adults 18 plus
Languages: French and Arabic
Fieldwork dates: June 6-16, 2005
Sample size: 1000
Margin of Error: 3%
Representative: Disproportionately urban

Country: Netherlands
company: TNS NIPO
Sample design: Probability
Mode: Telephone adults 18 plus
Languages: Dutch
Fieldwork dates: April 27-May 11, 2005
Sample size: 754
Margin of Error: 4%
Representative: Telephone households

Country: Pakistan
company: ACNielsen Arab
Sample design: Probability
Mode: Face-to-face adults 18 plus
Languages: Urdu
Fieldwork dates: May 2-24, 2005
Sample size: 1225
Margin of Error: 3%
Representative: Disproportionately urban

Country: Poland
Company: Ipsos-Demoskop
Sample design: Probability
Mode: Face-to-face adults 18 plus
Languages: Polish
Fieldwork dates: April 27-May 29, 2005
Sample size: 1024
Margin of Error: 3%
Representative: Adult population

Country: Russia
Company: Bashkirova & Partners
Sample design: Probability
Mode: Face-to-face adults 18 plus
Languages: Russian
Fieldwork dates: April 28-May 13, 2005
Sample size: 1002
Margin of Error: 3%
Representative: Adult population

Country: Spain
Company: TNS-Demoscopia
Sample design: Probability
Mode: Telephone adults 18 plus
Languages: Spanish
Fieldwork dates: April 20-28, 2005
Sample size: 751
Margin of Error: 4%
Representative: Telephone households

Country: Turkey
company: PIAR-TNS
Sample design: Probability
Mode: Face-to-face adults 18 plus
Languages: Turkish
Fieldwork dates: April 27-May 14, 2005
Sample size: 1003
Margin of Error: 3%
Representative: Adult population

Country: United States
company: Princeton Data Source
Sample design: Probability
Mode: Telephone adults 18 plus
Languages: English
Fieldwork dates: May 18-22, 2005
Sample size: 1001
Margin of Error: 3%
Representative: Telephone households in continental US

Pew Global Attitudes Project Spring 2005 17-Nation Survey

United States - May 18 - May 22, 2005 (N=1,001)	Turkey - April 27 - May 14, 2005 (N=1,003)
Canada - May 6 - 11, 2005 (N=500)	Indonesia - April 30 - May 16, 2005 (N=1,022)
Great Britain - April 25 - May 10, 2005 (N=750)	India - May 1 - May 29, 2005 (N=2,042)
France - May 2 - 7, 2005 (N=751)	Pakistan - May 2 - 24, 2005 (N=1,225)
Germany - April 27 - May 4, 2005 (N=750)	Lebanon - May 3 - 24, 2005 (N=1,000)
Spain - April 20 - April 28, 2005 (N=751)	Jordan - May 3 - 24, 2005 (N=1,000)
Netherlands - April 27 - May 11, 2005 (N=754)	Morocco - June 6 - 16, 2005 (N=1,000)
Russia - April 28 - May 13, 2005 (N=1,002)	China - May 21 - 31, 2005 (N=2,191)
Poland - April 27 - May 24, 2005 (N=1,024)	

NOTE: Data based on national samples except in China, India, Morocco and Pakistan where the sample was disproportionately or exclusively urban. See Methodological Appendix on page 31 for details.

PROCEDURAL NOTE: The following topline data is based on two questionnaires, one in the six predominantly Muslim countries (Turkey, Indonesia, Pakistan, Lebanon, Jordan and Morocco) and the other in the eleven countries where Muslims are not the majority population. For question ordering of both questionnaires, see the global attitudes website: www.newsglobal.org.

[ASK ALL:]

MQ. 15 Some people in our country feel that democracy is a Western way of doing things that would not work here—others think that democracy is not just for the West and can work well here. Which comes closer to your opinion?

	Western way	Can work here	Don't know/ Refused
Turkey	38	48	14=100
May, 2003	37	50	14=101
Summer, 2002	43	43	14=100
1999 ¹	59	30	11=100
Pakistan	18	43	39=100
May, 2003	28	57	15=100
Summer, 2002	15	44	41=100
1999	13	39	49=101
Lebanon	9	83	8=100
May, 2003	27	71	2=100
Summer, 2002	23	75	2=100
Jordan	19	80	1=100
May, 2003	25	69	7=101
Summer, 2002	34	63	3=100
Morocco	12	63	5=100
May, 2003	27	64	9=100
Indonesia	16	77	7=100
May, 2003	53	41	6=100
Summer, 2002	25	64	11=100
1999	22	67	12=101

¹ 1999 trends provided by the Office of Research, U.S. Department of State

[ASK IF MUSLIM ONLY:]

MQ.17 In your opinion, are there any serious threats to Islam today?

BASED ON MUSLIM RESPONDENTS ONLY :

	<u>Yes</u>	<u>No</u>	<u>Don't know/ Refused</u>	<u>(N)</u>
Turkey	58	36	6=100	(N=965)
May, 2003	50	42	9=100	
Summer, 2002	35	59	6=100	
1999	33	56	11=100	
Pakistan	52	40	8=100	(N=1,203)
May, 2003	64	33	3=100	
Summer, 2002	28	61	11=100	
1999	30	43	27=100	
Lebanon	65	31	4=100	(N=563)
May, 2003	73	23	4=100	
Summer, 2002	74	24	2=100	
Jordan	82	14	4=100	(N=967)
May, 2003	97	3	*=100	
summer, 2002	81	17	1=99	
Morocco	72	17	11=100	(N=1,000)
May, 2003	79	17	4=100	
Indonesia	46	51	3=100	(N=969)
May, 2003	59	39	2=100	
Summer, 2002	33	64	3=100	
1999	26	62	12=100	

[ASK IF MUSLIM ONLY:]

MQ.18 Do you think of yourself first as a (name of country's people, such as Jordanian, Moroccan or Indonesian) or first as a Muslim?

BASED ON MUSLIM RESPONDENTS ONLY

	<u>(Country's people)</u>	<u>Muslim</u>	<u>Both equally (VOL)</u>	<u>Don't know/ Refused</u>
Turkey	29	43	27	1=100
Pakistan	7	79	13	1=100
Lebanon	30	30	39	1=100
Jordan	23	63	13	*=99
Morocco	7	70	23	*=100
Indonesia	35	39	26	*=100

[ASK ALL:]

MQ.19 How much of a role do you think Islam plays in the political life of our country—a very large role, a fairly large role, a fairly small role, or a very small role?

	<u>Very large role</u>	<u>Fairly large role</u>	<u>Fairly small role</u>	<u>Very small role</u>	<u>Don't know/ Refused</u>
Turkey	30	32	16	14	8=100
Summer, 2002	20	21	15	30	14=100
Pakistan	38	24	12	9	17=100
Summer, 2002	75	11	1	2	10=99
Lebanon	22	31	35	5	6=100
Summer, 2002	23	26	21	19	11=100
Jordan	10	20	49	19	2=100
Summer, 2002	46	27	10	15	2=100

MQ.19 CONTINUED...	Very large role	Fairly large role	Fairly small role	Very small role	Don't know/ Refused
Morocco	57	18	9	9	7=100
Indonesia	33	52	11	2	2=100
Summer, 2002	39	47	10	2	2=100

[ASK ALL:]

MQ.20 In your opinion, is Islam playing a greater or lesser role in politics in this country compared to a few years ago?

	Greater role	Lesser role	No change (VOL)	Don't know/ Refused
Turkey	47	32	14	7=100
Pakistan	48	23	12	16=99
Lebanon	35	17	25	23=100
Jordan	18	43	38	1=100
Morocco	57	28	4	11=100
Indonesia	73	15	9	2=99

[BASED ON THOSE WHO RESPONDED "GREATER ROLE" IN MQ.20:]

MQ.21 In your opinion—is this good or bad for our country?

	Good	Bad	Neither (VOL)	Don't know/ Refused	(N)
Turkey	39	50	7	3=99	(N=466)
Pakistan	94	4	1	1=100	(N=590)
Lebanon	54	32	13	1=100	(N=354)
Jordan	97	0	2	1=100	(N=179)
Morocco	93	6	1	1=100	(N=573)
Indonesia	88	9	3	1=100	(N=748)

[BASED ON THOSE WHO RESPONDED "LESSER ROLE" IN MQ.20:]

MQ.21 In your opinion—is this good or bad for our country?

	Good	Bad	Neither (VOL)	Don't know/ Refused	(N)
Turkey	44	47	7	2=100	(N=318)
Pakistan	24	69	4	3=100	(N=286)
Lebanon	26	50	17	7=100	(N=173)
Jordan	8	87	2	3=100	(N=428)
Morocco	14	83	1	2=100	(N=283)
Indonesia	42	53	4	1=100	(N=154)

[ASK IF "GREATER ROLE" IN MQ.20:]

MQ.22 Which one of the following is the most important reason Islam is playing a greater role in politics these days? Because of dissatisfaction with the current government OR: Because of growing immorality in our society OR: Because of concerns about Western influence in our country?

	Govt. dissatisfaction	Growing immorality	Western influence	Don't know/ Refused	(N)
Turkey	15	35	23	28=101	(N=466)
Pakistan	37	25	23	15=100	(N=590)
Lebanon	30	22	44	4=100	(N=354)
Jordan	8	58	30	4=100	(N=179)
Morocco	9	44	29	17=99	(N=573)
Indonesia	31	35	30	3=99	(N=748)

[ASK IF MUSLIM ONLY:]

MQ.23 How important to you is it that Islam plays a more important and influential role in **the WORLD** than it does now—very important, somewhat important, not too important, or not at all important?

BASED ON MUSLIM RESPONDENTS ONLY:

	Very <u>Important</u>	Somewhat <u>Important</u>	Not too <u>Important</u>	Not at all <u>Important</u>	Don't know/ <u>Refused</u>
Turkey	43	32	14	4	7=100
Pakistan	70	14	3	1	12=100
Lebanon	47	46	2	0	5=100
Jordan	73	26	1	0	*=100
Morocco	84	12	2	•	2=100
Indonesia	64	31	4	•	1=100

[ASK ALL:]

MQ.24 How much of a threat, if **any**, does Islamic extremism pose to **our** country these days—very great, fairly great, not too great or not a **threat** at all?

	Very <u>great</u>	Fairly <u>great</u>	Not too <u>great</u>	Not a threat	Don't know/ <u>Refused</u>
Turkey	22	25	16	18	19=100
Pakistan	28	24	11	16	21=108
Lebanon	9	17	21	39	8=100
Jordan	2	8	34	53	3=100
Morocco	60	13	7	11	9=100
Indonesia	15	30	33	17	5=100

[ASK ALL:]

MQ.25 Which of the following comes closer to what Islamic extremism means to you even if neither is exactly right: Advocating the legal imposition of strict Shari'ah on all Muslims; Using violence to get rid of non-Muslim influences in **our** country.

	Advocate Shari'ah	Violent removal of non-Muslim inf.	Don't know/ <u>Refused</u>
Turkey	48	16	36=100
Pakistan	36	22	42=100
Lebanon	35	46	19=100
Jordan	36	60	4=100
Morocco	20	53	27=100
Indonesia	50	30	20=100

[ASK IF ISLAMIC EXTREMISM POSES ANY THREAT IN MQ.24 (1-3):]

MQ.26/Q.27 Which of the following concerns you **most** about Islamic extremism in our country today? It is violent; It will lead to people having fewer **personal** freedoms and choices; It will divide the country; It will set back economic development. Which of the following concerns you **next most** about Islamic **extremism** in our country **today**?

	It is <u>violent</u>	Have fewer <u>freedoms</u>	Divide <u>country</u>	Set back <u>development</u>	None <u>(VQL)</u>	Don't know/ <u>Refused</u>	(N)
Turkey First	25	28	29	9	2	6=99	(N=634)
Next most	17	21	24	13	11	14=100	
Pakistan First	17	15	24	28	5	12=101	(N=636)
Next most	8	10	15	18	4	45=100	
Lebanon First	24	36	29	9	3	1=102	(N=529)

MQ.26/Q.27 CONTINUED...	It is <u>violent</u>	Have fewer freedoms	Divide <u>country</u>	Setback development	None <u>(VOL)</u>	Don't know/ Refused	(N)
Next most	10	19	30	32	8	1=100	
Jordan First	21	37	26	15	1	*=100	(N=443)
Next most	11	14	29	43	1	2=100	
Morocco First	37	20	24	14	1	4=100	(N=803)
Next most	23	16	29	24	*	7=99	
Indonesia First	41	20	19	15	2	3=100	(N=794)
Next most	19	19	22	30	3	8=101	

[ASK ALL:]

MQ.28 Which one of the following do you think is the most important cause of Islamic extremism in our country? Is it due to: Government corruption; Immorality; U.S. policies and influence; Poverty and lack of jobs; Lack of education; Lawlessness?

	Government corruption	Immorality	U.S. policies and influence	Poverty and lack of jobs	Lack of education	Lawlessness	DK/Ref
Turkey	6	14	12	14	34	3	17=100
Pakistan	10	5	12	38	16	6	13=100
Lebanon	14	10	40	21	8	3	3=99
Jordan	8	17	38	28	7	5	1=101
Morocco	11	11	8	39	18	3	10=100
Indonesia	14	35	13	15	4	14	5=100

[ASK IF MUSLIM ONLY:]

[SPLIT FORM:]

MQ.29f1 Some people think that suicide bombing and other forms of violence against civilian targets IN OUR COUNTRY are justified in order to defend Islam from its enemies. Other people believe that, no matter what the reason, this kind of violence is never justified. Do you personally feel that this kind of violence is often justified to defend Islam, sometimes justified, rarely justified, or never justified?

BASED ON MUSLIM RESPONDENTS ONLY:

	Often justified	Sometimes justified	Rarely justified	Never justified	Don't know/ Refused	(N)
Turkey	3	9	11	63	14=100	(N=484)
Pakistan	13	12	18	46	11=100	(N=736)
Lebanon	4	21	35	37	3=100	(N=272)
Jordan	*	30	23	46	1=100	(N=439)
Morocco	4	5	4	83	4=100	(N=631)
Indonesia	2	12	16	68	2=100	(N=484)

[ASK IF MUSLIM ONLY:]

[SPLIT FORM:]

MQ.302 Some people think that suicide bombing and other forms of violence against civilian targets are justified in order to defend Islam from its enemies. Other people believe that, no matter what the reason, this kind of violence is never justified. Do you personally feel that this kind of violence is often justified to defend Islam, sometimes justified, rarely justified, or never justified?

BASED ON MUSLIM RESPONDENTS ONLY:

	Often justified	Sometimes justified	Rarely justified	Never justified	Don't know/ Refused	(N)
Turkey	3	11	6	66	13=99	(N=481)
<i>March, 2004</i>	6	9	9	67	9=100	
<i>Summer, 2002</i>	4	9	7	64	14=98	
Pakistan	12	13	19	46	10=100	(N=468)
<i>March, 2004</i>	27	14	8	35	17=101	
<i>Summer, 2002</i>	19	14	5	38	23=99	
Lebanon	26	13	19	33	10=101	(N=291)
<i>Summer, 2002</i>	48	23	9	12	6=100	
Jordan	24	33	31	11	1=100	(N=478)
<i>Summer, 2002</i>	15	28	22	26	8=99	
Morocco	2	5	5	79	3=100	(N=369)
<i>March, 2004</i>	16	24	15	38	8=101	
Indonesia	2	13	18	66	1=100	(N=485)
<i>Summer, 2002</i>	5	22	16	54	3=100	

[ASK IF MUSLIM ONLY:]

MQ.31 what about suicide bombing carried out against Americans and other Westerners in Iraq? Do you personally believe that this is justifiable or not justifiable?

[BASED ON MUSLIM RESPONDENTS ONLY:]

	Justifiable	Not justifiable	Don't know/ Refused
Turkey	24	61	14=100
<i>March, 2004</i>	31	59	10=100
Pakistan	29	56	15=100
<i>March, 2004</i>	46	36	19=101
Lebanon	49	41	10=100
Jordan	49	43	8=100
<i>March, 2004</i>	70	24	6=100
Morocco	56	40	4=100
<i>March, 2004</i>	66	27	7=100
Indonesia	26	67	7=100

Q. Please tell me if you have a very favorable, somewhat favorable, somewhat unfavorable, or very unfavorable opinion of ~~Israel~~?

	---FAVORABLE---			---UNFAVORABLE---			Don't know/ Refused
	Total	Very	Some what	Total	Very	Some what	
g. Jews							
United States	17	37	40	1	2	5	16=100
<i>March, 2004</i>	77	36	41	8	2	6	15=100
<i>Mid-July, 2003</i>	72	20	52	9	3	6	19=100

Q5 CONTINUED..

		--- FAVORABLE ---			--- UNFAVORABLE ---		
		<i>Very</i>	<i>Some what</i>	<i>Total</i>	<i>Very</i>	<i>Some what</i>	<i>Don't how / Refused</i>
June, 2003	79	25	54	8	2	6	13=100
March, 2002	74	18	56	9	2	7	17=100
Mid-Nov., 2001	15	24	51	7	2	5	18=100
March, 2001	72	16	56	10	2	8	18=100
Sept., 2000 (RV's)	77	27	50	8	3	5	15=100
June, 1997	82	26	56	9	2	7	9=100
Canada	78	31	47	11	2	9	10=99
Great Britain	78	24	54	6	2	4	15=99
March, 2004	76	23	53	9	3	6	15=100
France	82	18	64	16	3	13	2=100
March, 2004	81	28	53	11	3	8	8=100
1991 ²	72	14	58	14	3	11	14=100
Germany	61	11	56	21	5	16	12=100
March, 2004	63	10	53	20	4	16	17=100
1991	52	5	47	24	6	18	24=100
Spain	58	18	40	20	6	14	22=100
Netherlands	85	24	61	11	2	9	4=100
Russia	63	15	48	26	7	19	11=100
March, 2004	65	18	47	25	8	17	10=100
1992	65	11	54	22	7	15	13=100
1991	58	9	49	26	8	18	16=100
Poland	54	7	47	21	7	20	19=100
Turkey	18	4	14	60	44	16	23=101
March, 2004	21	6	21	49	32	17	23=99
Pakistan	5	•	5	14	64	10	21=100
March, 2004	3	1	2	80	73	7	17=100
India	28	6	22	17	7	10	56=101
Lebanon	0	0	0	99	99	0	1=100
Jordan	0	0	0	100	99	1	0=100
Morocco	8	2	6	88	78	10	4=100
March, 2004	6	1	5	92	81	11	2=100
Indonesia	13	2	11	16	36	40	12=101
China	28	2	26	49	14	35	23=100
II. Christians							
United States	87	56	31	6	2	4	7=100
March, 2004	84	55	29	6	1	5	10=100
Canada	83	40	43	9	3	6	8=100
Great Britain	85	37	48	6	1	5	9=100
March, 2004	84	36	48	6	1	5	9=99
France	84	24	60	15	4	11	1=100
March, 2004	84	34	50	9	2	7	6=99
Germany	83	21	62	13	1	12	4=100
March, 2004	75	15	60	16	3	13	9=100
Spain	80	32	48	10	3	7	10=100
Netherlands	83	11	62	15	4	11	2=100
Russia	92	44	48	3	1	2	5=100
March, 2004	93	44	49	3	1	2	4=100
Poland	86	34	52	5	1	4	9=100

Question introduction for France, Germany, and Russia was worded, respectively, "I'd like you to rate some different groups of people in (Western Europe/Germany/Russia) according to how you feel about them."

Q.5 CONTINUED...

	— FAVORABLE —			— UNFAVORABLE —			
	Total	Some		Total	some		Don't know/ Refused
		Very	what		Very	what	
Turkey	21	5	16	63	46	17	16=100
<i>March, 2004</i>	31	6	25	52	33	19	17=100
Pakistan	22	2	20	58	41	17	20=100
<i>March, 2004</i>	24	4	20	62	45	17	15=101
India	61	20	41	19	8	11	20=100
Lebanon	91	63	38	7	2	5	2=100
Jordan	58	10	48	41	12	29	1=100
Morocco	33	6	27	61	37	24	6=100
<i>March, 2004</i>	23	2	21	73	42	31	4=100
Indonesia	58	17	41	38	9	29	4=100
China	26	2	24	47	12	35	26=99
i. Muslims							
United States	57	18	39	22	8	14	21=100
<i>March, 2004</i>	48	13	35	32	14	18	20=100
<i>Mid-July, 2003</i>	47	9	38	31	12	19	22=100
<i>June, 2003</i>	50	12	38	30	10	20	20=100
<i>March, 2002</i>	47	7	40	29	11	18	24=100
Canada	60	16	44	26	7	19	13=99
Great Britain	12	18	54	14	5	9	14=100
<i>March, 2004</i>	67	18	49	18	6	12	16=101
France	64	9	55	34	13	21	2=100
<i>March, 2004</i>	64	16	48	29	9	20	7=100
<i>1991 (Bl. Africans)</i>	49	7	42	42	12	30	9=100
Germany	40	4	36	47	11	36	13=100
<i>March, 2004</i>	41	5	36	46	11	35	13=100
<i>1991 (Turks)</i>	35	3	32	46	14	32	19=100
Spain	46	14	32	31	13	24	17=100
Netherlands	45	5	40	51	15	36	3=99
Russia	55	14	41	36	10	26	10=101
<i>March, 2004</i>	53	15	38	38	15	23	11=100
Poland	46	6	40	30	11	19	24=100
Turkey	83	61	22	11	5	6	5=99
<i>March, 2004</i>	88	66	22	9	3	6	3=100
Pakistan	94	88	6	2	1	1	4=100
<i>March, 2004</i>	97	87	10	2	1	1	1=100
India	46	13	31	43	25	18	12=101
Lebanon	92	61	31	7	1	6	*=99
Jordan	99	95	4	1	*	1	0=100
Morocco	97	84	13	3	1	2	*=100
<i>March, 2004</i>	90	70	20	9	3	6	1=100
Indonesia	99	85	14	1	*	1	*=100
China	20	2	18	50	15	35	30=100

Q.14 How do you feel about Turkey becoming a member of the EU? Do you strongly favor, favor, oppose or strongly oppose Turkey becoming a member of the EU?

	<u>Strongly favor</u>	<u>Favor</u>	<u>Oppose</u>	<u>Strongly oppose</u>	<u>Don't know/Refused</u>
Great Britain	11	46	20	9	14=100
France	5	28	36	30	1=100
Germany	2	30	42	23	3=100
Spain	11	57	17	4	11=100
Netherlands	2	42	39	14	2=99
Poland	10	41	17	5	27=100
Turkey	31	31	12	15	5=100

Q.15 Do you think it's a good or a bad thing that people (insert) come to live and work in this country?

a. From the Middle East and ~~North~~ Africa

	<u>Good thing</u>	<u>Bad thing</u>	<u>Don't know/Refused</u>
Great Britain	61	30	10=101
November, 2002	53	40	7=100
France	53	45	2=100
November, 2002	44	53	3=100
Germany	34	57	9=100
November, 2002	33	59	8=100
Spain	67	26	7=100
Netherlands	46	49	5=100
Poland	47	43	10=100

b. From East European countries

Great Britain	62	28	10=100
November, 2002	53	41	6=100
France	52	47	1=100
November, 2002	47	50	3=100
Germany	31	60	9=100
November, 2002	39	53	8=100
Spain	72	22	6=100
Netherlands	50	47	3=100

c. ~~From~~ former Soviet Bloc countries

Poland	44	46	10=100
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Q.17 Which statement comes closer to your own views even if neither is exactly right? Some religions are more prone to violence than others; OR All religions are about the same when it comes to violence.

	<u>Some religions prone to violence</u>	<u>All religions about the same</u>	<u>Neither (VOL)</u>	<u>Don't know/Refused</u>
United States	52	39	3	6=100
Canada	56	37	3	4=100
Great Britain	47	45	4	4=100
France	46	53	1	*=100

	Some religions prone to violence	All religions about the same	Neither [VOL.]	Don't know/ Refused
Germany	51	44	1	4=100
Spain	52	40	6	2=100
Netherlands	61	37	1	1=100
Russia	54	21	15	10=100
Poland	49	34	7	9=99
Turkey	26	33	22	19=100
Pakistan	40	13	18	29=100
India	39	52	5	5=101
Lebanon	17	44	29	10=100
Jordan	75	17	7	1=100
Morocco	40	27	16	18=101
Indonesia	16	62	16	6=100

[ASKED IF RESPONDED SOME RELIGIONS MORE PRONE TO VIOLENCE IN Q.17:]

Q.18 Which one of the religions that I name do you think of as most violent--Christianity, Islam, Judaism, or Hinduism?

	Christianity	Islam	Judaism	Hinduism	None (VOL.)	Don't know/ Refused	(N)
United States	9	67	4	5	2	13=100	(N=520)
Canada	8	61	4	6	3	18=100	(N=282)
Great Britain	8	63	4	3	4	18=100	(N=352)
France	2	87	2	2	4	2=99	(N=347)
Germany	2	79	3	4	2	10=100	(N=388)
Spain	2	81	4	2	2	8=99	(N=393)
Netherlands	3	88	0	1	2	5=101	(N=456)
Russia	3	71		4	3	10=101	(N=542)
Poland	3	77	5	4	2	14=102	(N=508)
Turkey	46	15	20	2	4	13=100	(N=261)
Pakistan	4	6	51	31	6	3=101	(N=492)
India	5	73	65	17	1	2=100	(N=788)
Lebanon	15	18		0	0	1=100	(N=167)
Jordan	1	1	98	0	0	0=100	(N=751)
Morocco	5	3	83	5	1	3=100	(N=405)
Indonesia	10	11	63	*	10	6=100	(N=166)

Q.19 Do you think most Muslims coming to our country today want to adopt (survey country) customs and way of life or do you think that they want to be distinct from the larger (survey country) society?

	Adopt	Want to be distinct	Both [VOL.]	Don't know/ Refused
United States	32	49	6	13=100
Canada	27	60	5	9=101
Great Britain	19	61	12	9=101
France	36	59	4	1=100
Germany	9	88	1	2=100
Spain	20	68	8	4=100
Netherlands	31	65	2	2=100
Russia	12	72	9	8=101
Poland	34	42	6	18=100
India	28	61	5	6=100

Q.20 Some countries have decided to ban the wearing of head scarves by Muslim women in public places including schools. Do you think this is a good idea or a bad idea?

