

50 USCS § 98d

Act Oct. 23, 1992, P.L. 102-484, Div C, Title XXXIII, § § 3301-3303, 106 Stat. 2649-2651; Act Nov. 30, 1993, P.L. 103-160, Div C, Title XXXIII, § 3303(b), 107 Stat. 1961; Act Oct. 5, 1994, P.L. 103-337, Div A, Title X, § 1070(c)(3), Div C, Title XXXIII, § 3303, 108 Stat. 2858, 3098.

Act Nov. 30, 1993, P.L. 103-160, Div C, Title XXXIII, § § 3301, 3303(a), 107 Stat. 1960, 1961.

Act Oct. 5, 1994, P.L. 103-337, Div C, Title XXXIII, § 3304, 108 Stat. 3098.

Act Sept. 23, 1996, P.L. 104-201, Div C, Title XXXIII, § § 3301, 3303, 110 Stat. 2854, 2855; Act Oct. 5, 1999, P.L. 106-65, Div C, Title XXXIV, § § 3402(f)(1), 3403(c), 113 Stat. 973, 974; Act Dec. 28, 2001, P.L. 107-107, Div C, Title XXXIII, § 3304(c), 115 Stat. 1390.

Act Nov. 18, 1997, P.L. 105-85, Div A, Title XXXIII, § § 3301, 3303-3305, 111 Stat. 2056, 2057; Act Oct. 5, 1999, P.L. 106-65, Div C, Title XXXIV, § § 3402(f)(2), 3403(b), 113 Stat. 973; Act Dec. 28, 2001, P.L. 107-107, Div C, Title XXXIII, § § 3304(b), 3305, 115 Stat. 1390.

Act Oct. 17, 1998, P.L. 105-261, Div C, Title XXXIII, § § 3301, 3303, 112 Stat. 2262, 2263; Oct. 5, 1999, P.L. 106-65, Div C, Title XXXIV, § 3403(a), 113 Stat. 973; Oct. 30, 2000, P.L. 106-398, § 1, 114 Stat. 1654 (enacting into law § 3302 of Title XXXIII of Division C of H.R. 5408 (114 Stat. 1654A-483), as introduced on Oct. 6, 2000); Dec. 28, 2001, P.L. 107-107, Div C, Title XXXIII, § 3304(a), 115 Stat. 1390; Oct. 28, 2004, P.L. 108-375, Div C, Title XXXIII, § 3302, 118 Stat. 2193.

Act Oct. 17, 1998, P.L. 105-262, Title VIII, § 8109, 112 Stat. 2322.

Act May 21, 1999, P.L. 106-31, Title I, § 303, 113 Stat. 67.

Act Oct. 5, 1999, P.L. 106-65, Div C, Title XXXIV, § 3402(a)-(e), 113 Stat. 972; Nov. 24, 2003, P.L. 108-136, Div C, Title XXXIII, § 3302, 117 Stat. 1788.

Act Oct. 30, 2000, P.L. 106-398, § 1 (Div C, Title XXXIII, § 3303), 114 Stat. 1654, 1654A-483.

Act Dec. 28, 2001, P.L. 107-107, Div C, Title XXXIII, § § 3301, 3303, 3306(a), 115 Stat. 1388, 1389, 1391.

Act Oct. 28, 2004, P.L. 108-375, Div C, Title XXXIII, § 3303, 118 Stat. 2193.

Applicability of 1981 amendment of subsec. (a). Act Aug. 13, 1981, P.L. 97-35, Title II, Subtitle A, § 203(f), 95 Stat. 382, provides: "The amendments made by subsection (a) [amendment of subsec. (a) of this section; see the Amendments note] shall apply with respect to funds appropriated for fiscal years beginning after September 30, 1981."

Authorization of appropriations; utilization. Act Aug. 13, 1981, P.L. 97-35, Title II, Subtitle A, § 202, 95 Stat. 381, provides:

"(a) Effective on October 1, 1981, there is authorized to be appropriated the sum of \$ 535,000,000 for the acquisition of strategic and critical materials under section 6(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)).

"(b) Any acquisition using funds appropriated under the authorization of subsection (a) shall be carried out in accordance with the provisions of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.)."

Prohibition of reductions in stockpile goals. Act Nov. 8, 1985, P.L. 99-145, Title XVI, Part B, § 1612, 99 Stat. 776; Nov. 14, 1986, P.L. 99-661, Div C, Title II, § 3201, 100 Stat. 4067, provides:

"(a) Freeze on goals. (1) No action may be taken before October 1, 1987, to implement or administer any change in a stockpile goal in effect on October 1, 1984, that results in a reduction in the quality or quantity of any strategic and critical material to be acquired for the National Defense Stockpile.

"(b) Definition. For purposes of subsection (a), the term 'stockpile goal' means a determination made by the President under section 3(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b) with respect to the National Defense Stockpile."

NOTES:**Related Statutes & Rules:**

This section is referred to in 50 USCS § § 98e, 98b, 98b-2, 98b-6.

CT. 17, 1998

PUBLIC LAW 105-261—OCT. 17, 1998

112 STAT. 2263

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(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1503. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

50 USC 981 note.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in the amount of—

- (1) \$105,000,000 by the end of fiscal year 1999;
- (2) \$460,000,000 by the end of fiscal year 2002;
- (3) \$555,000,000 by the end of fiscal year 2003; and
- (4) \$590,000,000 by the end of fiscal year 2005.

(b) TABLE.—The total quantity of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Bauxite Refractory	29,000 long calcined ton
Beryllium Metal	100 short tons
Chromite Chemical	34,000 short dry tons
Chromite Refractory	159,000 short dry tons
Chromium Ferroalloy	125,000 short tons
Columbium Carbide Powder	21,372 pounds of contained Columbium
Columbium Concentrates	1,733,464 pounds of contained Columbium
Columbium Ferrite	249,396 pounds of contained Columbium
Columbium Metal—Ingots	161,123 pounds of contained Columbium
Diamond, Stones	3,000,000 carats
Germanium Metal	23,186 kilograms
Graphite Natural Ceylon Lump	5,492 short tons
Indium	14,248 troy ounces
Mica Muscovite Block	301,000 pounds
Mica Phlogopite Block	190,745 pounds
Platinum	439,987 troy ounces
Platinum—Iridium	4,460 troy ounces
Platinum—Palladium	750,000 troy ounces
Tantalum Carbide Powder	23,888 pounds of contained Tantalum
Tantalum Metal Ingots	125,000 pounds of contained Tantalum
Tantalum Metal Powder	125,000 pounds of contained Tantalum
Tantalum Minerals	1,751,364 pounds of contained Tantalum
Tantalum Oxide	132,730 pounds of contained Tantalum
Tungsten Carbide Powder	2,032,896 pounds of contained Tungsten
Tungsten Ferrite	2,024,143 pounds of contained Tungsten
Tungsten Metal Powder	1,888,009 pounds of contained Tungsten

MINIMUM
DISPOSAL
REQUIRED

Authorized Stockpile Disposals—Continued

Material for disposal	Quantity
Tungsten Ores & Concentrates	76,358,235 pounds of contained Tungsten

(c) **MINIMIZATION OF DISRUPTION AND LOSS.**—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) **TREATMENT OF RECEIPTS.**—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of materials authorized for disposal under subsection (a) shall be treated as follows:

(1) The following amounts shall be transferred to the Secretary of Health and Human Services, to be credited in the manner determined by the Secretary to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund:

- (A) \$3,000,000 during fiscal year 1999.
- (B) \$22,000,000 during fiscal year 2000.
- (C) \$28,000,000 during fiscal year 2001.
- (D) \$31,000,000 during fiscal year 2002.
- (E) \$8,000,000 during fiscal year 2003.

(2) The balance of the funds received shall be deposited into the general fund of the Treasury.

(e) **RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.**—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(f) **AUTHORIZATION OF SALE.**—The authority provided by this section to dispose of materials contained in the National Defense Stockpile so as to result in receipts of \$100,000,000 of the amount specified for fiscal year 1999 in subsection (a) by the end of that fiscal year shall be effective only to the extent provided in advance in appropriation Acts.

SEC. 3304. USE OF STOCKPILE FUNDS FOR CERTAIN ENVIRONMENTAL REMEDIATION, RESTORATION, WASTE MANAGEMENT, AND COMPLIANCE ACTIVITIES.

Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended—

(1) by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), respectively; and

(2) by inserting after subparagraph (I) the following new subparagraph (J):

“(J) Performance of environmental remediation, restoration, waste management, or compliance activities at locations of the stockpile that are required under a Federal law or are undertaken by the Government under an administrative decision or negotiated agreement.”.

TITLE XXXIV—NAVAL PETROLEUM RESERVE

Sec. 3401. Definitions.

Sec. 3402. Authorization of appropriation.

Sec. 3403. Disposal of Naval Petroleum Reserve 1.

Sec. 3404. Disposal of Naval Petroleum Reserve 2.

Sec. 3405. Disposal of Oil Shale Reserve.

Sec. 3406. Administration.

SEC. 3401. DEFINITIONS.

In this title:

(1) The term “naval petroleum reserve” means the term in section 101 of the Code.

(2) The term “Naval Petroleum Reserve 1” means the naval petroleum reserve at the Buena Vista unit, that was established by Executive Order on December 13, 1912.

(3) The term “Naval Petroleum Reserve 2” means the naval petroleum reserve at the Teapot Dome unit, that was established by Executive Order on April 30, 1915.

(4) The term “Oil Shale Reserve” means the naval petroleum reserve at the Teapot Dome unit, that was established by Executive Order on December 6, 1916.

(5) The term “antitrust laws” means the term in section 1(a) of the Clayton Act, that the term also includes—

(A) the Act of July 19, 1911, commonly known as the Clayton Act;

(B) section 5 of the Sherman Act (15 U.S.C. 45), to the extent that it relates to unfair methods of competition;

(6) The term “petroleum” means the term in section 7420(3) of title 10.

SEC. 3402. AUTHORIZATION OF APPROPRIATION.

(a) **AMOUNT.**—There are authorized to be appropriated for the purpose of carrying out—

(1) activities under the Code, relating to the naval petroleum reserve 1;

(2) closeout activities under the Code, relating to the sale of title XXXIV of the National Petroleum Reserve 1.

(3) activities under the Code, relating to the Naval Petroleum Reserve 2, and

(b) **PERIOD OF AVAILABILITY.**—The authorization of appropriation available until expended.

UNITED STATES CODE SERVICE
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*** CURRENT THROUGH P.L. 109-20, APPROVED 7/01/05 ***

TITLE 50. WAR AND NATIONAL DEFENSE
CHAPTER 5. ARSENALS, ARMORIES, ARMS, AND WAR MATERIALS GENERALLY
ACQUISITION AND DEVELOPMENT OF STRATEGIC RAW MATERIALS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

50 USC § 98h-2 (2005)

§ 98h-2. Reports to Congress

(a) Not later than January 15 of each year, the President shall submit to the Congress an annual written report detailing operations under this Act [50 USC § 98 et seq.]. Each such report shall include—

- (1) information with respect to foreign and domestic purchases of materials during the preceding fiscal year;
- (2) information with respect to the acquisition and disposal of materials under this Act [50 USC § 98 et seq.] by barter, as provided for in section 6(c) of this Act [50 USC § 98e(c)], during such fiscal year;
- (3) information with respect to the activities by the Stockpile Manager to encourage the conservation, substitution, and development of strategic and critical materials within the United States;
- (4) information with respect to the research and development activities conducted under sections 2 and 8 [50 USC § 98a, 98g];
- (5) a statement and explanation of the financial status of the National Defense Stockpile Transaction Fund and the anticipated appropriations to be made to the fund, and obligations to be made from the fund, during the current fiscal year; and
- (6) such other pertinent information on the administration of this Act [50 USC § 98 et seq.] as will enable the Congress to evaluate the effectiveness of the program provided for under this Act and to determine the need for additional legislation.

(b) (1) Not later than February 15 of each year, the President shall submit to the appropriate committees of the Congress a report containing an annual materials plan for the operation of the stockpile during the next fiscal year and the succeeding four fiscal years.

(2) Each such report shall include details of all planned expenditures from the National Defense Stockpile Transaction Fund during such period (including expenditures to be made from appropriations from the general fund of the Treasury) and of anticipated receipts from proposed disposals of stockpile materials during such period. Each such report shall also contain details regarding the materials development and research projects to be conducted under section 9(b)(2)(G) [50 USC § 98h(b)(2)(G)] during the fiscal years covered by the report. With respect to each development and research project, the report shall specify the amount planned to be expended from the fund, the material intended to be developed, the potential military or defense industrial applications for that material, and the development and research methodologies to be used.

(3) Any proposed expenditure or disposal detailed in the annual materials plan for any such fiscal year, and any expenditure or disposal proposed in connection with any transaction submitted for such fiscal year to the appropriate committees of Congress pursuant to section 5(a)(2) [50 USC § 98d(a)(2)], that is not obligated or executed in that fiscal year may not be obligated or executed until such proposed expenditure or disposal is resubmitted in a subsequent

50 USCS § 98h-2

annual materials plan or is resubmitted to the appropriate committees of Congress in accordance with section 5(a)(2) [50 USCS § 98d(a)(2)], as appropriate.

HISTORY

(June 7, 1939, ch 190, § 11, as added July 30, 1979, P.L. 96-41, § 2(a), 93 Stat. 324; Aug. 13, 1981, P.L. 97-35, Title II, Subtitle A, § 203(e), 95 Stat. 382; Nov. 14, 1986, P.L. 99-661, Div C, Title II, § 3207(a)(3), 100 Stat. 4069; Dec. 4, 1987, P.L. 100-180, Div C, Title II, § 3205, 101 Stat. 1247; Sept. 29, 1988, P.L. 100-456, Div A, Title XV, § 1503, 102 Stat. 2086; Nov. 29, 1989, P.L. 101-189, Div C, Title XXXIII, Part B, § 3315, 103 Stat. 1688; Dec. 5, 1991, P.L. 102-190, Div C, Title XXXIII, Part B, § 3311(b), 105 Stat. 1584; May 31, 1993, P.L. 103-35, Title II, § 204(d), 107 Stat. 103.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES**Explanatory notes:**

Former § 11[10] of Act June 7, 1939, ch 190, as added July 23, 1946, ch 590, 60 Stat. 600, and redesignated by Act Nov. 17, 1971, P.L. 92-156, Title V, § 503(1), 85 Stat. 427, was repealed by Act July 30, 1979, P.L. 96-41, § 2(b)(2), 93 Stat. 324. It provided for a short title, and was classified to 50 USCS § 98.

Amendments:

1981. Act Aug. 13, 1981 designated the existing provisions as subsec. (a), and added subsec. (b).

1986. Act Nov. 14, 1986, in subsec. (b), substituted "each year, at the time that the Budget is submitted to Congress pursuant to section 1105 of title 31, United States Code, for the next fiscal year," for "each year with the Budget submitted to Congress pursuant to section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11(a)), for the next fiscal year".

1987. Act Dec. 4, 1987, in subsec. (b), substituted "Not later than February 15 of each year, the President" for "The President" and deleted "each year, at the time that the Budget is submitted to Congress pursuant to section 1105 of title 31, United States Code, for the next fiscal year," following "Congress".

1988. Act Sept. 29, 1988, in subsec. (a), redesignated former paras. (3) and (4) as paras. (5) and (6), respectively, and added new paras. (3) and (4); and, in subsec. (b), substituted "the next fiscal year" for "such fiscal year" and "all planned expenditures from the National Defense Stockpile Transaction Fund" for "planned expenditures for acquisition of strategic and critical materials", and added the sentence beginning "Any proposed expenditure . . .".

1989. Act Nov. 29, 1989, in subsec. (a)(5), substituted "made to the fund, and obligations to be made from the fund," for "made from the fund".

1991. Act Dec. 5, 1991, in subsec. (a), in the introductory matter, substituted "Not later than January 15 of each year, the President" for "The President" and substituted "an annual" for "every six months a", in para. (2), substituted "fiscal year" for "period" and, in para. (5), substituted "current fiscal year" for "next fiscal year"; and, in subsec. (b), designated the existing provisions as paras. (1) through (3) and, in para. (2) as so designated, inserted the sentences beginning "Each such report . . ." and "With respect to each. . .".

Such Act further, in subsec. (a)(1), purported to substitute "fiscal year" for "6-month period"; however, that amendment could not be executed because "6-month period" did not appear in subsec. (a)(1).

1993. Act May 31, 1993, in subsec. (a)(1), substituted "fiscal year" for "six-month period".

Other provisions:

Ex. Or. No. 12155 revoked. Ex. Or. No. 12155 of Sept. 10, 1979, 44 Fed. Reg. 53071, which formerly appeared in part as a note to this section, was revoked by Act Dec. 4, 1987, P.L. 100-180, Div C, Title II, § 3203(b), 101 Stat. 1247, effective 30 days after enactment on Dec. 4, 1987. Ex. Or. No. 12155 provided for delegation of Presidential functions to various departments and agencies.

Delegation of functions. For delegation of functions of the President under this section, see Ex. Or. No. 12636 of Feb. 25, 1988, § 1, 53 Fed. Reg. 6114, which appears as 50 USCS § 98 note.

NOTES:**Related Statutes & Rules:**

This section is referred to in 50 USCS §§ 98d, 98h-1, 98h-6.



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, D.C. 20230

JUL 26 2005

Cornel A. Holder
Administrator
Defense National Stockpile Center
8725 John J. Kingman Road, Suite 3229
Fort Belvoir, VA 22060-6223

Dear Mr. Holder:

Section 10 of the Strategic and Critical Materials Stock Piling Act, as amended by the National Defense Authorization Act for Fiscal Year (FY) 1993, requires the interagency Market Impact Committee (MIC) to advise the National Defense Stockpile Manager of the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the Stockpile proposed for inclusion in an Annual Materials Plan (AMP) submitted to the Congress.

This letter is to provide you with MIC comments and recommendations concerning the proposed revisions to the previously approved FY 2006 AMP. The three commodities for which increases to the AMP were proposed are: 1) chromium metal, from the previously approved 500 short tons to the newly proposed 1,000 short tons, 2) ferrochromium, from the previously approved 110,000 short tons to the newly proposed 150,000 short tons, and 3) tungsten ores and concentrates, from the previously approved 5,000,000 pounds to the newly proposed 20,000,000 pounds.

On May 27, 2005, as part of the MIC's efforts to fulfill its statutory requirement to consult with parties affected by our deliberations, a *Federal Register* notice (70 FR 30693) requesting public comment was published to provide interested parties with an opportunity to inform the MIC of their views on the proposed revisions to the FY 2006 AMP. Thirty comments were received from industry and members of Congress pertaining to the potential increase in the sales ceiling for tungsten ores and concentrates.

On June 28, 2005, the MIC held an interagency meeting with Defense National Stockpile Center (DNSC) officials to discuss the public comments received. The co-chairs of the committee solicited the perspectives of the relevant agencies regarding the market conditions of the proposed commodities and the potential economic impact of additional sales. Background data and previous analyses were submitted to committee members for their review. Specifically, the members of the MIC considered price trends, global supply trends, market share, changing trade patterns (i.e., net imports), and other relevant economic data, and weighed it against DNSC's and the MIC's legislative mandate to protect the U.S. government from avoidable loss.

The MIC co-chairs concurred with the unanimous perspectives of the MIC members in favor of the proposed revisions to the FY 2006 AMP regarding the potential AMP increase for chromium metal and ferrochromium. There were no public comments received regarding the potential AMP increase for chromium metal or ferrochromium.



11-L-0559/OSD/51371

There were thirty public comments received regarding the potential AMP increase for tungsten ores and concentrates. The possibility of certain federal agencies and the military services requesting an increased supply of tungsten ores and concentrates from the National Defense Stockpile in the next few months necessitated that the sales level of tungsten ores and concentrates be increased to eight million pounds from its previously approved level of five million pounds. In addition, documentation submitted by industry supported agency findings that the price spike of tungsten ores and concentrates strongly suggested a condition of markets, both domestic and foreign, facing scarcities of supply for various reasons.

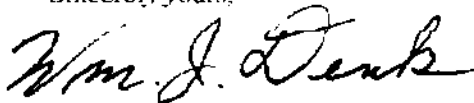
This additional quantity of three million pounds would represent a sixty percent increase over the previously approved AMP level for FY 2006. However, the originally proposed ceiling of twenty million pounds published in the Federal Register on May 27, 2005 was found to lack the necessary economic and trade data to support the position. Moreover, the original proposal was judged to be excessive, at this time, given the global market's capacity to absorb tungsten ores and concentrates in a given year.

It is the consensus of the MIC, at this time, that the proposed disposal quantities of 1,000 short tons for chromium metal, 150,000 short tons for ferrochromium, and 8,000,000 pounds for tungsten ores and concentrates are not likely to cause an undue disruption of the affected domestic and foreign markets for producers, processors, or consumers.

As always, the Committee urges DNSC to pay close attention to industry concerns, particularly for those materials where our information on markets is incomplete, where there is a substantial degree of market uncertainty, or where industry interest in the sales is notable. The MIC will continue to closely monitor markets and will provide DNSC with supplemental comments should we believe there is a need to modify the AMP.

We look forward to working closely with you in this effort and at our next meeting in November 2005.

Sincerely yours,



William Denk
Co-chair, Market Impact Committee
U.S. Department of Commerce



Stanley Specht
Co-chair, Market Impact Committee
U.S. Department of State



THE SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301

AUG 23 2005

The Honorable Rick Santorum
United States Senate
Washington, D.C. 20510

Dear Senator Santorum:

Thank you for your inquiry about sales of tungsten from the National Defense Stockpile. You are correct that tungsten prices are high, market supply is tight, and China is the major supplier. There are, however, no proliferation issues involved.

Because of the shortage, action is underway to increase sales of tungsten from the stockpile in FY 2006. On May 27, 2005, a Federal Register notice requested comments on a proposed increase of tungsten sales from 5 million pounds to 20 million pounds.

The Market Impact Committee (MIC), an inter-agency advisory committee, convened on June 28, 2005, and discussed the tungsten quantity issue. In a letter to the Administrator of the Defense National Stockpile Center dated July 26, 2005, the co-chairs of the MIC reported that it was the consensus of the committee that the sales level of tungsten be increased to eight million pounds. The originally proposed ceiling of 20 million pounds was found to lack the necessary economic and trade data to support the position.

As required by Section 5(a)2 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(d)), the Department's selected disposal quantity will be sent to Congress in a proposed revision to the Fiscal Year 2006 Annual Materials Plan (AMP). We must wait for a period of 45 days after the appropriate committees of Congress receive the revised AMP before we can begin additional sales.

I hope this information is helpful to you.

Sincerely,

OSD 15523-05

11-L-0559/OSD/51373

A-400.23

23 Aug 05

3 Aug 05

~~FOUO~~

August 10, 2005

TO: Stephen J. Hadley

FROM: Donald Rumsfeld *D.R.*

SUBJECT: Latest Recruiting and Retention Numbers

Steve,

Attached is the latest on recruiting and retention, should you get asked.

Regards,

Attach.

8/10/05 DoD News Release

DHR:ss
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OSD 15608-05

~~FOUO~~

11-L-0559/OSD/51374



U.S. Department of Defense
Office of the Assistant Secretary of Defense (Public Affairs)
News Release

SIR —
Good news
(Smiley face)

On the Web:

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IMMEDIATE RELEASE

No. xxx
August 10, 2005

DOD Announces Monthly Recruiting/Retention Numbers

The Department of Defense announced today its recruiting and retention statistics by the active and reserve components for the month of July.

- **Active duty recruiting.** The Army, Navy, Marine Corps, and Air Force met or exceeded their active duty recruiting goals in July. In particular, the Army has been successful since June, recruiting 8,085 men and women for active duty in July against a mission of 7,450 (109 percent). Recruit quality remains high across the Services.

	Accessions	Goal
Army	8,085 (109%)	7,450
Navy*	4,739 (99%)	4,780
Marine Corps	3,609 (103%)	3,505
Air Force	2,099 (101%)	2,087

* During the year, Navy operates within a band from Goal - 100 to Goal + 25.

- **Active duty retention.** Services are on course for a strong finish in FY 2005. Through July 2005 Army reenlisted 58,480 Soldiers toward a year-to-date mission of 54,510 (107 percent)--it is on track to meet its annual mission. Navy has had strong reenlistment performance and attrition rates, which are at or near 15 year lows. Air Force retention is sound, as Air Force reduces strength through voluntary separations in surplus skills. Marine Corps continues to overachieve against its retention goals.
- **Reserve forces recruiting.** Two of the six Reserve components—Marine Corps Reserve (952 achieved/950 goal), and Air Force Reserve (672 achieved/670 goal)—exceeded their July recruiting goals. The Army National Guard achieved 80% of its July recruiting goal (4,712 achieved/5,920 goal). The Army Reserve achieved 82% of its July recruiting goal (2,131 achieved/2,585 goal). The Naval Reserve achieved 54% of its July goal (791 achieved/1,477 goal). The Air National Guard achieved 87% of its July goal (721 achieved/827 goal).

- **Reserve forces retention.** Losses in all Reserve components in June were within acceptable limits. Indications are that trend continued into July. Attrition remains quite low in the Marine Corps Reserve, Air National Guard and the Air Force Reserve.

Fiscal Year-to-date Summary

Fiscal 2005 Active Duty Enlisted Recruiting from Oct. 1, 2004- July 31, 2005

	Quantity	
	Accessions	Goal
Army	55,208	62,385
Navy*	27,701	27,749
Marine Corps	25,006	24,491
Air Force	13,546	13,425

Fiscal 2005 Reserve Component Enlisted Recruiting from Oct. 1, 2004- July 31, 2005

	Accessions	Goal
Army National Guard	39,301	50,909
Army Reserve*	18,087	22,857
Navy Reserve	8,550	10,210
Marine Corps Reserve	7,302	7,283
Air National Guard	7,011	8,446
Air Force Reserve	7,276	6,439

Detailed information on specific recruiting data can be obtained by contacting the individual military recruiting commands at (502) 626-0164 for Army, (210) 565-4678 for Air Force, (703) 784-9454 for Marine Corps and (901) 874-9049 for Navy. The reserve components can be reached at the following numbers: National Guard Bureau (703) 607-5934; Army Reserve (404) 464-8490; Air Force Reserve (703) 697-1761; Navy Reserve (504) 678-6055; and Marine Corps Reserve (504) 678-6535.



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

THE UNDER SECRETARY OF DEFENSE
3010 DEFENSE PENTAGON
WASHINGTON, DC 20301-3010
INFO MEMO

OFFICE OF THE
UNDER SECRETARY OF DEFENSE
2005 AUG 11 AM 6:45

August 10, 2005

TO: SECRETARY OF DEFENSE
ACTING DEPUTY SECRETARY OF DEFENSE

FROM: MR. MICHAEL W. WYNNE

SUBJECT: Base Realignment and Closure (BRAC) Update

This is an update on the BRAC Commission's activity.

Timeline: 29 days remain until the BRAC Commission recommendations are due to the President on September 8th. The Commission will vote in public on all actions in advance of this date, during 24-21 August.

- The President has until September 23rd to accept or reject the Commission's recommendations.
- Congress has 45 legislative days from receipt of the recommendations from the President to enact a joint resolution of disapproval or the Commission's recommendations become binding.

Upcoming Commission Hearings:

- August 11 – Hearing on environmental issues.
- August 11 – Hearing concerning recommendations on the Air National Guard.
- August 20 – Hearing for the Department to provide information in support of our recommendations in advance of the Commission's final votes.
- August 24-27 – Commission mark-up hearings and votes on their recommendations.

Significant issues:

- Potential Commission changes: Attached is a detailed list, updated from last weeks submission, of potential Commission actions to modify, delete, or add to your recommendations (TAB A). The Department's recommendations totaled \$5.5B in Annual Recurring Savings and \$48.8B in Net Present Value (NPV). These possible changes could affect approximately \$2B in recurring savings and \$20B in NPV.
 - We will express our views to the Commission on these actions with a "white paper" for each topic. I will be meeting with the Commission Chairman on August 6th to discuss each of these. This will be an

opportunity to present our views prior to the Commission's hearing on August 20th. I have scheduled a follow-up meeting on August 23rd with Chairman Principi, in advance of the Commission voting on their recommendations later that week.

- o The listing at TAB A and my meetings with the Commission's Chairman address the concerns expressed in your snowflake (TAB B).
- o On August 3rd, the San Antonio Express-News quoted the President as saying, "In order for the process to be nonpolitical, it's very important to make it clear that the decision of BRAC will stand, as far as I am concerned." The likelihood the President will accept the Commission's recommendations underscores the importance of our defense of the recommendations.
- NAS Oceana, VA: The Commission held a Regional hearing on August 4th regarding the Commission's consideration of the closure of NAS Oceana because of the potential for encroachment to effect its viability as a master jet base. The Chief of Naval Operations (CNO) testified and did an exceptional job in supporting the Department's recommendation to retain the installation.
- Air National Guard Recommendations:
 - o As noted above, the Commission has scheduled another hearing on the Air National Guard recommendations. The Commission plans to hold three panels. The first panel will be comprised of Deputy Assistant Secretary for Homeland Defense, Pete Verga, and Admiral Timothy Keating, US Northern Command. The Department of Homeland Security has declined the invitation to appear. The second panel will be comprised of Mr. Michael Dominguez, Assistant Secretary of the Air Force for Manpower and Reserve Affairs, Lieutenant General H. Steven Blum, Chief National Guard Bureau, and Major General Gary Heckman, Assistant Deputy Chief of Staff of the Air Force for Plans and Programs. The third panel will include representatives from the Adjutants General Association of the United States.
 - o The Department of Justice, Office of Legal Counsel (OLC), issued its opinion and has concluded that the Department has the authority under the BRAC Act to make and implement recommendations affecting the Army and Air National Guard without obtaining the consent of state governors.

Attachments: as stated

cc: USD (AT&L)

Potential Commission Additions, Deletions, and Modifications

Title	Description	20 Yr Net Present Value
Army		
Fort Monmouth, NJ	Commission considering retention based on Military Value, Military Construction/relocation costs, and the loss of intellectual capital.	\$1,025.8M
Red River Army Depot, TX	Commission considering retention for surge capacity related to Global War on Terror and Military Construction cost associated with facilitating receiver for displaced workload.	\$539.0M
Navy		
Navy Broadway Complex, San Diego, CA	Commission added Navy Broadway Complex for closure consideration based on their perception that redevelopment would meet Navy's requirements and provide a higher use.	TBD
Naval Air Station Brunswick, ME	DoD recommended realigning this installation. Commission added as a complete closure. This action addresses the economic impact by making the land available to local communities for redevelopment rather than retaining the property in a "warm" status.	\$238.8M
Naval Air Station Oceana, VA	Commission added for closure consideration. The Commission believes that it can help the Navy with its encroachment problem by evaluating the potential to relocate this Master Jet Base to another location.	TBD
Submarine Base New London, CT	Commission considering retention based on perceived Force Structure issues and closure cost.	\$1,576.4M
Portsmouth Naval Shipyard, ME	Commission considering retention based on perceived Force Structure and capacity issues.	\$1,262.4M
Naval Supply School Athens, GA	Commission considering changing the receiving location from Newport, RI to Norfolk, VA.	\$21.8M
Air Force		
Galena Airport Forward Operating Location, AK	Commission added Galena Airport Forward Operating Location for closure consideration to eliminate its redundant infrastructure and bring additional missions to Eielson AFB, AK.	TBD
Pope Air Force Base, NC	DoD recommended realigning this installation. Commission added Pope Air Force Base to examine the need to station an airlift unit at Pope AFB / Fort Bragg, NC.	\$2,515.4M
Ellsworth AFB, SD	Commission is considering retention to avoid single siting the B-1 fleet.	\$1,853.3M

11-L-0559/OSD/51379

Air National Guard (ANG) and Reserve Stations (contained in various AF recommendations)	DoD recommendations realign various Air Guard and Reserve Stations. Commission does not cite specific installations, identifying ANG installations as a category with which they have concerns and including alternatives (from the Guard).	TBD
Joint Cross-Service Groups		
Professional Development Education	Commission <i>added</i> Naval Post Graduate School and Defense Language Institute, Monterey, CA; and the Air Force Institute of Technology, Wright-Patterson AFB, OH to the list of installations for closure or realignment. They are considering consolidation and reliance on the private sector.	TBD
Defense Finance and Accounting Services	DoD recommended consolidating DFAS from 26 to 3 sites: Buckley Annex, CO, Columbus, OH; and Indianapolis, IN. The Commission <i>added</i> these sites for closure consideration to evaluate alternative end state site configuration.	\$1,313.8M
Joint Medical Command	Commission <i>added</i> TRICARE Management Activity, Offices of the Surgeons General, Office of the Secretary of Defense, Health Affairs, all in leased space in VA; Bureau of Navy Medicine, Potomac Annex, DC; and Air Force Medical Command, Bolling AFB, DC, to the list of installations that the Commission will consider for closure or realignment. The Commission is considering co-locating or consolidating these organizations at a single location, perhaps into a Joint Medical Command.	TBD
Joint Center of Excellence for Culinary Training	DoD recommended relocating USN & USAF Culinary Arts Training to Fort Lee, VA, to combine with similar USA training. Commission is concerned about previous difficulty in combining similar training.	\$16.1M
Consolidate Army Test and Evaluation Command (ATEC) Headquarters	Commission considering relocating to Fort Belvoir, VA, rather than relocating it to Aberdeen Proving Ground, MD, to avoid the potential loss of intellectual capital.	\$125.7M
Consolidate/Co-locate Active and Reserve Personnel & Recruiting Centers for the Army and Air Force	DoD recommended consolidating AF personnel & recruiting at Randolph AFB, TX /Robins AFB, GA, and the Army Human Resources Command (HRC) sites at Fort Knox, KY. The Commission is considering changing the receiver site for the Army HRC to St Louis, MO.	\$1,913.4M

Consolidate Defense Information Systems Agency (DISA) and create Joint C4ISR Development & Acquisition capability	DoD recommended consolidating various DISA functions and Combat Commander Development & Acquisition activities at Fort Meade, MD. Commission is considering changing the receiver site to Fort Belvoir, VA (possible switch with National Geospatial Intelligence Agency that DoD recommended be consolidated at Fort Belvoir, VA) or the Arlington Service Center, VA.	\$491.2M
Consolidate Civilian Personnel Offices (CPO)	DoD recommended consolidating CPOs within each Military Department and Defense Agency from 25 to 12 locations. The Commission is examining adding Rock Island, IL as a 13 th receiving site.	\$196.7M
Consolidate Correctional Facilities into Joint Regional Corrections facilities	DoD recommended consolidating Military Department correctional facilities into 5 Joint, Regional Correctional facilities. The Commission is considering rejecting this recommendation because of its cost.	\$2.3M
Joint Basing	DoD recommended consolidating installation management at 12 installations that share boundaries or are in close proximity to each other. The Commission is questioning the Department's stated savings.	\$2,342.5M
National Capital Region (NCR) Leased space	Commission is concerned that the NCR was targeted – all installations were not treated equally	TBD
Consolidate Transportation Command (TRANSCOM) Components	DoD recommended consolidating three locations of the Army Surface Deployment & Distribution Commands (SDDC), a TRANSCOM component, into Scott AFB, IL. The Commission is concerned about possible Continuity of Operations (COOP) issues.	\$1,278.2M
Co-locate Miscellaneous OSD, Defense Agency and Field Activity leased locations	DoD recommended moving DCMA from leased space to Fort Lee, VA. Commission proposes moving DCMA to Fort Belvoir instead of Fort Lee, VA	\$257.6M
Co-locate Miscellaneous AF leased locations and National Guard HQs	DoD recommended moving several AF leased locations to Andrews Air Force Base, MD. Commission considering changing wording in recommendation to allow more flexibility – similar to Navy	\$308.3M
Co-locate Miscellaneous Army leased locations	DoD recommended moving several Army leased locations to Fort Belvoir, VA. Commission considering changing wording in recommendation to allow more flexibility – similar to Navy	\$322.0M
20-locate Missile and	DoD recommended moving several MDA activities to	\$359.1M

Space Defense Agencies	Redstone Arsenal, AL. Commission considering adding the Program Executive Office Missile Systems, in leased space in Huntsville, AL, to this recommendation	
Lima Tank Plant, OH	DoD recommended realigning the Lima Tank Plant by reducing the size of the installation. Commission considering deleting this recommendation based on future potential workload.	\$22.3M
Deseret Chemical Depot, UT	Commission is considering retaining Deseret because of a concern about the Department's ability to complete Chem Demil prior to 2011 .	\$356.4M
Newport Chemical Depot, IN	Commission is considering retaining Newport because of a concern about the Department's ability to complete Chem Demil prior to 2011 .	\$436.2M
Umatilla Chemical Depot, OR	Commission is considering retaining Umatilla because of a concern about the Department's ability to complete Chem Demil prior to 2011 .	\$681.1M
Lackland AFB, TX	DoD recommended relocating all depot maintenance functions to Tobyhanna Depot, PA. The Commission is evaluating concerns raised by NSA.	\$28.0M
Hawthorne Army Depot, NV	DoD recommended closing the Depot and relocating all functions to Tooele Depot, UT. Commission considering retention based on the economic <u>impact</u> .	\$777.7M
Kansas Army Ammunition Plant (AAP), KS	Commission is considering privatization in place rather than closure and relocation of the functions.	\$101.4M
Lone Star Army Ammunition Plant (AAP), TX	Commission is considering privatization in place rather than closure and relocation of the functions.	\$164.2M
Riverbank AAP, CA	Commission is considering privatization in place rather than closure and relocation of the functions.	\$53.3M
Convert inpatient Services to Clinics	DoD recommended disestablishing the inpatient service at nine installations, converting the hospitals to clinics, and relying on the local civilian medical system. Commission considering retention of inpatient services at one location-- Keesler AFB, MS .	\$818.1M
San Antonio Region	DOD recommended consolidating regional military medical care and enlisted medical and basic specialty training at Fort Sam Houston, TX. The Commission considering a different receiving site for enlisted medical and basic specialty training.	\$476.2M
Re-locate Extramural	DoD recommended relocating the Extramural Research	\$572.7M

Research Program Managers	Program Managers from seven separate sites to one location at National Naval Medical Center Bethesda, MD. Commission considering: (1) a different receiving site; and (2) deleting the Defense Advanced Research Projects Agency from this recommendation.	
Consolidate Maritime C4ISR Research, Development & Acquisition, Test & Evaluation	DoD recommended reducing the number of Maritime C4ISR sites from twelve to five. Commission considering retention of one of these sites, Naval Weapons Station, Charleston, SC.	\$455.1M
Defense Research Service Led Laboratories	DoD recommended realigning and consolidating portions of the Army and Air Force Research Labs.. Commission considering rejecting the relocation of the Army Research Laboratory at White Sands Missile Range, NM to Aberdeen Proving Ground, MD.	\$357.3M
Create a Naval Integrated Weapons & Armaments Research, Development & Acquisition, Test and Evaluation (RDAT&E) Center	DoD recommended establishing an integrated Weapons & Armaments RDAT&E center at Naval Air Warfare Center China Lake, CA, with two specific focus sites at Naval Surface Warfare Center (NSWC) Dahlgren, VA, and NSWC Indian Head, MD. Commission is considering modification to retain some personnel at Naval Base Ventura County, CA.	\$433.4M

~~FOUO~~

JUL 25 2005

TO: Mike Wynn

FROM: Donald Rumsfeld *DR*

SUBJECT: Advice on BRAC

We probably ought to get ready to provide some advice to the President, if that is legal and appropriate, once the BRAC Commission decides to send him whatever additions or subtractions might be

before making a decision as to whether or not he wants to send it back to the Commission, the President would probably want to know why we did what we did, and then compare it to why they did what they did. As I recall, that is his legal right.

In any event, we ought to be getting ready to do whatever is proper for the Department of Defense to do, because time is getting short.

Thanks,

DR
Major

.....
Leave respond by August 11, 2005

~~FOUO~~

~~FOUO~~

RECEIVED THE
August 10, 2005

TO: Dan Stanley

2005 AUG 11 AM 7:04

c c : Steve Bucci
Cathy Mainardi

FROM Donald Rumsfeld *DR*

SUBJECT: Congressman Robin Hayes

Please find out if Congressman Robin Hayes voted for **CAFTA**. If he did, get me a phone number for him -- I want to talk to him. (I need this note when I do it.)

Thanks.

DHR:ss
080905-44

.....
Please Respond By 08/12/05

~~FOUO~~

11-L-0559/OSD/51385

OSD 15625-05

July 28,2005

House Roll Call Vote 443

HR 3045

Passage of the bill that would implement a free trade agreement between the United States and Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua and a separate pact with the Dominican Republic. It also would eliminate customs duties on all originating goods traded among the participating nations within 10 days.

Passed by a vote of 217-215:

Republicans 202-27

Democrats 15-187 (Northern Democrats 7-144, Southern Democrats 8-43)

Independents 0-1

Note: July 28,2005 (in the session that began and the Congressional Record dated July 27,2005.)

Vote Key

YEAS (217)

REPUBLICANS (202)

Aderholt (AL-04)	Gerlach (PA-06)	Osborne (NE-03)
Akin (MO-02)	Gibbons (NV-02)	Oxley (OH-04)
Alexander, R. (LA-05)	Gilchrest (MD-01)	Pearce (NM-02)
Bachus, S. (AL-06)	Gillmor (OH-05)	Pence (IN-06)
Baker (LA-06)	Gingrey (GA-11)	Peterson, J. (PA-05)
Barrett (SC-03)	Gohmert (TX-01)	Petri (WI-06)
Bartlett (MD-06)	Goodlatte (VA-06)	Pickering (MS-03)
Barton (TX-06)	Granger (TX-12)	Pitts (PA-16)
Bass (NH-02)	Graves (MO-06)	Platts (PA-19)
Beauprez (CO-07)	Green, M. (WI-05)	Poe (TX-02)
Biggert (IL-13)	Hall, R. (TX-04)	Pombo (CA-11)
Bilirakis (FL-09)	Hans (FL-13)	Porter (NV-03)
Bishop, R. (UT-01)	Hart (PA-04)	Price, T. (GA-06)
Blackburn (TN-07)	Hastert (IL-14)	Pryce, D. (OH-15)
Blunt (MO-07)	Hastings, D. (WA-04)	Putnam (FL-12)
Boehlerl (NY-24)	Hayes (NC-08)	Radanovich (CA-19)
Boehner (OH-05)	Hayworth (AZ-05)	Ramstad (MN-03)

Bonilla (TX-23)	Hefley (CO-05)	Regula (OH-16)
Bonner (AL-01)	Hensarling (TX-05)	Reichert (WA-08)
Bono (CA-45)	Herger (CA-02)	Renzi (AZ-01)
Boozman (AR-03)	Hobson (OH-07)	Reynolds (NY-26)
Bradley (NH-01)	Hoekstra (MI-02)	Rogers, H. (KY-05)
Brady, K. (TX-08)	Hulshof (MO-09)	Rogers, Mike (MI-08)
Brown, H. (SC-01)	Hyde (IL-06)	Rogers, Mike D. (AL-03)
Brown-Waite (FL-05)	Inglis (SC-04)	Rohrabacher (CA-46)
Burgess (TX-26)	Issa (CA-49)	Ros-Lehtinen (FL-18)
Burton (IN-05)	Istook (OK-05)	Royce (CA-40)
Buyer (IN-04)	Jenkins (TN-01)	Ryan, P. (WI-01)
Calvert (CA-44)	Johnson, N. (CT-05)	Ryun, J. (KS-02)
Camp (MI-04)	Johnson, Sam (TX-03)	Saxton (NJ-03)
Cannon (UT-03)	Johnson, Timothy (IL-19)	Schwarz, J. (MI-07)
Cantor (VA-07)	Keller (FL-08)	Sensenbrenner (WI-05)
Carter (TX-31)	Kelly (NY-19)	Sessions, P. (TX-32)
Castle (DE-AL)	Kennedy, M. (MN-06)	Shadeegg (AZ-03)
Chabot (OH-01)	King, P. (NY-03)	Shaw (FL-22)
Chocola (IN-02)	King, S. (IA-05)	Shays (CT-04)
Cole (OK-04)	Kingston (GA-01)	Sherwood (PA-10)
Conaway (TX-11)	Kirk (IL-10)	Shimkus (IL-19)
Cox (CA-48)	Kline (MN-02)	Shuster (PA-09)
Crenshaw (FL-04)	Knollenberg (MI-09)	Smith, L. (TX-21)
Culberson (TX-07)	Kolbe (AZ-08)	Sodrel (IN-09)
Cunningham (CA-SO)	Kuhl (NY-29)	Souder (IN-03)
Davis, G. (KY-04)	LaHood (IL-18)	Stearns (FL-06)
Davis, T. (VA-11)	Latham (IA-04)	Sullivan (OK-01)
Deal (GA-10)	LaTourette (OH-14)	Sweeney (NY-20)
DeLay (TX-22)	Leach (IA-02)	Terry (NE-02)
Dent (PA-15)	Lewis, Jerry (CA-41)	Thomas, B. (CA-22)
Diaz-Balart, L. (FL-21)	Lewis, R. (KY-02)	Thornberry (TX-13)
Diaz-Balart, M. (FL-25)	Linder (GA-07)	Tiahrt (KS-04)
Doolittle (CA-04)	Lucas (OK-03)	Tiberi (OH-12)
Drake (VA-02)	Lungren (CA-03)	Turner (OH-03)
Dreier (CA-26)	Manzullo (IL-16)	Upton (MI-06)

Duncan (TN-02)
Ehlers (MI-03)
Emerson (~~MO-08~~)
English (PA-03)
Everett (AL-02)
Feeney (FL-24)
Ferguson (NJ-07)
Fitzpatrick (PA-08)
Flake (AZ-06)
Foley (FL-16)
Forbes (VA-04)
Fortenberry (NE-01)
Fossella (NY-13)
Franks, T. (AZ-02)
Frelinghuysen (NJ-11)
Gallegly (CA-24)

DEMOCRATS (15)

Bean (IL-08)
Cooper (TN-05)
Cuellar (TX-28)
Dicks (WA-06)
Hinojosa (TX-15)

INDEPENDENTS (0)

Marchant (TX-24)
McCaul (TX-10)
McCrery (LA-04)
McKeon (CA-25)
McMorris (WA-05)
Mica (FL-07)
Miller, Gary (CA-42)
Miller, J. (FL-01)
Moran, Jerry (KS-01)
Murphy (PA-18)
Musgrave (CO-04)
Myrick (NC-09)
Neugebauer (TX-19)
Northup (~~KY-03~~)
Nunes (CA-21)
Nussle (IA-01)

Jefferson (LA-02)
Matheson (~~UT-02~~)
Meeks, G. (NY-06)
Moore, D. (KS-03)
Moran, James (VA-08)

Walden (OR-02)
Walsh (NY-25)
Wamp (~~TN-03~~)
Weldon, C. (PA-07)
Weldon, D. (FL-15)
Weller (IL-11)
Westmoreland (GA-08)
Whitfield (KY-01)
Wicker (MS-01)
Wilson, H. (NM-01)
Wilson, J. (SC-02)
Wolf (VA-10)
Young, C.W. (FL-10)
Young, D. (AK-AL)

Ortiz (TX-27)
Skelton (MO-04)
Snyder (AR-02)
Tanner (~~TN-08~~)
Towns (NY-10)

NAYS (215)

REPUBLICANS (27)

Boustany (LA-07)

Capito (WV-02)

Coble (NC-06)

Cubin (WY-AL)

Foxx (NC-05)

Garrett (NJ-05)

Goode (VA-05)

Gutknecht (MN-01)

Hofstadter (IN-08)

Hunter (CA-52)

Jindal (LA-01)

Jones, W. (NC-03)

LoBiondo (NJ-02)

Mack (FL-14)

McCotter (MI-11)

McHenry (NC-10)

McHugh (NY-23)

Miller, C. (MI-10)

Ney (OH-18)

Norwood (GA-09)

Otter (ID-01)

Paul (TX-14)

Rehberg (MT-AL)

Simmons (CT-02)

Simpson (ID-02)

Smith, C. (NJ-04)

Tancredo (CO-06)

DEMOCRATS (187)

Abercrombie (HI-01)

Ackerman (NY-05)

Allen, T. (ME-01)

Andrews (NJ-01)

Baca (CA-43)

Baird (WA-03)

Baldwin (WI-02)

Barrow (GA-12)

Becerra (CA-31)

Berkley (NV-01)

Berman (CA-28)

Berry (AR-01)

Bishop, S. (GA-02)

Bishop, T. (* *01)

Blumenauer (OR-03)

Boren (OK-02)

Boswell (IA-03)

Boucher (VA-09)

Boyd (FL-02)

Brady, R. (PA-01)

Brown, C. (FL-03)

Gonzalez (TX-20)

Gordon (TN-06)

Green, A. (TX-09)

Green, G. (TX-29)

Grijalva (AZ-07)

Gutierrez (IL-04)

Harman (CA-36)

Hastings, A. (FL-23)

Herseth (SD-AL)

Higgins (NY-27)

Hinchey (NY-22)

Holden (PA-17)

Holt (NJ-12)

Honda (CA-15)

Hooley (OR-05)

Hoyer (MD-05)

Inslee (WA-01)

Israel (NY-02)

Jackson, J. (IL-02)

Jackson-Lee, S. (TX-18)

Johnson, E.B. (TX-30)

Napolitano (CA-38)

Neal (MA-02)

Oberstar (MN-08)

Obey (WI-07)

Olver (MA-01)

Owens (NY-11)

Pallone (NJ-06)

Pascarella (NJ-05)

Pastor (AZ-04)

Payne (NJ-10)

Pelosi (CA-08)

Peterson, C. (MN-07)

Pomeroy (ND-AL)

Price, D. (NC-04)

Rahall (WV-03)

Rangel (* *15)

Reyes (TX-16)

Ross (AR-04)

Rothman (NJ-09)

Roybal-Allard (CA-34)

Ruppersberger (MD-02)

Brown, S. (OH-13)	Jones, S. (OH-11)	Rush (IL-01)
Butterfield (NC-01)	Kanjorski (PA-11)	Ryan, T. (OH-17)
Capps (CA-23)	Kaptur (OH-09)	Sabo (MN-05)
Capuano (MA-08)	Kennedy, P. (RI-01)	Salazar, J. (CO-03)
Cardin (MD-03)	Kildee (MI-05)	Sanchez, Linda (CA-39)
Cardoza (CA-18)	Kilpatrick (MI-13)	Sanchez, Loretta (CA-47)
Carnahan (MO-03)	Kind (WI-03)	Schakowsky (IL-09)
Carson, J. (IN-07)	Kucinich (OH-10)	Schiff (CA-29)
Case (HI-02)	Langevin (RI-02)	Schwartz, A. (PA-13)
Chandler (KY-06)	Lantos (CA-12)	Scott, D. (GA-13)
Clay (MO-01)	Larsen, R. (WA-02)	Scott, R. (VA-03)
Cleaver (MO-05)	Larson, J. (CT-01)	Serrano (NY-16)
Clyburn (SC-06)	Lee (CA-09)	Sherman (CA-27)
Conyers (MI-14)	Levin, S. (MI-12)	Slaughter (NY-28)
Costa (CA-20)	Lewis, John (GA-05)	Smith, A. (WA-09)
Costello (IL-12)	Lipinski (IL-03)	Solis (CA-32)
Cramer (AL-05)	Lofgren (CA-16)	Spratt (SC-05)
Crowley (NY-07)	Lowey (NY-18)	Stark (CA-13)
Cummings (MD-07)	Lynch (MA-09)	Strickland (OH-06)
Davis, A. (AL-07)	Maloney (NY-14)	Stupak (MI-01)
Davis, D. (IL-07)	Markey (MA-07)	Tauscher (CA-10)
Davis, Jim (FL-11)	Marshall (GA-03)	Taylor, G. (MS-04)
Davis, L. (TN-04)	Matsui, D. (CA-05)	Thompson, B. (MS-02)
Davis, S. (CA-53)	McCarthy (NY-04)	Thompson, M. (CA-01)
DeFazio (OR-04)	McCollum (MO)	Tiemey (MA-06)
DeGette (CO-01)	McDermott (WA-07)	Udall, M. (CO-02)
Delahunt (MA-10)	McGovern (MA-03)	Udall, T. (NM-03)
DeLauro (CT-03)	McIntyre (NC-07)	Van Hollen (MD-08)
Dingell (MI-15)	McKinney (GA-04)	Velazquez (NY-12)
Doggett (TX-25)	McNulty (NY-21)	Visclosky (IN-01)
Doyle (PA-14)	Meehan (MA-05)	Wasserman-Schultz (FL-20)
Edwards (TX-17)	Meek, K. (FL-17)	Waters (CA-35)
Emanuel (IL-05)	Melancon (LA-03)	Watson (CA-33)
Engel (NY-17)	Menendez (NJ-13)	Watt (NC-12)
Eshoo (CA-14)	Michaud (ME-02)	Waxman (CA-30)

Etheridge (NC-02)

Evans (IL-17)

Farr (CA-17)

Fattah (PA-02)

Filner (CA-51)

Ford (~~TN-09~~)

Frank, B. (MA-04)

Millender-McDonald (CA-37)

Miller, B. (NC-13)

Miller, George (CA-07)

Mollohan (WV-01)

Moore, G. (WI-04)

Murtha (PA-12)

Nadler (NY-08)

Weiner (NY-09)

Wexler (FL-19)

Woolsey (CA-06)

Wu (OR-01)

Wynn (MD-04)

INDEPENDENTS (1)

Sanders(VT-AL)

NOT VOTING (2)

REPUBLICANS (2)

Davis, Jo Ann (VA-01) ?

Taylor, C. (NC-11) ?

DEMOCRATS (0)

INDEPENDENTS (0)



LEGISLATIVE
AFFAIRS

THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1300

2005 AUG 11 AM 7:03

August 10, 2005, 2:30 p.m.

FOR: SECRETARY OF DEFENSE

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

SUBJECT: Response to SECDEF Snowflake re: Congressman Robin Hayes

- You asked how Rep. Robin Hayes (R-NC) voted on the CAFTA House floor vote. He voted for the free trade agreement. The House Roll Call Vote is attached at Tab 2.
- Rep. Hayes may be reached on his cell at (b)(6)

Attachments:

1. Snowflake#080905-44 dated 8/10/05
2. House Roll Call Vote on CAFTA.

Prepared by: Rebecca Schmidt, OUSD(C) (b)(6)

11-L-0559/OSD/51392

OSD 15625-05

~~FOUO~~

August 16, 2005

TO: David Chu
FROM: Donald Rumsfeld
SUBJECT: Stress on the Force Initiatives Memo

This second bi-weekly report on military conversions is interesting, but it doesn't do the job. I think by now you have received the Iraqi Security Force Update.

That is the kind of briefing I am looking forward to, and you will have to make arrangements to get the Joint Staff to work with you and you will have to get the data from the four Services.

If you have any questions about this, please see me and we can discuss it.

Thanks.

Attach 8/9/05 USD (P&R) Memo to SecDef

DHR:ss
081303-34

.....
Please Respond By September 07, 2005

Kjs
AUG 16 2005

~~FOUO~~
11-L-0559/OSD/51393

OSD 15647-05

320.2

16 AUG 05

9 AUG 05



PERSONNEL AND
READINESS

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

OFFICE OF THE
SECRETARY OF DEFENSE

INFO MEMO

2005 AUG 11 AM 9:00

August 9, 2005, 2:00 PM

FOR: SECRETARY OF DEFENSE

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

SUBJECT: Stress on the Force Initiatives — Military to Civilian Conversions

- This is the second biweekly update on steps for increasing military conversions. It reports on status of current plans by Military Departments.

1. Army: 15,010 conversions completed or planned for FY04 - FY11. The Army is developing plans for additional conversions but does not have an official estimate at this time.
2. Navy: 8,047 conversions completed or planned for FY04 - FY11, and expects to increase this number by over 2,300.
3. Marine Corps: 3,549 conversions; plans to have the Center for Naval Analyses Corporation study their overall methodology and expect to identify additional areas for conversions.
4. Air Force: In January 2005, 14,882 conversions were completed or planned for FY04 - FY11. Because of scheduling delays with OMB A-76 studies and refined estimates from Major Commands, this number was reduced by 3,942. However, the Air Force has identified over 1,000 substitute conversions, bringing is total to 11,944.

- Military Service numbers reported above include over 9,600 conversions for the Defense Health Program (DHP). Preliminary results from the on-going Medical Readiness Review indicate that the number of DHP conversions could be increased by as much as 26,000. However, this preliminary estimate will likely be reduced based on economic analyses and exemptions the Services might require for career progression for health care occupational specialties. (This is in addition to the Service numbers above.)

COORDINATION: NONE

Prepared By: Pam Bartlett, (b)(6)

MA SD	8/11	EMA DSD	
TSA SD	8/11	SA DSD	
EXEC SEC	8/11	1420	
ESR MA	8/11	1130	

OSD 15647-05

11-L-0559/OSD/51394



PERSONNEL AND
READINESS

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

2005 AUG 11 AM 9:00



INFO MEMO

August 9, 2005, 2:00 PM

FOR: SECRETARY OF DEFENSE

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

SUBJECT: Stress on the Force Initiatives—Military to Civilian Conversions

- This is the second biweekly update on steps for increasing military conversions. It reports on status of current plans by Military Departments.
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 3. Marine Corps: 3,549 conversions; plans to have the Center for Naval Analyses Corporation study their overall methodology and expect to identify additional areas for conversions.
 4. Air Force: In January 2005, 14,882 conversions were completed or planned for FY04 - FY 11. Because of scheduling delays with OMB A-76 studies and refined estimates from Major Commands, this number was reduced by 3,942. However, the Air Force has identified over 1,000 substitute conversions, bringing is total to 11,944.
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COORDINATION: NONE

Prepared By: Pam Bartlett, (b)(6)

OSD 15647-05



11-L-0559/OSD/51395

FOUO

2005 JUN 11 AM 11:58
2005 JUN 11 AM 11:58

June 7, 2005

TO: David Chu
FROM: Donald Rumsfeld *TR*
SUBJECT: Joint Foreign Area Officers Program

Attached is an interesting article from Proceedings comparing the Service's FAO programs. Should we have a single, Joint approach for FAO programs?

It doesn't make sense to have each of the Services developing separate tracks. Maybe we should pick the best model and have everyone implement it.

Let me know what you propose.

Thanks.

Attach.
06/05 Proceedings article "Behind the Curve in Culture-Centric Skills"

DDIC-
060703-27 (TS)

.....
Please respond by _____

USD	PDUSD
RA	HA
PI	Readiness
MPP	CPP
PLANS	MC&FP
CCO	

FOUO

OSD 15677-05

11-L-0559/OSD/51396

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11-L-0559/OSD/51397

The Navy must overhaul the FAO program to address the issue of how to improve the Navy's culture-centric warfare skills. An improved program can significantly contribute to traditions to and from hostilities as well as support DoD plans to improve human intelligence capabilities and strategic communications.

DoD FAO Programs

The Defense Department requires all services to maintain FAO programs but each service manages its program differently. Officers are normally assigned to key positions in the defense structure systems, security assistance organizations, the joint staff, State Department, combatant commands and defense agencies, the service staffs, and military service schools.

Navy

The Navy program, which was instituted in 1997, is designed to:

(Basing) selected officers develop the skills required to manage and analyze politico-military activities with an in-depth understanding of underlying economic, social, cultural, psychological and political factors. Using their unique combination of professional military skills, regional expertise, language competency, and post-call experience, FAOs will advance the U.S. interests in a company or region, and enhance the effectiveness of Navy interactions with foreign services, military, and foreign affairs organizations.¹

Accession: Officers, who must be at least lieutenants, are designated following selection by a non-competitive board based on their language aptitude or proficiency and

separate career field Army FAOs compete only against Army Acquisition Corps officers for promotion.²

Accession: The Army holds a board to select FAOs. However, FAOs must have served at least five years in a specific career field and must have had a company command or equivalent. The Army does not designate its officers as FAOs until they are majors.

Training: Army training consists of 6-18 months of language training, 12 months in-country training,³ and 10 months of graduate school. Some of this training can be waived depending on an officer's experience.

Placement: The Army has around 700 FAO billets more than 1000 designated officers.⁴ Officers serve exclusively in designated billets and tend to spend twice as much time overseas as they do stateside.

Marine Corps

The Marine Corps program is part of the Internal Affairs Officer Program (IAOP), which also governs special Affairs Officers (SAOs). The regional officers essentially are who describe FAO qualifications but do possess language skills.

Accession: The Marine Corps designates FAOs through both a study and experience track. Selection for the track is done through an annual competitive board in which first lieutenants through majors with no less than three and no more than 11 years of service are eligible. The Marine Corps also holds a quarterly board to officers requesting a FAO designation based upon experience.

If the Navy wants personnel to become global scouts, it must create a FAO community and career path that will allow competitiveness and promote

a regionally-focused postgraduate degree, regional expertise, or a previously attained subject-specific code.

Training: There is no specific training or maintenance program in the Navy for FAOs. Some lieutenant designees are sent to postgraduate school.

Placement: They are assigned only "where not serving in billets essential to their officer community."⁵ There is no career path for them because they are beholden to the career path of their parent community. For this reason, an officer will usually serve in only one regional assignment and then return to his or her community in order to stay competitive for promotion.

While the Navy has only one FAO-coded billet, there are approximately 250 billets that are regionally focused and could be coded for such officers.⁶ The placement officer does attempt to put personnel with at least a regional sub-specialty into these assignments.

Army

The Army has the best program for training and managing their FAOs within DoD and FAO is a designated

Training: Training consists of 12 months at New Graduate School, 6-15 months of language training, Defense Language Institute (DLI) followed by 12 of in-country training.

Placement: The International Affairs program in the AF has foreign area officers and air regional billets are an additional 160 positions for which International Affairs officers are desired. All FAOs/RAOs are tracked and must maintain proficiency in their specialty. Marine FAOs/RAOs typically alternate assignments in their region of expertise and if many specialty. The Marine Corps tracks FAO positions and retention rates.⁷

Air Force

The Air Force FAO program was recently reorganized under the International Affairs Specialist (IAS) I There are two IAS categories, the Regional Affiliates (RIAS) and the Political-Military Affairs (PMIA), both of which are secondary Air Force Codes (AFSCs).

the International also governs Naval officer is senior but does not

of FAOs through ion for the study no board and with no less than vice are eligible. y board to select raised upon prior

2 FAO Promotion.

as Naval Post- age including at the end by 12 months

program manager onal billet. These in international of- FAOs are dual- y in their primary / alternate between tions and their pri- as FAO promotion

cently reconstituted the (LAS) program- tional Affairs Spec- ty Affairs Strategical Air Force Specialty



The Defense Language Institute in Monterey, California. Foreign area officers candidates from the Army, Air Force, and Marines generally spend 6-18 months at the school to complete their language training.

Acquisition: The Air Force has not yet implemented the LAS program. However, it will hold an annual compulsory board to designate LAS officers. The first board is scheduled for August 2005. Ideally, each program will accept experienced officers, with 7-10 years for LAS officers and 9-10 for PAS officers.¹¹

Training: PAS officers will complete a 3-year program, earning an advanced degree in international or national security studies, attending language training at DLI with fellow-on cultural immersion. PAS officers only need a shorter advanced degree.

Placement: The Air Force has identified approximately 320 PAS and 330 PAS billets. The intent is to have PAS officers alternate between assignments in their primary and secondary AFSCs. PAS officers will also alternate between their primary and secondary AFSC, however, assignment in their primary AFSC will emphasize positions focused on their region of expertise.

In summary, each of our three services has now developed a program with FAO in either a primary or secondary specialization and a plan for tracking and using FAOs. The Navy is the exception—as most of the people I spoke with regarding the Navy FAO program noted, “What FAO program?”¹²

Recommended Changes

As noted, Navy FAOs are assigned only when their community allows it. Regarding the program to a secondary role in the assignment process doomed the program before it got off the deck. Community managers rarely re-lease personnel to these billets because they have too many

unfilled essential billets. Most officers don't want to go outside of their community because of the negative effect on promotion. Those officers who do work outside their community do so generally because they are no longer competitive.

If the Navy wants personnel to become global soon it must create a FAO community and career path if will allow competitiveness and promotion. The best way to achieve this goal is through a separate FAO career designator headed by a flag officer.¹³ Current FAO career is about 900 officers. A fully implemented program that probably includes between 500 and 750 officers. Anything short of a stand-alone community would not only have officers but would likely result in a failed program as happened with the current program and its predecessor, the Canada-Arctic Regional Specialty (CARS).

The argument against any new community is typically that the Navy cannot afford to give up operators to staff functions. However, not everyone needs to be trigger-puller to be considered a war fighter. Ralph I last points this out aptly, “A single officer fluent in local languages and aware of cultural nuances can be more valuable to our military than entire squadrons of F-22s.”¹⁴

The Naval Intelligence community probably has most to lose from the creation of a FAO career field. All FAOs are intelligence officers who may decide to be in the intelligence community. Intelligence and FAO roles can overlap. These issues could be mitigated. FA could and should be assigned to intelligence organizations operational fleets, the Navy Staff, and in how to

Agency Center (JICs) during their career progression.¹⁴ Further, while there may be some duplication of effort between FADs and Intelligence Officers, FADs should serve as intelligence force multipliers by enhancing the information that intelligence officers, who are normally assigned based on factors other than regional expertise, provide to their commanders.

The Navy must also provide an incentive to acquire and sustain language proficiency. While some accurately note that simply knowing a language does not provide awareness of a foreign culture, achieving cultural understanding is virtually impossible without language proficiency. When the current FAD program was initiated in 1997, it provided for continuous language pay, whether in a language coded billet or not. Due to funding priorities, that practice ended in 2004. Candidates pay should be re-



Language training is critical to the Navy. The Navy should encourage candidates pay to provide an incentive to acquire and maintain language proficiency. Without proficiency, understanding of a foreign culture is virtually impossible.

trained and officers possessing skill in more than one language should earn pay for such work. However, pay could be reduced when not in a coded billet. Table 1 recommends updates to the Foreign Language Proficiency Pay (FLPT) structure for FADs. As an example, a FAD with Hebrew (CAT ID) and Spanish (CAT D) capability could earn up to \$400 if in a coded billet.

Candidates pay is important because it ensures that personnel trained in a specific language have both a regional focus and an incentive to maintain proficiency.

Complete a zero-based review

The JAG Office that the placement officer manages runs the games in which FADs normally serve. As noted, regional experts rarely fill these billets. For example, there are 78 Navy defense attaché officer (DAO) billets and it

is the "extreme exception" that these billets are filled by FADs. In fact, "without previous experience nor designation as a FAD is required in most cases" for DAO selection. The attached placement officer does not track who DAOs are FADs.¹⁵ Personnel filling these billets are senior representatives of the Navy in their respective countries and ought to have regional expertise, rather than just a desire to do the job. A review will help ensure proper billets are in the right locations and determine if appropriate end-strength and regional focus in an overall FAD program.

Eliminate up-or-out

Doing away with the up-or-out policy is a Human Capital Strategy problem without an easy solution. The military creates a financial incentive to leave the service after 20 years. In the business world, computers are doing all they can to retain personnel with greater experience and knowledge.

Eliminating up-or-out makes sense in the FAD program for a number of reasons. There should be some benefit to the Navy for the time and expense required to train a FAD. Over a number of years and bi-coastal assignments, a FAD will develop personal contacts and cultural fluency. Longer service time will allow greater development of both. Finally, and perhaps most important, most foreign nations have a great appreciation for the wisdom that sincerely comes with maturity. Older, more experienced officers would have enhanced credibility. A recent RAND study on DoD personnel programs notes that these factors against "neglecting established FADs with new, younger officers undermines the strength of the program."¹⁶ Even if eliminating up-or-out is not achievable, the military service time for commanders and lieutenant commanders serving as FADs should be raised to 30 years.

Proposed FAD Career Path

Simply stating that the Navy should create a separate command down to address key issues required in a new command.

The mission assigned to FADs placed previously should add the following: "In addition, FADs serve a critical role in the development and not-awarding of operations plans, serve as intelligence assessments, continue to DoD internal intelligence programs, and serve as public-affairs advisors to operational Navy staffs."