	Good idea	Bad idea	Don't know/ Refused
United States	33	57	9=99
Canada	37	57	6=100
Great Britain	29	62	9=100
France	78	22	*=100
Germany	54	40	6=100
Spain	43	48	9=100
Netherlands	51	46	2=99
Russia	33	48	20=101
Poland	37	47	16=100
Turkey	29	64	7=100
Pakistan	17	77	6=100
India ³	66	30	4=100
Lebanon	29	59	12=100
Jordan	3	97	*=100
Morocco	8	90	2=100
Indonesia	4	95	1=100

4.21 In your opinion, how strong a sense of Islamic identity do Muslims in our country have--very strong, fairly strong, not too strong, or not strong at all?

	Very	Fairly strong	Not too strong	Not strong at all	Don't know/ Refused
United States	20	45	17	5	13=100
Canada	20	46	18	6	10=100
Great Britain	29	51	8	2	10=100
France	19	63	13	4	1=100
Germany	33	41	14	4	7=99
Spain	30	44	12	2	12=100
Netherlands	32	54	8	2	3=99
Russia	10	35	31	5	20=101
Poland	5	27	30	9	28=100
India	38	39	13	3	7=100

4.22 In your opinion, these days do you think there is a growing sense of Islamic identity among Muslims in our country or don't you think so?

	Yes	No	Don't know/ Refused
United States	50	30	20=100
Canada	51	33	16=100
Great Britain	63	21	16=100
France	70	29	1=100
Germany	66	27	7=100
Spain	47	35	18=100
Netherlands	60	32	7=99
Russia	55	21	24=100
Poland	20	37	43=100
India	64	28	8=100

³ In India question worded slightly differently: "Some countries have decided to ban the wearing of 'Burqa' by Muslim women in public places including schools. Do you think this is a good idea or a bad idea?"

[ASKED IF YES IN Q22:]

Q.23 Do you think this is a good thing or a bad thing for our country?

	<u>Good thing</u>	<u>Bad thing</u>	<u>Don't know/ Refused</u>	<u>(N)</u>
United States	42	48	10=100	(N=503)
Canada	40	52	8=100	(N=257)
Great Britain	31	56	13=100	(N=471)
France	9	89	2=100	(N=525)
Germany	10	85	5=100	(N=510)
Spain	18	16	8=100	(N=354)
Netherlands		87	3=100	(N=455)
Russia	23	61	16=100	(N=549)
Poland	16	61	23=100	(N=200)
India	21	77	2=100	(N=1300)

[ASKED IF BAD THING IN Q23:]

Q.24 Which one of the following worries you most about Islamic identity in our country today? It can lead to violence; it can lead to a loss of personal freedoms; it will prevent Muslims from integrating into our society.

	<u>Lead to violence</u>	<u>Loss of freedoms</u>	<u>Prevent integration</u>	<u>Don't know/ Refused</u>	<u>(N)</u>
United States	41	23	23	7=100	(N=251)
Canada	29	21	40	4=100	(N=134)
Great Britain	30	12	55	3=100	(N=262)
France	50	25	25	*=100	(N=470)
Germany	41	12	46	1=100	(N=426)
Spain	48	18	30	4=100	(N=269)
Netherlands	26	21	47	*=100	(N=401)
Russia	66	11	18	5=100	(N=334)
Poland	48	21	23	8=100	(N=126)
India	60	24	14	2=100	(N=1005)

[ASKED IF BAD THING IN Q23:]

Q.25 Which of the following worries you second most about Islamic identity in our country today? It can lead to violence; it can lead to a loss of personal freedoms; it will prevent Muslims from integrating into our society.

	<u>Lead to violence</u>	<u>Loss of freedoms</u>	<u>Prevent integration</u>	<u>No other worries (Vol.)</u>	<u>Don't know/ Refused</u>
United States	27	40	19	0	14=100
Canada	33	36	22	0	10=101
Great Britain	29	31	18	0	21=99
France	35	36	28	0	1=100
Germany	37	27	31	0	4=99
Spain	29	38	23	0	10=100
Netherlands	42	33	21	0	4=100
Russia	18	36	25	0	21=100
Poland	17	20	20	0	43=100
India	19	19	29	0	33=100

Q.26 How concerned, if at all, are you about the rise of Islamic extremism in our country these days? Are you very concerned, somewhat concerned, not too concerned or not at all concerned about the rise of Islamic extremism in our country these days?

	Very concerned	Somewhat concerned	Not too concerned	Not concerned at all	Don't know/Refused
United States	31	39	19	9	3=101
Canada	22	34	21	14	3=100
Great Britain	34	36	22	6	2=100
France	32	41	18	8	*=99
Germany	35	43	14	7	1=100
Spain	43	34	15	7	1=100
Netherlands	32	44	22	2	*=100
Russia	52	32	9	4	3=100
Poland	7	30	26	23	15=101
India	48	36	9	4	3=100

Q.27 How concerned, if at all, are you about the rise of Islamic extremism around the WORLD these days? Are you very concerned, somewhat concerned, not too concerned or not at all concerned about the rise of Islamic extremism around the world these days?

	Very concerned	Somewhat concerned	Not too concerned	Not concerned at all	Don't know/Refused
United States	42	37	11	5	4=100
Canada	41	38	13	5	2=99
Great Britain	43	37	14	4	1=99
France	46	43	8	3	*=100
Germany	48	39	8	4	1=100
Spain	45	31	10	6	2=100
Netherlands	46	44	8	1	*=99
Russia	51	33	8	4	4=100
Poland	23	39	13	12	13=100
India	46	36	10	5	3=100

Q.28 Now I'm going to read a list of political leaders. For each, tell me how much confidence you have in each leader to do the right thing regarding world affairs—a lot of confidence, some confidence, not too much confidence, or no confidence at all.* Item d not asked in the United States.

	A lot of confidence	Some confidence	Not too much confidence	No confidence	Don't know/Refused
d. Osama bin Laden ⁴					
Canada	*	3	6	87	3=99
May, 2003	*	1	6	90	3=100
Great Britain	1	1	4	92	2=100
May, 2003	1	3	3	91	2=100
France	*	1	5	93	1=100
May, 2003	0	2	3	95	*=100
Germany	1	*	6	91	3=101
May, 2003	0	1	1	95	2=99
Spain	*	1	6	91	2=100
May, 2003	1	1	3	91	4=100

⁴ In 2001 response categories were "A great deal, a fair amount, not too much or none at all."

⁵ Question not asked in the United States and China.

Q.28d CONTINUED..	A lot of confidence	Some confidence	Not too much confidence	No confidence	Don't know/
Netherlands	0	1	4	94	1=100
Russia	1	2	11	69	16=99
<i>May, 2003</i>	*	3	5	71	21=100
Poland	•	1	8	82	9=100
Turkey	3	4	6	13	14=100
<i>May, 2003</i>	7	8	7	67	11=100
Pakistan	29	22	11	12	26=100
<i>May, 2003</i>	24	21	7	20	28=100
India	3	4	7	72	14=100
Lebanon	*	2	9	78	10=99
<i>May, 2003</i>	4	10	18	64	4=100
Jordan	25	35	20	18	2=100
<i>May, 2003</i>	38	17	26	18	1=100
Morocco	14	12	8	40	26=100
<i>May, 2003</i>	37	12	7	29	15=100
Indonesia	8	27	27	10	21=99
<i>May, 2003</i>	19	39	26	10	7=100

Transition to and from Hostilities

III.B. Strategic Communication



Unclassified

Arab Attitudes Toward U.S. Values, Products, and Policies"

	MOROCCO (Fav/Unfav)	SAUDI ARABIA (Fav/Unfav)	JORDAN (Fav/Unfav)	LEBANON (Fav/Unfav)	UAE (Fav/Unfav)
Science/Technology	90/8	48/51	83/13	52/46	84/12
Freedom/Democracy	53/41	39/60	57/40	41/56	39/53
People	59/29	28/64	52/39	39/58	46/35
Movies/TV	60/37	35/60	56/41	30/66	54/43
Products	73/24	37/59	61/35	39/57	63/34
Education	61/16	12/74	59/29	38/54	63/23
Policy toward Arabs	4/90	4/85	8/89	5/86	7/87
Policy towards Palestinians	3/93	3/95	7/89	4/90	5/90
Policy on Terrorism	13/82	2/96	21/75	10/84	9/84
Iraq Policy	1/98	1/97	2/78	4/93	4/91

Poll conducted by Zogby International

Defense Science Board 2004 Summer Study

FOR OFFICIAL USE ONLY

11-L-0559/OSD/53965

Unclassified

~~FOUO~~

JUL 07 2005

TO: Ken Krieg
CC: Ryan Henry
FROM: Donald Rumsfeld *DR*
SUBJECT: Ranks of Heads of Service Elements

My recollection is that we gave you a terms of reference for a Pentagon reorganization effort that you have merged into the QDR. **(ATTACHED)**

One thought is to take a look at the ranks of people who head up the various elements within each of the Services. My understanding is the Navy has reduced them down to two-stars, but the Army still has a three- or four-star for armor, for artillery, etc. That should be part of it. I think that could have an effect.

3141

Thanks.

ATTACH. TOR

DHR:db
070605-07

**ALSO PROVIDE STATUS
OF QDR WORK ON THIS
TERMS OF REFERENCE**

.....
Please Respond By July 28,2005

7 Jul 05

OSD 21602-05

KS

JUL 07 2005

~~FOUO~~

11-L-0559/OSD/53966

SENSITIVE WORKING PAPERS

PENTAGON REORGANIZATION STUDY

TERMS OF REFERENCE

Define a mission statement for the Office of the Secretary of Defense.

Examine how the staffs working for the Department of Defense in the Pentagon could be reorganized to reduce duplication of effort, dramatically accelerate the speed of action, and create fiscal, personnel, and informational efficiencies.

Define the roles and missions for the OSD staff, including the following basic functions in your analysis:

- Directing and managing DoD investments, i.e. translating DoD-wide, Service, and Agency

SENSITIVE WORKING PAPERS

“requirements” and budgets into people and programs to meet the **risks** we face

- Providing guidance and strategic direction **to** and oversight of COCOM and Agency activity and operations
- Monitoring and enforcing implementation of directives, policies, and legal requirements facing the Department.

In particular, look to **reduce** the number of people in **the** following organizations:

- Office of the Secretary of Defense – all elements
- Defense Agencies
- Joint Staff
- Service Secretary Staffs and Service Chief Staffs

SENSITIVE WORKING PAPERS

Also, specifically review whether or not there need to be separate organizations in the Office of the Secretary of Defense, the Joint Staff, and each of the Services for:

- Public Affairs
- Legislative Affairs
- Legal Affairs
- Budget Management (J-8, Service budget organizations, PA&E, Comptroller)
- Information Management (5-6, Service information organizations, NII, etc)
- Logistic Management (5-4, Service logistic organizations, Logistic Management in AT&L, DLA, etc)
- Personnel Management (J-1, Service personnel organizations, P&R, etc)
- Training and Doctrine (J-7, Service training and doctrine organizations, JFCOM, etc)

SENSITIVE WORKING PAPERS

Recommend opportunities to merge functions and combine them under one entity thus creating efficiencies. Forward suggestions for elimination of any entity you deem superfluous.

Look specifically at merging Service Chief and Service Secretary Staffs for each of the Services.

In all cases, seek to maximize ways to make jointness and innovation flourish while reducing the time taken to make decisions. In particular, develop a means to reduce the process of coordination to a minimum, thereby speeding up the decision time lines in the Department. As an associated task, propose ways to push decisions down to the lowest appropriate level.

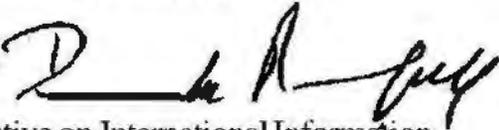
Include a time-table and a proposed plan to execute the recommendations.

~~FOUO~~

July 18, 2005

TO: Stephen J. Hadley
CC: Vice President Richard B. Cheney
The Honorable ~~Dr.~~ Condoleezza Rice
The Honorable Andrew H. Card Jr.

FROM: Donald Rumsfeld



SUBJECT: Presidential Directive on International Information

I am told the most current presidential directive on international information policy is NSDD 130, dated March 6, 1984, a copy of which is attached.

It may be a useful exercise for the Administration to apply itself to developing a post-Cold War, 21st Century Presidential decision directive on this topic.

DHR:sa
071505-11

Attach 3/6/8NSDD 130

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March 6, 1984

**NATIONAL SECURITY DECISION
DIRECTIVE NUMBER 130**

US International Information Policy (U)

International information is an integral and vital part of US national security policy and strategy in the broad sense. Together with the other components of public diplomacy, it is a key strategic instrument for shaping fundamental political and ideological trends around the globe on a long-term basis and ultimately affecting the behavior of governments. (U)

While improvements have been made in US international information programs and activities over the last several years, there is a need for sustained commitment over time to improving the quality and effectiveness of US international information efforts, the level of resources devoted to them, and their coordination with other elements of US national security policy and strategy. The role of international information considerations in policy formulation needs to be enhanced, and wider understanding of the role of international information should be sought within the Executive Branch as well as with the Congress and the public. (U)

The fundamental purpose of US international information programs is to affect foreign audiences in ways favorable to US national interests. Such programs can only be credible and effective by respecting accuracy and objectivity. At the same time, the habits, interests, expectations and level of understanding of foreign audiences may differ significantly from those of the domestic American audience, and require different approaches and emphases in the selection and presentation of information. While US international information activities must be sensitive to the concerns of foreign governments, our information programs should be understood to be a strategic instrument of US national policy, not a tactical instrument of US diplomacy. We cannot accept foreign control over program content. (U)

International Information Strategy

Essential to a successful global information strategy is recognition of the diversity of the audiences the US seeks to address. Beyond the obvious differences among Western,

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By S. 107, National Security Council
(E-57-1035) 30

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Communist country and Third World audiences, there are significant ideological and cultural differences within countries and regions and between elites, key opinion sectors, and the general population. Programming must be more effectively differentiated to reach these audiences. The critical importance of elites in the formation of public opinion must be recognized. At the same time, intensified efforts must be made to address the general population in areas where government control of elite communications is strict. Specific information themes and strategies outlined in the study accompanying this directive should serve as the general basis for US international information programming. (S)

International Radio Broadcasting

International radio broadcasting is the US Government's most effective means of communicating the truth directly to the peoples of the world. Improvement in the US international broadcasting effort must continue to enjoy the highest priority. National Security Decision Directive 45 affirmed the essentials of existing US policy relative to US international broadcasting and, among other things, authorized a major long-term program of modernization and expansion, approved revised guidance for determining languages and broadcast hours, and called for a major effort to overcome jamming of US broadcasts and ameliorate its effects. A review of implementation of NSDD 45 should be undertaken by the Senior Planning Group. Such a review should include a revision of current language guidance to include recommendations concerning the possible initiation of new language services. It should also incorporate reports on programming policy and objectives relating to international audiences of the Radio in the American Sector of Berlin and our Armed Forces Radio and Television Service. (S)

Other International Information Instruments

Several other instruments of international information merit special attention and long-term planning and development. (U)

Note systematic thought needs to be given to the opportunities offered by international television broadcasting. A conceptual study should be undertaken of technical and political options for US international television broadcasting over the next several decades. (U)

In the area of publications, steps should be taken to reconstitute as a major ongoing program support for publishing and disseminating abroad books and other publications. This includes strengthening a working partnership between the USG and the private sector to make available broad serious works on American or Western institutions and principles. (U)

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In addition to the traditional instruments of international information, new technologies (particularly in the area of audio and video tape cassettes) have created new instruments whose potential should be explored. (U)

It is important to recognize that information disseminated by private and commercial organizations is likely to have special credibility with many audiences. A high priority should be placed on improving liaison and cooperation with, and support of, appropriate private sector information efforts. (U)

An interagency study in support of US objectives relative to the free flow of information and the potential of new communications technologies should be carried out under the auspices of the Senior Planning Group. Special attention shall be given as to how to overcome barriers to information flow and how to utilize communications technologies to penetrate closed societies. (U)

Information and Communications Assistance

Strategically targeted information and communications assistance to other nations can contribute significantly to achieving US objectives. It should be recognized as an integral part of US international information activities. A study should be undertaken by the Senior Interagency Group on International Communications and Information Policy to define the role and contributions of the various agencies involved and to develop a long-term strategy in this area. (U)

International Information Policy in Peace and War

In view of the importance of psychological factors in maintaining the confidence of allied governments and in deterring military action against US national interests, and in order to be prepared for the immediate and effective use of psychological operations (PSYOP) in crisis and wartime, it is vital that the Armed Forces maintain a strong and active international information capability. Revitalization and full integration of PSYOP in military operations and planning should be a high priority of the Department of Defense. In order to employ PSYOP effectively and economically, a set of national guidelines and a funded program will be established and roles and relationships of the agencies that are involved will be defined. The Department of Defense is directed, with appropriate interagency coordination and in accordance with national law and policy, to participate in overt PSYOP programs in peacetime. The SPC should take the lead in developing coordinated interagency plans, including the utilization of EOD capabilities, for international information activities in support of national security objectives. (U)

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Crisis and wartime conditions impose special requirements on US international information activities. In wartime or during crises (which may be defined as periods of acute tension involving a threat to the lives of American citizens, or the imminence of war between the US and other nations), US international information elements should be ready to initiate special procedures to ensure policy consistency, timely response and rapid feedback from the intended audience. Appropriate agencies should review and, as necessary, develop procedures for their operations during crises. (U)

International Information: Functional Requirements

Research on public opinion, media reaction, and cultural factors needs to be substantially improved and more fully coordinated and applied to US information activities. The proposed Foreign Opinion Research Advisory Group (FORA) is hereby approved, and agencies should seek funding for it as required. (U)

There is an urgent requirement for more extensive and sophisticated training of USG personnel in the international information environment, and in substantive and technical requirements of effective international and intercultural communication. Agencies should review their existing training programs and augment them as necessary. In the area of career development, a special effort should be made by all agencies to develop career tracks which encourage qualified individuals to remain in the field of international information. (U)

The lack of adequate resources devoted to international information remains a problem of fundamental importance. All Executive departments with significant activities in the international or national security areas should comprehensively review their participation in and support of US international information activities, with a view both to increasing resources devoted to this area within current allocations and establishing clear requirements for future budgetary submissions. (U)

There is a need to enhance the role of international information considerations in the national security policy process. Wherever appropriate, major national security policy studies and decision documents should include an assessment of the impact of policy options or decisions on foreign opinion and on the international information environment generally. (U)

In order to generate the public consensus that is essential to support of a vigorous international information effort, agencies will review current mission statements and other existing policy declarations and revise them as necessary to reflect the guidance provided by this directive and the accompanying study. Other activities in support of this

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objective should be pursued by the involved agencies on a coordinated basis. (U)

Ronald Reagan

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~~FOUO~~

JUL 25 2005

TO: Bill Winkenwerder

CC: Gordon England
David Chu
m p ~~Winkler~~ BERKSON

FROM: Donald Rumsfeld *[Handwritten Signature]*

SUBJECT: Medical Ideas

Your July 20 memo on medical ideas, based on Newt Gingrich's initial input, is excellent.

Please press forward across the board and give me an update in 60 days.

Thanks.

Attach.

7/20/05 ASD(HA) memo to SD re: Medical Ideas from Newt Gingrich [OSD 14194-05]

DHL:ab
0724051178

.....
Please respond by September 25, 2005

FOUO

JUL 25 2005

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OSD 21605-05

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Rock
10/21



THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301-1200

OFFICE OF
SECRETARY OF DEFENSE

AS
7/24

INFO MEMO

2005 JUL 22 AM 8:31

JUL 30 2005

HEALTH AFFAIRS

Robert Rasmussen

R2
7/22

FOR: SECRETARY OF DEFENSE

PROM: William Winkenwerder, Jr. MD, ASD (Health Affairs)

SUBJECT Medical Ideas from Newt Gingrich

- You asked for **my** views regarding Newt Gingrich's ideas for transforming the Military Health **System** (MHS). I have attached an in-depth assessment (TAB A) of Gingrich's ideas, and the **status** of **our** efforts to transform the MHS. I **strongly** encourage you to read this.
- Regarding Gingrich's specific recommended actions:
 - o Meet with TRICARE **CEO's** - I and **my** staff have already been *having* regularly scheduled meetings with the CEO's. These **are** ongoing discussions of how to incorporate private sector best practices, and improve **contractors'** performance **against** benchmarks. At **our** next meeting we will **spend** an entire *day* discussing how to **implement** disease management models (the kinds Gingrich discusses).
 - o Paperless medical records - **Our** current electronic records system **IS** built by the very best private **companies** - **IBM**, Microsoft, Cisco, Oracle and **others**. We meet **with** these companies on a regularly scheduled basis. The **system** was built to **our** specs. It has received **very high marks** from the top **IT** consultants (Accenture). It is **25%** installed and will be 100% completed by the end of **2006**.
 - o The Bridge to Excellence (**UPS**, **Proctor** and Gamble) contracting **models** - We have not done this, but we will. It sounds like a **good** idea.
 - o Health Reimbursement/Savings Account - **RAND** **has** been working with us for 9 months to help us evaluate how DoD could implement this concept. I have **also** asked **RAND** to subcontract with one of the top benefits consulting firms (**Mercer**, Wyatt, etc.) to refine a model for how this might be incorporated into a **servicemember/retiree's** benefit plan.
 - o Bureaucracy-overhead - **There** is **opportunity** here, but most of it is with the Services' **three** Surgeons General **offices**. Nearly all the TRICARE administration is already contracted out, as we have only about 1,000 **employees** for a \$36 billion/year program. The proposal (PBD 712) **for** a joint

MA SD	7/22	SMA DSD	
ISA SD	7/22	SA DSD	
EXEC SEC	7/22	IA!	

OSD 14195-05

11-L-0559/OSD/53978

medical command, and the BRAC plan calling for joint medical facilities, could eliminate thousands of redundant positions. We are pursuing these plans now.

- o Prevention/wellness programs – Great ideas. We can and should push harder. I have policy proposals to reduce smoking and *b i i* alcohol drinking. I welcome your support because these proposals will require commitment and political support from many quarters.
- We have met and briefed the Defense Business Board. I anticipate their report will recommend many changes that are consistent with actions I believe we should take. The DBB has done a good job looking at the issue.
- I would be glad to meet to bring you further up-to-date with our efforts, and with an emerging package proposal of changes.



THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301-1200

INFO MEMO

HEALTH AFFAIRS

FOR: SECRETARY OF DEFENSE

FROM: *William Winkenwerder, Jr.* William Winkenwerder, Jr., M.D., ASD (Health Affairs)

SUBJECT: Medical Ideas from Newt Gingrich

- You asked for my views regarding Newt Gingrich's ideas for **transforming** the Military Healthcare System (he **uses** the term **TRICARE**, which is actually **the** name of our health coverage **plan**) (TAB A).
- In my view, Gingrich's assessment of **the** problems of **the** **US** healthcare system **is** largely correct—the focus on **illness** and acute care vs. **wellness** and health, **paper** transactions vs. **electronic**, focus on providers vs. **individuals**, and bureaucratic **efforts** to **control** costs vs. incentives and markets. All of these **elements**, **along with** the politicized involvement of the federal government, have combined to make the **health** care system very resistant to change, and one of **America's** biggest problem **areas**.
- I would **agree** that TRICARE has, in many ways, **the same** problems and challenges **that** reflect the broader **US** healthcare **system**. Further, the challenges of transformation for DoD are even **greater** than that of a large private sector **institution**.
- We have two features which make **this** the case: **1) a** nearly **free** health benefit for the beneficiary, along with a very **strong** entitlement mentality and a highly organized set of **interest** groups with direct access to **Congress** and **2) a** uniquely complex organization that performs multiple roles simultaneously—we are a healthcare delivery system, a **health insurer**, a military combat **support** organization, and a backup capability for homeland security and defense (Gingrich also noted our multiple **missions**). We also operate with a complex **matrix** organizational reporting structure.
- Despite **these** challenges, I believe **TRICARE** can dramatically change. In fact, if you polled our workforce and private companies intertwined with our **business**, I believe they would tell you we have already **been** making major changes for three **years**.

- I disagree with Gingrich's assessment that *our* efforts to transform and change have been of the "command **and control**" variety, and inwardly focused. Having spent 15 years **in** the **private** sector before coming to DoD, **working** and **interacting with** many of the **companies** he mentions, my main effort since coming here in late 2001 **has** been **to** introduce best business practices across our entire operation—**measurements/metrics, business planning, performance-based budgets, Strategic planning, outsourcing, contracts with financial and performance incentives, benchmarking, and more**—and **to** focus all efforts toward measurable **outcomes** and results. Any **organization** that cannot clearly describe its' goals **and objectives**, assess its' own performance, and measure results cannot **reform** or transform. **After** a tremendous amount of work, **that** bridge **has been** crossed.
- Our discipline **to** compare Military Health System costs, **quality** and **satisfaction with** the best private **market** performers has been a valuable way to drive **improved** performance. Performance has improved significantly in many areas. **Our** quality of **Care** is excellent, and beneficiary satisfaction levels are the highest **they have ever** been. Both **compare** very favorably with top private health plans.
- **Our** main challenge is to control our growing **costs**, which have been driven by an overly rich benefit, and a Congress that has **continually** expanded coverage and payment of benefits.
- **Gingrich's** main ideas **are** to contain costs by **using** market **forces**, information for the consumer and technology. **His** central idea is to **change** the health benefit structure by introducing a health savings account **concept**, which combines a high deductible coverage plan, where individuals **pays** the first \$1,500 - **\$2,500** of their health expenses each **year, with a tax** preferred savings plan **that** allows **unused dollars** to roll over **every** year and accumulate. Having **gotten** the individual involved in the **cost of** his/her care; he would now give **them** more **information** to manage their own health.
- I agree with these very good ideas. The challenge is getting **from** here to there: The problem is not practical **or** technical, it is political.
- **Our** chief hurdle to introducing and successfully implementing transformative TRICARE benefit change is re-setting people's expectations. **With** a benefit that is nearly **free**, beneficiaries have little incentive to embrace change, and accept any financial risk. Their expectation, **until** we begin to change **it**, is that all the health **care** system can offer them is theirs for **just** a few dollars every year.
- However, **if we can** adjust our current benefit by introducing more cost sharing (premiums, co pays, deductibles), then many beneficiaries may **find** the Health Savings **Account** concept more attractive. **Proposed** changes to **our** current TRICARE benefit, and the concept of a **Health** Savings Account, need to be part of a coherent package, with a clear timetable and plan for implementation.

- Making incremental changes to our current benefit, besides being necessary for re-setting overall expectations, **will be critical to managing costs in the near to medium term.** My analysis suggests we could trim overall DoD health **spending from FY07-FY15 by \$40-70 billion.**
- Your strongest supporters for change, besides **your own staff (Tina Jonas, Ken Krieg, Brad Berkson, David Chu)** and **OMB staff** responsible for DoD, **will be line Service leadership, who now know that if health spending cannot be constrained, their budgets will be significantly adversely affected.** David Chu **and I have spent considerable effort educating Service leadership about the challenge and gaining their support.** There is more **work to complete this task, but my assessment is that our Service leadership is receptive to change and prudent modification of the TRICARE benefit.**
- **Our** effort with leaders of Congress, following your guidance, has been only to educate **them that we have a serious and graving problem with rising health expenditures.** We have not engaged Congress to discuss solutions. **Our only** plea has been **to avoid passing more expensive benefit expansions, such as TRICARE for Reserves.** I appreciate your **support on this issue.**
- Gingrich **suggests** bringing in the three **CEO's** of our major TRICARE contractors to solicit their ideas for private **sector best practices** that we could apply- We **have** regularly scheduled (every 3-4 months) **meetings** with the CEO's, which I attend and sometimes chair. **Our** next meeting is to do the very brainstorming Gingrich recommends. I expect it to be productive.
- The same is true **with the large health information technology companies—IBM, Intel, Microsoft, Cisco, Oracle and others.** We meet with them **on a regular basis.** They DID build **our paperless medical record system!** We **are** documenting, totally electronically, **30,000 visits a day, today.** The DoD electronic medical record **system** which has been benchmarked against **systems at the Mayo Clinic and Cleveland Clinic and elsewhere,** has received very high marks from the major IT consulting **firms (e.g. Accenture).** I am biased, **but I think** it will possibly be **the best system of its kind anywhere in the world.**
- Gingrich speaks of the need **to involve top DoD leadership in matters of TRICARE.** I completely agree. We have done considerable spadework with both **OSD and Service leadership,** though the job is not yet **finished.** Healthcare is a big, tough politically sensitive issue. I welcome your involvement and that of Secretary **England.**
- My apologies for such a long memo—I **know you like one-pagers. But I really** want you to understand how I have been approaching the problem, **and how I view the situation.** I would value the opportunity to directly provide **you more** information that will enhance **your understanding of TRICARE, the challenges we face, and our/your options for getting our costs under better long-term control.**

- **NOTE: I did not delve into two other major transformative efforts, but both are very significant. With BRAC, and a game plan that was set two years ago, we will be merging Walter Reed and Bethesda Naval, and Brooke Army and Wilford Hall in San Antonio, and closing 11 other hospitals. Major efficiency improvements will result from these changes.**
- **In addition, a major analytic effort, the Medical Readiness Review, has been underway for nearly one year to assess medical force structure. Products of that effort, which could result in significant reductions in medical personnel and improved efficiencies, will be forthcoming in late 2005 – early 2006.**

~~FOUO~~

OCT 25 2005

TO: Dan Dell'Orto
FROM: Donald Rumsfeld
SUBJECT: Horse



In Mongolia I was given a horse, with the clear understanding that I would then leave the horse with its herder and ask him to take care of it throughout its life. I was permitted to name it, which I did.

My question: counselor, is: do I have an obligation to report that as a gift? If so, how do we get it appraised? Do I really have to pay for it, even if I will never see it again the rest of my life and my ownership is debatable?



You'll be pleased to know that the press has already asked me this question.

Thanks.

DRR:dh
#2005011151.doc

.....
Please respond by November 10, 2005

~~FOUO~~



OSD 21628-05

11-L-0559/OSD/53984



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

SECRET

2005 NOV -2 PM 3: 03

INFORMATION MEMO

November 2, 2005 (11:30 am)

FOR SECRETARY OF DEFENSE

FROM: William J. Haynes II, General Counsel *WJ Haynes*

SUBJECT: Horse

- In Mongolia, you were "given" a horse with the clear understanding that it would remain with its herder. You named it Montana, as you were permitted to do. You asked whether you needed to report the horse as a gift and whether you had to pay for it. The press has expressed interest.
- Mongolia has "given" horses for hundreds of years as a traditional gift. The custom apparently dictates that the donee request that the horse remain in Mongolia and provide a small, ceremonial gift to the herder to "watch" over the horse. You provided a flashlight, which was paid with ORF.
- To be considered a gift, a thing must have monetary value. The horse is considered an honorific gift from a foreign government.
- Even if the horse were considered to be a gift, it probably should be valued at over \$305, which is considered a gift from a foreign government that must be accepted on behalf of the United States.
- Accordingly, you do not have to report the horse on your next Public Financial Disclosure Report, nor do you have to pay for it.

COF

2 NOV 05

COORDINATION: None

ATTACHMENTS: None

Prepared by Gail Mason (b)(6)

25 10 05



OSD 21628-05

11-L-0559/OSD/53985

OCT 25 2005

TO : Dan Dell'Orto
FROM: Donald Rumsfeld 
SUBJECT: Horse

In Mongolia I was given a horse, with the clear understanding that I would then leave the horse with its herder and ask him to take care of it throughout its life. I was permitted to name it, which I did.

My question, counselor, is: do I have an obligation to report that as a gift? If so, how do we ät appraised? Do I really have to pay for it, even if I will never see it again the rest of my life and my ownership is debatable?

You'll be pleased to know that the press has already asked me this question.

Thanks.

DIR:Sh
102305-01 (TS).doc

.....
Please respond by November 30, 2005

October 17, 2005

TO: David Chu

CC: Gordon England
Tina Jonas
Ryan Henry

FROM: Donald Rumsfeld *DR*

SUBJECT: Languages

Thank you for the discussion we had earlier today on our efforts to move forward on appropriate target languages. I'll look forward to receiving two new memos from you in the immediate future:

- First, you will redo the July 1 memo on National Foreign Language Initiative to assure me that we'll be spending our money on the right languages for this 21st century.
- Second, provide me a broad discussion of how we are spending money in the Department, with similar assurances that we are focusing on the right set of target languages, e.g., Arabic, Chinese, Farsi, Hindi and so forth. Show me where we were in 2001 and your proposed targets for the next three years. I would also like to see the numbers from the heritage community and specific targets in the future. You can show the costs, including what we'll stop doing, as well as what we'll start doing. As a general matter, I question a continuing focus on French, German, Korean and Russian.

0914

This is an important effort -- let's stay on it and get it right for the country.

Thanks.

DHR:sh
101705-05 (25) LDC

Please respond by November 17, 2005

USD	POUSD
RA	HA
PI	Readiness
MFP	CFP
PLANS	MG&FP
CCO	

170005

November 2, 2005

**THE UNDER SECRETARY OF DEFENSE
(PERSONNEL AND READINESS)**

NOTE FOR: SECRETARY OF DEFENSE

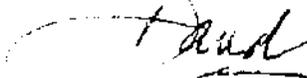
Sir:

You asked what we have cut out. Tab B responds: The "old" languages.

Tab D reports positive progress: +30% in Arabic since 2000, + 57% in Chinese.

Korean does remain important (but relatively less so), reflecting demands from the intelligence community.

I urge you to approve the needed resources for the National Security Education program (Tab E), which will be discussed at a "Deputies" meeting planned for Friday.



David S. C. Chu

Attachment

0914

31 Oct 05

17 Oct 05

21661-05



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-4000

SECRETARY

2005 NOV -2 PM 6:30

INFO MEMO

October 31, 2005 - 12:30 PM

FOR SECRETARY OF DEFENSE

FROM: ~~Dr. David S. C. Chu, USD (Personnel and Readiness)~~

David S. C. Chu, USD
SUBJECT: ~~Languages~~—SNOWFLAKES

- During ~~our~~ discussion on October 17 and your subsequent Snowflake (TAB A), you asked for a broad discussion of ~~our~~ language initiative.
- In February, as directed by the Strategic Planning Guidance for FY06-11, the Deputy Secretary of Defense approved a Defense Language Transformation Roadmap. It guides how we will achieve three goals:
 - 1) Provide a basic "in-house" language capability.
 - 2) Provide an ability to expand capacity in a specific language quickly.
 - 3) Create a cadre of nearly bilingual language professionals.
- In parallel, we are encouraging a national effort. Recruiting young people into the military or civil service who have significant language skills will allow our force to attain higher proficiency levels faster (or eliminate the need entirely). To that end, last summer we hosted a National Language Conference and started a national discussion of this need, which is culminating in the current initiative contemplated by you and Secretaries Rice and Spellings.
- Internal to DoD, we are prompting a three pronged response: for Enlisted, Officer, and Civilian members of ~~our~~ force.
- Enlisted members:
 - Most of ~~our~~ professional linguists today are enlisted personnel. They are trained at the Defense Language Institute, often starting with no language background at all. The Defense Language Institute has shifted its focus to critical strategic languages such as Arabic and Chinese (TAB B).

OSD 21661-05



11-L-0559/OSD/53989

- o The Army has just completed a pilot program for heritage speakers, recruiting Arabic and Afghan heritage speakers from American communities. There are now 128 deployed to Iraq and Afghanistan, and 153 more in training. The Quadrennial Defense Review would further expand this program by recruiting 500 a year until a force of 1,600 can be sustained. To increase language skills in the Marine Corps, it initiated a program that pays an incentive to qualified new recruits who test 2/2 in Arabic and assigns them a secondary military occupational specialty for tracking purposes.
- Officers
 - o For broad officer expertise, per the QDR, we would require language education prior to commissioning, at ROTC or at the Military Academies. Professional Military Education would focus on cultural expertise and language containment training.
 - o For "high end" capacity, we are expanding Foreign Area Officer programs. Projected growth in the number of Foreign Area Officers by language can be found at TAB C.

C

- o TAB D tabulates all military members (enlisted and officer) with self-reported and validated language capabilities (heritage and learned) from 2000 to today. We are increasing capability in languages of interest.
- Civilians:
 - o Unlike our military members, we do not yet invest in the development of language capability "from scratch" in **OW** civilian employees. We do some sustainment or enhancement training and cross train to another language if required. The National Security Education Program, which provides fellowships and scholarships for students to study languages and regions is an important source of candidates for jobs requiring language skill. We need to use it more energetically, as described in my earlier memorandum to you dated October 25, 2005 (copy at TAB E).
 - o **As** a first step to manage better our civilian staff, we initiated a canvass of the language capacity of our civilians. That will be completed not later than September 2006.

Defining our Future Needs

- The steps outlined above constitute a "push" strategy. We need an equivalent "pull"—i.e., a better statement of needs. **An** assessment template for Combatant Commanders is now being tested, and will be employed in all commands next year. By May 2006, this will give us a set of targets at which to aim the supply "push." It is intended to reassess those needs periodically and adjust our supply programs accordingly. In parallel we will be monitoring how well we are using the assets we have, and those we are developing.

Attachments:

As stated

Prepared by: Gail H. McGinn, OSD/DUSD/Plans, gail.mcgin@osd.mil (b)(6)

October 17, 2005

TO: David Chu

CC: Gordon England
Tina Jones
Ryan Henry

FROM: Donald Rumsfeld *DR*

SUBJECT: Languages

Thank you for the discussion we had earlier today on our efforts to move forward on appropriate target languages. I'll look forward to receiving two new memos from you in the immediate future:

- First, you will redo the July 1 memo on National Foreign Language Initiative to assure me that we'll be spending our money on the right languages for this 21st century.
- Second, provide me a broad discussion of how we are spending money in the Department, with similar assurances that we are focusing on the right set of target languages, e.g., Arabic, Chinese, Farsi, Hindi and so forth. Show me where we were in 2001 and your proposed targets for the next three years. I would also like to see the numbers from the heritage community and specific targets in the future. You can show the costs, including what we'll stop doing, as well as what we'll start doing. As a general matter, I question a continuing focus on French, German, Korean and Russian.

This is an important effort - let's stay on it and gait right for the country.

Thanks.

DHR:R
10/17/05 10:07:40 AM

Please respond by November 17, 2005

FOUO

USD	PDU&D
RA	HA
PI	Readiness
MPP	CFP
PLANS	MC&FP
CCO	

Defense Language Institute – Foreign Language Center Responds to Operational Requirements FY85-FY10

Language Shifts in a Changing World



¹Common languages include French, Spanish, Russian, German, and Portuguese

**PROJECTED
FOREIGN AREA OFFICER (FAO) GROWTH¹
ALL SERVICES**

	Base FY05 Population	Additional				
		FY06	FY07	FY08	FY09	FY10
Albanian	0	0	0	0	1	0
Arabic	105	7	16	21	15	15
Chinese	51	3	6	8	4	4
Czech	13	0	0	1	1	1
Danish	0	0	0	0	1	1
Dutch	10	0	0	0	1	1
French	104	4	4	4	7	8
German	133	1	1	1	3	3
Greek	11	1	1	1	1	2
Hindi	14	2	1	2	1	2
Indonesian	19	2	3	4	6	5
Italian	46	1	1	1	2	2
Japanese	40	3	3	4	3	3
Khmer	0	0	0	1	0	0
Korean	49	3	5	7	4	4
Malay	6	0	1	0	1	1
Norwegian	6	0	0	0	2	2
Pashto	0	0	2	3	1	1
Persian-Dari	0	0	1	2	1	1
Persian-Farsi	4	1	2	2	1	1
Polish	13	1	1	1	2	2
Portuguese	132	2	3	2	4	4
Romanian	10	1	1	0	2	2
Russian	173	7	8	8	9	9
Serb-Croat	20	0	2	1	2	1
Spanish	303	11	11	11	16	15
Tagalog	13	1	2	2	2	3
Thai	27	1	2	2	4	3
Turkish	14	1	2	2	4	3
Ukrainian	31	1	0	1	0	0
Uzbek	0	0	0	1	1	1
Urdu	10	1	1	1	1	1
Vietnamese	19	1	1	2	1	2
Total	1466	56	81	98	102	103

¹Numbers are not cumulative, but reflect the projected growth per year above attrition.

Note: Projected FAO growth in common languages such as French, Spanish, and Portuguese are based on intelligence and regional expertise requirements needed to assist in tracking the actions of terrorist organizations. These languages serve as a "Lingua Franca" allowing communication between peoples with no other shared language.

Language Capability of Military Personnel

(Active and Reserve Components)

(Self-reported and validated)

Language	2000	2001	2002	2003	2004	2005	% +/-
Arabic*	4,384	4,433	4,827	5,023	5,292	5,703	+30.1
Chinese*	2,513	2,717	3,007	3,273	3,494	3,953	+57.3
Farsi	901	916	1037	1115	1207	1356	+50.4
Urdu	125	122	141	170	210	220	+76.0
Hindi	223	254	291	308	351	408	+83.0
Korean	4,114	4,428	4,741	4,954	5,142	5,597	+36.1
Spanish*	77,974	86,157	91,441	94,501	93,903	92,852	+19.1
French	13,809	13,794	13,943	13,817	13,777	14,097	+2.1
Russian	6,764	6,744	6,878	6,936	6,901	6,649	-1.7

*All Dialects

Source: Defense Manpower Data Center (DMDC) as of 18 Oct 05



UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000



ACTION MEMO

PERSONNEL AND
READINESS

October 26, 2005, 9:00 AM

FOR SECRETARY OF DEFENSE

FROM: **Dr. David S. C. Chu**, Under Secretary of Defense (P&R) *David S. C. Chu*
27 Oct 05

SUBJECT: Defense/State/Education National Foreign Language Initiative –
SNOWFLAKE

- This responds to the first item on your October 17 language snowflake (TAB A).
- We have worked with the Departments of State, Education, **Labor** and the Director of National Intelligence to develop a National Language Initiative. Secretary Rice is interested in announcing **this** initiative by the end of the month.
- Our existing National Security Education Program (NSEP) would kick off **this** initiative in fiscal year 2006.
 1. NSEP establishes programs in the languages of interest to DoD **and** produces civilian university graduates with high levels of proficiency. We would add five new **programs** (Farsi, **Hindi**, and central **Asian** languages), enhance our current programs in Arabic and Chinese, and expand our **immersion programs** in Egypt, **Syria**, and China. **This** would produce 2000 **graduates** with **high** levels of proficiency **in** Arabic, Chinese, **Persian**, Hindi **and** central Asian languages by Fiscal Year 2009. Many will have **national** security service obligations.
 2. Recognizing that language facility is best built early, **in September** the NSEP awarded **an** experiment to the University of Oregon **and** the Portland, Oregon school system for the development **of** a "pipeline" **teaching** Chinese beginning in kindergarten and advancing through **to** college. NSEP would add **two** new **FY06** pilot pipelines (in Arabic, Farsi **or** Hindi). (The Department of Education would expand pipelines **to** 100 communities in **FY07** and beyond.)
- The added FY06 cost **to** DoD for the National Language Initiative would be \$9M. Outyear costs for DoD would be \$20M per year, including an on-call civilian reserve corps.
- **Our** "modest" investment will prompt major changes in the Department **of** Education (with an investment of up **to** \$134M in Fiscal **Year** 2007) and Department of State (with **an** investment of up to \$27M in Fiscal Year 2007).



- If you approve, I will **work** with the Comptroller to secure funds (\$9M) beginning in Fiscal Year 2006.

RECOMMENDATION

SECDEF Decision:

Approve _____

Disapprove _____

Other _____

COORDINATION: None.

Attachment:

As stated

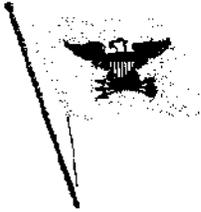
cc:

Deputy Secretary

USD (Comptroller)

PDUSD (Policy)

Prepared by Mrs. Gail McGinn, **DUSD** (plans), (b)(6)



THE SECRETARY OF DEFENSE
WASHINGTON

NOV 3 2005

Mr. Ernie Allen
President & CEO
National Center
for Missing and Exploited Children
Charles B. Wang International Children's Building
699 Prince Street
Alexandria, VA 22314-3175

000.715D

Dear Mr. Allen,

I understand that you recently met my wife, Joyce. She shared with me the great work you are doing, and we wanted you to know how much respect we have for what the National Center for Missing and Exploited Children (NCMEC) does every day.

I also want to thank you for the way the NCMEC is using its resources in the aftermath of Hurricane Katrina. I understand that these efforts have helped reunite close to 3,000 children with their families. As we rebuild and care for the victims of this disaster, it is gratifying to know that organizations such as NCMEC are playing such a meaningful role in the process.

3 NOV 05

You have my gratitude for your contributions both on a regular basis and during difficult situations like these.

19 OCT 05

With my best wishes,

Sincerely,

10/19
12

CSC
Fix
M

10/19
JL

Mr. Ernie Allen
President & CEO
National Center
for Missing and Exploited Children
Charles B. Wang International Children's Building
699 Prince Street
Alexandria, VA 22314-3175

Dear Mr. Allen,

I understand that you recently met my wife, Joyce. She ~~said you were terrific~~ and we wanted you to know how much respect we have for ~~the important work the~~ ^{great} the National Center for Missing and Exploited Children (NCMEC) does every day. *shared with her being great*

I also want to thank you for the way the NCMEC is using its resources in the aftermath of Hurricane Katrina. I understand that these efforts have helped reunite close to 3,000 children with their families. As we rebuild and care for the victims of this disaster, NCMEC is playing a meaningful role in the process. *it is gratifying to know that organizations such as*

You have my gratitude for your contributions both on a regular basis and during difficult situations like these.

With my best wishes,

Sincerely,

The
CSC 10/19



1st try

Mr. Ernie Allen
President & CEO
National Center
for Missing and Exploited Children
Charles B. Wang International Children's Building
699 Prince Street
Alexandria, VA 22314-3175

Dear Mr. Allen,

Thank you so much for the way the National Center for Missing and Exploited Children (NCMEC) has used its resources in the aftermath of Hurricane Katrina. I understand that your efforts have helped reunite close to 3,000 children with their families. I appreciate the important work the NCMEC does every day, and as we rebuild and care for the victims of this disaster, NCMEC is playing a meaningful role in

OFFICE OF THE SECRETARY OF DEFENSE
THE SPECIAL ASSISTANT

our contributions both on a national and international level. Thank you for your contributions both on a national and international level like these.

Bill - *idip*
- ITAN 3
quick turn around on this.
- Need to personalize response. See ref. to meeting w/ Mrs. Runsfeld, etc.

Thy CSC 10/18

R.

Robert Rangel
(2/18)

FOUO

October 17, 2005

TO: Robert Rangel
FROM: Donald Rumsfeld *DR*
SUBJECT: Ernie Allen

000MISD

Please find out what this person, Ernie Allen, has done. Joyce met him and said he is just terrific.

We ought to find out what he has done, and then write him a nice letter thanking him and expressing our respect for it.

Thanks.

Attach.
October 17, 2005 Newsweek, p. 4

101705-04(TS).doc

.....
Please respond by November 10, 2005

OFFICE OF THE SECRETARY OF DEFENSE
THE SPECIAL ASSISTANT

HGDY

10/17

TO - Bill Harvath

*- Can you pls.
HAVE SOMEONE
RESEARCH THIS AND
SUGGEST A RESPONSE?*

Thanks,

R.

Robert Rangel

10/17

1906705

FOUO

OSD 21673-05

11-L-0559/OSD/54001

THIS WEEK ONLINE

-  Log on to our International section for a new feature, **OnScene**, written by NEWSWEEK correspondents around the globe.
-  On Tuesday, **Healthbeat** offers a look at the 1918 flu, and Web-exclusive coverage on prenatal and newborn disease screening.
-  Learn about new trends in interactive advertising and read our small-business profile in **The Business Edge** on Wednesday.
-  Cast your **Live Vote**: do you think the government is prepared for a deadly flu epidemic?

ONLINE EXCERPT

Ernie Allen



NEWSWEEK: Five weeks after Hurricane Katrina, you have a list of more than 2,000 children who remain missing. That's down from about 4,500, but it's still a terrible number. How are you proceeding?

PRESIDENT, NATIONAL CENTER FOR MISSING AND EXPLOIT CHILDREN: What we've tried to do is mobilize the media as an ally. The networks have been unbelievable; CNN basically devoted the left-hand third of the television and descriptions of these kids, 24 hours a day for five or six. But we still have a lot of work to do. We're resolving about 100 cases a day. If that continues, we're about three-plus weeks away from being able to resolve most of them. Still, I fully expect decline, as the gap narrows, it's going to get a lot tougher.

For Ben Ong's full interview, go to Newsweek.com on MSNBC

THE EDITOR'S DESK

ALTHOUGH SHE IS A LIFELONG member of the Mormon Church, Elise Soukup was surprised to discover in reporting this week's cover story how much she didn't know about her own faith. In her congregations in Utah and in New York, they studied Joseph Smith, the founder of the Church of Jesus Christ of Latter-day Saints, as if it had never dawned on an approved member's faith when she met

followers worldwide. While retaining the appeal of strict respect for family, community and hard work, the church has begun to shed a lot of its old secrecy and eccentricity. And compared with traditions that are more literal than reflective in their teaching, Mormonism has begun to look like a right self-examining. As Hinckley explained in a rare interview, its doctrine of going in a new way means the gift of revelation is a reason in order to interpret his will in

with Mormon historians Richard and Claudia Bushman, Richard encouraged her to address the "tough stuff" in church history: the questions about Smith's character, the validity of the Book of Mormon and the once encouraged practice of polygamy. "I must have looked shaken," Elise recalls, "because as we wrapped up the meeting Claudia squeezed my hand and said, 'Well pray for you.'"

Indeed, Elise didn't flinch in asking tough questions. Meeting with Gordon B. Hinckley, the current prophet, or leader, of the faith, she asked whether he considered Mormons Christians. "You know all about that," he said. "Why are you asking me?" She explained that she was there as a journalist, not a believer. But in this 200th anniversary year of Smith's birth, Elise also discovered some new reasons that Mormonism is America's fastest-growing Christian denomination, now claiming more than 12 million



each new age—is why modern Mormons have, for example, renounced polygamy and opened the priesthood to African-Americans.

When we talked about a crisis of cynicism on our cover last week, we had no idea that this week the Bush administration would

be battling those charges from fellow Republicans. Evan Thomas and Jonathan Darman report on the storm over Bush's nomination of his longtime adviser Harriet Miers to the Supreme Court, and what her record shows about her true qualifications for the job. Michael Hirsh and Kevin Peralto report on our strained relations with Syria, including high-level administration debates about whether the United States should strike inside insurgent targets inside the Syrian border. And TIF SHEET reports on the new boom in Halloween travel with kids—and offers advice about how to make the most of your family vacation. —MARK WHITAKER

COLUMNISTS & LIVE TALKS

The Week Ahead on the Web



- Tuesdays, read The Borowitz Report** by Andy Borowitz, winner of the National Press Club's humor award.
- On Wednesdays, check out Michael Isikoff's** *INSIDE SOURCE* investigative dispatch, *THE MORMON CONNECTION*.
- Join Elise Soukup** for a Live Talk on the Mormon Church in America on Wednesday, Oct. 13, 11:30 AM EST.
- Fareed Zakaria** will discuss Iraq and U.S. foreign policy in a Live Talk on Thursday, Oct. 13, 11:30 AM EST.
- For an inside look** at Congress and the White House, read Eleanor Clift's Capitol Letter, published Oct. 13, 11:30 AM EST.

Newsweek.com on MSNBC News, analysis and commentary updated daily

11-L-0559/QSD/54002

October 18, 2005

TO: Mr. Marriott *M*
FROM: Hedy Henderson
SUBJECT: Snowflake on Ernie Allen

000.7150

Ernie Allen is the President and Chief Executive Officer of the National Center for Missing and Exploited Children (NCMEC).

NCMEC is a 501(c)(3) nonprofit organization that works in cooperation with the U.S. Department of Justice and serves as a clearinghouse of information about missing and exploited children. Since its establishment in 1984, NCMEC has assisted law enforcement with more than 116,000 missing child cases, resulting in the recovery of more than 94,000 children.

18 OCT 05

Following Hurricane Katrina, the Department of Justice asked NCMEC to set up a coordinated process to locate and reunite missing persons in Mississippi, Louisiana, and Alabama. Their missing persons hotlines have received 31,055 hurricane related calls since September 5, 2005. There have been 4,788 cases of hurricane related missing/displaced children and "children looking for parents" – 2,857 have been resolved (60%) as of Monday, October 17th.

19 OCT 05

OSD 21673-05

Contact information is as follows:

Mr. Ernie Allen
President and Chief Executive Officer
National Center for Missing & Exploited Children
Charles B. Wang International Children's Building
699 Prince Street
Alexandria, Virginia 22314-3175

~~FOUO~~

NOV 03 2005

TO: Gen James Cartwright
cc: Gen Pete Pace
Eric Edelman
FROM: Donald Rumsfeld *DR*
SUBJECT: Missile Defense Briefings

373.24

Thank you for the briefings on STRATCOM issues. You folks are doing good work.