Accession should consist of an annual competitive board with specific allocations based on staffing needs. Applicants should possess at least five years of service



PERSONNEL AND
READINESS

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

205 AUG 11 AM 11:58



INFO MEMO

August 9, 2005, 1:30 PM

FOR: SECRETARY OF DEFENSE

FROM: David S. C. Chu, Under Secretary of Defense (P&R)

SUBJECT: Joint Foreign Area Officer Program—SNOWFLAKE (Tab A)

- You asked, "Should we have a single, joint approach for FAO programs?"
- That is the direction in which we are headed, through Department-wide standards each program must meet. These were promulgated in DoD Directive 1315.17 "Military Department Foreign Area Officer Programs signed on April 28, 2005, by the Deputy Secretary.
- After signing the Directive, the Deputy Secretary asked the Services to develop action plans. We have received the Army, Navy and USAF Action Plans. The USMC plan will be forthcoming shortly.
- We will review the Service Action Plans with the Chairman, Joint Chiefs of Staff and submit a "Joint Plan" to the Deputy Secretary by September 30, 2005.

COORDINATION: None

Attachment:

As stated

Prepared by: LTC Iris Bulls, ODUSD/PLANS/DLO, iris.bulls@osd.pentagon.mil (b)(6)

(b)(6)



11-L-0559/OSD/51402

OSD 15677-05

~~FOUO~~

DEPT. OF THE
SENATE

June 27, 2005

2005 JUN 11 PM 12:47

TO: Jim Haynes

FROM: Donald Rumsfeld

D.R.

SUBJECT: Joel Flaum

Margaret Robson gave me Joel Flaum's card (attached). He has offered to help out on GTMO one way or another. He has another year as a judge in Chicago, but we could conceivably use him on some matter -- on privacy, for example.

Please see me about this.

Thanks.

Attach: Joel Flaum's business card

DHR:ss
06270548

.....
Please Respond By 07/21/05

~~FOUO~~

11-L-0559/OSD/51403

OSD 15696-05



GENERAL COUNSEL

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

RECEIVED
DEFENSE

2005 AUG 11 PM 12:47

INFO MEMO

August 11, 2005, 11:00 A.M.

FOR: SECRETARY OF DEFENSE

FROM: William J. Haynes II, General Counsel of the Department of Defense

SUBJECT: Judge Joel Flaum

- I have spoken with Judge Flaum. He's impressive, and eager to help if he can. I'm considering whether to recommend him and some others to you as potential Review Panel members to serve alongside Pete Biester, Griffin Bell, Bill Coleman, and Frank Williams.

COORDINATION: None.

Prepared by CDR T. L. Copenhaver, JAGC, USN, Military Assistant (b)(6)



11-L-0559/OSD/51404

OSD 15696-05

August 10, 2005

FOR: Craig Fields

FROM: Gordon England

SUBJECT: Stability Operations Study

Craig
Dear Craig,

This memorandum is to request that you lead a small study team over the next few weeks to recommend the best way to organize DoD to conduct stability operations.

Study participants should include but need not be limited to Michael Bayer, Michael Donley, Jerry Jones, and Jack Keene. The study should use as its starting point the Draft Department of Defense Capabilities for Stability Operations Directive Number 3000.ccE. Please coordinate with Ryan Henry in USD(P) for an initial status brief. I am, however, looking for an independent view from you and your team on how DoD should organize and conduct stability operations as part of an integrated interagency program.

The Defense Science Board can provide action officers to support the study and arrange contractual support if necessary. I trust that you will build on the very fine work you did as part of the earlier DSB study on this subject.

Please plan to brief me on the results of your efforts by mid-September.

Thanks!

Gordon

Attachments:

Terms of Reference, Stability Operations Study
27 July 2005 SecDef Snowflake 072605, "SOLIC and Stability Operations" (FOUO)

OSD 15729-05

11-L-0559/OSD/51405

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10 Aug 05

27 Jul 05

Draft Terms of Reference for Stability Operations Study

Background

- Although the Department plays a critical role in efforts to promote peace and stability worldwide, it is not optimally organized for success in those critical missions. Additionally, the Department must ensure that its efforts at transformation in this area are coordinated with those of the remainder of the United States government, for which incipient efforts are underway. Most importantly, the State Department has established a Coordinator for Reconstruction and Stabilization (S/CRS) with DoD support.
- The Department has conducted significant work to improve its understanding of the requirements for success in stability operations. This understanding is largely a result of the 2004 Defense Science Board study, "Transition to and from Hostilities," and lessons-learned from Iraq, Afghanistan and other stability operations.
- This work has resulted in a Draft *Department of Defense Capabilities for Stability Operations Directive*, Number 3000.ccE.
 - This Draft Directive establishes policy and assigns responsibilities to DoD components within their expertise and authority to develop an array of stability operations *capabilities*.
 - It requires that the Department prepare for stability operations **as** it does for combat operations and provides a vision of stability operations that requires civilian and military contributions and seamless integration within the interagency.
 - It seeks to improve what the Department can within its own organization. It does not (and cannot by the nature of a Secretary of Defense directive) direct any non-DoD entities.
 - It requires Department components to produce measures of effectiveness on stability operations capabilities.

Issues for the Study Group to Examine

- 1) What organizational change is needed within OSD Policy, the Joint Staff and the rest of DoD to manage *implementation* – that is, to ensure that the designated capabilities are created and the interagency and joint vision are followed at various DoD levels?
 - a. How can OSD and the Joint Staff best organize to gain the most leverage for the SecDef in the interagency process to get other departments and agencies to produce stability operations capabilities and contribute more to USG missions?
 - b. Should there be an executive agent for stability operations? (The Secretary of Defense has expressed grave reservations about a service executive agent in the past). If so, what powers and limitations should it have? Who should oversee it?
 - c. Is a board with a secretariat a viable alternative? (If so, how would the secretariat be staffed? Where would the billets come from? What expertise would be required?).
 - d. Is more fundamental change required, such as an Assistant Secretary of Defense for Stability Operations (as suggested by the recent Council on Foreign Relations Report “In the Wake of War: Improving U.S. Post-Conflict Capabilities”)?
- 2) What organization change is needed within DoD to improve our ability to *conduct* or support stability operations – including employing and integrating DoD capabilities with those of other Departments and Agencies, NGOs, international organizations and the private sector.
 - a. What organizational changes does DoD need to undergo to more effectively conduct and support stability operations that involve all national tools of power?
 - b. How should it relate to the Defense Reconstruction and Support Office (formerly the Afghan and Iraq reach-back offices), Policy, the Joint Staff, and the Combatant Commands)?

FOUO

JUL 27 2005

TO: Doug Feith
CC: Gordon England
FROM: Donald Rumsfeld *[Signature]*
SUBJECT: SOLIC and Stability Operations

I wonder if the SOLIC shop's assigned areas of responsibilities may not be best aligned for the Global War on Terror. For example, I don't understand why SOLIC would handle Reconstruction and Stabilization. The logic I was given was that SOF has Civil Affairs. It seems to me that that subject requires a broader policy construct, one that cuts across the Interagency and involves the appropriate COCOMs.

There may be other areas that we should look at as well.

Please get back to me with an assessment as to how, if at all, we might want to rearrange duties within Policy, or outside of Policy, to make sure that we have the right people working on the right topics. Also, please work with the Deputy to ensure that he covers this topic broadly in the Departmental reorganization he is examining.

DDM:sh
072605-0175

.....
Please respond by August 25, 2005

FOUO

OSD 15729-05

11-L-0559/OSD/51408

381

22 Jul 05



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600



INFO MEMO

August 11, 2005, 4:00 P.M.

FOR: ACTING DEPUTY SECRETARY OF DEFENSE

FROM: Daniel J. Dell'Orto, Principal Deputy General Counsel

SUBJECT: SNOWFLAKE: Stability Operations Study

This responds to your request for a legal opinion concerning your memorandum establishing a study team to recommend the best way to reorganize DoD to conduct stability operations. The team will include two members of DoD Federal Advisory Committees, two Federal Government employees and one retired Army officer.

As you have constituted it, this study group is subject to the requirements of the Federal Advisory Committee Act. The Act applies to any committee or other similar group that is not composed wholly of full-time employees of the Federal Government which is established by any agency official for obtaining advice or recommendations on issues or policies which are within the scope of his or her official responsibilities. It imposes a number of requirements on Federal Advisory Committees including publication of meeting notices, and opening meetings and Committee documents to the public (unless they are classified or concern other protected information).

The best way to establish this group expeditiously is to form it as a subcommittee of an existing DoD Federal Advisory Committee, such as the Defense Science Board, to minimize the administrative burden of complying with the Act. The Defense Science Board will be able to assist the study group members in complying with the provisions of the Act.

The current members of DoD Federal Advisory Committees and the Federal Government employees can be designated as members of the subcommittee. The individual who falls into neither of these categories will have to be appointed as a Special Government Employee before he can become a member of the subcommittee. In the meantime, he can be appointed to assist the subcommittee as a consultant.

OSD 15729-05

11-L-0559/OSD/51409

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11 Aug 05

27 Jul 05

He should contact Eric Rishel in the Standards of Conduct Office to initiate the process. Mr. Rishel is located in Room 3B652 and his phone number is (b)(6)

If you have any questions or require any assistance, please have your staff contact Mr. Frank Jimenez, Deputy General Counsel (Legal Counsel) at (b)(6)

COORDINATION: None

Prepared by: Stewart F. Aly (b)(6)

OFFICE OF THE DEPUTY SECRETARY OF DEFENSE

The Military Assistant
10 August 2005 - 0840 Hours

MEMORANDUM FOR: MR. JIM HAYNES, GENERAL COUNSEL

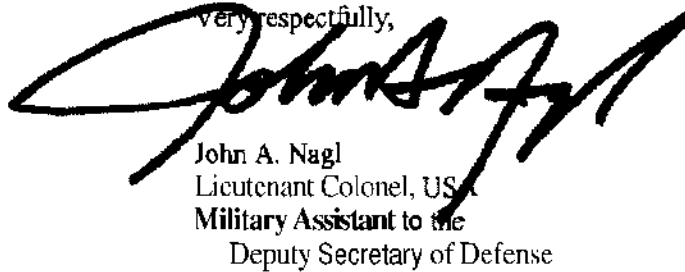
SUBJECT: Stability Operations Study

Sir:

Acting Deputy Secretary England requests you review the attached package, and provide a legal opinion:

Please attach a copy of this tasker with your reply. Thank you.

very respectfully,



John A. Nagl
Lieutenant Colonel, USA
Military Assistant to the
Deputy Secretary of Defense

Attachment:
as stated

Suspense: 15 August 2005

OSD 15729-05

11-L-0559/OSD/51411

381

10 Aug 05

27 Jul 05

~~FOUO~~

August 4, 2005

335 SD

TO: CAPT Tom Mascolo
FROM: Donald Rumsfeld *DR*
SUBJECT: A note for the Eagle Award

Please make sure a thank you note is drafted for the Eagle award.

Thanks.

*(-rwd by SD
from Air Force Sergeants Association*

DHR:as
080105-21

.....
Please respond by 8/11/05

Mr. Joe Kuchera, (SMSgt, retired)

Int'l Director

Mr. Rick Dean (CMSgt, retired)

Executive Director

4 Aug 05

~~FOUO~~

OSD 15820-05

11-L-0559/OSD/51412

File Time	0045	1515	Event Dallas
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Del_Notes

Ever Trifol

11-L-0559/OSD/51413
STAFF@4313hef.org



Aug. 10, 2005

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Updated: 3 Aug 2005

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AMERICAN FORCES INFORMATION SERVICE

NEWS ARTICLES**Rumsfeld Lauds Air Force Progress in Adapting to Fight Terrorists**

By Sgt. Sara Wood, USA
American Forces Press Service

DALLAS, Aug. 3, 2005 – Air Force personnel worldwide have been filling nontraditional roles to contribute to the fight against a multifaceted, adaptive insurgency, Defense Secretary Donald Rumsfeld said here Aug. 2.

Addressing a meeting of the Air Force Sergeants Association, Rumsfeld highlighted the different jobs Air Force personnel have been doing in the war on terror. Airmen have been manning gun trucks, guarding supply convoys, and working on Army vehicles, among other things, he said.

On a recent trip to Balad Air Base, Iraq, Rumsfeld said, he was impressed by the work of these airmen, especially the Air Force doctors and nurses who treat coalition forces and Iraqi civilians.

This change in the Air Force is part of the overall military strategy needed to combat the insurgency there, which is unconventional and doesn't face the same limits coalition forces do, he said.

"We face enemies that have no territory to defend," he said. "They have no treaties to bind; they're unencumbered by laws, by bureaucracy, by regulations. They have a significant advantage -- they need to succeed only occasionally."

To defend against this insurgency, the coalition must be on the offensive and be successful all the time, Rumsfeld said.

"Our coalition must be on the attack, rooting out the terrorists wherever they are," he said.

In addition to fighting the terrorists directly, the coalition needs to help other countries develop tools to fight them as well, Rumsfeld said. These countries must be strengthened so they don't become havens for terrorists, he said.

Iraqis continue to make significant progress towards democracy, Rumsfeld said, adding that the resolve of the Iraqi people and the dedication of coalition troops will ensure a victory.

"Let me say that I have every confidence in the world that we will win this test of wills (in Iraq)," he said.

Biography:

Donald **H. Rumsfeld**

Related Article:

[Coalition Must Be on Offensive Against Terrorists, Rumsfeld Says](#)

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Welcome to the 2005 International Convention and Military Conferences



Welcome to **AFSA's** 42nd annual international convention and military conferences online registration processing. It was designed to assist you with your attendance at this year's convention being held from **July 30 through August 3** at the **Adam's Mark Hotel** in **Dallas, Texas**. This electronic format will allow you to register for your **AFSA** convention or military conference, as well as obtain information you may find extremely useful when planning your trip.


I look forward to meeting each of you at some time during the conference or during the joint convention festivities. Should you encounter a problem while attempting to register or obtain information concerning either the military conferences or **AFSA** convention activities, please contact **AFSA** Headquarters at **1-800-638-0594** for assistance.

From Richard M. Dean, AFSA Executive Director



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THE SECRETARY OF DEFENSE
WASHINGTON

AUG 12 2005

335 SD

Senior Master Sergeant Joe Kuchera, USAF (Ret.)
International President
Air Force Sergeants Association
5211 Auth Road
Suitland, MD 20746

Dear Senior Master Sergeant Kuchera,

It was a pleasure to speak to the Air Force Sergeants Association during your 2005 International Convention in Dallas. It was such an honor to receive the Eagle award, and I want you to know how much I appreciate it.

I also want each of you to know how grateful all of us at the Department of Defense are for your service to our nation and for the important work you are doing at AFSA.

12 Aug 05

With my best wishes,

Sincerely,

4 Aug 05



THE SECRETARY OF DEFENSE
WASHINGTON

AUG 12 2005

Chief Master Sergeant Rick Dean, USAF (Ret.)
Executive Director
Air Force Sergeants Association
5211 Auth Road
Suitland, MD 20746

Dear Chief Master Sergeant Dean,

Thank you so much for the opportunity to speak at the 2005 International Convention of the Air Force Sergeants Association. I was so honored to receive the Eagle award. It helped make my visit to Dallas such a pleasure.

Please know how much I appreciate both your service to our nation and the fine work you are doing for our men and women in uniform.

With my best wishes,

Sincerely,


OSD 15820-05

11-L-0559/OSD/51418

~~FOUO~~

OFFICE OF THE
SEC. OF DEFENSE

2005 . . 12 PM 3: 18 August 10, 2005

TO: Eric Edelman
CC: Gordon England
FROM: Donald Rumsfeld 
SUBJECT: National Security Strategy Ideas

Before he left, Doug Feith sent me this briefing as a potential starting point for our input to the National Security Strategy. It **looks** reasonable to me. I will expect to hear regularly from you as the drafting process proceeds. We should ensure the good work of the QDR is folded into the draft, of course.

Thanks.

Attach: USD (I) Memo *to* SecDef and attached National Security Strategy

DHR:js
081005-10

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10-03-05 16:19 18

~~FOUO~~

OSD 15837-05

11-L-0559/OSD/51419

100 - 2 200

NOTE FOR SECRETARY OF DEFENSE

FROM: Douglas J. Feith, Under Secretary of Defense for Policy

SUBJECT: National **Security** Strategy

This briefing aims to elicit %omyou thoughts we will want to send to the NSC staff (Peter Feaver) for the new National Security Strategy.

11-L-0559/OSD/51420

~~FOUO~~

Proposed Themes of a New National Security Strategy



**Douglas J. Feith
Under Secretary of Defense for Policy
August 2, 2005**

(DELIBERATIVE DOCUMENT: For discussion purposes only.
Draft working papers. Do not release under FOIA)

~~FOUO~~

11-L-0559/OSD/51421



Proposed Themes of a New National Security Strategy

~~FOUO~~

- ☐ Our goal is a well-ordered world of responsible, sovereign states
- ☐ Alliances and international partnerships serve important purposes. It is a key US interest to increase the capabilities of our allies and partners
- ☐ Early measures to address security problems allow us to limit the emergence of crises, and preclude crises from becoming conflicts
- ☐ Flexibility in capabilities, processes, and authorities is what is necessary to allow the United States to protect its interests in a world of strategic uncertainty
- ☐ Security and liberty are the foundations on which prosperity is built

Don

(DELIBERATIVE DOCUMENT: For discussion purposes only.
Draft working papers. Do not release under FOIA)

~~FOUO~~



POLICY

Key Elements of a New National Security Strategy

~~FOUO~~

- ☐ The main elements of U.S. strategy in the war on terrorism are: protecting the homeland; disrupting and attacking terrorist networks; and supporting mainstream efforts to reject violent extremism
- ☐ it is important to reduce ungoverned areas that transnational terrorist or criminal actors can exploit as safe havens; these areas are both physical and virtual
- ☐ We will work with allies and partners to counter international criminal organizations that could work in concert with terrorists and weaken state sovereignty
- ☐ Continuous transformation will ensure the adaptability of our capabilities, business practices, and relationships
- ☐ Across the United States Government (USG) we are continuing to transform authorities, funding, roles, and missions to increase our flexibility to address challenges and seize opportunities
- ☐ To promote joint operations among elements of the USG, it is important to increase the planning, execution and assessment capabilities of USG departments and agencies
- ☐ We will build on progress in key areas of international cooperation, such as the Proliferation Security Initiative and the Global Peace Operations Initiative

(DELIBERATIVE DOCUMENT: For discussion purposes only
Draft working papers. Do not release under FOIA)

~~FOUO~~



POLICY

Key Elements of a New National Security Strategy

~~FOUO~~

- ☐ We remain committed to the active deterrence of aggression and coercion from state adversaries
- ☐ We also will seek to deter terrorists by denying them their strategic goals even in the face of successful terrorist operations (e.g., We will be clear that we will never grant terrorist demands; terrorist coercion will never affect our decisions)
- ☐ We are engaged in a Common Security Assessment--thinking through key security challenges with our allies and partners--to strengthen our combined approach to problems
- ☐ We will continue to strengthen the US global defense posture to continue to fulfill our security commitments and promote peace and liberty
- ☐ We will protect the global commons (international waters, airspace, cyberspace, and outer space) to ensure that threats do not emanate from these natural "seams" in the international system of sovereign states
- ☐ Money is "a coward"...peaceful and secure states can become prosperous through trade and investment
- ☐ We will strengthen public health capabilities to prevent global pandemics and biological attacks

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Draft working papers. Do not release under FOIA)

~~FOUO~~



POLICY

Key Elements of a New National Security Strategy

- ☐ The United States welcomes the rise of a peaceful, prosperous China, one that becomes integrated as a constructive member of the international community
- ☐ But, we see a China facing a strategic cross-roads. Many questions remain about the basic choices China's leaders will make as China's power and influence grow, particularly its military power
- ☐ We will support India's growing role as a global partner in the expansion of freedom, democracy, and security
- ☐ A multilateral solution is required to resolve the North Korean nuclear issue
- ☐ We will continue to encourage NATO transformation so that our allies may join us in our efforts to counter terrorism and build capacity for responsible governance

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~~FOUO~~

11-L-0559/OSD/51425



Key Elements of a New National Security Strategy

~~FOUO~~

- ☐ In the Middle East and Central Asia, we support political reform, expansion of economic opportunity, and the growth of freedom
- ☐ In Asia, we are transforming our already strong relationships with traditional allies and developing new partnerships to address emerging challenges
- ☐ We will be vigilant to revisionist alternatives to free market democracy and to outside powers trying to gain influence in the Western hemisphere
- ☐ In Africa, we are working to promote responsible sovereignty and improve collective responses to terrorism and the spread of dangerous diseases

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~~FOUO~~

~~FOUO~~

DEFENSE I-05/010750
ES-3931

05 DEC 19 PM 3:18

NOTE FOR SECRETARY OF DEFENSE

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

SUBJECT: National Security Strategy Ideas

Doug had also shared the Policy input to the National Security Strategy with me before he departed. I understand that Peter Feaver (NSC staff) was very pleased with it. Ryan Henry and I will work together to make sure you are informed about the drafting process and that the QDR work is reflected in the draft.

~~FOUO~~

OSD 15837-05

08-12-05 A11:36 IN

11-L-0559/OSD/51427

~~FOUO~~

August 12, 2005

TO: Stephen J. Hadley
cc: The Honorable Dr. J.D. Crouch
FROM: Donald Rumsfeld *D.R.*
SUBJECT: Funds to help transform NATO

Van Galbraith has come up with an idea that is described in the attached paper. I believe J.D. Crouch is familiar with it. Van has been talking to key people about it -- some at Treasury and elsewhere.

My suggestion is that you folks take a look at it, and possibly have the PCC or the Deputies' Committee take a look at it. It might be something that would be good to broach at an early NAC meeting at the ambassador level, or in a discussion, for example, at the informal NATO Defense Ministerial meetings in Berlin that are upcoming next month.

I would appreciate it if you would take a look at it, and give me some guidance as to how you think we ought to proceed.

Thanks.

Attach: 4/29/05 Paper: "Money Needed to Transform NATO"

DHR:ss
081205-03

NATO 092

12 Aug 05

~~FOUO~~

OSD 15840-05

11-L-0559/OSD/51428

~~FOR OFFICIAL USE ONLY~~**Money Needed to Transform NATO**

NATO is building an expeditionary capability. It has entered the War on Terrorism and sent forces to Afghanistan - the intention is to reduce the U.S. Forces in Afghanistan and merge them into a NATO Command. A NATO training center is being stood up in Iraq. NATO ships are interdicting suspect maritime traffic in the Mediterranean. NATO has 17,000 troops in Kosovo and retains an office in Bosnia.

The original purpose of NATO, to defend Europe, remains, but the War on Terrorism requires NATO to be capable of projecting force and assistance outside of Europe. To this end, NATO has created a NATO Response Force (NRF) to send up to 20,000 war fighters rapidly into a hostile foreign environment. NATO's expeditionary experience, albeit limited, confirms the NRF's mission, and the value of a NATO capability to the United States is manifest. However, the cold reality is that NATO Allies now know modern expeditionary warfare is expensive. The cost to France of its 45 day peace-keeping mission to the Congo (est. \$500 million) and of containing the revolution in the Cote d'Ivoire (\$675 million per year) has caused France to hollow out forces and cut back on procurement. The UK's operational tempo in Iraq, Afghanistan, and the Balkans has caused delays in force modernization, e.g. aircraft carriers.

This reality of increased costs could soon render NATO impotent. Our Allies are reluctant to respond to SACEUR's force generations. Shortfalls of men and equipment are the rule, not the exception, even though both are available to Allies. Moreover, the United States often has to supply expensive enablers - airlift, logistics, combat services and support, force protection, special forces, intelligence, etc. The United States has spent \$2.5 billion per year to building an Afghan National Army (ANA), a prerequisite to the U.S. and NATO reducing their forces in Afghanistan. The Allies spend relatively little for an ANA capability. The Italians were willing to send 5,000 troops to provide security for the Afghan elections in September 2004, but the United States had to provide airlift and logistical support at an estimated cost to the U.S. of \$6 million. Under a MOU with CENTCOM, NATO is spared millions in force protection for the NATO Provincial Reconstruction Teams (PRTs) and the NATO forces in Kabul. A similar story is developing in Iraq. Allies would not be able to stand up the 350 trainers for a NATO training center without the perimeter protection and logistical support supplied by the United States at a large cost of troops and money.

The chances for meaningful increases in the defense budgets of our Allies are nil. Most have large budget deficits and several are in violation of the EU 3% GDP limitation. And time will not heal the wound. The macro economic outlook in Europe is poor and it will take years before the U.S. economic locomotive overcomes the built-in obstacles to European growth.

The defense funds which were hoped to have been recouped by Allies cutting Soviet oriented defense costs have proved illusory. Transformation has not and will not generate sufficient resources to pull the Allies up above the defense poverty level.

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11-L-0559/OSD/51429

~~FOR OFFICIAL USE ONLY~~

The Secretary General of NATO, Jaap de Hoop Scheffer and SACEUR, General Jones, both call for common funding of operational expenses by Allies. They feel the NRF may otherwise fail. If so, NATO would give way to ad hoc Coalitions of the Willing with each nation paying its own troop costs and the U.S. paying for the enablers and logistics. Coalitions have worked, e.g., twice in Iraq, but if NATO had its own capital a NATO coalition would be broader and deeper. Allies would be more inclined to send troops and material if NATO assumed the cost. Moreover, the United States which has the largest share of the NATO military budget (22%) would benefit the most by not having to pay the usual outsized portion of operational expenses. Thus, the United States could save hundreds of millions or more by the Allies using NATO's capital and not that of the U.S. As significant, the reduction in the use of U.S. forces and equipment would be substantial.

The U.S. is severely cutting its defense budgets to pay for operations in Iraq and Afghanistan. U.S. procurement will continue to slip until these operations run down, causing force modernization and transformation to be adversely affected. Any reduction in our outlays in support of NATO would be welcome elsewhere in our defense budget.

Capitalizing NATO

Today, using only the several guarantees of the Allies (not the joint guarantees), NATO could raise several billion euros or dollars of long term financing. Presently, nations can walk away from their commitments to the NATO budgets. With a bond issue the nations' commitments will run to the bond holders. Taking the U.S. (22%) and Allies at their present share of the NATO military budget, an example of the terms could be:

Amount: 1-3 billion, dollars or euros.

Maturity: 30 year single, bullet payment. Acceleration in the event of default.

Issuer: Special purpose financing subsidiary of NATO.

Guarantors: NATO, and each member severally liable up to its percentage of the military budget.

Form and Denominations: Bearer bonds of e.g., \$1,000,000, \$100,000 or \$50,000.

Prepayment: Prepayment penalty.

Interest rate: 4.5% - 5%. Payable every six months.

Offering and Listing: Offered internationally and listed on the Luxembourg stock exchange.

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Legal Opinions: (a) NATO's legal authority for it and its subsidiary to issue the bonds (b) Verifying the guarantees to be the binding full faith and credit of the guarantors.

Underwriting: The issue of the bonds would be underwritten and sold by an international syndicate of financial institutions.

Bond Rating: AAA or AA+

The Case against Capitalizing NATO

- A. A Congressional appropriation would probably be necessary to allow the U.S. Treasury to guarantee the U.S. portion of bonds issued by NATO and this may be difficult. After the receipt of my letter (March 16, 2005) the Undersecretary of the Treasury accepted in a long telephone conversation (March 31, 2005) that the proposal should generate significant savings to the United States and he opined that Treasury would be "supportive" in seeking Congressional approval to help the US. to save money and reduce casualties.
- B. The fact that the Treasury could borrow at a cheaper rate than NATO creates an argument that it would be cheaper for the US. to supply cash to NATO instead of its guarantee. This argument fails for two reasons. One, the amount saved by the reduction in the U.S.'s paying for the operating expenses of other Allies dwarfs the differential in interest rates between NATO bonds and Treasuries. Second, while the U.S. might be willing to supply NATO with 22% of an expanded military budget in cash, other nations will not, and as the nations do not pay their share, the amount paid by the US. would increase. For most nations it will be politically easier to issue a guarantee and if the U.S. were not to participate, the joint project would fall apart.
- C. It has been said the U.S. should not be a party to an effort by Allies to circumvent their parliaments. Our reply is that the U.S. does what it must do, but it should not try to judge how other democracies conduct their financing.
- D. Some question how NATO will pay the interest and repay the principal on the bonds; it has no taxing power. The investors will be looking to the guarantees and to avoid the embarrassment of having to make good on such guarantees, nations will pay into NATO according to an agreed schedule. The funds raised will not be spent immediately and will be put to work to earn interest and if interest rates rise, to buy back bonds trading below the issue price. Sometime before 30 years NATO will do what governments usually do, refinance debt with another issue of bonds. For every \$1 billion of bonds an annual interest cost of \$45 to 50 million will be paid, diminished by interest earned and repurchase profit for a total cost of say \$25 million per year, i.e. only \$5.5 million for the U.S.

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The Way Forward

It is often said in Washington, by both political parties, that the U.S. should do more with NATO. Unless NATO is capitalized, there may soon be very little it can do.


EVAN G. GALBRAITH

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4

11-L-0559/OSD/51432



THE SECRETARY OF DEFENSE
WASHINGTON

AUG 18 2005

333 SD

Mr. J. Curtis Mack, II
President
Los Angeles World Affairs Council
345 South Figueroa Street, Suite 313
Los Angeles, CA 90071

Dear Mr. Mack,

Thank you for the opportunity to speak at the Los Angeles World Affairs Council. It was a pleasure being there in Los Angeles, and I want you to know how much I appreciate your hospitality and the stimulating discussion forum that you and your staff provided.

I also want to thank you for the beautiful book of Los Angeles that you presented me. It was so kind of you to remember me with this nice gift, and I look forward to enjoying it.

With my best wishes,

Sincerely,

18 AUG 05



THE SECRETARY OF DEFENSE
WASHINGTON

AUG 18 2005

Ms. Mary Morris
Vice President
Los Angeles World Affairs Council
345 South Figueroa Street, Suite 313
Los Angeles, CA 90071

Dear Ms. Morris,

Thank you so much for organizing the recent Los Angeles World Affairs Council event. I want you to know that I appreciate the hard work you put in to making this event a success. I enjoyed my visit, and was impressed with the discussion forum that the Council provided.

With my best wishes,

Sincerely,

A handwritten signature in black ink, appearing to read "R. M. Gates".



THE SECRETARY OF DEFENSE
WASHINGTON

AUG 18 2005

Mr. Robert Eckert
Chairman
Los Angeles World Affairs Council
345 South Figueroa Street, Suite 313
Los Angeles, CA 90071

Dear Mr. Eckert,

It was such a pleasure to be in Los Angeles, and I want to thank you for the opportunity to speak at the Los Angeles World Affairs Council. The Council is a fine organization, and it was an honor to participate in this event.

I appreciate all the effort that went into making my visit a success.

With my best wishes,

Sincerely,

A handwritten signature in black ink, appearing to read "R. M. Gates", written in a cursive style.



THE SECRETARY OF DEFENSE
WASHINGTON

AUG 18 2005

Mr. Gary Sinise
CBS Studio Center – Radford
“CSI: NY” Production Office
4024 Radford Avenue
Building 7W, 2nd Floor
Studio City, CA 91604

Dear Mr. Sinise,

It was a pleasure meeting you at the Studio, and I want to thank you for being such an excellent tour guide of the CSI set. It will make watching the show quite a different experience! I thoroughly enjoyed my visit, and appreciate your hospitality a great deal.

I also want to thank you again for everything you do for our troops. Your support through visits overseas and to hospitals, the Lt. Dan Band, and the *Operation Iraqi Children* project is important work that is making a positive impact.

With my best wishes,

Sincerely,

OSD 15863-05

11-L-0559/OSD/51436

Mr. Gary Sinise
CBS Studio Center – Radford
"CSI: NY" Production Office
4024 Radford Avenue
Building 7W, 2nd Floor
Studio City, CA 91604

Dear Mr. Sinise,

It was a pleasure meeting you at the Studio, and I want to thank you for being such an excellent tour guide of the CSI set. It will make watching the show quite a different experience! I thoroughly enjoyed my visit, and appreciate your hospitality a great deal.

I also want to thank you again for everything you do for *our troops*.
~~I provide them with support through your visits~~
~~overseas, to hospitals, and through the Lt. Dan Band, and~~
~~so impressed with the Operation Iraqi Children project, & is~~
~~important work that means a great deal.~~ *'s MAKING*
A POSITIVE impact.

With my best wishes,

Sincerely,

Mr. Rangel & Capt M -
PA sent me the attached read-ahead
on Sinise's involvement w/ the
military. Now - I attached a
November 04 letter we sent
him.

Mr.
CSL 8/17

- HAVE PA
CROP ON THIS
- It should mention
SINISE's support
for troops, etc.
R.

Mr. Gary Sinise
CBS Studio Center - Radford
"CSI: NY" Production Office
4024 Radford Avenue
Building 7W, 2nd Floor
Studio City, CA 91604

Dear Mr. Sinise,

It was such a pleasure meeting you at the Studio, and I want to thank you for being such an excellent tour guide of the set. It will make watching the show quite a different experience!

I thoroughly enjoyed my visit, and appreciate your hospitality a great deal.

With my best wishes,

Sincerely,

8/16
0930
SEE NOTE
ON SINISE
15th floor
R.
Robert
CSC
M



THE SECRETARY OF DEFENSE
WASHINGTON

NOV 23 2004

Mr. Gary Sinise
c/o Patrick Whitesell
Endeavor
9701 Wilshire Boulevard
Beverly Hills, CA 90212

Dear Mr. Sinise,

All of us here at the Department of Defense appreciate what you have done through the *Celebrities on Tour* program to **support** our troops. Thank you for taking the time from your schedule to do such important **work**.

With my best wishes,

Sincerely,

A handwritten signature in black ink, appearing to be "Z. R. [unclear]".

OSD 18869-04

11-L-0559/OSD/51439

August 2, 2005

**READ AHEAD FOR SECRETARY DONALD H. RUMSFELD
VISIT TO THE SET OF *CSI: NEW YORK*
LOS ANGELES, CALIFORNIA**

Date/Time: Thursday, August 4, 2005 2:00 p.m. to 2:50 p.m.

Locations: CBS Studio Center – Radford, 4024 Radford Ave., Studio City, CA 91604

Events: Meet and greet with Gary Sinise and cast on the set of *CSI: New York*. Purpose of the visit is to thank Mr. Sinise for his years of support to the troops.

Media: Set will not be open to media, but they will shoot b-roll and photos and provide to traditional and entertainment media (including *Entertainment Tonight* and *Access Hollywood*).

Issues of Interest:

- Gary Sinise has been an exemplary supporter of the U.S. Military for years traveling with the USO to visit troops around the world and most recently acting as a spokesperson for *America Supports You*. (See attached Snowflake.)
- Jonathan Littman, producer of *CSI: New York*, also produces the new television show, *The E-Ring* (NBC). He might inquire about DoD support, but it is not a project we are currently interested in supporting due to script issues.

Timeline:

2:00 p.m.	Greeted at CBS Studio Center by Gary Sinise and Phil Strub, Special Assistant for Entertainment, Department of Defense.
2:05 p.m.	Tour set of <i>CSI: New York</i> , observe filming and meet cast and crew.
2:45 p.m.	Brief thank you and presentation of Pentagon paperweight to Gary Sinise.
2:50 p.m.	Depart CBS Studio Center en route to airport.

Attachments:

CSI: New York Overview	Tab A
Snowflake on Gary Sinise and response	Tab B
Gary Sinise Bio and Troop Support Highlights	Tab C
CSI: New York Bios	Tab D

Prepared by: Babs Chase (b)(6)

11-L-0559/OSD/51440

CSI: New York Overview

CSI: NY is a crime drama, spun-off from "CSI: Miami" and inspired by the Number One drama series, "CSI: Crime Scene Investigation," about forensic investigators who use high-tech science to follow the evidence and solve crimes in The Big Apple. Det. Mack "Mac" Taylor is a dedicated and driven crime scene investigator who believes that everything is connected and for everyone there is a story. He and his partner, Det. Stella Bonasera, a workaholic and a jack-of-all-trades, share a passion for the job. They lead a team of experts amid the gritty and kinetic city that never sleeps.

Jerry Bruckheimer's television company (Jerry Bruckheimer Television), headed by Jonathan Littman, along with CBS and Alliance Atlantic Communications, are the producers of this third franchise of the C.S.I. (Crime Scene Investigators) series, CSI, CSI Miami, and now, CSI New York.

The duo also produced the DoD-supported (if short-lived) documentary series featuring military personnel in the Afghanistan theater of operations, "Profiles from the Front Line" for ABC. Jerry Bruckheimer also produced the DoD-supported feature motion pictures "Top Gun," "Pearl Harbor," and "Black Hawk Down."

Following a very successful premier season, CSI New York is in its second year of production and will be shown in the Wednesday 10:00 PM time slot. The show follows the actions of a New York Police Department crime scene team headed by Detective Mac Taylor (Gary Sinise), and Detective Stella Bonasera (Melina Kanakaredes.) The team uses technology and their sleuthing skills to solve grisly crimes in New York City. Laced with graphic crime shots and occasional nudity, the show carries a warning to viewers during the opening scenes.

ON AIR: Wednesdays (10:00-11:00 PM, ET/PT)

STARRING:	Gary Sinise	Det. Mack "Mac" Taylor
	Melina Kanakaredes	Det. Stella Bonasera
	Eddie Cahill	Det. Don Flack
	Vanessa Ferlito	Aiden Burn
	Carmine Giovinazzo	Danny Messer
	Hill Harper	Dr. Sheldon Hawkes

PRODUCED BY: CBS Productions and Alliance Atlantis Communications in association with Jerry Bruckheimer Television.

EXECUTIVE PRODUCERS: Jerry Bruckheimer, Anthony E. Zuiker, Carol Mendelsohn, Ann Donahue, Danny Cannon and Andrew Lipsitz

GARY SINISE BIO

Gary Sinise is an accomplished film, theater and television actor, as well as a director and producer. He received an Academy Award nomination in 1995 for Best Actor in a Supporting Role for his portrayal of Lt. Dan in "Forrest Gump." He is a three-time Golden Globe nominee and received the award in 1996 for his role in "Truman." He is a two-time Emmy Award nominee and won the award in 1998 for his lead role in "George Wallace."

Sinise is a four-time Tony Award nominee and a four-time nominee and two-time winner of the Screen Actors Guild Award ("Truman," 1996 and "George Wallace," 1998). He has won multiple other awards for his work in films on the small and big screens including a Best Supporting Actor Award from the National Board of Review ("Forrest Gump") and the Commander's Award from the Disabled American Veterans, also for "Forrest Gump."

His feature film credits include "Forrest Gump," "Apollo 13," "Ransom," "The Green Mile," "The Human Stain," "Snake Eyes," "Impostor," "It's the Rage," "Reindeer Games," "The Forgotten," "Mission to Mars," "A Midnight Clear," "Of Mice and Men," "Albino Alligator," "Jack the Bear" and "The Quick and the Dead."

At the age of 18, Sinise co-founded The Steppenwolf Theatre Company of Chicago where he served as artistic director for seven years. He has since starred in over a dozen productions at the renowned theater, including the role of Tom Joad in "The Grapes of Wrath," for which he received a Tony Award nomination and a Drama Desk Award. In 1996, he also directed "Buried Child" which had a successful run on Broadway where it was nominated for five Tony Awards, including Best Director and Best Play. He most recently starred in "One Flew over the Cuckoo's Nest" at Steppenwolf, as well as at the Barbican Theatre in London. He brought the production to Broadway in April 2001 for which he received a Tony Award nomination for Best Actor. His other theater directing credits include "True West," "Orphans," "Tracers," "Franks Wild Years," "The Miss Firecracker Contest," "Waiting for Parade," "Action," "Road to Nirvana" and "Landscape of the Body."

Sinise recently launched "Operation Iraqi Children," a program that enables Americans to send school supplies to children living in the country. Inspired by their conversations with Operation Iraqi Freedom soldiers, as well as his recent USO tour of the region, he and Laura Hillenbrand, author of "Seabiscuit: An American Legend," started the program. Sinise is a Chicago native and resides in Los Angeles. He is married to actress Moira Harris, an original member of the Steppenwolf Company. They have three children.

GARY SINISE-TROOP SUPPORT HIGHLIGHTS

- Gary Sinise has gone on numerous USO/Armed Forces Entertainment (AFE) tours. In February 2004, he entertained in Diego Garcia, Singapore and Korea.
- Sinise went to tours in Iraq, Kuwait, Qatar, Germany, Italy and Fort Stewart, Ga. He has also visited patients at Walter Reed and the National Navy Medical Center.
- Gary Sinise and Kimo Williams started the Lt. Dan Band, named for Gary's character in *Forest Gump*, to play for troops and their families in the Chicago area and have since gone on many trips overseas.
- Recent shows include: May 18-26: European USO Tour; May 29: Memorial Day concert in D.C.; June 11: Show at Park West, a benefit sponsored by AT&T to raise money for the Pentagon Memorial Fund.
- He recently co-founded Operation Iraqi Children, an effort to help educate Iraqi children, with Seabiscuit: An American Legend author Laura Hillenbrand.

Operation Iraqi Children

- During Operation Iraqi Freedom, American soldiers were horrified at the neglected Iraqi schools. Many soldiers took it upon themselves to use their days off to find supplies and rebuild schools.
- Inspired by their conversations with soldiers and first-hand exposure to the area, Sinise and Laura Hillenbrand founded Operation Iraqi Children (OIC), a grass roots program to provide concerned Americans with a means to reach out to Iraqi kids and help support our soldiers' efforts to assist the Iraqi people.
- Through the "School Supply Kit" program, Americans gather supplies and assemble them in kits according to OIC instructions. American soldiers deliver the kits to Iraqi villages. To date, over 200,000 school kits have been sent to Iraq.
- By bringing Americans and Iraqis together and demonstrating American devotion to the welfare of the Iraqi people, the program can foster understanding between our nations and generate goodwill between Iraqis and American soldiers.

CSI: New York Cast Bios

MELINA KANAKAREDES As Det. Stella Bonasera in CSI: NY

Kanakaredes starred for five seasons as Dr. Sydney Hansen in the television series "Providence" and has appeared in other television shows and feature films. In 2001, she became a celebrity spokesperson for Maybelline. Kanakaredes is a second-generation Greek-American. Kanakaredes is a sports fan of the Cleveland Indians and Chicago Bulls. She was born and raised in Akron, Ohio and now lives with her husband and two daughters in Los Angeles.

CARMINE GIOVINAZZO As Danny Messer in CSI: NY

Giovinazzo has appeared in a variety of roles on both television and the big screen. His film credits include "Black Hawk Down," "The Red Zone," "For Love of the Game," and the upcoming "In Enemy Hands." Giovinazzo's has a long history of family in law enforcement - both his father and sister were NYPD officers and his brother-in-law was a detective assigned to former New York Mayor Rudy Giuliani. Giovinazzo was raised in New York and resides in Los Angeles.

VANESSA FERLITO As Aiden Burn in CSI: NY

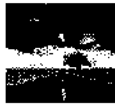
Vanessa Ferlito is best known for her recurring role as Claudia in "24" and her guest roles in "The Sopranos" and "Law & Order." Ferlito was born and raised in Brooklyn, N.Y., and divides her time between New York and Los Angeles.

HILL HARPER As Dr. Sheldon Hawkes in CSI: NY

Hill Harper most recently starred as Darnell in the CBS series "The Handler." Originally from Iowa City, Iowa, Harper graduated magna cum laude from Brown University and has a J.D. from Harvard Law School and a masters in public administration from the Kennedy School of Government.

EDDIE CAHILL As Det. Don Flack in CSI: NY

Eddie Cahill is best known to television audiences for his recurring role as Jennifer Aniston's boyfriend Tag Jones in "Friends." He made his big screen debut in "Miracle," where he played Olympian Jim Craig, goalkeeper for the 1980 U.S. Olympic Hockey team and one of the actor's real-life heroes. Cahill was born and raised in New York.



JERRY BRUCKHEIMER
TELEVISION

JONATHAN LITTMAN

A New Jersey native and graduate of Vassar College (class of '85), Jonathan Littman began his career in entertainment on Broadway, working as both a stage manager and casting director while still in college. After college, Mr. Littman moved from theatre to television, starting at ABC in Children's and Late Night Programming, which led to his first producing job as a segment producer for DAY'S END, a late night news show that followed NIGHTLINE.

Moving to California in 1989, Mr. Littman joined NBC as Director of Daytime Programs, overseeing game shows and daytime dramas such as CONCENTRATION and SANTA BARBARA. In 1991 Mr. Littman left NBC for the still fledgling Fox network and spent the next six years working in both Current Programming and Drama Development, where he was involved in the development and day-to-day management of such hits as BEVERLY HILLS, 90210, MELROSE PLACE and THE X-FILES.

In 1997 Mr. Littman left Fox to create and run a television division for film producer Jerry Bruckheimer. As President of Jerry Bruckheimer Television, Mr. Littman has been responsible for the development and executive produces all Bruckheimer series. JBTv currently has a record breaking 10 series on the air: CSI: CRIME SCENE INVESTIGATION, CSI: MIAMI, CSI: NEW YORK, WITHOUT A TRACE, COLD CASE, the Emmy award winning THE AMAZING RACE and four new shows premiering this fall: E-RING, CLOSE TO HOME, JUST LEGAL and the comedy MODERN MEN.

Casey, Carrie, CTR, OSD

From: Archer, Stuart K, LtCol, OSD
Sent: Tuesday, August 09, 2005 8:41 AM
To: Casey, Carrie, CTR, OSD
Cc: Morris, Jessica, CIV, OASD-PA; Chase, Babs, CIV, OASD-PA; Augustitus, Mary, LtCol, OSD; Brandon, James, LTC, OSD; Grimsley, William F, COL, OSD
Subject: Thank Yous

Carrie-Sue,

Recommended "Thank Yous" for SECDEF Visit to Los Angeles

Honorable J. Curtis Mack, \\
President
Los Angeles World Affairs Council
345 S. Figueroa Street
Suite 313
Los Angeles, CA 90071

CSC
SMOOTH
M

Gift: Picture book of Los Angeles, presented on behalf of Los Angeles World Affairs Council
Activities: Greeted the Secretary, managed the receiving line, accompanied the Secretary during the Luncheon, moderated the Q&A period

Possible "Thank Yous:"

Ms Mary Morris
Vice President
Los Angeles World Affairs Council
345 S. Figueroa Street
Suite 313
Los Angeles, CA 90071

8/17
1150

FOR REVIEW

M 8/17

MAKE
EDITS

SOME
MINOR

OK
R2

Robert Rangel

8/17

Gift: None
Activities: Organized World Affairs Council event

Mr. Robert Eckert
Chairman
Los Angeles World Affairs Council
345 S. Figueroa Street
Suite 313
Los Angeles, CA 90071

Gift: None
Activities: Greeted the Secretary at reception, accompanied for luncheon, introduced the Secretary to council for remarks

Mr. Gary Sinise
CBS Studio Center - Radford
"CSI: NY" Production Office
4024 Radford Ave.
Building 7W
2nd Floor
Studio City, CA 91604

8/9/2005

11-L-0559/OSD/51446

Gift: None

Activities: Greeted Secretary at Studios, gave tour of CSI: New York set, Secretary presented him a DoD paperweight

Cheers

Stu

Lt Col Stuart K. Archer, USAF
Military Assistant / Trip Coordinator
OSD / EXEC SEC
Rm 3E854

(b)(6)

8/9/2005

11-L-0559/OSD/51447



Aug. 15, 2005

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Secretary of Defense Donald H. Rumsfeld addresses the Los Angeles World Affairs Council forum in Los Angeles, Calif., on Aug. 4, 2005. The Council promotes greater understanding of current global issues and their impact on the people of Southern California by inviting authoritative influential figures in world affairs to Los Angeles and provides them an open forum. DoD photo by Tech. Sgt. Kevin J. Gruenwald, U.S. Air Force. (Released)

050804-F-6911G-022

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~~FOUO~~

2005 JUL 15 11:10:25
JUL 08 2005
ES-3699
05/009251

TO: Ryan Henry

CC: David Chu

FROM: Donald Rumsfeld *DR*

SUBJECT: QDR **Look** at Military Educational Institutions

It seems to me that as **part** of the QDR we might want to look at all military educational institutions, and see if they are sufficiently joint **or** if they are too Service-centric.

Thanks.

DHR:dh
070705-22

.....
*Please **Respond** By August 11, 2005*

~~FOUO~~

11-L-0559/OSD/51449

OSD 15869-05

~~FOR OFFICIAL USE ONLY~~

INFO MEMO

150/P) ~~CONFIDENTIAL~~

2001 05 15 10:00:00
DSD
ES-3699
I-05/009251

FOR SECRETARY OF DEFENSE

FROM: Ryan Henry, PD Under Secretary of Defense for Policy

AUG 14 2001

SUBJECT: QDR Look at Military Educational Institutions

- You suggested that the QDR look at all military educational institutions and see if they are sufficiently joint (snowflake attached).
- The QDR's Manning and Balancing the Force team, led by David Chu and Bob Willard, has an Education and Training Working Group. This group is examining the "joint continuum" for education and training at all levels from junior enlisted to senior level officers.
 - o It has looked for redundancy, adequate permeation of jointness in curricula, opportunities for consolidation, and how to improve access to distributed learning.
 - o Its emerging finding is that there is a lack of core standards among the Services, and that the basic building blocks of assessment (knowledge, skills, and abilities, or KSAs) differ greatly among the services.
- To address these deficiencies, the QDR is pursuing two approaches:
 - o Development of a common lexicon and approach to compare skills across the DoD, and core cross-Service training and educational standards.
 - This will allow better assessment of jointness across Service lines, facilitate identification of cross-Service training gaps and excesses, and provide more common access to Service specialties.
 - o Enhancement of DOD's joint capability and capacity in language skills and cultural agility
 - Recommendations include: emphasizing language skills as a pre-accession necessity and infusing greater cultural and global awareness into post-accession training and education.

COORDINATION: Dr David Chu / *David Chu 10 Aug 01*

Prepared by: *Matthew* Matthew Walton, QDR Integration (b)(6)

~~FOR OFFICIAL USE ONLY~~
11-L-0559/OSD/51450

OSD 15869-05

August 15, 2005

TO: President George W. Bush

FROM: Donald Rumsfeld



SUBJECT: Defense Team at Crawford

Thank you for taking the time at Crawford to meet with our Defense Team.

DHR:gl
08150541

337

15 Aug 05

OSD 15889-05

11-L-0559/OSD/51451

TAB A

~~FOUO~~ 2005 JUL 15 PM 6:11

July 21, 2005

TO VADM Jim Stavridis
FROM: Donald Rumsfeld *DR*
SUBJECT Tracking U.S. Military Numbers Worldwide

I think I ought to start tracking the number of people the U.S. Military has in every country of the world -- month to month -- and see what the increases and decreases are, so that I will know enough to ask why that is happening. My impression is that what we will see is incremental growth in many places over a period of a year or two, with no good reason.

Thanks.

DHR:sl
072005-09

1 JUN 1 JUL 1
1 1 1
-- 1 1

Tab A

~~FOUO~~
11-L-0559/OSD/51452

OSD 15944-05

US Military Personnel Assigned Worldwide*

Regional Area/Country United States and Territories*	31-Dec-02	31-Mar-03	30-Jun-03	30-Sep-03	31-Dec-03	31-Mar-04	30-Jun-04	30-Sep-04	31-Dec-04	31-Mar-05	DELTA 2003 to 2005
Continental United States (CONUS)	988,431	970,634	977,170	996,590	993,737	991,642	989,517	1,000,482	987,101	987,245	18,844
Alaska	18,515	16,494	16,270	16,282	16,024	17,969	17,910	17,385	17,395	17,320	805
Hawaii	34,841	35,189	34,718	34,203	34,744	35,010	34,137	35,081	34,858	34,075	-760
Guam	3,300	3,294	3,302	3,293	3,279	3,315	3,065	3,221	3,237	3,231	-69
Johnston Atoll	19	18	23	17	8	2	2	0	0	0	-19
Puerto Rico	2,515	2,539	2,190	1,562	1,274	769	345	300	262	280	-2,235
Trust Territory in the Pacific Islands	22	21	21	22	23	26	18	28	24	27	5
U. S. Virgin Islands	6	8	7	5	6	6	5	5	5	5	-1
Transients	33,491	26,586	38,262	30,118	33,961	31,397	60,644	43,232	47,391	40,642	7,151
Afloat	125,706	123,703	123,249	121,540	119,596	120,666	157,072	115,494	114,584	112,027	-13,679
Total - United States and Territories	1,184,816	1,178,456	1,193,232	1,206,632	1,203,572	1,201,622	1,212,808	1,215,206	1,204,677	1,194,852	10,036
Europe*											
Albania	3	11	10	8	8	8	9	11	9	9	6
Austria	22	24	23	24	72	23	18	21	22	21	-1
Belgium	1,516	1,542	1,555	1,526	1,520	1,534	1,539	1,474	1,451	1,431	-85
Bosnia and Herzegovina	3,100	3,080	3,057	3,041	3,018	2,931	914	951	894	279	-2,821
Bulgaria	14	13	14	12	12	12	14	15	15	14	0
Cyprus	26	26	20	34	22	26	25	20	24	41	15
Czech Republic	16	14	16	14	14	15	14	15	14	13	-2
Denmark	20	23	25	21	20	23	13	22	20	19	-1
Estonia	9	8	8	6	7	7	6	6	7	5	-4
Finland	19	17	18	16	17	15	17	16	17	17	-2
France	107	97	88	93	75	82	14	77	76	63	-44
Germany *	72,005	72,432	74,028	74,796	73,012	75,603	76,239	76,058	74,745	74,717	2,712
Gibraltar	5	6	6	5	6	6	6	6	3	3	-2
Greece	598	602	619	683	601	562	550	473	444	450	-148
Greenland	136	138	139	139	146	138	135	133	122	136	0
Hungary	18	16	18	15	17	16	15	18	17	17	-1
Iceland	1,759	1,793	1,814	1,747	1,761	1,754	1,649	1,491	1,406	1,383	-376
Ireland	8	8	7	7	8	8	8	7	7	9	1
Italy *	13,127	13,236	13,469	13,152	13,279	13,354	12,582	12,606	12,493	12,531	-595
Latvia	7	6	7	6	8	6	6	7	7	7	0
Lithuania	7	7	7	6	7	7	6	6	5	5	-2
Luxembourg	10	11	11	12	11	15	15	13	15	16	6
Macedonia, The Former Yugoslav Republic of	46	123	51	41	69	104	13	40	42	41	-5
Malta	6	2	3	3	4	7	7	10	7	8	2
Netherlands	703	717	715	703	716	722	714	701	688	666	-37
Norway	120	91	97	86	88	85	90	84	60	77	-43
Poland	20	24	23	18	18	20	20	20	19	21	1
Portugal	1,041	1,057	1,094	1,084	1,104	1,077	1,030	1,006	1,016	1,024	-17
Romania	13	52	13	16	13	12	13	12	13	17	4
Serbia (includes Kosovo)	1,621	1,429	1,154	319	166	128	1,819	1,814	1,773	1,762	141
Slovaks	0	0	0	0	0	0	0	9	3	3	3
Slovenia	6	10	10	10	11	11	11	8	8	7	-1
Spain	2,328	1,958	1,933	1,893	2,001	1,968	1,913	2,012	1,835	1,780	-548
Sweden	9	11	11	11	10	10	13	12	12	11	2
Switzerland	22	22	22	18	19	20	20	16	18	21	-1
Turkey	1,873	2,580	2,032	2,021	2,017	1,863	1,873	1,762	1,722	1,723	-150
United Kingdom	11,344	11,408	11,541	11,616	11,732	11,801	11,820	11,469	11,341	11,345	1
Afloat	5,716	5,285	5,172	4,796	2,530	2,534	2,920	2,437	2,431	2,347	-3,369
Total - Europe	117,401	117,583	118,830	117,910	114,141	116,507	116,540	114,860	112,823	112,039	-5,362

US Military Personnel Assigned Worldwide*

Regional Area/Country United States and Territories*	31-Dec-02	31-Mar-03	30-Jun-03	30-Sep-03	31-Dec-03	31-Mar-04	30-Jun-04	30-Sep-04	31-Dec-04	31-Mar-05	DELTA 2003 to 2005
Former Soviet Union*											
Armenia	0	0	0	0	0	0	0	6	0	0	0
Azerbaijan	7	8	8	5	6	5	5	6	6	4	-3
Georgia	12	22	31	45	31	38	25	12	12	10	-2
Kazakhstan	7	8	8	5	6	10	10	6	7	6	-1
Kyrgyzstan	7	36	26	27	14	8	7	6	6	6	-1
Moldova	0	0	0	0	0	0	0	1	1	1	1
Russia	76	75	84	78	77	79	75	84	81	81	5
Turkmenistan	5	6	6	5	6	7	7	6	6	4	-1
Ukraine	14	14	16	13	13	15	14	14	14	14	0
Total - Former Soviet Union	128	167	179	178	153	182	43	143	133	126	-2
East Asia and Pacific*											
Australia	177	177	192	174	179	205	105	195	193	189	12
Burma	11	10	11	9	13	10	10	9	9	8	-3
Cambodia	5	6	5	5	6	5	5	5	5	5	0
China (Includes Hong Kong)	61	61	57	53	59	60	57	63	62	67	6
Fiji	2	2	2	1	1	1	2	1	1	1	-1
Indonesia (Includes Timor)	37	28	27	21	26	24	25	24	26	31	-8
Japan	41,626	41,942	41,920	40,519	40,643	40,045	37,338	36,365	36,036	34,928	-6,698
Korea, Democratic Peoples Republic of	1	0	322	24	19	14	10	4	0	0	-1
Korea, Republic of	38,725	40,061	42,067	41,145	40,550	40,258	40,495	40,840	36,050	34,803	-3,922
Laos	2	3	5	5	4	5	6	4	4	4	2
Malaysia	19	19	19	19	18	15	14	14	13	15	14
Mongolia	1	1	1	2	1	1	15	1	1	2	1
New Zealand	8	8	7	7	9	8	8	8	7	7	-1
Philippines	126	279	210	107	126	144	44	47	99	72	-54
Singapore	165	160	171	171	176	196	205	237	164	158	-7
Thailand	105	115	436	132	118	113	406	122	115	127	22
Vietnam	11	15	18	17	17	19	20	19	14	12	1
Total - East Asia and Pacific	15,207	15,737	19,446	17,051	14,949	16,604	15,390	11,887	13,931	12,313	-2,894
North Africa, Near East, and South Asia*	98,289	98,524	104,918	99,882	96,916	97,724	94,755	89,846	88,730	82,742	-13,547
Afghanistan (See OEF Table)	0	0	0	0	0	0	0	0	0	0	0
Algeria	8	8	9	7	10	9	9	10	9	10	2
Bahrain	1,798	1,923	1,813	1,514	1,277	1,496	1,308	1,712	1,770	1,666	-132
Bangladesh	9	6	8	7	8	8	9	8	8	7	-2
Diego Garcia	558	556	562	528	511	491	427	816	895	1,246	688
Egypt	440	417	394	385	359	350	358	348	351	363	-77
India	21	21	21	28	26	28	26	30	31	27	6
Iraq (See OIF Table)	0	0	0	0	0	0	0	0	0	0	0
Israel	40	137	43	36	37	38	39	34	35	43	3
Jordan	29	79	33	24	26	22	23	25	27	25	-4
Kuwait (See OIF Table)	0	0	0	0	0	0	0	0	0	0	0
Lebanon	1	2	3	3	3	4	4	3	3	3	2
Morocco	18	19	14	14	12	11	12	11	12	13	-5
Nepal	7	7	7	7	8	9	8	9	9	8	1
Oman	221	402	38	32	31	31	31	34	32	33	-188
Pakistan	32	28	34	33	28	26	36	33	33	31	-1
Qatar	68	252	5,125	2,997	2,491	3,432	293	273	272	297	209
Saudi Arabia	8,114	12,218	1,272	953	385	291	260	235	228	231	-5,883
Sri Lanka	6	8	8	7	7	6	6	10	10	13	7
Syria	8	7	7	9	9	9	9	9	8	9	1
Tunisia	21	21	16	15	16	15	14	15	15	14	-7
United Arab Emirates	591	558	197	73	98	16	22	149	117	123	-488
Yemen	5	13	26	23	13	15	20	22	11	12	7
Total - North Africa, Near East,	586	585	628	605	592	592	667	488	603	2,496	1,912
Afghanistan (See OEF Table)	10,601	17,279	10,268	7,298	5,947	6,901	3,783	4,274	4,479	6,672	-3,929

11-L-0559/OSD/51454

US Military Personnel Assigned Worldwide*

Regional Area/Country and Territories*	31-Dec-02	31-Mar-03	30-Jun-03	30-Sep-03	31-Dec-03	31-Mar-04	30-Jun-04	30-Sep-04	31-Dec-04	31-Mar-05	DELTA 2003 to 2005
Sub-Saharan Africa											
Botswana	7	7	6	6	7	6	5	9	9	9	2
Burundi	0	6	6	6	6	5	8	8	5	7	1
Cameroon	8	9	9	9	7	6	6	8	8	8	0
Chad	8	8	9	10	9	9	14	14	10	10	2
Congo (Kinshasa)	1	9	11	9	9	8	9	10	10	10	9
Cote D'Ivoire	8	23	20	20	18	12	11	10	13	12	4
Djibouti	20	115	293	498	599	539	397	412	327	201	181
Eritrea	30	2	2	2	2	5	5	2	2	2	-28
Ethiopia	2	15	15	14	15	12	12	13	12	13	11
Gabon	0	0	9	0	11	0	10	1	1	1	1
Ghana	11	0	9	12	6	11	6	9	11	11	0
Guinea	8	8	31	8	31	6	30	8	6	6	-2
Kenya	7	35	8	33	31	29	11	33	30	30	23
Liberia	44	8	2	81	10	9	1	11	11	11	-33
Madagascar	9	2	1	2	2	1	1	1	2	2	-7
Malawi	0	0	6	1	1	0	0	1	1	1	1
Mali	2	6	5	5	6	6	6	5	6	6	4
Mozambique	6	6	7	5	6	6	6	7	6	7	1
Niger	4	9	7	5	6	7	7	17	12	10	6
Nigeria	6	13	6	14	13	16	16	16	16	15	9
Senegal	13	10	1	8	10	9	10	9	9	11	-2
Sierra Leone	0	0	0	1	2	2	0	1	1	1	1
South Africa	9	33	34	31	36	29	31	31	32	29	20
St. Helena (includes Ascension island)	31	2	3	2	2	2	2	2	2	3	-26
Sudan	2	0	0	0	0	0	0	0	1	2	0
Tanzania, United Republic of	10	10	9	7	7	6	9	12	10	10	0
Togo	5	6	6	6	6	6	5	6	6	5	0
Uganda	8	9	9	7	9	9	9	11	9	12	4
Zambia	7	7	6	7	7	6	7	7	7	7	0
Zimbabwe	9	11	11	0	7	6	9	10	9	9	0
Total, Sub-Saharan Africa	281	377	543	797	881	770	141	682	584	461	180

US Military Personnel Assigned Worldwide*

Regional Area/Country United States and Territories*	31-Dec-02	31-Mar-03	30-Jun-03	30-Sep-03	31-Dec-03	31-Mar-04	30-Jun-04	30-Sep-04	31-Dec-04	31-Mar-05	DELTA 2003 to 2005
Western Hemisphere*											
Antigua	2	2	2	2	2	2	3	3	2	2	0
Argentina	31	35	30	28	15	28	29	29	20	33	2
Bahamas, The	23	24	23	25	26	32	38	41	43	45	22
Barbados	6	9	9	7	6	7	34	10	9	7	-1
Belize	1	1	1	1	2	2	2	2	1	2	1
Bolivia	24	22	20	19	27	21	22	21	19	19	-5
Brazil	29	36	36	34	35	37	40	37	37	36	7
Canada	151	146	144	141	136	147	47	156	155	155	4
Chile	28	27	26	25	28	25	25	23	24	29	0
Colombia	40	45	52	54	54	55	56	55	55	58	16
Costa Rica	6	6	6	6	7	7	7	6	7	7	-1
Cuba (Guantanamo)	650	640	840	697	703	700	716	682	753	817	167
Dominican Republic	17	17	17	14	13	14	15	14	13	13	-4
Ecuador	32	40	35	33	33	35	32	32	30	27	-5
El Salvador	26	26	25	21	22	21	24	23	25	23	-5
Grenada	1	0	0	0	16	0	0	0	0	0	-1
Guatemala	16	17	15	14	1	16	37	21	19	15	-1
Guyana	1	1	1	13	13	1	1	1	1	1	0
Haiti	14	14	13	0	0	455	1,067	26	14	13	-1
Honduras	410	442	446	414	420	413	433	448	448	456	48
Jamaica	10	11	12	10	11	12	11	11	11	10	0
Mexico	29	29	27	30	26	21	29	32	31	26	-1
Nicaragua	12	12	11	10	12	11	12	12	11	11	-1
Panama	0	0	0	0	0	16	18	15	15	18	18
Paraguay	13	10	14	10	11	11	11	11	11	9	-4
Peru	41	42	43	33	32	35	37	35	34	34	-7
Suriname	1	2	2	2	3	2	2	2	2	2	1
Trinidad and Tobago	6	6	6	6	6	5	4	5	6	6	0
Uruguay	11	12	17	12	13	13	13	14	14	13	2
Venezuela	30	27	27	21	26	32	32	26	27	27	-3
Afloat	17	16	16	18	33	25	28	26	26	26	9
Total, Western Hemisphere	1,684	1,721	1,718	1,700	1,738	2,201	2,945	1,825	1,861	1,941	257
Total Foreign Countries (Less OIF)	226,584	236,051	238,452	227,745	219,776	224,265	219,037	211,630	206,610	203,981	-22,403
Total, United States and Territories	1,184,816	1,178,466	1,193,232	1,206,632	1,203,572	1,201,622	1,212,606	1,215,206	1,204,677	1,194,852	10,036
Total Worldwide	1,411,200	1,414,517	1,429,684	1,434,377	1,423,346	1,425,887	1,431,613	1,426,836	1,411,287	1,398,833	-12,367
Operations*											
OIF	N/A	222,439	226,585	173,932	191,113	269,607	181,986	172,610	203,221	208,651	-13,788
OEF	12,294	12,791	12,677	11,957	23,163	22,439	20,328	16,794	19,483	21,196	6,902
Korea	38,725	40,061	42,067	41,145	40,550	40,258	40,465	40,840	36,050	34,603	-3,922
Balkans	4,721	4,509	4,211	3,360	3,166	3,059	2,793	2,765	2,867	2,041	-2,680
HOA	1,050	1,100	1,425	1,300	1,000	1,000	1,000	1,050	1,100	1,397	347
Total Operations	56,700	280,900	287,145	231,694	269,032	338,363	246,604	236,059	262,521	260,088	-11,141

*Notes

Country data is active duty personnel only.

Operations data includes active, guard and reserve personnel.

DMDC data is recorded quarterly--latest DMDC data available is Mar 2005. Monthly updates begin in Sep 05.



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20316-9999

INFO MEMO

CM-2689-05

15 August 2005

2005 AUG 15 PM 6:11

FOR: SECRETARY OF DEFENSE

FROM: General Richard B. Myers, CJCS *RCM 8/14*

SUBJECT: Tracking US Military Numbers Worldwide (SF)

- **Answer.** In response to your issue (**TAB A**), the attached spreadsheet (**TAB B**) provides the number of active duty US military personnel by country and Active and Reserve Component personnel participating in major operations from 31 December 2003 through 31 March 2005. My staff will provide you with monthly military personnel reports beginning in September 2005.
- **Analysis.** Major changes over this period were:
 - Net decrease of 22,840 in Europe, the Former Soviet Union, East Asia, Pacific, North Africa and the Near East.
 - Net increase of 437 in sub-Saharan Africa and the Western Hemisphere. Key changes: Honduras, Bahamas, Colombia, Haiti, Djibouti, and Cuba.
 - United States and its territories increased by 10,036.
 - Overall military end strength declined by 12,367.
 - Personnel peaked in March 2004 in the Western Hemisphere to support Operation SECURE TOMORROW in Haiti and Operation IRAQI FREEDOM troop rotations.
 - Notable changes by country.
 - Key increases are Germany (2,712) and Diego Garcia (688).
 - Key decreases are: Japan (6,698); Saudi Arabia (5,883); Korea (3,922); Bosnia and Herzegovina (2,821); Italy (596); Spain (548); Iceland (376); Oman (188); Bahrain (132).