Please send up a short 8-10 page brief for my review on the potential changes in the nuclear posture we discussed for use over at the NSC staff. After I've looked it over, I will probably ask you to go over and brief a few folks.

DHR:ss
110205 06

.....
Please Respond By 12/01/05

OSD 21696-05

3 NOV 05

~~FOUO~~

11-L-0559/OSD/54005

1 Mar 16/05
Scanned

March 1, 2005

TO: Paul Wolfowitz
FROM: Donald Rumsfeld *DR.*
SUBJECT: Action on Herbits Memo

Here is another memo from Steve Herbits on the subject we've been discussing.
Please tell me what you think you ought to do about it.

Thanks.

Attach.
2/25/05 Herbits memo to SD, "Thoughts on our previous conversation"

DHR:dh
022805-32

.....
Please respond by 3/10/05

ISMAIL

IMAR 85

MEMORANDUM

add
2/28

TO: SECRETARY RUMSFELD
FROM: Stephen Herbits
DATE: February 25, 2005. 9:30 AM
RE: **Thoughts** on our previous conversation.

Don,

I have **now** been approached by another **Minister** and **also** by representatives of the **former Ministry** of which we spoke.

In the **first** case, a personal conversation in Washington led the non-Defense **Minister** to believe that the **issue** remains **highly emotional**, without apparent openness **to** a process to repair **the** damage.

In the **second** case, the most recent MOD-OSD meeting **was** conducted with much greater civility, but clearly without **a** desire to address the larger outstanding issue.

Moreover, there is **now** confusion about **who** should accompany the Defense Minister **on** his visit to you at the end of **March**. While that visit may **well** be **postponed** given the PM's intended visit shortly after, there remains the **highest** level of anxiety that some effort be **undertaken** to repair the past and effectuate **a** new process **going** forward.

I am in **NYC** most of the **time** and would greatly appreciate the chance to **shuttle down** to chat with you **about** it if **you** would permit it.

Thanks.

UNCLASSIFIED

DEFENSE

2005 NOV 28 PM 1: 04

ACTION MEMO

November 23, 2005

335 SD

FOR: Secretary of Defense
FROM: Matt Latimer, Chief Speechwriter

SUBJECT: Snowflake of November 8, 2005 (Mome Leibman)

- Letter to Richard E. Friedman in final form, per your instructions. (TAB A)

RECOMMENDATION SecDef sign letter at TAB A.

COORDINATION: None

Attachments:
As Stated

Prepared by Bonnie L. Sciarretto (b)(6)

11/28
Robert -
Needs GC copy Net
See the cards
letterhead - I. L. L.

12/2/05
Since this is a
personal letter, it should
not be prepared on
SECDEF letterhead
Delt det
Principal Deputy

MA SD	11/27	SMA DSD	
TSA SD	11/27	SA DSD	
DEC SEC	11/28	1340	
ESR MA	11/23	1320	

23 Nov 05

24 Oct 05

UNCLASSIFIED

OSD 21705-05



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

Mr. Richard Friedman
President and Chairman
National Strategy Forum
53 West Jackson Boulevard
Suite 516
Chicago, IL 60604-3432

Dear Richard

Thank you for initiating the Morrie Leibman Monograph project and ^{inviting} for advising me to join so many of Morrie's friends! The response, I ~~am~~ sure, will reflect the fact that Morrie had an enormous impact on so many lives. ✓

Morrie Leibman's Presidential Medal of Freedom citation described him as an "attorney, teacher, scholar and philanthropist." That is correct, but he was also a treasured friend -- to me and to countless others.

I remember marveling at Morrie's ability not only to be a friend to many folks -- old and young, Democrat and Republican -- but to keep track of all of us and to keep in touch.

On occasions when we could get together for dinner, I never knew ⁷ who to expect to be there, but I never doubted that he would include interesting folks who would be well worth meeting. Morrie seemed to know most everybody! ✓

Along with Morrie's winsome energy came his wisdom and dedication to our country. His counsel was valued by Presidents and Cabinet members -- including this Secretary of Defense. And he was a mentor to a great many young people, including the younger partners in his law firm.

One of those young partners was my close friend from high school John Robson. It was only two months after John had made partner in Morrie's law firm that he was offered an opportunity to work for President Lyndon B. Johnson. With a wife and two youngsters, John was a bit hesitant to leave the firm and his hometown. But Morrie said, "Go!" He counseled that John could practice law any time, but that working for the President of the United States would change his life. Five appointments later -- by Republicans as well as Democratic Presidents -- John had no doubt that Morrie had been right. ✓



11-L-0559/OSD/54009

Morrie was enthusiastic about public service because he believed so deeply in America and America's role in the world. He once said, "My father came from a small village near Kiev, where Jews and peasants were treated as third-class humans. And now I -- a son of peasants -- have sat at the White House and served as an adviser to presidents and Cabinet members."

I know we all miss the energy and driving interest he brought to foreign policy issues, especially during the Cold War. Morrie's philosophy was grounded in experience and common sense. He understood before most "experts" the reasons why repressive systems like communism fundamentally conflicted with human nature and, as such, were ultimately destined to fail.

It is a blessing that Morrie lived long enough to see America's victory in the Cold War -- a victory he worked so hard for and foresaw well before. And it is unfortunate that those of us who so valued his wise counsel cannot call on it now during the 21st Century's new global struggle. I suspect Morrie would have grasped clearly the high stakes of the War on Terror. And he would likely have foreseen another victory for our country and the values he cherished.

I thank you so much for the opportunity to share some thoughts about our friend Morrie, and my best wishes to you and to your associates at the National Strategy Forum that Morrie founded and nurtured for so many years to the benefit of our country.

Sincerely,

~~FOUO~~

OFFICE OF THE
SECRETARY OF DEFENSE

2005 NOV 08 PM 1:04

November 08, 2005

TO: Matt Latimer
CC: Larry DiRita
FROM: Donald Rumsfeld *DR*
SUBJECT: Anecdotes on Morrie Leibman

Please call Margaret Robson at (b)(6) and get some anecdotes on Morrie Leibman that I can use for this monograph project. Margaret is the widow of John Robson who was a high school friend of mine, and Deputy Secretary of the Treasury, head of the CAB, and most recently, head of the Export-Import Bank.

Thanks.

Attach 10/24/05 Richard Friedman letter to SecDef

DHR:as
110805-10

.....
Please Respond By 11/17/05

335 SB

8 NOV 05

24 OCT 05

~~FOUO~~

OSD 21705-05

11-L-0559/OSD/54011



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312-697-1286
312-697-1296 FAX
nsf@nationalstrategy.com
www.nationalstrategy.com

205 111 -3 PM 1:50

October 24, 2005

Donald Rumsfeld
Secretary of Defense
The Pentagon
Washington, D.C. 20301

Dear Secretary Rumsfeld,

The Morrie Leibman Monograph project that I contacted you about last month is coming together. We have identified more than 100 of Morrie's friends who have given us their endorsement. We have received many responses to my request for Morrie-related anecdotes and recollections. I want to be certain that your thoughts are reflected in the monograph.

Foye
M&B

Please send me your thoughts - brief or long - by email at nsf@nationalstrategy.com or letter. If it is more convenient, let's talk by telephone for a few minutes before the Thanksgiving holiday. The book will be published in January, in time for Morrie's birthday commemoration February 8, 2006.

Best regards.

Rich

Richard E. Friedman
President and Chair

OSD 21705-05

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MORRIS LEIBMAN, FOUNDING CHAIR

11-L-0559/OSD/54012

CC:
MARGARET
ROBSON

Donald H. Rumsfeld

December 7, 2005

Mr. Richard Friedman
President and Chairman
National Strategy Forum
53 West Jackson Boulevard
Suite 516
Chicago, IL 60604-3432

Dear Richard,

Thank you for initiating the Morrie Leibman Monograph project and for inviting me to join *so* many of Morrie's friends! The response, I **am** sure, will reflect the fact that Morrie had an enormous impact on so many lives.

Morrie Leibman's Presidential Medal of Freedom citation described him as an "attorney, teacher, scholar and philanthropist." That is correct, but he was also a treasured friend -- to me and to countless others.

I remember marveling at Morrie's ability not only to be a friend to many folks -- old and young, Democrat and Republican -- but to keep track of all of us and to keep in touch.

On occasions when we could get together for dinner, I never knew whom to expect to be there, but I never doubted that he would include interesting folks who would be well worth meeting. Morrie seemed to know most everybody!

Along with Morrie's winsome energy came his wisdom and dedication to our country. His counsel was valued by Presidents and Cabinet members -- including this Secretary of Defense. And he was a mentor to a great many young people, including the younger partners in his law firm.

OSD 21705-05

11-L-0559/OSD/54013

335 SD

17015

240 for

One of those young partners was my close friend from high school John Robson. It was only two months after John had made partner in Morrie's law firm that he was offered an opportunity to work for President Lyndon B. Johnson. With a wife and two youngsters, John was a bit hesitant to leave the firm and his hometown. But Mome said, "Go!" He counseled that John could practice law any time, but that working for the President of the United States would change his life. Five appointments later -- by Republican as well as Democratic Presidents -- John had no doubt that Mome had been right.

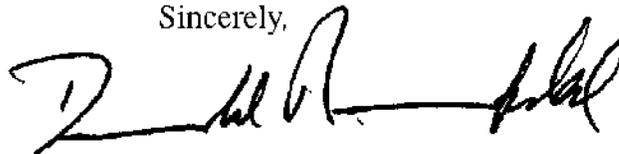
Morrie was enthusiastic about public service because he believed so deeply in America and America's role in the world. He once said, "My father came from a small village near Kiev, where Jews and peasants were treated as third-class humans. And now I -- a son of peasants -- have sat at the White House and served as an adviser to presidents and Cabinet members."

I know we all miss the energy and driving interest he brought to foreign policy issues, especially during the Cold War. Morrie's philosophy was grounded in experience and common sense. He understood before most "experts" the reasons why repressive systems like communism fundamentally conflicted with human nature and, as such, were ultimately destined to fail.

It is a blessing that Morrie lived long enough to see America's victory in the Cold War -- a victory he worked so hard for and foresaw well before. And it is unfortunate that those of us who so valued his wise counsel cannot call on it now during the 21st Century's new global struggle. I suspect Morrie would have grasped clearly the high stakes of the War on Terror. And he would likely have foreseen another victory for our country and the values he cherished.

I thank you so much for the opportunity to share some thoughts about our friend Mome, and my best wishes to you and to your associates at the National Strategy Forum that Mome founded and nurtured for so many years to the benefit of our country.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mome', written in a cursive style.

11-L-0559/OSD/54014

11/23/05

UNCLASSIFIED

THE
OFFICE

205 11/23/05 11:04

ACTION MEMO

November 23, 2005

Robert Mangel
FOR

Secretary of Defense

re
12/5

FROM: Matt Latimer, Chief Speechwriter

SUBJECT: Snowflake of November 8, 2005 (Morrie Leibman)

- Letter to Richard E. Friedman in final form, per your instructions. (TAB A)

RECOMMENDATION: SecDef sign letter at TAB A.

COORDINATION: None

Attachments:
As Stated

Prepared by Bonnie L. Sciarretto (b)(6)

11/28
Robert -
Needs GC copy Net
Some be can do
letter head - D. Leibman

12/2/05
Since this is a
personal letter, it should
not be prepared on
SECDEF letterhead
D. Leibman
Principal Deputy

MA SD	11/27	SMA DSD	
TBA SD	11/29	SA DSD	
EXEC SEC	11/29	1340	12/6
ESR MA	11/23	1320	

UNCLASSIFIED

OSD 21705-05

11-L-0559/OSD/54015



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SECURITY

2005 NOV -3 PM 1:50

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October 24, 2005

Donald Rumsfeld
Secretary of Defense
The Pentagon
Washington, D.C. 20301

Dear Secretary Rumsfeld,

Doyle
MAR

The Morrie Leibman Monograph project that I contacted you about last month is coming together. We have identified more than 100 of Morrie's friends who have given us their endorsement. We have received many responses to my request for Morrie-related anecdotes and recollections. I want to be certain that your thoughts are reflected in the monograph.

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Best regards,

Rich

Richard E. Friedman
President and Chair

OSD 21705-05

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11-L-0559/OSD/54016

FOUO

November 08, 2005

2005 11 08 PM 1:04

TO: Matt Latimer
CC: ~~Larry Edelman~~
FROM: Donald Rumsfeld 
SUBJECT: Anecdotes on Morrie Leibman

Please call Margaret Robson at (b)(6) and get some anecdotes on Morrie Leibman that I can use for this monograph project. Margaret is the widow of John Robson who was a high school friend of mine, and Deputy Secretary of the Treasury, head of the CAB, and most recently, head of the Export-Import Bank.

Thanks.

Attach: 10/24/05 Richard Friedman letter to SecDef

DHR:ss
110605-10

.....
Please Respond By 11/17/05

FOUO

OSD 21705-05

11-L-0559/OSD/54017



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Secretary of Defense
The Pentagon
Washington; D.C. 20301

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Best regards.

Richard E. Friedman
President and Chair

OSD 21705-05

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JAMES N. PRITZKER • WILLIAM E. WOLF

FOUO

NOV 07 2005

TO: Gen Pete Pace
GEN Mike Hagee
GEN Doug Brown

CC: Gordon England
Tira Jonas
David Chu

FROM: Donald Rumsfeld



SUBJECT Marine Special Operations Component (MARSOC)

Now that the decision to create a MARSOC has been made, the following guidance should be used in developing a detailed plan to resource and execute the MARSOC effort.

First, the question of Marine Corps permanent end strength levels is related, but it is fundamentally a separate and distinct issue from how to proceed on MARSOC. If the Navy/Marine Corps leadership wishes to propose an increase to the currently authorized level of Marine Corps permanent end strength, such a proposal should be worked through the Quadrennial Defense Review and normal budget approval process. Only in this manner can such a proposal be properly evaluated and weighed against other Department priorities. Until and if any such increase is approved by the Department of Defense leadership, Marine Corps permanent end strength remains at the 175,000 level proposed by the President in the Fiscal Year 2006 budget request.

Second, I am concerned that any MARSOC implementation plan that overly relies on future availability of supplemental appropriations places the sustainability of this effort at unacceptable risk. Accordingly, the MARSOC implementation plan should

SOCCM

7 MARS

10405-10

FOUO

OSD 21885-05

11-L-0559/OSD/54019

~~FOUO~~

- Use the 1,065 special operations-related billets already in existence within the Marine Corps force structure;
- ~~For FYM-08~~, resource the remaining identified 1,500 or so billets ~~from~~ temporary end strength increases allowed ~~under~~ emergency authorities; ~~and~~
- Starting with FY09 and beyond, resource required *MARSOC* billets ~~from~~ within Marine Corps permanent authorized end strength. ~~This~~ guidance will be reflected in the ~~FY08~~ POM build and beyond.

Additional required *MARSOC* support, equipment and construction costs can be funded through supplemental appropriations during FY06, but will be fully supported within the Marine ~~Corps~~ budget top line for FY07 and beyond.

DHR,db
110405-10

~~FOUO~~

11-L-0559/OSD/54020

2

FOUO

NOV 07 2005

TO: Stephen J. Hadley
FROM: Donald Rumsfeld 
SUBJECT: Iraqi Security Forces Budget

IRAQ

It is important to get the interagency organized to see that the Iraqi Security Forces budget in the Iraqi budget is the right number. Treasury is involved because they have to deal with the IMF. The Iraqis reduced it because the IMF, World Bank, or somebody told them to reduce it. We can't have that.

Please have one of your committees start working on it for us.

Thanks very much.

DHR:ss
110405-17

IRAVAS

OSD 21909-05

FOUO

11-L-0559/OSD/54021

FOUO

NOV 07 2005

TO: Stephen J. Hadley
cc: The Honorable Dr. Condoleezza Rice
Gen Pete Pace
Larry DiRita
Marc Thiessen
FROM: Donald Rumsfeld 
SUBJECT: Talk of a New DoD Strategy

381

I have read that both the White House and the State Department have announced that the Department of Defense has a new strategy of "clear, hold and build or something to that effect. I don't know what it is, General Abizaid and ~~General~~ Casey don't know what it is, and we all would prefer it not be used.

Please ask someone figure out where it is coming from, who is doing it, why they are doing it, and ask them to stop.

Thanks.

DHR:sl
110405-16

500005

OSD 21911-05

FOUO

11-L-0559/OSD/54022

FOUO

NOV 07 2005

TO: Stephen J. Hadley
CC: The Honorable Dr. Condoleezza Rice
Gen Pete Pace
Larry DiRita
Marc Thiessen

FROM DonaldRumsfeld 

SUBJECT: **Talk** of a New DoD Strategy

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Thanks.

DHR:sk
110405-16

OSD 21911-05

FOUO

11-L-0559/OSD/54023

FOUO

NOV 07 2005

TO Stephen J. Hadley

CC: The Honorable Dr. Condoleezza Rice
Gen Pete Pace
Larry DiRita
Marc Thiessen

FROM Donald Rumsfeld 

SUBJECT **Talk** of a New DoD Strategy

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Thanks.

DHR:as
110405-16

OSD 21911-05

FOUO

11-L-0559/OSD/54024

~~FOUO~~

AUG 18 2005
ES-3973
I-05/011146



TO: Eric Edelman
CC: Gordon England
FROM: _____
SUBJECT: Medical Scholarships for Paraguay

When I was visiting with President Duarte, he mentioned that both Venezuela and Cuba offer medical scholarships in their countries for Paraguayan students. He also said he would be happy to drop both programs if we could offer something similar.

Please check with State and HHS and see if there is a program that might work along those lines.

Thanks.

DH:cm
001705-2378Lds

.....
Please respond by September 22, 2005

~~FOUO~~

18 AUG-05

OSD 21915-05

11-L-0559/OSD/54025

NOV 02 2005

~~FOR OFFICIAL USE ONLY~~

OFFICE OF THE
SECRETARY OF DEFENSE

2005 NOV -7 PM 12:31

A/DSD

USDP *FE* NOV 07 2005

PDU SDR copy sent

INFO MEMO

1-05/011146-WH
ES 3973

PARAGUAY

MEMORANDUM FOR SECRETARY OF DEFENSE

FROM: Peter W. Rodman, Assistant Secretary of Defense (ISA) (b)(6) *JWR* 3 NOV 2005

SUBJECT: Medical Scholarships for Paraguay

- You asked if we could provide medical scholarships to Paraguay similar to those offered by Cuba and Venezuela.
- We spoke with representatives of the Departments of State, Education, and Health and Human Services and determined that the USG does not have any large scale medical scholarship programs such as those provided by Cuba and Venezuela.
- Cuba and Venezuela provide medical education for thousands of students each year. According to U.S. Embassy Asunción reporting, Paraguay has 651 medical students in Cuba and there are 70 Cuban doctors working in Paraguay.
- The Defense Department offers limited training opportunities to foreign military medical students through the foreign military sales and International Military Educations and Training programs. However, since Paraguay is under ASPA sanctions, it can only participate with its own national funds.
- Paraguay is phasing out the Cuban doctor program by not replacing them as their **terms** expire. The GOP is concerned that these doctors are spreading political propaganda in remote areas.

3 NOV 05

RECOMMENDATION I intend to raise this issue at the Cuba PCC and ask State and other interagency participants for options.

Coordination: Tab A

18 AUG 05

~~FOR OFFICIAL USE ONLY~~

OSD 21916-05

11-L-0559/OSD/54026

03-11-05 11:33 1W

~~FOUO~~

AUG 18 2005
ES -3973
I-05/011146

TO: Eric Edelman
CC: Gordon England
FROM: _____
SUBJECT: Medical Scholarships for Paraguay

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Thanks.

DEB:ah
081705-23718.000

.....
Please respond by September 22, 2005

~~FOUO~~

11-L-0559/OSD/54027

TAB A

**I-05/011962-WH
ES 3973**

Medical Scholarship In Paraguay - COORDINATION

JOINT STAFF

LTC (S) Scott Dennis 5 Oct 05

DoD OGC

Ms. Ann Beaver 25 Oct 05

~~FOUO~~ BY THE
2005 NOV -7 PM 3:46

05/014792
ES-4616

November 07, 2005

310.1

TO: Ryan Henry
CC: Eric Edelman
FROM: Donald Rumsfeld *DR*
SUBJECT: Terms of Reference of the QDR

Please give me a copy of the terms of reference of the QDR. I want to re-read them.

Thanks.

DHR:as
110405-21

.....
Please Respond By 11/10/05

OSD 21930-05

07-11-05 14:04 11

9110605

~~FOUO~~

October 17, 2005

TO: Dan Stanley
FROM: Donald Rumsfeld *DR*
SUBJECT: Response to Congressman Weldon

000.5

Please be sure I see the response letter to Curt Weldon concerning his allegations of retribution against Tony Schaeffer.

I have never heard of any of this, but I sure need to see what the facts are and what we are going to say to him before it goes.

Thanks.

DHR:dh
101705-10(TS).doc

.....
Please respond by October 27, 2005

1902705

~~FOUO~~

OSD 21931-05

11-L-0559/OSD/54031

~~FOUO~~

OCT 31 2005

TO: Dan Stanley
CC: Robert Rangel
FROM: Donald Rumsfeld 
SUBJECT: Remarks made by Dick Durbin

350.001

Please give me a copy of the remarks that Senator Durbin made about the Gulag, Pol Pot, the Holocaust, etc. on the Senate floor.

Thanks.

DHR:ss
102805-13

.....
Please Respond By 11/03/05

3102705

OSD 21932-05

~~FOUO~~
11-L-0559/OSD/54032



LEGISLATIVE
AFFAIRS

THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1300

2005 NOV 04 06

UNCLASSIFIED

INFO MEMO

November 4, 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 – Remarks made by Dick Durbin

- You asked for a copy of remarks that Senator Durbin made about Gulag, Pol Pot, the Holocaust, etc. on the Senate floor.
- Senator Durbin originally made subject comments on the Senate Floor June 14th as entered on Page S6594 of the Congressional Record. These remarks were readdressed on the Senate Floor on June 16th, and are reflected on Pages 6713 and 6714 in the attached excerpts of the Congressional Record (Tab 2).

Attachments:

Snowflake #102805-13 (TAB 1)

Excerpt of Congressional Transcript (TAB 2)

OSD 21932-05

Prepared by: MGSgt Sue Hines-Laboy, Executive Assistant, OASD (LA) (b)(6)

11-L-0559/OSD/54033

~~FOUO~~

OCT 31 2005

TO: Dan Stanley
CC: Robert Rangel
FROM: Donald Rumsfeld *DR*
SUBJECT: Remarks made by Dick Durbin

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Thanks.

DHR.ss
102805-13

.....
Please Respond By 11/03/05

~~FOUO~~
11-L-0559/OSD/54034

OSD 21932-05

The administration acknowledges detainees can challenge their detention in court, but it still claims that once they get to court, they have no legal rights. In other words, the administration believes a detainee can get to the courthouse door but cannot come inside.

A Federal court has already held the administration has failed to comply with the Supreme Court's rulings. The court concluded that the detainees do have legal rights, and the administration's policies "deprive the detainees of sufficient notice of the factual bases for their detention and deny them a fair opportunity to challenge their incarceration."

The administration also established a new interrogation policy that allows cruel and inhuman interrogation techniques.

Remember what Secretary of state Colin Powell said? It is not a matter of following the law because we said we would, it is a matter of how our troops will be treated in the future. That is something often overlooked here. If we want standards of civilized conduct to be applied to Americans captured in a warlike situation, we have to extend the same manner and type of treatment to those whom we detain, our prisoners.

Secretary Rumsfeld approved numerous abusive interrogation tactics against prisoners in Guantanamo. The Red Cross concluded that the use of torture in the United States, which each year issues a human rights report, holding the world accountable for outrageous conduct, is engaged in the same outrageous conduct when it comes to these prisoners.

Numerous FBI agents who observed interrogations at Guantanamo Bay complained to their supervisors. In one e-mail that has been made public, an FBI agent complained that interrogators were using "torture techniques."

That phrase did not come from a reporter or politician. It came from an FBI agent describing what Americans were doing to these prisoners.

With no input from Congress, the administration set aside our treaty obligations and secretly created new rules for detention and interrogation. They claim the courts have no right to review these rules. But under our Constitution, it is Congress's job to make the laws, and the court's job to judge whether they are constitutional.

This administration wants all the power: legislator, executive, and judge. Our founding father were warned us about the dangers of the Executive Branch violating the separation of powers during wartime. James Madison wrote:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands may justly be pronounced the very definition of tyranny.

Other Presidents have overreached during times of war, claiming legislative powers, but the courts have reined

them back in. During the Korean war, President Truman, faced with a steel strike, issued an Executive order to seize and operate the Nation's steel mills. The Supreme Court found that the seizure was an unconstitutional infringement on the Congress's law-making power. Justice Hugo Black, writing for the majority, said:

The Constitution is neither silent nor equivocal about who shall make the laws which the President is to execute . . . The Founders of this Nation entrusted the law-making power to the Congress alone in both good times and bad.

To win the war on terrorism, we must remain true to the principles upon which our country was founded. This Administration's detention and interrogation policies are placing our troops at risk and making it harder to combat terrorism.

Former Congressman Pete Peterson of Florida, a man I call a good friend and a man I served with in the House of Representatives, is a unique individual. He is one of the most cheerful people you would ever want to meet. You would never know, when you meet him, he was an Air Force pilot taken prisoner of war in Vietnam and spent 6 1/2 years in a Vietnamese prison. Here is what he said about this issue in a letter that he sent to me. Pete Peterson wrote:

From my 6 1/2 years of captivity in Vietnam, I know what life in a foreign prison is like. To a large degree, I credit the Geneva Conventions for my survival . . . This is one reason the United States has led the world in upholding treaties governing the status and care of enemy prisoners, because these standards also protect us . . . We need absolute clarity that America will continue to set the gold standard in the treatment of prisoners in wartime.

Abusive detention and interrogation policies make it much more difficult to win the support of people around the world, particularly those in the Muslim world. The war on terrorism is not a popularity contest, but anti-American sentiment breeds sympathy for anti-American terrorist organizations and makes it far easier for them to recruit young terrorists.

Polls show that Muslims have positive attitudes toward the American people and our values. However, overall, favorable ratings toward the United States and its Government are very low. This is driven largely by the negative attitudes toward the policies of this administration.