COORDINATION: NONE

Attachments:

As stated

Prepared By: RDML Donna L. Crisp, USN; DJ-1: (b)(6)

~~FOR OFFICIAL USE ONLY~~

OSD 15944-05

ACB

~~FOUO~~

TAB A

OFFICE OF THE
SEC. OF DEFENSE
August 1, 2005
2005 AUG 15 PM 6:19

1079

TO: Gen Dick Myers

CC: Doug Feith

FROM: Donald Rumsfeld *DR*

SUBJECT: Article regarding Protecting Foreign Diplomats

Please see the attached article about the U.S. Military offering protection to foreign diplomats in Baghdad. I don't see how we could do that, given the demands on our forces.

Please dig into it and find out who suggested it, and get back to me **FAST** - before this gets out of hand.

Thanks.

Attach

AP Article. "U.S. Might Protect Foreign Envoys." *Baltimore Sun*, July 29, 2005

DEIR Press Summary of Al-Jazeera Highlights, "U.S. Troops May Protect Envoys in Iraq," 7/29/05

DFR:ss
072905-03

Please respond by *August 4, 2005*

Tab A

~~FOUO~~

11-L-0559/OSD/51458

OSD 15952-05

Baltimore Sun
July 29, 2005

U.S. Might Protect Foreign Envoys

Military could offer troops after killings of Arab diplomats in Iraq

By Associated Press

BAGHDAD, Iraq - The U.S. military is considering offering protection to foreign diplomats in Baghdad after al-Qaida agents killed three Arab envoys this month, the American ambassador said yesterday.

"Coalition forces ... are planning to look at this problem and see what could be done to fix the security for the diplomats," said U.S. Ambassador Zalmay Khalilzad. "It's very important for foreign diplomats who come here to have a sense of security."

He spoke a day after Iraq's most feared terrorist group announced that it had killed two Algerian diplomats, including the country's chief envoy in Iraq, because of their government's ties to the United States and its crackdown on Islamic extremists.

Chief envoy Ali Belaroussi and diplomat Azzedine Belkadi were kidnapped outside their embassy in Baghdad. The group Al-Qaida in Iraq claimed responsibility.

The group - headed by Jordanian native Abu Musab al-Zarqawi - also claimed responsibility for the kidnapping and killing of Egypt's top envoy and the attempted abduction of two other Muslim diplomats in a campaign to undercut support for the new Iraqi government within the Arab world.

The United States has urged Arab and Muslim countries to deepen their diplomatic ties to Baghdad.

Khalilzad said no final decision had been made on offering protection, and some Arab diplomats might fear that the presence of U.S. forces around diplomatic missions could draw insurgent attacks.

"We have not accepted taking on the mission at this point," Khalilzad said, "But what we've agreed is, we will look at this, see what the problem is, and what the options might be for assisting."

It was unclear how many diplomats the U.S. forces might be called on to protect. There are more than 40 foreign missions and about 500 diplomats in Iraq.

The Algerians and the Egyptian diplomat had no bodyguards. Belaroussi told colleagues that he felt no need for security because of Algeria's good relations with the Iraqi people and its opposition to the U.S.-led invasion.

In Algeria, police detained Ali Belhadj, a former deputy leader of the banned Islamic Salvation Front, after he publicly praised Iraq's insurgency and condoned the killing of the diplomats, an Algerian newspaper reported.

Belhadj, freed in 2003 after serving a 12-year prison sentence, was apprehended Wednesday after making the comments in a telephone interview with Al-Jazeera television, El Wataou reported.

Tab A

The kidnappings were part of a surge in insurgent attacks after the Shiite and Kurdish-led Iraqi government was announced April 28.

The U.S. military announced yesterday that two American soldiers were killed and one wounded in a roadside bombing the day before in Baghdad.

Another American soldier died Wednesday in a vehicle accident in central Iraq, the U.S. military said. That brought to eight the number of Americans killed in Iraq since Sunday night, when four members of the Georgia National Guard died in a bombing in Baghdad.

As of Wednesday, at least 1,782 members of the U.S. military had died since the beginning of the Iraq war in March 2003, according to an Associated Press count. At least 1,376 died as a result of hostile action.

Also yesterday, U.S. Marine jets dropped laser-guided bombs and other ordnance on insurgent positions northwest of Baghdad, killing nine insurgents - including five Syrians, the U.S. military said.

The airstrike was launched after troops from the 3rd Battalion, 25th Marine Regiment and the Iraqi 1st Division came under fire in a village west of Haditha, 140 miles northwest of Baghdad.

Jets from the 2nd Marine Air Wing dropped three laser-guided bombs and one global positioning system guided bomb, destroying all three buildings, the statement added.

French Interior Minister Nicolas Sarkozy said at least seven people from France have been killed in Iraq after joining insurgents there.

"At least seven people from France have died there fighting for al-Qaida's cause, some in suicide attacks, and about 100 others are still there," Sarkozy told the French newspaper Le Parisien in an interview being published today.

Tab A

29 July 2005



Press Summary — Friday, 29 Jul 05

**(U) AL-JAZEERA — HIGHLIGHTS**

1. U.S. Troops May Protect Envoys in Iraq: The U.S. military is to consider protecting foreign diplomats in Baghdad after al-Qaida claimed responsibility for the killing of three Algerian diplomats this month, ambassador Kalilzad said. He told reporters in Baghdad "It's very important for foreign diplomats who come here to have a sense of security." *Al-Jazeera (English Website), 28 Jul*

2. U.S. Fraud Found in Iraq Reconstruction: A special investigator tracking money spent by the U.S. on reconstruction in Iraq has said he found millions of dollars worth of fraud by U.S. officials and companies. According to Stuart Bowen, the special inspector-general for Iraq reconstruction: "There was no accountability, no records. Unfortunately, there were possible fraudulent activities occurring." He said officials and contractors were involved but could not name them since the Dept. of Justice is investigating. *Al-Jazeera (English Website), 28 Jul*

3. Telesur Keen on Al-Jazeera Link Up: The new Venezuela-backed Latin American TV station Telesur is considering a possible alliance with Al-Jazeera. Telesur president Andres Izarra announced the possibility on 27 Jul as he confirmed he would step down as Information Minister to head the recently created Latin Channel. He said a proposed "strategic alliance" would aim to "search for material [and seek] a deepening of information that we wouldn't obtain otherwise." *Al-Jazeera (English Website), 28 Jul*

(U) AL-ARABIYAH — HIGHLIGHTS

1. Al-Qa'ida Organization Claims Al-Dawrah Train Bombing 28 Jul: Two U.S. soldiers were killed in an attack that targeted their patrol in northern Baghdad. Six Iraqi soldiers were also killed in the same area in clashes with gunmen in Ba'qubah and Khan Bani-Sa'd. Another explosion rocked a train laden with fuel in Al-Dawrah in southern Baghdad following an attack that was claimed by the Al-Qa'ida Organization in a statement posted on the Internet. *Al-Arabiya (Satellite Television), 28 Jul*

2. Al-Zarqawi Pledges to Kill More Diplomats in Iraq: Abu-Mus'ab al-Zarqawi, vowed to kill more diplomats in Iraq. In a statement signed by Al-Zarqawi and published on the Internet, he condemned the leaders who denounced his killing of Ali Belaroussi, chief of the Algerian mission, and diplomatic attaché Azzedine Belkadi. The Algerian Salafist Group for Preaching and Combat (GSPC) commended the execution of the two Algerian diplomats. *Al-Arabiya (Satellite Television), 28 Jul*

(Reverse Blank)



UNCLASSIFIED

TAB B

COORDINATION

USCENTCOM

CAPT Riggins

3 August 2005

Tab B

UNCLASSIFIED



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

INFO MEMO

CH-2005-0515 PM 6:19
15 August 2005

FOR: SECRETARY OF DEFENSE

FROM: General Richard B. Myers, CJCS *TCM 8/13*

SUBJECT: Article Regarding Protecting Foreign Diplomats (SF 1079)

- **Answer.** In response to your question (TAB A), no person from Multi-national Force-Iraq said or suggested to Ambassador Khalilzad that US commanders were considering providing security forces for foreign diplomats.
- **Analysis.** When asked about the issues on 28 July, following his meeting with the Minister of the Interior, Ambassador Khalilzad said that the United States did not agree to take on that mission.
- According to US Central Command, the direct quote of the Ambassador's statement is as follows:

"It's very important for Iraq, for building the success of Iraq, that diplomats from around the world come here. We have not accepted that we will take on the mission, at this point, that we would protect them. But what we've agreed is that we will look at this; see what the problem is, and what the options might be, for assisting with this mission."

- Through US Central Command's coordination, I also learned that the State Department contacted the editor-in-chief of Baghdad's Al-Mashriq Newspaper-Fouad Ghazi and asked for a retraction, stating that the event was off the record. Mr. Ghazi said that he got the information from Mohammed Al-Ghazy of the Kuwaiti News Agency. The State Department is following up on that lead.
- Additionally, US Central Command indicated that the State Department also contacted the editor-in-chief from Baghdad's As-Sabah Al-Jadeed and informed him that it will watch for a retraction there as well.

COORDINATION: TAB B

Attachments:


As stated

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

~~FOR OFFICIAL USE ONLY~~ OSD 15952-05

~~FOUO~~
SENSITIVE

AUG 16 2005

TO: The Honorable Andrew H. Card Jr.
CC: Stephen J. Hadley
Dan Bartlett
Scott McClellan
FROM: Donald Rumsfeld 
SUBJECT: *Sunday Telegraph* Article

Attached is an article that presents a harmful view of the President's comments in Crawford last Thursday. I am told there was similar reporting by other news organizations over the weekend. It raises the question as to whether someone is promoting that view.

Because of the harm of having the President appear to be slapping down the Nation's top general in Iraq, I hope you and your associates, and possibly the President, could find an opportunity to take public issue with that interpretation.

Thanks.

Attach 8/14/05 London Sunday Telegraph article

DHR:sa
081505-20

OSD 15961-05

~~FOUO~~
SENSITIVE
11-L-0559/OSD/51464

READ

16 AUG 05

London Sunday Telegraph
August 14, 2005

Bush Slaps Down Top General After He Calls For Troops To Be Pulled Out Of Iraq

By Philip Sherwell, Washington

The top American commander in Iraq has been privately rebuked by the Bush administration for openly discussing plans to reduce troop levels there next year, The Sunday Telegraph has learned.

President George W Bush personally intervened last week to play down as "speculation" all talk of troop pull-outs because he fears that even discussing options for an "exit strategy" implies weakening resolve.

Gen George Casey, the US ground commander in Iraq, was given his dressing-down after he briefed that troop levels - now 138,000 - could be reduced by 30,000 in the early months of next year as Iraqi security forces take on a greater role.

The unusual sign of US discord came as Iraqi politicians and clerics drafting a new constitution continued their own wrangling over autonomy demands by various factions.

Jalal Talabani, the Iraqi president and a Kurd, predicted that a draft of the new constitution should be ready today, 24 hours ahead of Monday's deadline, but other delegates were less optimistic.

"If God is willing, tomorrow it will be ready," Mr Talabani told a news conference in Baghdad yesterday, but admitted that two significant issues remained unresolved: the question of federalism in the south, and the relation between religion and state.

Shia Muslims, who lead Iraq's interim coalition government, are pushing for a clause saying that all laws passed by parliament must be compatible with Islam - a proposal most other participants oppose.

Meanwhile, Abu Musab al-Zarqawi, al-Qaeda's leader in Iraq, threatened to kill any imam who backs the constitution, according to a statement posted on the internet yesterday but whose origin could not be independently verified.

Mr Bush is expected to place phone calls to some of the senior Iraqi negotiators in Baghdad if the deadlock remains. Last week as he came under renewed pressure from anti-war protesters to pull out, he dismissed any prospect of an immediate troop withdrawal. Mr Bush was responding to calls by Cindy Sheehan, the mother of a soldier killed in Iraq who has set up a protest camp outside his ranch in Crawford, Texas, where Mr Bush is on holiday.

Politically, the administration will be under pressure to signal a significant cut in the US presence by autumn next year to help Republicans fighting mid-term elections in November 2006. Military commanders, however, also need to wind down numbers, the imperative that prompted Gen Casey's comments, according to Dan Goure, a Pentagon adviser and vice-president of the Lexington Institute defence think-tank.

"It's number-driven," Mr Goure said. "The military can only maintain these levels in Iraq if it has absolutely no choice. Otherwise, the current pattern of rotations and other commitments mean that they

will have to lower numbers."

There will, in any case, be a short-term increase in US troop levels to cover the Iraq elections scheduled for December. After that, said Mr Goure, the military has drawn up three broad strategies for cutting troops.

Their "best scenario" target is to reduce numbers to 60,000-70,000 by next autumn if Iraqi forces start to make progress against the insurgents. The fall-back option would be Gen Casey's minimum 30,000 reduction by the summer.

There is also a rarely-mentioned "Plan C" - complete withdrawal if all-out civil war erupts between the Shias and Sunnis, both of whom are engaged in a last-ditch battle for political territory in the current negotiations.


The Kurds and Shia Arabs want strong regional governments to be created in their northern and southern strongholds. But the minority Sunni Arabs, who dominated the country under Saddam Hussein, fear that they will be left with the central dust-bowl.

Sunni religious leaders, who led the boycott of January's elections, are now calling for their followers to register to vote in case they decide to oppose the constitution's federalism clauses in October's referendum.

The constitution will be considered void if it is rejected by two-thirds of voters in three provinces. Sunnis form a majority in four provinces.

FOUO

July 27, 2005

TO VADM Jim Stavridis
FROM Donald Rumsfeld 
SUBJECT: Fred Smith and Tankers

452T

Many months back I got a call from Fred Smith. He had some ideas on tankers. I asked General Jumper about them, and I just found my notes from my call with Fred Smith. I don't recall General Jumper ever giving me the Fred Smith paper that he told me he was going to give me. If he did, I don't remember what happened next.

Could you please probe that and let me know?

Thanks.

DHR:dh
072705-27TS

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

FILE
M

Sir,
Response attached
v/k
LHOL consrel

JUL 29 2005

OSD 15085-05

27 Jul 05

11-L-0559/OSD/51467

May 4, 2005
8:40am

Mr. Secretary—

RE: Frederick Smith (CEO, FedEx) —

I forgot to add Mr. Smith's name to the list of phone calls. Do you still want to call him?

Cell: (b)(6)

V/R,

Delonnie

Jan. - Otago Bowl The Sp...-

McLain Pick about Tanlens -

F.S. Cond. - Spec. Thor led + KC 767

shall be released for gym -

Binn 777 DJ & George Tader

Whitology Kn BTR & KC 10 Ht Flyer

Proph or 767 was with be find board -

Pub. ① No Com. Mat for it. -

So need to get all overboard

② No more mil Lg. The KC BTR

100M // at 1000 N.M. -

Start on —

③ 777 long rep - 300M id 1000 NM

~~Start on 767~~ More mil Lg. 1/4 hr

Time for KC to the center

④ Let AF look in

44-L-0359/OSD/51468

Gen Tomper has
a paper -



CHIEF OF STAFF
UNITED STATES AIR FORCE

452T

Mr. Secretary,

These are the slides
you discussed with Ted Smith
from FedEx. We are working
to get this idea incorporated
into the Tanker Analysis of
Alternatives along with
an expanded Concept of Operations
that includes the more
global context of today's environment.
We will emphasize the need to
consider the entire tanker fleet
instead of the oldest KC-135Es
that were the object of the
lease proposal. Very respectfully,
John

16 Aug 05

27 Jul 05

OSD 15985-05

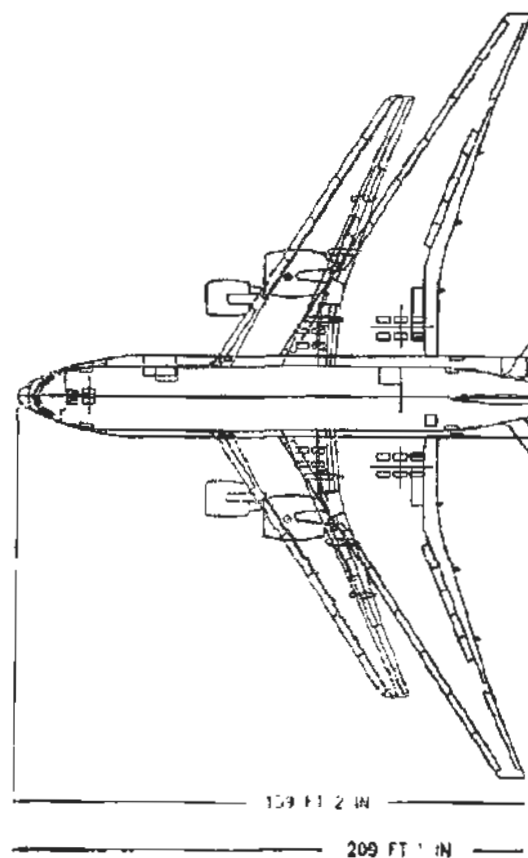
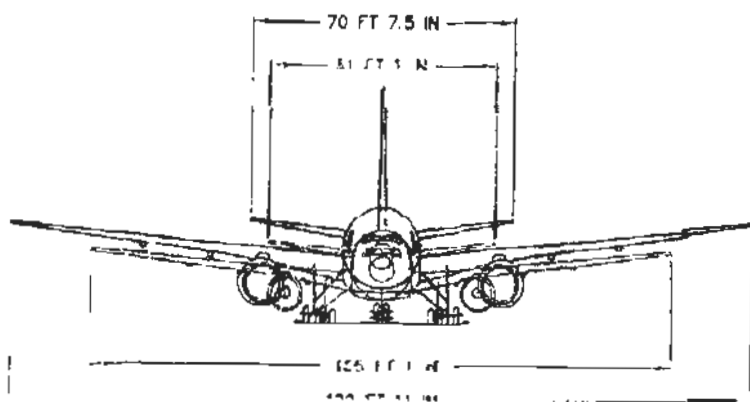
22 March 05

New USAF Tanker/Transport

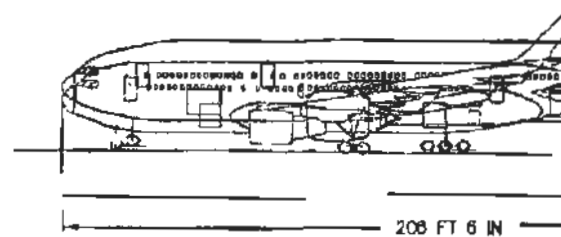
- Must enhance **the** expeditionary and force projection capabilities of the **U.S.** military
- Should incorporate the latest technologies such as fly-by-wire, on board diagnostics, etc. to maximize reliability and minimize maintenance costs
- Should provide significant new capabilities in terms of payload/range and fuel offload to reflect **the** future scarcity and vulnerability of forward bases
- Should **be** able to perform multiple missions (tanker, cargo, troop transport, C&C/sensor platform)
- Must **be** a current production air transport aircraft (**like** MMA) to provide maximum flexibility for USAF procurement and minimal overhead obligations

136825

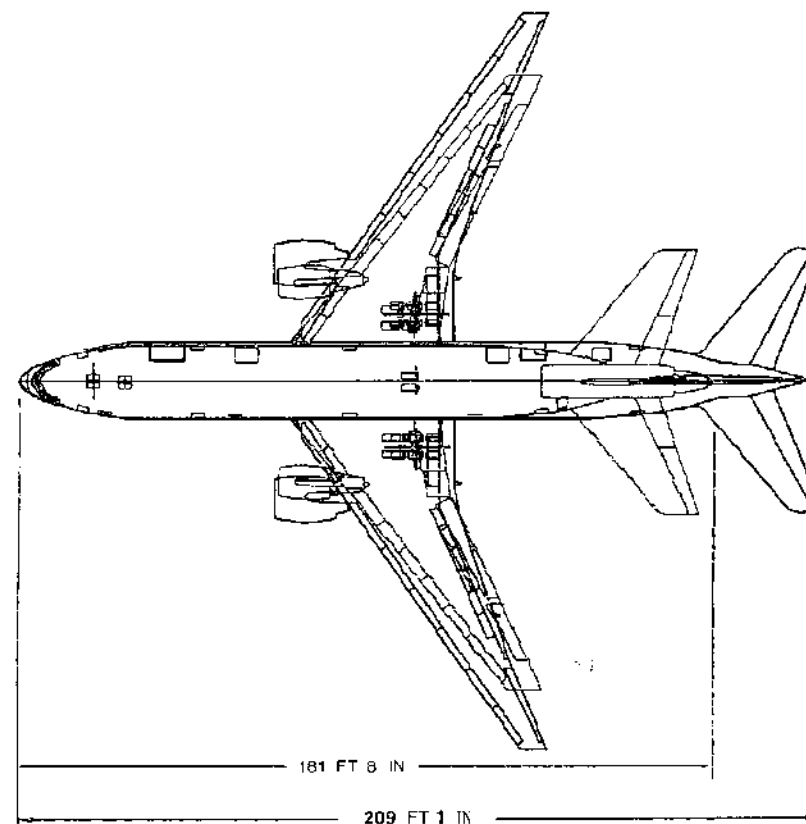
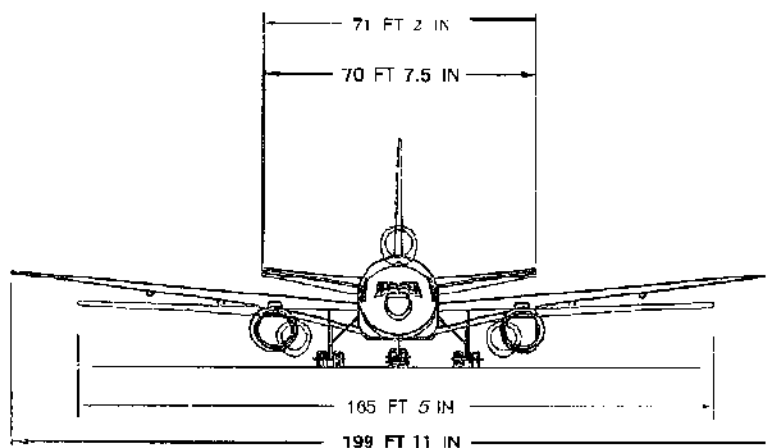
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767-200
 777-200

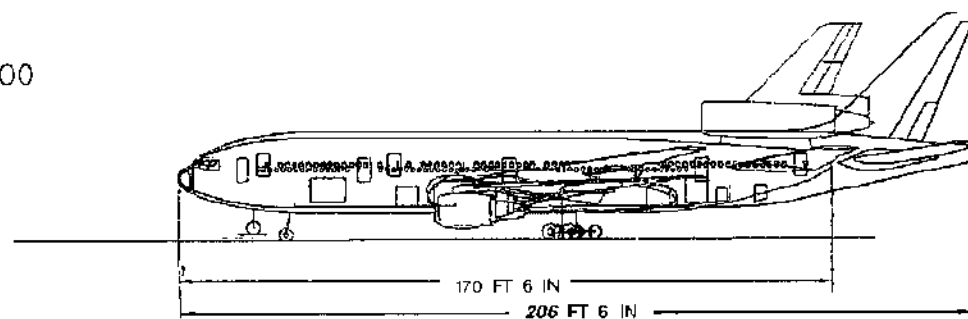


11-L-0559/OSD/51471



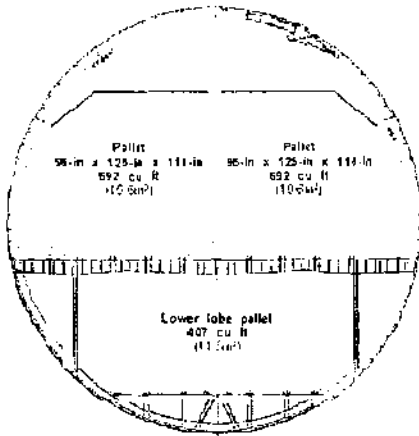
DC10

777-200

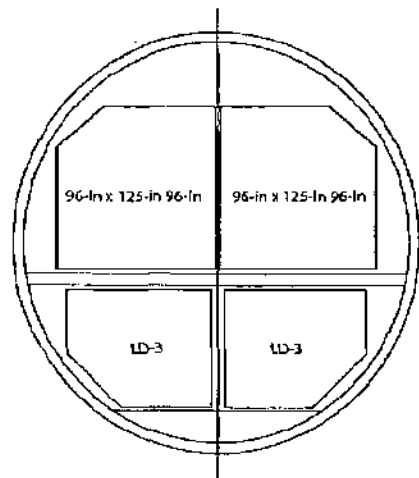
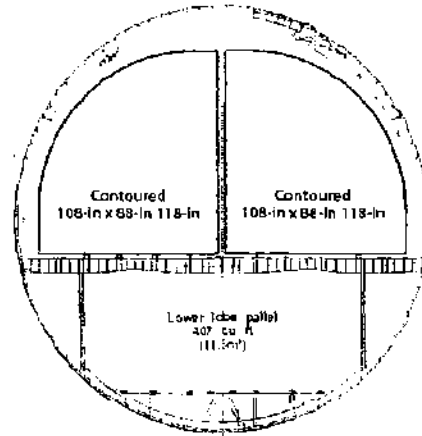


11-L-0559/OSD/51472

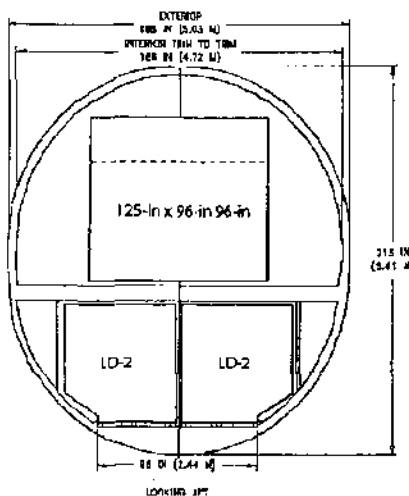
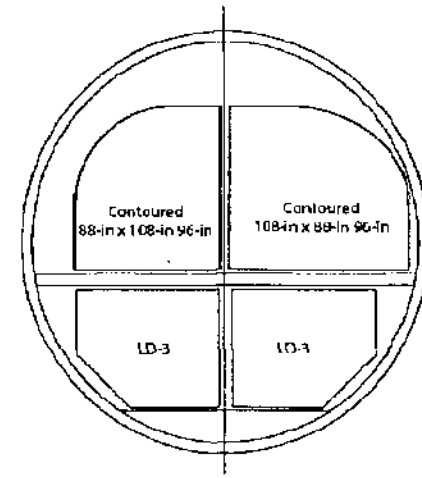
• Cross Sections Comparisons 777-200XF/KC-10A/767-200SF



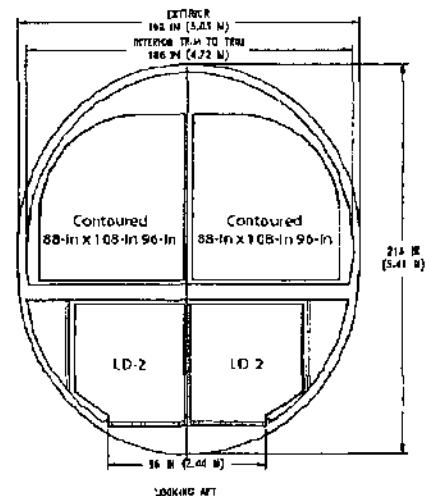
777-200XF
MTOW 750,000 lb
ACN 79
(Rigid Pavement, Medium Subgrade Strength)



KC-10A
MTOW 590,000 lb
ACN 55
(Rigid Pavement, Medium Subgrade Strength)



767-200SF
MTOW 395,000 lb
ACN 53
(Rigid Pavement, Medium Subgrade Strength)

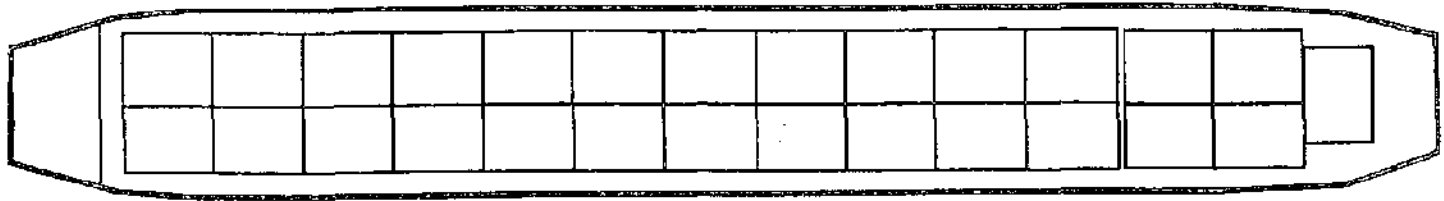


Plan View Configurations

777-200XF/KC-10A/767-200SF

* Estimated configuration - Not verified

777-200XF MAIN DECK

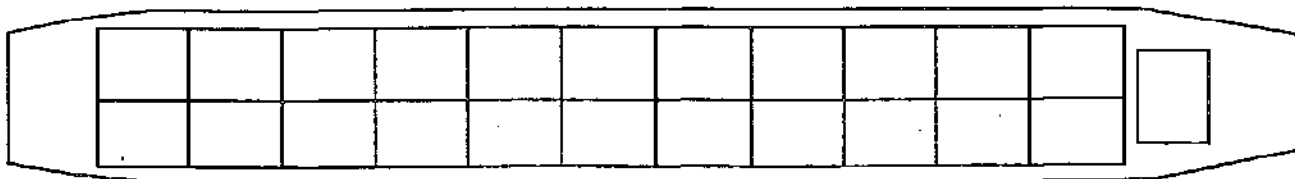


(27 POSITIONS- 96" x 125")



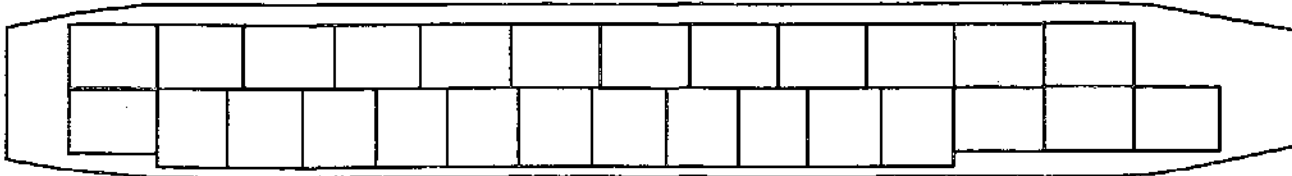
(33 POSITIONS- 88" x 108") *

FEDEX DC-10-30 MAIN DECK



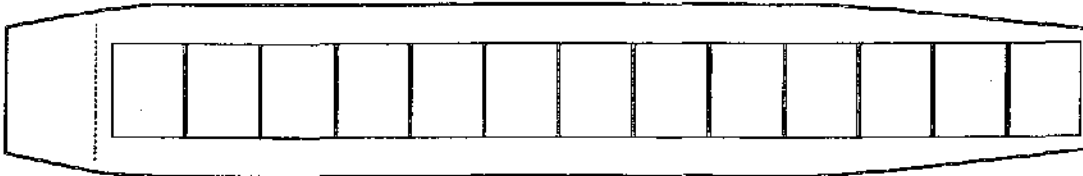
(23 POSITIONS- 96" x 125")

KC-10A MAIN DECK

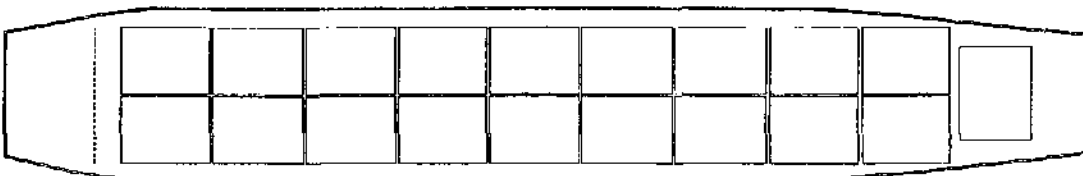


(27 POSITIONS - 88" x 108")

767-200SF MAIN DECK



(13 POSITIONS- 96" x 125") *



(19 POSITIONS- 88" x 108")

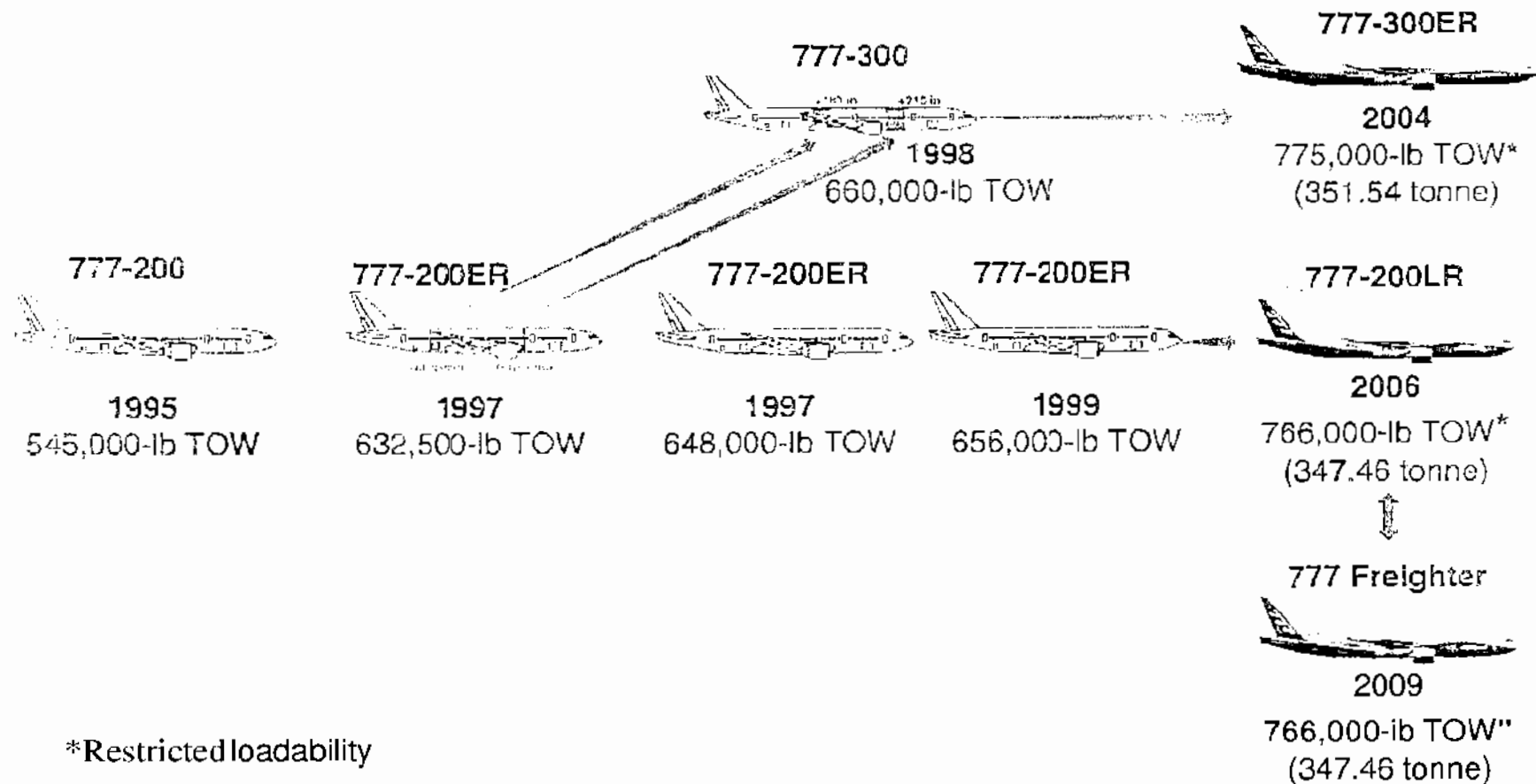
11-L-0559/OSD/51474

BOEING PROPRIETARY

Product
Development
Study

Evolution of the 777 Family

More Payload and Range Capability



BOEING PROPRIETARY

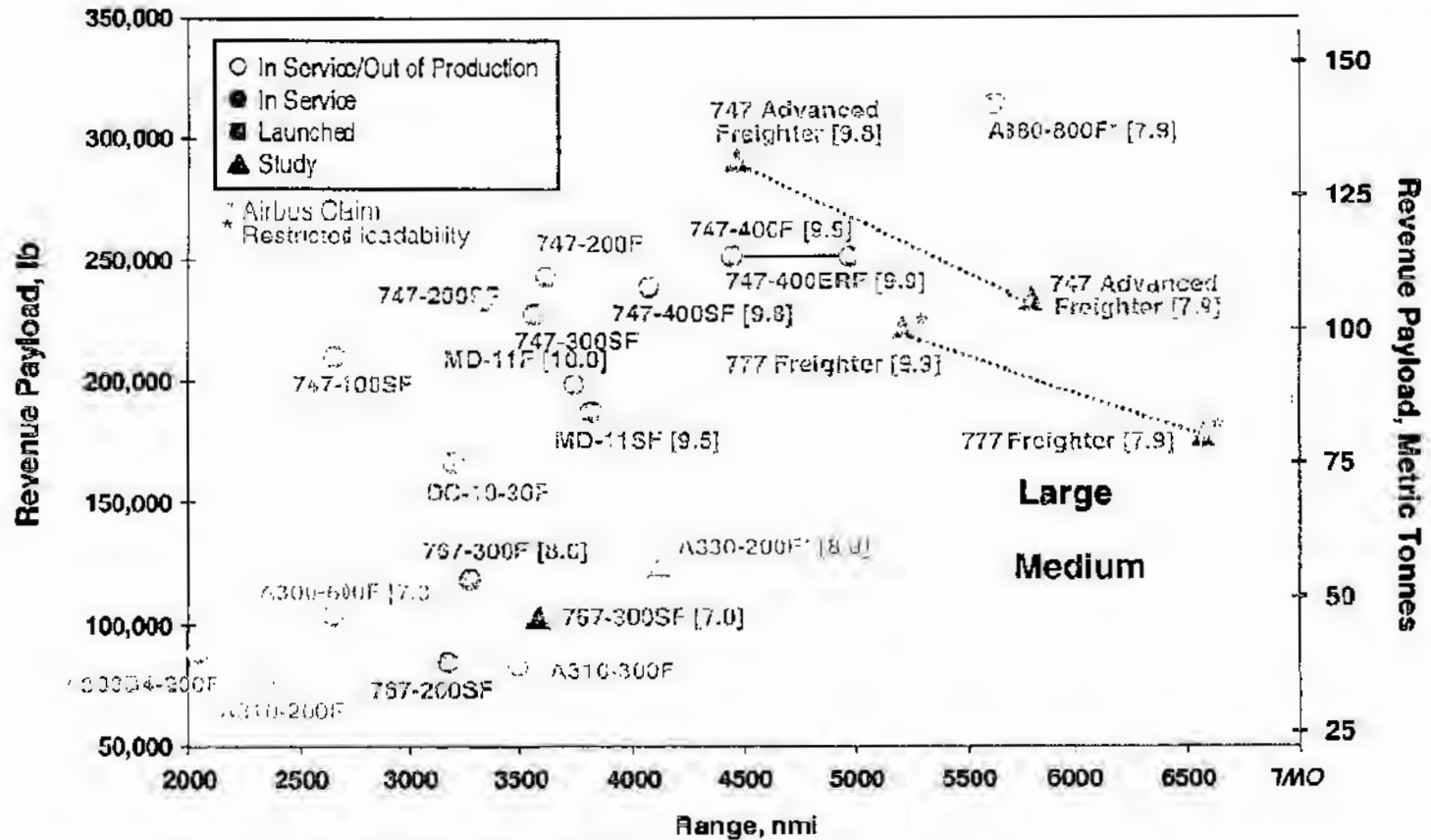
11-L-0559/OSD/51475

BOEING PROPRIETARY

Product
Development
Study

Wide Body Freighter Airplanes

Range of 747 and 777 with A380 Cargo Density



NOTE: Revenue Payload = Structural Payload MZFW - (OEW + Tare)

[] = Average density, #lb/ft³, for total volume excluding bulk

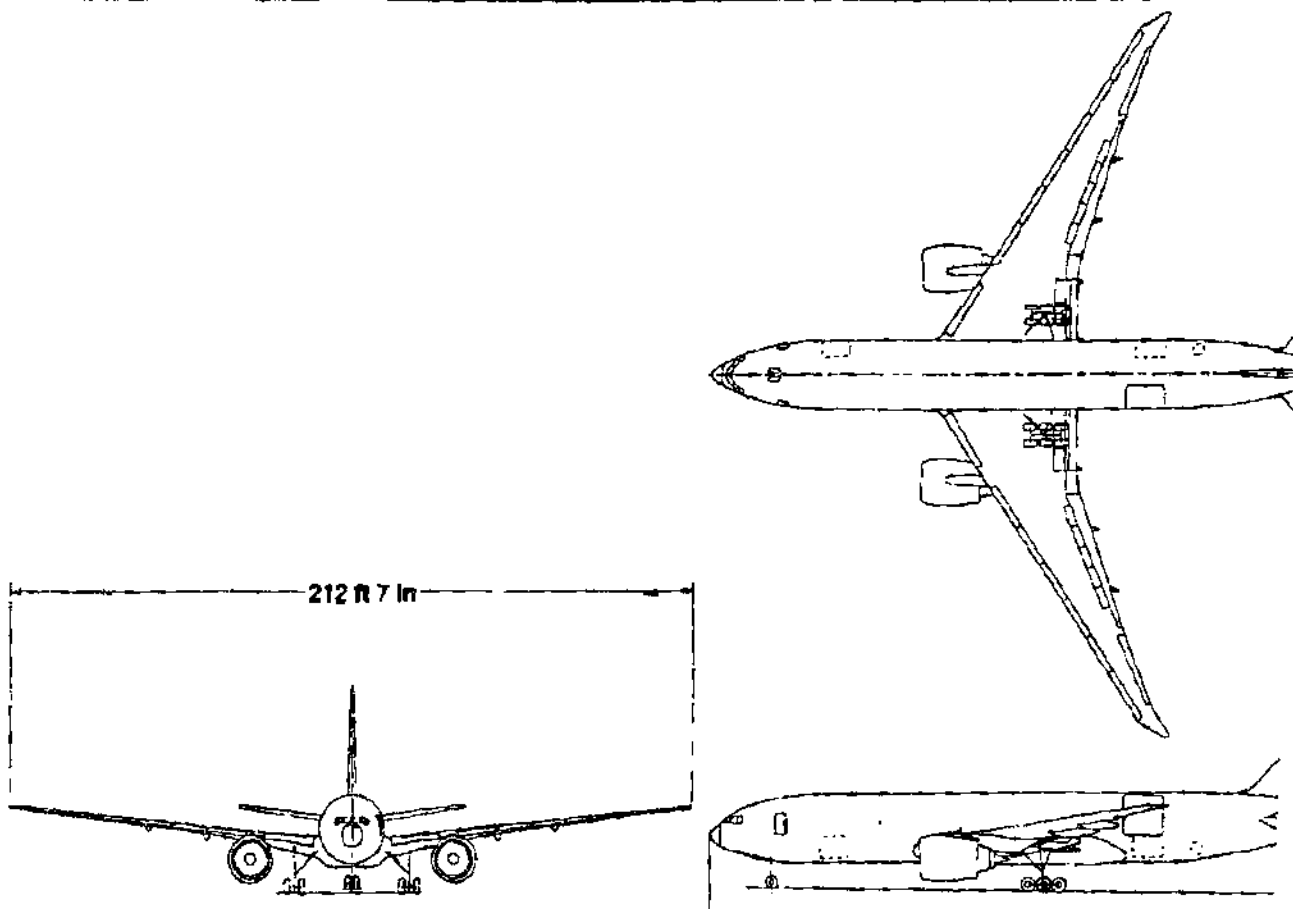
BOEING PROPRIETARY



11-L-0559/OSD/51476

BOEING PROPRIETARY

777 Freighter

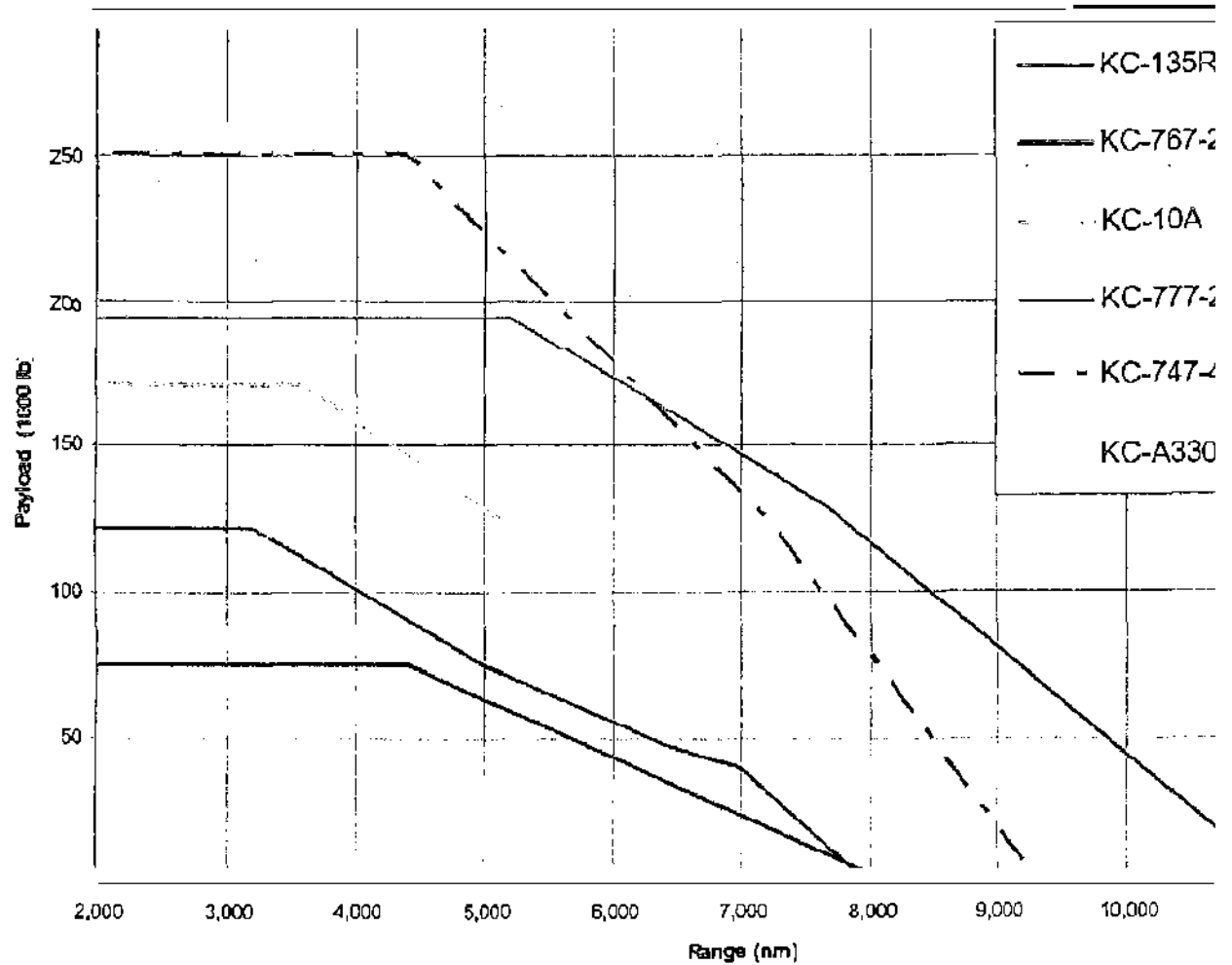


BOEING PROPRIETARY

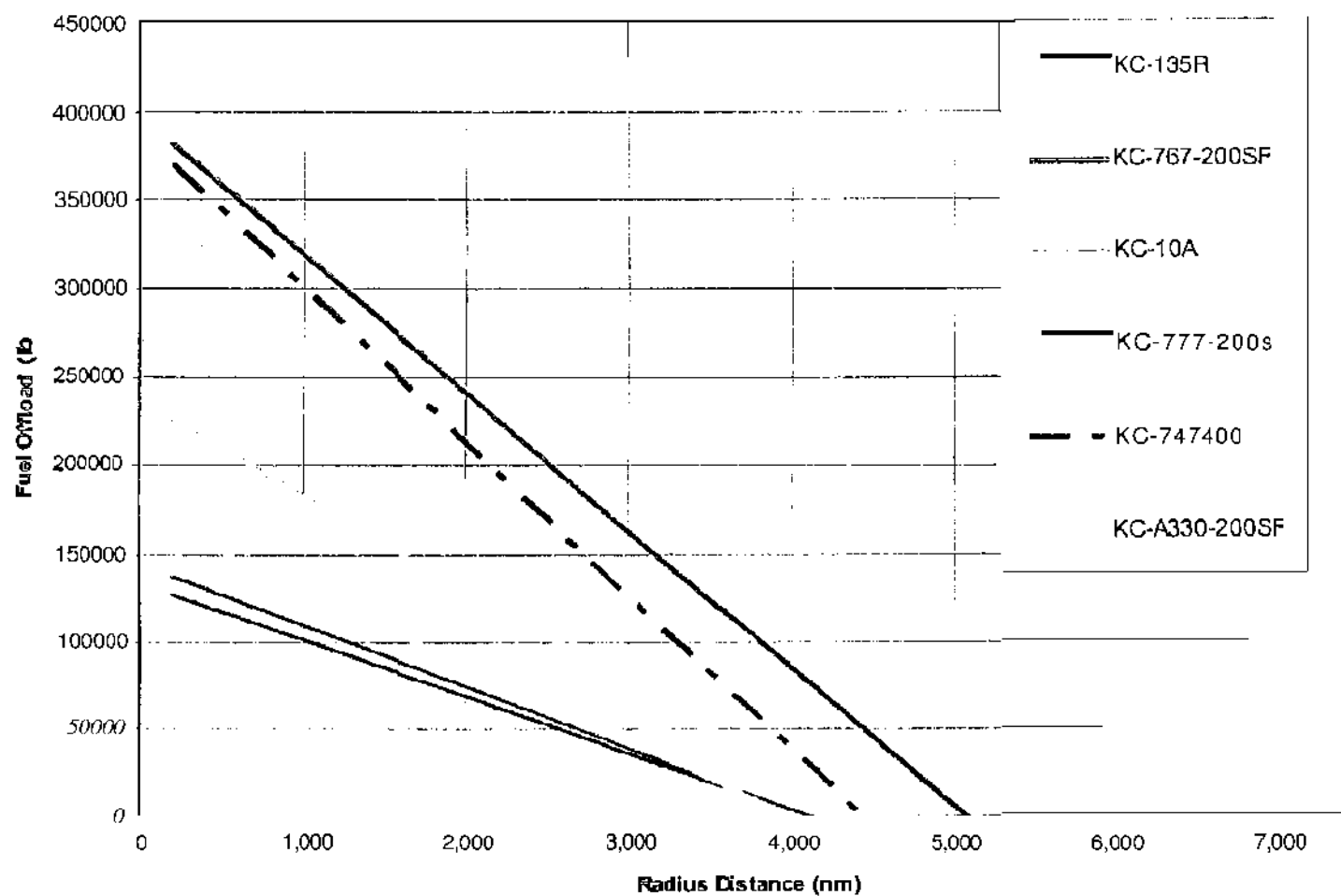
8

11-L-0559/OSD/51477

Comparison of Payload vs. Range



Comparison of Fuel Offload vs. Radius Distance



Tanker Configurations

	KC-135R	KC-10A	KC-767-200SF	KC-A330-200SF	KC-777-200XF	KC-747-400ERF
MTOW	304,000	590,000	395,000	513,700	750,000	910,000
OEW	121,604	240,728	194,000	265,700	315,100	361,700
MLW	185,000	436,000	278,000	396,832	528,000	653,000
MZFW	122,604	414,000	253,000	370,377	497,000	611,000
MAX FUEL ON BOARD (LBS)	182,396	349,272	202,000	248,000	406,632	548,300
MAX FUEL OFFLOADABLE (LBS)	127,200	225,520	137,300	764,200	382,000	370,464
OPERATING COST PER FLT HR* (without flight crew)	3304	4775	2955	3403	3810	6819

* Flight crew costs are not included. Military crew costs are a function of rank and years of service. Aircraft type is not considered.

* Operating cost data is based on 2002 historical (actual) data gathered by Strategic Projects. This data closely matches published DOT Form 41 data escalated to 2002.



FOUO

CONFIDENTIAL
NO FORN DISSEM

2005 JUL 14 12:38
July 17, 2005

KYRGYZSTAN

TO: Peter Rodman
CC: Doug Feith
PETER FLORY
FROM: Donald Rumsfeld
SUBJECT Millennium Challenge for Kyrgyzstan

Let's make a push for Kyrgyzstan to get into the Millennium Challenge. Please
fashion something from me to whomever it ought to go to.

Thanks.

DHR:dh
072703-07TS

.....
Please respond by August 25, 2005

FOUO

27 JUL 05

11-L-0559/OSD/51481

OSD 16034-05

ES-3880
2005 08 16 10 05/010362
~~FOUO~~

AUG 02 2005

China

TO: Ryan Henry

CC: Doug Feith

FROM: Donald Rumsfeld *DR*

SUBJECT: China in QDR

We have to make sure that we have China in the QDR. We cannot ignore the importance of what is evolving in that part of the world.

Thanks.

DE:RA
080105-01

Please Respond By August 11, 2005

2 AUG 05

~~FOUO~~

OSD 16035-05

1/2
A

11-L-0559/OSD/51482

~~FOUO~~

August 16, 2005

TO: Stephen J. Hadley
FROM: Donald Rumsfeld *DR*
SUBJECT: Strategy for Winning the War on Terror

000.5

Steve,

Here is a modest revision of the paper you sent over last week.

Attach: President's Strategy for Winning the War on Terror

DHR:ss
081505-47

OSD 16071-05

110 PIR 605

~~FOUO~~

11-L-0559/OSD/51483

The President has a comprehensive strategy for winning the war on terror.

In the near term, the global coalition is confronting terrorists – capturing or killing them and working to deprive them of sanctuaries. Ultimate victory depends on success in advancing the cause of freedom and democracy as the most powerful alternative to the grim vision of the terrorists and in supporting those moderate voices in the Muslim world disputing the claim of the terrorist to represent the true vision of Islam. The war of ideas is at the center of the war on terror – a conflict between the totalitarian ideology of the violent extremists and the positive vision of free and democratic societies.

~~FOUO~~

AUG 17 2005

TO: Gordon England

CC: Fran Harvey
Pete Geren
Tina Jonas
Gus Pagonis

FROM: Donald Rumsfeld *DR*

SUBJECT: DoD Financial Reform

Attached is an article from *Federal Times* on the need for financial reform in the Department. As you know, I have asked you to spearhead this effort. I would like to start getting a monthly report as to where you think you stand on it.

Thanks.

Attach.

Kutz, Greg — "DoD Needs Financial Reform," *Federal Times*, August 15, 2005, p. 21.

DHR:dh
081605-6TS

.....
Please respond by September 1, 2005

~~FOUO~~

OSD 16025-05

11-L-0559/OSD/51485

100.5

17 Aug 05

85-2

and killed almost 3,000 people. In a dangerous world, it is necessary to either manage the threats, or let them manage you.

Washington Times

August 16, 2005

Pg. 15

49. Blinks And Winks

On Able Danger

By Mark Steyn

If you want to know everything wrong with the September 11 Commission in a single soundbite, consider what its official spokesman, Al Pelzenberg, said last Wednesday: "There was no way that Atta could have been in the United States at that time, which is why the staff didn't give this tremendous weight when they were writing the report. This information was not meshing with the other information that we had."

In fairness to Mr. Pelzenberg, he was having a bad week, and a hard time staying on top of the commission's ever-shifting version of events. A few days earlier it had emerged that a group from Special operations Command claimed to have fingered Mohamed Atta -- the guy who ploughed Flight 11 into the first World Trade Center tower -- well more than a year before September 11, 2001. Or as the Associated Press puts it "A classified military intelligence unit called 'Able Danger' identified Atta and three other hijackers in 1999 as potential members of a terrorist cell in New York City."

When the story broke, the commissioners denied they knew anything about "Able Danger." Then they remembered they had known about it but had concluded it was no big deal and "decided not to include that in its final report."

Why? Well, as Mr. Pelzenberg says, so disarmingly, "This information was not meshing with the other information." As a glimpse into

the commission mindset, that's very interesting: September 11 happened, in part, because the various federal bureaucracies involved were unable to process information that didn't "mesh" with conventional wisdom. Now we find the official commission intended to identify those problems and ensure they don't recur is, in fact, guilty of the same fatal flaw. The new information didn't "mesh" with the old information, so the commission disregarded it. But, hey, let's not have... a philosophical discussion; let's keep it practical:

There was "no way" Atta could have been in the U.S. except when the official Immigration and Naturalization Service record says he was? Actually, there are plenty of ways. Ask the 15 million illegal immigrants: when a population half the size of Canada moves in without filling in a single INS form, why should Mohamed Atta go to all the trouble?

Did al Qaeda know about the illegal immigrant fast-track network? Yes, indeed. Fact: Four of the September 11 killers boarded the plane with identification obtained through activists for the "undocumented" at a 7-Eleven parking lot in Falls Church, Va. Think that was the jihad's first and only experience with "undocumented" immigration?

Or take the 49th Parallel. Fact: On America's northern border, no record is kept of individual visitors to the U.S. All that happens is a scanner photos your rear license plate. The scanner is said to be state-of-the-art, which means, as one Customs & Border official told me, it's "officially" 75 percent accurate. The one time my own license plate was queried it turned out the scanner misread it.

So, just for a start, without any particular difficulty, a friend of Mohamed Atta could have rented a car for him in Montreal and driven him down to New York, and there would

be no record to connect Atta to the vehicle anywhere in the U.S. or Canada.

Would al Qaeda types have such Montreal contacts? Absolutely. The City is a hotbed of Islamist cells and sympathizers.

Fact: The only Islamist terrorist attack prevented by the U.S. government prior to September 11, 2001, was the attempt to blow up Los Angeles International Airport by Ahmed Ressam, a Montrealer caught on the Washington/British Columbia frontier by an alert official who happened to notice he seemed a little sweaty. A different guard, a cooler Islamist, and it might just have been yet another routine unrecorded border crossing.

So, when the September 11 Commission starts saying there's "no way" something can happen when it happens every single day of the week you start to wonder what exactly is the point of an official investigation, so locked-in to pre-set conclusions.

For example, they seemed oddly determined to fix June 3, 2000, as the official date of Atta's first landing on American soil -- though there were several alleged sightings of him before, including a bizarre story he had trained at Maxwell/Gunter Air Force Base in Montgomery, Ala. Atta was a very mobile guy in the years before September 11, shuttling between Germany, Spain, Afghanistan, the Czech Republic, the Netherlands, the Philippines with effortless ease. I've no hard evidence of when he was in, say, April 2000. The period between late 1999 and May 2000 is, in many ways, a big blur. He might have been in Germany -- or in Florida, attempting to get a U.S. Farm Service Agency loan for the world's biggest crop duster, as reported by Agriculture Department official Johnell Bryant, local bank officials and others.

But I do know it's absurd to suggest he was never in the

United States until June 3, 2000, simply because the INS says so.

September 11 was a total government fiasco: INS, CIA, FBI, Federal Aviation Administration; all the hotshot acronyms failed spectacularly. But appoint an official Commission and let them issue an official report and suddenly everyone says, oh, well, this is the official version of September 11. If they say something didn't happen, it can't possibly have happened.

Readers may recall that I never cared for the commission. There were too many showboating partisan hacks -- Richard Ben Veniste, Bob Kerrey -- who seemed more interested in playing to the rhythms of election season. There was at least one person with an outrageous conflict of interest: Clinton Justice Department honcho Jamie Gorelick, who shouldn't have been on the commission but instead a key witness. And there were far too many areas where members seemed interested only in facts that supported a predetermined outcome.

Maybe we need a September 11 Commission Commission to investigate the September 11 Commission. A body intended to reassure Americans that the lessons of that terrible day had been learned instead engaged in at best transparent politicking and collusion in post-mortem covering and at worst something a much darker and more disturbing.

The problem pre-September 11 was always political -- that's to say, no matter how savvy individual operatives in various agencies may have been, the political culture then meant nothing would happen except a memo would get typed and shoved into a filing cabinet. Together with other never fully explained episodes -- like Sandy Berger's pants-stuffing at the national archives -- the Able Danger story makes one thing plain: The problem is still

B5-3

political.

Mark Steyn is the senior contributing editor for Hollinger Inc. Publications, senior North American columnist for Britain's Telegraph Group, North American editor for the Spectator, and a nationally syndicated columnist.

Washington Post
August 16, 2005
Pg. 13

50. Talk To Tehran

Efforts to stop or at least delay the Iranian nuclear program - are worth undertaking.
By Farsed Zakaria

Two things are very expensive in international politics, the game-theorist Thomas Schelling once observed: threats when they fail and promises when they succeed. President Bush appears to be headed on a path that could teach him this lesson.

Last week he responded to Iran's decision to resume work on its nuclear program by asserting that "all options are on the table" to stop Iran's nuclear development. He also implied that, when Israel to strike at Iran's nuclear facilities, the United States would support it. Unfortunately, these are hollow threats, unlikely to have much effect other than to cheapen America's credibility around the world. (Within hours of Bush's statement, German Chancellor Gerhard Schroeder made clear that he would not support any such action against Iran.)

Air strikes against Iran would be extremely unwise. They would have minimal military effect. The facilities are scattered, reasonably well hidden and could be repaired within months. With oil at \$66 a barrel, the mullahs are swimming in money. (The high price of oil and Iran's boldness are directly related.) More important, a foreign military attack would strengthen local support for the nuclear

program and bolster an unpopular regime. Iran is a country with a strong tradition of nationalism - it is one of the oldest nations in the world.

With 150,000 U.S. troops in Iraq and Afghanistan, Tehran has many ways to retaliate against an American strike. Last week Donald Rumsfeld was listing conditions that would allow U.S. troops to begin leaving Iraq. High on his list was the question of whether Iranian officials would be more helpful in creating stability there. My guess is that dropping bombs on them is unlikely to produce a helpful attitude.

Economic sanctions are the other weapon of choice. The United States already has them in place against Tehran - with little effect - and the chances of widening them are low. To get comprehensive sanctions against Iran, there would have to be agreement from Russia and China. But Moscow is helping build one of Iran's reactors, and China is busy signing deals to buy oil and natural gas from it. Both countries will condemn Iran's actions, but they will not shut down their economic ties with Iran.

Many Iranians believe that they should and will be a nuclear power. I was speaking to an Iranian exile who lives in London and who has spent time, money and effort plotting against the regime. For the first time ever, I found he was siding with the mullahs. "I would do exactly what they are doing," he said. "For strategic reasons, Iran needs a nuclear option. Look at where it lies, with neighbors like China, Russia, Israel and Pakistan, all powerful nuclear-weapons states."

Last year Iran's former foreign minister under the shah, Ardeshir Zabeti, argued that Iran should have nuclear weapons, and that under a different regime, Iranian nukes would be no more threatening than those of Britain. In fact, Iran's nuclear program was

started by the shah in the early 1970s with American support.

But however it looks from Tehran's perspective, a nuclear Iran would radically change the security atmosphere of the Middle East. It would also make Saudi Arabia and Egypt rethink their own security needs, leading to a potential nuclear spiral. All of which suggests that efforts to stop or at least delay the Iranian program are worth undertaking - intelligently.

Sticks are not going to work, however. In its second term, the Bush administration has softened its Iran policy, and yet it remains unwilling to talk, let alone negotiate, on anything substantive. As with North Korea, the shift toward a less hostile policy is so slight that it can't possibly succeed. In fact, I sometimes wonder whether this new "soft" policy has been designed by Vice President Cheney's office, so that if it fails, it discredits any prospect of negotiating and thus returns us to the old policy, which is to do nothing and hope the regime falls (a prediction that has been made by neoconservatives for 15 years now).

The one man who has had extensive negotiations with the Iranians, Mohamed ElBaradei, director general of the International Atomic Energy Agency, said to me a few months ago that Tehran is seeking a grand bargain: a comprehensive normalization of relations with the West in exchange for concessions on nuclear issues. It will never give up its right to a nuclear program, he argues, but it would allow such a program to be monitored to ensure that it doesn't morph into a weapons project. But the prize they seek, above all, is better relations with the United States. "That is their ultimate goal," he said.

There are lots of reasons to be suspicious of Iran. But the real question is: Do we want to try to stop it from going nuclear? If so, why not explore

this path? Washington could authorize the European negotiators to make certain conditional offers, and see how Tehran responds. What's the worst that can happen? It doesn't work, the deal doesn't happen and Tehran resumes its nuclear activities. That's where we are today.

Federal Times
August 15, 2005

Pg. 21

51. DoD Needs Financial Reform

Waste, mismanagement damage soldiers' morale
By Gregory Kutz

"I implore this committee to promote the necessary steps, now and in the future, to prevent another citizen soldier from ever suffering the hardships that members of my company had to endure. Soldiers are prepared mentally and physically to face the rigors of combat in a foreign land. What they are not prepared for are the hardships imposed by an ineffective pay system. My soldiers have suffered divorces, bankruptcies, lost homes, and endured untold family problems that are far more destructive to their morale than any enemy they face in combat. Twenty-five soldiers have left my unit as a direct result of these pay problems."

Those are the words of a major from the Colorado National Guard who testified in 2004 before the House Government Reform

Committee about ongoing pay problems for soldiers that were uncovered by the Government Accountability Office. Today, we at GAO continue to report that DoD's substantial, long-standing management problems adversely affect the economy, efficiency and effectiveness of its operations and, as the major noted, has affected the morale of our fighting forces. The following examples of GAO's work over the last several years provide a compelling case of the need for

transforming DoD's financial management and overall business operations.

*DoD was giving away, destroying or selling for pennies on the dollar unused inventory, while identical items were in demand by our military forces and being purchased. GAO purchased from DoD's liquidation - contractor

numerous items that DoD continued to buy and use, including tents, boots, medical supplies and tires. For example, GAO paid \$12 per pair for extreme cold weather boots that DoD was buying for \$135 per pair. In total, GAO paid about \$3,000 for items that cost DoD \$80,000.

*Control breakdowns resulted in more than \$100 million being paid for airline tickets that were not used and never processed for refund.

*Thousands of DoD contractors abused the federal tax system, including potential criminal activity, with little or no consequence. DoD was not providing complete and accurate payments to the Treasury Department so that these contractor payments could be held for unpaid taxes. We estimate that at least \$100 million could have been collected annually; DoD had collected less than \$1 million in the first four years of the levy program.

Ninety-four percent of the mobilized Army National Guard and Reserve soldiers who GAO investigated had pay problems. These problems distracted soldiers from their missions, imposed financial hardships on their families, and hurt retention.

*Travel reimbursement problems affected hundreds of thousands of mobilized Army National Guard soldiers and their families.

To improve the chances of success for the department's current business transformation efforts, we have proposed that those who are responsible for business systems modernization control the allocation and execution of

funds for DoD business systems. Investments in the modernization of the

department's business systems need to be directed toward integrated, corporate system solutions to common DoD-wide problems, not stovepiped, duplicative systems that exist today.