Muslims respect our values, but we must convince them that our actions reflect these values. That's why the 9/11 Commission recommended:

We should offer an example of moral leadership in the world, committed to treat people humanely, abide by the rule of law, and be generous and caring to our neighbors.

What should we do? Imagine if the President had followed Colin Powell's advice and respected our treaty obligations. How would things have been different?

We still would have the ability to hold detainees and to interrogate them

aggressively. Members of al-Qaida would not be prisoners of war. We would be able to do everything we need to do to keep our country safe. The difference is, we would not have damaged our reputation in the international community in the process.

When you read some of the graphic descriptions of what has occurred here—I almost hesitate to put them in the RECORD, and yet they have to be added to this debate. Let me read to you what one FBI agent saw. And I quote from his report:

On a couple of occasions, I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food or water. Most times they urinated or defecated on themselves, and had been left there for 18-24 hours or more. On one occasion, the air conditioning had been turned down so far and the temperature was so cold in the room, that the barefooted detainee was shaking with cold . . . On another occasion, the [air conditioner] had been turned off, making the temperature in the unventilated room well over 100 degrees. The detainee was almost unconscious on the floor, with a pile of hair next to him. He had apparently been literally pulling his hair out throughout the night. On another occasion, not only was the temperature unbearably hot, but extremely loud rap music was being played in the room, and had been since the day before, with the detainees chained hand and foot in the fetal position on the tile floor.

If I read this to you and did not tell you that it was an FBI agent describing what Americans had done to prisoners in their control, you would most certainly believe this must have been done by Nazis, Soviets in their gulags, or some mad regime—Pol Pot or others—that had no concern for human beings. Sadly, that is not the case. This was the action of Americans in the treatment of their prisoners.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. It is not too late. I hope we will learn from history. I hope we will change course. The President could declare the United States will apply the Geneva Conventions to the war on terrorism. He could declare, as he should that the United States will not, under any circumstances, subject any detainee to torture, or cruel, inhuman, or degrading treatment. The administration could give all detainees a meaningful opportunity to challenge their detention before a neutral decisionmaker.

Such a change of course would dramatically improve our image and it would make us safer. I hope this administration will choose that course. If they do not, Congress must step in.

The issue debated in the press today misses the point. The issue is not about closing Guantanamo Bay. It is not a question of the address of these prisoners. It is a question of how we treat these prisoners. To close down Guantanamo and ship these prisoners off to

which I remember very well as a young man and as Secretary of the Navy during the period of the Vietnam era and Pol Pot. There is no comparison. Not one incarcerated individual at Guantanamo has lost his or her life. Not one.

In sharp contrast to those mentioned about facts elsewhere in the history of this world, our Nation should look with pride as to how the Department of Defense has specifically addressed each of the grievances. They have allowed any number of us to come down there. It is in the hundreds who have come down.

There are courts-martial being considered for some at this point in time. In other words, when wrongs are done, we carefully, methodically address them, giving due process to those who are under suspicion for having committed offenses.

Given time, this entire situation at Guantanamo will be spelled out fully to the public. If there are individuals who have done wrong, they will be held accountable.

I come back to the central theme that I have is these young men and women sewing all over the world in uniform today and, indeed, members of our diplomatic corps, members of other Government agencies serving in harm's way, we have to think of them when issues are raised such as they were raised yesterday.

I understand the Senator wishes to address a question to the Senator from Virginia.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. WARNER. I ask unanimous consent that my time may be continued without limitation at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator from Illinois.

Mr. DURBIN. Mr. President, if I understand the rules of the Senate, I am supposed to address the Senator in the form of a question, and that makes it impossible for me to make a statement at this point.

Mr. WARNER. Mr. President, I do not wish to create a parliamentary situation that precludes the Senator from expressing himself in any way that he wishes. I understood the Senator was about to ask a question. I will withdraw that. I will finish my statement. If I may, and then I will yield the floor.

To equate actions of the men and women in the Armed Forces, proudly serving in uniform and thereby representing this Government of the United States with regard to their services down there in Guantanamo maintaining the detainees, to the genocidal acts of murder and repression of the Nazis or Soviet gulags or Pol Pot is insulting to our men and women in uniform who are fighting for the safety of all of us at home and, indeed, our friends and allies abroad. To the contrary, completely unlike the repressive regimes of the Nazis and I was moved to come down here because I think

there are only a few of us around who lived during that period of time and were able to fully absorb the frightful consequences of that worldwide conflict. We had 16 million men and women of the U.S. military in uniform at that time. I just think that there is absolutely no comparison to what that chapter of history brought upon mankind by means of death to this situation we have, which is under investigation.

I was assured by the Secretary of Defense—I did not need the assurance because I knew it would be the case—that we will account for any wrongs that have been done under the due process of our system. The Department of Defense and others have investigated this situation and made known a series of facts at this time.

I yield the floor. The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, my staff contacted me to alert me that several of my colleagues had come to the Senate floor to address statements that I made on the floor on June 14, 2005. Those statements related to the treatment of prisoners at Guantanamo. The statement I made involved an FBI report, a report which has been uncontroverted and one which I read into the RECORD in its entirety. I said at the beginning when I read it into the RECORD that I did so with some hesitation because it was so graphic in its nature, but I felt that in fairness, so that the record would be complete. I had to read it.

Because there have been allusions made to statements made by me, I believe it is appropriate to read it again so that my colleagues who may not have reflected on it will have a chance to do so. Let me read this report from an agent of the Federal Bureau of Investigation about the treatment of a prisoner at Guantanamo Bay. I hope my colleagues from Kentucky, Virginia, and other States who are following this debate will listen to this and then listen to what I said in the RECORD afterwards so they understand the context of my remark. It has been nothing short of amazing what some elements of media have done with this remark and what some of my colleagues have drawn from this remark today. So I want to read it in its entirety, if my colleagues have not, and I want them to hear it in its entirety before they reach conclusions as to what was intended.

I quote from the RECORD of June 14, 2005, page S6594 of the CONGRESSIONAL RECORD:

When you read some of the graphic descriptions of what has occurred here—I almost hesitate to put them in the RECORD, and yet they have to be added to this debate. Let me read to you what one FBI agent saw. And I quote from his report:

This is a quote: On a couple of occasions— Let me underline that, on a couple of occasions—

I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food or water. Most times they urinated or defecated on themselves, and had been left there for 18-24 hours or more. On one occasion, the air conditioning had been turned down so far and the temperature was so cold in the room, that the barefooted detainee was shaking with cold. . . . On another occasion, the [air conditioner] had been turned off, making the temperature in the unventilated room well below 32 degrees. The detainee was most times on the floor, with a pile of straw next to him. He had apparently been literally pulling his hair out throughout the night. On another occasion, not only was the temperature unbearable hot, but extremely loud rap music was being played in the room, and had been since he was there before, with the detainee chained hand and foot in the fetal position on the tile floor.

And then I said: If I read this to you, I did not tell you that it was an FBI agent. I did not tell you what Americans had done to them. I did not tell you that you would most likely believe this must have been done by the U.S. let alone their guilts, or some military or police—that I did not find human beings. Sadly, that is the case. This was the action of the FBI on the treatment of their prisoners.

I have heard my colleagues and others in the press suggest that I have said our soldiers could be compared to Nazis. I would like to be chairman of the Armed Services Committee. I do not even know whether the interrogator involved was an American soldier. I did not say that at any point. To suggest that I am criticizing American servicemen—I am not. I do not know who was responsible for this, but the FBI agent made this speech. To suggest that I was guilty of the sins and all the horrors and atrocities of Nazi Germany or the Soviet Republic or Pol Pot to Americans is to be unfair. I was attributing this kind of interrogation to repressors, such as those that I noted.

I honestly believe that the Senator from Virginia whom I respect very much, if this, indeed, occurred, it did not represent America. It did not represent what our country stands for. It is not that sort of conduct we would ever condone. I did not see Senator from Virginia would agree with that. That was the point I was making.

Now, sadly, we have a situation where some of the rightwing media have said that I have been insulting men and women in uniform. Nothing could be further from the truth. I respect our men and women in uniform. I have spent many hours. I am sure the Senator from Virginia has at times met the servicemen who have been returned from Iraq and I have written letters to their families and calling them bravely. It breaks my heart every day to think of the men and women who have died. And to a this kind of thing is to suggest that this is somehow an insult to the men and women serving in the military. Nothing could be further from the truth.

It is no credit to them or to our Nation for this sort of conduct to occur or for us to ignore it or in any way, shape, or form to condone it. And understand why we are in this situation. We had a rule of law. We had agreed to the Geneva Conventions. We had agreed to policies relative to torture of prisoners. They were the law of the land. The Bush administration came in after 9/11 and said: We are going to rewrite the rules.

Secretary of State Colin Powell, former Chairman of the Joint Chiefs of Staff, who came to his administration and said: This is a mistake, to change the rules of interrogation.

Why? Because, he said, if you torture a prisoner you will not get good information. They will say anything to stop the torture. And, second, if you change the rules at this point in our history, sadly it is not just a setback to our energy, it is an embarrassment that somehow the United States is backing away from its traditional values.

These are not my words. They are a characterization of the words of one of the highest ranking members of the Bush Cabinet, former Secretary of State Colin Powell.

Just lately, he was right. That description by the Bush administration, with the support of the United States, led us down a road that that road does not include any more incidents like the one that has been described here. But to say that the interrogation techniques here are the kind you would expect from a repressive regime, I do not believe is an exaggeration. They certainly do not represent the values of America. They do not represent what you risked your life for, Senator, when you put the uniform on and served our country when you served as Secretary of the Navy or in your service in the Senate. That doesn't mean that it means that you stood for or that any of us should stand for

that is the point I am making. To say that it draws any kind of comparison to the kind of interrogation technique used using the "Nazi" or "Soviets" is to diminish all of the horrors created by those regimes is just plain wrong. I have seen firsthand as you have too, people who survived that Holocaust. I have visited Yashem, the site to the people who died in the Holocaust. I understand that millions of innocent people died there far from the horror that occurred in the United States when you talk aboutreprisals. I am doing that in history because so bad, I am afraid that this that I am talking about is closer to that category.

Mr. WARNER. Mr. President, if the Senator will yield.

Mr. DURBIN. I will be happy to yield for a question.

Mr. WARNER. You are reading from a report of one of our investigative agencies. There is no verification of the accuracy of that report. You take it at face value. I pointed out—and I discussed it with Secretary Rumsfeld—this allegation of the FBI agent, together with a lot of other facts, is now being carefully scrutinized under our established judicial process.

I trained as a lawyer and many years as a prosecutor and dealt with the Bureau. I have the highest respect for them. But I do not accept at face value everything they put down on paper until I make certain it can be corroborated and substantiated.

For you to have come to the floor with just that fragment of a report and then unleash the words "the Nazis," unleash the word "gulag," unleash "Pol Pot"—I don't know how many remember that chapter—it seems to me that was the greatest error in judgment, and it leaves open to the press of the world to take those three extraordinary chapters in world history and try and intertwine it with what has taken place allegedly at Guantanamo.

I am perfectly willing to be a part of as much of an investigation as the Senate should perform and will in my committee. But I am not going to come to the floor with just one report in hand and begin to impugn the actions of those in charge, namely, the uniformed personnel, at this time. We should allow matters of this type to be very carefully examined before we jump to a conclusion.

Mr. DURBIN. If I can respond to the Senator from Virginia, I do not have a copy with me—perhaps my staff can give it to me—of the memo from the FBI.

Mr. WARNER. Could we inquire of the Senator as to the use of this memo on the floor? Is that consistent with the Practices of this body as regards—

Mr. DURBIN. I would say this memorandum was not obtained from any classified sources.

Mr. WARNER. I do not know how it came into your possession.

Mr. DURBIN. May I say to the Senator from Virginia what we are dealing with, in terms of these interrogation techniques, was disclosed in a letter, as I understand it—let me make certain I am clear—to General Ryder, on July 14, 2004, almost a year ago—almost a year ago. I have not heard a single person from this administration say this is in any way false or inaccurate. Certainly, if it were, we would have heard that, would we not, long ago?

Mr. WARNER. I ask the Senator, is it to be treated as a public document or is it part of an investigative process which—ordinarily the materials used in the course of an investigation are accorded certain privileges.

Mr. DURBIN. I say to the Senator from Virginia, I was informed by my

staff this was released by a Freedom of Information Act disclosure by our Government.

Mr. WARNER. I thank the Senator. Mr. DURBIN. So I don't believe there is any question about its authenticity in terms of it being a document in the position of our Government. In terms of the content of the document, almost a year has passed since this was written, and if it were clearly wrong, inaccurate on its face, would the Senator from Virginia not expect the administration to have made that clear by now?

Mr. WARNER. Mr. President, my understanding is it is currently under investigation and being carefully scrutinized in the context of another series of documents. Until the administration has had the opportunity to complete the investigation and make their own assessment of the allegations, it seems to me premature to render judgment.

Mr. DURBIN. I would say to the chairman of the Armed Services Committee, whom I respect very much, what I described was the interrogation techniques approved by this administration, in the extreme. There was nothing in this description here, from the agent of the Federal Bureau of Investigation, which was different than the interrogation rules of engagement which had already been spelled out—already spelled out.

So here is what we have. A letter sent to General Ryder almost a year ago, released under the Freedom of Information Act, with specifics related to the interrogation of prisoners which are consistent with the very rules of interrogation which Secretary Rumsfeld had approved in a memo.

So I do not believe that coming to the floor and disclosing this information is an element of surprise. The administration has known it for almost a year. I do not believe there is any question of falsification. The document was presented, under the Freedom of Information Act. And it certainly is not, sadly, beyond the realm of possibility because the very techniques that were described in here were the techniques approved by the administration.

The PRESIDING OFFICER (Ms. MURKOWSKI). The time of the Senator has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield to the Senator from Kentucky.

Mr. MCCONNELL. My concern was not the words of the FBI agent, but the words of the Senator from Illinois. I believe I heard the Senator repeat today—let me ask the Senator if in fact this is what he meant to say—because it was the quote I had from the Senator, not from the FBI agent, earlier yesterday or the day before, which I believe the Senator repeated today. I

~~FOUO~~

2005-11-04 11:39

November 04, 2005

05/014762
ES-4607

TO: Eric Edelman
FROM: Donald Rumsfeld 
SUBJECT: Pascual went to Brookings

Pascual quit and went to Brookings. This is outrageous-- we've got to do something about it. We need him at State.

Thanks.

DHR:ss
110405-03

.....
Please Respond By November 22, 2005

~~FOUO~~

04-11-05 13:05 IN

11-L-0559/OSD/54038

OSD 21974-05

FOUO

NOTE FOR THE SECRETARY OF DEFENSE

2005 NOV 07 11:38
- [Signature]
NOV 07 2005

FROM: Under Secretary of Defense for Policy, Eric S. Edelman

SUBJECT: Pascual's Move to Brookings

- You asked what we could do to keep Carlos Pascual at State's S/CRS office (original note next under).
- Carlos tells me he is leaving the job for personal/family reasons and, unfortunately, is not likely to extend his time at State.
- I have been concerned for several months about the possibility that Carlos would leave S/CRS and about the implications his departure would have on the office.
- Because Carlos is scheduled to leave in late December, I think the most important step we can take now is to have a voice in the selection of his replacement. Ideally, that person would have a strong understanding of DoD equities in the stabilization and reconstruction process and in the S/CRS organization itself.
- A few names come to mind, most of which fall in the "soldier-statesman" category:
 - **LTG Mick Kicklighter (Retd)** – We could consider dual-batting Mick with S/CRS duties and his current responsibilities on Afghanistan and Iraq, where he reports jointly to you and Secretary Rice.
 - **LTG Bill Nash, USA (Retd)** – Currently director of the Council on Foreign Relations Center for Preventative Action, Nash has extensive experience in peacekeeping operations in Bosnia-Herzegovina and other combat zones.
 - **GEN Monty Meigs (Retd)** – Monty has an extensive background in peacekeeping operations and served as EUCOM Commander.
 - **Other Possibilities** – Ray DuBois; Jaques Klein, former UN High Representative to Eastern Slavonia; or Dr. Craig Fields, Defense Science Board Member and former DARPA Director.
- You might wish to use these names as suggestions to Secretary Rice. Now is a good opportunity for us to exert some influence before the selection process gets too far down the road.

MA SD		SMA DSD	
TSA SD		SA DSD	
EXEC SEC			
FSR MA			

FOUO
11-L-0559/OSD/54039

OSD 21974-05

~~FOUO~~

NOV 08 2005

TO: Stephen J Hadley
FROM: Donald Rumsfeld *DR*
SUBJECT: Remarks by Iran's President

Steve--

If you haven't read this entire statement by Iran's president, you ought to. He lumps the US with Israel, to disappear.

IRAN

Attach.
10/28/05 Middle East Media Research Institute Dispatch No. 1013

DHR:dh
110705-24

OSD 21990-05

SR/NOE

~~FOUO~~

11-L-0559/OSD/54040

RHR

*Special Dispatch Series - No. 1013*

October 28, 2005

No.1013

**Iranian President at Tehran Conference: "Very Soon, This
Stain of Disgrace [i.e. Israel] Will Vanish from the Center of
the Islamic World - and This is Attainable"**

In advance of Iran's Jerusalem Day, which was established by Ayatollah Khomeini and is marked annually on the fourth Friday of the month of Ramadan, the "World without Zionism" conference was held in Tehran.

At the conference, Iranian President Mahmoud Ahmadinejad spoke to the representatives of *Hamas* and Islamic Jihad, members of the *Society for the Defense of the Palestinian Nation*, and members of the *Islamic Students Union*, and an audience of hundreds of students.

In his speech, he *described* his vision of an age-old *confrontation* between the world of Islam and the "World of Arrogance," *i.e. the West*; he portrayed *Israel* and Zionism as the spearhead of the West against the Islamic nation; and he emphasized the need to eliminate Israel "which, he claimed, was a goal that *was* attainable.

Speeches were also delivered by representatives of *Hizbullah* leader *Hassan Nasrallah* and *Hamas* leader Khaled Mash'al.

The Iranian Students News Agency (ISNA), published the full text of Ahmadinejad's speech. The following is a translation of excerpts from ISNA's report and from the *speech*. [1]

"Prior to his statement, Ahmadinejad said that if you plan to chant the slogan 'Death to Israel,' say it in the right and complete way.

The president warned the leaders of the Islamic world that they should be wary of Fitna [civil strife]: 'If someone is under the pressure of hegemonic power [i.e. the West] and understands that something is wrong, or he is naive, or he is an egotist and his hedonism leads him to recognize the Zionist regime - he should know that he will burn in the fire of the Islamic Ummah [nation]...'

"Ahmadinejad articulated the real meaning of Zionism: '...We must see what the real story of Palestine is... The establishment of the regime that is occupying Jerusalem was a very grave move by the hegemonic and arrogant system [i.e. the West] against the Islamic world. We are in the process of an historical war between the World of Arrogance [i.e. the West] and the Islamic world, and this war has been going on for hundreds of years.

"In this historical war, the situation at the fronts has changed many times. During some periods, the Muslims were the victors and were very active, and looked forward, and the World of Arrogance was in retreat.

"Unfortunately, in the past 300 years, the Islamic world has been in retreat vis-a-vis the World of Arrogance... During the period of the last 100 years, the [walls of the] world of Islam were destroyed and the World of Arrogance turned

the regime occupying Jerusalem into a bridge for its dominance over the Islamic world..

"This occupying country [i.e. Israel] is in fact a front of the World of Arrogance in the heart of the Islamic world. They have in fact built a bastion [Israel] from which they can expand their rule to the entire Islamic world.. This means that the current war in Palestine is the front line of the Islamic world against the World of Arrogance, and will determine the fate of Palestine for centuries to come.

"Today the Palestinian nation stands against the hegemonic system as the representative of the Islamic *Ummah* [nation]. Thanks to God, since the Palestinian people adopted the Islamic war and the Islamic goals, and since their struggle has become Islamic in its attitude and orientation, we have been witnessing the progress and success of the Palestinian people.'

"Ahmadinejad said: The issue of this [World without Zionism] conference is very valuable. In this very grave war, many people are trying to scatter grains of desperation and hopelessness regarding the struggle between the Islamic world and the front of the infidels, and in their hearts they want to empty the Islamic world.

"...They [ask]: 'Is it possible for us to witness a world without America and Zionism?' But you had best know that this slogan and this goal are attainable, and surely can be achieved..

"When the dear Imam [Khomeini] said that [the Shah's] regime must go, and that we demand a world without dependent governments, many people who claimed to have political and other knowledge [asked], 'Is it possible [that the Shah's regime can be toppled]?"

"That day, when Imam [Khomeini] began his movement, all the powers supported [the Shah's] corrupt regime... and said it was not possible. However, our nation stood firm, and by now we have, for 27 years, been living without a government dependent on America. Imam [Khomeini] said: 'The rule of the East [U.S.S.R.] and of the West [U.S.] should be ended.' But the weak people who saw only the tiny world near them did not believe it.

"Nobody believed that we would one day witness the collapse of the Eastern Imperialism [i.e. the U.S.S.R.], and said it was an iron regime. But in our short lifetime we have witnessed how this regime collapsed in such a way that we must look for it in libraries, and we can find no literature about it.

"Imam [Khomeini] said that Saddam [Hussein] must go, and that he would be humiliated in a way that was unprecedented. And what do you see today? A man who, 10 years ago, spoke as proudly as if he would live for eternity is today chained by the feet, and is now being tried in his own country..

"Imam [Khomeini] said: 'This regime that is occupying Qods [Jerusalem] must be eliminated from the pages of history.' This sentence is very wise. The issue of Palestine is not an issue on which we can compromise.

"Is it possible that an [Islamic] front allows another front [i.e. country] to arise in its [own] heart? This means defeat, and he who accepts the existence of this regime [i.e. Israel] in fact signs the defeat of the Islamic world.

"In his battle against the World of Arrogance, our dear Imam [Khomeini] set the regime occupying Qods [Jerusalem] as the target of his fight.

"I do not doubt that the new wave which has begun in our dear Palestine and which today we are also witnessing in the Islamic world is a wave of morality which has spread all over the Islamic world. Very soon, this stain of disgrace [i.e. Israel] will vanish from the center of the Islamic world - and this is attainable.

"But we must be wary of *Fitna*. For more than 50 years, the World of Arrogance has tried to give recognition to the existence of this falsified regime [Israel].

With its first steps, and then with further steps, it has tried hard in this direction to stabilize it.

"Regrettably, 27 or 28 years ago... one of the countries of the first line [i.e. Egypt] made this failure [of recognizing Israel] - and we still hope that they will correct it.

"Lately we have new *Fitna* underway... With the forced evacuation [of Gaza] that was imposed by the Palestinian people, they [the Israelis] evacuated only a corner. [Israel] declared this as the final victory and, on the pretext of evacuating Gaza and establishing a Palestinian government, tried to put an end to the hopes of the Palestinians.

"Today, [Israel] seeks, satanically and deceitfully, to gain control of the front of war. It is trying to influence the Palestinian groups in Palestine so as to preoccupy them with political issues and jobs - so that they relinquish the Palestinian cause that determines their destiny, and come into conflict with each other.

"On the pretext of goodwill, they [Israel] intended, by evacuating the Gaza strip, to gain recognition of its corrupt regime by some Islamic states. I very much hope, and ask God, that the Palestinian people and the dear Palestinian groups will be wary of this *Fitna*.

"The issue of Palestine is by no means over, and will end only when all of Palestine will have a government belonging to the Palestinian people. The refugees must return to their homes, and there must be a government that has come to power by the will of the [Palestinian] people. And, of course those [i.e. the Jews] who came to this country from far away to plunder it have no right to decide anything for the [Palestinian] people.

"I hope that the Palestinians will maintain their wariness and intelligence, much as they have pursued their battles in the past 10 years. This will be a short period, and if we pass through it successfully, the process of the diminution of the Zionist regime will be smooth and simple.

"I warn all the leaders of the Islamic world to be wary of *Fitna*: If someone is under the pressure of hegemonic power [i.e. the West] and understands that something is wrong, or he is naive, or he is an egotist and his hedonism leads him to recognize the Zionist regime - he should know that he will burn in the fire of the Islamic *Ummah* [nation] ...

"The people who sit in closed rooms cannot decide on this matter. The Islamic people cannot allow this historical enemy to exist in the heart of the Islamic world.

"Oh dear people, look at this global arena. By whom are we confronted? We must understand the depth of the disgrace imposed on us by the enemy, until our holy hatred expands continuously and strikes like a wave."

[1] Iranian Students News Agency (ISNA), October 26, 2002
<http://www.isna.ir/Main/NewsView.aspx?ID=News-603386>



Print This Article



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~~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.

S. O. J. 05

~~FOUO~~

OSD 21992-05

11-L-0559/OSD/54044

~~FOUO~~

DHR:es
100505-20

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Please Respond By 11/02/05

~~FOUO~~

11-L-0559/OSD/54045

FOUO

September 26, 2005

I-05/06927

ES-4290

0.1.2

TO: Eric Edelman

FROM Donald Rumsfeld *DR*

SUBJECT Chuck Homer's Comments at the Policy Board ~~Meeting~~

At the Policy Board meeting on September 23, Chuck Homer made some comments about open source information -- U.K, Spanish, and German scholars -- and how we get such information and thoughts organized in such a way that they get into the senior levels of government. There are some bright people in the world and we don't seem to be accessing them.

Thanks.

DHR:es
092605-04

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Please Respond By 10/20/05

26 sep 05

OSD 22013-05

FOUO

11-L-0559/OSD/54046

26-09-05 09:04 5

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OFFICE OF THE
SECRETARY OF DEFENSE

INFO MEMO

2005 NOV - 7 AM 9:46

A/DSD _____

I-051012927

ES-4290

POUSDP has seen

FOR SECRETARY OF DEFENSE

EE NOV 07 2005

FROM: Eric S. Edelman, Under Secretary of Defense for Policy

SUBJECT: Chuck Homer's Comments at the Policy Board Meeting

- On 26 September, you asked about how we can access the brain power of intellectuals around the world and organize their thoughts and information for USG senior leadership (Tab A).
- Overall, the USG has not done an effective job of harnessing regional and intellectual expertise in the private sector.
 - One exception is the Center for International Issues Research (CIIR), which is contracted by Peter Rodman and employs "native" cultural and linguistic experts, who are now U.S. citizens. CIIR reporting is distributed throughout USG senior leadership including Karen Hughes' shop.
- Karen Hughes is leading an interagency Brain Trust working group which is developing a strategy for the "War of Ideas" including researching various means to access and effectively use intellectual expertise.
 - Peter Rodman and I are engaged in this discussion.
- One option recommended by the Defense Science Board is the creation of a Center of Strategic Communications modeled as a federally funded research and development center (FFRDC).
 - The FFRDC could operate like a "think tank" and access talent and expertise from across the globe.
 - The NDU may be used in the interim to help develop such a center.
- We are working with our DoD Regional Centers to build good sources for intellectual and regional talent -- our regional offices in Policy currently reach out to the Regional Centers for expertise.
- I will continue to update you on our progress.