Additionally, these complex, long-term transformation efforts need strong and sustained executive leadership to succeed. We believe one way to ensure this strong and sustained leadership would be to create a full-time position for a chief management official (CMO), who would serve as the deputy

secretary of Defense for management. We believe the new CMO position should be filled by someone appointed by the president and confirmed by the Senate for a set term of seven years. Articulating the role and responsibilities of the position in statute and establishing a term that spans administrations underscores the importance of a professional, nonpartisan approach to this business-management position.

It is worth noting that on April 14 a bill was introduced in the Senate that would require the establishment of a CMO who would serve seven years after being appointed by the president and confirmed by the Senate. We look forward to continuing to work constructively with DoD on its transformation efforts. We are confident that transforming DoD's business operations and making them more efficient would free up resources that could be used to support the department's core mission, enhance readiness and improve the quality of life for our troops and their families.

Gregory Kutz is managing director, forensic audits and special investigations, at the Government Accountability Office.

85-115

August 26, 2005

To: Secretary Rumsfeld

Fr: Gordon England

Subj: DoD Financial Reform

- There is a lot of very positive activity underway to transform the business/financial processes within the Department.
- The business transformation team reports to me monthly as Chair of the Defense Business Systems Management Committee (DBSMC). The team has been directed to develop **an** enterprise transition plan with specific milestones that measure progress. This plan, which also must be delivered to Congress, **is** on schedule for completion by September 15th.
- The transformation team is accountable to the DBSMC for the successful execution of the transition plan. **An** executive-level summary of their monthly progress reports will be prepared for you.
- Additionally, the team leaders will brief you on the enterprise transition plan prior to its delivery to Congress on September 30th.
- This activity is fully coordinated with GAO.

cc: Fran Harvey
Pete Geren
Tina Jonas
Gus Pagonis



OSD 16125-05

11-L-0559/OSD/51489

1000

26 Aug 05

27 Aug 05

FOUO

August 1, 2005

TO: **Larry** Di Rita

FROM: Donald Rumsfeld *DR*

SUBJECT: Recommendation

Please give me a recommendation as to who you think ought to go out in response to the attached note from George Shultz.

Thanks.

Attach.

7/25/05 George Shultz letter to SecDef

DHR:ss
072904-05

Please respond by _____

8/2

SecDef - I recommend
- Peter Rodman, plus
one or two people in his
~~shop~~ shop who focus on
this issue
- Me and Dorrance Smith
if Available, plus Frank
Thorp
- General Sharp, J-5

000.7

1 Aug 05

FOUO

11-L-0559/OSD/51490

16213-05

8/2

and by _____

SecDef - I recommend

- Peter Rodman, plus
one or two people in his
~~staff~~ shop who focus on
this issue

- Me and Dorrance Smith
if Available, plus Frank
Thorp

- General Sharp, J-5

FOUO

000.7

2 Aug 05

1 Aug 05

~~FOUO~~

INFO MEMO

2005 SEP 2 05

A/DepSecDef

USDP *ik* SEP 6 2005

I-05/010628-ES

ES-3913

FOR SECRETARY OF DEFENSE

FROM: Peter W. Rodman, Assistant Secretary of Defense (ISA) *PR* SEP 2 2005

SUBJECT: Response to Snowflake Titled "Recommendation"

- You asked for a recommendation as to who ought to go out to Hoover to meet with George Shultz to see the work they have done with strategic communications.
- My staff has just arranged a date for me to travel to Stanford to meet with Secretary Shultz (27 September 2005). I will work with Larry DiRita and LTG Sharp to identify the team that will accompany me.
- I will report back to you on my return.

ATTACHMENTS:

Tab 1 - Snowflake

Prepared by: Captain M. R. Fierro, USN, (b)(6)

~~FOUO~~

11-L-0559/OSD/51492

OSD 16213-05

COORDINATION

PDASD/ISA

M. B. Baker 9/1/03

To: Doug FEITH
From: Larry Di Rita

FOUO

August 1, 2005

TO: Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: Recommendation

Please give me a recommendation as to who you think ought to go out in response to the attached note from George Shultz.

Thanks.

Attach.
7/25/05 George Shultz letter to SecDef

DHR:ss
072904-05

Please respond by _____

8/2

SecDef - I recommend
- Peter Rodman, plus
one or two people in his
~~dept~~ shop who focus on
this issue
- Me and Dorrance Smith
if Available, plus Frank
Thorp
- General Sharp, J-5

11-L-0559/OSD/51494

11-8-05
FOUO



VIA FACSIMILE

(b)(6)

GEORGE P. SHULTZ
THOMAS W. AND SUSAN D. FORD
DISTINGUISHED FELLOW

July 25, 2005

Dear Don,

Thanks for your "War of the Words" in the July 18 *Wall Street Journal*. Thoughtful statements like this are really helpful. I was particularly struck by your last point: "Government officials must find new and better ways to communicate America's mission abroad."

You may be aware that Hoover now has all of the archival material from Radio Liberty and Radio Free Europe. Last fall we had a fascinating conference on lessons learned by mining this material and by comparing the objectives of the Radios with material now collectible from behind the old iron curtain. Subsequently Hoover held a conference on the possible applicability of these lessons for communicating America's mission abroad, particularly to the world of Islam.

Karen Hughes is aware of what we are doing and plans to come out here for a discussion. But before that is arranged, it occurred to me that you might want to send somebody out to hear what we have to say. You might learn something and we might learn something. Also, the weather is not as muggy out here, so give someone a break.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "G. Shultz".

George P. Shultz

The Honorable Donald Rumsfeld
U.S. Secretary of Defense
U.S. Department of Defense
1000 Defense Pentagon, Room 3E880
Washington, D.C. 20330



THE SECRETARY OF DEFENSE
WASHINGTON

The Honorable George P. Shultz

(b)(6)

Dear George,

Thanks so much for your note. I will certainly send someone out to hear what you **folks** have to say on that critically important subject.

Thanks for the nice thought

Warm regards,

A large, stylized handwritten signature, likely of the Secretary of Defense, written in dark ink.

TAB A
~~FOUO~~

1062

2005 JUL 08 06:45

JUL 08 2005

TO: Gen Dick Myers
Doug Feith
Gen Pete Pace

FROM: Donald Rumsfeld *DR*

SUBJECT: Progress in GWOT

000.5

How do you feel we are doing on this ~~memo~~ from almost two years ago?

Thanks.

Attach.

10/16/03 SecDef memo. "Global ~~War~~ on Terrorism"

DHR:dh
070705-29

.....
Please Respond By August 04, 2005

8 Jul 05

Tab A

~~FOUO~~

OSD 16348-05

11-L-0559/OSD/51497

~~FOUO~~

U.S. DEPT. OF THE
DEFENSE

2005 AUG 02 11:09:00

ES-3882

05/010365

AUG 02 2005

383.6

TO: Doug Feith
CC: Jim Haynes
FROM: Donald Rumsfeld *DR*
SUBJECT French Request to Interview Tariq Aziz

Please take a look at the attached cable on the French request to interview Tariq Aziz. What do you folks think?

Thanks.

Attach:
7/30/05 AMEMBASSY BAGHDAD Cable

DR:ras
073105-01

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

2 Aug 05

~~FOUO~~

11-L-0559/OSD/51498

OSD 16394-05

~~FOUO~~

OFFICE OF THE
SEC. OF DEFENSE

2005 JUL 10 AM 11:17
July 14, 2005

TO: Fran Harvey
FROM: Donald Rumsfeld *DR*
SUBJECT: Corps of Engineers Issue

I'm told there is something in the *Corps of Engineers* that the Department of Interior is interested in getting done. It is a road in the Everglades called the Tamiami Trail. Apparently, Woodley has been cooperative and helpful, but somebody down below has not approved it. Secretary Gayle Norton has asked me about it.

Please have someone look into it.

Thanks.

DHR:m
071305-05

.....
Please Respond By 08/03/05

~~FOUO~~

CF:
USA
CSA
VCSA
DAS
SMA
ECC

11-L-0559/OSD/51400 ~~OSD~~ 16433-05



SECRETARY OF THE ARMY
WASHINGTON

2005-08-18 A07:46
2005 JUL 18 AM 11:13

INFO MEMO

FOR: SECRETARY OF DEFENSE

FROM: Francis J. Harvey, Secretary of the Army

SUBJECT: Corps of Engineers Issue -- Everglades Restoration, Tamiami Trail

- This responds to Secretary of Defense's Snowflake dated July 14, 2005, Subject: Corps of Engineers Issue (Tab A).
- I concur that Assistant Secretary of the Army (Civil Works) J.P. Woodley has been in full cooperative partnership with the Department of Interior (DOI), and the Executive Office of the President to support completion of the Everglades Modified Water Delivery Project (Mod Waters) Tamiami Trail bridge to allow improved passage of water into the Everglades National Park.
- On July 20th, Secretary Woodley spoke with DOI Acting Deputy Secretary Lynn Scarlett who reported that Secretary Gale Norton is fully satisfied that the issues she raised with the SecDef have been put completely to rest. Scarlett told Woodley that Secretary Norton has no further concerns that someone in the Army approval chain is blocking this project.
- Army, DoD and DOI concur entirely on this project. However, the House of Representatives, while supportive of the bridge, disagrees that the Army has statutory authority to spend funds appropriated to it for this particular bridge. In an effort to convince Congress to support the Administration's position in support of Army authority as it pertains to this bridge, Woodley sent four letters to the relevant Congressional leaders between April 14th and June 23rd.
- On August 3rd, senior Army and DOI policy officials met with Congressional staff to further press resolution on these differences. The Congressional staff advised that, although they still disagree with the Administration's position on Army authority, they will propose to their principals new statutory language that will clarify Congressional intent and reauthorize the project so as to result in project execution on schedule.

COORDINATION: NONE

Attachments:
As stated

Prepared by: George S. Dunlop, PDASA (CW), (b)(6)

OSD 16433-05

11-L-0559/OSD/51500

AUG 19 2005

092

TO: (b)(6)
FROM: Donald Rumsfeld *DR*
SUBJECT: Eisenhower Exchange Program

Do we still give money to the Eisenhower Exchange program, I hope?

Thanks.

DHR:dh
081605-3TS

.....
Please respond by August, 25, 2005


19 AUG 05

OSD 16L75-05

11-L-0559/OSD/51501

~~FOUO~~

August 19, 2005

TO: The Honorable Michael O. Johanns
cc: Vice President Richard B. Cheney
Stephen J. Hadley
FROM: Donald Rumsfeld 
SUBJECT: Afghanistan

Afghanistan

We need your help in Afghanistan. We have 22 Provincial Reconstruction Teams (PRTs) that are run by various countries, including 12 by the U.S. They are generally the most important outreach into the provinces that exist for the Afghan Government. The PRTs would benefit greatly by having three or four U.S. Department of Agriculture employees to serve in each to help with rural development, natural resources, animal health, nutrition, and the like -- all areas in which your Department has extensive expertise. A strong contribution from the USDA will also help us leverage more action from the EU and NATO.

Agriculture clearly has to be an important part of Afghanistan's future -- 85 percent of Afghans depend on the rural economy as ~~their~~ main source of income.

The former Deputy Secretary of Agriculture, Jim Moseley, has been working the Afghan agriculture problem. He has made solid progress. But unless we have a substantive and consistent contribution from the U.S. Department of Agriculture, we won't make the kind of progress we must make ~~to~~ get Afghanistan on a solid footing and have confidence that the Afghans are on a successful path to the future.

Thanks so much. I look forward to discussing with you how we might solve this problem.

DHR:ss
081805-01

19 Aug 05

OSD 16580-05

~~FOUO~~

11-L-0559/OSD/51502

~~FOUO~~

June 23, 2005

2005 JUN 19 PM 5: 58

TO: Jim Haynes

CC: Fran Harvey
David Chu

FROM: Donald Rumsfeld

D.R.

SUBJECT: Army Recruiting **and** High School Students

I think we ought to get our privacy team working on this question of whether the Army recruiting interest in learning more about high school students is **an** issue. They could conceivably add some value to that.

Thanks.

DHR:ss
06230561

.....
Please Respond By 07/19/05

~~FOUO~~

OSD 16671-05

11-L-0559/OSD/51503



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

INFO MEMO

2005 AUG 19 15:58

FOR: SECRETARY OF DEFENSE

FROM: William J. Haynes II, General Counsel

W. J. Haynes II
Principal Deputy

SUBJECT: Army Recruiting and High School Students

- On June 23, you asked me to get our privacy team together and assist Army recruiting. I have done so; DoD's recruiting efforts continue **as** before.

- Your request coincided with several news stories criticizing an Army recruiting program for compiling **data** on **high** school students for recruiting purposes. These stories were based on the publication in the Federal Register on May 23 of a new Privacy Act system notice for this program.

- DoD has collected **this** type of information for about ten years under a prior Privacy Act system notice. Internal reorganization of this DoD recruiting program required publication of the revised Privacy Act system notice.

- **Dr.** Chu held a media roundtable on this issue on June 23; an attorney from my office and the Director of the Defense Privacy Office had a two-hour conference call with OMB on June 24; and representatives of the **data** collection program met with House staffers on June 28. Criticism **has** subsided since then.

- We are in compliance with the law and have authority to continue to collect this information. DoD will soon publish a response to the public comments received in reply to the May 23 notice. Our response may contain another revision of the system notice and may generate a new round of media stories. If it does, we are prepared to respond quickly again.

COORDINATION: None.

cc: USD (P&R)

Prepared by: Jim Schwenk/DoDOGC (b)(6)




11-L-0559/OSD/51504

OSD 1667 -05

~~FOUO~~

AUG 22 2005

TO: Steve Hadley

FROM: Donald Rumsfeld 

SUBJECT: Latin America

334 NSC

I have heard via the grapevine that your Latin America expert may be going over to State. We have a **first-rate** Latin America expert here in DoD – Roger Pardo-Maurer – who is interested. I have attached his background sheet.

Roger knows **the** region like the back of his hand; he has wonderful energy, a terrific sense of humor, and excellent judgment. I **think** he would do a superb job for you at the NSC.

I would be happy to visit with you about him.

Regards,

Attach.

Pardo-Maurer background sheet

DHR:dh
081705-1975.doc

02 AUG 05

~~FOUO~~

OSD 16680-05

11-L-0559/OSD/51505

A



Department of Defense

Biography



R. Pardo-Maurer IV

*Deputy Assistant Secretary of Defense
Western Hemisphere Affairs*

Rogelio (Roger) Pardo-Maurer IV is Deputy Assistant Secretary of Defense for Western Hemisphere Affairs, the senior political appointment in the Defense Department with responsibility for hemispheric security.

Before joining the Department of Defense, Mr. Pardo-Maurer was president of *Emerging Market Access*, a consulting firm based in Washington, D.C. He was also a managing partner of *Access NAFTA Project Management*, a trade and investment advisory firm based in Washington, D.C. and Mexico City. Prior to that, he was president of *Chartwell Information Group*, a publisher of pricing and business data for the waste control and environmental remediation industry. He has worked as a specialist in Latin American and U.S.-Hispanic issues at the American Enterprise Institute (AEI) and at the Center for Strategic and International Studies (CSIS).

Mr. Pardo-Maurer joined the Southern Front of the Nicaraguan Resistance in 1986, and served through 1989 as chief-of-staff of the representative of the Nicaraguan Resistance in Washington D.C. (who subsequently served as Nicaraguan Ambassador to the United States in the Administration of President Violeta Chamorro). He was the original conduit for contacts between the governments of Costa Rica and the United States which developed into the Central American peace process, and was actively involved in the process that culminated in the cease-fire and democratic elections in Nicaragua.

Mr. Pardo-Maurer was born in Connecticut in 1963, and raised in Costa Rica. He has taught at Yale University and National Defense University and has published books and articles on a range of economic, political, social, and military themes. He obtained a **B.A.** in history from Yale University, and a postgraduate degree (with distinction) in development economics from King's College at Cambridge University. He was cofounder of the *Cambridge Review of International Affairs*, the graduate and faculty journal of the international relations department.

Mr. Pardo-Maurer is an enlisted reservist in the U.S. Army 20th Special Forces Group (Airborne), and was called up for active duty in 2002. While on leave of absence from his civilian position at the Department of Defense, he served a combat tour with his unit in the province of Kandahar, Afghanistan.

~~FOUO~~

August 09, 2005

2005 08 09 08:12

TO: Steve Bucci
FROM: Donald Rumsfeld *DR*
SUBJECT: Eisenhower Exchange Program and Taiwan

Please check with the Eisenhower Exchange and see if they can tell us how many people currently connected to the Taiwan Government are graduates of the Eisenhower Exchange Program, and get their names and their positions. There is a former Foreign Service officer up there who is **running** it.

Thanks.

DHR:SS
ORL:RUS-14

.....
Please Respond By August 18, 2005

Sir

Attached is the list of Program Grads who have jobs in the Government. They have had 38 program Grads. 35 are still living.

(b)(6), the President's secretary said to say hello

W/R D.R.B

~~FOUO~~

OSD 16684-05

11-L-0559/OSD/51507

Eisenhower Fellows of Taiwan, currently connected or recently retired from positions in government

MNP=Multi Nation Program (spring program)

Chang, Clement – MNP 1973
Senior Advisory to the President

Chen, Gordon Shuh – MNP 2000
Administrative Vice Minister, Ministry of Finance

Chu, Eric Li-luan – MNP 2003
Magistrate of Taoyuan Prefecture, Taiwan
Government of Taoyuan County, Taiwan

Chung, David J.C. – MNP 1992
Secretary-General, People First Party

Kao, George Yu-jen – MNP 1983
Member, Legislative Yuan

Lai, In-jaw – MNP 1991
Senior Advisory to the President

Lee, Jih-Chu - MNP 2001
Recently elected to Legislative Yuan

Lee, Robert Chung-Tao – MNP 1972
Retired and Consultant, Council of Agriculture, Executive Yuan

Siew, Vincent C. – *MNP* 1985
Vice Chairman, Kuomintang

Soong, James Chu-yul – *MNP* 1982
Chairman, People First Party

Yen, Ching-Chang – MNP 1995
Permanent Representative of Taiwan to World Trade Organization

Eisenhower Fellowships Board of Trustees member:
Dr. Jeffrey L. S. Koo
Chairman and CEO
Chinatrust Commercial Bank

~~FOUO~~

INFORMATION RETENTION

2015 11 22 AUG 3 9 2005

ES-3953
05/010966

TO: Eric Edelman

FROM: Donald Rumsfeld *DR*

SUBJECT: Eisenhower Exchange Fellows

For future reference, the list of folks (attached) from Taiwan all participated in the Eisenhower Exchange Fellows Program. I was chairman of the program some years back. You may find this list useful at some point.

Thanks.

Attach: 8/9/05 SecDef Memo to Dr. Steve Bucci

DHR:ss
081505-36

.....

INFORMATION RETENTION

~~FOUO~~

11-L-0559/OSD/51509

OSD 16687-05

10-08-05 08:44


~~FOUO~~

I-05/010966
ES-3953

2005 AUG 24 AM 8:12

NOTE FOR SECRETARY OF DEFENSE

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

 AUG 19 2005

SUBJECT: Eisenhower Exchange Fellows

Thanks for your note on the Eisenhower Exchange Program. I was a big supporter of the program as Ambassador in Finland and Turkey. The immediate past President of the Eisenhower Exchange Program, Adrian Basora, was my Ambassador in Prague when I served as Deputy Chief of Mission. John Wolf, the current President, was a long-time colleague at State. I plan to be available for Exchangees who might find meetings relevant and useful. I also will keep the Taiwan graduates in mind.

~~FOUO~~

OSD 16687-05

11-L-0559/OSD/51510

~~FOUO~~

I-05/011132

ES-3971

255 AUG 22 AM 8:20

August 16, 2005

TO: Eric Edelman

CC: Gordon England
Steve Cambone

FROM: Donald Rumsfeld

DR.

SUBJECT: Policy Initiatives and Issues

I reviewed your attached list of potential Strategy Office initiatives. It looks interesting – please talk to me about it **soon**. It might also be useful to **think** about a project or two **from** the list **on** which we could usefully engage Steve Cambone.

Please keep pushing **on** your briefing concerning deterring terrorist **networks** – I see good progress there.

I **am** still waiting for some feedback on several issues I addressed in earlier memos to Policy. Subjects **and** due dates:

- French request to interview Tariq Aziz (8 Aug)
- Counter-terrorism IMET program in the **US** (11 Aug)
- Relationship with Turkey (25 July)
- SOFA and UNSCR for Iraq (14 July)

You're off to a good **start**, Eric. Keep charging!

Thanks.

Attach.

Potential Strategy Office Initiatives

DHR:db

081605-10TS

.....
Please respond by September 1, 2005

~~FOUO~~

OSD 16694-05

08-19-05 17:39 IN

11-L-0559/OSD/5151108-18-05 0853 IN



~~FOUO~~

Potential Strategy Office Initiatives

- ☐ Muslim demographics in Europe*
- ☐ Implications of changing energy trends*
- ☐ Dissuasion strategies*
- ☐ Regional security strategies
- ☐ PSI-like mechanisms for future multilateral endeavors
- ☐ Implications of states/regions at strategic crossroads:
 - United Korea
 - Post-Castro Cuba
 - Others
- ☐ Strategy for the global commons
- ☐ Implications of global pandemics
- ☐ Implications of global climate change

(DELIBERATIVE DOCUMENT For discussion purposes Only.
Draft working papers. Do not release under FOIA)

~~FOUO~~

*Efforts already underway


~~FOUO~~

I-05/011132

ES-3971

2005 11 22 11 8:20

NOTE FOR SECRETARY OF DEFENSE

FROM: Eric S. Edelman, Under Secretary of Defense for Policy  AUG 19 2005

SUBJECT: Policy Initiatives and Issues

We are checking on the status of the overdue items you highlighted in your August 16 note. We are forging ahead on deterring terrorist networks/asymmetric threats and will incorporate the useful guidance you provided. I will also talk with Steve Cambone about our ongoing strategy initiatives at the first of our weekly meetings, which will begin next week.


~~FOUO~~

OSD 16694-05

11-L-0559/OSD/51513

~~FOUO~~

2005 AUG 10 11:38 August 10, 2005

TO: Fran Harvey
CC: Gordon England
FROM: Donald Rumsfeld 
SUBJECT: Congressman Davis Idea

Geoff Davis is a Congressman From Kentucky who has been supportive of the Department. He has an idea for "Service Members in Local Engagement" that might be helpful. Enclosed are some materials he sent me. Please get in touch *with* him and see if *the* idea makes sense.

Please let me know how it comes out.

Thanks.

Attach: 7/25/05 letter from Cong Davis to SecDef and DVD; SecDef letter to Cong. Davis

DHR:ss
081005-09

.....
Please Respond By September 14, 2005

OSD 16777-05

~~FOUO~~

11-L-0559/OSD/51514



SECRETARY OF THE ARMY
WASHINGTON

2005-08-19 P04:48
2005 AUG 22 AM 11:37

INFO MEMO

FOR: SECRETARY OF DEFENSE

FROM: Francis J. Harvey 

SUBJECT: Congressman Davis' "Service Members in Local Engagement" Idea

- This responds to Secretary of Defense's Snowflake dated August 10, 2005, Subject: Congressman Davis' "Service Members in Local Engagement Idea" (Tab A).
- I had a breakfast meeting with Congressman Davis on July 19th and we discussed his proposals as well as the Army's Call to Duty speaking campaign, which is similar to Congressman Davis' idea. As you may recall, the Call to Duty campaign is a grass roots program with the purpose of informing the influencers of young men and women, as well as the general public, that serving the Nation is the greatest work in life. This campaign is one of several initiatives that we are currently implementing to improve our recruiting.
- I also provided a copy of our Call to Duty program to Mr. England and Dr. Chu.
- I am meeting with Congressman Davis in September and we will continue our discussion of his proposal and determine how it can be integrated into our Call to Duty Program. I will provide you an update following our discussion.

COORDINATION: NONE

Attachments:

As stated

Prepared by: LTC John S. Kern, (b)(6)

~~FOUO~~

2005 AUG 24 PM 2: Y2

August 4, 2005

TO: Gordon England
CC: David Chu
Bill Winkenwerder
FROM: Donald Rumsfeld *DR*

SUBJECT: E Mail from Gingrich on Biological Threat

Attached is an e-mail from Newt Gingrich on the problem of biological threats. It is self-explanatory. Please let me know what our folks are doing on this.

Thanks.

Attach.
8/1/05 E-mail from Newt Gingrich

DHR:ms
080805-14

.....
Please respond by

8/30/05

~~FOUO~~

OSD 16800-05

11-I-0559/OSD/51516

(b)(6) CIV, OSD

From: Thirdwave2 [thirdwave2@speakingingnch.com]
Sent: Monday, August 01, 2005 11:05 PM
To: (b)(6)@OSD.Mil; james.stavridis@osd.mil
Cc: peter.pace@js.pentagon.mil; edmund.glabastiani@jcom.mil; frankhelmick@us.anny.mil
Subject: from newt-why I am worried

The following letter from one of the leaders on biological threats is an example of why I am worried

The simple fact is that four years after 9/11 we are a very long way from being ready

We are in a phony war phase (like 1939-41) and if we ever really get hit we will learn overnight how unprepared we are

We need a much tougher minded assessment of the scale of change needed and a strategy to get that scale of change

While her comments refer to hhs and dhs it should also include northcom

newt

Dear Robert,

My colleagues and I have been tearing our hair out trying to find ways to direct leaders' attention to the pandemic flu problem. There is actually a great deal that could be done to prepare, but the actions must be taken at very high levels nationally and internationally. We have agreed to do conference in fall in partnership with Deutsche Bank and others in financial community with focus on how influenza outbreak might affect continuity of operations and how big institutions might prepare.

As for scenarios. We are fans of scenarios as teaching tools and certainly much needs to be done to raise awareness of this threat. We spent almost a month in 2004 assessing how we might use influenza as the bioterror pathogen in the Atlantic Storm exercise we held in Jan 2005. The problem was that there is not enough vaccine to share, with present technologies and IP rules we would not be able to produce more in less than 6 months (by then the thing is over - flu moves very fast), and because one is contagious before one is symptomatic with flu, there is little that can be done to stem the spread. None of the containment

8/2/2005

11-L-0559/OSD/51517

measures used in **SARS** would have much effect for example. (With **SARS**, one is not contagious before symptoms appear and is highly contagious only when very ill.) Thus, one could write a scenario for flu, but if played in real time, it is quite depressing. You could go back and consider what actions – had they been taken in advance – might have made a big difference. We have a list of these actions, but they are technical/operational. The success of such a scenario would depend in part on who the players were. Am happy to discuss further if you wish. The threat is real and potentially calamitous. **HHS** is moving very slowly and without conviction; **WHO** is terrified, but lacks staff, money or leadership to do much. Pandemic flu prep could be used as excellent and useful stalking horse for bioterror prep, but this possibility is lost in the gap between **HHS** v. **DHS** roles. Give me a call.
Tara

Tara O'Toole, MD, MPH
CEO and Director
Center for Biosecurity of the University of Pittsburgh Medical Center
The Pier IV Building
621 E. Pratt Street, Suite 210
Baltimore, Maryland 21202
(b)(6)
totoole@upmc-biosecurity.org

+++++

Please use my new email address: Thirdwaye2@speakingingrich.com

Newt

8/2/2005

11-L-0559/OSD/51518



HEALTH AFFAIRS

THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D. C. 20301-1200

2005 AUG 22 PM 2:42

INFO MEMO

AUG 19 2005

FOR SECRETARY OF DEFENSE

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

SUBJECT: Gingrich E-mail on Biological Threats – Pandemic Flu

- This is a response to your request for my views on the above subject Gingrich e-mail. (TAB A)
- The threat of a worldwide pandemic resulting from human-to-human transmission of avian influenza (H5N1Hu) is very real. I am most concerned about the current state of the U.S. government and international preparedness, despite considerable efforts and many important accomplishments in the past 12-15 months. Neither the U.S. government nor DoD is where we need to be to ensure the health and safety of U.S. citizens and military service members.
- These concerns noted, preparedness efforts have rapidly accelerated in the past two months, and especially since the President and members of the National Security Council and Homeland Security Council were briefed by the Secretary of Health and Human Services and his scientific experts on July 29.
- A near round-the-clock interagency effort, lead by the White House, has been underway the past three weeks. The Department of Health and Human Services is the lead agency and is responsible for procuring the newly developed avian flu vaccine. The Departments of State, Agriculture, Defense, Homeland Security, and other agencies are also involved.
- All Departments have been asked to develop and submit to the Office of Management and Budget emergency supplemental budgets to enhance their preparedness efforts. These requests are due today and will be finalized next week. My staff worked with other OSD elements, Joint Staff, the Services, and Comptroller to develop the DoD's request, which will be in the range of \$500 million. The bulk of this request is to pay for vaccine to protect 2.5 million Service members and their families.

11-L-0559/OSD/51519

OSD 16800-05

- I have established a DoD Working Group on Avian Influenza Preparedness, with representatives from OSD, Joint Staff, and the Services. This group began to take actions to ensure preparedness efforts are underway at all levels.
- Other DoD actions taken:
 - o DoD Directive issued to ensure effective response to public health emergencies, "Emergency Health Powers on Military Installations."
 - o Policy and planning guidance, specific to avian influenza, developed by U.S. Pacific Command. This guidance is being issued for all combatant commands.
 - o Contract let for procurement of 20 million doses of antiviral medication, Tamiflu. Due for delivery November 2005-February 2006. This will treat 500,000 ill-exposed persons and prevent infection for 350,000 more people.
 - o Request placed with Department of Health and Human Services for 5.0 million doses of vaccine, to be delivered as soon as possible.
- Additional efforts, including improved coordination between Departments of State, Health and Human Services, Defense, and the U.S. Agency for International Development on the international front, are needed to ensure optimal preparedness.
- I request an opportunity to brief you and the military leadership on the full range of Department of Defense and interagency efforts, and to solicit your guidance and direction on any additional actions that should be taken.

COORDINATION None

Attachment:
As stated

cc:
DepSec
USD (P&R)

Prepared by: Dr. Winkenwerder, ASD (HA) (b)(6) DOCS Open 90692,89685

11-L-0559/OSD/51520

~~FOUO~~

€5-3919

05/010659

August 09, 2005

TO: **Jim** MacDougall
CC: Doug Feith
Steve Bucci
FROM: Donald Rumsfeld *DR*
SUBJECT: Bilateral with Ivanov in Berlin

2005/08/22 PM 2:48

As we discussed, we should do a bilateral with Sergey Ivanov in Berlin -- maybe have a private dinner with him. If that is not possible, something else along those lines.

Thanks.

DHR:ss
080905-21

.....
Please Respond By 08/25/05

OSD 16801-05

~~FOUO~~

11-L-0559/OSD/51521



LEGISLATIVE
AFFAIRS

THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1300

2005 AUG 22 PM 6:06
August 22, 2005, 8:00 a.m.

RESPONSE TO SNOWFLAKE FOR THE
SECRETARY OF DEFENSE

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

*David V. Broom
for Dan Stanley*

- Request: "I need an answer to Senator Feinstein's questions regarding whether or not there have been allegations of rape of Muslim women by US personnel."
- There were several allegations of rape, as documented in the Department's response to QFR #61, 27 Apr 05 (SAC, Full Committee). Extracts follow:

o In the Taguba Report there is a statement that a male MP Guard had sex with a female detainee; witness statement references a video of Graner having sex with a female in the prison; no specific mention of rape, but given his position of authority over a detainee, a charge of rape could be sustained.

After an extensive investigation into the allegations of abuse by Private Graner and others at the Abu Ghraib prison, there has been no evidence uncovered that establishes that Private Graner had sexual intercourse with female detainees.

o Sexual Assault; Iraq; 11 Aug 03; reported 5 May 04; 75 year old Iraqi female alleged she was captured and detained for 10 days, robbed, sodomized, indecently assaulted and deprived of food and water at a remote location. Initial investigation revealed that the alleged victim identified her captors as American Forces but could not provide any further descriptions of the soldiers.

o Rape; Afghanistan; unknown date; reported 14 Jul 04, Female detainee alleged she was raped and knifed in the back by unknown US soldiers at Baghdad Central Confinement Facility. These allegations were reported via a newspaper article in the LA Times and were reported as occurring in Iraq and not Afghanistan. After an extensive investigation, CID established insufficient evidence to either identify suspects or substantiate the claim.

- On 22 Aug 05, ASD Stanley made available for Senator Feinstein's review the complete Schmidt-Furlow report (previously provided to the SASC) to offer further context and transparency with respect to allegations of detainee abuse.

Attachment: Snowflake #022505-17, Subj: Feinstein's Questions

Prepared by: Col Alan R. Metzler/OSD (LA) (b)(6)


OSD 16820-05

11-L-0559/OSD/51522

~~FOUO~~

February 25, 2005

2005 02 22 PM 6:06

TO: Dan Stanley
CC: Pete Geren
FROM: Donald Rumsfeld 
SUBJECT: Feinstein's Questions

I need an answer to Feinstein's questions regarding whether or not there have been allegations of rape of Muslim women by U.S. personnel.

Thanks.

DHR ss
022505-17

.....
Please respond by _____

~~FOUO~~

OSD 16820-05

11-L-0559/OSD/51523

~~FOUO~~

2005 AUG 24 AM 7:46

August 22, 2005

TO: Eric Edelman
FROM: Donald Rumsfeld *DR*
SUBJECT: Piece on Policy Planning

ES-4017
AS/011327

381

Thanks for sending **the** piece you did for George Shultz on policy planning. You **might** want to send it to some other **folks** in the Department -- I think it is well done and interesting.

Thanks.

DHR
082205-14

OSD 16918-05

Mr. Secretary,

I have shared copies with Steve Combene, Ryan Henry, Jim Heynes, Ed Giambastiani, Shrip Shrip and Larry DiRita. Is there anyone else you think I should pass it to?

DR

22 Aug 05

~~FOUO~~

11-L-0559/OSD/51524

OSD 16918-05

~~FOUO~~

August 22, 2005

2005 AUG 24 AM 7:46

ES-4017
05/011327 381

TO: Eric Edelman

FROM: Donald Rumsfeld *DR*

SUBJECT: Piece on Policy Planning

Thanks for sending the piece you did for George Shultz on policy planning. You might want to send it to some other folks in the Department -- I **think** it is well done and interesting.

Thanks.

DHR:ss
082205-14

OSD 16918-05

Mr. Secretary,

I have shared copies with Steve Lombardi, Ryan Henry, Jim Heynes, Ed Garmbocki, Skip Sharp and Larry Diketa. Is there anyone else you think I should pass it to?

DR

23 Aug 05

22 Aug 05

~~FOUO~~

11-L-0559/OSD/51525

13-00-10 01/12/05

OSD 16918-05

J05/011333
ES-4020

~~FOUO~~

2005 AUG 24 01 7: 52

August 22, 2005

TO: Eric Edelman
CC: VADM Jim Stavridis
FROM: Donald Rumsfeld *DR*
SUBJECT: Information on Past Meetings

337

When I am meeting with someone I have met previously, I should be told when and where I met with them. This should be something the Policy shop does automatically.

Thanks.

OSD 16923-05

DHR:ss
082205-07

AUG 23 2005

Mr. Secretary,
You are absolutely right. It is meant
to be part of the Policy Shop's Standard
Operating Procedures. I will reinforce
the importance of doing this with
the staff.

EE

2005 AUG 23 05:10 PM

22 Aug 05

~~FOUO~~

OSD 16923-05

11-L-0559/OSD/51526

2005 08 23 07:52

Policy
August 23, 2005

337

Mr. Secretary:

You are absolutely right. It is meant to be part of the Policy shop's Standard Operating Procedures. I will reinforce the importance of doing this with staff.

EE

23 Aug 05

22 Aug 05

OSD 16923-05

11-L-0559/OSD/51527

~~FOUO~~

AUG 23 2005

TO: Tony Tether

CC: Ken Krieg
Steve Cambone

FROM: Donald Rumsfeld *DR*

SUBJECT: High Accuracy Guidance (HAG) Algorithm

Some time ago I sent you a note about the HAG Algorithm. Have your folks looked it over? What are we doing about it? Is it a worthwhile concept?

Thanks.

DHR:ss
082205-21

.....
Please Respond By September 06, 2005

373.24

23 AUG 05


OSD 16970-05

~~FOUO~~

11-L-0559/OSD/51528

~~FOUO~~

DEFENSE
SECURITY
JUL 08 2005
2005 JUL 26 PM 5:48

TO: David Chu
FROM: Donald Rumsfeld 
SUBJECT: Joint Recruiting Offices

Why do we have separate Service recruiting offices in the same malls?
Couldn't we have joint recruiting offices instead?

Thanks.

DEIR.dh
070705-17

.....
Please Respond By August 11, 2005

USD	PDUSD
RA	HA
PI	Readiness
MPP	CPP
PLANS	MC&FP
CCO	

~~FOUO~~
11-L-0559/OSD/51529

OSD 17294-05



PERSONNEL AND
READINESS

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

2005 AUG 23 AM 5:48



INFO MEMO

August 23, 2005 - 12:00 PM

FOR: SECRETARY OF DEFENSE

FROM: David S. C. Chu, Under Secretary of Defense (P&R)

SUBJECT: SNOWFLAKE - Joint Recruiting Offices

- You asked why we have separate Service recruiting offices in the same malls and wanted to know why we can't have joint offices instead (Tab A).
 - DOD Directive 5160.58, "Recruiting Facilities", requires maximum effort be made to collocate Service recruiting offices to achieve greater economy and efficiency in space management.
 - Every effort is made to collocate the Services; however, they sometimes are limited by available space.
 - Currently, 84 percent of our approximately 3,000 leased recruiting facilities are collocated with two or more Services.
- We are working where feasible to increase the number of Joint recruiting facilities beyond the 84 percent figure.

Recommendation: None, provided for information only.

Prepared by: Mr. Dennis Drogo (b)(6)

OSD 17294-05

11-L-0559/OSD/51530

~~FOUO~~

U.S. DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

2005 08 16 11: 59

August 16, 2005

TO: Jim Haynes

FROM Donald Rumsfeld

DR

SUBJECT: Update on Pending Suits

You will recall I was briefed by Robert McCollum from the Justice Department as to the suits that are pending. I would like an update from you as to where we stand with those.

Thanks.

DJR:ss
081505-56

.....
Please Respond By August 30, 2005

~~FOUO~~

11-L-0559/OSD/51531

OSD 17318-05



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

INFO MEMO

2005 JUL 13 11:59

FOR: SECRETARY OF DEFENSE

FROM: William J. Haynes II, General Counsel of the Department of Defense

SUBJECT: Update on Pending Suits

- You recently asked for an update on these cases.
- Ali. et al. v. Rumsfeld, No. 1:05-cv-01378-IFH (D.D.C.)
 - o In this case and three similar suits brought against senior Army officers, former detainees held in Iraq and Afghanistan allege that actions taken by you and the officers caused the detainees to be subjected to harsh conditions in violation of the Constitution and domestic and international law.
 - o As previously reported, the four cases were transferred to the D.C. federal court and assigned to Judge Hogan for consolidated pre-trial proceedings. The cases have been docketed but a schedule has not yet been set.
 - o The Department of Justice has prepared a motion to dismiss that addresses all claims against you. A draft was submitted to your office on July 13. Once the judge sets a schedule, the motion will be finalized and filed at the appropriate time.
 - o In my July 13 memo, I proposed a delegation of authority to streamline the handling of this case. We are prepared to address any questions that you or your staff might have regarding this.
- Rasul, et al. v. Rumsfeld. et al., No. 1:04-cv-01864-RMU (D.D.C.)
 - o This case involves tort claims brought against you and ten senior military officials by four former GTMO detainees who are citizens of the United Kingdom. They allege that they were tortured and otherwise mistreated in violation of the Constitution and domestic and international law.
 - o A fully briefed motion to dismiss is pending before Judge Urbina.
 - o The only recent activity has been the filing of a notice with the court regarding two cases decided after briefing had concluded.
 - o No further activity is anticipated until the judge rules on the motion.

COORDINATION: None,

Attachments: None.

Prepared By: Robert Easton, Associate Deputy General Counsel (LC) (b)(6)

11-L-0559/OSD/51532

OSD 17318-05

~~FOUO~~

OFFICE OF THE
SECRETARY OF DEFENSE

2005 AUG 26 PM 4:15

July 01, 2005

TO: David Chu

FROM: Donald Rumsfeld *DR*

SUBJECT: Raising the Age of Enlistment in the Military

How can we raise the age that people can enter the military?

Thanks.

DHR:m
070105-09

.....
Please Respond By July 19, 2005

OSD 17375-05

~~FOUO~~

11-L-0559/OSD/51533

340

1345



PERSONNEL AND
READINESS

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

OFFICE OF THE
SECRETARY OF DEFENSE



2005 AUG 26 PM 4:15

INFO MEMO

FOR: SECRETARY OF DEFENSE _____

FROM: David S. C. Chu, USD (P&R)

SUBJECT: Raising the Age of Enlistment in the Military — SNOWFLAKE (attached)

- You asked how we could raise the age ceiling for military service.
- Current law caps the age for non-prior service enlistments in the Regular (active) component at 35. Reserves were held to the same standard simply by policy; however, we recently initiated a three-year demonstration project whereby Army Reserve Components may enlist recruits up to the age of 40.
- Even so, the (age 35) statutory cap for active enlisted is too restrictive, *so* we are advancing a legislative proposal for next year's legislative cycle to raise that maximum age from 35 to 42 (this aligns enlisted with the higher statutory cap for officers).
- But relief may come this year: Senator McCain has proposed an amendment to the Senate's FY 2006 National Defense Authorization Bill, which would mirror our legislative proposal, raising the active duty entry age limit from 35 to 42 – two years beyond the recent action we took for Army Reserves (age 40), but equal to the officer cap, and sufficient to meet Service needs.

Attachment:
As stated

Prepared by: Mr. Bob Clark, OUSD(P&R)/MPP/AP (b)(6)



OSD 17375-05

11-L-0559/OSD/51534

~~FOUO~~

JUL 29 2005

DEPT OF THE ARMY JUL 29 2005
SECY DEFENSE

2005 AUG 26 PM 4:21

TO David Chu
FROM: Donald Rumsfeld *DR*
SUBJECT Age to Separate from Service

I ~~was~~ asked a question at the town hall in Balad, Iraq today about a proposal to raise the age when sergeant majors and officers are bounced out of the service. Is that taking place? I hope so.

Please advise.

Thanks.

DHR:dm
072705-3718

.....
Please respond by August 11, 2005

2001.8

200105

~~FOUO~~

OSD 17380-05

11-L-0559/OSD/51535



PERSONNEL AND
READINESS

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



INFO MEMO 2005 AUG 26 PM 4: 22

August 26, 2005, 11:30 AM

FOR SECRETARY OF DEFENSE

FROM: DAVID S. C. CHU, USD (P&R)

David S. C. Chu 26 Aug 05
Signature and Date

Subject: Age to Separate from Service – SNOWFLAKE (attached)

- You asked about proposals to raise the age when sergeant majors and officers must separate from military service.
- Officer age limitations are set in law. Regular commissioned officers shall be retired at age 62, with exception of permanent professors at the Service Academies, chaplains, and health professionals. As you know, the President may retain up to ten officers above the grade of O-8 to age 64.
- As part of DoD's transformation initiatives we have pursued statutory changes to increase the tenure for officers. The Congress has consistently rejected those proposals, among other reasons citing our limited use of the available waivers. Recent use may give us a stronger case next year.
- The mandatory separation age for enlisted members is set by policy, not law. Under existing Service regulations senior enlisted personnel normally are retained to age 55, or 30 years of service; yet all Service regulations allow for age waivers to meet Service needs (e.g., to retain a talented senior enlisted member). I will explore with Military Departments explicitly expanding the age range.

Attachment:

As stated

COORDINATION: Mr. Dell'Orto, ODoDGC, August 16, 2005

Prepared by: Major Kenneth Olivo, ODUSD (MPP)/OEPM (b)(6)



OSD 17380-05

11-L-0559/OSD/51536

~~FOUO~~

JUL 29 2005

JUL 29 2005

TO: David Chu
FROM: Donald Rumsfeld *DR*
SUBJECT: Age to Separate from Service

I was asked a question at the town hall in Balad, Iraq today about a proposal to raise the age when sergeant majors and officers are bounced out of the service. Is that taking place? I hope so.

Please advise.

Thanks.

DHR:db
072705-37TS

.....
Please respond by August 11, 2005

~~FOUO~~

11-L-0559/OSD/51537

COORDINATION SHEET

SUBJECT: Age to Separate from Service

Organization

Signature/Date

DoD General Counsel PDGC	 Don F. Bell 8/16/05
-----------------------------	---

~~FOUO~~

JUL 29 2005

OFFICE OF THE SECRETARY OF DEFENSE JUL 29 2005

2005 AUG 26 PM 4: 21

TO: David Chu
FROM: Donald Rumsfeld *DR*
SUBJECT: Age to Separate from Service

I was asked a question at the town hall in Balad, Iraq today about a proposal to raise the age when sergeant majors and officers are bounced out of the service. Is that taking place? I hope so.

Please advise.

Thanks.

DHR:dh
072705-37TS

.....
Please respond by August 11, 2005

~~FOUO~~

OSD 17380-05


11-L-0559/OSD/51539

~~FOUO~~

2005 AUG 16 PM 5:38

August 16, 2005

TO: Gordon England
Steve Cambone
Tina Jonas
Brad Berkson

FROM Donald Rumsfeld 

SUBJECT: Cycles

If one thinks back over the past **40** or 50 years it is pretty clear there are cycles ~~or~~ phases where, for example, the CIA comes in and out of favor, and Defense budgets come in and out of favor.

The pendulum seems to always swing a bit too far in each direction before the correction sets in. I wonder if there is anything we can do in the Department to ~~try~~ to manage those cycles in a way **so** that the country is not poorly served. One ~~of~~ the characteristics of these cycles is that when the Department is out of favor people tuck in and don't take risks -- and that can be dangerous.

DHR:ss
081505-46

.....

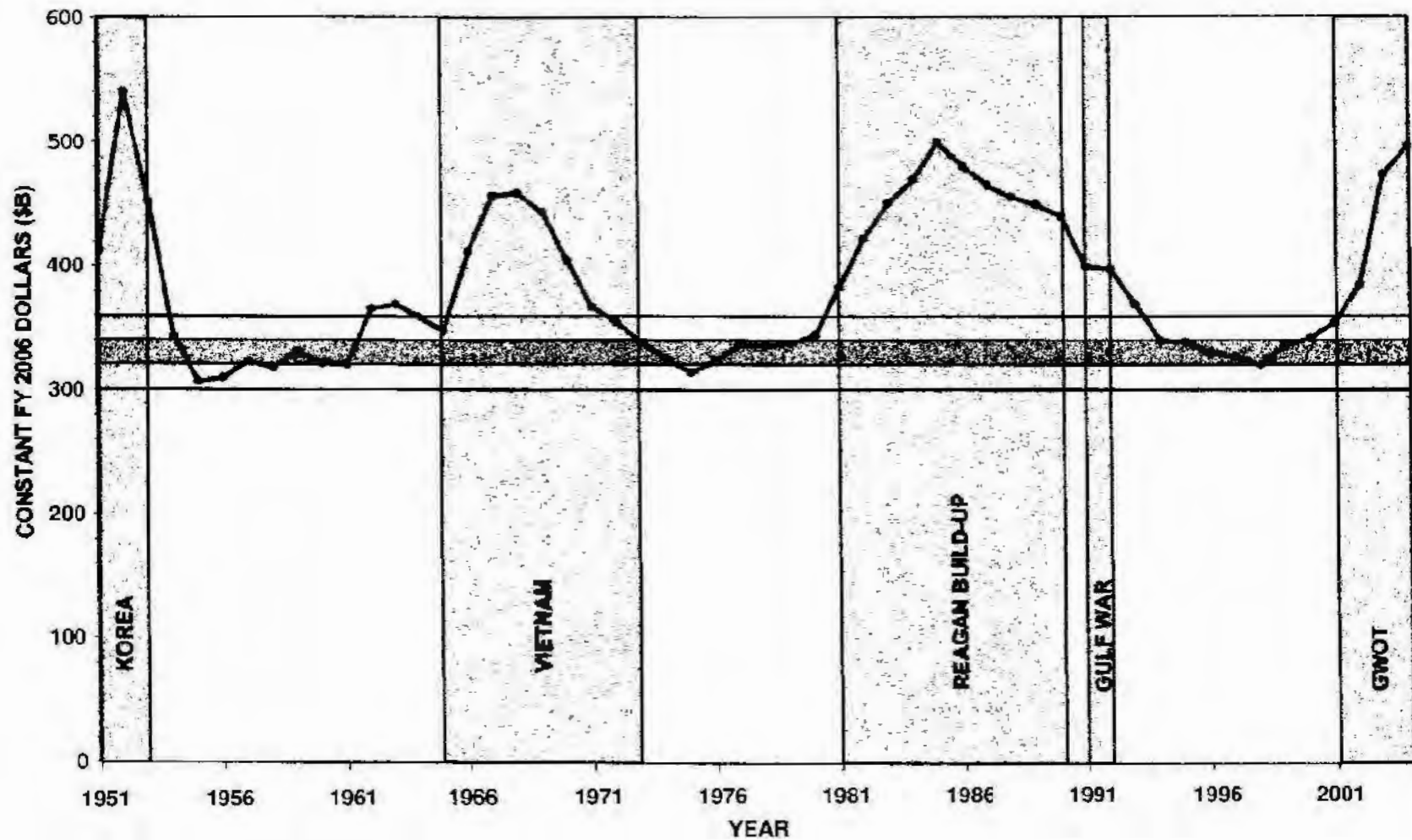
~~FOUO~~

11-L-0559/OSD/51540

OSD 17391-05

TAB
B

TOTAL DOD BUDGET AUTHORITY (CONSTANT FY 2006 DOLLARS)



Source: FY 2006 Green Book (Table 6-8)

Prepared by: David Noquist, DUSD (Budget and Appropriations Affairs) (b)(6)

August 25, 2005

11-L-0559/OSD/51542



COMPTROLLER

UNDER SECRETARY OF DEFENSE

1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

2005 08 26 PM 5:38

INFO MEMO

2005 08 26 PM 5:38

August 26, 2005 12:00 PM

FOR: SECRETARY OF DEFENSE
ACTING DEPUTY SECRETARY OF DEFENSE

FROM: Tina W. Jonas *Tina W. Jonas*

SUBJECT: "Cycles" in the Defense Budget

- You asked about cycles in the Defense budget over the last 50 years (TAB A).
- We looked at the Defense budget since 1951 (TAB B). After adjusting for inflation (constant 2006 dollars) it is apparent that war is the primary driver behind the cycles in the Defense budget.
 - This analysis treats the Reagan defense build-up as part of a conscious and successful Cold War strategy that resulted in the collapse of the Soviet Union.
- When a war ends, Defense funding drops to about the pre-war level.
 - In 23 of 26 non-war years, the budget was relatively stable between \$300 billion and \$360 billion.
 - In over half of all non-war years, the budget was between \$320 billion and \$340 billion, a surprisingly narrow range.
- From a budgeting perspective, one way to manage these cycles is to address in wartime the cost of resetting and reorganizing our forces for the future. If we defer bills until after the war, we may have more time but we may not have the money.

Attachments:

As stated

cc:

USD(I)

D, PA&E

Prepared by: David Norquist, DUSD (Budget & Appropriations Affairs), (b)(6)

11-L-0559/OSD/51543

OSD 17391-05

TAB
A

~~FOUO~~

August 09, 2005

TO: Gordon England
CC: Tina Jonas
FROM: Donald Rumsfeld *DR*
SUBJECT: Major Effort to Save Money

We need to have a major effort around the Department to save money. We ought to develop a whole series of items including:

- A plan to communicate this to the Department
- A newsletter that contains the best practices for saving money

Please get back to me with a proposal in the next couple of weeks.

Thanks.

DHR:ss
080905-22

.....
Please Respond By August 25, 2005

OSD 17392-05

~~FOUO~~

11 L 0550/OSD/51545

152
22
23

100.5

9 Aug 05

August 26, 2005

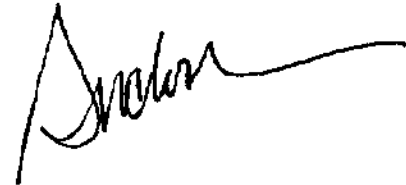
To: Secretary Rumsfeld

Fr: Gordon England

Subj: Major Efforts to Save Money

- Don't disagree, but currently we have a rather massive effort concentrated in the QDR and by a lot of people to be sure that we are buying the right stuff, in the right quantities, with the right measures, and with the right organization.
- This is extraordinarily difficult to pull off, and I am frankly reluctant to start other efforts (other than health care and NSPS) until we settle the major QDR dollar muscle movers.
- My judgment is that the department is working core big dollar issues and, therefore, recommend that for now we devote all our energy to these big bucks. When the smoke clears from this effort, then we will draw up another list of dollar saving opportunities.

cc: Tina Jonas



OSD 17392-05

11-L-0559/OSD/51546

100.5

26 Aug 05

9 Aug 05

INFORMATION RETENTION

~~FOUO~~

I-05/011296
ES-4009

OFFICE OF THE
SECY OF DEFENSE

2005 AUG 27 AM 7:36

AUG 22 2005

TO: VADM Jim Stavridis

CC: Eric Edelman

FROM: Donald Rumsfeld 

SUBJECT: countries to Visit

Here's a list of some countries that fit the model we have discussed -- countries we have not been to in the last **four** years, **and** smaller *countries*.

Someone should **go** over **this** list, **and** add countries they think might be appropriate. And, if there are countries on the list that **are** problems, where there is a **good** reason why we shouldn't go now-- like Libya -- then note that.

"The time to make a friend is when you don't need a friend." Who knows when we may need help **for** something, or when they may be tempted to be distracted away from us, but would be less likely to do **so** because of a visit?

Thanks.

Attach.
SecDef list

DHR.ch
08190502

.....
Please Respond By 09/15/05

INFORMATION RETENTION

~~FOUO~~

OSD 17398-05

08-22-05 13:35

11-L-0559/OSD/51547

Country to Give Wty ac next few years

Africa -

Chad

Liberia

~~other~~ Botswana

Benin

North Africa -

Libya at the right time

Algeria

Tunisia

E. Europe -

Montenegro

Europe -

Luxembourg

Central America & Carib.

Belize

New Brazil

South America

Bolivia

Guyana

Uruguay

Asia -

Myanmar

Nepal

Middle East

Jordan

Lebanon

S.E. Asia

Brunei

Burma

Cambodia

Malaysia

Papua New Guinea

~~Philippines~~ ~~Thailand~~

Sri Lanka

INFO MEMO

2005 AUG 26 01 7: 36
A/DSD
05-011499-USDP

FOR SECRETARY OF DEFENSE

FROM: Eric S. Edelman, Under Secretary of Defense for Policy *SE* AUG 26 2005

SUBJECT: Countries to Visit

- You asked for thoughts on countries where you might wish to travel (Tab A). Below are some suggestions on additions and deletions to that list.

Middle East/North Africa/Asia

Consider Adding:

- Maghreh Countries: Morocco, Algeria and Tunisia are key moderate Arab countries. All of these countries fall into the "make a friend before you need a friend" category."
- Saudi Arabia: As you know, Saudi Arabia has a new King and we would like to ensure he hears our message on the need for reform in the country. It would also be an opportunity to underscore GWOT issues and our desire to obtain Saudi funding on CENTCOM's long range posture plan, despite the fact that there will be no U.S. forces in the Kingdom.

Europe/Eastern Europe/Central Asia

Consider Adding:

- Armenia: In 2001, you were the first U.S. Secretary of Defense to visit the country. A visit to Armenia now would underscore the need for the government to reach a peaceful settlement over Nagorno-Karabakh, which would open the way for increased a range of security cooperation issues. In addition, Armenia is a coalition partner in Iraq. NOTE: You will meet with the Armenian Minister of Defense on October 28 in Washington.
- Finland: Your last visit to Finland was in 2001. Since then, the Finns have made consistent contributions to the International Security Assistance Force (ISAF) and several other peacekeeping missions worldwide. They also provided police trainers at the Jordan facility and have given forensics teams to study mass graves in Iraq.

Africa

Consider Adding:

- Niger: Niger is an aggressive participant in the Trans-Sahel Counterterrorism Initiative (TSCTI). A visit would provide an opportunity to express appreciation for Niger's counterterrorism efforts and to witness the important work being done towards countering Islamic extremists.
- Nigeria: Nigeria is a major contributor to African regional and global peacekeeping operations and a participant in GPOVACOTA. A visit from you would show support to one of the most powerful political players in sub-Saharan Africa.
- South Africa: South Africa is a important contributor to regional peacekeeping operations. The country recently signed an agreement to initiate USG-implemented Global Peace Operations Initiative (GPOI)/African Contingency Operations Training and Assistance (ACOTA).

Consider Removing or Postponing:

- Chad: There is no compelling reason to visit Chad at this time.
- Botswana: Botswana has contributed little towards regional stability in southern Africa and should not be rewarded with a visit at this time.

Central America and Caribbean/South America

Consider Adding:

- Dominican Republic: The Dominican Republic has been a good ally for many years. They provided troops to Iraq and have signed off as a CAFTA member. They also have regional credibility with Cuba and Venezuela, which could be helpful to us.
- Mexico: A trip to Mexico would consolidate important ties in our military relationship and would lend support to NORTHCOM defense and homeland defense partnerships.

Asia/Southeast Asia

- NOTE: You may wish to consider a November trip to Southeast Asia in conjunction with the Australia Ministerial meetings (17-18 Nov). Possible stops could include Australia (for the Ministerial), Malaysia, Indonesia and Vietnam.

Consider Adding:

- **Indonesia:** A trip to Indonesia could be an important step in building a stronger defense relationship. In addition, it would help us underscore important GWOT ties. The trip could be scheduled in conjunction with a stop in Brunei. \$
- **Vietnam:** The defense relationship with Vietnam is growing and would be bolstered by a visit from you. It could be added to the November trip.

Consider Removing:

- **Bhutan:** There are no strategic benefits to be gained from a visit. The U.S. does not maintain an embassy. In addition, a visit could risk flaring sensitivities with the Indians.
- **Brunei:** The strategic relationship with Brunei does not currently rise to the level of a SecDef visit. However, we may wish to encourage engagement at lower levels.
- **Burma:** The U.S. would like to avoid giving status to the military junta there with a senior-level visit.
- **Cambodia:** A visit to Cambodia would not be productive at this time considering U.S. policy concerns with the current government.
- **Nepal:** You may wish to defer consideration of a trip to Nepal until the Deputies consider a broader strategy for the country.
- **Papua New Guinea:** The strategic relationship with Papua New Guinea does not currently warrant a SecDef visit. Such a move could also step on the toes of the Australians, who see Papua New Guinea as their issue to manage.

Mr. Secretary,


** Amb. Pascoe reports that the aftermath of our tsunami relief continues to create a positive public affairs environment. According to polling data Indonesia is now the only Muslim country where public approval of the U.S. is net positive.*

JUL 19 2005

~~FOUO~~

2005 JUL 25 AM 7:59

July 19, 2005

TO David Chu
FROM Donald Rumsfeld 
SUBJECT Sikhs and the U.S. Military


At the official dinner last night for the Prime Minister of India one of guests, who is a Sikh, indicated that the U.S. Military won't let a Sikh serve because of their religious requirement to wear a beard and a turban, I believe.

Please talk to me about this and tell me whether or not there is a solution. I keep finding ways we prevent people from serving, which I find wonsome.

Thanks.

DHR:sj
071905-01

.....
Please Respond By 08/11/05


CC: RA-PI-BD

~~FOUO~~

11-L-0559/OSD/51552

OSD 17401-05



PERSONNEL AND
READINESS

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

ENSE

2005 11 22 01 7:59



INFO MEMO

FOR: SECRETARY OF DEFENSE

FROM: David S. C. Chu, USD (P&R)

SUBJECT: Sikhs and the U.S. Military—SNOWFLAKE (attached)

- You asked about the eligibility of Sikhs to serve in the U.S. military.
- While there is no direct prohibition on Sikhs serving in the U.S. military, there are specific guidelines in law and policy regarding appearance and religious apparel that have made it impractical for a practicing Sikh to serve.
- The Army exempted Sikhs during conscription and during the early days of the volunteer force, but canceled that accommodation in 1981 due to force protection concerns in the chemical/biological environment: Unshorn head and facial hair prohibits safe wear of protective masks, which can not form a "seal" amidst facial hair. However, serving Sikhs were grandfathered and four remain in the Army's Reserve Components.
- A 1985 court case, *Khalsa v. Weingerger*, ruled that a Sikh was free to dress and groom in accordance with religious convictions, but was not entitled to join the military when unable to comply with military rules (e.g., safe wear of protective gear).
- We will **look** at again whether appropriate accommodation can be devised.

Attachment:

As stated

Prepared by: Mr. Bob Clark, OUSD(P&R)/MPP/AP (b)(6)



11-L-0559/OSD/51553

OSD 17401-05

FOUO

July 15, 2005

2005 JUL 15 AM 8:10

TO: David Chu
CC: Gordon England
FROM: Donald Rumsfeld *DR*
SUBJECT: Former Spouses Protection Act

I read your memo about how former spouses can get payments from a spouse's retired pay even before a military person actually retires in certain states - it seems unfair. You say Congress doesn't want to "reopen the Former Spouses Protection Act." Isn't there some way we could have new legislation about this very specific issue without "reopening" the entire legislation? It seems to me we should be able to come up with something we can do about this.

Let me know what you think.

Thanks.

Attach 7/1/05 SecDef memo to USD (P&R); 7/1/05 USD (P&R) memo to SecDef

DHR:ss
071405-07

.....
Please Respond By August 04, 2005

FOUO

OSD 17402-05

11-L-0559/OSD/51554

~~FOUO~~

JUL 01 2005

TO David Chu
FROM Donald Rumsfeld *DR*
SUBJECT: Spouse Protection Act

At the town hall today, the Spouse Protection Act *came up*. Apparently, there is a campaign starting to get a change in that.

Please look into it, tell me what you know about it, and what you think we ought to do about it. It sounds unfair the way the woman who asked the question characterized it.

Thanks.

DWR:as
062903-16

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

*Sir,
Response attached.*

*v/r
Lt Col Lengyel
JUL 14 2005*

~~FOUO~~

OSD 13433-05

11-L-0559/OSD/51555



PERSONNEL AND
READINESS

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



INFO MEMO

July 11, 2005, 11:10 AM

Robert Rangel

FOR: SECRETARY OF DEFENSE

DEPSEC _____

FROM: David S.C. Chu, USD (P&R)

SUBJECT: *U.S. C. Chu 11 July 05*
The Former Spouses Protection Act - SNOWFLAKE (Tab A)

- Uniformed Services Former Spouses Protection Act (FSPA) enacted 1982.
 - o Allows, but does not require, state divorce courts to award a portion of military retired pay to the spouse in the event of divorce.
 - o Sets out rules that must be met before a spouse is eligible for continued additional military benefits such as commissary, exchange, or medical.
 - o Overall, consistent with other retirement plans in the event of divorce, TAB B.
- Question raised at Town Hall referred to some state court decisions to award the spouse a share of retired pay even though the member is still currently serving.
 - o Occurs in eight states, (AK, AZ, CA, HI, ID, IL, NV, NM).
 - o Divorce law is the purview of the states; state courts apply their divorce law to military retired pay as they apply it to a civilian retirement plan.
- The Department of Defense previously recommended explicitly prohibiting a court from requiring a member to begin payments to a former spouse before actual retirement. Congress is distinctly uninterested in reopening FSPA.

Attachments:

As stated

Prepared By: LTC Janet Fenton, USA (JAG Corps), OUSD(P&R) (b)(6)

Spd 7/13

MA SD	<i>2/14</i>	SMA OSD	
TSA SD	<i>2/14</i>	SA OSD	
EXEC SEC	<i>2/12</i>		
ESR MA	<i>5/9/12</i>	<i>1800</i>	



OSD 13433-05

11-L-0559/OSD/51556

News Transcript

Presenter: Secretary of Defense Donald H. Rumsfeld and **Chairman**, Joint Chiefs of **Staff**, Gen. Richard Myers Wednesday, June 29, 2005

Defense Department **Town Hall Meeting**

Q Sir, this is for you, Mr. **Secretary**. I'm an active-duty lieutenant colonel, divorced, full custody of two **small** children. My ex-husband resigned from the military because it wasn't lucrative **enough** for him.

During our marriage, **our** nine years together, he tripled his income due to **the** support I provided **him** while he went **to** school full-time. And by the way, I supported a family with my military paycheck.

Now I'm living with a divorce decree that not only directs **me** to provide a large chunk of my retirement pay to him; it **also** directs me to **start** paying him upon reaching **20 years** in service, whether I choose to retire at **20 years** or **not**. **This** is forcing me out of the **military** next year. I **can't afford** to write a paycheck -- write a check to my ex-husband **every** month out of my **military** pay. **By the way**, he makes **thousands and thousands** of dollars more than I **do**.

This is a result of the Uniformed **Services Former Spouses' Protection Act**. I'm **not** the only one affected by **this** injustice. **There are** many other injustices that have been **imposed on** military members for years.

Sir, we are your supporters, some of your biggest supporters in **this** country, and we would like to get support from **our** leadership **as well**.

SEC. RUMSFELD: This is a --

Q And so --

SEC. RUMSFELD: This is a statute, the --

GEN. MYERS: Right. It's a law.

SEC. RUMSFELD: A law.

GEN. MYERS: **In** the past.

Q Sir. Yes, sir. Uniformed Services **Former Spouses' Protection Act**, which, **sir**, I was told that you supported. .

SEC. RUMSFELD: I've never heard of it. (Laughter.)

Q And, sir, **as** you may **know**, or may not know, the divorce rate in the military is much **higher** than it is in the civilian sector, and it is growing. **And --**

SEC. RUMSFELD: When did **this** law go into effect?

Q Oh, sir, people have been trying to fight **this** for **20 years**.

GEN. MYERS: Yes, it's old. It's a couple -- it's at least **15.20** years it's been around, right? Ten, **15, 20** years?

Q Well, before I came into the military, sir.

GEN. MYERS: Right.

SEC. RUMSFELD: Well, I'll be happy to have David Chu look at it. I'm just not knowledgeable, I'm afraid, about it.

Q Okay, well --

GEN. MYERS: It **was** different -- actually, it was created, I think, in different times. I **think** was part of the mindset when spouses were normally women --

Q Yes.

GEN. MYERS: -- and when they probably did not work, and when --

Q But Sir, ~ a -

GEN. MYERS: **Yeah.** So it needs to be looked at. I think the secretary's idea is a good idea.

Q May I say one more thing, please, sir? I know that it was set for a much earlier generation. But I **will** say that since I've been in the military, since **August** of **1986**, **everywhere** I've been **stationed**, and Germany included, **even female spouses** have had opportunities for jobs, given **preference** for government jobs, had opportunities for education beyond **high school**. **There's** always some sort of college program.

So although you may **look** and **this** may **sound** a little bit **shocking** to you because now there's a woman having to pay **an ex-husband who makes just a lot more money** than a lot of us **in this room**, **this** is an issue that is not a gender issue, it is a military **service member issue**. And, **frankly**, we **need** some support, and we'd like for you to support **change or** congressional amendment to the current act **and** actually help promote it, **because** we can't **get** a congressman or anybody to touch **this**.

SEC. RUMSFELD: We'll have David Chu **take** a look **at** it. Thank you.

Q Thank you, sir.

Table 1
Retirement Benefits for Former Spouses

FORMER SPOUSE ELIGIBILITY FOR RETIRED PAY	Military Retirement (USFSPA)	Private	Civil Service	Foreign Service	CIA	Railroad Retirement Tier 1	Railroad Retirement Tier 2
Automatic Allocation of Retired Pay	No	No	No	Yes ¹¹	Yes/50% ²	Yes/50% ¹²	No
Court-Awarded Allocations of Retired Pay	Yes	Yes	Yes	Yes	Yes	No	Yes
Maximum Allocation Awardable by Court	100% of disposable retired pay. DFAS may pay up to 50%.	100% of employee's gross benefit	100% of employee's net benefits ¹¹	100% of employee's gross benefit	100% of employee's gross benefit	N/A	100% of employee's gross benefit
Minimum Age for Former Spouse to Collect	N/A	N/A	N/A	N/A	N/A	62 ¹⁴	N/A
Direct Payment	Yes/Limited ¹⁵	Yes	Yes	Yes	Yes	Yes	Yes
Maximum Benefit Payable Directly	50% of member's "disposable retired pay"	100% of employee's gross benefit	100% of employee's net benefit	100% of employee's net benefit ¹⁶	100% of employee's net benefit	50% of employee's age 65 benefit	100% of employee's net benefit
Earliest Former Spouse Can Collect Direct Payment on Divorce	Member is collecting	"Earliest retirement age," unless plan allows immediate distribution	Employee is collecting TSP—immediate collection	Employee is collecting TSP—immediate collection	Employee is collecting TSP—immediate collection	Employee is collecting	Employee is collecting
Remarriage Penalty	No	No	No ¹⁷	Yes/age 55 ¹⁸	Yes/age 60 ⁹	Yes	No ¹⁹
Reinstatement Allowed	N/A	N/A	N/A	No	No	Yes	Yes

¹⁰ References to TSP are to the Federal Thrift Savings Plan. Otherwise, all references are to CSRS and FERS.

¹¹ The CIA has four retirement programs (CSRS, ORDS, FERS, and FERS Special). Under these programs, there are three categories of "former spouse" (Qualified Former Spouse, Former Spouse, and Previous Spouse).

¹² Although spouse's entitlement is statutory, spousal benefits can be modified by court order or agreement of the parties.

¹³ Statutory right to benefit generally 50 percent, less any Social Security benefit the former spouse earned on his or her account.

¹⁴ When a married employee retires, a survivor annuity will be provided for the surviving spouse unless the employee and the spouse file a written election with the OPM to waive the survivor annuity.

¹⁵ The Railroad Retirement Act requires that the employee be retired before the former spouse can obtain benefits.

¹⁶ Only with 10 years of creditable service/marriage overlap.

¹⁷ However, under the statutory *pro rata* formula, a former spouse could never be awarded greater than 50 percent of the retirement benefits.

¹⁸ However, a State court can impose a requirement that benefits to the former spouse terminate on his or her remarriage.

¹⁹ Benefits continue irrespective of remarriage if ordered by court.

²⁰ The authorization to divide tier 2 benefits does not address remarriage. However, originally, these could be supplied by court order or agreement.

Automatic Distribution of "Small Benefits"	No	Yes—\$5,000 lump sum or less	No TSP—Yes \$5,000 lump sum or less	No TSP—Yes \$5,000 lump sum or less	No	No	No
FORMER SPOUSE ELIGIBILITY FOR SURVIVOR BENEFITS	Military Retirement (USFSPA)	Private	Civil Service	Federal Service	CIA	Railroad Retirement Tier 1	Railroad Retirement Tier 2
Automatic Benefits	No	No	No	Yes	Yes	Yes/100%	No
Court-Awarded Benefits	Yes	Yes	Yes	Yes	Yes	No	No
Maximum Benefit Awardable by the Court	55% of member's unreduced benefit, lowered to 35% at age 62	Defined Contribution Plans: Up to 100% of employee's account balance Defined Benefit Plans: Survivor annuity equal to at least 50% of employee's reduced benefit**	50% of employee's unreduced benefit ²³	55% of employee's unreduced benefit under FSRDS: 50% of unreduced benefit under FSPS ²⁴	55% of employee's unreduced benefit, unless a valid court order or property settlement provides to the contrary	NIA	NIA
Minimum Age for Former Spouse to Collect	None	None	None	None	None	Age 60	N/A
Remarriage Penalty	Yes/age 55	No	Yes/age 55	Yes/age 55	Varies depending on the retirement system	Yes/age 60	NIA
Reinstatement Allowed	Yes	NIA	No	Yes	Yes	Yes	N/A

²³ References to TSP are to the Federal Thrift Savings Plan. Otherwise, all references are to CSRS and FERS

²⁴ The CIA has four retirement programs (CSRS, ORDS, FERS and FERS Special). Under these programs, there are three categories of "former spouse" (Qualified Former Spouse, Former Spouse, and Previous Spouse).

²⁵ Assumes that the employee's employer offered only the minimum survivor benefit required by the Retirement Equity Act. Some plans provide a higher survivor benefit of 75 percent or 100 percent of the participant's benefit.

²⁶ Reduced by any allocation awarded to a previous former spouse.

²⁷ Under CSRS, a survivor annuity is permanently lost if the former spouse remarries before age 55. Under ORDS, entitlements to both retirement and survivor annuities are permanently lost if a former spouse remarries before age 55 and before payments begin. If a qualified former spouse remarries before age 55, but after payments begin, only the survivor annuity is terminated. This annuity can be reinstated if the subsequent marriage ends in death or divorce. This remarriage restriction can be modified by a court order. Under FERS, the survivor annuity stops for a former spouse who remarries before age 55. This remarriage penalty can be waived by court order. Under FERS/SP, the remarriage penalty can be waived by court order.



PERSONNEL AND
READINESS

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

INFO MEMO 2005 08 26 10:10



August 26, 2005, 1:10 AM

FOR: SECRETARY OF DEFENSE

DEPSEC _____

FROM: David S. C. Chu, USD (P&R)

SUBJECT: *David S. C. Chu 26 Aug 05*
The Former Spouses Protection Act SNOWFLAKE

- * In your July 15 memo (Tab A), you ask if there is a way to have legislation specifically prohibiting court ordered payment of military retired pay prior to actual retirement.
- For the FY03 Authorization act, we submitted several legislative proposals to improve the Uniformed Service Former Spouses Protection Act (including one to address this issue). The Congress did not adopt any.
- In both the '05 and '06 cycles, we again submitted the legislative proposal prohibiting court ordered payment of military retired pay prior to actual retirement. Neither the House nor the Senate included this provision in their Defense Authorization bills.
- Congressman Stump when he chaired the House Armed Services Committee tried to rationalize the statute. Even he could not get a bill out of committee.
- Nonetheless, I will explore whether we can find a sympathetic Senate sponsor in the remaining opportunity for action in the FY06 bill.

Attachments:

As stated

Prepared By: LTC Janet Fenton, USA (JAG Corps), OUSD(P&R), (b)(6)



11-L-0559/OSD/51561

OSD 17402-05

FOUO

2005 AUG 04 2005
2005 AUG 04 17
ES-3697
05/009247

TO: Ryan Henry
CC: Doug Feith
FROM: Donald Rumsfeld *DR*
SUBJECT: ~~Your~~ response to Memo on Turning Over Bases

I just looked at your response to my snowflake about whether or not we can turn over facilities to the host nations. I understand if it is fixed, we can turn it over. On the other hand, there is a lot that is not fixed, that is critical to the success of those bases. We have to get the answer to that and I don't see it in your reply.

Please respond.

Thanks,

Attach:
7/8/05 SecDef Memo to USD (P)
7/30/05 DUSD (P) Memo to SecDef

DR:cas
080305-13

.....
Please respond by

9/7/05

FOUO

OSD 17547-05

11-L-0559/OSD/51562

04-03-05 11:13:11

FOUO

OFFICE OF THE
SECRETARY OF DEFENSE

2005 AUG -1 AM 9:35 JUL 08 2005

TO: Doug Feith

CC: Jim Haynes
Dan Stanley

FROM: Donald Rumsfeld *DR*

SUBJECT: Authority to Turn Over Bases

ES-3697
05/009247

Do we have legal authority from Congress to turn over Iraqi and Afghan bases, locations and facilities to the Afghans and the Iraqis? It appears that is what people have in mind.

Thanks

DRE:ds
070703-27

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

*St,
Response attached.
v/r
Lt Col Leung*

AUG 02 2005

08-01-05 A00:23 IN

FOUO

A-7R

08-07-05 *Saia* 5

11-L-0559/OSD/51563

125

20 WSP/2

ES-36097
051009247

FOR SECRETARY OF DEFENSE

JUL 3 2005

8/11

~~SUBJECT: Snowflake Response—Authority to Turn over Bases (FOUO)~~

- You asked whether we have the legal authority from Congress to turn over Iraqi and Afghan bases, locations, and facilities to the host nations ()
- It is lawful for U.S. forces to return Iraqi and Afghan bases, locations and facilities to the host nations. The following points pertain to property, non-movable structures and infrastructure improvements made by U.S. forces that cannot be moved with the forces. (different rules apply to movable property):
 - We do not have agreements with either country that address return to the host nation of property currently being used by the U.S.
 - For U.S. leases of property, return would be accomplished in accordance with the terms of the lease.
 - Real property, non-movable structures, and other infrastructure we have built and cannot take with us (e.g., buildings, sewage lines) would be returned to host nation authorities.
 - There is no legal requirement that we seek residual value from the Governments of Afghanistan or Iraq for improvements made. Existing DoD guidance on the return of overseas sites and recovery of residual value exempts facilities built during combat or stability operations.
 - Removable property must be removed by departing U.S. forces or disposed of in accordance with appropriate regulations (see Tab B).
- We are not aware of any requirement to notify Congress of the return of non-movable structures and other infrastructure in Afghanistan or Iraq.

Prepared by Lesley Young, ODASD, Strategy. (b)(6)

MA SD	12/2	MA DSU	
TSA SD	12/3/1	SA DSU	
EXEC SEC	11/8/1	1735	1748
ESF MA	15	2-1-05	1217

A-78

FOUO

03-010501-05

11-L-0559/OSD/51564

~~FOUO~~

ES-36097
05/009247

Coordination:

JS: CDR Pat McCarthy, attorney, OCJCS/LC 7/13/05

Colonel Keith Walker, Chief, Iraq Division, 3-5 7/13/05

OGC: Mr. Dan Dell'Orto, Deputy General Counsel, DoD 7/21/05

NESA Mr. Paul Hulley, Principal Director, NESA 7/12/05

~~FOUO~~

A-78
4 of 9

~~FOUO~~

ES-36097
05/009247

Tab B

- Under 40 U.S.C. 704, as implemented by DoD 4140-R "DoD Supply Chain Material Management Regulation," DoD can transfer Foreign Excess Personnel Property to a host nation for "substantial benefit" when DUSD (L&MR) determines that transfer is in the interest of the United States.
- Examples of this type of property include air conditioners, electrical generators, furniture, appliances and similar items.
- The DUSD (L&MR) has delegated to the CDR MNF-I and the Deputy Chief of Staff for Sustainment the authority to determine that transfer of certain types of Foreign Excess Personal property to Iraqi Security Forces (ISF) at Forward Operating Bases in Iraq for substantial benefit is in the interest of the United States. (see attached DUSD (L&MR) memorandum, Subject: Delegation of Authority to Determine that Specific Transfers of Certain Types of U.S. property to ISF is in the Interest of the United States, dated June 15, 2005).
- Transfer of weapons, munitions and significant military equipment are governed by the Foreign Assistance Act and the Arms Export Control Act.

~~FOUO~~

A-78
9 of 9



DEPUTY UNDER SECRETARY OF DEFENSE FOR
LOGISTICS AND MATERIEL READINESS
3800 DEFENSE PENTAGON
WASHINGTON, DC 20301-3800

JUN 15 2005

MEMORANDUM FOR DIRECTOR, JOINT STAFF
DEPUTY CHIEF OF STAFF FOR LOGISTICS, US ARMY

SUBJECT: Delegation of Authority to Determine that Specific Transfers of Certain Types of U.S. Property to Iraqi Security Forces (ISF) is in the Interests of the United States

This responds to your memorandum of May 24, 2005, which requested authority for the Commander, Multi-National Force-Iraq (MNF-I) to determine that specific transfers of certain types of Foreign Bureau Personal Property (FBPP) to ISF for substantial benefits is in the interests of the United States.

I have determined that, in general, transfer of the types of property described in your memorandum is in the interests of the United States in order to further the mission in Iraq. The State Department has concurred that such transfers conform to the foreign policy of the United States. Accordingly, under the authority of 40 U.S.C. 701(b)(3) and DoD 4140.1-R, "DoD Supply Chain Materiel Management Regulation," I delegate to the Commander, MNF-I and the MNF-I Deputy Chief of Staff for Sustainment the authority to determine that transfers to ISF of specific property at Forward Operating Bases in Iraq for substantial benefits is in the interests of the United States. Such transfers must be documented by an arrangement, memorandum of understanding, or similar document as required by DoD 4160.21-M, chapter 9, para. D.3.A, and must include a determination that individual transfers are in exchange for substantial benefits in accordance with 40 U.S.C. 704. Attached is a format for an arrangement that would satisfy the requirement of DoD 4160.21-M. If such an arrangement is used to document the specific transfer, the excess property need not be transferred to the Defense Marketing, Realization, Service and no further action under DoD 4160.21-M, "Defense Materiel Disposition Manual," will be required. This delegation does not apply to transfer of items requiring demilitarization or waste security controls items (i.e., items appearing on the U.S. Munitions List of the International Traffic in Arms Regulation, or "dual-use" items under the Commerce Control List of the Export Administration Regulations). MNF-I shall retain a list of all items transferred to ISF for such purposes, and shall forward a copy, through appropriate channels, to the DIA J-3.

If a specific transfer for substantial benefits will differ significantly, either in the types of property to be transferred or the types of benefits to be received, from those described in the attachment or your memorandum of May 24, 2005, then DoD 4160.21-M and all other departmental policies and guidance shall be followed and approval to dispose of that property

A-78
5 of 9

11-L-05559/OSD/51567

Forward Operating Base Excess Property Exchange Arrangement

In view of the pending departure of Multi-National Force - Iraq elements from Forward Operating Base (FOB) Independence *(include grid coordinates of FOB geographic center)*, the Department of Defense of the United States of America and the Ministry of *(Defense/Interior)* of Iraq hereby execute this Arrangement regarding the transfer of excess personal property of the United States presently at FOB Independence.

Multi-National Force - Iraq hereby transfers the property listed in the annex, without warranty, to the Ministry of *(Defense/Interior)* of Iraq. The senior commander of Iraqi Security Forces at FOB Independence assumes responsibility for the property, which shall be for the exclusive official use of Iraqi Security Forces, and acknowledges that receipt is without warranty.

In exchange for this transfer of property, Iraqi Security Forces will occupy the premises and use the property for the purpose of bringing security to Iraq. The intent is that the ISF will relieve Multi-National Force - Iraq of responsibility for providing security in the surrounding area. There will be a deliberate and orderly transition of security responsibilities in the vicinity of FOB Independence, which will preclude use of the FOB by hostile elements and promote force protection. The property is not hazardous waste. MNF-I has determined that the property cannot cost-effectively be used by U.S. forces elsewhere in Iraq. Multi-National Force - Iraq has also determined that the exchange is in the interests of the United States and will result in substantial benefits for the United States.

This Arrangement is intended to set forth the understandings of the Participants and is not intended to create any binding obligations under international law.

FOR THE DEPARTMENT OF DEFENSE
OF THE UNITED STATES
OF AMERICA

FOR THE
MINISTRY OF DEFENSE/INTERIOR
OF IRAQ

Major General Gerald P. Minetti
Deputy Chief of Staff-Sustainment
Multinational Force-Iraq
[Location]
[Date]

[Name]
[Title]

[Location]
[Date]

Annex - U.S. Property to Remain at FOB Independence Upon MNF-I Departure on *(date)*
[note that if value of property listed in Annex for any single FOB exceeds \$2 million, the procedures of DoD 4100.21-14 and all other DoD policies and guidance shall apply, and approval to dispose of property identified for transfer or other disposition shall be proposed through normal channels] U.S. Property to Remain at FOB Independence Upon MNF-I Departure on *(date)*

FOR INDEPENDENCE EQUIPMENT

Air Conditioner	3	600	480	1380
Air Conditioner, 2 Ton	1	400	337.5	937.5
Air Conditioner	3	300	282.5	787.5
Air Conditioner	8	350	282.5	1578
Pool Table, Dayroom	1	700	500	620
Football Table	1	300	300	220
Pool Table, Dayroom	1	700	500	620
Table, Tennis	1	525	414.54	414.54
Air Conditioner	1	600	480	480
Window A/C unit, 2 Ton	1	450	337.5	1687.5
A/C, General	1	450	337.5	937.5
A/C, Window, Gold Series	7	480	317.5	2282.5
Air Conditioner	1	600	480	480
A/C, American, Ram 24	10	500	375	3750
A/C, General	3	450	337.5	675
Air Conditioner	1	600	480	480
A/C, Window, Gold Series	4	480	317.5	1590
Generator, 750Kv, Daywood	2	70000	52500	105000
Generator, 150kv, Perkins	1	150000	112500	112500
Generator, 250kv, Volvo	1	30000	22500	22500
Generator, Honda EB1800	1	1800	1125	1125
Generator 1MW	1	250000	187500	187500
Metal Fuel Cell	1		0	0
LG Black Water Cont	3		0	0
MED Black Water Cont	3		0	0
John Deere Generator	1		0	0
Enclosed Shower Units	2		0	0
Enclosed Latrine Units	1		0	0
GP Modem Tent	1		0	0
Laundry Connex 40FT	1		0	0
Laundry Connex 20FT	1		0	0
Connex 20 FT	2		0	0
LG Window Units	13		0	0
Concrete Burial	4		0	0
Concrete Grid Caps	8		0	0
Electric Transfer Box	2		0	0
Metal Fuel Cell	1		0	0
Bed	1		0	0
Table, DFAC	587	100	75	4402.5
Chair, DFAC	40	50	37.5	1600
Freezer, Con CF1001-SW	300	40	30	9000
Refrig. Nation, SGR-468	6	350	262.5	2100
	5	200	150	750
TOTAL				503251.5

~~FOUO~~

INFO MEMO

DEFENSE
DSD
2005 AUG 21 AM 6:17
USD(P) ~~2005~~ 30 2005
ES-3697
05/009247
AUG 28 2005

FOR SECRETARY OF DEFENSE

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

SUBJECT: Response on Memo on Turning Over Bases (~~FOUO~~)

- You asked about turning over removable property to host countries on bases being used by U.S. forces in Afghanistan and Iraq (snowflake attached).
 - o Our response to your original question on bases, locations, and facilities is at Tab A.
- U.S. forces must either take removable property with them when they redeploy or dispose of it in accordance with relevant regulations.
 - o The relevant regulations (40 U.S.C. 704, as implemented through DoD 4140-R "DoD Supply Chain Material Management Regulation") authorize the transfer of Foreign Excess Personnel Property to a host nation.
- Under this authority, DUSD (L&MR), Jack Bell, delegated to the CDR MNF-I, General Casey, and the Deputy Chief of Staff for Sustainment, BG Kathleen Gainey, the authority to determine the types of Foreign Excess Personal Property to be transferred to Iraqi Security Forces (ISF) at Forward Operating Bases in Iraq (Tab B).
- In accordance with that guidance, MNF-I selected property that:
 - o Supports the orderly transition of security responsibilities to Iraqi Security Forces;
 - o Cannot cost-effectively be used by U.S. forces elsewhere in Iraq; and
 - o Results in substantial benefits to the U.S.
- Items marked for transfer include hygiene units, air conditioners, electrical generators, furniture, appliances, and other similar items.
 - o Foreign Excess Personal Property does not include weapons, munitions or other significant military equipment. Transfer of such items is governed by the Foreign Assistance Act and the Arms Export Control Act.
- I have cc'ed the Director, Joint Staff and DUSD (L&MR) on this response to ensure they are aware of your view that removable property is critical to the success of those bases.

cc: Director, Joint Staff
DUSD (L&MR)

11-L-0559/QSD/51570

OSD 17547-05

03-30-05 11:51 AM

~~FOUO~~

ES-36097
051009247

Coordination:

JS: CDR Pat McCarthy, attorney, OCJCS/LC	7/13/05
Colonel Keith Walker, Chief, Iraq Division, J-5	7/13/05
OGC: Mr. Dan Dell'Orto, Deputy General Counsel, DoD	7/21/05
NESA: Mr. Paul Hulley, Principal Director, NESA	7/12/05

11-L-0559/OSD/51571

~~FOUO~~

2005 AUG 04 08:17
AUG 04 2005
ES-3697
OS/009247

TO: Ryan Henry
CC: Doug Feith
FROM: Donald Rumsfeld *DR*
SUBJECT Your response to Memo on Turning Over Bases

I just looked at your response to my snowflake about whether or not we can turn over facilities to the host ~~nations~~. I understand if it is fixed, we can turn it over. On the other hand, there is a lot *that* is not fixed, that is critical to the success of those bases. We have to get the ~~answer~~ to *that* and I don't see it in your reply.

Please respond.

Thanks.

Attach.
7/8/05 SecDef Memo to USD (P)
7/30/05 DUSD (P) Memo to SecDef

DHR:as
080305-13

.....
Please respond by 9/7/05

~~FOUO~~

OSD 17547-05

11-L-0559/OSD/51572

04-08-05 ATT:SS

~~FOUO~~

OFFICE OF THE
SECRETARY OF DEFENSE

2005 AUG -1 AM 9:35 JUL 08 2005

TO: Doug Feith

CC Jim Haynes
Dan Stanley

FROM: Donald Rumsfeld *DR*

SUBJECT: Authority to Turn Over Bases

ES-3697
05/009247

Do we have legal authority from Congress to turn over Iraqi and Afghan bases, locations and facilities to the Afghans and the Iraqis? It appears that is what people have in mind.

Thanks.

DWR:q
070705-27

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

SI,
Response attached.
y/n
Lt Col. Lengua

AUG 02 2005

08-01-05 100:23 12

~~FOUO~~

08-07-05 10:54

A-78

2 of 9

OSD 14683-05

11-L-0559/OSD/51573

8/1-1130

~~FOUO~~

INFO MEMORANDUM FOR THE
SECRETARY OF DEFENSE

2005 AUG -1 AM 9:35

NO
D. W. S. P. [Signature]

ES-36097
05/009247

Robert Rangel
FOR SECRETARY OF DEFENSE

8/1

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

JUL 30 2005

SUBJECT: Snowflake Response—Authority to Turn over Bases (FOUO)

- You asked whether we have the legal authority ~~from Congress~~ to turn over Iraqi and Afghan ~~bases~~, locations, and facilities to the ~~host nations~~
- It is lawful ~~for U.S. forces to return Iraqi and Afghan bases, locations and facilities to the host nations. The following points pertain to property, non-movable structures and infrastructure improvements made by U.S. forces that cannot be moved with the forces. (different rules apply to movable property):~~
 - o We do not have agreements with either ~~country~~ that address ~~return~~ to the host nation of property currently being ~~used~~ by the U.S.
 - o For U.S. leases of ~~property~~, ~~return~~ would be accomplished in accordance with the terms of the ~~lease~~.
 - o Real property, non-movable ~~structures~~, and other ~~infrastructure~~ we have built and cannot take with us (e.g., buildings, sewage lines) would be ~~returned~~ to host nation authorities.
 - There is ~~no~~ legal requirement that we seek residual value from the Governments of Afghanistan or Iraq for improvements made. Existing DoD guidance on the ~~return~~ of overseas ~~sites~~ and recovery of residual value exempts ~~facilities~~ built during combat or stability operations.
- o Removable property ~~must~~ be removed by departing U.S. forces or disposed of in accordance with appropriate regulations (see Tab E).
- We are not aware of any requirement to notify Congress of the ~~return~~ of non-movable structures and other infrastructure in Afghanistan or Iraq.

Prepared by Lesley Young, ODASD, Strategy (b)(6)

SPB 8/1

MA SD	24/2	MA DSD	
TD SD	24/3/1	SA DSD	
EXC REG	MRD	1255	1748
ESR MA	LSV	2/105	1217

A-78

~~FOUO~~

03-01 05D 14349-05

11-L-0559/OSD/51574

~~FOUO~~

ES-36097
05/009247

Coordination.

JS: CDR Pat McCarthy, attorney, OCJCS/LC 7/13/05

Colonel Keith Walker, Chief, Iraq Division, J-5 7/13/05

OGC: Mr. Dan Dell'Orto, Deputy General Counsel, DoD 7/21/05

NESA Mr. Paul Hulley, Principal Director, NESA 7/12/05

~~FOUO~~

A-78
4 of 9

~~FOUO~~

ES-36097
05/009247

Tab B

- a Under 40 U.S.C.704, as implemented by DoD 4140-R "DoD Supply Chain Material Management Regulation," DoD can transfer Foreign Excess Personnel Property to a host nation for "substantial benefit" when DUSD (L&MR) determines that transfer is in the interest of the United States.
- Examples of this type of property include air conditioners, electrical generators, furniture, appliances and similar items.
- The DUSD (L&MR) has delegated to the CDR MNF-I and the Deputy Chief of Staff for Sustainment the authority to determine that transfer of certain types of Foreign Excess Personal property to Iraqi Security Forces (ISF) at Forward Operating Bases in Iraq for substantial benefit is in the interest of the United States. (see attached DUSD (L&MR) memorandum, Subject: Delegation of Authority to Determine that Specific Transfers of Certain Types of U.S. Property to ISF is in the Interest of the United States, dated June 15, 2005).
- Transfer of weapons, munitions and significant military equipment are governed by the Foreign Assistance Act and the Arms Export Control Act.

~~FOUO~~

A-78
9 of 9

FOB INDEPENDENCE EQUIPMENT

Air Conditioner	3	600	480	1560
Air Conditioner, 2 Ton	2	480	387.5	775
Air Conditioner	3	300	282.5	787.5
Air Conditioner	2	300	282.5	565
Pool Table, Dayroom	1	700	580	620
Football Table	1	300	280	220
Pool Table, Dayroom	1	700	580	620
Table, Tennis	1	550	414.34	414.34
Air Conditioner	2	480	414	480
Window A/C Unit, 2 Ton	2	430	387.5	1497.5
A/C, General	1	430	387.5	817.5
A/C, Window, Gold Series	7	480	387.5	2912.5
Air Conditioner	1	600	480	480
A/C, Antelope, Para 28	10	600	570	3780
A/C, General	2	430	387.5	817.5
Air Conditioner	1	600	480	480
A/C, Window, Gold Series	4	480	387.5	1550
Generator, 750Kw, Deere	2	70000	58000	106000
Generator, 150Kw, Perkins	1	180000	112000	112000
Generator, 250Kw, Volvo	1	200000	125000	225000
Generator, Honda EB1800	1	1500	1125	1125
Generator 1800	1	250000	187500	187500
Metal Fuel Cell	1		0	0
LG Black Water Cont	2		0	0
MED Black Water Cont	2		0	0
John Deere Gator	1		0	0
Enclosed Shower Units	2		0	0
Enclosed Latrine Units	2		0	0
GP Medium Tent	1		0	0
Laundry Connex 40FT	1		0	0
Laundry Connex 20FT	1		0	0
Connex 20 FT	2		0	0
LG Window Units	11		0	0
Concrete Burybox	4		0	0
Concrete End Caps	8		0	0
Electric Transfer Box	2		0	0
Metal Fuel Cell	1		0	0
Bed	1		0	0
Table, DFAC	587	100	75	44025
Chair, DFAC	40	50	37.5	1500
Freezer, Con CF1001-SW	300	40	30	9000
Refrig, Nation, SGR-468	8	380	282.5	2100
	3	200	180	750
TOTAL				503251.5

~~FOUO~~
EYES ONLY

MAY 19 2005

TO: Gordon England
Gen Dick Myers
Gen Pete Pace

FROM: Donald Rumsfeld *D. Rumsfeld*

SUBJECT: Dividing Responsibilities

Now may be a good time to think about dividing responsibilities, so each of us can focus on certain areas.

I have taken a rough cut at dividing Departmental-level priorities between the Deputy and me. I've also offered a first draft at dividing responsibilities between the Chairman and the Vice Chairman. The goal would be to try to have each of us have somewhat more time to extend our reach. A disadvantage would be that we would not be as interchangeable as Dick and Pete and as Paul and I have been these past years.

Also, attached is a concept for using the Undersecretaries as "back-ups" for Gordon and me on certain key high-level issues, rather than using each other on everything. This would engage more players, specifically the senior folks who are in the best position to move the Department's priorities forward.

Please look this over and provide me some feedback – first, on the idea of dividing up and, second, on the specific suggestions.

Thanks.

Attach.
Division of Labor List

DHR:ss
05090542

.....
Please respond by 6/16/05

EYES ONLY
~~FOUO~~

MAY 19 ENTD

11-L-0559/OSD/51578

OSD 17602-05

020000

19 MAY 05

DIVISION OF LABOR – SECDEF & DEPSECDEF

<u>SECDEF</u>	<u>BOTH (Lead)</u>	<u>DEPSECDEF</u>
GWOT	Jointness	Financial Mgmt Systems
Iraq	Sr Civilian Personnel Selection	Business Mgmt Systems
Afghanistan	(SD)	Supply Chain Mgmt
SLRG	Sr Military Personnel Selection	Facilities and Infrastructure
Contingency Planning	(SD)	Procurement
POTUS Briefings	Budget (DSD)	Acquisition
SRO	Legislative Issues (DSD)	Acquisition Reform
Global Posture	Public Outreach (SD)	Medical Affairs
Deployment Orders	Public Affairs	Detainees
Special Operations	Transformation (DSD)	USAF Tankers/C-130s etc
Stress on the Force/End Strength	QDR	Network & Info Integration
Missile Defense	Interagency (SD)	Defense Business Board
Intelligence/DNI/CIA	Pentagon Renovation (SD)	BRAC
Defense Policy Board	Homeland Defense (DSD)	Readiness
Special Computer Programs	Defense Science Board (DSD)	NSPS
Nuclear Policy	Personnel Policy (DSD)	Foreign Weapons Sales
Weapons of Mass Destruction	Quality of Life (DSD)	
Compartmented Programs		
Active/Reserve Balance		

DIVISION OF LABOR- CJCS & VCJCS

CJCS

SRO
Global Posture/Force
Management
Special Operations
Intelligence
Special Computer Programs
Nuclear Policy
Weapons of Mass Destruction
Missile Defense

BOTH

GWQT(C)
Contingency Planning (C)
Iraq (C)
Afghanistan(C)
Jointness (V)
Sr Military Personnel Selection
Legislative Issues
Public Outreach (C)
Future Force
Structure/Transformation
Deployment Orders (C)
QDR
Interagency
Homeland Defense
Personnel Policy
Quality of Life
Coalition Management
Active /Reserve Balance
Missile Defense (C)
Homeland Defense

VCJCS

JROC / Procurement
Acquisition
Budget
Health Services
Detainees
Network & Info Integration
BRAC
Readiness
Supply Chain Mgmt
Facilities and Infrastructure
Medical Affairs
Foreign Weapons Sales

DIVISION OF LABOR - PRINCIPAL BACK-UPS

<u>USD (P)</u>	<u>USD (P&R)</u>	<u>USD (I)</u>	<u>USD (C)</u>	<u>USD AT&L</u>
GWOT	Personnel Policy	SRO	Budget	Foreign Weapons Sales
Iraq	Quality of Life	Intelligence Reform	Financial Management	Procurement
Afghanistan	Deployment Orders	Analysis		Acquisition Reform
SLRG	Medical Affairs	Missile Defense		USAF Tankers/C-130s etc
Global Posture	End Strength	Special Operations		Defense Business Board
End Strength	Readiness	Contingency Planning		BRAC
Defense Policy Board	NSPS	Defense Science Board		Business Mgmt Systems
QDR	Active / Reserve Balance	Network & Info Integration		Supply Chain Mgmt
Homeland Defense				Facilities and Infrastructure
Detainees				

~~FOUO~~

June 1, 2005

TO: David Chu
FROM: Donald Rumsfeld *DR*
SUBJECT: Supporting the Civil Air Patrol and Junior ROTC

I think we ought to support the Civil Air Patrol and the Junior ROTC. I think that is where recruits can come from. Those organizations are wonderful for inner city kids.

Will you give me a report as to what you think the status ~~is~~, where we stand, and what we might do?

Thanks.

DHR:js
053105-38

.....
Please respond by

6/30/05

~~FOUO~~

11-L-0559/OSD/51582

OSD 17603-05

340

17 Jun 05

FOUO

May 31, 2005

322

TO: ~~George Dick~~ ~~Smyer~~ ~~Holcomb~~
FROM: ~~Donald Rumsfeld~~ *DR*
SUBJECT: Rotations

I suppose we ought to schedule George Casey out in November, and maybe Craddock in in October. I guess Vines is March '06 and Petraeus is August, and we need to have the replacement for Petraeus.

Let's talk about this and get it squared away.

Thanks.

DHR:ss
053105-25

.....
Please respond by 6/23/05

31MAY05

FOUO

MAY 31 ENT'D

OSD 17604-05

11-L-0559/OSD/51583

FOUO

FILE
COPY

May 31, 2005

TO Steve Cambone
FROM: Donald Rumsfeld *DR*
SUBJECT: Bob Kerrey Request

3233

Former Senator Bob Kerrey called me. He is working on a mapping project which relates to the Geospatial Agency. Apparently, he is doing it for some Members of Congress, and he thought that there might be a connection to BRAC. He would like to brief some folks here at the Department. He believes the information could be used from a public affairs standpoint.

Please have Mike Wynne and Phil Grone meet with whomever Bob Kerrey wants us to meet with, and do it fairly soon. His assistant is Sherry Brabham.

Thanks.

DHR ss
053105-24

Please respond by

6/30/05

6/10

Si.

DR 6/30

Response attached.

YR

Lt Col Lengyel

JUN 3 0 2005

31 MAY 05

FOUO

11-L-0559/OSD/51584

OSD 17605-05

6/29/2005 9:01 AM

[Signature]
6/30

MEMORANDUM FOR THE SECRETARY OF DEFENSE

FROM: Steve Cambone *[Signature]*

SUBJECT: Bob Kerrey Request

3233

- You asked me to pull together some folks within the Department to receive a briefing from former Senator Bob Kerrey (next under).
- Kerrey and his colleagues from the Parsons Institute for Information Mapping (PIIM) visited yesterday to brief myself and representatives from AT&L, OSD/PA, OSD/LA and DDR&E on the Geo Media Tool.
 - o Senator Kerrey was up front about the fact that he sees DoD as a potential customer and is seeking funding for the continued development of the Geo Media tool.
- The Geo Media Tool aims to provide a visual representation of often-complex information which can be manipulated easily by the user.
 - o The tool is based on work done by Kerrey for NGA. The tool couples NGA data with open source information to build the visual presentations.
 - o Kerrey and his colleagues had performed some preliminary work with BRAC data as a sales pitch to the BRAC Commission.
- I think there is potential utility in the tool provided that the right applications are found for it.
 - o I will attempt to connect Kerrey with the DOCEX effort in Doha as a way to help us sort and visualize the information in the DOCEX database.

29 Jun 05

31 Oct 05

FOUO

May 31, 2005

IRAQ

TO: Steve Cambone
FROM: Donald Rumsfeld *DR*
SUBJECT: Iraqi Survey Group

Please tell me how many people are in the Iraqi Survey Group, and what Departments and Agencies they are from.

Thanks.

DHR:ss
053105-23

.....
Please respond by

6/16/05

FOUO

MAY 31 ENT'D

31 MAY 05


11-L-0559/OSD/51586

OSD 17606-05

~~FOUO~~

June 1, 2005

060

TO: Larry Di Rita
FROM: Donald Rumsfeld 
SUBJECT: Posters on the Global War on Terror

We ought to think about getting a firm or outfit to think about making posters on a pro-bono basis that relate to the Global War on Terror and the struggle against extremism. The theme could be that these folks are trying to change our way of life.

The thought would be that the posters could become popular - sold on the internet, in offices, etc.

Thanks.

DHR:ss
053105-20

.....
Please respond by

6/30/05

~~FOUO~~

15UNOS

11-L-0559/OSD/51587

OSD 17607-05

FOUO

May 31, 2005

TO: Mary Claire Murphy
FROM: Donald Rumsfeld *DA.*
SUBJECT Suggestion for the White House

You might want to recommend to the White House that they take a **look** at Keni Thomas, Craig Morgan, or Rockie as possible White House entertainment.

Thanks.

DHR:as
053105-9

.....
Please respond by

6/14/05

330.11

31 May 05

OSD 17609-05

MAY 31 ENTD

FOUO

11-L-0559/OSD/51588

~~FOUO~~

May 24, 2005

TO: VADM Jim Stavridis

FROM: Donald Rumsfeld *DR*

SUBJECT: Alberto Coll

I am told by one of the Congressmen that this fellow Alberto Coll was arrested today. Can someone look into it, and see what the FBI has to say about it?

Thanks.

Attach.
Alberto Coll Background Sheet

DHR:ss
052405-22

.....
Please respond by 6/1/05

5/24^{alt} 931
Sir —
Answer attached

v/r
[Signature]

~~FOUO~~

11-L-0559/OSD/51589 **OSD 17610-05**

380.015

24 MAY 05

31 MAY 05

SENSITIVE WORKING PAPERS

old
5/31

24 May 2005

FOR: SECDEF

FROM: VADM JIM STAVRIDIS

SUBJ: Professor at Naval War College

1. Sir, to summarize the material provided:

- Alberto Coll works as a professor and director of the Strategic Research Department at the Naval War College
- He has been under investigation for over a year on suspicion of spying for Cuba
- FBI does not have sufficient evidence to charge / convict on espionage, but will evidently charge him with several counts of making false official statements. Indications are that he will plead guilty **and** be sentenced in the next two weeks.
- I've informed Larry Dirita to handle any PA issues
- Navy is very aware of it and will take appropriate action

Link Don

DR. ALBERTO R COLL

Chairman, Strategic Research Department

(b)(6)

colla@nwc.naw.mil



Alberto R. Coll is Chairman of the Strategic Research Department at the US Naval War College in Newport, Rhode Island.

Dr. Coll was born in Havana, Cuba. He came to the United States in 1968 without his family and no knowledge of English. In 1977, he received a B.A. with Honors in History from Princeton University, and later earned a J.D. and a Ph.D. in government and foreign affairs from the University of Virginia, with "highest distinction" in international politics and theory.

In 1982 he joined the Government Department at Georgetown University, where he taught international relations, law and organization. That same year he accepted an appointment to the Naval War College as a Secretary of the Navy Senior Research Fellow, and subsequently served as a Professor of Strategy. In 1989 he occupied the College's oldest chair, the Charles H. Stockton Chair. After serving in the first Bush Administration from 1990 to 1993, Dr. Coll returned to the Naval War College, where he has served since then.

Dr. Coll is the author of two books, *The Wisdom of Statecraft* and *The Western Heritage and American Values*. His articles have appeared in the *Wall Street Journal*, *Foreign Policy*, and numerous scholarly journals. He lectures widely on strategy, U.S. relations with Cuba and Latin America, and American foreign policy and grand strategy.

5/24/2005

11-L-0559/OSD/51591

FOUO

FILE
COPY

SENSITIVE
ATTACHMENT

May 31, 2005

380.015

TO: Dan Stanley

FROM: Donald Rumsfeld *DR*

SUBJECT: Alberto Coll

There was a Member of Congress on the Rules Committee – I believe it was Lincoln Diaz-Balart – who asked me about Alberto Coll. You might want to get back to him on it. The information is attached. I believe the information is law enforcement sensitive, and you can't divulge the details, but please tell him I looked into it, and I appreciate him bringing it to my attention.

Thanks.

Attach.

5/24/05 SecDef Memo to VADM Stavridis

5/24/05 VADM Stavridis Memo to SecDef

DHR:ss
053105-8

.....
Please respond by 6/16/05

22 Jul 05

MFR: Mr. Stanley advises that this notification was closed - no further action required.

[Signature]

FOUO

SENSITIVE
ATTACHMENT

OSD 17610-05

11-L-0559/OSD/51592

Classified per [illegible]

31 May 05

~~FOUO~~

MAY 31 2005

TO: COL Steve Bucci
cc: Cathy Mainardi
FROM: Donald Rumsfeld ¹
SUBJECT: Civilian and Military Personnel Meetings Next Week

I need a civilian and a military personnel meeting sometime this week, before my trip.

Thanks.

DHR:ss
052705-18

.....
Please respond by _____

~~FOUO~~

MAY 31 ENTD

11-L-0559/OSD/51593

OSD 17611-05

339

31 MAY 05

~~FOUO~~

MAY 3 1 2005

TO: VADM Jim Stavridis

FROM: Donald Rumsfeld *DR*

SUBJECT: ROEs in Ramadi

IRAQ

One of the POWs said they have a son overseas who says the ROEs in Ramadi are too weak, they need to be able to do more. Would you have someone look into that?

Thanks.

DHR:ss
052705-15

.....
Please respond by 6/23/05

~~FOUO~~

OSD 17612-05

MAY 3 1 ENT'D

31 MAY 05

11-L-0559/OSD/51594

~~FOUO~~

May 26, 2005

TO: COL Steve Bucci
FROM: Donald Rumsfeld *DR*
SUBJECT: Letters from POTUS for Retiring Combatant Commanders

I want to think about getting letters from the President for retiring Combatant Commanders. Please tell me who is retiring, and I will think about asking the White House to do that.

Thanks.

DIR:ss
052605-11

.....
Please respond by 6/1/05

see

50124072

~~FOUO~~

MAY 2 E ENTD

11-L-0559/OSD/51595

OSD 17614-05

~~FOUO~~

May 26, 2005

TO: COL Steve Bucci
cc: Cathy Mainardi
FROM: Donald Rumsfeld *DR*
SUBJECT: Meeting with Geren and Maples

383.4

I want to sit down with Geren and Maples and tell them my opinions on detainees, and see if they can do a paper that fits it.

Please set up a 20 minute meeting with them this week or very early next week.

Thanks.

DHR:ss
052605-10

.....
Please respond by

6/1/05

~~FOUO~~

OSD 17615-05

MAY 26 ENT'D

26 MAY 05

11-L-0559/OSD/51596

~~FOUO~~

May 25, 2005

TO: Larry Di Rita

FROM: Donald Rumsfeld *DR*

SUBJECT: Notification

This business about my giving authority to shoot down that Cessna is just nonsense. I didn't. We ought to do something about it.

Thanks.

DHR:dh
052505-1

.....
Please respond by

6/1/05

384

25 MAY 05

~~FOUO~~

11-L-0559/OSD/51597

OSD 17616-05

~~FOUO~~

May 24, 2005

TO: Doug Feith
FROM: Donald Rumsfeld *DR*
SUBJECT: Afghanistan and Iraq Budgets

Please have someone in your office work with Tina Jonas, or someone in her office, to see what the budgets for Afghanistan and Iraq are.

We've got to see that they have allowed for taking over responsibilities for detainees, personal security details, paying their military forces and police security forces in each country. In other words, we need to know that they have put all those things we do for them in the budget, so that they can assume responsibility and we don't have to keep doing it.

Thanks.

DHR:ss
052305-21

.....
Please respond by _____

~~FOUO~~

11-L-0559/OSD/51598 **OSD** 17622-05


092

24MAY05

~~FOUO~~

MAY 24 2005

230

TO: Larry Di Rita
CC: VADM Jim Stavridis
FROM: Donald Rumsfeld 
SUBJECT: OSD Photographers

Our photographers come in for a period of six months, and about the time they are really getting good – according to Mary Claire – they leave. Why don't we have the option of extending their tenure to one year? That way, if they are good, we can keep them on, rather than getting a new person every six months.

Thanks.

DHR:ss
052305-15

.....
Please respond by 6/1/05

24 MAY 05

~~FOUO~~

11-L-0559/OSD/51599

OSD 17624-05



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November 1, 2006

The Hon. Donald H. Rumsfeld
Room 3E880
1000 Defense Pentagon
Washington, DC 20301-1000

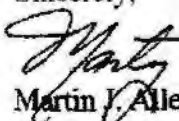
Dear Don:

It hardly seems possible, but a year **has** passed since you became a member of or renewed your membership in *Friends of Ford*. As **you** contemplate **renewing** your membership for the year **ahead**, please look over the attached calendar of events listing the many activities and events coming up **this** year.

As a member of Friends of Ford, you **will** receive early notification of these events, **as well as** the opportunity to purchase tickets to special programs before **the** general public. Remember, your membership entitles you to **free** admission, not only to the Ford **Museum** but also to each of the nation's Presidential Libraries, plus a 10% discount on **all** purchases in our Gift Shop.

May I conclude with a final request? **Your** support of **this** institution means a **great** deal to President and Mrs. Ford and to all of us whose privilege it is to tell their story. We hope **that** you might tell your friends **about** the Ford **Museum and** Library, its expanding **programs** and their cultural and educational benefits to the **community**. Better yet, we hope you'll encourage **them** to join Friends of Ford, **so** **that** they, too, **can** participate in these exciting **upcoming** events. Thank you **again**, **as always, for your** continuing interest and support.

Sincerely,


Martin J. Allen, Jr.
Chairman Emeritus

Enclosure

OSD 17624-06



11/9/2006 12:16:50 PM

303 Pearl Street, NW, Grand Rapids, MI 49504-5353 (616) 254-0396 Fax (616) 254-0403

1 11-0355/OSD/51800

Gerald R. Ford Presidential Museum

Grand Rapids Upcoming Events

An Afternoon with Richard Norton Smith, Sunday, November 12, 2006 4:00 p.m.

"There's no excuse for a dull book, a dull museum, or a dull speech, especially when dealing with *history* — the most fascinating subject I know." True to his word, Richard Norton Smith's lively accounts of presidential and other *history* have made him a familiar face to viewers of C-SPAN, as well as *The News Hour with Jim Lehrer*, where he appears regularly *as part* of the show's round table of historians. Reservations for this event can be made by calling the Hauenstein Center for Presidential Studies at (616) 331-2770.

Annual Tree Lighting, Thursday, November 16, 2006 7:00 p.m.

Join in the fun as the Gerald R. Ford Presidential Museum lights up the Grand with its annual holiday display of trees and twinkling lights. A sing-along, refreshments, and free admission beginning at 7:00 p.m. will be included in the festivities.

Holiday Open House, Sunday, December 3, 2006 1:00 p.m. to 5:00 p.m.

This annual favorite will feature a visit from Santa and Mrs. Clause, holiday music, and crafts for children. Admission will be free from 1:00 p.m. to 5:00 p.m.

American Slavery, Freedom on Trial, December 8, 2006 - April 29, 2007

This exhibit will focus on the institution of slavery in America, from its colonial origins to the civil war that forced slavery's end. The narrative will be told through the experience of Dred Scott, the slave who sued for his freedom first in a Missouri state court in 1846 and whose case was finally decided in what was arguably the most famous Supreme Court decision, *Scott v. Sandford*, in 1857.

The Enemy Within: Terror in America 1776 to Today, May 19, 2007 - August 19, 2007

THE ENEMY WITHIN reveals dramatic episodes in American history, from 1776 to the present, when the US was attacked at home. How the country acted — and sometimes over-reacted — resulted in the evolution of US counterintelligence and security measures that have positioned the Federal Bureau of Investigation, the Central Intelligence Agency, the Department of Homeland Security, and the vigilance of every American, to contend with the enemy within today.



Gerald R. Ford Presidential Museum
303 Pearl St., N.W.
Grand Rapids, MI 49504

(616) 254-0400
Fax: (616) 254-0386
www.fordlibrarymuseum.gov

Open daily, 9:00 a.m. to 5:00 p.m. Closed New Years, Thanksgiving and Christmas Days

updated October 2, 2006

Gerald R. Ford Presidential Library

Ann Arbor

Upcoming Events

Art of Diplomacy: Head of State Gifts from the Ford Presidency

A new permanent exhibit highlighting the ceremonial side of diplomacy. It features gifts received by President Ford from other heads of state, elegant letters of credence presented by new ambassadors to the United States, and a look at the white tie dinner for Queen Elizabeth II.

Book Talk • Tom Clavin (co-author with Bob Drury) *Halsey's Typhoon*, Wednesday, January 24, 2007

In December 1944, a Pacific typhoon inflicted losses on the U.S. Third Fleet, greater than the Battle of Midway. Lt. (j.g.) Gerald Ford then serving in the Pacific aboard the U.S.S. *Monterey* survived this storm by his fingertips, literally. "Briskly written and carefully researched, *Halsey's Typhoon* (Atlantic Monthly Press) joins a rare shelf of must-read books about the most important conflict of the 20th century," -Mark Bowden, author of *Black Hawk Down*. Call the Library for reservations.

Gerald R. Ford Foundation Research Travel Grants, Deadline March 15, 2007

Deadline for travel grants to conduct research at the Ford Library. Contact the Library for more information or visit the web at www.fordlibrarymuseum.gov.

Gerald R. Ford Scholar Award in Honor of Robert M Teeter, May 1, 2007

Application deadline. A grant of \$5,000 is awarded annually to support dissertation research on any aspect of the United States political process during the latter part of the 20th century. Contact the Library for more information or visit the web at www.fordlibrarymuseum.gov.



Gerald R Ford Presidential Library
1000 Beal Avenue
Ann Arbor, MI 48109

Telephone: (734) 205-0555
Fax: (734) 205-0571

www.fordlibrarymuseum.gov

Monday through Friday, 8:45 a.m. to 5 p.m. (except 11/11)

updated September 26, 2006

Join Friends of Ford

Friends of Ford supports the exhibits and programs of the Gerald R. Ford Library and Museum through contributions of its members. The federal government operates the Library and Museum, but **Friends of Ford**, in conjunction with the Gerald R. Ford Foundation, **makes** possible the Smithsonian-caliber exhibits, speakers and community events.

As a **Friends of Ford** member, you demonstrate your support for President Ford's publicly stated wishes that the Library and Museum be a dynamic, constantly changing institution. You also join a select group of like-minded individuals that believes in the values President Ford exemplified.

Friends of Ford members receive a wide range of benefits and special opportunities. (See inside for details.)

For additional information go to

<http://geraldrfordfoundation.org> or call 616.254.0396

Friends of Ford memberships are tax deductible to the limits allowed by the IRS. The Gerald R. Ford Foundation is a tax exempt 501(c)3 organization.

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Help Support

the activities and programs of the

GERALD R. FORD LIBRARY & MUSEUM

Smithsonian-Quality Exhibits

Noted Speakers

Educational Programs

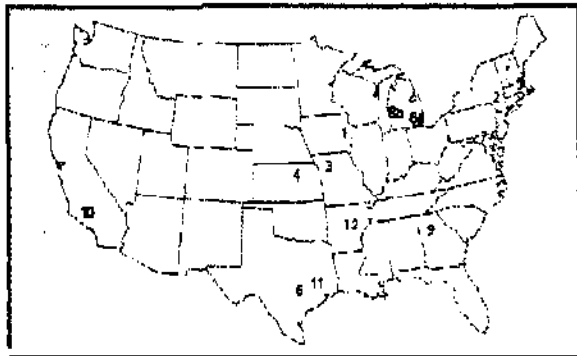
Community Events

Presidential Libraries

Presidential Libraries are unlike other libraries. They are archives and museums, preserving the important papers and physical history of our presidents, while providing special programs and exhibits that serve their communities and through the power of the web, the nation and the world.

The Gerald R. Ford Library and Museum are part of the Presidential Library system. The Library serves as repository for President Ford's Presidential papers. The Museum features a permanent exhibit focusing on the life and times of President Ford. It also features rotating temporary exhibits and special speakers on a range of topics involving the American experience.

To learn more about Presidential Libraries and Museums, visit www.archives.gov/presidential-libraries or call the Office of Presidential Libraries in Maryland at 301.837.3250.



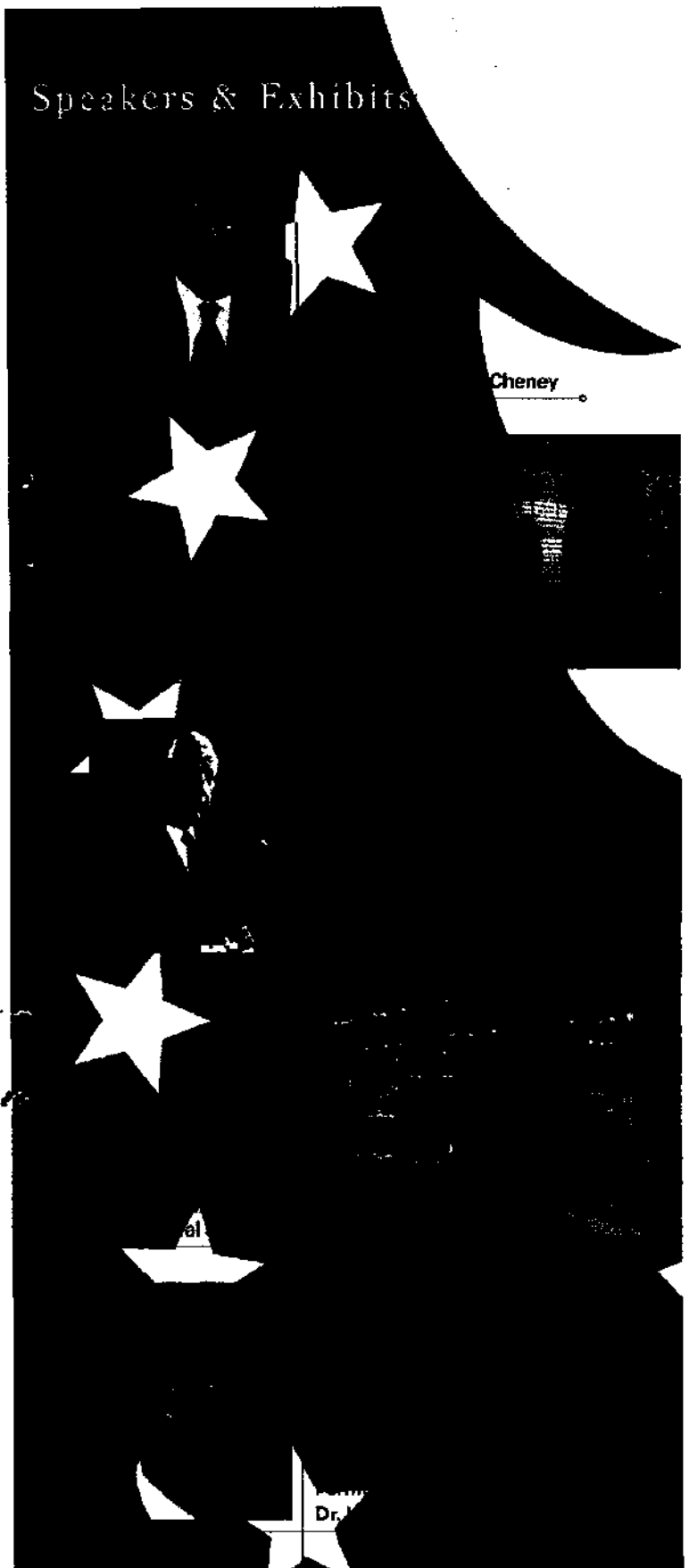
National Archives and Records Administration Presidential Libraries include:

- | | |
|--|--|
| 1. Herbert Hoover Library,
West Branch, IA | 8a. Gerald R. Ford Library,
Ann Arbor, MI |
| 2. Franklin D. Roosevelt Library,
Hyde Park, NY | 8b. Gerald R. Ford Museum,
Grand Rapids, MI |
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Independence, MO | 9. Jimmy Carter Library,
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Simi Valley, CA |
| 5. John Fitzgerald Kennedy Library,
Boston, MA | 11. George Bush Library,
College Station, TX |
| 6. Lyndon Baines Johnson Library,
Austin, TX | 12. William J. Clinton Library,
Little Rock, AR |
| 7. Nixon Presidential Materials Project,
College Park, MD | |



Part of the National Archives
and Records Administration

Speakers & Exhibits



Y
mak
and co
... as these ...

Speakers

Alan Greenspan
Alexander Haig
Betty Ford
Bob Woodward
Brent Scowcroft
Carla Hill
David Eisenhower
David McClellan
Dean Rusk
Dick Cheney
Elizabeth Dole
I. W. Bush
Nixon
Shower
Tight
Jimmy Carter
Graham
Donaldson
Stephen Ambrose
Ford
Dole

Exhibits

41 Men: The American Presidents
Declaration of Independence Road
Grandma Moses
Lincoln: A Personal Journey
Portraits of the Presidents
Style and Substance: America's First Ladies
The American Century
The Blue & The Gray
The Great War

Conferences & Events

Afternoon Fall: View
the President
Debra Ne
Humor
Modern Film
Rediscovering
... Fun
... and
... 100th Birthday Celebration

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FOUNDATION GIFT \$ _____

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Remove to expose adhesive ►

Gerald R. Ford Foundation
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- Free admission to the other 12 Presidential Libraries and Museums
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Individual .. **\$35** annual contribution

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- Free admission for your spouse or family member

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- All Sustaining membership benefits listed above **plus**
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President's Cabinet..

\$1,000 and above annual contribution

- All Patron membership benefits listed above **plus**
- A Holiday greeting from President Ford or a member of the Ford family

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Gerald R. Ford Foundation

303 Pearl Street, NW

Grand Rapids, MI 49504-5353

~~FOUO~~

MAY 2 1 2005

TO: Gen Dick Myers
FROM: Donald Rumsfeld *DR*
SUBJECT: Article on Consolidation of U.S. Bases in Iraq

Iraq

The attached article from Sunday's *Washington Post* by Bradley Graham talks about commanders' plans for consolidation of U.S. bases in Iraq – to bring them down from 100 to four.

I would like to know what that is all about. It is not clear to me we are going to ~~want four bases~~ in Iraq. Please get a briefing together for me.

Thanks.

Attach.
5/22/05 Article by Bradley Graham in the *Washington Post*

DHR:ss
052305-17

.....
Please respond by 6/13/05

*I have never
heard about this!!*

24 MAY 05

~~FOUO~~

OSD 17625-05

11-L-0559/OSD/51607

Washington Post
May 22, 2005
Pg. 27

Commanders Plan Eventual Consolidation Of U.S. Bases In Iraq

By Bradley Graham, Washington Post Staff Writer

BAGHDAD -- U.S. military commanders have prepared plans to consolidate American troops in Iraq into four large air bases as they look ahead to giving up more than 100 other bases now occupied by international forces, officers said.

Several officers involved in drafting the consolidation plan said it entailed the construction of longer-lasting facilities at the sites, including barracks and office structures made of concrete block instead of the metal trailers and tin-sheathed buildings that have become the norm at bigger U.S. bases in Iraq.

The new, sturdier buildings will give the bases a more permanent character, the officers acknowledged. But they said the consolidation plan was not meant to establish a permanent U.S. military presence in Iraq.

Instead, they said, it is part of a withdrawal expected to occur in phases, with Iraqi forces gradually taking over many of the bases inhabited by U.S. and other foreign troops. Eventually, U.S. units would end up concentrated at the four heavily fortified, strategically located hubs, enabling them to provide continued logistical support and emergency combat assistance, the officers said.

"We call it BRAC for Iraq," said one general, referring to the Base Realignment and Closure Commission now deciding which bases to close in the United States. "If we're going to withdraw, we need a base plan."

The officers said a master plan for the positioning of U.S. forces in the Middle East, maintained by U.S. Central Command, did not envision keeping U.S. forces in Iraq permanently. Instead, it calls for what one Army colonel here described as "strategic overwatch" from bases in Kuwait, meaning U.S. forces there would be near enough to respond to events in Iraq if necessary.

Nonetheless, the consolidation plan appears to reflect a judgment by U.S. military commanders that American forces are likely to be in Iraq for some years, even after their numbers begin to decline, and that they probably will continue to face danger. The new buildings are being designed to withstand direct mortar strikes, according to a senior military engineer. Funding for the first group of redesigned barracks was included in the \$82 billion supplemental war-spending bill approved by Congress this month, he said.

Already this year, U.S. forces have vacated 13 bases, turning most of them over to Iraqi military or police units in the Baghdad area and shifting the U.S. troops to other locations.

U.S. forces currently occupy 106 bases, ranging in size from the sprawling Camp Victory complex near Baghdad's international airport where the U.S. military command is headquartered, to some outposts with as few as 500 soldiers. Additionally, the United States operates four detention facilities and several convoy support centers for servicing the long daily truck runs from Kuwait into Iraq.

No timetable exists for turning over all the bases, the officers said. Any decision to begin reducing U.S.

11-L-0559/OSD/51608

forces, they stressed, will be based on a variety of factors -- chief among them, the strength of the insurgency and the ability of Iraq's security services to fight it.

Although U.S. commanders have made clear they would like to begin drawing down troops from the current level of about 138,000 by some time next year, they say no decision has been reached.

Still, as Iraqi units are formed and start operating, they will need bases, and U.S. planners anticipate giving up space to them. Most of the property that U.S. forces occupied after they invaded had belonged to the Iraqi government and was used by the former army and other security services.

"We know, by phase, when we'll turn over or close which base," said Col. Mark W. Yenter, the senior engineer for Multinational Corps-Iraq. "This allows us to focus resources on those bases that will be here the longest."

According to Yenter and others working on the plan, the four bases were chosen to enable U.S. forces to maintain a foothold in various regions of Iraq. Centered around airfields to facilitate resupply operations and troop mobility, the four are Tallil in the south, Al Asad in the west, Balad in the center and either Irbil or Qayyarah in the north.

Each base is being designed to hold a brigade-size combat team plus aviation units and other support personnel. Initially referred to in planning documents as "enduring bases," the term was changed in February to "contingency operating bases."

"We didn't want to pick places that are too near Iraqi population centers, but we did want ones that would still allow us to influence an area and give us some power projection capability," said the general, who is involved in the planning and who spoke on condition of anonymity.

In time, the officers said, all of these last strongholds are expected to have sharing arrangements with Iraqi units. One officer noted that Tallil already is used partly by the small Iraqi air force.

"At some point, you cross the middle line and end up with U.S. contingents on Iraqi bases instead of Iraqi units on U.S. bases," Yenter said.

This is not the first time U.S. commanders have drawn up plans to consolidate forces in Iraq. Early last year, before the insurgency strengthened, senior officers spoke of pulling troops out of urban centers and concentrating them in less obtrusive locations.

Particularly sensitive to the image of U.S. commanders and their staffs occupying elaborate palaces throughout Iraq that once belonged to former president Saddam Hussein, military leaders issued an order last August to prepare to vacate the palaces starting in March 2005. The order, which applied to palaces in Mosul, Tikrit, Ramadi, Basra and Baghdad, was rescinded in November after planners concluded that setting up replacement facilities would be too costly, officers said.

Under the new consolidation plan, three palaces will be turned over to the Iraqi government by the end of the year -- two in Tikrit and one in Mosul -- with more to follow later. The majority of other U.S.-occupied property is assigned to go eventually either to the Defense or Interior ministries. But the fate of a number of other bases has yet to be determined. U.S. planners are exploring options with other national government ministries as well as provincial and local governments.

"The issue with returning a lot of these facilities to the government of Iraq is whether the government is

prepared to provide the security, the care and custody," said Maj. Noelle Briand, who heads a basing working group on the command staff. "My primary concern is that the government identifies the tenant that's going in and how it'll be able to provide for security."

Among the major unresolved issues is the future of the Camp Victory complex. Also unsettled is what will become of U.S.-run detention facilities, which currently hold more ~~than~~ 11,000 prisoners.

U.S. officers say plans for further base reductions have not yet been considered.

"Four is as far as we've gone down in our planning," Briand said.

~~FOUO~~

MAY 24 2005

TO: VADM Jim Stavridis
Dr. Steve Bucci

FROM: Donald Rumsfeld *DR*

SUBJECT: Directives to DSD

In the future, send these to the Deputy, but give copies to me, so I see what he is doing for a while.

Thanks.

Attach.
Dr. Bucci Memo to SecDef

DHR:ss
052305-10

.....
Please respond by _____

~~FOUO~~

OSD 17627-05

11-L-0559/OSD/51611

300.8

24 May 05

May 2005

Paul Butler
5/20 Memorandum for the Secretary of Defense

5/20 Subject: For Future Disposition

Sir,

The attached action and others like it have routinely been executed by the Deputy Secretary of Defense in the past.

~~Per~~ your direction these will continue to be sent to you for action, vice the Deputy, until you direct other wise.

Continue to send this type of action to me _____

In the future, send this type of action to the DSD _____

*DR. But send me after
5. I know what DSecord
is doing.*

V/R, Dr. B

5/20

Comments:

*This is a
routine directive.
PW normally
reviewed in depth
& signed.*

ReCMD DSD.

v/r [signature]

M

11-L-0559/OSD/51612

5/19
1300

DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600

OFFICE OF THE
SECRETARY OF DEFENSE
2005 MAY 18 PM 2:41



ACTION MEMO

March 7, 2005

FOR DEPUTY SECRETARY OF DEFENSE

FROM: Daniel J. Dell'Orto, Principal Deputy General Counsel

DJ Dell'Orto 3/8/05

SUBJECT: Approval of DoD Directive **5160.64**, "Legal Information Technology"

- The attached Directive updates the existing DoD Directive **5160.64**, "Legal Information Technology," dated July 9, 1991. It provides policies and delineates responsibilities.
- This Directive has been formally coordinated. All DoD Components concur

RECOMMENDATION Sign the Directive at TAB A

COORDINATION. The list of coordinating officials is attached at TAB B

Attachments:

As stated

Prepared by: Robert S. Schwartz, DoD GC, (b)(6)

MA SD	6/8/20	SMA DSD	
TSA SD	5/19	SA DSD	
EXEC SEC	4/5/19		
ESR MA	KSV	5-16-05	947

11-L-0559/OSD/51613

OSD 09453-05



Department of Defense

DIRECTIVE

NUMBER 5160.64E

GC, DoD

SUBJECT: Legal Information Technology

References: (a) DoD Directive 5160.64, "Legal Information Technology," July 9, 1991
(hereby canceled)
(b) DoD Directive 5101.1E, "The DoD Executive Agent," May 9, 2003
(c) DoD Directive 5530.3, "International Agreements," June 11, 1987
(d) DoD 8910.1-M, "Reporting Requirements," June 30, 1998
(e) Section 1535 of title 31, United States Code

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to:

- 1.1. Continue authorization for the operation of the Federal Legal Information Through Electronics (FLITE) system.
- 1.2. Continue authorization for the operation of the Defense Emergency Authorities Retrieval and Analysis System (DEARAS).
- 1.3. Establish DoD policy and assign responsibilities for administering the FLITE, and the DEARAS systems.
- 1.4. Designate the Secretary of the Air Force ~~as~~ the DoD Executive Agent for operation, maintenance, and continuous development of FLITE, and DEARAS (reference (b)).

2. APPLICABILITY

This Directive 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 Office of the Inspector General of the Department of Defense, 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").

11-L-0559/OSD/51614

3. DEFINITIONS

3.1. Defense Emergency Authorities Retrieval and Analysis System (DEARAS). A full-text portable, computer-assisted legal research system operated by the Air Force as the DoD Executive Agent for the Department of Defense. The database is focused on legal authorities related to national emergencies. It is distributed to users for use with portable computers.

3.2 Federal Legal Information Through Electronics (FLITE). A full-text computer-assisted legal research system with on-line research capability operated by the Air Force as the DoD Executive Agent for the Department of Defense. The database contains the full text of Federal legal authorities including statutes, regulations, treaties, court decisions, and administrative decisions. It is maintained on a mainframe computer accessed from remote sites through telecommunications.

4. POLICY

It is DoD policy to provide routine and emergency legal support functions to the field through the development and maintenance of FLITE and DEARAS automated data processing services and capabilities.

5. RESPONSIBILITIES

5.1. The General Counsel of the Department of Defense (GC, DoD) shall:

5.1.1. Provide policy guidance and general direction for the content, applications, and development of FLITE and legal databases.

5.1.2. Provide legal guidance, advice, and assistance to the Under Secretary of Defense for Policy as to the content and development of the DEARAS and international agreements database.

5.1.3. Review legal databases and obtain the support of principal legal offices of the DoD Components in sending recommendations and documents for input into DEARAS databases.

5.1.4. Maintain the central international agreements repository for the Department of Defense in accordance with Directive 5530.3 (reference (c)) and *make* international agreements available to those Components delegated the authority to negotiate and conclude international agreements.

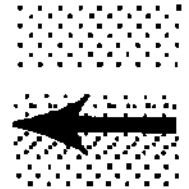
5.2. The Secretary of the Air Force shall administer and manage the FLITE and the DEARAS.