092

MNOUS

absepas

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11-L-0559/OSD/54047

09-11-05 13:54:00 IN a

OSD 22013-05

~~FOUO~~

September 26, 2005

I-05/06927

ES-4290

TO: Eric Edelman

FROM: Donald Rumsfeld *DR*

SUBJECT: Chuck Homer's Comments at the Policy Board Meeting

At the Policy Board meeting on September 23, Chuck **Homer** made some comments about open source information -- U.K, Spanish, **and** German scholars -- and how we **get** such information **and** thoughts organized in such a way that they get into **the** senior levels of government. There **are** some bright people in the world **and** we don't seem to be accessing them.

Thanks.

DHR:ss
092605-04

.....
Please Respond By 10/20/05

~~FOUO~~
11-L-0559/OSD/54048

26-09-05 09:26:04

CHAIRMAN OF THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20318-9999

OFFICE OF THE
SECRETARY OF THE
DEFENSE

2005 NOV -9 AM 10:11
CN-0048-05
8 November 2005

ACTION MEMO

DepSec Action _____

FOR: SECRETARY OF DEFENSE

FROM: General Peter Pace, CJCS *Mr. Peter Pace 8 Nov 05*

SUBJECT: FedEx and Afghanistan (SF 1802)

- Answer. In response to your question (**TAB A**), FedEx flies into Kabul and additionally services Bagram, Herat, and Kandahar by truck. Additional issues include:
 - FedEx Transportation of Operation Iraqi Children (OIC) Goods to Afghanistan. FedEx has transported school supplies to Iraq in support of OIC since 2004. With regard to moving OIC material into **Afghanistan**, FedEx **has** indicated (via OIC) that it desires to stop funding overseas transport in favor of US government transportation assets (i.e., US Agency for International Development (USAID), Denton Program).
 - Use of Denton Program to Transport OIC Goods to Afghanistan. As an alternative to FedEx, Joint Staff personnel have informed OIC that the Denton Program, administered by USAID, provides space-available government transportation for humanitarian goods. Upon arrival in theater, a nongovernment organization or the Government of Afghanistan **could** distribute the material.

RECOMMENDATION Approve Joint Staff/J-4 working with OIC and **USAID** to facilitate use of the Denton Program, allowing OIC support to continue.

Approve *AL* Disapprove _____ Other _____

COORDINATION: **TAB B**

copy to:
CDRUSCENTCOM
Commander, MNF-I

Prepared By: Lieutenant General Claude V. Christianson, USA; Director, J-4;

(b)(6) *820 11/9*

MA SD	<i>11/10</i>	SMA DSD	
TSA SD	<i>11/10</i>	SA DSD	
EXEC SEC	<i>M/11/9</i>	<i>1430</i>	<i>11/10 0930</i>
ESR MA	<i>BH 11/9</i>	<i>1335</i>	

OSD 22015-05

OFFICIAL USE ONLY

69 1446
RR
Rosen - Rangel
11/10

11/10

580

8 NOV 05

8 AUG 05

ACB

TAB A
~~FOUO~~

DEPARTMENT OF THE
ARMY
DEFENSE

205 107 - 7 01 10: 11

August 8, 2005

1082

TO: Gen Dick Myers
FROM: Donald Rumsfeld *DR*
SUBJECT: FedEx and Afghanistan

Please find out which cities FedEx services in Afghanistan. Perhaps we can get them to transport donated materials for the Afghan people.

Thanks.

DHR:es
080705-04

.....
Please respond by 8/31/05

~~FOUO~~

Tab A

11-L-0559/OSD/54050

OSD 22015-05

TAB B

COORDINATION

MNF-I (R&S)

BG Gainey

29 August 2005

Tab B

11-L-0559/OSD/54051

TAB A
FOUO DEPT OF THE
SEC DEFENSE
2005 1001-9 JUN 10: 11

ACB

August 8, 2005

1082

TO: Gen Dick Myers
FROM: Donald Rumsfeld *DR*
SUBJECT: FedEx and Afghanistan

Please find out which cities ~~FedEx~~ services in Afghanistan. Perhaps we can get them to transport donated materials for the Afghan people.

Thanks.

DHR:as
08 0705-04

.....
Please respond by 5/31/05

OSD 22015-05

Tab A

FOUO

11-L-0559/OSD/54052

TAB
~~FOUO~~

205 11-11-10 18

October 04, 2005

TO: Gen Pete Pace
FROM: Donald Rumsfeld *D.R.*
SUBJECT: Timeliness

Please look into that matter that Doug Brown raised concerning a CONOP, where he brought something in on July 15 and they didn't even get an answer until October. That is just not right.

Please get back to me on it.

Thanks.

DHL:dh
100405-22

.....
Please Respond By 10/27/05

~~FOUO~~

OSD 22017-05
Tab

11-L-0559/OSD/54053



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, DC 20318-9999

CMFOD49-05 11/8/05
8 November 2005

INFO MEMO

FOR SECRETARY OF DEFENSE

FROM: General Peter Pace, CJCS *12/1/05*

SUBJECT: Timeliness (SF 100405-22)

- **Answer.** In response to your issue (TAB), it does take too long to process COCOM plans.
- **Analysis**
 - USSOCOM submitted **two plans** for coordination during the period in question.
 - The first plan **was** signed at USSOCOM on 29 July and was made available to the Joint Staff on 17 August. The DJ-3 staff initiated coordination on 22 August. One combatant command and one military department could not meet the initial coordination suspense. The DJ-3 received **final** feedback on 6 October. The action is currently with USSOCOM for revision.
 - A second plan arrived at the Joint Staff on 30 September. J-3 initiated coordination on 7 October. This action is currently under review.
 - I will remain alert to the timeliness of actions, and the Joint Staff will identify and eliminate inefficiencies in the coordination process. We will continue to keep COCOMs apprised of the status of their plans.

COORDINATION NONE

Attachments:

As stated

Prepared By: Lieutenant General James T. Conway, USMC; Director, J-3 (b)(6)

OSD 22017-05

~~FOR OFFICIAL USE ONLY~~

~~FOUO~~

NOV 09 2005

337

TO: Gen Jim Jones
Gen Norty Schwartz
GEN John Abizaid
GEN Doug Brown
Gen James Cartwright
ADM Tim Keating
GEN John Craddock
ADM Bill Fallon
GEN Leon LaPorte
Gen Lance Smith

cc: Gordon England
Gen Pete Pace
ADM Ed Giambastiani
Fran Harvey
Dino Aviles
Gen Mike Moseley
GEN Mike Hagee
GEN Pete Schoomaker
ADM Mike Mullen
Ken Krieg
Eric Edelman
Tina Jonas
David Chu
Steve Cambone
Michael Wynne

FROM: Donald Rumsfeld



SUBJECT: Strategic Planning Conference 21 November

Please plan on being in town for an all-day 21 November SPC meeting on the QDR. We are closing in on some of the key decisions, and we will need your input.

Thanks.

DHR:ss
110805-17

OSD 22022-05

9 NOV 05

~~FOUO~~

11-L-0559/OSD/54055

~~FOUO~~

NOV 09 2005

TO **Gen Jim Jones**
Gen Norty Schwartz
GEN **John Abizaid**
GEN **Doug Brown**
Gen James Cartwright
ADM **Tim Keating**
GEN **John Craddock**
ADM **Bill Fallon**
GEN Leon LaPorte
Gen Lance Smith

CC **Gordon England**
Gen **Pete Pace**
ADM **Ed Giambastiani**
Fran Harvey
Dino Aviles
Gen **Mike Moseley**
GEN Mike Hagee
GEN Pete Schoomaker
ADM **Mike Mullen**
Ken **Krieg**
Eric **Edelman**
Tina Jonas
David Chu
Steve Cambone
Michael Wynne

FROM Donald Rumsfeld



SUBJECT Strategic Planning Conference **21** November

Please plan on being in town for an all-day **21** November SPC meeting on the
-QDR. **We are** closing in on some of **the** key decisions, and **w e d** need **your**
input.

Thanks.

DHR:ss
110805-17

OSD 22022-05

~~FOUO~~

11-L-0559/OSD/54056

~~FOUO~~

NOV 09 2005

TO Gen Jim Jones
Gen Norty Schwartz
GEN John Abizaid
GEN Doug Brown
Gen James Cartwright
ADM Tim Keating
GEN John Craddock
ADM Bill Fallon
GEN Leon LaPorte
Gen Lance Smith

CC: Gordon England
Gen Pete Pace
ADM Ed Giambastiani
Fran Harvey
Dino Aviles
Gen Mike Moseley
GEN Mike Hagee
GEN Pete Schoomaker
ADM Mike Mullen
Ken Krieg
Eric Edelman
Tina Jonas
David Chu
Steve Cambone
Michael Wynne

FROM Donald Rumsfeld



SUBJECT: Strategic Planning Conference 21 November

Please plan on being in town for an all-day 21 November SPC meeting on the QDR. We are closing in on some of the key decisions, and we will need your input.

Thanks.

DHR:ss
110805-17

OSD 22022-05

~~FOUO~~

11-L-0559/OSD/54057

~~FOUO~~

NOV 09 2005

TO Gen Jim Jones
 Gen Norty Schwartz
 GEN John Abizaid
 GEN Doug Brown
 Gen James Cartwright
 ADM Tim Keating
 GEN John Craddock
 ADM Bill Fallon
 GEN Leon LaPorte
 Gen Lance Smith

cc: Gordon England
 Gen Pete Pace
 ADM Ed Giambastiani
 Fran Harvey
 Dino Aviles
 Gen Mike Moseley
 GEN Mike Hagee
 GEN Pete Schoomaker
 ADM Mike Mullen
 Ken Krieg
 Eric Edelman
 Tina Jonas
 David Chu
 Steve Cambone
 Michael Wynne

FROM Donald Rumsfeld



SUBJECT: Strategic Planning Conference 21 November

Please plan on being in town for an all-day 21 November SPC meeting on the QDR. We are closing in on some of the key decisions, and we will need your input.

Thanks.

DHR:ss
110805-17

OSD 22022-05

~~FOUO~~

11-L-0559/OSD/54058

~~FOUO~~

NOV 09 2005

TO: Gen Jim Jones
Gen Norty Schwartz
GEN John Abizaid
GEN Doug Brown
Gen James Cartwright
ADM **Tim Keating**
GEN John Craddock
ADM Bill Fallon
GEN **Leon LaPorte**
Gen Lance Smith

CC: Gordon England
Gen Pete Pace
ADM Ed Giambastiani
Fran Harvey
Dino Aviles
Gen Mike Moseley
GEN Mike Hagee
GEN Pete Schoomaker
ADM Mike Mullen
Ken Krieg
Eric Edelman
Tina Jonas
David Chu
Steve Cambone
Michael Wyrne

FROM: Donald Rumsfeld



SUBJECT: Strategic Planning Conference 21 November

Please plan on **being** in town for an **all-day 21** November SPC meeting on the QDR: **We** are closing in on **some** of the key decisions, and **we will** need your input.

Thanks.

DHR:ss
110805-17

OSD 22022-05

~~FOUO~~
11-L-0559/OSD/54059

FOUO

NOV 09 2005

TO Gen Jim Jones
Gen Norty Schwartz
GEN John Abizaid
GEN Doug Brown
Gen James Cartwright
ADM Tim Keating
GEN John Craddock
ADM Bill Fallon
GEN Leon LaPorte
Gen Lance Smith

cc: Gordon England
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ADM Ed Giambastiani
Fran Harvey
Dino Aviles
Gen Mike Moseley
GEN Mike Hagee
GEN Pete Schoomaker
ADM Mike Mullen
Ken Krieg
Eric Edelman
Tina Jonas
David Chu
Steve Cambone
Michael Wynne

FROM Donald Rumsfeld



SUBJECT: Strategic Planning Conference 21 November

Please plan on being in town for an all-day 21 November SPC meeting on the QDR. We are closing in on some of the key decisions, and we will need your input.

Thanks.

DHR.ss
110805-17

OSD 22022-05

FOUO
11-L-0559/OSD/54060

~~FOUO~~

NOV 09 2005

TO Gen Jim Jones
Gen Norty Schwartz
GEN John Abizaid
GEN Doug Brown
Gen James Cartwright
ADM Tim Keating
GEN John Craddock
ADM Bill Fallon
GEN Leon LaPorte
Gen Lance Smith

CC: Gordon England
Gen Pete Pace
ADM Ed Giambastiani
Fran Harvey
Dino Aviles
Gen Mike Moseley
GEN Mike Hagee
GEN Pete Schoomaker
ADM Mike Mullen
Ken Krieg
Eric Edelman
Tina Jones
David Chu
Steve Cambone
Michael Wynne

FROM Donald Rumsfeld



SUBJECT: Strategic Planning Conference 21 November

Please plan on being in town for an all-day 21 November SPC meeting on the QDR. We are closing in on some of the key decisions, and we will need your input.

Thanks.

DHR:ss
110805-17

OSD 22022-05

~~FOUO~~

11-L-0559/OSD/54061

~~FOUO~~

NOV 09 2005

TO Gen Jim Jones
Gen Norty Schwartz
GEN John Abizaid
GEN Doug Brown
Gen James Cartwright
ADM **Tim** Keating
GEN John Craddock
ADM Bill Fallon
GEN Leon LaPorte
Gen Lance **Smith**

CC: Gordon **England**
Gen Pete Pace
ADM Ed Giambastiani
Fran Harvey
Dino Aviles
Gen Mike Moseley
GEN Mike Hagee
GEN Pete Schoomaker
ADM **Mike** Mullen
Ken Krieg
Eric Edelman
Tina **Jonas**
David Chu
Steve Cambone
Michael Wynne

FROM Donald Rumsfeld



SUBJECT: Strategic Planning Conference 21 November

Please plan on being in town for an all-day 21 November SPC meeting on the QDR. We are closing in on some of the key decisions, and we d need your input.

Thanks.

DHR:ss
110805-17

OSD 22022-05

~~FOUO~~
11-L-0559/OSD/54062

~~FOUO~~

NOV 09 2005

TO Gen Jim Jones
Gen Norty Schwartz
GEN John Abizaid
GEN Doug Brown
Gen James Cartwright
ADM Tim Keating
GEN John Craddock
ADM Bill Fallon
GEN Leon LaPorte
Gen Lance Smith

CC: Gordon England
Gen Pete Pace
ADM Ed Giambastiani
Fran Harvey
Dino Aviles
Gen Mike Moseley
GEN Mike Hagee
GEN Pete Schoomaker
ADM Mike Mullen
Ken Krieg
Eric Edelman
Tina Jonas
David Chu
Steve Cambone
Michael Wynne

FROM: Donald Rumsfeld



SUBJECT: Strategic Planning Conference 21 November

Please plan on being in town for an all-day 21 November SPC meeting on the QDR. We are closing in on some of the key decisions, and we will need your input.

Thanks.

DHR:as
110905-17

OSD 22022-05

~~FOUO~~

11-L-0559/OSD/54063

~~FOUO~~

NOV 09 2005

TO: Gen Jim Jones
Gen Norty Schwartz
GEN John Abizaid
GEN Doug Brown
Gen James Cartwright
ADM Tim Keating
GEN John Craddock
ADM Bill Fallon
GEN **Leon LaPorte**
Gen **Lance Smith**

CC **Gordon** England
Gen Pete Pace
ADM Ed Giambastiani
Fran Harvey
Dino Aviles
Gen Mike Moseley
GEN Mike **Hagee**
GEN Pete Schoomaker
ADM Mike Mullen
Ken Krieg
Eric Edelman
Tina Jonas
David Chu
Steve Cambone
Michael Wynne

FROM: Donald Rumsfeld 

SUBJECT: Strategic Planning Conference 21 November

Please **plan on** being **in town** for an all-day 21 November SPC meeting on the
- QDR. **We** are closing in on **some of the** key decisions, and we will need **your**
input.

Thanks.

DHR.es
110805-17

OSD 22022-05

~~FOUO~~

11-L-0559/OSD/54064

~~FOUO~~

October 31, 2005

TO: Dan Stanley
CC: Gen Pete Pace
Larry DiRita
LTG Steve Blum
FROM: Donald Rumsfeld *DR*
SUBJECT: Governors

093

We ought to think through the roles of the Governors and how they can help with the media. We can get them into Iraq, and with their relationships with their National Guards, they should be able to help.

We might want to think about bringing them in and briefing them, going to the National Governors' Conference and speaking to them, or getting them on the phone and giving them briefings on what is going on -- like we do with talking heads.

Thanks.

DHR:ss
103105-13

.....
Please Respond By November 22, 2005

31 Oct 05

~~FOUO~~

OSD 22042-05

11-L-0559/OSD/54065

5



LEGISLATIVE
AFFAIRS

THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1300

OFFICE OF THE
SECRETARY OF DEFENSE

205 NOV - 7 PM 2:02

UNCLASSIFIED

INFO MEMO

November 8, 10:30 AM

093

FOR: SECRETARY OF DEFENSE

FROM: Dan Stanley, Assistant Secretary of Defense
for Legislative Affairs, (b)(6)

SUBJECT: Outreach to Governors – Snowflake #103105-13

- You asked me to think through the role that Governors play and how they can help with the media. You are correct in observing that they have media opportunities and credibility that our other surrogates don't have.
- We are taking a number of steps to facilitate their participation:
 - o I have created the position of "Special Assistant for Intergovernmental Affairs" to manage day-to-day contact with Governor's offices.
 - o I am planning a third delegation of governors to the CENTCOM AOR over Thanksgiving. This delegation will focus on the "Long War" with stops in Iraq, Afghanistan, Kuwait, Qatar, Pakistan, and the United Kingdom. You are scheduled to meet with the delegation before they depart.
 - o You **will** receive an invitation to address the National Governor's Association annual meeting on Monday, February 27th.
 - o We have begun notifying Governor's Chiefs of Staff of DoD announcements that affect their state.
 - We notified Gov. Pawlenty's staff about Minnesota's role in the OIF '06-'08 rotation.
 - o We will consult with your staff to schedule a monthly call to selected Governors on issues that affect Departmental interests.
 - o Additionally, we will watch for opportunities to host conference calls on Governors' issues.

8 Nov 05

31 Oct 05

Prepared by: Claude Chafin, Director of Communications and Intergovernmental Affairs, (b)(6)

11-L-0559/OSD/54066

OSD 22042-05

~~FOUO~~

OCT 03 2005

TO: Dan Stanley
Robert Rangel

FROM: Donald Rumsfeld *DR*

SUBJECT: Report Due by April 1, 2006

580

Congressman Ryan mentioned a report that is apparently due by April 1. We need to get our heads into that, so I **know** what it is about.

Thanks.

DHR:ss
093005-19

.....
Please Respond By 10/13/05

3 Oct 4

~~FOUO~~

OSD 22043-05

11-L-0559/OSD/54067



LEGISLATIVE
AFFAIRS

THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1300

OFFICE OF THE
SECRETARY OF DEFENSE

2005 NOV -9 PM 2:06

UNCLASSIFIED
INFO MEMO

November 9, 2005, 10:00A.M

580

FOR: SECRETARY OF DEFENSE

FROM: Daniel R. Stanley, Assistant Secretary of Defense
for Legislative Affairs (b)(6)

SUBJECT: Fulltime Airlift Support for Homeland Defense Operations Report due by
April 1, 2005. Snowflake #093005-19.

- Congressman Ryun raised this issue during the September 29, 2005 HASC hearing.
- The report is on the feasibility and advisability of establishing full-time, dedicated airlift support to homeland defense and disaster response operations, including operations to transport WMD Civil Support Teams, Air Force Expeditionary Medical teams dedicated to homeland defense, and the Department of Energy Emergency Response Teams.
- The report is a Joint Staff product with NORTHCOM and TRANSCOM input.
- CJCS sent the document to USD(P) for coordination in May 2005. The final version has been in coordination since then.
- In early October, following Hurricane Katrina, we asked CJCS to revise the report and to incorporate Hurricane Katrina mobility issues and lessons learned.
- The report was returned for action to CJCS. We expect it to be complete in the near future.

9 Nov 05

COORDINATION: None

Attachments:
Snowflake #093005-19

3 Oct 05

Prepared by: CDR Wait Stammer, OASD (Legislative Affairs) (b)(6)
11-L-0559/OSD/54068

OSD 22043-05

TAB A

DJS

~~FOUO~~

DJS *KS*

DJ-7 *USNS*

October 11, 2005

TO: Gen Pete Pace

CC: Gordon England
Eric Edelman

FROM: Donald Rumsfeld *DR*

SUBJECT: Disaster Relief

As we move from Katrina/Rita on to Pakistan and central America relief efforts, it seems clear that this is a competency we should consider institutionalizing in some way.

Should we designate a single COCOM to be the repository of knowledge, expertise, command and control, and a standing Joint Task Force Headquarters to respond in the event of major catastrophes? One candidate would certainly be Joint Forces Command. Another might be NORTHCOM.

Please get back to me with your thoughts. We have learned a good deal over the past several months, and we should flow that directly into a construct for future contingencies.

Thanks.

DRB
10/10/05

.....
Please Respond By October 20, 2005

~~FOUO~~

OSD 22046-05

Tab A

11-L-0559/OSD/54069

OSD-92

11 Oct 05



HOMELAND
DEFENSE

~~FOR OFFICIAL USE ONLY~~
ASSISTANT SECRETARY OF DEFENSE
2600 DEFENSE PENTAGON
WASHINGTON DC 20301-2600
INFO MEMO

11
11/15/05
2005-11-15 11:36
ADepSecDef
USD(P) *gr* *MAN* 0 2 2006
057015041

FOR SECRETARY OF DEFENSE

FROM: *Paul* Paul McHale, Assistant Secretary of Defense (Homeland Defense)

via [signature]
Peter F. Verga
Principal Deputy

SUBJECT: Disaster Relief

- The Executive Secretary has referred the Chairman's reply to your inquiry on disaster relief to us for comment (TAB A).
- We share the Chairman's assessment. Joint Forces Command is best postured to institutionalize the lessons-learned from disaster relief operations.
- We have responded to you in a related inquiry regarding the establishment of a permanent entity within the Department to manage natural and man-made disasters.

COORDINATION: NONE

Attachment:
OSD 22046-05/CM-005 1-05

Prepared by: Mr. Salesses, OASD(HD) (b)(6)

~~FOR OFFICIAL USE ONLY~~

11-L-0559/OSD/54070

OSD 22046-05

30-12-18 00:05:11



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999

INFO MEMO

CM-0051-05

9 November 2005

FOR SECRETARY OF DEFENSE

FROM: General Peter Pace, CJCS *with 8 Nov 05*

SUBJECT Disaster Relief (SF 101105-01)

• Answer

- In response to your question (TAB A), USJFCOM should serve as the repository for operational lessons learned. Also, my staff is working a recommendation to increase manning for the Joint Staff Lessons Learned Branch to identify strategic lessons learned within the Department. The branch is working with OSD to provide a coordinated DOD review of operations, similar to the McHale-Mauldin Task Force conducting the Hurricane Katrina study.
- Each combatant command should prepare its standing joint force HQ-core element (SJFHQ-CE) and assigned Service HQs designated as potential joint task force (JTF) HQs to execute disaster relief in their respective areas of responsibility.

• Analysis

- USJFCOM is best suited to serve as the focal point to institutionalize operational lessons learned in disaster relief for both CONUS and OCONUS. The DOD expertise for strategic lessons learned lies within the Joint Staff and your appropriate offices.
- The Joint Staff, combatant commands, and Services are developing the processes to designate, train, and certify Service HQs as potential JTF functional component (JTF/FC) HQs, per UCP 04 tasking. This initiative is also a Quadrennial Defense Review issue.
- A single SJFHQ responsible for disaster relief will lack the regional expertise and limit response options. The best C2 will result when one or more combatant command SJFHQ-CE and Service HQ are trained and certified as JTF/FC HQs. Combatant commands should include humanitarian assistance and consequence management tasks in the training and certification of these HQs, and they should receive full access to the repository of lessons learned.

COORDINATION: TAB B

Attachments:
As stated

Prepared By: Rear Admiral Richard Mauldin, USN; Director, J-7; (b)(6)

MA SD		SMA DGD	
(SA SD)		SA DSD	
EXEC SEC	M 11/9	1705	
ESR MA			

OSD 22046-05

11-L-0559/OSD/54071

TAB A

DJS

~~FOUO~~

DJS MS

DJ-7 LEMS

October 11, 2005

TO: Gen Pete Pace

CC: Gordon England
Eric Edelman

FROM: Donald Rumsfeld *DR*

SUBJECT: Disaster Relief

As we move from Katrina/Rita on to Pakistan and central America relief efforts, it seems clear that this is a competency we should consider institutionalizing in some way.

Should we designate a single COCOM to be the repository of knowledge, expertise, command and control, and a standing Joint Task Force Headquarters to respond in the event of major catastrophes? One candidate would certainly be Joint Forces Command. Another might be NORTHCOM.

Please get back to me with your thoughts. We have learned a good deal over the past several months, and we should flow that directly into a construct for future contingencies.

Thanks.

DHR:dh
101105-01

.....
Please Respond By October 20, 2005

~~FOUO~~

Tab A

11-L-0559/OSD/54072

TAB B

COORDINATION

USCENTCOM	CAPT Austin	19 October 2005
USEUCOM	COL Satterfield	19 October 2005
USJFCOM	Maj Gen Soligan	19 October 2005
USNORTHCOM	COL Leary	19 October 2005
USPACOM	COL Schneider	19 October 2005
USSOUTHCOM	COL Bassett	19 October 2005

Tab B

11-L-0559/OSD/54073



CHAIRMAN OF THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20318-9999

SECRET

NOV 10 2005

INFO MEMO

CM-0051-05
9 November 2005

FOR: SECRETARY OF DEFENSE

FROM: General Peter Pace, CJCS *VRK 8 NOV 05*

SUBJECT: Disaster Relief (SF 101105-01)

- **Answer**

- In response to your **question** (TAB A), USJFCOM should serve as the repository for operational lessons learned. Also, my staff is **working** a recommendation to increase manning for the Joint Staff Lessons Learned Branch to identify strategic lessons learned within the Department. The branch is **working** with OSD to provide a coordinated DOD review of operations, similar to the **McHale-Mauldin Task Force** conducting the Hurricane Katrina study.
- Each combatant command should prepare its standing joint force HQ-core element (SJFHQ-CE) and assigned Service HQs designated **as** potential joint task force (JTF) HQs to execute disaster relief in their respective areas of responsibility.