6. INFORMATION REQUIREMENTS

The reporting requirement contained in the enclosure to this Directive is assigned Report Control Symbol DD-GC(AR)1846 in accordance with DoD 8910.1-M (reference (d)).

7. EFFECTIVE DATE

This Directive is effective immediately.



Gordon England
Acting Deputy Secretary of Defense

Enclosures • 1

E1. Administration and Financing of the FLITE and the DEARAS

E1. ENCLOSURE 1

ADMINISTRATION AND FINANCING OF THE FLITE AND THE DEARAS

E1.1. ADMINISTRATION

E1.1.1. The Air Force Legal Information Services Directorate (AF/LIS) of the Air Force Legal Services Agency shall administer FLITE and the DEARAS.

E1.1.2. FLITE requirements (using available software products) include:

E1.1.2.1. Creation and maintenance of databases of legal information, including statutes, regulations, court decisions, administrative opinions, secondary sources, and other information useful in supporting legal work in related fields, such as personnel and contracting.

E1.1.2.2. Creation and maintenance of an on-line interactive search capability to access such databases.

E1.1.2.3. Full-text search and retrieval services of all established computer databases.

E1.1.2.4. Production and distribution of computer-generated research aids, such as key word in context indexes and compilations of legal materials.

E1.1.3. Using available software products, DEARAS requirements include:

E1.1.3.1. Creation and maintenance of full-text databases containing information to facilitate informed decision-making during mobilization, national emergencies, war, and other events having an impact on national security.

E1.1.3.2. Creation and maintenance of an interactive search capability for access to such databases during any level of emergency conditions using portable computers with stand-alone databases.

E1.1.3.3. Production and maintenance of appropriate portable data storage media that can be distributed to provide stand-alone databases for portable computer systems.

E1.1.4. In the administration of the DEARAS, the AF/LIS shall:

E1.1.4.1. Implement the DEARAS databases.

E1.1.4.2. Select and acquire an initial quantity of DEARAS work stations, including hardware and software, and order additional quantities, as requested, on receipt of funds from the requesting agency.

E1.1.4.3. Provide to the DoD Components technical instructions, advice, and assistance for their use of the DEARAS.

E1.1.4.4. Maintain, update, and distribute the principal DEARAS database at least once every 2 years.

E1.1.4.5. Issue regular calls to the DoD Components for data essential to ensure that the DEARAS contains, to the greatest extent possible, a current and complete compilation of the legal authorities that may be essential for the continuity of DoD operations in national emergencies.

E1.1.5. The AF/JAS shall ensure that the FLITE and the DEARAS are developed.

E1.1.6. When a DoD Component is responsible for legal materials that are to be included in a FLITE or a DEARAS database and it has the information on magnetic media readable by computer, it shall provide the magnetic form or any preferred format recommended by the AF/JAS to reduce costs and increase accuracy of the databases.

E1.2. FINANCING

E1.2.1. Commissioned officers and enlisted personnel from the Military Departments, augmented by qualified civilian personnel of the Air Force, may be assigned, as appropriate, to the AF/JAS and/or the OSD for administration of the FLITE and the DEARAS.

E1.2.2. Except as otherwise provided in paragraphs E1.2.3. through E1.2.6. of this enclosure, the Department of the Air Force shall be responsible for programming, budgeting, and financing all expenses incidental to maintaining the FLITE and the DEARAS databases.

E1.2.3. The pay, allowances (including subsistence), and the permanent change of station travel costs of any personnel assigned to the staff dedicated to the administration of FLITE, DEARAS, and other legal information systems shall be borne by the DoD Component from which assigned.

E1.2.4. The AF/JAS may set reasonable fees, as necessary, to cover computer processing and communications costs for research services to be provided to DoD users. Search services may also be provided to non-DoD Federal users. They shall be provided on a reimbursement basis in accordance with Section 1535 of title 31, United States Code (reference (e)).

E1.2.5. Acquisition of an initial quantity of DEARAS work stations, including hardware and software, was funded by the Department of Defense. Additional quantities shall be ordered by the AF/JAS on receipt of funds from the requesting Agency. Alternately, users may order compatible work stations independently.

E1.2.6. If any Agency wants to add information to the FLITE or the DEARAS databases that is primarily useful only to that Agency, the AF/JAS may set reasonable fees, as necessary, to cover the costs of creating, updating, and maintaining such additions.

E1.2.7. Amounts received by the AF/JAS, as reimbursement for services provided under this Directive, shall be credited to the appropriation of funds against which charges have been made pursuant to providing the services.

LIST OF COORDINATING OFFICIALS FOR DOD DIRECTIVE 5160.64E
"Legal Information Technology"

Inspector General	CAPT Barton D. Buechner Military Assistant	December 14, 2004
Director of Administration and Management, OSD	Howard Becker Deputy Director	January 4, 2005
Secretary of the Air Force	William A. Davidson Administrative Assistant	January 3, 2005

~~FOUO~~

May 24, 2005

340

TO: Fran Harvey
CC: Gordon England
GEN Pete Schoormaker
FROM: Donald Rumsfeld *DR*
SUBJECT: Recruiting Briefing

Your briefing on recruiting was well done. Clearly you have work to do, but it seems to me you folks are headed in the right direction.

I'd like to hear about some of the things we discussed such as outreach with groups that have already been so supportive who will explain that serving in the military is noble work and the idea of focusing on the people advising potential recruits, including their families and teachers.

I was also impressed with the retention numbers – they say an enormous amount about the quality of today's Army.

Thanks.

DHR ss
052005-6

.....
Please respond by

6/16/05

24 MAY 05

OSD 17628-05

MAY 24 2005

~~FOUO~~

11-L-0559/OSD/51621

FOUO

May 20, 2005

TO: Larry Di Rita

FROM: Donald Rumsfeld 

SUBJECT: Talking Points

Please come back to me with a proposal as to your talking points for all senior leaders in the Department – military and civilian – on the nobility of service and the calling for all senior leaders in the Department. We also need to get some talking points sent to Marc Thiessen, the White House speechwriting shop, and the President on the importance of it.

Thanks.

DIIR:s6
0520054

.....
Please respond by 6/2/05

350.001

20 May 05

FOUO

11-L-0559/OSD/51622

OSD 17629-05

~~FOUO~~

May 20, 2005

TO: Gen Dick Myers
VADM Jim Stavridis

FROM: Donald Rumsfeld *DR*

SUBJECT: Briefing on al-Zarqawi

The President is going to want a briefing on al-Zarqawi on everything we are doing, **as** I have indicated in a previous memo. We should plan to do it at the PC on May 26. We are going to have to get going.

Porter Goss will be briefing on the same subject, *so* we may want to get together with him and do a single brief.

Steve Hadley has the impression from Porter Goss, and the President may very well have the same impression, that if he were to ask whose responsibility it is to find Zarqawi, the intel people would say it is the military, and the military would say it is the intel people.

We better be ready to address that.

Thanks.

DHR:ss
051905-17

.....
Please respond by 5/24/05

~~FOUO~~

11-L-0559/OSD/51623

MAY 20 ENTD

OSD 17630-05


334 NSC

20 MAY 05

~~FOUO~~

May 20, 2005

TO: David Chu

FROM: Donald Rumsfeld 

SUBJECT: Junior ROTC

I am told by folks that Junior ROTC is one of the best investments we can make; that those involved in it end up going into the military in high percentages, and it is inexpensive.

Do all the services have this program? If not, why not? Should it be expanded?

Thanks.

DHR:ss
051805-18

.....
Please respond by 6/16/05

OSD 17631-05

~~FOUO~~

MAY 20 ENT

11-L-0559/OSD/51624

326.6

20 May 05

~~FOUO~~

May 19, 2005

000.3

TO: Matt Latimer

CC: Larry Di Rita

FROM: Donald Rumsfeld *DR*

SUBJECT: Useful Concept

The concept of helping to support and encourage the moderates in their struggle against the extremists is a useful one.

Thanks.

DHR:es
051905-7

.....
Please respond by _____

~~FOUO~~

OSD 17632-05
MAY 19 ENT'D

19 May 05

11-L-0559/OSD/51625

~~FOUO~~

May 19, 2005

TO: Mary Claire Murphy
FROM: Donald Rumsfeld *DR*
SUBJECT: Reception Line at Last Night's Event

200.3

I would like to talk with you about the way the reception line was arranged last night. I shook hands with 300+ people as they came in, but none of them had a chance to get a photograph with me because the line was arranged so that Dick and Mary Jo Myers and two other people were standing between me and the photographer.

After the speeches everyone then lined up again and I had to remain there another 45 minutes taking photos with everybody I had just met in the receiving line. In all, it took an hour and a half minimum - not good.

In the future, we ought to make sure the receiving line is arranged in a way that the photos can be taken when the guests arrive and make their way through the line. I should be at the end that I am at the end of the line, so others in the line are not blocking the camera. Also, we don't need 8 people in the receiving line.

DHR:ss
051905-2

.....
Please respond by _____

~~FOUO~~

11-L-0559/OSD/51626

OSD 17633-05

19 May 05

FOUO

OFFICE OF THE
SECURITY DEFENSE May 5, 2005

2005 AUG 31 PM 2:05



335 SD

TO: (b)(6)
FROM: Donald Rumsfeld
SUBJECT: Letter to Lee Adams

Please double check that the letter I signed this morning addressed to Lee Adams was not addressed to **Mr.** Adams. It is a woman – I want to be sure it was addressed Ms. or Mrs. If it was not, let's send a letter and apologize.

Thanks.

OSD 17634-05

DHR:ss
050505-12

.....
Please respond by _____

5 May 05

11-L-0559/OSD/51627

FOUO

RECEIVED THE
OFFICE OF THE JUDGE ADVOCATE GENERAL
May 5, 2005

2005 MAY 05 12:05



33550

TO: (b)(6)

FROM: Donald Rumsfeld

SUBJECT: Letter to Lee Adams

Please double check that the letter I signed this morning addressed to Lee Adams was not addressed to **Mr.** Adams. It is a woman – I want to be sure it was addressed Ms. or Mrs. If it was not, let's send a letter and apologize.

Thanks.

OSD 17634-05

DIR:ss
050505-12

.....
Please respond by _____

Sir,

I spoke with CAPT Marriott and they pulled the letter before it was sent. A corrected version is **attached for your signature.**

CAPT Marriott advises they will be more careful in the future and find out if the author of the letter is a man or woman, and if they cannot, address the author by first name (Dear "Lee").

Thank you.

Vir,

(b)(6)

5 May 05

5 May 05

FOUO

OSD 17634-05

11-L-0559/OSD/51628

FOUO



May 19, 2005

TO: Steve Cambone

CC: Dan Stanley

FROM: Donald Rumsfeld *DR*

SUBJECT: Way Ahead Reporting to Congress

We have to get greater clarity into our way ahead with respect to reporting on intel to the Congress.

Thanks.

DHR:dh
051805-13

.....
Please respond by 6/2/05

*I'll brief you on my return from Iraq.
It is a good news story.
Only Roberts and Rockefeller remain to be briefed.*

*SC
6/10/05*

FOUO

OSD 17635-05

11-L-0559/OSD/51629

JUN 10 ENT

350.09

19 MAY 05

FOUO

May 19, 2005



327

TO: VADM Jim Stavridis
FROM: Donald Rumsfeld *DR*
SUBJECT: Attendance at COCOM Meetings

In future COCOM meetings, I don't want an empty seat. If Vern Clark couldn't be there, we should have had his deputy there. They missed that whole section on diversity.

Thanks.

DHR:dh
051805-10

.....
Please *respond* by _____

5/19
Concur — *DR*
Will do! 5/19

v/r ji

19 May 05

FOUO

OSD 17637-05

11-L-0559/OSD/51630

FOUO

MAY 19 2005

TO: *Mary Claire Murphy*
Lt Col Lengyel
~~VADM Jim Stavridis~~
FROM: ~~Donald Rumsfeld~~ *DR*
SUBJECT: Seating Charts

337

I want to design the seating for the Combatant Commanders' meetings, the SLRGs and the SPCs.

I don't like it arranged with the Chiefs all clustered together and the COCOMs way down at the end.

Please give me seating charts; I am going to rearrange the whole thing.

Thanks.

DHR:dh
051805-9

.....
Please respond by 6/16/05

FOUO

OSD 17638-05
MAY 19 ENT'D

19 May 05

11-L-0559/OSD/51631

FOUO

MAY 19 2005

TO: Gordon England
Gen Dick Myers
Gen Pete Pace

FROM: Donald Rumsfeld



SUBJECT: Clarifying Lines of Authority, Responsibility and Accountability

322

I am disturbed with what seem to be confused lines of authority that may be the result of the Goldwater-Nichols realignment between combatant commanders and the Services.

Subordinate commanders in the combatant commands often wear dual hats. In practical terms, they can have operational chain of command responsibilities to a combatant commander and, at the same time, have administrative responsibilities – as military service component commanders – to the Service Secretary and Service Chief.

This may result in ambiguity as to authority, responsibility and accountability. I have a feeling – but I do not know this for certain – that the length of time it has taken to fix individual accountability in the Abu Ghraib chain of command may be a symptom of this ambiguity.

In the past year, we have made solid progress in addressing organizational shortcomings that were discovered regarding the narrow question of detainee operations. I think we now need to look closely at the underlying issue of how to ensure optimal alignment of authority, accountability and responsibility.

Please develop a proposal as to how this might be sorted out. We may need legislative change or, more likely, we may need to fashion a DoD directive that clarifies the way we will operate. Attached are some additional thoughts to help frame the problem.

Thanks.

Anach.

5118/05 "Thinking About Discipline and Accountability"

DIR dh

051805-6

OSD 17639-05

Please respond by 6/16/05

MAY 19 ENT'D

19 May

FOUO
11-L-0559/OSD/51632

Thinking about Discipline and Accountability:

DISCIPLINE

In many scenarios, US military personnel are subject to BOTH a Joint Force Commander and a Service Component Commander for discipline and accountability.

This can create confusion.

One example would be in Iraq, where personnel at Abu Graib Prison had BOTH an operational chain-of-command running through the Joint Force Commander to the Combatant Commander, AND they had an administrative chain-of-command, running through the Service Component Commander to the Army Chief of Staff.

Which chain-of-command holds the responsibility for discipline? And which side should bear the scrutiny for accountability at senior levels? Sorting this out has been confusing and thus far not fully successful or timely.

Discipline is addressed in joint doctrine, although it seems not to be sufficiently clear.

According to Joint Doctrine, "The Joint Force Commander is responsible for the discipline and administration of military personnel assigned to the joint organization." But, also according to existing Joint Doctrine, "The Joint Force Commander normally should exercise administration and disciplinary authority through the Service Component Commanders to the extent this is practicable."

In essence, Joint Doctrine is saying the operational side is responsible, but should execute that responsibility through the administrative side. In practical terms, this means the Service Component Commander chain-of-command is the one through which the investigation proceeds. The administrative side therefore *generally* conducts the investigation, holds courts-martial, and metes out punishments. Nonetheless, this is ambiguous and either chain apparently could be used.

ACCOUNTABILITY:

Accountability is less clear.

When something goes wrong in a big way, there is a need to determine accountability at senior levels as well as attendant disciplinary activity at lower levels.

The question becomes, which of the two chains-of-command should be followed in determining the appropriate level of accountability: operational, or administrative or both?

- **Operational:** When the act for which accountability is clearly operational (e.g. the botched tactical execution of an attack), it seems that accountability lies on the operational side.
- **Administrative:** When the act for which accountability is clearly administrative (e.g. based in train, equip, and organize failures, such as an aircraft that crashes due to faulty design), it seems that accountability lies on the administrative side.
- **Both:** The problem is that many, if not most, things in a combat zone that can go wrong contain elements of both types of problems. In this case, it seems accountability could be pursued on either side of the chain-of-command.

This has been proven to be a difficult determination in past high-profile cases, including the shoot down of the Iranian Airbus, the Khobar Towers bombing and the attack on the U.S.S. COLE.

We should consider having a group of smart folks look at several of the cases, consider carefully Title X and existing doctrine and policy, and make a recommendation to us as to the whether it makes sense to establish a policy or doctrine to guide the Department in similar situations as they arise.

The people on such a group should include both lawyers and operators.

FOUO

May 19, 2005

TO: Gen Dick Myers
Steve Cambone

FROM: Donald Rumsfeld *DR*

SUBJECT Meeting with POTUS

The President is going to want to have a meeting on Zargawi and what is being done to get him – how many people are working on it, what *the* focus is, how it is operating, who is involved, what the coordination is, and the like

Thanks.

DHR:dh
051905-2S

Please respond by

6/2/05

FOUO

11-L-0559/OSD/51635

OSD 17641-05

000.5

19 May 05

~~FOUO~~

May 18, 2005



TO: VADM Jim Stavridis

FROM: Donald Rumsfeld^d

SUBJECT: Linking General Craddock on CAFTA

The President asked John Craddock to see some Congressmen on CAFTA. Please help him get connected with Hadley or Portman to get the list of who would be best for him to go see and to then have the right people with him.

Thanks.

DHR.dh
051805-2

Please respond by

5/25/05

5/18 ~~5/18~~ 5/110
Su,
Done.
v/r Jim

~~FOUO~~

11-L-0559/OSD/51636

OSD 17642-05

FOUO

May 18, 2005

TO: Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: Further Response to Kristol

Please write another letter to Kristol and point out that, in fact, we have increased the size of both the **Army** and the Marines.

Thanks.

Attach.

SD memo #050405-6 to Di Rita w/response attached

DHR:dh
051805-1

.....
Please respond by 5/26/05

MAY 18 2005

FOUO

11-L-0559/OSD/51637

OSD 17643-05


320.2

18 May 05

FOUO

May 4, 2005

TO: Larry Di Rita

FROM: Donald Rumsfeld 

SUBJECT: Kristol's remarks on FOX this morning


Bill Kristol is on FOX today at 10:00 am saying that "Don Rumsfeld does not want to increase the size of the Army." Someone better get to him, to his editors, to Brit Hume, and the people who manage that station, and tell them that is flat out wrong. We have already increased the size of the Army (and tell him how we've done it).

Thanks.

DHR:ss
050405-6

.....
Please respond by

5/5/05

5/16 -  5/18
FYI, Attached is
what I wrote to
Kristol.
Di Rita

FOUO

MAY 18 ENTD

11-L-0559/OSD/51638

FOUO

May 18, 2005

LATIN AMERICA

TO: Doug Feith

FROM: Donald Rumsfeld *DR*

SUBJECT: Note Regarding Latin America

Attached is a note from Newt Gingrich on Latin America that underlines the problems we have been talking about. We need to keep pushing the interagency.

Attach.

5/14/05 E-mail from Gingrich to SecDef

DHR:ss
051705-19

.....
Please respond by

6/16/05

MAY 18 2005

18 May 05

FOUO

OSD 17645-05

11-L-0559/OSD/51639

(b)(6) CIV, OSD

05/18

From: Thirdwave2@aol.com
Sent: Saturday, May 14, 2005 1:41 PM
To: shadley@nsc.eop.gov; GundersonB@state.gov; libby@ovp.eop.gov
Cc: kr@georgewbush.com
Subject: aljazeera in spanish from newt

we should be very very concerned about developments in latin america

there is a much more coherent network of anti-US activity underway tha we realize

it will presently crystallize in vry powerful ways and we will wonder why e did not notice it, plan for it, or respond to it

this television station is very dangerous and remeber it will reach the US nowt

5/16/2005

11-L-0559/OSD/51640

CC: VADM STAVRIDI:
LARRY DIRITA
PAUL BUTLER
COL STEVE BUCC
COL WILL FOWLER

(b)(6) CIV, OSD

From: Terry Balderson[tbalders@tampabay.rr.com]
 Sent: Saturday, May 14, 2005 1:32 PM
 To: undisclosed-recipients
 Subject: Latin strongman rebels against US-centric news

Latin strongman rebels against US-centric news

By Daniel Harman | Staff writer of The Christian Science Monitor 13 May 2005



HUGO CHAVEZ: Known for his lengthy TV appearances.
 FRANCISCO BATISTA/AP

CARACAS, VENEZUELA - Television is a window on the world. But if you're sitting in Latin America, that window is more likely to be facing Baghdad than Buenos Aires. Or show Michael Jackson instead of Mexico City. Or offer a clearer view of Ukraine's Orange Revolution than the one in Ecuador last month.

Those networks that do cover regional news, like CNN Español, based in Atlanta, or Spain's TVE, are often considered US- or Eurocentric, with pundits sitting in Washington or Madrid. International news from the Latin American perspective is almost nonexistent, critics say.

"But," says journalist Aram Aharonian, "not for long."

On May 24, Venezuelan President Hugo Chavez will launch a 24-hour hemispheric TV news network, with Mr. Aharonian at the helm. The idea, Mr. Chávez has explained on several occasions, is to offer a "Southern" perspective, and combat what he calls "the conspiracy" by networks to ignore or "distort" information from and about this region.

But critics worry that Televisora del Sur (Telesur), or TV of the South, will be used by Chavez to drown out the free press at home and spread his populist, socialist, and anti-US message and abroad.

"We get enough of him already," says Ana Cristina Núñez, legal counsel at Globovision, a 24-hour local news station that is critical of Chavez. Globovision, like all channels in Venezuela, functions under a so-called "chain" system, which means it is obligated by law to drop everything and cover Chavez speeches whenever instructed by the government. Those speeches are often hour-long rants about the US or afternoon chats with "the people," during which he has been known to describe President Bush as a "jerk" who wants to invade Venezuela or sing praises of Cuban President Fidel Castro.

Latin America's Al Jazeera?

11-L-0559/OSD/51641

5/16/2005

Comparisons of the new TV venture are being made to Al Jazeera, the Arabic-language network funded by the government of Qatar that has been criticized frequently by US officials for what they call "inflammatory" or "biased" reporting.

Still, "bias" for one person can simply be a well-rounded view for another.

"I am in favor of initiatives that create additional voices in the news," says John Dinges, an associate professor of Journalism at Columbia University in New York. "Al Jazeera, for example, has made an important impact on journalism in the Middle East.... Alternative looks at the facts can be positive."

Problems do arise, he warns, when news becomes too political. "Look at Fox TV in the US," he says. "If you create a medium to fill a political need - that's politics, not journalism." If Telesur is going to be a state-sponsored vehicle for Chavez, it will be bad journalism, says Mr. Dinges. "But if it's being done in order to spread an alternative journalistic voice, it will be good journalism and a contribution," he says.

Telesur's programming, which will be available free over the airwaves, will be split between news and "Latin America interest" documentaries, reaching viewers across South and North America, with expansion planned to Western Europe and North Africa for later this year. Promos begin this month with shows starting in July.

Telesur is being described as a regional endeavor: Argentina owns 20 percent, Cuba 19 percent, and Uruguay 10 percent. But Venezuela, with 51 percent, is the main player: The government has provided \$2.5 million in start-up capital. The total cost and source of the money have not been disclosed, but some funding will come from corporate sponsors, not advertising, Aharonian says.

Information Minister Andrés Izarra is the company's president, and headquarters are being constructed here in Caracas. Some 35 staffers are already in the cubicles of the makeshift second-floor office, beepers and cellphones clasped to their jeans. Other offices are being set up in Argentina, Uruguay, Brazil, Bolivia, Colombia, Mexico, Cuba, and in Washington. There is even a news anchor standing by: Ali Kiwa, an indigenous Colombian woman who wears traditional dress.

"We have been trained to see ourselves through foreign eyes," says Aharonian. "Europeans and Americans see us in black and white, and yet this is a technicolor continent."

Navigating Venezuela's media laws

For some, such talk rings hollow. "We all like the idea of a Latin American perspective of news, but not a one-sided view," replies Ms. Nuñez of Globovision. "I am very suspicious that Telesur will represent the voice only of leftist governments in Latin America - and will be an instrument of propaganda for them."

Globovision is not the only private media station in Venezuela hostile to Chavez. During the April 2002 coup that briefly ousted the president, most outlets openly sided with the opposition, providing round-the-clock coverage of anti-Chavez protests while refusing to air footage of massive demonstrations held in support of him. Since then, says Ms. Nuñez, "It has been payback time."

Globovision hired Nuñez four months ago in response to Chavez's new press laws, under which whoever "offends," or "shows disrespect for," or "defames" the president or his top officials, will face fines and punishment of six to 30 months in prison.

Nuñez spends her days now, she says, trying to interpret those terms for the journalists and editors she works with.

"There is no jurisprudence to go by, and people don't know what is allowed and what's a crime," she says. The new laws have already led to widespread self-censorship across the country's half-dozen private channels, she says. Late-night TV jokes about Chavez are out, risqué political talk shows are being canceled, and news reports are being finely combed before airing. "Telesur is introducing a super-well-funded official voice, just as free-press voices are being fined and intimidated," she says. "Coincidence?"

The French media advocacy group Reporters Without Borders and the New York-based Committee to Protect Journalists are already worried. Both have expressed concerns over the increased regulation of media content. And Human Rights Watch, the international monitor, insists that governments can only restrict certain content if "there is a clear relation between the speech in question and a specific criminal act."

No plans to muzzle media

Aharonian dismisses any suggestion that Telesur is part of some bigger plan to muzzle the media or give Chavez an open microphone. The programming is not "against or instead of any other," but simply an option, he maintains. "That is what the remote control is for," he says, "so people can pick and choose between different perspectives."

Larry Birns, director of the left-leaning Council on Hemispheric Affairs in Washington is not quite as diplomatic. "Chavez found himself yielding an important battlefield to anti-Chavista perspective, both from within and from outside the country," he says. "Uruguay and Argentina found a similar lack of ability to communicate -and this is their combined response."

Ultimately, elanted or straight, Telesur's success will depend on whether it's watchable, says Richard Siklos, adjunct professor at New York University's department of culture and communication. "[Chávez] will learn what every media executive in New York has learned: You can put stuff out there, but if people don't watch, you are wasting your money."

[Full HTML version of this story which may include photos, graphics, and related links](#)

FOUO

May 17, 2005



373,24

TO: VADM Jim Stavridis
CC: COL Steve Bucci
FROM: Donald Rumsfeld *DR*
SUBJECT: Get with Cartwright on Missile Defense

I simply have to get with Cartwright and get proposals on missile defense rules, so we have rules of engagement.

Thanks.

DHR:ss
051703-5

.....
Please respond by 5/26/05

DR 5/19
It is on for Tuesday 24 May
9:00am.


Jim

U/R, COLB
5/19

17 MAY 05

FOUO

OSD 17646-05

11-L-0559/OSD/51644

FOUO

MAY 19 2005

350-001 WH

TO: Matt Latimer
CC: *LARRY Di RITA*
FROM: Donald Rumsfeld *DR*
SUBJECT: Themes from the President's 1999 Citadel Speech

Attached are some themes that were in the President's 1999 Citadel speech. I think it would be a good idea to reference those from time to time.

Thanks.

Attach:
Outtakes of President **Bush's** 1999 Speech to the Citadel

DHR:ss
051605-3

.....
Please respond by _____

OSD 17648-05

MAY 19 ENT'D

19 May 05

FOUO

11-L-0559/OSD/51645

Drill down in detail
see need

Transformation themes in President **Bush's 1999 Citadel speech:**

Today our military is still organized more for Cold War threats than for the challenges of a new century -- for industrial age operations, rather than for information age battles...

I will begin an immediate, comprehensive review of our military – the structure of its forces, the state of its strategy, the priorities of its procurement.

We will defend the American homeland by strengthening our intelligence community.

Building a durable peace will require strong alliances, expanding trade and confident diplomacy.

Power is increasingly defined, not by mass or size, but by mobility and swiftness. Influence is measured in information, safety is gained in stealth, and force is projected on the long arc of precision-guided weapons.

Add to this the threat of biological, chemical and nuclear terrorism – barbarism emboldened by technology.

I will order an immediate review of our overseas deployments – in dozens of countries.

~~FOUO~~

May 17, 2005

323.3

TO: Mike Wynne
Phil Grone
Nicole Bayert
Mike McAndrew

CC: Gordon England

FROM: Donald Rumsfeld



SUBJECT: BRAC Process

Thank you for running a fair, balanced, and transparent BRAC process for the Department. This was a big project, and you folks made it all come together smoothly. There will certainly be those who don't agree with some of the recommendations, but no one can question the integrity of the process.

Please pass my appreciation to the entire team. We're fortunate to have you folks on the team.

Thanks.

DHR:ss
051605-2

.....
Please respond by _____

~~FOUO~~

OSD 17650-05


11-L-0559/OSD/51647

17 May 05

~~FOUO~~

MAY 17 2005

032

TO: Dan Stanley
FROM: Donald Rumsfeld 
SUBJECT: Congressional Members

I reached Duncan Hunter, Congressman *Young* and John Warner by phone, but that was it.

Thanks.

DHR:ss
051605-14

.....
Please respond by  _____

~~FOUO~~

MAY 17 ENTD

17 May 05

11-L-0559/OSD/51648

OSD 17651-05

May 13, 2005 MEMO TO SECDEF from Di Rita

If you have time for two calls perhaps while you are driving:

Senator Warner: off: (202) 224-9222 home: (b)(6)
cell: (b)(6)

Congressman Hunter: off: (202) 225-5672 home: (b)(6)
cell: (b)(6)

Points:

- We worked hard and did our jobs.
- The military chiefs and combatant commanders were involved.
- Service secretaries and chiefs support the recommendations.
- We tried hard to ensure members heard from us before anyone else; extensive roll-out plan for Congress.
- We know there is a lot of disappointment and we'll be in touch with affected members over time.
- Commission deserves a chance to do its job.

Big-8 Notification			13-May-05		
	Office	Office Phone #	Home Phone #	District Home #	Cell Phone #
	HOUSE				
	Rep Duncan Hunter (R-CA) - Chairman, HASC	202-225-5672	(b)(6)	(b)(6)	(b)(6)
	Rep Ike Skelton (D-MO) - Ranking, HASC	202-225-2876			
	Rep C.W. "Bill" Young (R-FL) - Chairman, HAC-D	202-225-5981			
	Rep Jack Murtha (D-PA) - Ranking, HAC-D	202-225-2065			
	SENATE				
	Sen John Warner (R-VA) - Chairman, SASC	202-224-2023	(b)(6)	(b)(6)	(b)(6)
	Sen Carl Levin (D-MI) - Ranking, SASC	202-224-6221			
	Sen Ted Stevens (R-AK) - President Pro Tempore	202-224-3004			
	Sen Daniel Inouye (D-HI) - Ranking, SAC-D	202-224-3934			

~~FOUO~~

MAY 17 2005



TO: COL Steve Bucci
FROM: Donald Rumsfeld
SUBJECT: Convention on the Rights of a Child

292

Would you let me see what the Convention on the Rights of a Child looks like?
Apparently, the UK has signed it, and they have 17 year old soldiers as we do. I
would be curious to know what the issue is.

Thanks.

DIR:gs
051605-13

.....
Please respond by 5/26/05

Sir,
Attached.
v/r
LtCol Lengyel.

MAY 18 2005

17 MAY 05

~~FOUO~~

OSD 17652-05

11-L-0559/OSD/51651



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Introduction



"A century that began with children having virtually no rights is ending with children having the most powerful legal instrument that not only recognizes but protects their human rights." – Carol Bellamy, UNICEF Executive Director

The human rights of children and the standards to which all governments must aspire in realizing these rights for all children, are most concisely and fully articulated in one international human rights treaty: the Convention on the Rights of the Child. The Convention is the most universally accepted human rights instrument in history – it has been ratified by every country in the world except two – and therefore uniquely places children centre-stage in the quest for the universal application of human rights. By ratifying this instrument, national governments have committed themselves to protecting and ensuring children's rights and they have agreed to hold themselves accountable for this commitment before the international community.

Built on varied legal systems and cultural traditions, the Convention on the Rights of the Child is a universally agreed set of non-negotiable standards and obligations. It spells out the basic human rights that children everywhere – without discrimination – have: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. Every right spelled out in the Convention is inherent to the human dignity and harmonious development of every child. The Convention protects children's rights by setting standards in health care, education and legal, civil and social

Status of ratification

Convention on the Rights of the Child

- Ratified by 192 countries
- Only two countries have not ratified: the United States and Somalia, which have signalled their intention to ratify by formally signing the Convention.

Optional Protocol on the involvement of children in armed conflict

- The Optional Protocol on the involvement of children in armed conflict entered into force on 12 February 2002, on that date becoming a binding instrument for States having ratified it.
- To date, 117 countries have signed and 88 have ratified this Protocol. See the [detailed table of participants](#).

Optional Protocol on the sale of children, child prostitution and child pornography

- The Optional Protocol entered into force on 18 January 2002,

11-L-0559/OSD/51652

services. These standards are benchmarks against which progress can be assessed. States that are party to the Convention are obliged to develop and undertake all actions and policies in the light of the best interests of the child.

The Convention on the Rights of the Child is the first legally binding international instrument to incorporate the full range of human rights – civil and political rights as well as economic, social and cultural rights. Two Optional Protocols, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, were adopted to strengthen the provisions of the Convention in these areas. They entered into force, respectively on 12 February and 18 January 2002.

on that date becoming a binding instrument for States having ratified it.

•To date, 110 have signed and 87 have ratified this Protocol.

See the [detailed table of](#)

[participants](#).

Continue

[Introduction](#) | [The Convention](#) | [Optional protocols](#) | [Special case for children](#) | [UNICEF's commitment](#) | [Process](#) | [Protection](#) | [Monitoring](#) | [What you can do](#) | [Setbacks and successes](#) | [FAQ](#) | [Parents' questions](#) | [The UN and Human Rights](#) | [Convention full text](#) | [External links](#) | [More information](#)

Please email bboring@unicef.org with comments or questions.

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The Convention on the Rights of the Child



"Human rights are inscribed in the hearts of people; they were there long before lawmakers drafted their first proclamation." – Mary Robinson, former United Nations High Commissioner for Human Rights

Prior to the Convention on the Rights of the Child, human rights standards applicable to all members of the human family had been expressed in legal instruments such as covenants, conventions and declarations, as did standards relating to the specific concerns of children. But it was only in 1989 that the standards concerning children were brought together in a single legal instrument, approved by the international community and spelling out in an unequivocal manner the rights to which every child is entitled, regardless of where born or to whom, regardless of sex, religion, or social origin. The body of rights enumerated in the Convention are the rights of all children *everywhere*.

The idea of *everywhere* is important. In too many countries, children's lives are plagued by armed conflict, child labour, sexual exploitation and other human rights violations. Elsewhere, for example, children living in rural areas may have fewer opportunities to obtain an education of good quality or may have less access to health services than children living in cities. The Convention states that such disparities – within societies – are also a violation of human rights. In calling on governments to ensure the human rights of all children, the Convention seeks to correct these kinds of inequities.

Some people assume that the rights of children born in wealthy nations – where schools, hospitals and juvenile justice systems are in place – are never violated, that these children have no need for the protection and care called for in the Convention. But that is far from the truth. To varying degrees, at least *some* children in *all* nations face unemployment, homelessness, violence, poverty and other issues that dramatically affect their lives.

Human rights belong to each of us equally

All of us are born with human rights – a principle the Convention on the Rights of the Child makes very clear. Human rights are not something a richer person gives to a poorer person; nor are they owned by a select few and given to others as a mere favour or gift. They belong to each and every one of us equally. Children living in developing

countries have the same rights as children in wealthy countries. And human rights apply to all age groups – they do not magically begin with a child's passage into adulthood, nor do they stop when the mandate of the Convention ceases on the child's reaching the age of 18.

The Convention places equal emphasis on all of the rights for children. There is no such thing as a 'small' right and no hierarchy of human rights. All the rights enumerated in the Convention – the civil and political rights as well as the economic, social and cultural rights – are indivisible and interrelated, with a focus on the child as a whole.

This indivisibility of rights is key to interpreting the Convention. Decisions with regard to any one right must be made in the light of all the other rights in the Convention. For example, it is not sufficient to ensure that a child receives immunization and health care, only for that child on reaching the age of 14 to be sold into bonded labour or conscripted into an army. It is not enough to guarantee the right to education, only to fail to ensure that all children are enrolled in school and can go to school equally, regardless of gender or economic class.

A new vision

The Convention on the Rights of the Child reflects a new vision of the child. Children are neither the property of their parents nor are they helpless objects of charity. They are human beings and are the subject of their own rights. The Convention offers a vision of the child as an individual *and* as a member of a family and community, with rights and responsibilities appropriate to his or her age and stage of development. By recognizing children's rights in this way, the Convention firmly sets the focus on the whole child.

The Convention on the Rights of the Child:

Reinforces fundamental human dignity. Because of its near-universal acceptance by the community of nations, the Convention on the Rights of the Child has brought into sharp focus for the first time the fundamental human dignity of all children and the urgency of ensuring their well being and development. Considered the most powerful legal instrument for the recognition and protection of children's human rights, the Convention draws on the following unique combination of strengths.

Highlights and defends the family's role in children's lives. In the preamble and in article 5, article 10 and article 18, the Convention on the Rights of the Child specifically refers to the family as the fundamental group of society and the natural environment for the growth and well-being of its members, particularly children. Under the Convention, States are obliged to respect parents' primary responsibility for providing care and guidance for their children and to support parents in this regard. providing material assistance and support programmes. States are also obliged to prevent children from being separated from their families unless the separation is judged necessary for the child's best interests.

Seeks respect for children – but not at the expense of the human rights or responsibilities of others. The Convention on the Rights of the Child confirms that

children have a right to express their views and to have their views taken seriously and given due weight – but it does not state that children's views are the only ones to be considered. The Convention also explicitly states that children have a responsibility to respect the rights of others, especially those of parents. The Convention emphasizes the need to respect children's "evolving capacities," but does not give children the right to make decisions for themselves at too young an age. This is rooted in the common-sense concept that the child's path from total dependence to adulthood is gradual.

Endorses the principle of non-discrimination. The principle of non-discrimination is included in all the basic human rights instruments and has been carefully defined by the bodies responsible for monitoring their implementation. The Convention on the Rights of the Child states frequently that States need to identify the most vulnerable and disadvantaged children within their borders and take affirmative action to ensure that the rights of these children are realized and protected.

Establishes clear obligations. Prior to or shortly after ratifying the Convention on the Rights of the Child, States are required to bring their national legislation into line with its provisions – except where the national standards are already higher. In this way, child rights standards are no longer merely an aspiration but, rather, are nationally binding on States. Ratification also makes States publicly and internationally accountable for their actions through the process in which States report on the Convention's implementation. At the centre of the monitoring process is the Committee on the Rights of the Child, an independent, elected committee whose members are of "high moral standing" and are experts in the field of human rights.

A binding national commitment



"The Convention is not only a visionary document. We are reminded daily that it is an agreement that works – and its utility can be seen in the everyday use to which I have seen it increasingly being put by country after country, in policy, in practice and in law." – Carol Bellamy, UNICEF Executive Director, Statement to the UNICEF Executive Board, September 1998

The Convention on the Rights of the Child was carefully drafted over the course of 10 years (1979-1989) with the input of representatives from all societies, all religions and all cultures. A working group made up of members of the United Nations Commission on Human Rights, independent experts and observer delegations of nonmember governments, non-governmental organizations (NGOs) and UN agencies was charged with the drafting. NGOs involved in the drafting represented a range of issues – from various legal perspectives to concerns about the protection of the family.

The Convention reflects this global consensus and, in a very short period of time, it has become the most widely accepted human rights treaty ever. It has been ratified by 192 countries; only two countries have not ratified – The United States and Somalia, which have signalled their intention to ratify by formally signing the Convention. .

Like all human rights treaties, the Convention on the Rights of the Child had first to be

approved, or adopted, by the United Nations General Assembly. On 20 November 1989, the governments represented at the General Assembly agreed to adopt the Convention into international law.

When a government signed the Convention, it had to widely consult within the country on the standards in the Convention and begin identifying the national laws and practices that needed to be brought into conformity with these standards. Ratification was the next step, which formally bound the government on behalf of all people in the country to meet the obligations and responsibilities outlined in the Convention.

The process: From signature to ratification

- What does it mean for a country to 'sign' the Convention?
- What are 'accession' and 'ratification'?
- What formalities are involved in ratification and accession?
- What precedes ratification or accession?
- Must compliance be assured before a country can ratify or accede to the Convention?
- What is the Convention's significance in countries that have not ratified or acceded to it?

While the Convention is addressed to governments as representatives of the people, it actually addresses the responsibilities of all members of society. Overall, its standards can be realized only when respected by everyone – parents and members of the family and the community; professionals and others working in schools, in other public and private institutions, in services for children, in the courts and at all levels of government administration – and when each of these individuals carries out his or her unique role and function with respect to these standards.

Guiding principles



The Convention on the Rights of the Child incorporates the full range of human rights – civil and political rights as well as economic, social and cultural rights – of all children. The underlying values – or 'guiding principles' – of the Convention guide the way each right is fulfilled and respected and serve as a constant reference for the implementation and monitoring of children's rights. The Convention's four guiding principles are as follows:

- Non-discrimination (article 2)
- Best interests of the child (article 3)
- Survival and development (article 6)
- Participation (article 12)

The text of the Convention

The Convention on the Rights of the Child outlines in 41 articles the human rights to be respected and protected for every child under the age of 18 years and requires that these rights are implemented in the light of the Convention's guiding principles.

Articles 42-45 cover the obligation of States Parties to disseminate the Convention's principles and provisions to adults and children; the implementation of the Convention and monitoring of progress towards the realization of child rights through States Parties' obligations; and the reporting responsibilities of States Parties.

The final clauses (articles 46-54) cover the processes of accession and ratification by States Parties; the Convention's entry into force; and the depositary function of the Secretary-General of the United Nations.

In May 2000 two Optional Protocols to the Convention were adopted by the General Assembly.

Definition of the child



The Convention on the Rights of the Child defines as children all human beings under the age of 18, unless the relevant national laws recognize an earlier age of majority (article 1). The Convention emphasizes that States substituting an earlier age for specific purposes must do so in the context of the Convention's guiding principles – of non-discrimination (article 2), best interests of the child (article 3), maximum survival and development

(article 6) and participation of children (article 12). In reporting to the Committee on the Rights of the Child, States Parties must indicate whether national legislation differs from the Convention with regard to the defining ages of childhood.

While in some cases States are simply obliged to be consistent in setting benchmark ages – for example, in defining the age for admission to employment or for completion of compulsory education – in other cases, the Convention sets a clear upper benchmark

- Capital punishment or life imprisonment without the possibility of release is explicitly prohibited for those under age 18 (article 37).
- While recruitment into the armed forces or direct participation in hostilities is expressly prohibited for those under age 15 according to article 38 of the Convention, an Optional Protocol to the Convention on the involvement of children in armed conflict was adopted by the General Assembly on 25 May 2000, which raises to 18 years the age of participation in hostilities and forced recruitment of children into armed forces. The United Nations has also set minimum age requirements for United Nations peacekeepers.

States are also free to refer in national legislation to ages over 18 as the upper benchmark in defining the child. In such instances and others – where national or international law sets child rights standards that are higher than those in the Convention on the Rights of the Child – the higher standards always prevail. This ensures that situations do not arise where Convention standards undermine any national provisions that are "more conducive to the realization of the rights of the child."

The path to the Convention

*"Mankind owes to the child the best that it has to give...." – 1924
Declaration of the Rights of the Child*

The international community progressed slowly – and only relatively recently – down the path leading to the Convention on the Rights of the Child. The first legal step was taken in 1924, when the League of Nations endorsed the first Declaration of the Rights of the Child. The United Nations Charter (1945) also laid much of the groundwork for the Convention by urging nations to promote and encourage respect for human rights and fundamental freedoms 'for all'. Other early signs of a move to recognize and protect children's rights are evident in the Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948. The Universal Declaration states that "All human beings are born free and equal in dignity and rights" and also stresses that "motherhood and childhood are entitled to special care and protection" and refers to the family as "the natural and fundamental group unit of society."

Also in 1948, the General Assembly adopted a second Declaration of the Rights of the Child, a brief, seven-point statement that built on the 1924 Declaration: "By the present Declaration of the Rights of the Child... men and women of all nations, recognizing that Mankind owes to the child the best that it has to give, declare and accept it as their duty to meet this obligation in all respects..." The 1948 Declaration was followed almost immediately by a decision to draft a still more detailed Declaration, resulting just over a decade later in a third Declaration of the Rights of the Child, adopted by the General Assembly in 1959.

The international legal framework was buttressed further in 1961 with the adoption of the two International Covenants – on Civil and Political Rights and on Economic, Social and Cultural Rights. These two Covenants became binding on States Parties as of 1976, when they entered into force and as such they provided a legal as well as a moral obligation for countries to respect the human rights of each individual. The Universal Declaration of Human Rights, the two International Covenants and the optional protocols to the International Covenant on Civil and Political Rights make up what is known as the International Bill of Human Rights.

A proposal for a legally binding treaty

Declarations – such as the Declaration of the Rights of the Child that was adopted in 1959 – are statements of moral and ethical intent; they are not legally binding instruments, as were the two International Covenants. For child rights to carry the weight of international law, a 'Convention' or a 'Covenant' was required. Thus, in 1978, on the eve of the United Nations-sponsored International Year of the Child, Poland formally proposed a draft text for the Convention on the Rights of the Child. The following year, the United Nations Commission on Human Rights formed a working group to review and expand on the original Polish text. The working group drew heavily from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in formulating what became the 41 substantive articles of the Convention on the Rights of the Child.

Adoption of the Convention

The UN General Assembly unanimously adopted the Convention on the Rights of the Child on 20 November 1989 and it entered into force – or became legally binding on States Parties – in September 1990. That same month, the world leaders at the World Summit for Children, held at the United Nations in New York, made a 'solemn commitment' to accord child rights a high priority.

The World Conference on Human Rights, held in Vienna in 1993, set the end of 1995 as a target for the universal ratification of the Convention on the Rights of the Child. By the last day of that year, 185 States had ratified, making it the most widely and rapidly ratified human rights treaty in history. As of mid-2003, only two States had not yet ratified.

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Full text of the Convention

The Convention on the Rights of the Child was adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. It entered into force 2 September 1990, in accordance with article 49.

Status of ratifications

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations and in particular in the spirit of peace, dignity, tolerance, freedom, equality

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and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,¹

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ;and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

Part I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected

against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests. 4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the

provisions of articles 13 and 18

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin; (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child. 3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning

education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a ~~manner~~ consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties and to prevent the use of children in the illicit production and trafficking of such

substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
 - (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
 - (i) To be presumed innocent until proven guilty according to law;
 - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians and to have legal or other

appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings. 3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

Part II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

Part ZZZ

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the

twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts *are* equally authentic, shall be deposited with the Secretary General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

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FOUO

FILE
COPY

SENSITIVE

MAY 17.2005

TO: Larry Di Rita

FROM: Donald Rumsfeld *DR*

SUBJECT: Rice's Statements

Please give me Condi Rice's statements on this Koran issue. I found it notably unhelpful.

Thanks.

DHR:ss
051605-12

.....
Please respond by 5/19/05

5/19 - *DR*
Sec Def - *SP1*

I spoke with Zelickow
about this and we went back
via P.A. channels, too. References
to "allegations of Koran abuse"
are inaccurate and unhelpful.
Also attached is the way it came
up in a recent press conference.

FOUO

SENSITIVE

OSD 17654-05

11-L-0559/OSD/51681

MAY 20 ENTD

21720

17 May 05

Di Rita



On Respect for the Holy Koran

Secretary Condoleezza Rice
Remarks before the Senate Appropriations Subcommittee on State,
Foreign Operations and Related Programs
May 12, 2005

[DSL/cable] [dial-up] [audio]

(2:20 p.m. EOT)

Mr. Chairman, before I begin my actual testimony, I want to speak directly to Muslims in America and throughout the world. Disrespect for the Holy Koran is not now, nor has it ever been, nor will it ever be, tolerated by the United States. We honor the sacred books of all the world's great religions. Disrespect for the Holy Koran is abhorrent to us all.

There have been recent allegations about disrespect for the Holy Koran by interrogators at Guantanamo Bay and that has deeply offended many people. Our military authorities are investigating these allegations fully. If they are proven true, we will take appropriate action. Respect for the religious freedom of all individuals is one of the founding principles of the United States. The protection of a person's right to worship freely and without harassment is a principle that the government and the people of the United States take very seriously. Guaranteeing religious rights is of great personal importance to the President and to me.

During the past few days, we have heard from our Muslim friends around the world about their concerns on this matter. We understand and we share their concerns. Sadly, some people have lost their lives in violent demonstrations. I am asking that all our friends around the world reject incitement to violence by those who would mischaracterize our intentions.

Thank you very much, Mr. Chairman, and members of the committee.

2005/509

Released on May 12, 2005

Rice-Quran,300

Rice says Koran desecration report damaged U.S. outreach to

Muslims

By ANNE GEARAN=

AP Diplomatic Writer=

SHANNON, Ireland (AP) Secretary of State Condoleezza Rice said the Newsweek report that U.S. interrogators desecrated the Quran at Guantanamo Bay has "done a lot of harm" to U.S. outreach in the Muslim world.

"It's appalling that this story got out there," Rice told reporters traveling with her during a trip to Iraq.

Deadly anti-American protests were spared from Afghanistan to Malaysia by the news weekly's May 9 report that U.S. military investigators had found evidence interrogators placed copies of Islam's holy book in washrooms and had flushed one down the toilet to get inmates to talk.

"I do think it's done a lot of harm," Rice said. "Of course, 16 people died but it's also done a lot of harm to America's efforts," to demonstrate tolerance and breed goodwill in the Muslim world.

Newsweek did not fully retract the story, but said Sunday that a government source has told the magazine he could not now be sure that he saw an account of the toilet reference in a military report on abuse at the military detention facility in Cuba.

"The sad thing was that there was a lot of anger that got stirred by a story that was not very well founded."

U.S. officials did not deny the report when it first appeared, and launched an investigation.

"I hope that everybody will step back and take a look at how they handled this everybody," Rice said.

She said she does not know whether the abuses at the Abu Ghraib prison in Iraq made this story easier to believe.

"We're always trying to improve our ability to deal with both reality when there is something like Abu Ghraib and when there is rumor or misinformation were trying to deal better with those circumstances, too."

APTV-05-16-05 1129EDT

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Received by NewsEDGE/LAN: 5/16/2005 11:29 AM

11-L-0559/OSD/51683

QUESTION: No, it's -- yeah.

MR. BOUCHER: We've made clear since the beginning, since Syria actually started removing troops that, you know, we noted the things we had seen, which was withdrawal of the military forces. We noted some of the things that we had seen, like closing down some of the acknowledged intelligence facilities. But we said it's still an open question, indeed, as to whether Syria has left a residual intelligence presence and that they need to remove all sources of influence, all their intelligence people, as well as all their military people. And the United Nations has sent a team out there to look at that situation. I'm not sure; I don't think they've reported back yet, so until we know for sure, I think it's important to remember that they do have to remove all --

QUESTION: But do you think it's possible to figure out for sure?

MR. BOUCHER: It may be difficult.

QUESTION: Just intelligence people --

MR. BOUCHER: It may be difficult, but I'm sure that there are many in Lebanon who are sensitive to this matter. There's press in Lebanon that will report on this matter and will look at all available sources of information and give you our best judgments as well. But until it's clear and verified by the UN that all Syrian intelligence have left or that all Syrian influence has been removed because that's what the resolution called for, then I think it's important to remember that is what the resolution calls for.

Joel.

QUESTION: Richard, you mentioned this Friday, but Newsweek has come out with a partial retraction of their article concerning Guantanamo. And how are you dealing with this? And also, there have been fiery clerics, especially in Afghanistan and Pakistan; how do you deal with these clerics that want to incite more violence?

MR. BOUCHER: I mean, it's appalling, really, that an article that was unfounded to begin with has caused so much harm, including loss of life. And one would expect as the facts come out of how this story was written, one would expect more than the kind of correction we've seen so far. But I think it's very clear to us nonetheless that the effects around the world have been very bad. Happily -- well, luckily, I guess I would say, that things are a little bit quieter today in the South Asia region and Near East. We haven't seen any additional protests today.

There were instances where we felt there was some incitement going on or local authorities felt there was some incitement going on. I think you've seen Afghan authorities talking about that, where people were using this for other local political or other ends.

How do we deal with it? First, I think we deal with it by the same way we have been dealing with it, being transparent and up front and open about what U.S. policy is, what U.S. soldiers do. We have promised that we will look into these allegations, even if the magazine itself has more or less retracted the assertion. But we promised we would look into them and we will. We are looking into them. General Schmidt has been conducting an investigation of the FBI memos and has found nothing that would substantiate in those memos or otherwise charges of desecration of the Koran.

We have made clear, I think, that there is the utmost respect for religion of the prisoners. In fact, the Army, since early 2003, has had instructions to its personnel about handling of the Koran. The Koran is only to be handled by chaplains and Muslim interpreters. It's, you know, people -- they're supposed to put on gloves before they touch it. They're not supposed to in any way disrespect or desecrate the Koran and there are a very specific set of rules the military has on handling the Koran.

So this kind of report, this allegation that's now proving not to have any real basis, is anathema to us. We've said that. We made it clear that our practices and our policies are completely different. And I'm afraid because this story is out there and you can't get it back, we're just going to have to make -- continue to make clear that our practices and our policies are completely different.

QUESTION: What do you do in public diplomacy? There's a predisposition, isn't there, in that part of the world to maybe believe such accounts? And you've been trying to get word to the --

MR. BOUCHER: I don't know that it's limited to that part of the world.

QUESTION: Well, lots of parts of the world. But are you -- have you done anything --

5/17/05

Q The State Department has put out a message to all embassies abroad, or diplomatic posts, making a statement that "Department of Defense has been looking into allegations of desecration of the Koran and has found nothing to substantiate them."

MR. DI RITA: That's not quite accurate. And we'll work with State to make sure it's more precise. But we've not gotten allegations of desecration. What we've seen are incidental log entries that suggest that either detainees themselves have done something untoward with the Koran or there have been inadvertent mishandlings of the Koran. And we're trying to review those to better understand them. This is not an investigation per se. It's to review practices and make sure practices are appropriate. We believe practices are, but there's always an opportunity to learn, and we'll try and do that.

Q So State Department doesn't understand what the history of this is, or they have this wrong?

MR. DI RITA: I don't want to characterize it. I've said what I've said. And we aren't looking into specific allegations.

~~FOUO~~

MAY 17 2005

TO: Jim O'Beirne
FROM: Donald Rumsfeld *DR*
SUBJECT: References on Donald Kerr

Let's try to get five or six references on Donald Kerr, including Jim Wade.

Thanks.

Attach.
Kerr Bio

DHR:ss
051605-6

.....
Please respond by 5/26/05

cc: [unclear]

~~FOUO~~

OSD 17656-05

11-L-0559/OSD/51686

Donald M. Kerr



Present Position: Deputy Director for Science and Technology, CIA

Donald Kerr was appointed Deputy Director for Science and Technology at the CIA on 27 August 2001.

Previously, Dr. Kerr had served as an Assistant Director of the Federal Bureau of Investigation. He was responsible for the Laboratory Division, which conducts forensic examinations; develops surveillance and tactical communications technologies; and supports law enforcement through research, training, and operational deployments.

Prior to his most recent assignment, Dr. Kerr had several key executive positions in private industry. From 1996 to 1997, he was Executive Vice President and Director at Information Systems Laboratories, Inc. From 1993-1996, he was Corporate Executive Vice President and Director at Science Applications International Corporation. Dr. Kerr was President and Director of EG&G, Inc., from 1989 to 1992. He had also served as Senior Vice President and Executive Vice President, respectively, at EG&G from 1985 to 1989.

Dr. Kerr was Director of the Los Alamos National Laboratory from 1979 to 1985. He had begun his career in 1966 at Los Alamos working in high altitude weapons effects, nuclear test detection, and ionospheric physics. Dr. Kerr moved to the Department of Energy in 1976 as Deputy Manager of the Nevada Operations Office. He then served in Washington, D.C., as Deputy Assistant Secretary and Acting Assistant Secretary of Defense Programs and Energy Technology, respectively, before returning to Los Alamos as Director.

Dr. Kerr is a Fellow of the AAAS; and has served as a member of the DCI's Nonproliferation Advisory Committee, the Defense Science Board, and the DOD Threat Reduction Advisory Council. He is a member of the external review committees for the Los Alamos and Lawrence Livermore National Laboratories dealing with national security and arms control matters.

Dr. Kerr received his B.E.E. in electrical engineering from Cornell University in 1963 and went on to earn an M.S. in microwave electronics and a Ph.D. in plasma physics and microwave electronics at Cornell. Among his many awards is the Department of Energy's Outstanding Service Award.

05/12/2005

FOUO

OFFICE OF THE
SECRETARY OF DEFENSE

APR 21 2005

2005 AUG 31 PM 2:46

Grants = ☐

Events Extended so
far = (01/02/03/04/05)

TO: VADM Jim Stavridis
Larry Di Rita
COL Steve Bucci

CC: Cathy Mainardi

FROM: Donald Rumsfeld *DL*

SUBJECT: Outreach Calendar Items

I would like to schedule the following, on a regular basis, for the remainder of the year. I realize some will be canceled or moved, but if we put them on the calendar as indicated, I would appreciate it. These are minimums we should try to meet with:

- 1) The Former Secretaries of State, Defense, National Security and CIA twice a year (2/3/4/2/0)
- 2) Religious leadership once a year (0/1/1/0/0)
- 4) Labor leadership once a year (1/1/2/2/0)
- 5) Minority Groups once a year (Hispanic, African-American, Asian, etc.) (0/1/0/1/0)
- 6) Talking heads 4 times a year (2/3/6/3/1)
- 7) The press for off-the-record sessions, in my office, four times a year (1/2/1/4/1)
- 8) Talk Radio - two stations a week (3/1/3/62/4)
- 9) Press Conferences once a week (121/246/223/194/43)*
- 10) Congressional Events (when in session) twice a week (38/61/72/50/22)
- 11) Visit Walter Reed and Bethesda troops twice per quarter (0/1/2/2/2)
- 12) Six domestic trips each year (3/7/7/3/1)

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OSD 17657-05 2

11-L-0559/OSD/51688

- 13) Visit Afghanistan three times per year (0/1/2/2/1)
- 14) Visit Iraq four times per year (0/0/3/9/2)
- 15) Visit Asia two times per year (1/0/4/5/1)
- 16) Visit L.A. ~~Twice~~ per year (2/2/2/2/1)
- 17) Visit Europe twice per year (2/2/2/3/1)
- 18) Meet CEO's related to the military once a year (0/0/1/1/0)
- 19) Meet Veterans and Military Service Organizations ~~once~~ per year (0/0/1/1/0)
- 20) Hold Town Halls ~~Three~~ times per year (1/2/3/2/1)
- 21) Major domestic speeches ~~Five~~ times per year - build events around them (1/12/23/0)
- 22) Sunday Talk Show - minimum of ~~four~~ Sundays per year (2/4/7/5/2)
- 23) Entertainment Industry (country music, other) once per year (0/0/0/1/1)
- 24) Opinion Leaders twice per year (1/2/4/3/1)
- 25) Sports Events twice per year (0/0/1/1/0)
- 26) Combatant Command Headquarters visits - minimum ~~four~~ per year (1/2/6/5/0)
- 27) Military Leadership Schools and War Colleges/Capstone/Pinnacle/Four Stars/Flag Gathering ~~min 4 per year~~ (1/7/4/3/2)
- 28) Editorial Boards- four times per year (5/3/6/2/0)

Thanks.

DHR:sl
040805-10

Please respond by _____

FOUO

MAY 17 2005

TO: Jim O'Beirne

FROM: Donald Rumsfeld



SUBJECT: Dorrance Smith

You have not closed the **loop** with Bartlett on the references for Dorrance Smith. Also, Hoffmann's remarks suggest there is more to be learned. Someone ought to talk to Dorrance Smith, and find out what he has in mind – possibly Hoffmann, and Hoffmann should then call me and tell me.

Thanks.

Attach

Personnel Brief for Dorrance Smith

DHR:ss
051605-4

.....
Please respond by 5/19/05

MAY 17 ENTU

FOUO

OSD 17659-05

11-L-0559/OSD/51690



Secretary of Defense Civilian Personnel Brief

Dorrance Smith

Candidate: Dorrance Smith
Recommended BY: Defense Transition 2005
Position Considered For: Assistant Secretary of Defense (Public Affairs)
Current Rank for Position: 1

*Brandon
H. Jr.
Pick 7*

Biographical Sketch

- Senior Media Adviser, Coalition Provisional Authority (2003 - 2004)
- Consultant, Joint Congressional Committee on Inaugural Ceremonies (2004)
- Consultant, Republican National Committee for 2004 Republican National Convention (2004)
- Senior Media Adviser/Consultant, Federal Emergency Management Agency (FEMA) (2001)
- Executive Producer of This Week with David Brinkley and This Week with Sam Donaldson and Cokie Roberts, ABC News (1995 - 1999)
- Assistant to the President for Media Affairs, The White House (1991 - 1993)
- Executive Producer, Nighline, ABC News (1989 - 1991)
- Executive Producer, This Week with David Brinkley (1981 - 1989)
- Executive Producer, The Weekend News (1980 - 1989)
- Producer, The White House (1978 - 1979)
- Senior Producer, Winter Olympics (1988)
- Senior Producer, Winter and Summer Olympics, Emmy Award (1984)

NEW INFO

Margaret Tutwiler

- A very fine man; I hold him in the highest regard.
- Very creative; a big picture guy
- Great contacts in the news media world.
- Extremely loyal
- Well liked by staff; very good with young staff.
- Knows the back end and front end of the visual elements of television news.
- Marvelous sense of humor.
- Probably not your on-camera briefer.
- Recommend him highly.

**NEW
INFO**

Karen Hughes

- I do not have first-hand experience working with Dorrance, but I have heard many positives about him.
- I have met him a few times and I like him.

**NEW
INFO**

Jerry Bremer

- Managed the Iraqi television operation for 8-9 months.
- Did a very good job in a very difficult situation.
- Coped extremely well with the indigenous Iraqi staff.
- Organized both American and British news staffs and kept them working well together.
- Great technical media skill.
- Very cheerful.
- First rate in the arena of news judgment.
- Recommend him highly.

Jerry Jones

- Outstanding professional experience and success
- Extensive political and public affairs experience at the White House Level
- Deployed to Baghdad and saved the Iraq Media Network (Al Iraqiya) until it was turned over to the interim government
- A thinker, strategist and planner as well as an operator with good ideas on how to take advantage of the public affairs opportunities we now have – he believes we can win the information war we find ourselves in
- Knows the public affairs operations in the National Security area because of his Iraq experience
- Tough but personable, accustomed to working in pressure, high risk situations
- RECOMMENDATION: Hire this experienced professional

Jim O'Beirne

- A consummate media professional.
- Widely respected in the journalistic community.
- Has both management experience and political savvy.
- Communicates a gravity of purpose.
- Understands the challenges facing the Department, the Government and the Nation in the Global War on Terror.
- Willing and eager to do the job.
- A very well qualified candidate.

Dan Bartlett

I have a very good relationship with Dorrance. He did a very good job in Iraq. His work in the past has been mostly in the television arena, and I don't have direct knowledge of his management skills. But I know others who do, and I

11-L-0559/OSD/51692

will call them as soon as I am back in Washington, DC and be back in touch with you.

Tori Clarke

I have known him for a long time. He has a ton of experience, principally in broadcast media. Perhaps less experience in day-to-day face-to-face relations with the press. But that is not the most important part of the job. He is current on defense issues in part because of his recent service in Iraq. He is well respected and has an excellent reputation in the media community. He is easy to work with. Not intimidated by big figures. I don't know his management skills so I can't comment upon them.

Gordon England

Dorrance Smith is a highly impressive individual. He has a great record of accomplishment and appears to be very solid. I would have no hesitation whatsoever putting him in the DOD Public Affairs job. He understands that we are not fully utilizing the technology and reaching the audience using methods now available. He would be hugely helpful to DOD, and I look forward to working with him.

Martin Hoffmann

Dorn Smith appears to be the best Public Affairs candidate I have interviewed. He appears to have the energy and initiative for the job.

He regards the office as in need of reorganization and redirection. His concern that the Secretary may not know what he considers to be the dire condition of the office and its incumbents. He made a very strong statement about his willingness and desire to serve in this capacity. 7

I pressed him on office organization and asked if he had tested talent that he would like to bring in to manage the coming campaign. I also pressed him on his willingness to develop a communications strategy for the Department. His past experience has been in grooming individuals, but he expressed willingness to work on the broader strategic aspects that this position would demand. Even though I suspect other interviewers have massaged him on the issue, he seemed primed for the strategic thrust the office would require.

He felt his interview with the Secretary went well; he confessed to be an admirer of the Secretary and the Secretary's public affairs style.

I detect a slight bit of overconfidence as to how tough this job will be for him - his past experience has been a laid back lifestyle. On the other hand, having

1
2
3

- returned from Iraq in January of '04, I do feel he has an appetite to be “back in the big time.”

I urge that we move quickly to sign him up.

FOUO

May 13, 2005



TO: Ken Krieg
COL Steve Bucci

CC: Cathy Mainardi

FROM: Donald Rumsfeld *DR*

SUBJECT: Meeting

Please arrange the meeting for me to spend two to two and a half hours on the scenarios that we want OA to be analyzing in the QDR. Attached is a first cut at the people I would like in the meeting.

Thanks.

Attach.

List of Potential Participants for Meeting

DHR ss
051205-18

.....
Please respond by _____

Mr. Secretary

Ken passed this on to me. VCS and DSD are modifying several of the assumptions in the OA series. We will bring you the latest update as soon as its completed in the next few weeks.

Your servant,

Brent Berkman

FOUO

OSD 17660-05

11-L-0559/OSD/51695

15 MAY 05

Possible Meeting Attendees

- 1) SecDef
- 2) Deputy SecDef
- 3) CJCS
- 4) VCJCS
- 5) Steve Cambone
- 6) Ken Krieg
- 7) GEN Pete Schoomaker
- 8) ADM Vern Clark
- 9) Gen John Jumper
- 10) Lisa *Tom J-B*
- 11) Jim Thomas
- 12) Doug Feith
- 13) Ryan Henry
- 14) *Scandis*


May 13, 2005



Not found
in the
system

TO: Ken Krieg

CC: Fran Harvey
Tina Jonas
Gen Dick Myers
GEN Pete Schoomaker

FROM: Donald Rumsfeld 

SUBJECT: Various Scenarios


We need to work with the Army to develop analysis and various scenarios as to how they might manage the 30,000 manpower level up/down during the period they are reorganizing. Then we should develop some alternative scenarios in the event it looks like they may not make it.

Thanks.

DHR:ss
051205-17

.....
Please respond by

6/16/05

6/30 

Mr. Secretary,

Ken passed this on to me. We have recently presented an initial brief on Army manpower issues to the OSD, the Army is presenting their thoughts on the same issue to OSD next week. We will integrate these efforts and Gordon's feedback into our Ground Forces Capabilities Study (one of the 17 PA&E studies) which will inform the QDR. I will keep you and the Deputy informed about our findings in the coming months.

At your service,

~~FOUO~~

BB

(Brenda Berkson)

11-L-0559/OSD/51897 17661-05

JUN 30 2005

~~FOUO~~

May 13, 2005

FILE
COPY

7/1

Not found in
system

TO: Ken Krieg

FROM: Donald Rumsfeld

SUBJECT: O&M

120

I do want to see a dissected O&M, as Vern Clark asked. Please get a group together to do that, and present it to Vern and me.

Thanks.

DIRKSS
051205-9

Please respond by _____

6/30 7/1

Mr. Secretary,

Ken asked me to respond on this. We have incorporated this O&M analysis in the Defense Program Projection Brief that will be shown at the SLRG next week.

At your service,

BB

(BRAD BELKIN)

~~FOUO~~

OSD 17663-05

11-L-0559/OSD/51698

JUN 3 0 ENTD

13 May 05

~~FOUO~~

MAY 13 2005

000000

TO: Allison Barber

CC: Larry Di Rita
Jim Haynes

FROM: Donald Rumsfeld *7*

SUBJECT: Three Questions

Please make sure you talk to Jim Haynes about the following:

- 1) Whether or not we can charge for the use of the DoD logo. I know the National Parks do that, in a sense. But you ought to get some clarity on it.
- 2) Whether or not we can get people to pay for flyovers. We seem to do them free because they are good for us. There may be outfits that are willing to pay for the flyovers.
- 3) Whether DoD ought to have a foundation.

Thanks.

DHR:ss
051205-8

.....
Please respond by 6/16/05

~~FOUO~~

OSD 17664-05

MAY 13 ENTD

000000

11-L-0559/OSD/51699

~~FOUO~~

May 12, 2005

TO: COL Steve Bucci
cc: Cathy Mainardi
FROM: Donald Rumsfeld *DR*
SUBJECT: Prep Session for North Korea Meeting

KOREA (North)

We are going to need a prep session for the North Korea meeting that is coming up next week. We will need it many days in advance, so we probably ought to schedule it for Monday.

Dick Myers and I talked about it – we are going to want to have a lot better preparation for this one. We may have to have at least a short prep session on Friday, since the Combatant Commanders are coming in next week.

Thanks.

DHR:ss
051205-7

.....
Please respond by _____

~~FOUO~~

MAY 12 ENTD

OSD 17665-05

12 May 05

11-L-0559/OSD/51700

FOUO

WAY 12 2005



U 000

TO: Larry Di Rita

FROM: Donald Rumsfeld *DR*

SUBJECT: Armed Forces Radio & TV and al-Iraqi TV

Why did Armed Forces Radio and TV pull out of Iraq in, I believe, August of 2003?

?!?
Not true.

And why have we let al-Iraqi TV, which cost some \$200 million, move over to the Iraqis? Is it being properly managed? Is there anything that can be done about it, if it is not?

Thanks.

DHR ss
051105-7

.....
Please respond by 5/26/05

DR
SP1
Sir,
Response attached.
YR
LTG/Longwell

MAY 23 2005

13 MAY 05

FOUO

OSD 17666-05

11-L-0559/OSD/51701

TO: Secretary Rumsfeld
FROM: Allison Barber
cc: Larry DiRita
SUBJECT: American Forces Radio & TV and al-Iraqi TV

5/31

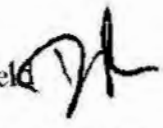
American Forces Radio and TV has not and will not pull out of Iraq. We are currently broadcasting both television and radio in 15 geographic locations. Television programming is broadcast in all common areas in Iraq (dining facilities, MWR tents, gymnasiums).

Al Iraqiya TV is run by Iraqis, overseen by the Embassy. It was the right decision in my book. It is slowly gaining viewership and getting more professional. We don't want or need to be running it (DoD, that is)

D, Rita

~~FOUO~~

May 11, 2005

TO: Matt Waxman
CC: Doug Feith
Ryan Henry
FROM: Donald Rumsfeld 
SUBJECT: ISN Numbers for Detainees

I called Crouch. I want to get this ISN numbers on the detainees issue done and coordinated through the NSC. Right now the timeline is too long. I pressed Crouch. Let's be sure we get it done.

Thanks.

DHR:ss
051005-41

.....
Please respond by 5/19/05

~~FOUO~~

OSD 17667-05

11-L-0559/OSD/51703

3836

11 MAY 05

~~FOUO~~

May 11, 2005

340

TO: VADM Jim Stavridis

c c : COL Steve Bucci

FROM: Donald Rumsfeld *DR*

SUBJECT: Arrange the Meeting we Discussed Yesterday Morning

Please arrange a meeting along the lines I mentioned yesterday morning to talk about recruiting, incentives, and the one other item.

Thanks.

Army

DHR:sb
051005-40

.....
Please respond by 5/26/05

OSD 17668-05

~~FOUO~~

MAY 11 ENTD


11 May 05

11-L-0559/OSD/51704

~~FOUO~~

MAY 11 2005

Korea (North)

TO: Steve Cambone
FROM: Donald Rumsfeld 
SUBJECT: Proposal for North Korea

Please get back to me with a coordinated proposal with respect to North Korea along the lines we discussed this morning.

Thanks.

DHR:ss
051005-31

.....
Please respond by 6/16/05

~~FOUO~~

OSD 17669-05

11 May 05

11-L-0559/OSD/51705

FOUO



May 10, 2005

IRAQ

TO: VADM Jim Stavridis
FROM: Donald Rumsfeld *DR*
SUBJECT: Iraqi Defense Minister

Please find out if the new Iraqi Defense Minister speaks English.

Thanks.

DHR:ss
051005-28

.....
Please respond by

5/11/05

SER

*5/10
abt
5/10*

*Yes He does.
PhD From
Keele University
in UK. Hired
by CPA to conduct
polling.*

FOUO

v/R jpi


10 May 05

11-L-0559/05051706 70-05

~~FOUO~~

May 10, 2005

TO: Ray DuBois

FROM: Donald Rumsfeld 

SUBJECT: Progress in Updating DoD Directives

I appreciate the progress you've made in this area, Ray. Please keep the pressure on – this is not glamorous stuff, but it is important.

And thanks for everything you're doing around here.

DHR:dh
051005-27

.....
Please respond by _____

300.8

10 May 05

OSD 17671-05

MAY 10 2005

~~FOUO~~

11-L-0559/OSD/51707

FOUO

May 10, 2005

TO: Doug Feith
Steve Cambone
Dan Stanley
Ray DuBois

FROM: Donald Rumsfeld *DR*

SUBJECT: Updating DoD Directives

I know we're all as busy as can be around here, but I would like to see better progress from you folks as to the updating of directives in your areas of responsibility.

Thanks.

DHR:dh
051005-25

.....
Please respond by

6/16/05

300.8

10 May 05

FOUO

11-L-0559/OSD/51708

OSD 17671-05

MAY 10 2005

~~FOUO~~



May 10, 2005

420

TO: Gordon England
CC: **Dick** Myers
FROM: Donald Rumsfeld *DR*
SUBJECT: Marine Vest Issue

Please get back to me on the **Marine** vest issue. I don't accept what I **am** hearing.
I **think** there may be more to it. You ought to push **and** probe hard and FAST.

Thanks.

Attach
5/10/05 *Washington Post* Article

DHR:
051005-24

.....
Please respond by 5/26/05

~~FOUO~~

OSD 17672-05

10 MAY 05

11-L-0559/OSD/51709

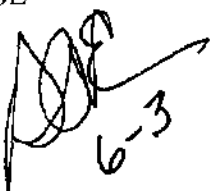
A76-3

INFO MEMO

FOR: SECRETARY OF DEFENSE

FROM: Gordon England

SUBJECT: Marine Vest Issue




- The facts presented in the 10 May Washington Post article regarding the Outer Tactical Vest (OTV) were offered out of context and misrepresent the actual capabilities of the OTVs in question.
- Of the 181,000 OTVs fielded to Fleet Marine Forces, eleven lots (totaling **5,277** vests) received ballistic waivers for the 9mm contract requirement. These waivers, developed in concert with Army Natick engineers, ensured that the subject lots were still clearly capable of defeating standard 9mm pistol bullets and provided the required protection from shrapnel and fragmentation.
- The decision to waive these lots was made so that deploying Marines fielded the best available individual protective equipment. OTVs, to include those lots subject to the ballistic waiver, were a significant improvement in protection from the outdated Personnel Armor System for Ground Troops (PASGT) flak jacket they replaced. The OTV system, which consists of the vest and Small Arms Protective Inserts (SAPI) plates, provided protection from assault rifle rounds.
- The decision to recall the waived lots occurred one year after Marines redeployed with the OTVs to Iraq in Spring 2004. The OTVs proved highly effective in protecting Marines, but the Marine Corps knew an unfavorable article was forthcoming and recalled the subject lots to remove any doubts that the article might create in the minds of Marines in combat.
- I believe the right actions were taken to provide the best equipment to our Marines and Sailors going in harm's way, I am available to discuss this issue further at your convenience.

~~FOUO~~

May 10, 2005

337

TO: VADM Jim Stavridis
FROM: Donald Rumsfeld 
SUBJECT: Topics for Combatant Commanders Meeting

Let's get on the following two topics on the agenda for the Combatant Commanders Meeting:

- 1) Accountability
- 2) Diversity

Thanks.

DHR:ss
051005-22

.....
Please respond by 5/13/05

~~FOUO~~

OSD 17674-05

MAY 10 2005

10 MAY 05

11-L-0559/OSD/51711

~~FOUO~~



May 10, 2005

TO: COL Steve Bucci
CC: Mary Claire Murphy
(b)(6)
Cathy Mainardi

FROM: Donald Rumsfeld *DR*

SUBJECT: October 1 Combatant Commanders Conference

Please check and see if there is actually going to be a Combatant Commanders Conference on Saturday, October 1. I can't believe that will be the case.

If there is not a conference, we would probably go to Maryland.

Thanks.

DIR sa
051005-18

Please respond by 5/19/05 *DR 5/11*

Sir,

The date is correct. The plan is for all the Cbt Cdrs to come to JMWTF May may attend the CTCJ farewell ceremony and then roll into the conf with the new CTCJ (Gen Pace) leading the events. So we do really plan on having the conf on Sat-Sun-Mon, 1-3 OCT.

OSD 17675-05

~~FOUO~~

V/R, COLB

Although no events on Sunday

meetings on Sat & Mon!
jim

11-L-0559/OSD/51712

MAY 11 ENT'D

FOUO

OFFICE OF THE
SECRETARY OF DEFENSE
May 11, 2005
2005 AUG 31 PM 2:47



020 SD

TO: COL Steve Bucci

FROM: Donald Rumsfeld

SUBJECT: Outreach and Travel Calendar

Please see the edits I made on this. Also, I would like the numbers for 2001 and 2002, if you can find them.

Once you re-do it, please give me a copy and then you can get started on it.

Thanks.

Attach.
Memo #040805-10

DHR:dh
051105-3

OSD 17676-05

.....
Please respond by _____

11 May 05

11-L-0559/OSD/51713

17676-05

FOUO

OFFICE OF THE
SECRETARY OF DEFENSE

APR 21 2005

2005 AUG 31 PM 2:46

Goal = ☐

TO: VADM Jim Stavridis
Larry Di Rita
COL Steve Bucci

Events Scheduled so
far = (01/02/03/04/05)

CC: Cathy Mainardi

FROM: Donald Rumsfeld *DR*

SUBJECT: Outreach Calendar Items

I would like to schedule the following, on a **regular** basis, for the remainder of the year. I **realize** some **will** be canceled or moved, but if we put *them* on the calendar as indicated, I would appreciate it. These are minimums we should **try** to meet with.

- 1) The Former Secretaries of State, Defense, National Security and CIA twice a year (2/3/4/2/0)
- 2) Religious leadership once a year (0/1/1/0/0)
- 4) Labor leadership once a year (1/1/2/2/0)
- 5) Minority Groups once a year (Hispanic, African-American, Asian, etc.) (0/1/0/1/0)
- 6) Talking heads 4 times a year (2/3/6/3/1)
- 7) The press for off-the-record sessions, in my office, **four** times a year (1/2/1/4/2)
- 8) Talk Radio - two **stations** a week (3/1/3/62/9)
- 9) **Press** Conferences once a week (121/246/223/194/43)*
- 10) Congressional Events (when in session) twice a week (32/61/98/52/23)
- 11) Visit Walter Reed and Bethesda troops **Twice per winter** (0/1/3/7/2)
- 12) **5x** domestic trips each year (3/7/7/7/1)

FOUO

11-L-0559/OSD/51714

OSD 17657-05

- 13) Visit Afghanistan three times per year (0/1/3/3/1/1)
- 14) Visit Iraq four times per year (0/0/2/4/2)
- 15) Visit Asia two times per year (1/0/4/5/1)
- 16) Visit L.A. twice per year (2/2/2/2/1)
- 17) Visit Europe twice per year (2/2/2/3/1)
- 18) Meet CEO's related to the military once a year (0/0/0/1/0)
- 19) Meet Veterans and Military Service Organizations once per year (0/0/1/1/0)
- 20) Hold Town Halls Three times per year (1/0/3/2/1)
- 21) Major domestic speeches five times per year - build events around them (1/12/23/10)
- 22) Sunday Talk Show - minimum of four Sundays per year. (2/4/7/3/2)
- 23) Entertainment Industry (country music, other) once per year (0/0/0/1/1)
- 24) Opinion Leaders twice per year (1/2/4/3/1)
- 25) Sports Events twice per year (0/0/1/1/0)
- 26) Combatant Command Headquarters visits - minimum four per year (1/2/6/5/0)
- 27) Military Leadership Schools and War Colleges/Capstone/Pinnacle/Four Stars/Flag Gathering min 4 per year. (1/0/9/3/2)
- 28) Editorial Board - four times per year (5/3/6/2/0)

Thanks.

DHR:30
04080510

Please respond by _____

FOUO

May 11, 2005
2005 11 11 2:47



TO: COL Steve Bucci
FROM: Donald Rumsfeld *DR*
SUBJECT: Outreach and Travel Calendar

020 SD

Please see the edits I made on this. Also, I would like the numbers for 2001 and 2002, if you can find them.

Once you re-do it, please give me a copy and then you can get started on it.

Thanks.

Attach.
Memo #040805-10

DHR:dh
OS1105-3

OSD 17676-05

.....
Please respond by _____

Stg

I begin my new duties on Monday, 16 May. I will attempt to develop a plan for your approval to meet these goals which you have defined. The edited list is attached.

W/R, Loe B

5/13

FOUO

13 May 05

11 May 05

OSD 17676-05
11-L-0559/OSD/51716

MAY 17 ENTD

~~FOUO~~

APR 21 2005

TO: VADM Jim Stavridis
Larry Di Rita
COL Steve Bucci

CC: Cathy Mainardi

FROM: Donald Rumsfeld *DR*

SUBJECT: Outreach Calendar Items

I would like to schedule the following, on a regular basis, for the remainder of the year. I realize some will be canceled or moved, but if we put them on the calendar as indicated, I would appreciate it. These are minimums we should **try to** meet with:

- 1) The Former Secretaries of State, Defense, National Security and CIA twice a year (2/3/4/2/0)
- 2) Religious leadership once a year (0/1/1/0/0)
- 4) Labor leadership once a year (1/1/1/2/0)
- 5) Minority Groups once a year (Hispanic, African-American, Asian, etc.) (0/1/0/1/0)
- 6) Talking heads 4 times a year (2/3/6/3/1)
- 7) The press for off-the-record sessions, in my office, **four** times a year (1/2/1/3/0)
- 8) Talk Radio - **two** stations a week (3/1/2/6/2/4)
- 9) Press Conferences **once a week** (1/2/2/4/2/2/2/1/4/4/3)*
- 10) Congressional Events (when in session) twice a week (2/2/6/1/2/2/2/1/2/2)
- 11) Visit Walter Reed and Bethesda troops **twice per year** (0/1/1/0/2/2)
- 12) Six domestic trips each year (1/2/2/2/1/1)

FOUO

OSD 17657-05

11-L-0559/OSD/51717

- 13) Visit Afghanistan three times per year (6/1/21)
- 14) Visit Iraq four times per year (6/8/21/9/21)
- 15) Visit Asia two times per year (1/8/21/5/21)
- 16) Visit L.A. twice per year (2/2/21/3/21)
- 17) Visit Europe twice per year (1/2/21/3/21)
- 18) Meet CEO's related to the military once a year (1/2/21)
- 19) Meet Veterans and Military Service Organizations once per year (6/4/21/12/21)
- 20) Hold Town Halls three times per year (1/2/21/2/21/3/21)
- 21) Major domestic speeches five times per year - build events around them (1/12/21/2/21/3/21/4/21/5/21)
- 22) Sunday Talk Show - minimum of four Sundays per year (2/4/21/7/3/21)
- 23) Entertainment Industry (country music, other) once per year (3/3/21/1/21)
- 24) Opinion Leaders twice per year (1/2/21/4/21)
- 25) Sports Events twice per year (6/6/21/11/21)
- 26) Combatant Command Headquarters visits - minimum four per year (1/2/21/6/5/21/10/21/11/21)
- 27) Military Leadership Schools and War Colleges/Capstone/Pinnacle/Four Stars/Flag Gathering min 4 per year (1/8/21/4/21/10/21/11/21)
- 28) Editorial Board - four times per year (5/3/21/6/3/21/11/21/12/21)

Thanks.


DHR:ss
040805-10

Please respond by _____

~~FOUO~~

May 10, 2005

TO: Mary Claire Murphy

FROM: Donald Rumsfeld 

SUBJECT: Descriptions for Gift Book

Please put these descriptions in the **book** you are preparing for me for the things I have purchased.

Thanks.

Attach
Two SecDef Gift Memorandums

DHR:as
051005-3

.....
Please respond by —

~~FOUO~~

OSD 17677-05

MAY 10 2005

11-L-0559/OSD/51719

05

05 MAY 05

SECRETARY OF DEFENSE PROTOCOL GIFT MEMORANDUM

Recipient:	Donald H. Rumsfeld, Secretary of Defense	
Donor:	Mitchell Shivers Senior Advisor & Economic Sector Chief Afghanistan Reconstruction Group, The Great	
Gift	# 1166	
Description	2 Long Sleeve T-Shirts	
Received:	12 Am 05	See Note(s): 1
Value:	\$20.00	Appraisal #: N/A
Gift is:	US Gov't, Undervalue	
Remarks	Rec'd during trip to Iraq, Afghanistan, Kyrgyzstan, and Azerbaijan.	

Note 1: You may retain gifts and mementos, which were purchased with representational funds (ORF) not exceeding the maximum value of \$285.00 as limited by DoD directives.

Note 2: You may retain gifts from a foreign government valued at, or less than, \$305.00 (current retail value).

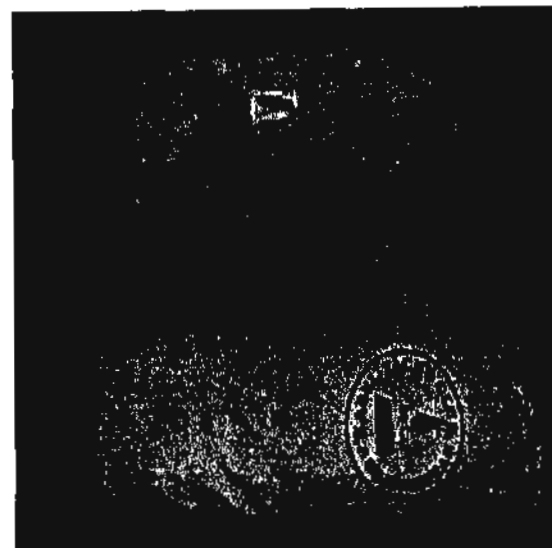
Note 3: You may retain gifts from an outside source valued at less than \$20.00 (current retail value). You may retain gifts from the same source up to an aggregate of \$50.00 in a calendar year.

Note 4: You may retain items of little intrinsic value such as plaques, certificates and trophies, which are intended solely for presentation.

Note 5: When multiple items are received at one occasion from one donor they are to be regarded as a single gift. However, items from the group may be purchased without purchasing the entire group.

Note 6: Item is perishable. If gift is not retained by you; item may be given to an appropriate charity or shared within your office or destroyed.

Note 7: An employee shall not accept a gift from a lower paid employee (exceptions - items with an aggregate value of \$10.00 or less, food and refreshments consumed at the office or special infrequent occasions).



SecDef Decision:

Ask JR to review gift:		
GSA		
Charity (applies to perishable items only)		
Retain for DoD:		
<input type="checkbox"/>	Pentagon Library	
<input type="checkbox"/>	Fisher House	
DoD		
SecDef office (Label "DoD Property")		
Retain for SecDef:		
Office (Label "SecDef Property")		
<input type="checkbox"/>	(b)(6)	✓
<input type="checkbox"/>		
<input type="checkbox"/>		

Item is undervalue, therefore, payment is not required, but if you choose to pay, make check payable to US Treasury.

SECRETARY OF DEFENSE PROTOCOL GIFT MEMORANDUM

Recipient:	The Honorable Donald H. Rumsfeld	
Donor:	HE Hamid Karzai, President of the Islamic Republic of Afghanistan, ,Afghanistan	
Gift	# 1162	
Description	Rug, approx 6.5" X 5"	
Received:	12-Apr-05	See Note(s): 2
Value:	\$450.00	Appraisal #: 991704
Gift is:	Foreign (Official), Overvalue	
Remarks	Rcvd during trip to Iraq, Afghanistan, Kyrgyzstan, and Azerbaijan.	

Note 1: You may retain gifts and mementos, which were purchased with representational funds (ORF) not exceeding the maximum value of \$285.00 as limited by DoD directives.

Note 2: You may retain gifts from a foreign government valued at, or less than, \$305.00 (current retail value).

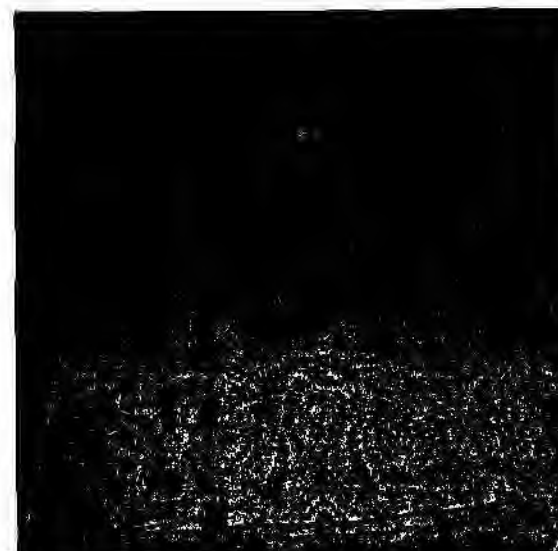
Note 3: You may retain gifts from an outside source valued at less than \$20.00 (current retail value). You may retain gifts from the same source up to an aggregate of \$50.00 in a calendar year.

Note 4: You may retain items of little intrinsic value such as plaques, certificates and trophies, which are interded solely for presentation.

Note 5: When multiple items are received at one occasion from one donor they are to be regarded as a single gift. However, items from the group may be purchased without purchasing the entire group.

Note 6: Item is perishable. If gift is not retained by you; item may be given to an appropriate charity or shared within your office or destroyed.

Note 7: An employee shall not accept a gift from a lower paid employee (exceptions - items with an aggregate value of \$10.00 or less, food and refreshments consumed at the office or special infrequent occasions).



SecDef Decision:

Let me see before I decide:	
Ask JR to review gift:	
GSA	
Charity (applies to perishable items only)	
Retain for DoD:	
Pentagon Library	
Fisher House	
DoD	
SecDef Office (Label "DoD Property")	
Retain for SecDef:	
Office (Label "SecDef Property")	
(b)(6)	✓

Item is overvalue, therefore, if you choose to keep item, please make check payable to the US Treasury.

~~FOUO~~

May 10, 2005

TO: Gen Jim Jones
CC: Gen Dick Myers
Gen Doc Foglesong
FROM: Donald Rumsfeld *DR*
SUBJECT: Presidential Support

Thanks for all the hard work on the President's air coverage during his recent trip to Europe. I was particularly impressed with Major General Bob Dulaney's efforts in setting all that up and briefing me about it. It seemed to go quite well.

Thanks.

DHR:sm
050903-41

.....
Please respond by _____

~~FOUO~~

OSD 17678-05

MAY 1 01

11-L-0559/OSD/51722

20122

10 May 05



May 10, 2005

230.8

TO: VADM Jim Stavridis
 FROM: Donald Rumsfeld *D*
 SUBJECT: Departures

I ought to decide what I want to do about Handy's and LaPorte's departures too.
 Is there anyone else I have forgotten about?

Thanks.

DIR:ss
 050905-38

.....
 Please respond by 5/19/05

5/10

copy to
 m-c-murphy

add
 5/10

SIR —

Mary Claire will provide options on Handy. I think going to his CoC in August is perhaps having a small lunch there would work. Leon LaPorte doesn't leave until early '06, so we've got time to come up w/a plan for the fall.

V/R *[Signature]*

11 MAY 2005

OSD 17679-05

11 MAY 2005 0559/OSD/51723

MAY 10 ENTD

~~FOUO~~

May 10, 2005

TO: VADM Jim Stavridis
CC: Mary Claire Murphy
FROM: Donald Rumsfeld *DR*
SUBJECT: Negroponte and CoCom Conference

At some future CoCom meeting, if Negroponte is in the saddle – maybe the one upcoming beyond the May meeting – we should invite him.

Thanks.

DHR:ss
050905-33

.....
Please respond by —

OSD 17680-05

~~FOUO~~

MAY 10 2005

11-L-0559/OSD/51724

337

050905

~~FOUO~~

May 9, 2005

TO: Gen Pete Pace

FROM: Donald Rumsfeld *DR*

SUBJECT: Include Additional Information in Iraq and Afghanistan Reports

Let's start including some additional information in the reports on Iraq and Afghanistan. For example, the number of court cases and things like that that are directly connected to the success on the security side.

Thanks.

DHR:ss
050905-30

.....
Please respond by

5/19/05

~~FOUO~~

OSD 17681-05

MAY 09 ENT'D


11-L-0559/OSD/51725

042

7/11/05

FOUO

May 9, 2005

TO: Gordon England
FROM: Donald Rumsfeld 
SUBJECT: Note from Newt Gingrich on Tricare

Attached is an note from Newt Gingrich on healthcare. It sounds reasonable to me. Needless to say, you have the baton.

Thanks.

Attach.
5/7/05 E-mail from Gingrich on Tricare

DIR:ss
050905-24

.....
Please respond by

6/30/05

FOUO

OSD 17682-05

MAY 09 ENTD

11-L-0559/OSD/51726

701

4 MAY 05

(b)(6) CIV, OSD

old
5/9

From: Thirdwave2@aol.com

Sent: Saturday, May 07, 2005 1:07 PM

To: (b)(6)@OSD.Mil

Cc: james.stavridis@osd.mil

Subject: one other tricare thought-from newt for the monday meeting

when you are trying to get really large change it is important to start with a clear definition of where you want to get and then think through the bridges to be built between the current system and the desired future

it is impossible to think from the current tricare bureaucracy to a successful future
you first have to think through a successful future and then think through how to get there from here

if you decide to really transform tricare this is the process I would recommend
newt

?

5/9/2005

11-L-0559/OSD/51727

~~FOUO~~

FILE
COPY

May 9, 2005

334

TO: Gordon England
FROM: Donald Rumsfeld *DR*
SUBJECT: Report by the Defense Business Board

close

Please take a look at the attached Management Agenda Task Group Report and tell me what you think we ought to do with it.

Thanks.

Attach.
Defense Business Board's Management Agenda Task Group Report

DHR:as
050905-23

.....
Please respond by

5/19/05

OFFICE OF THE
SECRETARY OF THE
NAVY

2005 MAY -9 PM 6:06

~~FOUO~~

Sir.
Response attached.

v/r
Lt Col Lengyel

1 JUN 01 ENTD

9 May 05

OSD 17683-05

11-L-0559/OSD/51728

June 1, 2005

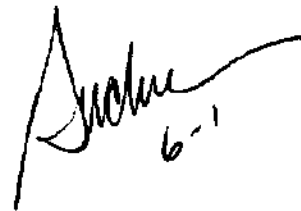
To: Donald Rumsfeld

Fr: Gordon England

Subj: Defense Business Board

Mr. Secretary,

- The findings and recommendations of the DBB parallel our discussion prior to my appointment and also the discussions we had with Board members at their last meeting.
- Not to presume your judgment, but I believe that we both concur with their recommendations:
 1. Fix the Department's organizational structure;
 2. Drive key end-to-end business process improvements;
 3. Transform the management of the civilian workforce.
- Item 3 is well underway (NSPS).
- My approach is to include Items 1 & 2, and the DBB, into the overall approach and effort to transform the business and civilian side of DoD.
- After completion of the "As Is" baseline review; i.e., how we operate today, I'll be preparing the way ahead for discussion with you.



11-L-0559/OSD/51729

MANAGEMENT AGENDA TASK GROUP REPORT

Task Group

Chairman: Denis Bovin (DBB Member)

Neil Albert (DBB Member)

Fred Cook (DBB Member)

James Kimsey (DBB Member)

Arnold Punaro (DBB Member)

Dov Zakheim (DBB Member)

~~Mark~~ Zuckerman (DBB Member)

Kelly S. Van Niman (DBB Staff)

1. REVIEW BY DEPUTY SECRETARY Date: <i>February 10, 2005</i>	
Concur <u> X </u> Non-Concur <u> </u>	
Comments/Exceptions: Asked DBB for description of Chief Management Officer possible duties, and for list of manageable next steps regarding implementation of the National Security Personnel System. Hoped DBB would continue to make recommendations regarding end-to-end supply chain business process improvements.	
2. REFER FOR REVIEW/ACTION/IMPLEMENTATION	
Point of Contact: Action:	Suspense Date:
3. REVIEW BY SECDEF Date: 	
Concur <u> </u> Non-Concur <u> </u>	

DBB Report **FY04-4**

11-L-0559/OSD/51730

MANAGEMENT AGENDA TASK GROUP REPORT

Task Group

Chairman: Denis Bovin (DBB Member)

Neil Albert (DBB Member)

Fred Cook (DBB Member)

James Kimsey (DBB Member)

Arnold Punaro (DBB Member)

Dov Zakheim (DBB Member)

Mort Zuckerman (DBB Member)

Kelly S. Van Niman (DBB Staff)

1. REVIEW BY DEPUTY SECRETARY Date: February 10, 2005

Concur X Non-Concur _____

Comments/Exceptions: Asked DBB for description of Chief Management Officer possible duties, and for list of manageable next steps regarding implementation of the National Security Personnel System. Hoped DBB would continue to make recommendations regarding end-to-end supply chain business process improvements.

2. REFER FOR REVIEW/ACTION/IMPLEMENTATION

Point of Contact: Suspense Date:
Action:

3. REVIEW BY SECDEF Date:

Concur _____ Non-Concur _____

DBB Report FY04-4

11-L-0559/OSD/51731

KEY TALKING POINTS FOR SECDEF

- The foundation for building a “culture of continual transformation” is rooted in the following:
 - clarifying the lines of authority and responsibility Within the Department
 - orienting business process improvements towards enhancing warfighter effectiveness, and
 - modernizing the management of the Department’s professional civilian force
- Action plans with clear accountability and metrics should be developed in these areas.
- We must decide which governance structure is required to transform DoD into an operating organization with clear implementation authorities to achieve strategic objectives that I have defined for the Department.
- Just as we seek to achieve joint warfighting capabilities, we must require the leaders for each business mission area to prioritize and implement measurable, end-to-end business process improvements within their respective areas.
- The Department’s new model for managing Civilian personnel must include specific goals for Department-wide recruiting, succession planning, career development, performance management and pay-for-performance.

Recommendations

Critical Areas Requiring Management Attention:

GOVERNANCE AND ORGANIZATION

Goal: *Establish clear lines of authority, responsibility and accountability ~~for~~ OSD, the Joint Staff, and the Military Departments and identify a senior leader with the authority to manage the day-to-day business operations ~~of~~ the Department.*

HUMAN RESOURCES

Goal: *Match the transformation ~~of~~ the military with ~~a~~ more agile, innovative, high-performing and results-oriented civilian leadership and workforce.*

MANAGEMENT INFORMATION SYSTEMS / FINANCIAL OPERATIONS

Goal. *Implement ~~a~~ Department-wide strategy to modernize management information systems to ensure timely and accurate asset, financial and human resource visibility across DoD.*

PROACTIVE MANAGEMENT OF HEALTHCARE

Goal: *Maintain the efficiency and reduce the cost ~~of~~ DoD's health care ~~for~~ reservists, retirees and their dependents.*

SUPPLY CHAIN/ ACQUISITION

Goal: *Collect and promote across the Services the sharing ~~of~~ leading edge commercial tools, philosophies and measurements to improve product development, quicken product deployment and reduce overall product life-cycle costs.*

BASE REALIGNMENT AND CLOSURE

Goal: *~~Continue~~ to aggressively explore methods ~~for~~ more efficiently and effectively identifying, managing and using the Department's fixed assets.*

Recommendations

Fundamental Priorities Requiring the Secretary's Personal Attention:

- **Fix the Department's Organizational Structure**

- 9 **Assess** the current functional management challenges of the Department of Defense with the goal of establishing clear **lines of** authority, responsibility and accountability for OSD, the Joint Staff, and the Military Departments.
- Examine and decide what changes in the Department's current governance structure are required to transform DoD into an **operating** organization with clear implementation authorities to achieve strategic objectives that you have defined for the Department.

- **Drive Key End-to-End Business Process Improvements Across each of the Five Business Missions of the Department**

- **Consistent** with ongoing operational transformation to achieve joint warfighting capabilities, require the leaders for each business mission area to prioritize and implement measurable, end-to-end business process improvements within their respective areas that will support the warfighter.

- **Transform the Management of the Civilian Workforce**

- 9 Develop and implement a new model for managing civilian personnel to include Department-wide recruiting, succession planning, career development, performance management and pay-for-performance for SES and upper-level GS employees that cascades departmental objectives into all levels of the organization.

MANAGEMENT AGENDA **TASK GROUP REPORT**

Background

- In support of the Department's ongoing transformation efforts, Defense Business Board (DBB) formed **this Task Group to assess** and make recommendations to the Department of Defense on management priorities for the next **four years**.

Objective

- To provide the **Secretary** and the Department's leadership with **a prioritization** of management initiatives that would contribute to the continuing **p r o p s of defense business mission transformation** well into the **future**.

Findings

- The **Secretary will lay a strong foundation** for building a "culture of continual transformation" **by developing** actions with clear accountability and **metrics** to:
 - Clarify **the lines of authority and responsibility within** the Department
 - Orient business process improvements to **enhance warfighter** effectiveness
 - Modernize the management **of** the Department's professional civilian force

Recommendations (Detailed Recommendations at Tabs 1 & 2)

- The three fundamental priorities for the Secretary with respect to the management of the Department's business **operations are as follows :**
 - Fix the Department's Organizational Structure
 - Drive Key End-to-End **Business Process** Improvements **Across** each of **the** Five Business Missions **of** the Department
 - **Transform** the Management of the Civilian **Workforce**

~~FOUO~~

May 9, 2005

TO: Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: *New York Times* Piece

451

Have you done anything about this piece in the *New York Times*?

Thanks.

Attach.
5/1/05 *NY Times* piece "Support Our Troops"

DHR:ss
050905-17

.....
Please respond by 5/19/05

~~FOUO~~

OSD 17684-05

MAY 09 ENTD

9MAY05

11-L-0559/OSD/51736

Support Our Troops

More than two years after the invasion of Iraq, American soldiers are still needlessly dying or suffering grievous injuries because of the Pentagon's inexcusable slowness in protecting their Humvees and trucks with adequate armor. It's a problem that the troops in the field have been vocally complaining about for a long time, and one that briefly made headlines when a National Guard soldier confronted Defense Secretary Donald Rumsfeld in Kuwait last December. Yet, despite accelerated efforts since that time, it is far from solved. Perhaps the Pentagon needs to divert some money and effort from those exotic weapons systems for the future that defense contractors prefer, and save the lives and limbs of the troops it sends into battle today.

Times readers reacted with understandable shock and anger last week when they learned some of the details of these preventable deaths in a searing investigation by Michael Moss, who interviewed members of a recently returned Marine Corps company. The Army is having even bigger problems than the Marines in getting its much larger number of Humvees and trucks adequately armored. And lengthy delays in providing both services with enough body armor have cost additional lives. Public outrage would doubtless be even greater if the

in action. Those details are painful, but might serve as a quicker, sharper spur to corrective action.

The roots of this problem lie in the Bush administration's stubborn self-delusion about the reception American troops were likely to face in Iraq. Then it took the Pentagon many months to acknowledge that it was facing a determined long-term insurgency, not just a clutch of desperate holdouts from Saddam Hussein's inner circle. By the time reality started sinking in during the early months of 2004, the insurgents were on a fast learning curve that Washington has been trying to catch up with ever since. Insurgents' tactics keep growing more sophisticated and their firepower more intense. As a result, American units in the field have discovered that even their armored Humvees must now be refitted with stronger armor to protect against the increasingly lethal improvised explosive devices that have become this war's signature weapon.

A crash program now under way should deliver enough of these reinforced Humvees to equip all Marine Corps units in Iraq by the end of this year. For some marines, that won't be soon enough.

~~FOUO~~

May 9, 2005

TO: David Chu
FROM: Donald Rumsfeld *DR*
SUBJECT: DoD Transformation and Women

2005

I am told there may be some concern on the part of some women with respect to their prospects in the military as a result of transformation.

Specifically, they like the military, but some are worried that transformation could reduce some of the jobs they currently serve in, if those jobs are transferred to civilians. In their view, this could reduce the number of opportunities for them.

Please gather some information on the subject and let me know if it is a valid concern, and what we might do about it. We certainly have to see that the military is attractive for women – we need them.

Thanks.

DHR:ss
050905-14

.....
Please respond by

6/16/05

~~FOUO~~

MAY 09 ENTD

11-L-0559/OSD/51738

OSD 17685-05

9 MAY 05

1 5/6
1400

FOUO

May 6, 2005 **FILE COPY**

030N20

TO: Paul Butler
FROM: Donald Rumsfeld *DR*
SUBJECT: Report from Stenbit

Please make sure we get the report that Stenbit talked about soon, so I can take a look at it.

Thanks.

DHR:sa
050605-2

.....
Please respond by 5/11/05

TO Sec Def

5/9

From Paul Butler

DR
5/10

Steve Cambone has the Stenbit report. I'm told it is 50 pages single-spaced and that Steve believes it needs to be put in context with other reports on the same subject. Steve's staff is preparing a memo for you that will summarize the Stenbit report and some other reports on the NRO/ArForce issue. I will stay on top of it to make sure you get the memo soon.

FOUO

Paul Butler

5/9

11-L-0559/OSD/51739


OSD 17686-05

MAY 10 2005

6 MAY 05

~~FOUO~~

May 6, 2005

TO: Paul Butler
FROM: Donald Rumsfeld 
SUBJECT Report from Stenbit

Please make sure we get the report that Stenbit talked about soon, so I can take a **look** at it.

Thanks.

DHR:ss
050605-2

.....
Please respond by 5/11/05

~~FOUO~~

OSD 17686-05

11-L-0559/OSD/51740

A handwritten signature in black ink, appearing to be "J. H. ...".

From Paul Butler

As I mentioned previously, Steve Cambone has the Stenbit report which is a lengthy document that he was summarizing for you. Attached is a memo Cambone gave to you on May 23 summarizing Cambone's views on the USECAF and NRO. Cambone informs me that this memo incorporates the points made in the Stenbit Report.

However, Cambone has &ne an additional memo dated June 1 (also attached) entitled "Report of the National Security Space Review Panel" that deals more directly with the Stenbit Report. I believe these two memos should answer the snowflake. Please let me know if you want to see the actual report or task out any further action.

A-5

5/23/2005 1:23 P M

MEMORANDUM FOR THE SECRETARY OF DEFENSE

FROM: Steve Cambone *SC*

SUBJECT: Dual Hatting USECAF and D/NRO

I. Background

- The Space Commission recommended dual-hatting the Under Secretary of the Air Force (USECAF) and the Director, *National Reconnaissance office* (D/NRO) in order to:
 - o Bring "white" and "black" space under one person;
 - o Permit "best practices" for acquisition, etc., for white and black space;
 - o Place responsibility for white space, most of which is in USAF, at a high enough level of responsibility to assure DoD space accounts competed well with other USAF priorities;
 - o Create opportunity to give USECAF DoD Space Executive Agent status; and
 - o Create opportunity to optimize air and space ISR across both white and black space/air.
- The dual-hatting has resulted in a mixed record from DoD's perspective:
 - o There has been no substantial improvement in white or black space acquisition performance;
 - o Space still pays for other programs, e.g., GPS;
 - o The Space Executive Agency is not as forceful as it could be;
 - o Air/ space optimization has not been vigorously pursued,

41
A-3

- However, DoD does have a "one stop shop" that has developed policy and priorities and has a single authority to resolve issues for white and black space. DoD is better off with the dual-hatted arrangement than it was before.
- The Intelligence Community (IC) (i.e., NRO senior management staff and Community Management Staff) dislikes the dual-hat arrangement.
 - The IC's primary complaint is that USECAF is burdened with USAF-only problems and does not spend sufficient time at NRO headquarters focused on NRO problems.
 - The IC does not believe it is better off with the dual-hat arrangement.

II. New Fact: Intelligence Reform Act

- The Intelligence Reform Act has given the DNI new authorities:
 - The DNI "determines" the National Intelligence Program (NIP) portion of the NRO budget (95%);
 - The DNI has joint milestone decision authority with secretary of Defense for NRO programs within the NIP;
- Bottom line:
 - The DNI, through his deputies, is likely to exert increased influence over NRO NIP programs to ensure "community-wide" satisfaction with respect to, e.g.:
 - Requirements for imagery and signals collection satellites;
 - Supporting communications for those satellites; and
 - Infrastructure and support.
 - That "community-wide" satisfaction could be achieved at the expense of DoD needs, e.g.:

- **Changes to the number or type of SIGINT satellites in the future** (under study now by the DNI's staff; DoD participates);
- **The deferral of laser satellite communications in favor of radio-frequency systems** (*already* decided by NRO because IC systems do not "require" lasercoms, even though those of DoD do); and/or
- **A high interest in amortizing investment in FIA and shifting resources from DoD-favored systems, e.g., Space Radar, New Imaging System and the compartmented program we have discussed to those preferred by the IC** (which has been proposed by IC staff to Congress for FY06 over my objections).

III. Choices

- **Retain the Current Arrangement**

- o **Pros:**

- **The Space Commission rationale outlined above is still valid.**
 - **Can work better if USECAF gets relief from other USAF tasks.**
 - **Also, the Deputy Director of NRO is critical to success and needs to take/be given more responsibility.**

- o **CONS:**

- **The DNI likely to oppose retaining the current arrangement.**
 - **Even with task relief, USECAF still will not be physically present continuously to "run" NRO.**
 - **The IC profits very little from the joining of white and black space.**
 - **The DNI might seek to extend his "joint authority" over DoD space and air programs that DoD has funded in/through NRO, e.g., Space Radar.**

- **Split the Positions**

o Pros:

- USECAF retains DoD Executive Agency for white and any DoD black space/air programs funded outside of NRO and performs other tasks in the Department of the Air Force.
- Cleaner lines of reporting would result—USECAF to SECAF and D/NRO to DNI and the Secretary of Defense.
- The NRO would be more tightly focused on the IC and toward meeting its requirements.

o Cons:

- Direct DoD influence over NIP programs on which it depends would be attenuated.
- New oversight arrangements prompted by the Intelligence Reform Act have not been made; to them would be added specific arrangements to satisfy SecDef and DNI responsibilities vis-à-vis NRO.
- DoD would be likely to pursue satellite programs outside of NRO, e.g., electronic intelligence (ELINT mapping—e.g., radar emissions from Surface-to-Air missile sites from space).

• Create A New “Technical Collection Agency”

o Pros:

- Puts an end to NSA, NGA, DIA collection stovepipes and takes NRO out of the “cradle to grave” business on satellites;
- Merges R&D and acquisition for imagery, signals, and measurement and signals, possibly reducing overhead and improving performance;

- Rationalize operation of the collection assets outside the new agency—e.g., put it in Air Force Space Command or US Strategic command;
- ~~creates~~ opportunity to put analysts in charge of collection;
- Tasking of collection remains a DNI responsibility; DoD would have better insight;
- Budget and milestone decision authorities of DNI and Secretary of Defense unchanged.

o cons:

- There is a war on;
- Separating NRO and NSA from day-to-day operations and recasting the role of NSA, NGA and DIA relative to collection, analysis and distribution of products would significantly alter their role within the intelligence community —
- u No approach to such a radical step has been developed.

- DoD Divest Itself of the NRO

o Pros:

- DoD and IC "requirements" are diverging.
- DoD would be able to build ISR systems more appropriate to its needs.
- DoD would recover specialists from NRO to work in DoD programs.

o cons:

- DoD would have little influence over IC programs on which it still depends.

- The scarcity of funding would be a challenge; *Congress is unlikely to permit independent IC and DoD programs.*
- The IC would lose key individuals and extant programs would be hurt.

IV. Appraisal

- DNI has signaled desire to split the positions:
 - The DNI has the last say on the NRO budget and shares "joint milestone decision authority" with the Secretary of Defense on NIP programs at NRO.
 - If accepting increased DNI authority over DoD space and air ISR programs was the "quid" ODNI sought to retain the current arrangement, that price is too high without first agreeing on new processes, procedures and authorities, etc., that protect DoD equities.
- splitting SECAF from D/NRO is likely, in the near-term, to adversely affect DoD interests.
 - The space architecture preferences of DNI staff today do not meet DoD needs.
 - An agreed candidate for D/NRO once split from USECAF is no assurance that DoD equities will be met; the demand "pull" from ODNI and Congress (SSCI and HPSCI) will be very strong.
 - This affect can be mitigated if new processes, etc., are in place prior to splitting the two offices.
- A new technical collection agency would likely be supported by Mike Hayden (PDDM) and Jim Clapper (D/NSA).
 - DoD components might, but only if they are satisfied with the fine print.
 - Neither OMB nor NSC is likely to be sympathetic to DoD interests; their focus is on a strong DM.

- Bottom Line: If the DNI insists on splitting the positions, DoD should:
 - First, negotiate a new relationship
 - Second, if new arrangements are not satisfactory, seek either a new technical collection agency or dissolution of the partnership and division of assets;
 - Dissolution is likely to be opposed ~~at~~ OMB, NSC and in Congress.
 - A new technical collection agency might be acceptable to all, in the end.
 - Negotiating it would take time.
 - Assuming good faith, the USECAF / D/NRO could be held together until the new agency were stood up.

FOUO



May 5, 2005

400.112

To: Gordon England
Tina Jonas
Steve Cambone
Mike Wynne

FROM: Donald Rumsfeld *DR*

SUBJECT: Note on Science Budgets

Attached is a note on the subject of science budgets. Please take a look and let's talk about it at an early Roundtable.

Thanks.

Attach
5/4/05 Email to SecDef re: Science Budgets

DHR:as
090405-12

.....
Please respond by _____

DR 7/21

*Si I,
Response attached.*

*v/n
Lt Col Longnecker*

JUL 20 2005

5 MAY 05

FOUO

11-L-0559/OSD/51749

OSD 17687-05

July 20, 2005

JSB
7/21

To: SECDEF

Fr: Gordon England

Subj: Math and Science Education Budgets

Don,

- A vitally important topic, especially for DoD which relies on technology.
- DoD should try to better influence national science and technology policy and practices since we spend a lot of money in this area, hire a lot of scientific personnel and have our own institutions of higher learning (that is, service academics) and deal with other academic institutions via ROTC and our support for university research.
- I have had discussions with Dr. Marburger, Ron Sega and his personnel who deal with this issue.
- The real problem is the continued diminution of student interest in science and technology at all levels of the U.S. education system.
- The number of U.S. citizens graduating with scientific and engineering degrees is in a decline while other modern societies are on the increase. This bodes badly for the future U.S. technical superiority.
- The Department has proposed a new scholarship/fellowship program, National Defense Education Act (NEDA) Phase 1, patterned after the NDEA of 1958 born from the same sputnik event Mr. Gingrich mentions, and it is being considered by Congress. The effort will enhance and complement current programs to address critical DoD science and engineering workforce needs.
- I have asked Ron Sega to examine how DoD can be more influential in the national arena to affect the national debate, policy, etc., to better assure America's pre-eminence in science and technology. He is also looking at the funding approach.
- More later.

Gordon



11-L-0559/OSD/51750

Frank Wolf is exactly right about the need to triple the basic science budget of the United States and to transform math and science education

we are facing a 'silent sputnik' crisis in which China and India are simply going to outstrip us over the next two decades

this is a far greater national security crisis than Iraq

newt

CC: YASH STAYLIDIS
LARRY DILITA
PAUL BUTLER
COL STEVE BULL

5/4/2005

11-L-0559/OSD/51751

~~FOUO~~

May 4, 2005



TO: **Larry** Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: Kristol's remarks on FOX this morning

Bill Kristol is on FOX today at 10:00 am saying that "Don Rumsfeld does not want to increase the size of the Army." Someone better get to him, to his editors, to Brit Hume, and the people who manage that station, and tell them that is flat out wrong. We have already increased the size of the Army (and tell him how we've done it).

Thanks.

DHR:ss
050405-6

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

5/16 -
FYI, Attached is
what I wrote to
Kristol.
Di Rita

~~FOUO~~

11-L-0559/OSD/51752

OSD 17688-05

320.2

4 May 05



PUBLIC AFFAIRS

ASSISTANT SECRETARY OF DEFENSE
1400 DEFENSE PENTAGON
WASHINGTON, DC 20301-1400

13 May 2005

Mr. William Kristol
Editor
The Weekly Standard
News America, Inc.
1150 17th Street, NW
Suite 505
Washington, D.C. 20036

Dear Bill:

You noted in a recent interview (**May 4, 2005, Fox News, *Kristol Clear***) that, "Don Rumsfeld doesn't want to increase the size of the military."

Please produce a reference where he has ever said that, or please stop saying it. It is wrong and ill-informed.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Di Rita", is positioned above the typed name.

Lawrence Di Rita
Pentagon Spokesman

FOUO

May 4, 2005

JAPAN

TO: **Mary** Claire Murphy
FROM: Donald Rumsfeld *DR*
SUBJECT: Reception for the Japanese Diet

The Department should pay for the reception for the Japanese Diet.

Thanks.

DHR:as
050305-7

.....
Please respond by _____

FOUO

OSD 17689-05

4 MAY 05

11-L-0559/OSD/51754

MAY 04 ENTD

~~FOUO~~

May 4, 2005

TO: Paul Butler
FROM: Donald Rumsfeld *DR*
SUBJECT: Memo from Matt Latimer

312

Matt Latimer tells me he sent me a memo that (b)(6) says was given to you. From what I can remember, I never received it. Can you tell me why? Are there **any** other materials I should probably see?

Thanks.

DHR:ss
050305-6

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

~~FOUO~~

OSD 17690-05

11-L-0559/OSD/51755

MAY 04 ENT D

4 MAY 05

~~FOUO~~

May 3, 2005

TO: Paul Butler
CC: VADM Jim Stavridis
Mary Claire Murphy
FROM: Donald Rumsfeld *DR*
SUBJECT: Defense Science Board and Business Board Dinner

001.1 SD

Someone needs to think through who I should have from the Pentagon when we have the Defense Science Board and Business Board dinner at the house on Thursday. The people who link to them most should probably be included.

Jim Stavridis – you may want to come as well.

Thanks.

DHR:ss
050305-2

.....
Please respond by

5/4/05

~~FOUO~~

OSD 17691-05

MAY 03 ENT'D

2 MAY 05

11-L-0559/OSD/51756

FOUO

May 3, 2005

TO: Gen Dick Myers
CC: David Chu
FROM: Donald Rumsfeld *DR*
SUBJECT: Rotations of Logistics Folks in Kuwait

Kuwait

I discovered today that our logistics people in Kuwait (Air Force, Army, maybe Navy also) are rotated every three months. I can't imagine that. It is not as though they **are** in a war zone – they are in Kuwait. **This is** terribly important. Why would we rotate them every three months?

Please explain.

Thanks.

DHR:ss
050205-25

.....
Please respond by _____

OSD 17692-05

FOUO

MAY 03 ENTD

3 May 05

11-L-0559/OSD/51757

May 2, 2005

TO: COL Steve Bucci

FROM: Donald Rumsfeld *DR*

SUBJECT: (b)(6)

There's a man named (b)(6) who has a security business and does work at (b)(6). He has offered to hire someone who was injured and is leaving the military. He might be interested in hiring someone on an intern basis as well – even if they are not getting out of the military – just to help out. I know you were working on that issue.

Also, please connect (b)(6) with Diane Bodman. (b)(6) owns a farm where some of the wounded could go – to get out of the hospital for a day.

(b)(6) also indicated if they like skeet shooting, which he understands they do, maybe Isaac Walton is a place they could go.

(b)(6) phone number is (b)(6)

Thanks.

DHR:ss
050205-7

Please respond by 5/19/05

OSD 17693-05

FOUO

11-L-0559/OSD/51758

MAY 03 ENT'D

292

2 MAY 05

FOUO

May 2, 2005

TO: Larry Di Rita

FROM: Donald Rumsfeld

DR

SUBJECT: Getting Speeches, etc. into the Congressional Record and Blogs

We ought to have a regular way to get things inserted in the Congressional Record – major speeches – that type of thing. We don't seem to do that. I would think there are plenty of people up there who would be delighted to do it.

If we want to spend that much time working on words, we ought to try to increase readership. This would be one way to accomplish that. Also, we ought to try to get them into blogs.

Thanks.

DHR:ss
050205-5

.....
Please respond by

5/19/05

FOUO

OSD 17694-05

MAY 02 ENTD

11-L-0559/OSD/51759

350.00150

2 MAY 05

FOUO

May 2, 2005

100.5

TO: Gordon England
FROM: Donald Rumsfeld *DR*
SUBJECT: DoD Financial Indicators Status Report

Please take a look at this Financial Indicators Status Report for DoD that Tina Jonas gave me. If I were running a company, I would not find these indicators terribly useful.

Please take a look at it to see if there's anything else we ought to be tracking on a weekly or monthly basis, and determine what indicators might be missing. Once you do that, let's have a meeting on it.

Thanks.

Attach.
4/25/05 DoD Financial Indicators Status Report

DHR:ss
050205-3

.....
Please respond by 6/16/05

2 MAY 05

FOUO

OSD 17695-05

11-L-0559/OSD/51760

MAY 03 ENTB

~~FOUO~~

AUG 31 2005

IRAA

TO: Gen Dick Myers
ADM Ed Giambastiani
GEN John Abizaid

CC: Gordon England
Eric Edelman

FROM: Donald Rumsfeld *DR*

SUBJECT: *New York Times* Article on Strategy in Iraq

Here is an interesting article that apparently is based on a longer analysis by Andrew Krepinevich that appeared in this month's *Foreign Affairs*. I have not had an opportunity to read either article.

It sounds to me like it recommends doing largely what we've already been doing -- gradually turning over larger and larger segments of the country to the Iraqi Security Forces. I would appreciate your own thinking on it. Sooner would be better.

Thanks.

Attach.

NYT article: Winning in Iraq by David Brooks

DHR:ss
082905-31

.....
Please Respond By 09/14/05

~~FOUO~~

OSD 17712-05

31 AUG 05

A-15-10

11-L-0559/OSD/51761

New York Times
August 28, 2005

Winning In Iraq

By David Brooks

Andrew Krepinevich is a careful, scholarly man. A graduate of West Point and a retired lieutenant colonel, his book, "The Army and Vietnam," is a classic on how to fight counterinsurgency warfare.

Over the past year or so he's been asking his friends and former colleagues in the military a few simple questions: Which of the several known strategies for fighting insurgents are you guys employing in Iraq? What metrics are you using to measure your progress?

The answers have been disturbing. There is no clear strategy. There are no clear metrics.

Krepinevich has now published an essay in the new issue of Foreign Affairs, "How to Win in Iraq," in which he proposes a strategy. The article is already a phenomenon among the people running this war, generating discussion in the Pentagon, the C.I.A., the American Embassy in Baghdad and the office of the vice president.

Krepinevich's proposal is hardly new. He's merely describing a classic counterinsurgency strategy, which was used, among other places, in Malaya by the British in the 1950's. The same approach was pushed by Tom Donnelly and Gary Schmitt in a Washington Post essay back on Oct. 26, 2003; by Kenneth Pollack in Senate testimony this July 18; and by dozens of midlevel Army and Marine Corps officers in Iraq.

Krepinevich calls the approach the oil-spot strategy. The core insight is that you can't win a war like this by going off on search and destroy missions trying to kill insurgents. There are always more enemy fighters waiting. You end up going back to the same towns again and again, because the insurgents just pop up after you've left and kill anybody who helped you. You alienate civilians, who are the key to success, with your heavy-handed raids.

Instead of trying to kill insurgents, Krepinevich argues, it's more important to protect civilians. You set up safe havens where you can establish good security. Because you don't have enough manpower to do this everywhere at once, you select a few key cities and take control. Then you slowly expand the size of your safe havens, like an oil spot spreading across the pavement.

Once you've secured a town or city, you throw in all the economic and political resources you have to make that place grow. The locals see the benefits of working with you. Your own troops and the folks back home watching on TV can see concrete signs of progress in these newly regenerated neighborhoods. You mix your troops in with indigenous security forces, and through intimate contact with the locals you begin to even out the intelligence advantage that otherwise goes to the insurgents.

If you ask U.S. officials why they haven't adopted this strategy, they say they have. But if that were true the road to the airport in Baghdad wouldn't be a death trap. It would be within the primary oil spot.

The fact is, the U.S. didn't adopt this blindingly obvious strategy because it violates some of the key Rumsfeldian notions about how the U.S. military should operate in the 21st century.

First, it requires a heavy troop presence, not a light, lean force. Second, it doesn't play to our strengths, which are technological superiority, mobility and firepower. It acknowledges that while we go with our strengths, the insurgents exploit our weakness: the lack of usable intelligence.

Third, it means we have to think in the long term. For fear of straining the armed forces, the military brass have conducted this campaign with one eye looking longingly at the exits. A lot of the military planning has extended only as far as the next supposed tipping point: the transfer of sovereignty, the election, and so on. We've been rotating successful commanders back to Washington after short stints, which is like pulling Grant back home before the battle of Vicksburg. The oil-spot strategy would force us to acknowledge that this will be a long, gradual war.

But the strategy has one virtue. It might work.

Today, public opinion is turning against the war not because people have given up on the goal of advancing freedom, but because they are not sure this war is winnable. Why should we sacrifice more American lives to a lost cause?

If President Bush is going to rebuild support for the war, he's going to have to explain specifically how it can be won, and for that he needs a strategy.

It's not hard to find. It's right there in Andy Krepinevich's essay, and in the annals of history.

FOUO

SECRET//NOFORN
2005 05 11 AM 8:15

May 12, 2005

TO: Steve Cambone
FROM: Donald Rumsfeld *DR*
SUBJECT: Iraqi Survey Group

READ

I need a presentation as to the nature and the magnitude of the job faced by the Iraqi Survey Group, in terms of the number of documents, etc. and any other information, and what the current pace is in working off the backlog.

Next, I would like a proposal from you as to how we can deal with this situation and accelerate it, so that any information that is in there can be provided in a much shorter period of time than it appears the current approach will permit.

Some thoughts might be to:

- 1) Put a top priority on it – money, people, technology, etc.
- 2) Get the UK, Australia, and other countries to help with the task.

Please get back to me with a first cut very quickly, and tell me how you plan to do what I ~~am~~ requesting.

Thanks.

DHR:ss
051205-5

.....
Please respond by 5/26/05

Sir,

attached.

FOUO

*v/r
Lt Col Lengyel*

12 AUG 05

11-L-0559/OS ~~SECRET~~ 713-05 MAY 23 2005

~~FOUO~~

May 6, 2005

2005-11-15 9:15



334

TO: Steve Cambone
FROM: Donald Rumsfeld *DR*
SUBJECT: WMD Commission Recommendations Question

Please take a look at page seven in the attached WMD Commission Recommendations and tell me if you feel we have done what we need to do. I don't.

Thanks.

Attach.
WMD Commission Recommendations

DIR:ss
050605-5

.....
Please respond by 6/12/05

Sir,
Response attached.

1/r
Lt Col Lengyel

MAY 13 2005

~~FOUO~~

11-L-0559/OSD/51765

OSD 17715-05

6 May 05

Commission Recommendations Review and Implementation Plan

- **90-Day Review Plan for Implementation of Recommendations**
- Phase I (April 1-30)
 - Department/Agency Review; Integrate Comments
 - Identify Three Tiers of Recommendations based on Difficulty of Implementation
 - Designate Action for Recommendations Requiring No Interagency Review
- Phase II (May 1-31)
 - Address Most Recommendations Requiring Interagency Coordination
- Phase III (June 1-30)
 - Determine Action to Address Remaining and Most Difficult Recommendations

Exm

Overview

Report of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction

Report Contents & Structure

- Part I: Looking Back - Six Cases/Findings
 - Iraq/Libya/Afghanistan (al-Qaida)/Terrorism
 - Iran/North Korea (classified report only)
- Part II: Looking Forward - Recommendations
 - Leadership/Management; Collection; Analysis
 - Information Sharing; Intelligence at Home; Counterintelligence
 - Counterproliferation
 - Covert Action Coordination (classified report only)

Report Themes

- Intelligence Community (IC) needs to know more on WMD programs and intentions
- IC does not act like a Community and lacks management
- IC collection, targeting, and analytical structures require improvement
- DNI - authority to match responsibility

Iraq Intelligence Reporting

- Iraq intelligence reporting deficient
 - October 2002 National Intelligence Estimate “almost all wrong”
 - “River of intelligence” that flowed to senior policymakers was flawed
 - Daily reports to senior policymakers “disastrously one-sided”
 - Collection often deficient and misleading

Iraa WMD

- Nuclear Weapons
 - Critical analytical failures on aluminum tubes
 - Failure to authenticate Niger documents
- Biological Warfare
 - Reliance on single flawed source (CURVEBALL)
 - Failure to convey concerns about CURVEBALL to senior policymakers
 - Reporting from bad second source included in SecState U.N. speech
- Chemical Warfare
 - Poor collection and flawed analysis
- Delivery Systems
 - Incorrect assessment on UAV development
 - Correct judgment on development of missile systems violating U.N

Accountability for Iraq

- Individual accountability
 - Deficient performance by a number of individuals
 - Commission not asked to assign personal responsibility
- Organizational accountability
 - National Intelligence Council learned from errors
 - 3 organizations require special DNI attention
 - National Ground Intelligence Center (Army)
 - Defense HUMINT Service (DIA)
 - Weapons Intelligence, Nonproliferation, and Arms Control Center (CIA)

No Politicization

did not change analytical judgments or conclusions in response to political pressure

senior decisionmakers questioning was "entirely legitimate"

Commission did not examine use of intelligence by policymakers

Libya and Afghanistan

- Libya
 - Libya “fundamentally a success story”
 - IC “should be commended” for contributions
- Afghanistan
 - IC surprised post-war by al-Qaida progress on WMD

Terrorism Case Study

- **IC made significant progress on counterterrorism**
 - Watchlists and screening improved
 - Many Counterterrorist Center (CTC) efforts to disrupt terrorist networks and plots are “extraordinary successes”
 - “CTC has brought the fight to the terrorists”
- **Challenges continue**
 - Information sharing challenges
 - “Bitter” turf battles between NCTC, CTC, and others

Part Two: “Looking Ahead” Recommendations

- 74 recommendations
 - Most (51) recommendations are DNI actions for managing IC
 - Other recommendations involve the President, NSC, State, DOJ, DOD, Treasury, CIA, Commerce, DHS, OMB, or Congress

Leadership and Management

- Creates Limited National CP Center
- Reform of Congress
 - 9/11 congressional recommendations should have been implemented
 - Reduce burden of oversight to IC
 - Over a thousand IC briefs/testimony before Congress
 - Too many reports

Collection and Analysis

- Collection: DNI should create “Integrated Enterprise”
 - Mission Managers under DNI develop/oversee requirements, targeting, strategies, and evaluations
 - New CIA Directorates established: HUMINT and Open Source
 - Interrogations
 - Source of “critical intelligence”
 - Compliance with guidelines important
 - Disclosures - grave harm; role for IG’s
- Analysis - some serious improvements since Iraq; reforms too few
 - Improvement needed in “tradecraft” and IC collaboration

Intelliaence at Home: DOJ and FBI

- Create National Security Service within FBI under single Exec Asst Dir.
 - Includes FBI Bureaus of Counterterrorism, Counterintelligence, and Directorate of Intelligence
 - Similar relationship between DNI and AG as Act creates between SecDef and DNI
 - Rejected MI-5 model of separate agency
 - End turf war between FBI and CIA
- Create National Security Division in DOJ
 - Combine Office of Intelligence Policy and Review, Counterterrorism and Counterespionage Sections under single Assistant Attorney General

Counterproliferation

- Counterproliferation efforts “urgently require improvement”
 - Enhance interdiction capabilities and legal options
- BW is “greatest intelligence challenge”
 - DNI led IC-wide National Biodefense Initiative
 - Calls for non-United States Government expertise; innovative collection
- Nuclear - “Loose nukes” and “brokers”

Improve Tools

- Amend Section 31 ■ of Patriot Act
 - Broaden 311 to permit designation of non-financial institutions, such as businesses involved in proliferation, as “primary money laundering concerns”
- Amend Foreign Intelligence Surveillance Act to extend duration of orders for electronic surveillance of non-U.S. persons

TAB A

~~FOUO~~


OFFICE OF THE
SECRETARY OF DEFENSE

2005 07 25 11 09:40

JUL 25 2005

1074

ACB

TO: Gen Pete Pace
CC: Gen Dick Myers
FROM: Donald Rumsfeld 
SUBJECT: Schedule for Review of Plans

I would like to see a schedule for the next two years as to when and how we're going to review every contingency plan and every war plan.

Thanks.

DHR:ash
072401-1878

.....
Please respond by August 25, 2005

~~FOUO~~

Tab A

OSD 17734-05

11-L-0559/OSD/51782

381

25 JUL 05

1125

FOUO

May 24, 2005

205 777-1 0111: 22

TO: Larry Di Rita
Matt Latimer

FROM: Donald Rumsfeld *DR*
SUBJECT: Speechwriters

I don't know what the situation is down in the speech shop, but I think you need to have a meeting. Please tell everyone:

- 1) I don't use the word "*very*."
- 2) I don't say, "*in harms way*."
- 3) I like quotes inset, so that I can tell that it *is* a quotation.
- 4) I would like an extra space left between sentences.
- 5) I would appreciate it if, when there is a series of points to be made, that they be made with bullet points, one beneath the other, rather than in block paragraph form.

Please communicate this to the speechwriters.

Thanks.

DIR:ss
052405-3

.....
Please respond by 6/1/05

FOUO

OSD 17744-05

11-L-0559/OSD/51783

350
00
SD

244
X05

~~FOUO~~

2005 SEP 11 11:44

August 16, 2005

I-05/011029
ES-3956

TO: Ryan Henry

FROM: Donald Rumsfeld *DR*

SUBJECT: Issue for the QDR

Please be sure the issue of the balance in size between the current Guard and Reserve and the current Active Force -- and whether or not one or the other ought to be smaller -- gets looked at in the QDR.

Thanks.

DHR:ss
081505-42

.....

~~FOUO~~

OSD 17747-05

11-L-0559/OSD/51784

~~FOR OFFICIAL USE ONLY~~

INFO MEMO

205 12-1 11:44

UNDP
AyDEPSEC PC SEP 0 12005

ES-3856

I-05/011029

AUG 30 2005

FOR SECRETARY OF DEFENSE

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

SUBJECT: QDR: AC/RC Balance

- You asked us to be sure that the QDR looks at the balance between the current Guard/Reserve and the Active Force, and whether or not one or the other ought to be smaller (snowflake attached).
- The QDR is considering a number of facets of the AC/ RC mix.
- David Chu and Bob Willard's "Manning and Balancing the Force" team is addressing the issue most directly. They have developed a number of options that are being considered by the DepSecDef's QDR leadership team, including:
 - o continuing the rebalancing now underway;
 - o establishing joint capabilities and training standards;
 - o enabling an RC operational reserve;
 - o improving RC readiness;
 - o expanding use of RC unit/individual volunteers; and
 - o increasing the capabilities of RC units in high-stress areas.
- The "capability Mix" team likewise is tackling the issue by looking at:
 - o investigating the optimum AC/RC mix for Army steady-state rotational and surge/mobilization requirements;
 - o reconfiguring the RC from a strategic reserve to an operational reserve;
 - o moving additional CS/CSS units from the RC to the AC to increase responsiveness; and
 - o reducing the RC end strength.
- Also, the "Roles, Missions and Organizations" team is addressing the specific role the National Guard might play in homeland defense.
- I will keep you apprised on progress in each of these areas.