- **Analysis**

- USJFCOM is best suited to serve as the focal point to institutionalize operational lessons learned in disaster relief for both CONUS and OCONUS. The DOD expertise for strategic lessons learned lies within the Joint **Staff** and your appropriate offices.
- The Joint Staff, combatant commands, and Services are developing the processes to designate, train, and **certify** Service HQs as potential JTF functional component (JTFRFC) HQs, per UCP **04** tasking. This initiative is also a Quadrennial Defense Review issue.
- A single SJFHQ responsible for disaster relief will lack the regional expertise and limit response options. The best C2 will result when one or more combatant command SJFHQ-CE and Service HQ are trained and **certified** as JTFRFC HQs. Combatant commands should include humanitarian assistance and consequence management tasks in the training and certification of these HQs, and they should receive full access to the repository of lessons learned.

COORDINATION: TAB B

Attachments:
As stated

Prepared By: Rear Admiral Richard Mauldin, USN; Director, J-7; (b)(6)

OSD 22046-05

11-L-0559/OSD/54074

TAB A

~~FOUO~~

DJS
DJS ~~MC~~
DJF

October 11, 2005

TO: Gen Pete Pace
CC Gordon England
Eric Edelman
FROM Donald Rumsfeld *M.*
SUBJECT Disaster Relief

As we move from **Katrina/Rita on to Pakistan and Central America relief efforts**, it seems clear that this is a competency we should **consider** institutionalizing in some way.

Should we **designate** a single **COCOM** to be the repository of knowledge, expertise, command and control, **and a standing Joint Task Force Headquarters** to respond in the event of **major catastrophes**? One **candidate** would certainly be Joint Forces Command. Another **might** be NORTHCOM.

Please get back to me with your thoughts. We have **learned a good deal over the past several months**, and we should flow **that** directly into a construct for **future** contingencies.

Thanks.

DHR:ah
10/105-01

.....
Please Respond By October 20, 2005

~~FOUO~~

Tab A

11-L-0559/OSD/54075

TAB B

COORDINATION

USCENTCOM	CAPT Austin	19 October 2005
USEUCOM	COL Satterfield	19 October 2005
USJFCOM	Maj Gen Soligan	19 October 2005
USNORTHCOM	COL Leary	19 October 2005
USPACOM	COL Schneider	19 October 2005
USSOUTHCOM	COL Bassett	19 October 2005

Tab 63

11/15
1/24/02

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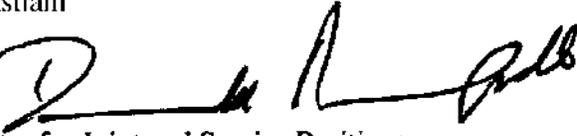
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TO Gen Jim Jones
GEN John Abizaid
GEN Doug Brown
Gen James Cartwright
ADM Tim Keating
GEN John Craddock
ADM Bill Fallon
Gen Norty Schwartz
GEN Leon LaPorte
Gen Lance Smith

CC: Gordon England
Gen Pete Pace
ADM Ed Giamhastiani

FROM: Donald Rumsfeld



SUBJECT Potential Candidates for Joint and Service Positions

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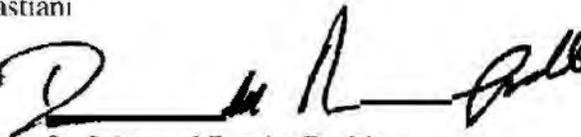
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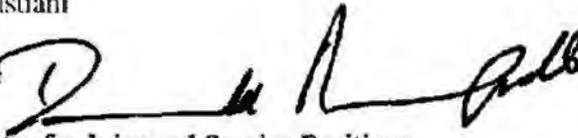
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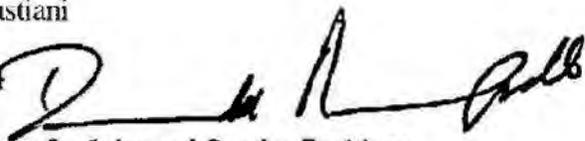
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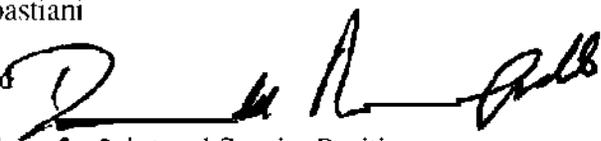
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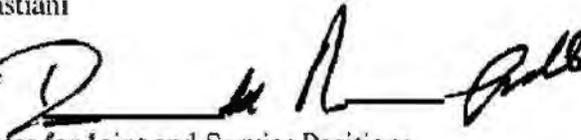
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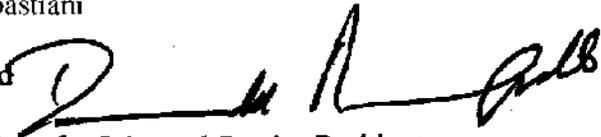
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NOV 10 2005

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Please Respond By 12/30/05

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DEPARTMENT OF DEFENSE

COMMANDER
U.S. JOINT FORCES COMMAND
1562 MITSCHER AVENUE SUITE 200
NORFOLK, VA 23551-2488

OFFICE OF THE
SECRETARY OF DEFENSE

FORMERLY
IN REPLY REFER TO

29 December 2005

The Honorable Donald Rumsfeld
The Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Mr. Secretary,

In your 10 November letter you asked us to comment on those flag and general officers whom we work with that have "the greatest potential for Service or Joint positions well into the future."

We have a number of outstanding flag and general officers at Joint Forces Command, but I will only address those who are due to rotate in 2006. We have four such officers, two of whom warrant special attention – Maj General Jon Gallinetti, USMC, and BG Tony Cuccolo, USA.

General Gallinetti is the Commander, Joint Warfighting Center and the JFCOM J7 responsible for training in support of joint warfighter development. He has taken joint training to the next level through innovation, dedication and perseverance. Jon has made a huge difference to our war effort with ever more effective mission rehearsal exercises that put together the JTF HQ staff and leadership that is next to go into theater and stress them with realistic and demanding scenarios. Coupled with the help of senior mentors like Gen Gary Luck, Jon's team significantly enhanced the ability of CJTF-76, MNC-I, and JTF HOA to take on their responsibilities immediately upon entering the theater. There are few more professionally competent senior officers in our military. Jon has vision, is articulate, and clearly understands jointness. His in-depth comprehension of training transformation is unparalleled. He knows both the tactics and technology required to achieve our future objectives in joint training. I put him in the same category as LTG Petreus when it comes to training and he would be perfect as the MNSTC-I commander after LTG Dempsey. In whatever position he assumes next, he will help further the vision of a truly joint, combined, interdependent fighting force.

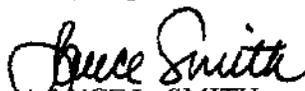
BG Tony Cuccolo is the commander of the Joint Center for Operational Analysis and responsible for joint lessons learned. His agency collects and analyzes findings from events such as OIF, OEF, and Katrina and uses leading edge techniques to recommend and implement fixes to problems identified in the process. His results feed the concept development and experimentation process that leads to improved training at both the tactical and operational level of war. His quick look reports to commanders in the field and Service leadership help to identify areas where immediate attention is needed to improve the efficiency and effectiveness of the force and in many cases save lives. Tony is a natural leader with outstanding combat experience and impressive intellectual skills. He should get his second star on the next board and be ready for a combat leadership position where he can use his extensive knowledge to improve the warfighting capability of whatever organization he leads.

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Both of these individuals are superstars in the joint world as well as their respective services. They will help our collective effort to realize your vision for a superior interdependent military that can successfully perform any mission with speed, agility, and dominant force. I commend MG Jon Gallinetti and BG Tony Cuccolo to you for consideration as you look at future leaders for our military.

Very respectfully,


LANCEL. SMITH

General, U.S. Air Force

copy to:
Chairman of the Joint Chiefs of Staff
Vice Chairman of the Joint Chiefs of Staff
Commandant of the Marine Corps
Chief of Staff of the Army

~~FOUO~~

NOV 10 2005

TO: Vice President Richard B. Cheney
The Honorable Andrew H. Card Jr.

FROM: Donald Rumsfeld 

SUBJECT Detainee Information

Attached is a report on detainee operations that addresses the issues that have **been** raised. The attachments describe the investigations that have been held, the briefings, the hundreds of improvements that have been made in detainee operations, and the new policies that have been issued.

I don't suggest you read it in detail, but I do think it would be useful for you to be aware of all the solid work that has been done.

Respectfully,

Attach Detainee Report

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A Report on
Detention Operations

November 2005

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 **prism** in Iraq and other detainee matters. We remember well the body **Mow** 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, 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

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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

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- 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.

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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,

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.

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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 Gbraib 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 ~~Ghrai~~ 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.

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:

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“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.

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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

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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 Gbraib 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 US. 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.

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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

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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

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TAB

1

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 internecs 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 Academics **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 800th 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 I – 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

- o 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
 - o Investigate allegations of detainee abuse
 - o Applies to all detainees under the control of Combined Joint Special Operations **Task Force** – Arabian Peninsula (CJSOTF-AF) or **5th** Special Forces Group
 - o Examine procedures and facilities used for detainee operations
 - o Establish command and control authorities over detainees within CJSOTF
- Began **14** May 2004; completed 10 October **2004**
- Briefed to SECDEF on 11 **January** 2005
 - o 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

- Assessment was initiated by Acting Secretary of the Army
- Began 10 February 2004; completed 21 July 2004.
 - Some of the recommendations (representative sampling)
 - Comply with requirements for humane treatment of detainees (Closed)
 - TRADOC develop and implement additional training for leaders (In progress)
 - Integrate detention operations into Field Training Exercises (In progress)
 - **Stress** the importance of positive unit morale and command climate (Closed)
 - Update military force structure (In progress)
 - Take corrective action to improve the living and working conditions at all facilities housing detainees (Closed)
 - Review physical and operations security requirements and procedures (Closed)
 - Take corrective action to ensure detainees receive adequate medical care (Closed)
 - Segregate enemy prisoners of ~~war~~ **from** civilian detainees in accordance with the Geneva Conventions (Closed)
 - Ensure all units are trained before assuming their **mission** (Closed)

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. Homer, 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)**

TAB

2

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-Samorra)

02 Feb 2005 Rep Costello (BGWright-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 (BGHood/CDR Ostergaard)

29 Jun HASC (BGHood/CDR Ostergaard)

29 Jun Sen Reed (TIG/TJAG ref DAIG ROI process)

30 Jun HPSCI (Army ref CID detainee investigations process)

06 Jul SASC (BGHemingway/RADM Mcgarrah/Waxman)

06 Jul HASC (BG Hemingway/RADM Mcgarrah/Waxman)

06 Jul SSCI (BGHemingway/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**)
27 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 Waren)

19 May SSCI (MG Miller)

19 May HASC (LTG Alexander)

20 May SFRC (LTG Alexander)

21 May SASC (MGRomig/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/CLA/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 Mikolaahck)
21 Jul SSCI (LTG Mikolaahck)
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 (~~Gerren~~ 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 Sen McCain'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 McGarrath 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, U.S. 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, U.S. 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.

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
- 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:

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.

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

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

TAB

3

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/54173

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

- All found guilty
- Sentences ranges 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(O5-O2) from 2 different Military Police Companies

- 3 received **General Officer** Memoranda of Reprimand
- O5 (LTC) **was** suspended from command
- O2(1LT) received letter of admonishment

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

- O6 (COL)
 - fined \$4000 month x 2 months
 - General Officer **Memorandum of Reprimand**
- 3 Military Intelligence Soldiers (**E4/E5**) pending NJP

11-L-0559/OSD/54174

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

TAB

4

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.

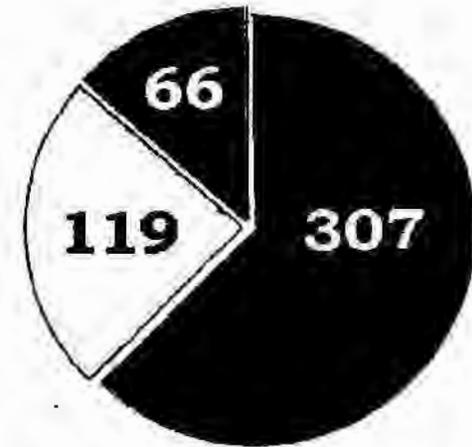
- Expediting publication of **Joint Doctrine for Detainee Operations (Joint Publication 3-63)**.
- Including **Joint Interrogation Operations** in “**Joint and National Intelligence Support to Military Operations**.”(Joint Publication 2-01)
- Added **Detainee Operations** to “**Joint Training Policy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

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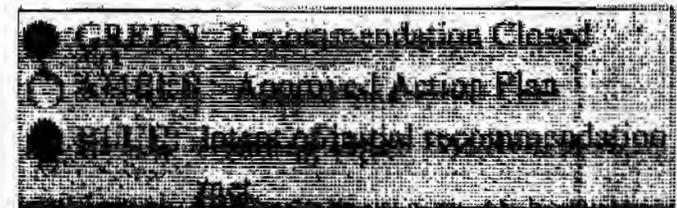
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Detainee Senior Leadership Oversight Council (DSLOC) Recommendations Status by Organization

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



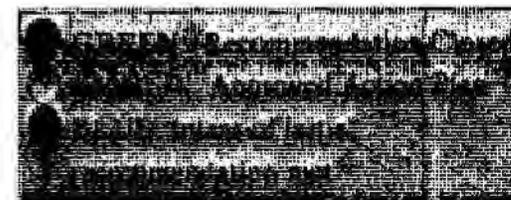
Total = 492



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



As of 05Aug 05

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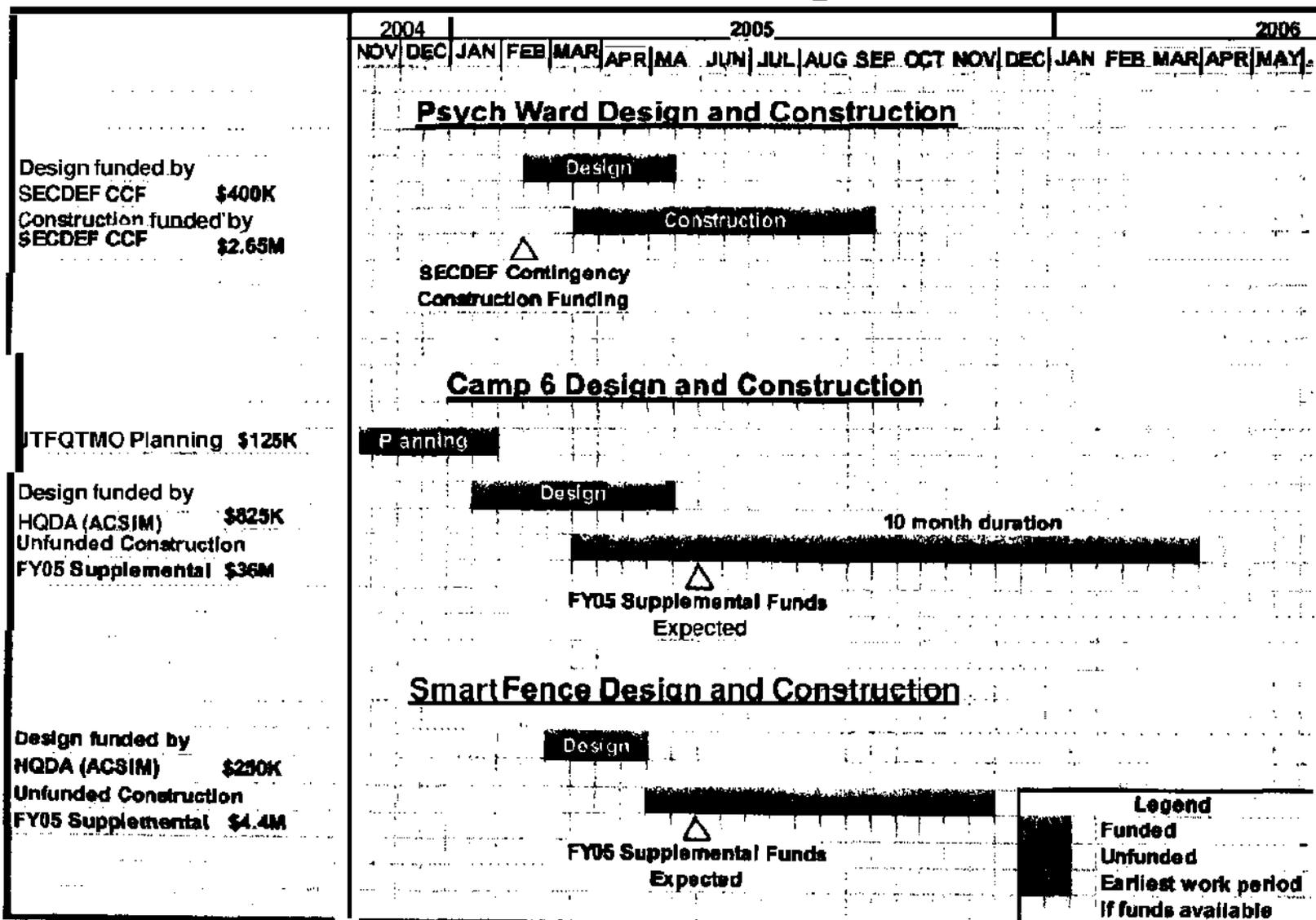
6

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

Detainee Publications' Status

<u>Publication</u>	<u>Purpose</u>	<u>OPR</u>	<u>Publication ID</u>	<u>Status</u>
DoDD 3115.09 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	The purpose is to update the existing directive to reflect the changing nature of 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	OSD Detainee Affairs	Nov 2005	Final Coordination draft is out for review

Detainee Publications' Status

Publication	Purpose	OPR	Publication Date	status
JP 3-63 Detainee Operatiins	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 MTP 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.		Mar 2006	Under Revision Synchronization w/ DoDD 31 15.09
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 Jun 2000	Under Revision Pending final publication of DoDD 2310.1

Detainee Publications' Status

<u>publication</u>	<u>Purpose</u>	<u>OPR</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	Dec2005 – 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

TAB

8

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 stories 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 care, 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 Ease 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.**

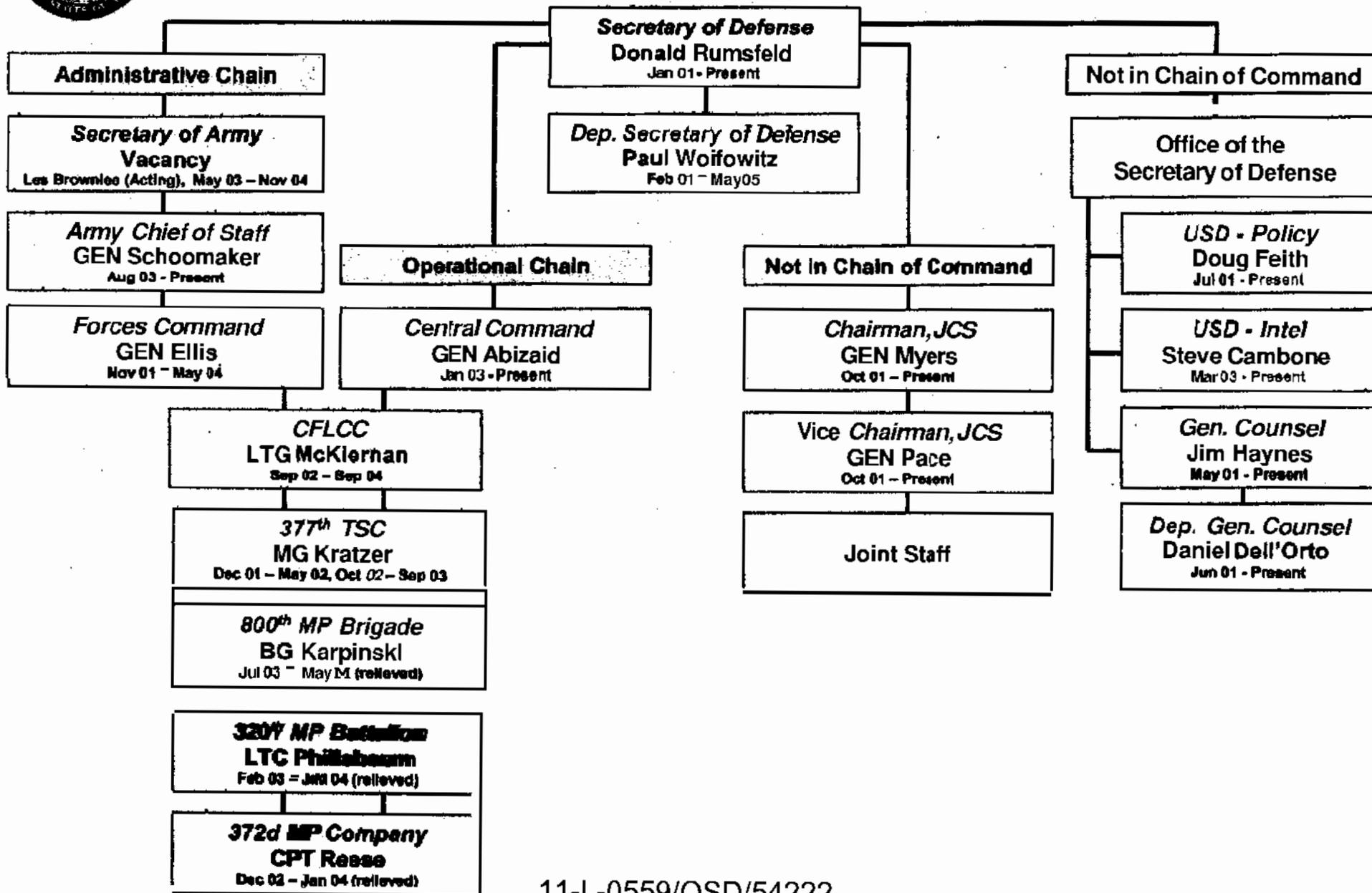
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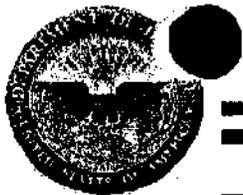


DoD Chains of Command until 19 Nov 03

(Abu Ghraib abuses: Sep - Dec 03)

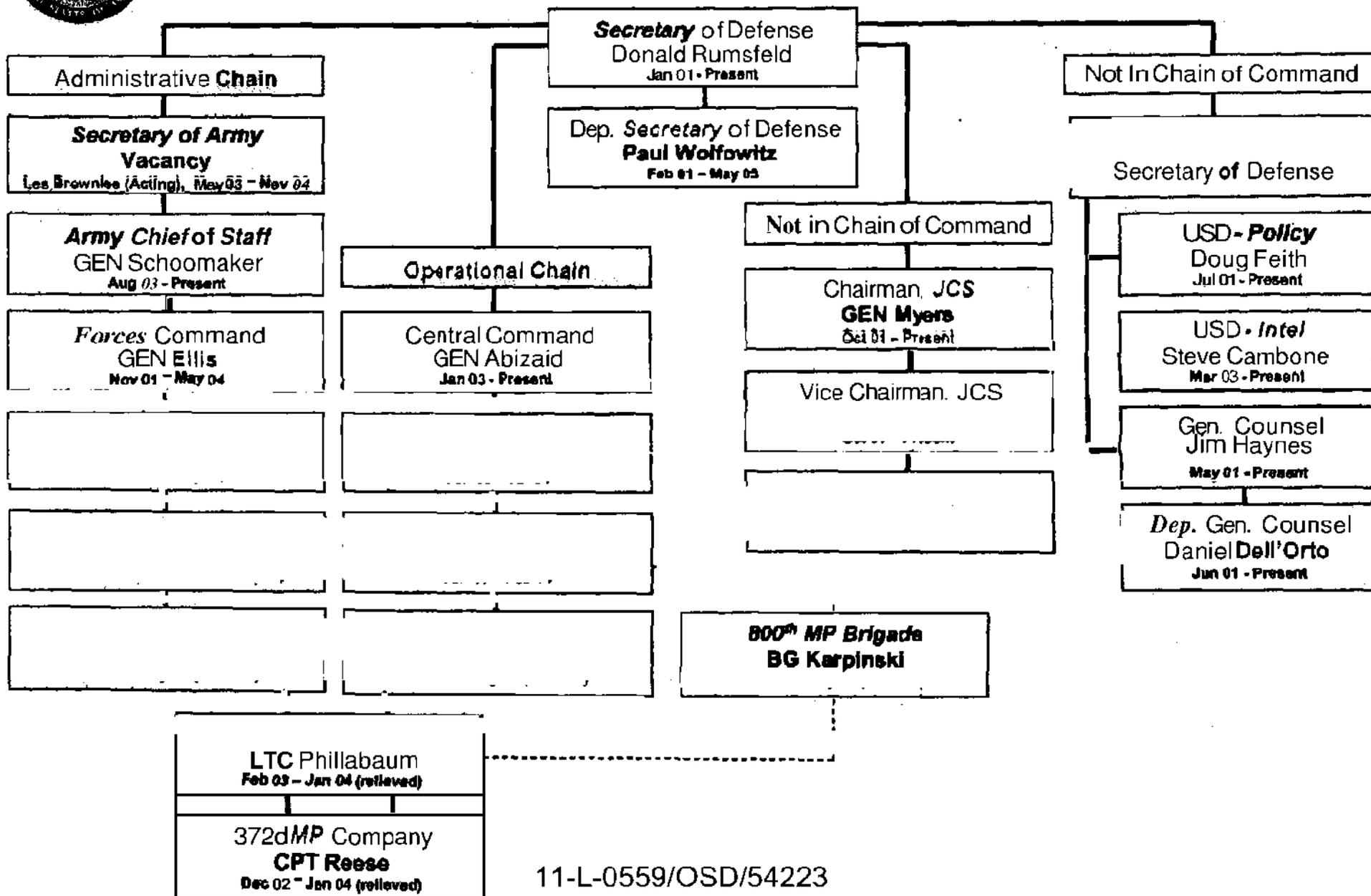


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DoD Chains of Command after 19 Nov 03

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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 Detainer: 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:

31. 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 2310.1, "DoD Detainee Program" (draft), upon publication (reference (d)), instructions or other issuances. Acts of physical or mental torture are prohibited.

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

32.1. Promptly reported as outlined in enclosure 3.

32.2. Promptly and thoroughly investigated by proper authorities, and

32.3. 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.

33. 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 Issues. Decisions regarding appropriate medical treatment of detainees and the sequence and timing of that treatment are the province of medical personnel. Medical program support for detainee operations is governed by policies set forth by the Assistant Secretary of Defense for Health Affairs (ASD(HA)), under the Under Secretary of Defense for Personnel and Readiness (USD(P&R)). Detainees determined by medical personnel to be medically unfit to undergo interrogation will not be interrogated.

3.4.3.1. Reporting. Medical personnel will promptly report suspected abuse to the proper authorities, as outlined in medical policies issued by the ASD(HA) and specified in enclosure 3.

3.4.3.2. Medical Information. Generally, information pertaining to medical conditions and care provided to patients, including medical care for detainees, is handled with respect for patient privacy. Under U.S. and international law, there is no absolute confidentiality of medical information for any person, including detainees. Release of medical information for purposes other than treatment is governed by standards and procedures set forth by the ASD(HA). Medical information may be released for all lawful purposes, in accordance with such standards and procedures, including release for any lawful intelligence or national security-related activity.

3.4.3.3. Behavioral Science Consultants. Behavioral science consultants are authorized to make psychological assessments of the character, personality, social interactions, and other behavioral characteristics of interrogation subjects, and to advise authorized personnel performing lawful interrogations regarding such assessments in accordance with subparagraph 4.3.3. Those who provide such advice may not provide medical care for detainees except in an emergency when no other health care providers can respond adequately.

3.4.4. Detention Operations Issues. DoD personnel responsible for detention operations, including Military Police, Security Forces, Master at Arms, and other individuals providing

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 **g 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, debriefing, 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 4.4.2., 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 11004 (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)):

41.9.1. 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.

41.9.2. 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(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 Commanders of the Combatant Commands 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 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 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.

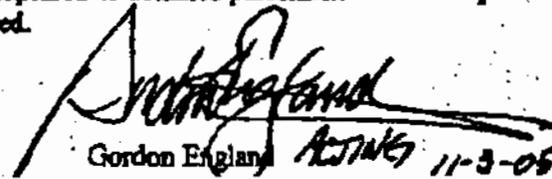
5.

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 -

E1. References, continued

E2. Definitions

E3. Reportable Incident Requirements

E1. 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. Capture of Detained Person 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 employes). It does not include DoD personnel being held for law enforcement purposes.

E2.1.2. Debriefing. The process of questioning cooperating human sources to 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 where the alleged incident occurred.

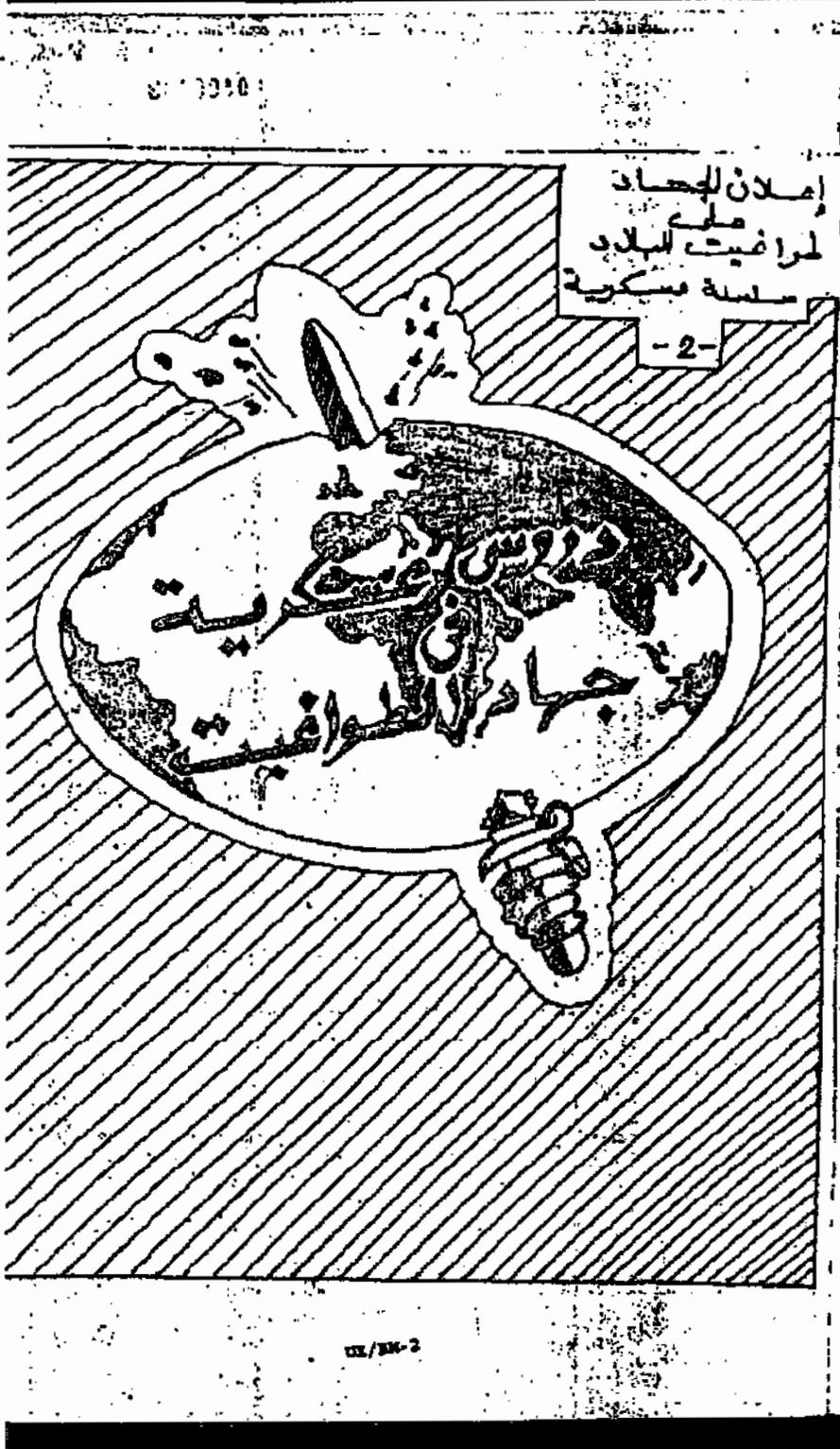
E3.1.3. The Combatant Command—, the Secretaries of the Military Departments, and similar authorities shall establish procedures and report, by the most expeditious means available, all reportable incidents to the Chairman of the Joint Chiefs of Staff, the USD(I), the DoD GC, the Director of DIA, and 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 (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

11



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 coun-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 coun 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 coun] 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 in 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 bank 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

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 between

11-L-0559/OSD/54241

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2

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

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 terrorists 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 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.defenseli.mil/news/Combatant_Tribunals.html

Responsibility: Designated Civilian *Official*

PA Point of Contact: OARDEC PAO, Lt. Crdr. Chito Peplier (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 Pepler (b)(6) OARDEC = Office for the Administrative Review of the Detention of Enemy Combatants
<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, (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.	JIF GTMO	JIF GTMO Public Affairs (b)(6) SouthCom Public Affairs (b)(6)

* Enemy combatant is defined as a person who is 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



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

JUL 14 2011

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.

- 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/54251

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]", written in a cursive style.

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 27, 1994
(b) AR 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/54254

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.

William Winkenwerder, Jr., MD

HA POLICY 05-006

11-I-0559/OSD/54257

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** legal 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 ~~is~~ 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 ~~get~~ 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. **Not** 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

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.

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FOUO

NOV 10 2005

TO: The Honorable Dr. Condoleezza Rice

CC: The Honorable Alberto Gonzales

FROM: Donald Rumsfeld 

SUBJECT: ~~Detainee~~ Information

Attached are a report on detainee operations and an appendix which lists the investigations, briefings, improvements that have been made, and the various policy directives relating to this subject.

I suggest you look it over to get a sense of the enormous amount of work that has been done.

This has been reviewed by DoD and by the Attorney General. I would like you to give us any suggested edits you may have before we go fii .

Thanks.

Attach Detainee Report

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OSD 2,2114-05

10 Nov 05

FOUO

11-L-0559/OSD/54271

A Report on
Detention Operations

November 2005

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

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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/54274

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- 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.

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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

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

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 Resident 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

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

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:

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“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.

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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.

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.

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 Mobawk” 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.

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11-L-0559/OSD/54301

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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

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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 3115.09 (DoD Intelligence, Interrogation, Detainee Debriefings, and Tactical Questioning)
- #11: Manchester Document - Terrorist training manual (Lesson #1B)
- #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

TAB

1

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 I - 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

- Assessment was initiated by Acting Secretary of the Army
- Began 10 February 2004; completed 21 July 2004.
 - **Some of the recommendations (representative sampling)**
 - Comply with requirements for humane treatment of detainees (Closed)
 - TRADOC develop and implement additional training for leaders (In Progress)
 - Integrate detention operations into Field Training Exercises (In Progress)
 - Stress the importance of positive unit morale and command climate (Closed)
 - Update military force structure (In progress)
 - Take corrective action to improve the living and working conditions at all facilities housing detainees (Closed)
 - Review physical and operations security requirements and procedures (Closed)
 - Take corrective action to ensure detainees receive adequate medical care (Closed)
 - Segregate enemy prisoners of war from civilian detainees in accordance with the Geneva Conventions (Closed)
 - Ensure all units are trained before assuming their mission (Closed)

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. Homer, 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)**

TAB

2

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 **Ghrah**)

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/CLA) (closed)

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

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

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 (CLA/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 Mcgarrath/Waxman)
 06 Jul HASC (BG Hemingway/RADM Mcgarrath/Waxman)
 06 Jul SSCI (BG Hemingway/RADM Mcgarrath/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 Schmid/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)
27 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 Waren)

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 Olsou)
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 Sen McCain'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, U.S. 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, U.S. 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.

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
- 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 HLITSON, PRESIDENT AND DEAN, **FRANKLIN PIERCE LAW CENTER**
-

GRAHAM:

Admiral?

MCGARRAH:

Senator Graham, members of the committee, **Im** Admiral Jim McGarrah, civil engineer corps, United States Navy, and **Im** 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.

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
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 - 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 Qaeda 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.

TAB

3

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/54355

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

- All found guilty
- Sentences ranges 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 (O5-O2) from 2 different Military Police Companies

- 3 received General Officer Memoranda of Reprimand
- O 5 (LTC) was suspended from command
- O 2 (1LT) received letter of admonishment

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

- **O6 (COL)**
 - fined \$4000 month **x 2** months
 - General Officer Memorandum of Reprimand
- 3 Military Intelligence Soldiers (**E4/E5**) pending NJP

11-L-0559/OSD/54356

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

TAB

4

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)**

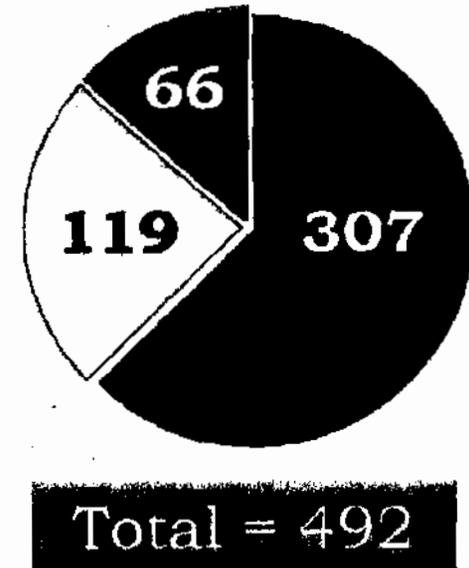
TAB

5

Detainee Senior Leadership Oversight Council

(DSLOC) Recommendations Status by Organization

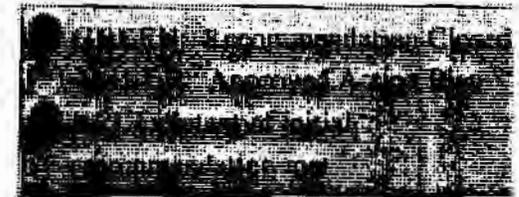
Organization	Recommendations	Closed Items	Open Items (Amber)	Open Items (Blue)
CENTCOM	175	162	10	3
OSD	126	34	44	48
Army	106	64	37	5
SOUTHCOM	30	21	9	0
Policy Working Group	20	9	4	7
Joint Staff	16	6	8	2
JFCOM	10	5	5	0
Navy	4	3	0	1
Army/Navy	2	2	0	0
CENTCOM/SOUTHCOM	1	0	1	0
Army/CENTCOM	1	0	1	0
UCMJ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



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



AS OF 05/11/05

TAB

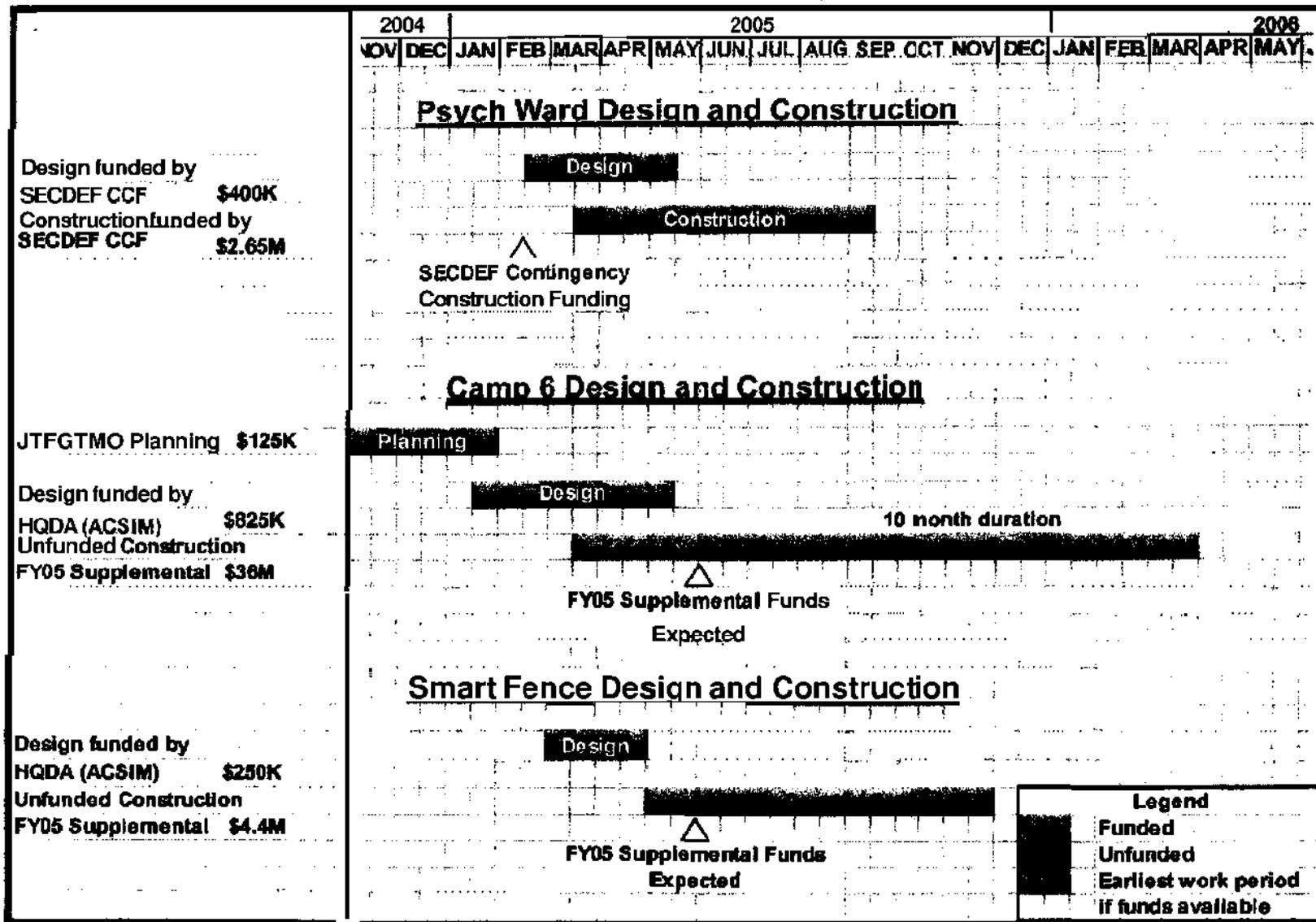
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Afghanistan Detention Facilities

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. TIFEXPANSION.

- a. Camu 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

Detainee Publications' Status

<u>Publication</u>	<u>Purpose</u>	<u>OPR</u>	<u>Publication Date</u>	<u>Status</u>
DoDD 3115.09 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	The purpose is to update the existing directive to reflect the changing nature of 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.	OSD Detainee Affairs	Nov 2005	Final Coordination draft is out for review

Detainee Publications' Status

<u>Publication</u>	<u>Purpose</u>	<u>OPB</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 MTTP 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>ORR</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	Dec2005 – 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

TAB

8

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

avored 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:

- 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 care, 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.jtftmo.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.**

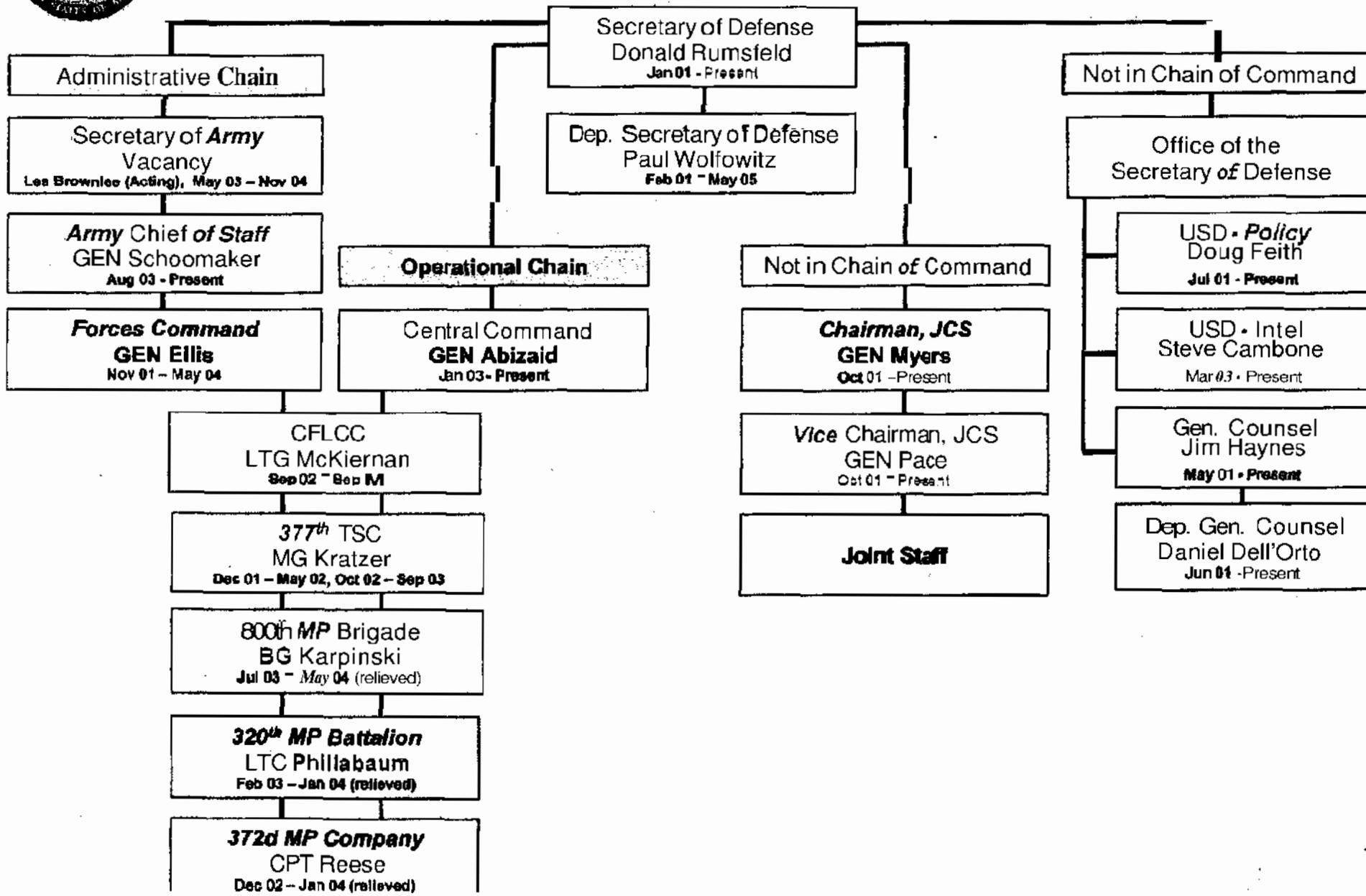
TAB

9



DoD Chains of Command until 19 Nov 03

(Abu Ghraib attacks: Sep - Dec 03)

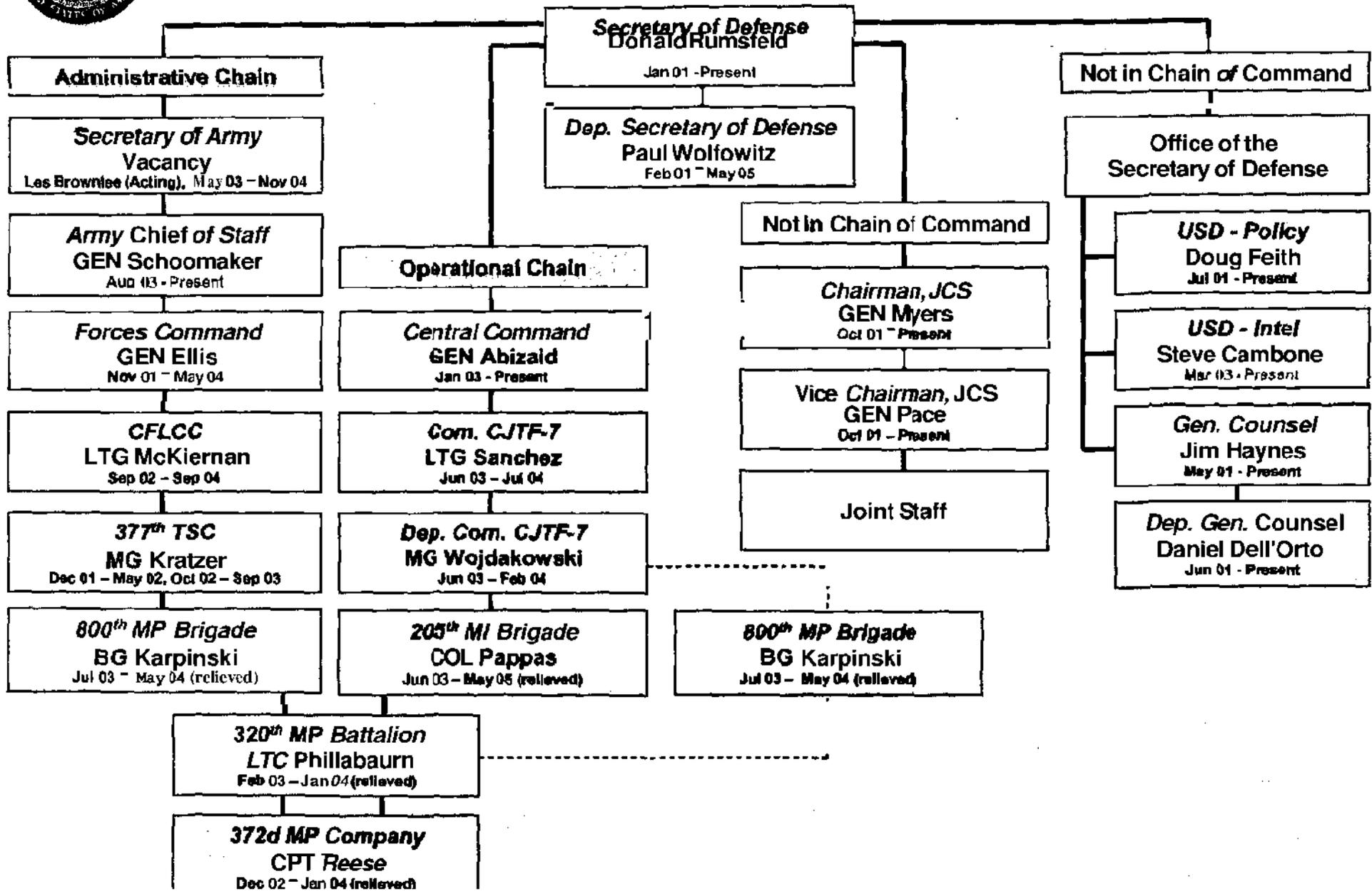


11-L-0559/OSD/54404



DoD Chains of Command after 19 Nov 03

(Abu Ghraib and other: Sep - Dec 03)



11-L-0559/OSD/54405

TAB

10



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**, "POD 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" (draft), 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 operation:

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 Issues.** Decisions regarding appropriate medical treatment of detainees and the sequence and timing of that treatment are the province of medical personnel. Medical program support for detainee operations is governed by policies set forth by the Assistant Secretary of Defense for Health Affairs (ASD(HA)), under the Under Secretary of Defense for Personnel and Readiness (USD(P&R)). Detainees determined by medical personnel to be medically unfit to undergo interrogation will not be interrogated.

3.4.3.1. **Reporting.** Medical personnel will promptly report suspected abuse to the proper authorities, as outlined in medical policies issued by the ASD(HA) and specified in enclosure 3.

3.4.3.2. **Medical Information.** Generally, information pertaining to medical conditions and care provided to patients, including medical care for detainees, is handed with respect for patient privacy. Under U.S. and international law, there is no absolute confidentiality of medical information for any person, including detainees. Release of medical information for purposes other than treatment is governed by standards and procedures set forth by the ASD(HA). Medical information may be released for all lawful purposes, in accordance with such standards and procedures, including release for any lawful intelligence or national security-related activity.

3.4.3.3. **Behavioral Science Consultants.** Behavioral science consultants are authorized to make psychological assessments of the character, personality, social interactions, and other behavioral characteristics of interrogation subjects, and to advise authorized personnel performing lawful interrogations regarding such assessments in accordance with subparagraph 4.3.3. Those who provide such advice may not provide medical care for detainee — except in an emergency when no other health care providers can respond adequately.

3.4.4. **Detention Operations Issues.** DoD personnel responsible for detention operations, including Military Police, Security Forces, Mater at Arms, and other individuals providing