Prepared by: Catherine Dale, QDR Integration, (b)(6)

~~FOR OFFICIAL USE ONLY~~

11-L-0559/OSD/51785

OSD 17747-05

~~FOUO~~

- SEP 02 2005

TO: The Honorable Andrew H. Card Jr.

FROM: Donald Rumsfeld 

SUBJECT: WH Meetings on Katrina

I think it might be a good idea when there are meetings in the White House on the subject of Katrina that you invite someone from DoD to be in the meetings, like Paul McHale, Assistant Secretary of Defense for Homeland Defense; Lieutenant General Skip Sharp, Director of the Joint Staff; or Lieutenant General Steven Blum, Chief, National Guard Bureau.

Let me know what you *think*.

Thanks.

DHR:dh
090105-05

800.92

25sep05

OSD 17790-05

~~FOUO~~


11-L-0559/OSD/51786

~~FOUO~~
EYES ONLY

MAY 19 2005

2005 5-19 11:39

TO: Gordon England
Gen Dick Myers
Gen Pete Pace

FROM: Donald Rumsfeld 

SUBJECT: Dividing Responsibilities

Now may be a good time to think about dividing responsibilities, so each of us can focus on certain areas.

I have taken a rough cut at dividing Departmental-level priorities between the Deputy and me. I've also offered a first draft at dividing responsibilities between the Chairman and the Vice Chairman. The goal would be to try to have each of us have somewhat more time to extend our reach. A disadvantage would be that we would not be as interchangeable as Dick and Pete and as Paul and I have been these past years.

Also, attached is a concept for using the Undersecretaries as "back-ups" for Gordon and me on certain key high-level issues, rather than using each other on everything. This would engage more players, specifically the senior folks who are in the best position to move the Department's priorities forward.

Please look this over and provide me some feedback – first, on the idea of dividing up and, second, on the specific suggestions.

Thanks.

Attach.
Division of Labor List

DHR:ss
050505-42

.....
Please respond by

6/16/05

EYES ONLY
~~FOUO~~

MAY 19 ENTD

11-L-0559/OSD/51787

OSD 17804-05

DIVISION OF LABOR – SECDEF & DEPSECDEF

SECDEF

GWOT

Iraq

Afghanistan

SLRG

Contingency Planning

POTUS Briefings

SRO

Global Posture

Deployment Orders

Special Operations

Stress on the Force/End Strength

Missile Defense

Intelligence/DNI/CIA

Defense Policy Board

Special Computer Programs

Nuclear Policy

Weapons of Mass Destruction

Compartmented Programs

Active/Reserve Balance

BOTH (Lead)

Jointness

Sr Civilian Personnel Selection

(SD)

Sr Military Personnel Selection

(SD)

Budget (DSD)

Legislative Issues (DSD)

Public Outreach (SD)

Public Affairs

Transformation (DSD)

QDR

Interagency (SD)

Pentagon Renovation (SD)

Homeland Defense (DSD)

Defense Science Board (DSD)

Personnel Policy (DSD)

Quality of Life (DSD)

DEPSECDEF

Financial Mgmt Systems

Business Mgmt Systems

Supply Chain Mgmt

Facilities and Infrastructure

Procurement

Acquisition

Acquisition Reform

Medical Affairs

Detainees

USAF Tankers/C-130s etc

Network & Info Integration

Defense Business Board

BRAC

Readiness

NSPS

Foreign Weapons Sales

DIVISION OF LABOR – CJCS & VCJCS

CJCS

SRO
Global Posture/Force
Management
Special Operations
Intelligence
Special Computer Programs
Nuclear Policy
Weapons of Mass Destruction
Missile Defense

BOTH

GWOT (C)
Contingency Planning (C)
Iraq (C)
Afghanistan (C)
Jointness (V)
Sr Military Personnel Selection
Legislative Issues
Public Outreach (C)
Future Force
Structure/Transformation
Deployment Orders (C)
QDR
Interagency
Homeland Defense
Personnel Policy
Quality of Life
Coalition Management
Active Reserve Balance
Missile Defense (C)
Homeland Defense

VCJCS

JROC / Procurement
Acquisition
Budget
Health Services
Detainees
Network & Info Integration
BRAC
Readiness
Supply Chain Mgmt
Facilities and Infrastructure
Medical Affairs
Foreign Weapons Sales

DIVISION OF LABOR – PRINCIPAL BACK-UPS

<u>USD (P)</u>	<u>USD (P&R)</u>	<u>USD (I)</u>	<u>USD (C)</u>	<u>USD AT&L</u>
GWOT	Personnel Policy	SRO	Budget	Foreign Weapons Sales
Iraq	Quality of Life	Intelligence Reform	Financial Management	Procurement
Afghanistan	Deployment Orders	Analysis		Acquisition Reform
SLRG	Medical Affairs	Missile Defense		USAF Tankers/C-130s etc
Global Posture	End Strength	Special Operations		Defense Business Board
End Strength	Readiness	Contingency Planning		BRAC
Defense Policy Board	NSPS	Defense Science Board		Business Mgmt Systems
QDR	Active/Reserve Balance	Network & Info Integration		Supply Chain Mgmt
Homeland Defense				Facilities and Infrastructure
Detainees				

~~FOUO~~

SEP 06 2005
September 06, 2005
2005-09-06 11:29

TO: VADM Jim Stavridis
FROM: Donald Rumsfeld
SUBJECT: Keating Papers

000.92

I want to see the products that Tim Keating talked about were coming today via FedEx. I don't want them staffed around 50 different places before I ever get a chance to look at them.

Thanks.

DHR:dh
090605-12

.....

Please Respond By September 06, 2005

basepas

OSD 17898-05

~~FOUO~~

11-L-0559/OSD/51791


FOUO

LOS/9/03/
ES-3835

2005 07 29 12:29

JUL 27 2005

381

TO: Doug Feith
CC: Gordon England
FROM: Donald Rumsfeld 
SUBJECT: SOLIC and Stability Operations

I wonder if the SOLIC shop's assigned areas of responsibilities may not be best aligned for the Global War on Terror. For example, I don't understand why SOLIC would handle Reconstruction and Stabilization. The logic I was given was that SOF has Civil Affairs. It seems to me that that subject requires a broader policy construct, one that cuts across the Interagency and involves the appropriate COCOMs.

There may be other areas that we should look at as well

Please get back to me with an assessment as to how, if at all, we might want to rearrange duties within Policy, or outside of Policy, to make sure that we have the right people working on the right topics. Also, please work with the Deputy to ensure that he covers this topic broadly in the Departmental reorganization he is examining.

Thanks.

DHR:dh
072605-04TS

.....
Please respond by August 25, 2005

FOUO

27 JUL 05

11-L-0559/OSD/51792

OSD 17918-05

2005 SEP - 1 21 2: 29

SEP 01 2005

INFO MEMO

P DUSDP COPY FORWARDED

A/DSD

USD(P) SEP 6 2005

1-05/010131

ES-3835

381

FOR: SECRETARY OF DEFENSE

Planned 29 Aug 05

FROM: Thomas W. O'Connell, Assistant Secretary of Defense (SOLIC)

SUBJECT: SOLIC and Stability Operations

1. You asked for an assessment of SOLIC's assigned areas of responsibility, particularly Stability Operations with respect to Department's organization for the Global War on Terror (See Attached Note-Tab A).
2. SOLIC's involvement in Stability Operations stems from laws enacted under Title 10, US Code in 1987 and 1988, as well as duties assumed over the years by direction of the USD(P). SOLIC involvement in Stability Operations is also closely linked to SOCOM's civil affairs responsibility.
3. You are correct in identifying the need for a broader policy construct, particularly with respect to interagency activities and COCOM involvement.
4. I share your concern that SOLIC may not be appropriately aligned within Policy to efficiently meet the new demands of the GWOT, particularly with respect to interaction with the new Department of State Stability and Reconstruction Office.
5. Our draft DoD Stability Operations Directive will receive a thorough review from Dr. Craig Fields and his task force established by the Acting Deputy Secretary of Defense (Tab B). This is an important and welcome opportunity.
6. We are working with Ambassador Edelman to outline Policy, COCOM, and interagency Stability Operations issues, including organization, missions, and staffing. After the Acting Deputy's Study is completed, we look forward to bringing our work to you.

Attachments:

Tab A: SC Attached Note

Tab B: A/DSD Study Memo

29 Aug 05

27 Jul 05

11-L-0559/OSD/51793

12-20-05 05D 17918-05

August 10, 2005

FOR: Craig Fields

FROM: Gordon England

SUBJECT: Stability Operations Study

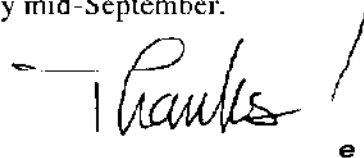
 Dear Craig,

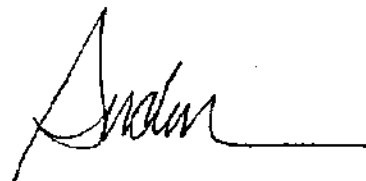
This memorandum is to request that you lead a small study team over the next few weeks to recommend the best way to organize DoD to conduct stability operations.

Study participants should include but need not be limited to Michael Bayer, Michael Donley, Jerry Jones, and Jack Keene. The study should use as its starting point the Draft Department of Defense Capabilities for Stability Operations Directive Number 3000.00E. Please coordinate with Ryan Henry in USD(P) for an initial status brief. I am, however, looking for an independent view from you and your team on how DoD should organize and conduct stability operations as part of an integrated interagency program.

The Defense Science Board can provide action officers to support the study and arrange contractual support if necessary. I trust that you will build on the very fine work you did as part of the earlier DSB study on this subject.

Please plan to brief me on the results of your efforts by mid-September.

 Thanks!



Attachments:

Terms of Reference, Stability Operations Study
27 July 2005 SecDef Snowflake 072605, "SOLIC and Stability Operations" (~~FOUO~~)

Draft Terms of Reference for Stability Operations Study

Background

- o Although the Department plays a critical role in efforts to promote peace and stability worldwide, it is not optimally organized for success in those critical missions. Additionally, the Department must ensure that its efforts at transformation in this area are coordinated with those of the remainder of the United States government, for which incipient efforts are underway. **Most importantly, the State Department has established a Coordinator for Reconstruction and Stabilization (S/CRS) with DoD support.**
- The Department has conducted significant work to improve its understanding of the requirements for success in stability operations. This understanding is largely a result of the 2004 Defense Science Board study, "Transition to and from Hostilities," and lessons-learned from Iraq, Afghanistan and other stability operations.
- o This work has resulted in a Draft *Department of Defense Capabilities for Stability Operations Directive*, Number 3000.ccE.
 - o This Draft Directive establishes policy and assigns responsibilities to DoD components within their expertise and authority to develop an array of stability operations *capabilities*.
 - o It requires that the Department prepare for stability operations as it does for combat operations and provides a vision of stability operations that requires civilian and military contributions and seamless integration within the interagency.
 - o It seeks to improve what the Department can within its own organization. It does not (and cannot by the nature of a Secretary of Defense directive) direct any non-DoD entities.
 - o It requires Department components to produce measures of effectiveness on stability operations capabilities.

Issues for the Study Group to Examine

- 1) What organizational change is needed within **OSD** Policy, the Joint Staff and the rest of **DoD** to manage *implementation* – that is, to ensure that the designated capabilities are created and the interagency and joint vision are followed at various **DoD** levels?
 - a. How can OSD and the Joint Staff best organize to gain the most leverage for the SecDef in the interagency process to get other departments and agencies to produce stability operations capabilities and contribute more to USG missions?
 - b. Should there be an executive agent for stability operations? (The Secretary of Defense has expressed grave reservations about a service executive agent in the past). If so, what powers and limitations should it have? Who should oversee it?
 - c. Is a board with a secretariat a viable alternative? (If so, **how** would the secretariat be staffed? Where would the billets come from? What expertise would be required?).
 - d. Is more fundamental change required, such as an Assistant Secretary of Defense for Stability Operations (as suggested by the recent Council on Foreign Relations Report “In the Wake of War: Improving U.S. Post-Conflict Capabilities”)?
- 2) What organization change is needed within **DoD** to improve our ability to *conduct or support* stability operations -- including employing and integrating **DoD** capabilities with those of other Departments and Agencies, **NGOs**, international organizations and the private sector.
 - a. What organizational changes does DoD need to undergo to more effectively conduct and support stability operations that involve all national tools of power?
 - b. How should it relate to the Defense Reconstruction and Support Office (formerly the Afghan and Iraq reach-back offices), Policy, the Joint Staff, and the Combatant Commands)?

3) What should be the timing and sequence of organization change within DoD?

For issues (1) and (2) above, what DoD reorganization:

- a. Can be done quickly so the transformation envisioned in this directive can start without delay?
- b. Requires further study or pursuit of legislative authorities (e.g., to facilitate State-DoD stability operations jointness, economic reconstruction under combat conditions, or the hiring of personnel to deploy in missions)?

4) What additional staffing is required for any new or reshaped stability operations entities in DoD?

5) Who are the right people to staff key positions?

FOUO

FILE
COPY

May 31, 2005

2005 05 31 03:01

TO: Steve Cambone
FROM: Donald Rumsfeld *DR*
SUBJECT: Army Folks Who Were Given Award

Please see me about the two Army people who were given an award after they were involved with the aluminum tubes.

Thanks.

DHR:ss
053105-6

.....
Please respond by 6/16/05

*Sir,
Response attached.
v/r
Lt Col Lenzel*

JUN 10 2005

200.6

5010405

FOUO

OSD 17921-05

11-L-0559/OSD/51798

~~FOUO~~

OFFICE OF THE
JUDGE ADVOCATE GENERAL

SEP 01 2005 2:37

TO: Jim Haynes
CC: Robert Rangel
VADM Jim Stavridis
FROM: Donald Rumsfeld *DR*
SUBJECT: Draft of Motion to Dismiss

383.6

I don't believe I have seen a draft of the Department of Justice's motion to dismiss the claims against me, that was apparently sent to my office on July 13. Please get a copy for me.

Jim or Robert, please see if you can dig it out.

Thanks.

Attach.

GC memo to SD re: Update on Pending Suits [OSD 17318-05]

DHR:dh
083105-28

.....
Please Respond By 09/08/05

1 Sep 05

~~FOUO~~

11-L-0559/OSD/51799

OSD 18015-05



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

INFO MEMO

205 11:03 AM: 59

FOR: SECRETARY OF DEFENSE

FROM: William J. Haynes II, General Counsel of the Department of Defense

SUBJECT: Update on Pending Suits

- You recently asked for an update on these cases.
- Ali, et al. v. Rumsfeld. No. 1:05-cv-01378-TFH (D.D.C.)
 - o In this case and three similar suits brought against senior **Army** officers, former detainees held in Iraq and Afghanistan allege that actions taken by you and the officers caused the detainees to be subjected to harsh conditions in violation of the Constitution and domestic and international law.
 - o As previously reported, the four cases were transferred to the D.C. federal court and assigned to Judge Hogan for consolidated pre-trial proceedings. The cases have been docketed but a schedule has not yet been set.
 - o The Department of Justice has prepared a motion **to dismiss** that addresses all claims against you. A draft was submitted to your office on July 13. Once the judge sets a schedule, the motion will be finalized and filed at the appropriate time.
 - o In my July 13 memo, I proposed a delegation of authority to streamline the handling of this case. We **are** prepared to address any questions that you **or** your staff might have regarding **this**.
- Rasul, et al. v. Rumsfeld, et al., No. 1:04-cv-01864-RMU (D.D.C.)
 - o This case involves tort **claims** brought against you and ten senior military officials by four former **GTMO** detainees who **are citizens** of the United Kingdom. They allege that they were tortured and otherwise mistreated in violation of the Constitution and domestic and international law.
 - o A fully briefed motion **to dismiss** is pending before Judge Urbina.
 - o The only recent activity has been the filing of a notice with the court regarding two cases decided after briefing had concluded.
 - o No further activity **is** anticipated until the judge rules on the motion.

COORDINATION None.

Attachments: None.

Prepared By: Robert Easton, Associate ~~Deputy~~ General Counsel (LC) (b)(6)

OSD 17318-05

11-L-0559/OSD/51800



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

SEP 7 2005 2:36

INFO MEMO

FOR: SECRETARY OF DEFENSE

FROM: William J. Haynes II

SUBJECT: Draft of Motion To Dismiss

- You recently asked for a copy of the draft motion to dismiss in *Ali, et al. v. Rumsfeld*, No. 1:05-cv-01378-TFH (D.D.C.).
- The current draft is attached. (TAB A)
- Department of Justice attorneys continue to work on the brief. This version has evolved somewhat from the July 13 draft and may continue to be revised, although the major arguments are not likely to change.

COORDINATION: None.

Attachment: As stated.

Prepared By: Robert Easton, Associate Deputy General Counsel (LC) (b)(6)



11-L-0559/OSD/51801

OSD 18015-05

383.6

7 Sep 05

1 Sep 05

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DRAFT

In re Iraq and Afghanistan Detainees
Litigation

Arkan Mohammed ALI, et al.,

v.

Donald H. RUMSFELD, Secretary of
Defense of the United States of America

C.A. No. 1:05-1378

(MDL No. 1686)

DEFENDANT'S AND THE UNITED STATES' MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), defendant Secretary of Defense Donald H. Rumsfeld and the United States hereby move to dismiss all six causes of action in Plaintiffs' complaint.¹ Plaintiffs' first and second causes of action, which seek money damages for alleged constitutional violations under *Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), fail to state claims for which relief may be granted. Plaintiffs' third, fourth and fifth causes of action, which seek money damages for alleged violations of international law, must be dismissed because this Court lacks jurisdiction over the claims. Finally, Plaintiffs lack standing to pursue their sixth cause of action for declaratory relief. The grounds for dismissing Plaintiffs' claims are set forth in the accompanying memorandum of points and authorities. A proposed order is attached.

¹ Although the United States is not a named Defendant, the United States has been substituted, pursuant to 28 U.S.C. § 2679(d)(1), for the Secretary of Defense and three senior Army officers on the international law claims alleged in the third, fourth and fifth causes of action. See Ex. 1 to Memorandum of Points and Authorities (Certifications of Scope of Employment). The Army officers are being sued by some of the Plaintiffs in related actions pending in this court. See *Ali v. Sanchez* (No. 05-1380), *Ali v. Karpinski* (No. 05-1379) and *Ali v. Pappus* (No. 05-1377).

Dated _____, 2005

Respectfully submitted,

DRAFT

PETER D. KEISLER
Assistant Attorney General

JEFFREY S. BUCHOLTZ
Deputy Assistant Attorney General

TIMOTHY P. GARREN
Director
Torts Branch, Civil Division

J. MARCUS MEEKS
Trial Attorney
UNITED STATES DEPT. OF JUSTICE
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P. O. Box 7146
Ben Franklin Station
Washington, D.C. 20044
(202) 616-4176 (voice)
(202) 616-4314 (fax)

Attorneys for Defendant Secretary of Defense
Donald H. Rumsfeld

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DRAFT

In re Iraq and Afghanistan Detainees
Litigation

This document relates to:

Arkan Mohammed ALI, et al.,

v.

Donald H. RUMSFELD, Secretary of
Defense of the United States of America

C.A. No. 1:05-1378

(MDL No. 1686)

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF DEFENDANT'S AND THE
UNITED STATES' MOTION TO DISMISS

PETER D. KEISLER
Assistant Attorney General

JEFFREY S. BUCHOLTZ
~~Deputy~~ Assistant Attorney General

TIMOTHY P. GARREN
Director, Torts Branch, Civil Division

J. MARCUS MEEKS
Trial Attorney

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Washington, D.C. 20044

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INTRODUCTION

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Since the terrorist attacks of September 11, 2001, the President of the United States, with the concurrence of Congress, has pursued military action in Afghanistan and Iraq to defend the United States and combat terrorism. In the course of these military campaigns, which continue today, the United States and its allies have captured thousands of individuals. Just as in virtually every major armed conflict in the Nation's history, the military has determined that many of those taken into custody should be detained during the war. Such detention serves the vital objectives of gathering intelligence to further the overall war effort and preventing combatants from continuing to aid our enemies.

The Plaintiffs are eight aliens who allege they were detained at various military facilities in Afghanistan and Iraq in 2003 and 2004. Plaintiffs claim that the conditions of their confinement at the detention facilities is actionable on novel tort theories, and they seek to recover damages personally from Secretary of Defense Donald H. Rumsfeld. Plaintiffs assert that actions taken by the Secretary of Defense caused them to be held in harsh conditions in violation of their alleged constitutional rights under the Fifth and Eighth Amendments and their alleged international law rights under the Alien Tort Statute ("ATS"), 28 U.S.C. § 1350, and the Geneva Conventions. Plaintiffs also seek a declaration that the Secretary of Defense violated their claimed rights under international law and the Constitution.

This motion seeks dismissal of all the Plaintiffs' claims pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). Plaintiffs' first and second causes of action alleging violations of the Fifth and Eighth Amendments should be dismissed under the "special factors" doctrine formulated in *Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics*, 403 U.S.

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388 (1971), and its progeny. Plaintiffs' constitutional tort claims raise grave separation of powers concerns that counsel against the recognition of such claims in this context. The judiciary **has** never implied a *Bivens* claim in circumstances presenting war powers, national security, or foreign policy concerns remotely similar to those existing here. Plaintiffs' constitutional tort claims should also be dismissed on qualified immunity grounds because Plaintiffs have not alleged the violation of any constitutional right that is clearly established in the law.

Plaintiffs' third, fourth and ~~five~~ causes of action, which seek recovery for alleged violations of the "law of nations" and the Geneva Conventions, should be dismissed on absolute immunity grounds under the Federal Employees Liability Reform and Tort Compensation Act of 1988, Pub. L. No. 100-694, 102 Stat. 4563 (codified in part at 28 U.S.C. §§ 2671, 2674, 2679) (hereinafter "Liability Reform Act"). That Act bars suits against federal officials for conduct performed within the scope of their employment except for tort claims for the violation of federal constitutional or statutory rights. Plaintiffs' sole tort remedy for claims covered by the Liability Reform Act is an action against the United States under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b), 2671-80.¹ Plaintiffs, however, are barred from pursuing an action against the United States because they have not exhausted the required administrative remedies under the FTCA.

¹ This defense applies not **only** to the Secretary of Defense, but also to related-action defendants Lieutenant General Ricardo Sanchez, Colonel Janis Karpinski and Colonel Thomas Pappas. Appropriate *Westfall* Act certifications have been filed pursuant to 28 U.S.C. § 2679(d)(1) certifying that each of these defendants was acting within the scope of his or her federal employment in regard to the international law claims against them. See Ex. 1, Certifications of Scope of Employment. Accordingly, the United States must be substituted for the individual defendants on these claims.

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Finally, Plaintiffs' sixth cause of action seeking declaratory relief must be dismissed because Plaintiffs have no standing under Article III to pursue such relief. A plaintiff must show a real and immediate threat of future injury to have standing under Article III to seek declaratory relief. Plaintiffs have not pled, and they cannot show, that they face a real and immediate threat of again suffering the injury for which they seek redress.

ARGUMENT

I. PLAINTIFFS' FIRST AND SECOND CAUSES OF ACTION, WHICH ALLEGE VIOLATIONS OF THEIR CONSTITUTIONAL RIGHTS, SHOULD BE DISMISSED ON BOTH SPECIAL FACTORS AND QUALIFIED IMMUNITY GROUNDS

A. Special Factors Preclude Recognition of a *Bivens* Action

The "special factors" doctrine, developed by the Supreme Court in *Bivens* and its progeny, precludes any constitutional claim for damages against the Secretary of Defense in this case. In *Bivens*, the Supreme Court held that the victim of an alleged Fourth Amendment violation could bring suit to recover damages even though no statute created a cause of action provided there were "no special factors counseling hesitation in the absence of affirmative action by Congress." 403 U.S. at 396. In subsequent years, the Supreme Court has extended the *Bivens* remedy on just two occasions and, in both instances, the Court specifically determined that there were no "special factors counseling hesitation" in the judicial creation of a remedy. See *Carlson v. Green*, 446 U.S. 14 (1980); *Davis v. Passman*, 442 U.S. 228 (1979).

In the twenty-five years since *Carlson*, the Supreme Court has "consistently refused to extend *Bivens* liability to any new context or new category of defendants." *Correctional Servs. Corp. v. Malesko*, 534 U.S. 61, 68 (2001). For instance, in *Bush v. Lucas*, 462 U.S. 367 (1983), the Supreme Court refused to recognize a *Bivens* remedy for the alleged violation of First

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Amendment rights arising out of federal personnel decisions for fear that the claim might interfere with a statutory scheme regulating the federal workplace. *See also Schweiker v. Chilicky*, 487 U.S. 412 (1988) (rejecting a *Bivens* remedy for the denial of social security benefits because a statutory procedure already existed to challenge adverse eligibility determinations). In *Chappell v. Wallace*, 462 U.S. 296 (1983), and *United States v. Stanley*, 483 U.S. 669 (1987), the Court rejected a *Bivens* remedy for alleged constitutional torts arising incident to military service for fear that such a claim would adversely impact order and discipline in the military. In *FDIC v. Meyer*, 510 U.S. 471 (1994), the Court determined that a *Bivens* claim could not be asserted against a federal agency because of its potential impact on federal fiscal policy. Most recently, in *Malesko*, the Supreme Court refused to recognize a *Bivens* remedy against private companies performing governmental functions under contract with the United States because it would not serve the public policy purposes of the remedy. 534 U.S. at 68. The result of these decisions “is a ‘presumption against judicial recognition of direct actions for violations of the Constitution by federal officials or employees.’” *Nebraska Beef, Ltd. v. Greening*, 398 F.3d 1080, 1084 (8th Cir. 2005) (quoting *McIntosh v. Turner*, 861 F.2d 524, 526 (8th Cir. 1988)).

The Plaintiffs seek a radical extension of *Bivens* into a wholly new context, one far more expansive and invasive than those rejected in *Lucas*, *Chilicky*, *Chappell*, *Stanley*, *Meyer*, or *Malesko*. Plaintiffs seek a rule that would do nothing less than give aliens, potentially including alien enemy combatants, the power to force the Secretary of Defense and other leaders of our armed forces to defend themselves in federal lawsuits complaining about their conditions of confinement – and do so during ongoing warfare. There are many important special factors that counsel against such an extraordinary and novel extension of liability. First, permitting

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Plaintiffs' claims to proceed here would be wholly inconsistent with the separation of powers and, specifically, the Executive Branch's authority to conduct war, protect national security, and formulate foreign policy. Second, Congress has spoken on the issue presented here and indicated that measures other than a *Bivens* cause of action are appropriate for addressing the improper treatment of military detainees abroad. Finally, recognizing a *Bivens* remedy here would necessarily lead to highly invasive and impractical judicial review of an array of traditional military decisions and do so in ways that are likely to give aid to our enemies and diminish the effectiveness of our military's leadership.

1. The Constitution delegates authority over decisions related to military and national security affairs to the Executive, *see* U.S. Const. Art. II, § 2, cl. 1, and Congress, *see id.* Art. I, § 8, cls. 1, 11-16. Recognizing this, the Supreme Court has traditionally been loath to interfere in such "core" executive and legislative functions. *See, e.g., Hirabayashi v. United States*, 320 U.S. 81, 93 (1943) (Where "conditions call for the exercise of judgment and discretion and for the choice of means by those branches of the Government on which the Constitution has placed the responsibility of warring, it is not for any court to sit in review of the wisdom of their action or substitute its judgment for theirs."); *Hamdi v. Rumsfeld*, 124 S. Ct. 2633, 2647 (2004) (plurality) ("Without doubt, our Constitution recognizes that core strategic matters of warring belong in the hands of those who are best positioned and most politically accountable for making them"); *North Dakota v. United States*, 495 U.S. 423, 443 (1990) ("When the Court is confronted with questions relating to . . . military operations, we properly defer to the judgment of those who must lead our Armed Forces in battle.").

The lower federal courts have been careful to follow this lead. *See e.g., El-Shifa*

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Pharmaceutical Indus. Co. v. United States, 378 F.3d 1346, 1369 (Fed. Cir. 2004), *petition for cert. filed*, 73 U.S.L.W. 3595 (U.S. Mar. 24, 2005) (No. 04-1291) (“[W]e are loath to add to the President’s calculus concerns regarding [constitutional] liability when he exercises his power as Commander-in-Chief”); *Van Tu v. Koster*, 364 F.3d 1196, 1198 (10th Cir. 2004), *cert. denied*, 125 S. Ct. 88 (2004) (finding “availability of a *Bivens* remedy” for the conduct of U.S. military officers during the Vietnam War to be “questionable”); *Ctr. for Nat’l Sec. Studies v. U.S. Dep’t of Justice*, 331 F.3d 918, 926-27 (D.C. Cir. 2003), *cert. denied*, 540 U.S. 1104 (2004) (“It is [] well-established that the judiciary owes some measure of deference to the executive in cases implicating national security, a uniquely executive purview.”); *Khalid v. Bush*, 355 F. Supp. 2d 311, 329 (D.D.C. 2005), *appeal docketed*, No. 05-5063 (D.C. Cir. March 4, 2005) (“[T]he Court’s role in reviewing the military’s decision to capture and detain a non-resident alien is, and must be, highly circumscribed.”)?

² Even in times of *peace* federal courts have broadly deferred to the Executive Branch on military and other, non-military, national security matters. *See, e.g., Dep’t of Navy v. Egan*, 484 U.S. 518, 530 (1988) (“courts traditionally have been reluctant to intrude upon the authority of the Executive in . . . national security affairs.”); *People’s Mojahedin Org. v. Dep’t of State*, 182 F.3d 17, 23 (D.C. Cir. 1999) (determinations regarding national security raise non-justiciable issues); *Halperin v. Kissinger*, 807 F.2d 180, 187 (D.C. Cir. 1986) (“harm produced” by assertion of damages actions against federal officials “is particularly severe in the national security field, since ‘no governmental interest is more compelling’”); *Schneider v. Kissinger*, 310 F. Supp. 2d 251, 270 n.27 (D.D.C. 2004) (dismissing claims for equitable relief because they concerned “foreign and national security policy directives of the President”), *aff’d*, 412 F.3d 190 (D.C. Cir. 2005).

Likewise, even *outside* the arena of military and national security contexts, courts have traditionally deferred to the Executive Branch on foreign policy matters. *See, e.g., Sosa v. Alvarez-Machain*, 124 S.Ct. 2739, 2766 n.21 (2004) (recognizing “policy of case-specific , deference to the political branches” in foreign affairs and “strong argument that federal courts should give *serious* weight to the Executive Branch’s view of the case’s impact on foreign policy”); *United States v. Verdugo-Urquidez*, 494 U.S. 259, 273 (1990) (highlighting “significant and deleterious consequences” that the creation of a damages action would have on “foreign

DRAFT

There can be no doubt that, in contravention of these settled constitutional principles, Plaintiffs wish to enmesh this Court in an extensive re-examination and second-guessing of Executive Branch judgments and policies. This country is currently deeply engaged in military actions in Afghanistan and Iraq, actions specifically authorized by Congress pursuant to the War Powers Resolution. *See* Auth. for Use of Military Force, Pub. L. No. 107-40, 115 Stat. 224; Auth. for Use of Military Force, Pub. L. No. 107-243, 116 Stat. 1498. Plaintiffs' allegations are directly related to this country's war-making activities in Afghanistan and Iraq. Plaintiffs are all aliens who were captured and detained by U.S. military forces in either Afghanistan or Iraq, *see* Compl. ¶¶ 13-21, and Plaintiffs allege that their mistreatment at the hands of U.S. soldiers was the direct and proximate result of military "orders" given by superiors in the chain of command, including Secretary of Defense and other high-ranking military officers. *See, e.g.*, Compl. ¶¶ 35-43.

The United States is unaware of any authority allowing such extensive judicial intrusion into war-making functions, let alone a case authorizing monetary damages for alien detainees dissatisfied with the military's wartime detention practices. To the contrary, the Supreme Court has expressly taught that "Executive power over enemy aliens, undelayed and unhampered by litigation, has been deemed, throughout history, essential to war-time security." *Eisentrager*, 339 U.S. at 774.

In fact, federal courts have repeatedly refused to extend *Bivens* and other forms of tort

policy operations"); *Johnson v. Eisentrager*, 339 U.S. 763, 779 (1950); *Dist. No. 1, Pacific Coast Dist. v. Maritime Admin.*, 215 F.3d 37, 42 (D.C. Cir. 2000) (holding that Executive Branch's "judgments on questions of foreign policy and national interest" were "not subjects fit for judicial involvement").

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liability into areas far less invasive of core war-making functions. In *Beattie v. Boeing Co.*, 43 F.3d 559 (10th Cir. 1994), for example, the Tenth Circuit found “that the predominant issue of national security clearances” was a special factor that precluded a *Bivens* action by an American citizen arising from the denial of access to a secured work area. *Id.* at 563. That case did not even involve war-time activities or claims by alien war-time detainees. In *Schneider v. Kissinger*, 412 F.3d 190 (D.C. Cir. 2005), plaintiffs brought tort claims against former Secretary of State ~~Henry~~ Kissinger and the United States for alleged violations of common law torts and international human rights, including “summary execution, torture, [and] cruel, inhumane, or degrading treatment,” based upon a coup d’etat in Chile allegedly orchestrated by senior Executive Branch officials. *See Schneider*, 412 F.3d at 191. Although the D.C. Circuit ruled that all the claims were non-justiciable based on the political question doctrine, *id.* at 193, the constitutional principles upon which the court rested its decision are highly instructive.³ The court specifically stayed its hand because the Constitution commits national security operations to the political branches. *Id.* at 193-98. In doing so, the court contrasted the broad powers afforded to political branches with the limited powers afforded the judiciary. “[T]here [can] be no doubt that decision-making in the fields of foreign policy and national security is textually committed [by Articles I and II] to the political branches of government.” *Id.* at 194. Article III, on the other hand, “provides no authority for policymaking in the realm of foreign relations or

³ The standards for dismissal under the political question doctrine are, in fact, more restrictive and demanding than under special factors analysis. *See Sanchez-Espinoza v. Reagan*, 770 F.2d 202, 206, 208 (D.C. Cir. 1985) (declining to address political question doctrine while rejecting a *Bivens* claim on special factors grounds because that analysis “relate[s] not to the merits of the particular remedy, but ‘to the question of who should decide whether such a remedy should be provided.’”) (quoting *Bush v. Lucas*, 462 U.S. 367, 380 (1983)).

provision of national security.” *Id.* at 195. Accordingly, the determination of “whether drastic measures should be taken in matters of foreign policy and national security is not the stuff of adjudication, but of policymaking.” *Id.* at 197.

The D.C. Circuit’s decision in *Sanchez-Espinoza v. Reagan*, 770 F.2d at 202, is directly applicable. Several of the plaintiffs in *Sanchez-Espinoza* were non-resident aliens who sought “redress for tortious injuries to themselves or their families at the hands of the Contras in Nicaragua.” *Id.* at 205. They brought *Bivens* claims against numerous senior United States government officials, including the President and the Secretaries of Defense and State, alleging that the officials provided “financial, technical, and other support” to the Contras that resulted in the “summary execution, murder, abduction, torture, rape, [and] wounding” of “innocent Nicaraguan civilians.” *Id.* The court held that judicial deference to the Executive in matters of foreign policy and military affairs precluded recognition of the plaintiffs’ *Bivens* claim:

We have no doubt that [] considerations of institutional competence preclude judicial creation of damage remedies here. Just as the special needs of the armed forces require the courts to leave to Congress the creation of damage remedies against military officers for allegedly unconstitutional treatment of soldiers . . . so also the special needs of foreign affairs must stay our hand in the creation of damage remedies against military and foreign policy officials for allegedly unconstitutional treatment of foreign subjects causing injury abroad.

Id. at 208-09 (citations omitted). The court went on to express special disdain for damages actions aimed at altering foreign policy:

The foreign affairs implications of suits such as this cannot be ignored – [especially] their ability to produce what the Supreme Court has called in another context ‘embarrassment of our government abroad’ through ‘multifarious . . . pronouncements by various departments on one question.’ . . . Whether or not the present litigation is motivated by considerations of geopolitics rather than . . . personal harm, we think that as a general matter the danger of foreign citizens using the courts in situations such as this to obstruct the foreign policy of our

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government is sufficiently acute that we must leave to Congress the judgment of whether a damage remedy should exist.

Id. at 209 (citations omitted).

The threat to national **security** posed by permitting non-resident aliens to sue Executive Branch officials for actions taken abroad was indirectly addressed by the Supreme Court in *United States v. Verdugo-Urquidez*, 494 U.S. 259 (1990). Although *Verdugo* did not concern the special factors doctrine, its rationale provides a compelling basis for implementation of that doctrine in this case. As aptly explained in *Verdugo*:

For better or for worse, we live in a world of nation-states in which our Government must be able to “function effectively in the company of sovereign nations.” . . . Situations threatening to important American interests may arise halfway around the globe, situations which in the view of the political branches of our Government require an American response with **armed** force. *If there are to be restrictions on searches and seizures which occur incident to such American action, they must be imposed by the political branches through diplomatic understanding, treaty, or legislation.*

494 U.S. at 275 (emphasis added, citations omitted). No different result should obtain here.

2. Under special factors analysis, separation of powers principles also require judicial deference to congressional judgment regarding the appropriate remedies for harms inflicted on persons such as Plaintiffs. *See Malesko*, 534 U.S. at 69; *Sanchez-Espinoza*, 770 F.2d at 208 (special factors doctrine “relate[s] not to the merits of the particular remedy, but ‘to the question of who should decide whether such a remedy should be provided’”) (quoting *Bush v. Lucas*, 462 U.S. 367, 380 (1983)). Congress addressed this issue last year and enacted legislation specifically targeted to the standards of treatment for detained foreign prisoners. *See* Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Pub. L. No. 108-375, 118 Stat. 1811, 2068-71 (codified at 10 U.S.C. § 801) (“Reagan Act”). In Section 1092 of the Reagan Act,

Congress created a detailed regime designed to prevent unlawful treatment of military detainees abroad. *See* 10 U.S.C. § 801, stat. note § 1092. Congress authorized the Department of Defense to implement this regime. *See id.* Notably, Congress entrusted punishment of those accused of unlawful treatment of detainees to the military judicial system, and chose not to lodge it in the judicial department. *See id.* at § 1091(a)(4)-(5).⁴ The Court should defer to congressional judgment on the remedial measures necessary to prevent future detainee abuse and the congressional finding that the military justice system is the appropriate regime for addressing allegations of abuse. Congress's decision not to create a civil remedy was not "inadvertent," and **this** Court should defer to that congressional decision. *Cf. Chilicky*, 487 U.S. at 423 (requiring "judicial deference to indications that congressional inaction has not been inadvertent. When the design of a Government program suggests that Congress has provided what it considers adequate remedial mechanisms for constitutional violations that may occur in the course of its administration, we have not created additional Bivens remedies.").

Not incidentally, the Reagan Act ~~has~~ already led this Court to decline to review Executive Branch decisions regarding the detention of aliens abroad. *See Khalid*, 355 F. Supp. 2d at 329. Relying in part on the "[c]onspicuous . . . absence in the Reagan Act [to] any reference by Congress to federal court review where United States personnel engage[] in impermissible treatment of a detainee," the court in *Khalid* ~~refused~~ to issue a ~~writ~~ of habeas corpus to persons held at Guantanamo Bay. *Khalid*, 355 F. Supp. 2d at 329-30. Despite the obvious differences

⁴ In doing so, Congress made a specific finding that "the Armed Forces are moving swiftly and decisively" to punish the unlawful treatment of detainees at the Abu Ghraib prison in Iraq and stated that it is the "policy of the United States to . . . investigate and prosecute, as appropriate, all alleged instances of unlawful treatment of detainees in a manner consistent with the international obligations, laws or policies of the United States." *Id.*

between this case and *Khalid*,⁵ the analysis in *Khalid* is consistent with the special factors doctrine which requires judicial deference to the political branches' constitutional authority to conduct war. *Compare Khalid*, 335 F. Supp. 2d at 329 ('The Founders allocated the war powers among Congress and the Executive, not the Judiciary. As a general rule, therefore, the judiciary should not insinuate itself into foreign affairs and national security issues.') *with Sanchez-Espinoza*, 770 F.2d at 209 ("[T]he special needs of foreign affairs must stay our hand in the creation of damages remedies against military and foreign policy officials for allegedly unconstitutional treatment of foreign subjects causing injury abroad.').⁶

3. The novel and unwieldy duties that plaintiffs seek to impose on the judiciary to oversee and review the military's war-making activities themselves constitute another factor counseling against the recognition of a *Bivens* remedy. Recognizing a *Bivens* remedy here would directly interfere with military decision-making because it would effectively cede to the judiciary the authority to define how military detainees must be confined and cared for overseas during wartime. That would involve such concerns as the security requirements that may be imposed at detention facilities and the appropriate assignment of military resources to the task – sensitive military judgments that are outside the expertise and traditional role of the courts. Yet the Plaintiffs would have domestic courts become the fora for resolving how the military's detention

⁵ The Plaintiffs here were held at detention facilities in theaters of war in Afghanistan and Iraq, not at Guantanamo Bay, and they have not petitioned this court for a writ of habeas corpus.

⁶ This Court specifically noted in *Khalid* that separation of powers prevents the judiciary from "engag[ing] in a substantive evaluation of the conditions of [alien detainees'] detention," noting that, "it is the province of the Executive branch and Congress, should it chose to enact legislation relating thereto, to define the conditions of detention and ensure that the United States laws and treaties are being complied therewith." *Khalid*, 335 F. Supp. 2d at 328.

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policies and practices are implemented worldwide, in places as far flung as the Safid Mountains of Afghanistan and the Euphrates river valley in Iraq. They would require witnesses and defendants to drop their military activities abroad to appear in federal courts to defend themselves and their comrades in arms. Such "enemy litigiousness would be a conflict between judicial and military opinion highly comforting to enemies of the United States." *Eisentrager*, 339 U.S. at 779. Inevitably, litigation of the sort contemplated here would "hamper the war effort and bring aid and comfort to the enemy" and "diminish the prestige of our commanders." *Id.*⁷

The creation of a tort remedy would also impose a significant burden on the military to implement that remedy, leading to even further judicial supervision and control. The very task of providing alien military detainees' confined overseas with broad access to courts and attorneys in the United States would itself be fraught with security concerns and could absorb significant military resources. *Cf. Eisentrager*, 339 U.S. at 779 (noting specific logistical burdens on military that would "hamper the war effort" and "divert [the] efforts and attention [of field commanders] from the military offensive abroad" if habeas proceedings by alien prisoners of war were permitted).

Finally, implying a damages remedy here would create a paradoxical result. U.S. soldiers

⁷ The difficulties that would arise if a *Bivens* remedy were recognized would be much more extensive than those that would arise in habeas corpus litigation. Unlike habeas corpus claims, which were at issue in *Eisentrager*, conditions of confinement claims are open-ended and not limited to the legality of confinement and are brought against defendants in their individual capacity seeking damages from them personally. Indeed, recognition of conditions of confinement claims would likely involve the courts in perpetual litigation over living conditions in overseas military detention facilities, even as to detainees whose enemy combatant status is undisputed.

serving abroad would be barred from bringing Bivens actions for injuries arising out of their military service, see *Stanley*, 483 U.S. at 682-83, while those whom they captured would be able to sue U.S. military personnel. See *Eisenberger*, 339 U.S. at 783 (stating that it would be a “paradox” if what the court denied “our own soldiers” it granted to “enemy aliens in unlawful hostile action against us”). Rather than confer a right of action “on all of the world except **Americans** engaged in defending it,” *id.* at 784, this Court instead should find that the Executive’s authority over the military is a special factor counseling hesitation.

Consistent with compelling authority and the Supreme Court’s oft-repeated reluctance to extend the **Bivens** remedy into new contexts, Plaintiffs’ novel constitutional claims should be rejected under the special factors doctrine.

B. The Doctrine of Qualified Immunity Bars Plaintiffs’ Constitutional Claims

Plaintiffs seek in their Bivens claims to recover damages from the personal resources of the Secretary of Defense and the related action **Army** defendants rather than from the coffers of the U.S. Treasury. See *Kentucky v. Graham*, 473 U.S. 159, 165 (1985). The courts have long recognized that such actions “entail substantial social costs, including the risk that fear of personal monetary liability and harassing litigation will unduly inhibit officials in the discharge of their duties.” *Anderson v. Creighton*, 483 U.S. 635, 638 (1987).

In recognition of these costs, qualified immunity provides that “government officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established legal rights of which a reasonable person would have known.” *Harlow v. Fitzgerald*, 457 U.S. 800, 818-19 (1982) (“Where an official’s duties legitimately require action in which clearly established rights are not implicated, the public

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interest may be better served by action taken ‘with independence and without fear of consequences’’); *see also Farmer v. Moritsugu*, 163 F.3d 610,613 (D.C. Cir. 1998).

Fundamentally, qualified immunity is a “fair notice” requirement, *Hope v. Pelzer*, 536 U.S. 730, 739 (2002), which is intended to protect governmental officials from suit unless they are “plainly incompetent or knowingly violate the law.” *Malley v. Briggs*, 475 U.S. 335, 341 (1986). *See also Zweibon v. Mitchell*, 720 F.2d 162 (D.C. Cir. 1983) (defining a clearly established right as an “indisputable” or “unquestioned” right). Where the law did not provide government officials with adequate notice that their actions would violate the Constitution, qualified immunity provides the officials with sweeping protection from the entirety of the litigation process; it is not merely a defense to liability. *See Harlow*, 457 U.S. at 818. The qualified immunity inquiry accordingly must be resolved at the earliest possible stage of the litigation. *See id.*, 457 U.S. at 817; *Behrens v. Pelletier*, 516 U.S. 299,308 (1996).

In order to overcome qualified immunity, a plaintiff must demonstrate that the constitutional right in question was clearly established in the circumstances at the time of the allegedly wrongful conduct. This is a high threshold, as illustrated by two Supreme Court decisions: *Anderson v. Creighton* and *Saucier v. Katz*. These decisions stress two key points: (1) if the propriety of an official’s conduct is at least debatable, the official is protected by qualified immunity, and (2) the right in question must be defined in terms of the government employee’s specific actions rather than as an abstract matter.

Anderson involved a Fourth Amendment claim asserted against an FBI agent for participating in the warrantless search of a home. *See* 483 U.S. at 637. The Eighth Circuit rejected qualified immunity on the ground that the law was clearly established that a warrantless

search of a home is permissible only upon a showing of probable cause and exigent circumstances, the existence of which remained in dispute in the case. *Id.* at 638. That ruling was reversed by the Supreme Court, which held that qualified immunity may not be denied based upon abstract legal principles without regard to the “objective legal reasonableness” of the defendant’s particular conduct under the circumstances. *Id.* at 639. To overcome qualified immunity, the plaintiff had to allege facts known to the defendant establishing that no officer in his position could reasonably have believed that the action was lawful. See *id.* at 640-41.

In *Saucier v. Katz*, the Court overturned a Ninth Circuit decision denying qualified immunity to a military police officer who allegedly used excessive force in arresting a protester. The Supreme Court explained that courts must conduct a two-step qualified immunity inquiry. *Saucier*, 533 U.S. at 201. First, courts must determine whether “the facts alleged show the officer’s conduct violated a constitutional right.” *Id.* If a constitutional violation is properly alleged, courts must then determine “whether the right was clearly established . . . in light of the specific context of the case, [and] not as a general proposition . . .” *Id.* (emphasis added). The *Saucier* Court found the Ninth Circuit failed to properly conduct the second inquiry:

The approach the Court of Appeals adopted – to deny summary judgment any time a material issue of fact remains on the excessive force claim – could undermine the goal of qualified immunity to “avoid excessive disruption of government and permit the resolution of many insubstantial claims on summary judgment.” If the law did not put the officer on notice that his conduct would be clearly unlawful summary judgment based on qualified immunity is appropriate.

Id. at 202 (citations omitted). The Court then determined that the officer was entitled to qualified immunity because the propriety of his actions was at least debatable:

A reasonable officer in petitioner’s position could have believed that hurrying respondent away from the scene, where the Vice President was speaking and

respondent had just approached the fence designed to separate the public from the speakers, was within the bounds of appropriate responses . . . [N]either respondent nor the Court of Appeals has identified any case demonstrating a clearly established rule prohibiting the officer from acting as he did, nor are we aware of any such rule.

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Id. at 208-09.

Applying the qualified immunity test to Plaintiffs' Fifth and Eighth Amendment claims in the present case, there is no question that the claims must be dismissed. Plaintiffs have failed to allege a violation of any constitutional right, let alone the violation of a clearly established right.

1. The Eighth Amendment does not cover Plaintiffs' military detention

The Plaintiffs' claim that their Eighth Amendment rights were violated in the course of their detention is easily resolved. It is axiomatic that the Eighth Amendment only protects convicted prisoners from cruel or excessive punishment for their crimes. *See Bell v. Wolfish*, 441 U.S. 520, 579 (1979) (Eighth Amendment "protects individuals convicted of crimes from punishment that is cruel and unusual," but does not serve as source of substantive rights for pre-trial detainees); *see also County of Sacramento v. Lewis*, 523 U.S. 833, 850 (1998). Since the Plaintiffs were detainees at military detention facilities and not convicted prisoners serving a sentence, they cannot assert an Eighth Amendment claim.

2. The Plaintiffs' Fifth And Eighth Amendment claims should be dismissed because those amendments do not govern actions taken against aliens in military operations abroad

Plaintiffs' claims also should be rejected because it cannot reasonably be argued that Executive Branch officials were on notice that their alleged decisions regarding the detention of non-resident aliens in theaters of war would violate the Constitution. Far from being a matter of settled law, the applicability of the Constitution to non-resident aliens abroad is (at best) highly

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dubious. *See, e.g., Verdugo-Urquidez*, 494 U.S. at 269-74; *Zadvydas v. Davis*, 533 U.S. 678,693 (2001) (“It is well established that certain constitutional protections available to persons inside the United States are unavailable to aliens outside of our geographic borders.”); *Eisentrager*, 339 U.S. at 784-790; *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304,318 (1936) (“Neither the Constitution nor the laws passed in pursuance of it have any force in foreign territory unless in respect of our own citizens.”); *Jifry v. Fed. Aviation Admin.*, 370 F.3d 1174, 1182-83 (D.C. Cir. 2004), *cert. denied*, 125 S. Ct. 1299 (2005) (“The Supreme Court has long held that non-resident aliens who have insufficient contacts with the United States are not entitled to Fifth Amendment protections.”).

In the only case with facts remotely analogous to those here, *Al Odah v. United States*, 321 F.3d 1134 (D.C. Cir. 2003), *rev’d sub nom. Rusul v. Bush*, 124 S.Ct. 2686 (June 28, 2004), the D.C. Circuit held that detainees at Guantanamo Bay were not entitled to a writ of habeas corpus because it could not “see why, or how, the writ may be made available to aliens abroad when basic constitutional protections are not.” 321 F.3d at 1141. The court further stated: “If the Constitution does not entitle the detainees to due process, *and it does not*, they cannot invoke the jurisdiction of our courts to test the constitutionality or the legality of restraints on their liberty.” *Id.* (emphasis added). *Al Odah* was decided in March 2003, prior to the time periods when Plaintiffs allege they were detained. *See* Compl. ¶¶ 14-21. Thus, at the time of the Plaintiffs’ detention the D.C. Circuit had explicitly ruled that non-resident aliens detained abroad were not entitled to constitutional protections. The D.C. Circuit recently reaffirmed **this** view in *Humdun v. Rumsfeld*, ___ F.3d ___, 2005 WL 1653046, at *2 (D.C. Cir. July 15, 2005), when it characterized **as** “doubtful” the plaintiffs right to challenge the constitutionality **of** military

commissions convened at Guantanamo Bay to ~~try~~ detainees?

Plaintiffs may argue that when the Supreme Court held in *Rasul v. Bush* that detainees confined at Guantanamo Bay could pursue habeas ~~corpus~~ relief in federal court, it implicitly overruled the long line of Supreme Court and circuit court precedent holding that constitutional protections do not extend to non-resident aliens abroad. Even if this were true, and it is not, the *Rasul* decision could not save the Plaintiffs' constitutional claims in this case. The Plaintiffs acknowledge in their complaint that they were released from detention by June 2004, *before* the Supreme Court issued its decision in *Rasul* on June 29, 2004. As previously discussed, qualified immunity shields government officials from liability so long as their conduct does not violate clearly established rights of which a reasonable official would have known at the time of the conduct. *Harlow*, 457 U.S. at 818-19; *Wardlaw v. Pickett*, 1 F.3d 1297, 1304 (D.C. Cir. 1993). Federal officials cannot be held liable based on developments in the law *after* their actions. *See*

⁸ Qualified immunity analysis, consistent with its notice function, generally looks to the law of the circuit where the challenged acts occurred to determine whether governmental officials were on notice that their acts violated clearly established rights. *See Wilson v. Layne*, 526 U.S. 603, 617 (1999) (no "controlling authority" in the jurisdiction indicating challenged acts unlawful); *Moore v. Hartman*, 388 F.3d 871, 885-86 (D.C. Cir. 2004), *petition for cert. filed*, 73 U.S.L.W. 3674 (U.S. May 9, 2005) (*No.* 04-1495) (no qualified immunity where circuit ~~court~~ decision in the jurisdiction indicated acts were unconstitutional, even though decisions by other circuit courts indicated otherwise); *Edwards v. City of Goldsboro*, 178 F.3d 231, 251 (4th Cir. 1999) ("[I]f a right is recognized in some other circuit, but not this one, an official will ordinarily retain the immunity defense.")

Because the Plaintiffs are challenging decisions made at the Pentagon, Fourth Circuit case law would normally determine whether the Secretary of Defense was on notice regarding the constitutionality of his acts. However, there is no Fourth Circuit case law with facts analogous to those here, although the Fourth Circuit has long recognized that constitutional protections do not extend to non-resident aliens. *See Vancouver Women's Health Collective Soc'y v. A.H. Robbins Co.*, 820 F.2d 1359, 1363 (4th Cir. 1987) ("The Constitution does not extend its guarantees to nonresident aliens living outside the United States.")

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DeBauche v. Trani, 191 F.3d 499,505-06 (4th Cir. 1999).

Even if *Rasul* had been decided prior to Plaintiffs' release, it still would not be sufficient to overcome defendants' qualified immunity. *Rasul* did not, writ large, provide non-resident aliens detained abroad with constitutional rights enforceable under *Bivens*. Instead, the *Rasul* Court expressly avoided the complex problems raised by extraterritorial application of the Constitution and limited its decision instead to the "narrow" question of statutory jurisdiction over the plaintiffs' habeas actions. *Rasul*, 124 S.Ct. at 2690,2693. See also *Hamdan*, 2005 WL 1653046 at *5 (noting "'narrow' question" decided by *Rasul*). The Court focused on the discrete issue of United States' "jurisdiction and control" over Guantanamo Bay pursuant to agreements with Cuba and homed in on the fact that the habeas statute would apply to American citizens held at Guantanamo Bay. *Zd* at 2693. The Court also noted that nothing in the text of the habeas statute indicated Congress sought to exclude non-resident aliens from the statute's provisions.

Id. These factors led the Court to conclude that the presumption against extraterritorial application of statutes did not apply to the habeas statute and hold that non-resident aliens detained at Guantanamo Bay are entitled to the procedures afforded by the statute. *Zd* at 2696-98. None of these issues are present in this case, where the Plaintiffs were all held at detention facilities in Afghanistan and Iraq, not at Guantanamo Bay, and none of them are seeking habeas relief.

The Court's focus on the unique nature of Guantanamo Bay in *Rasul* actually undercuts any claim by Plaintiffs in this case. The Court's holding turned critically on finding that Guantanamo Bay is functionally within the "territorial jurisdiction" of the United States for purposes of the habeas statute by virtue of treaties and a special history, *Rasul*, 124 S.Ct. at 2696;

here, however, plaintiffs have been held at detention facilities in Afghanistan or ~~Iraq~~, places unquestionably *not* within the territorial jurisdiction of the United States. Further, any argument that *Rasul* extended constitutional protections to non-resident aliens detained at facilities other than Guantanamo Bay presupposes that *Rasul* overruled *Johnson v. Eisentrager*. The Supreme Court made clear in *Rasul* that it did not do so. *Rasul*, 124 S.Ct. at 2693, 2698.

U.S. District Judge Richard Leon recently recognized the limited scope of *Rasul* in *Khalid v. Bush*, when he rejected habeas corpus petitions filed by seven aliens detained at Guantanamo Bay. Judge Leon determined that “the Supreme Court [in *Rasul*] chose to only answer the [statutory] question of jurisdiction, and not the question of whether these same individuals possess any substantive rights on the merits of their [constitutional] claims.” *Khalid*, 355 F. Supp. 2d at 323. Judge Leon then turned to **this** constitutional question, and concluded that “non-resident aliens captured and detained outside the United States have no cognizable constitutional rights.” *Id.* at 320. Judge Leon explained that:

The petitioners in **this** case are neither United States citizens nor aliens located within sovereign United States territory. To the contrary, they **are** non-resident aliens, captured in foreign territory, and held at a naval base, which is located on land subject to the “ultimate sovereignty” of Cuba. [citation omitted] Due to their status **as** aliens outside sovereign United States territory with no connection to the United States, it was well established prior to *Rasul* that the petitioners possess no cognizable constitutional rights.

* * *

Nothing in *Rasul* alters [that prior analysis]. . . . The Supreme Court majority in *Rasul* expressly limited its inquiry to whether non-resident aliens detained at Guantanamo have a right to a judicial review of the legality of their detention, under the habeas statute, . . . and, therefore, did not concern itself with whether the petitioners had any independent constitutional rights. . . .

Id. at 321, 322. Exactly the same reasoning could be applied to plaintiffs’ constitutional claims

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in **this** case.

This is not to suggest that *Khalid* is unchallenged on this issue. A few days after publication of *Khalid*, U.S. District Judge Joyce Hens Green reached a contrary conclusion, finding that Guantanamo Bay “must be considered the equivalent of a U.S. territory in which fundamental constitutional rights apply,” and that aliens detained at the U.S. military facility there have cognizable rights under the Fifth Amendment. *In re Guantanamo Detainee Cases*, 355 F. Supp. 2d 443, 464 (D.D.C. 2005), *appeal docketed*, No. 05-5124 (D.C. Cir. ~~Mar.~~ 31, 2005). But, like *Rasul*, *In re Guantanamo Detainee Cases* was decided *after* the Plaintiffs were released from detention. Therefore, it could not have put the defendants in this and the related actions on notice that their actions were unlawful. *See Anderson*, 483 U.S. at 640; *DeBauche*, 191 F.3d at 505-06; *Bailey v. Bd. of County Comm’rs of Alachua County, Fla.*, 956 F.2d 1112, 1123 (11th Cir. 1992) (“In deciding whether a constitutional right is clearly established, we must judge the contours of the law at the time the [] decision was being made, irrespective of subsequent developments in the law.”). Moreover, and again like *Rasul*, *In re Guantanamo Detainee Cases* did not hold that constitutional protections apply to non-resident detainees held at all overseas detention facilities operated by the United States, only those held at Guantanamo Bay.

The Executive Branch officials being sued here and in the related actions respectfully suggest that Judge Leon’s decision in *Khalid* correctly analyzes the question of whether non-resident aliens held abroad in military detention facilities possess constitutional rights. *Khalid* is supported by a host of Supreme Court decisions, *see* 355 F. Supp. 2d at 321-23, which stands in stark contrast to the concurring opinions that shaped *In re Guantanamo Detainee Cases*. *See* 355

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F. Supp. 2d at 457, 459, 462-63.⁹ Moreover, the D.C. Circuit implicitly rejected the reasoning of *In re Guantanamo Detainee Cases* this past summer in *Hamdan v. Rumsfeld* when the court stated “there is doubt that someone in Hamdan’s position [a detainee at Guantanamo Bay] is entitled to assert [] a constitutional claim.” *Hamdan*, 2005 WL 1653046 at *2 (citing *People’s Mojahedin Org. v. Dep’t of State*, 182 F.3d 17, 22 (D.C. Cir. 1999) and 32 *County Sovereignty Comm. v. Dep’t of State*, 292 F.3d 797, 799 (D.C. Cir. 2002)).

In sum, Plaintiffs’ constitutional claims fail as a matter of law. The Plaintiffs were all captured in fields of battle in Afghanistan and Iraq and were detained at facilities in those theaters of war. They have no connection to the United States that would grant them constitutional protections. And the issues raised by Plaintiffs’ constitutional claims are wholly distinct from those presented by the statutory habeas claims addressed in *Rasul*. At the very least, the Plaintiffs’ claims must be dismissed on qualified immunity grounds. The case law at the time of the alleged actions Plaintiffs are challenging overwhelmingly indicated that the Plaintiffs were not entitled to any constitutional protections. It cannot reasonably be argued that Executive Branch officials were on notice that their alleged decisions regarding the detention of non-resident aliens in theaters of war would violate the Constitution. The fact that two members of this Court currently disagree so profoundly on whether Guantanamo Bay detainees possess any constitutional rights leads ineluctably to the conclusion that the law did not “clearly establish” that Plaintiffs possessed Fifth and Eighth Amendment rights at the time the Secretary of Defense

⁹ Judge Green appears to rely on a trio of concurring opinions – by Justice Harlan in *Reid v. Covert*, 354 U.S. 1 (1957), and by Justice Kennedy in both *Verdugo-Urquidez* and *Rasul* – to guide her interpretation of *Rasul*. Judge Leon premised his holding on the majority opinions in *Eisentrager*, *Zadvydas*, and *Verdugo-Urquidez*.

and the related action Army defendants made decisions regarding military detention of non-resident aliens in Afghanistan and Iraq.” It is axiomatic that “[i]f judges thus disagree on a constitutional question, it is unfair to subject [public employees] to money damages for picking the losing side of the controversy.” *Wilson*, 526 U.S. at 618.

II. THE SECRETARY OF DEFENSE AND RELATED ACTION DEFENDANTS ARE ENTITLED TO ABSOLUTE IMMUNITY ON PLAINTIFFS’ THIRD, FOURTH AND FIFTH CAUSES OF ACTION THAT ALLEGE VIOLATIONS OF PLAINTIFFS’ RIGHTS UNDER INTERNATIONAL LAW

Plaintiffs’ third and fourth causes of action are claims for damages under the ATS. That statute provides that “[t]he district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.” 28 U.S.C. § 1350. In their fifth cause of action, Plaintiffs assert damages claims for alleged violations of the Geneva Conventions. The Liability Reform Act makes plain, however, that the exclusive remedy for these claims is a suit against the United States under the FTCA. *See* 28 U.S.C. § 2679(d).

Section 2679(d) states that a plaintiffs sole remedy for a claim of damages arising from any “negligent or wrongful act” or omission of a government employee acting within the scope

¹⁰ Judge Green acknowledged as much when she wrote that she would have “welcomed a clearer declaration in the *Rasul* opinion regarding the specific constitutional and other substantive rights of the” Guantanamo detainees, 355 F. Supp. 2d at 454, especially given the “continuing murkiness” surrounding the concept of extraterritorial application of the U.S. Constitution. *Id.* at 458 n.27. Indeed, Judge Green certified *In re Guantanamo Detainee Cases* for interlocutory appeal under 28 U.S.C. § 1292(b), *see* Civil Action No. 02-CV-0299 et al., Docket No. 162, Certification Order and Stay (February 3, 2005), and the D.C. Circuit subsequently accepted that certification. *See Al Odah v. United States*, No. 05-5064 (D.C. Cir. notice of appeal Mar. 7, 2005). This establishes that both Judge Green and the D.C. Circuit recognize that there is “substantial ground for difference of opinion” on a “controlling question of law.” 28 U.S.C. § 1292(b). The law cannot be considered clearly established under these circumstances.

DRAFT

of his or her employment is a suit against the United States under the FTCA. *Schneider*, 310 F. Supp. 2d at 264, *aff'd on other grounds*, 412 F.3d. 190 (D.C. Cir. 2005).¹¹ Upon certification by a designee of the Attorney General that the individual employee acted within the scope of his employment, the United States is substituted in place of the individual defendant. *Id.* (citing *Gutierrez de Martinez v. Lamagno*, 515 U.S. 417, 420 (1995)); *see also* 28 U.S.C. § 2679(d)(1). As part and parcel of this substitution, the Secretary of Defense is absolutely immune from suit for the alleged international law violations outlined in the complaint. *See* 28 U.S.C. § 2679(b)(1) (“civil action[s] or proceeding[s] . . . against the employee or the employee’s estate [are] precluded”).¹²

The Liability Reform Act provides only two exceptions to its exclusive remedy rule. That rule does not apply to claims brought “for a violation of the Constitution” or “for a violation of a statute of the United States.” 28 U.S.C. § 2679(b)(2). All other claims against federal employees based upon conduct undertaken within the scope of federal employment are barred by the Act. *See, e.g., United States v. Smith*, 499 U.S. 160, 166-67 (1991) (refusing to infer another exception beyond the two expressly stated in the Liability Reform Act).

¹¹ The D.C. Circuit did not address the *Westfall* immunity issues ruled on by this Court in *Schneider*, on the grounds that its resolution of the claims under the political question doctrine was “jurisdictional [and therefore] determinative.” *Schneider*, 412 F.3d at 193.

¹² The Attorney General has delegated his authority to certify scope of employment to any Director of the Torts Branch, Civil Division. *See* 28 C.F.R. § 15.4(a). Timothy P. Garren, a Torts Branch Director, has certified that Plaintiffs’ claims are based upon actions taken by Secretary Rumsfeld, Lieutenant General Sanchez, Colonel Karpinski and Colonel Pappas in the scope of their federal office. *See* Ex. 1, Certifications of Scope of Employment. Consistent with these certifications and the arguments set forth herein, the United States should be substituted in place of Secretary Rumsfeld, Lieutenant General Sanchez, Colonel Karpinski and Colonel Pappas with respect to Plaintiffs’ third, fourth and ~~5th~~ causes of action in each lawsuit against these federal government officials.

The Plaintiffs' claims under the ATS and Geneva Conventions do not fall within either exception. As the Supreme Court made clear in **Sosa v. Alvarez-Machain**, "the ATS is a jurisdictional statute creating no new causes of action." 124 S.Ct. 2739, 2761 (2004). The ATS itself creates no substantive rights that can be "violated" for purposes of the Liability Reform Act." The ATS merely affords the jurisdictional basis for the **assertion** of rights conferred elsewhere, namely by the law of nations or a U.S. treaty. **Alvarez-Machain**, 124 S.Ct. at 2761. Thus, a claim brought under the ATS is "not exempt from the exclusive remedy provision of the Liability Reform Act." **Alvarez-Machain v. United States**, 331 F.3d 604, 631 (9th Cir. 2003), *rev'd on other grounds*, 124 S.Ct. 2739 (2004); *see also Schneider*, 310 F. Supp. 2d at 266-67 (the United States must be substituted in place of individual defendants on ATS claims).¹⁴

Substitution also is required on Plaintiffs' fifth cause of action because Plaintiffs' claim for alleged violation of the Geneva Conventions likewise is not a claim "for a violation of the Constitution . . . or . . . for a violation of a statute of the United States." *See* 28 U.S.C. §

¹³ This Court recently reaffirmed that the ATS is merely jurisdictional. *See Simpson v. Socialist People's Libyan Arab Jamahiriya*, 362 F. Supp. 2d 168, 175 n.4 (D.D.C. 2005).

¹⁴ The scope of employment certification upheld by this Court in **Schneider** is analogous to the certification made here. The plaintiffs in **Schneider** challenged the government's certification that then National Security Advisor Henry Kissinger acted within the scope of his employment when he allegedly committed human rights violations in support of a coup d'etat in Chile, arguing that Dr. Kissinger's conduct "constitute[d] a clear violation of peremptory norms of international law" that precluded a scope certification. 310 F. Supp. 2d at 257, 265. In rejecting that challenge, this Court found that Kissinger acted within scope because his conduct affected the establishment of a socialist government in Chile which "would have had a substantive impact on U.S. foreign policy and would naturally implicate national security concerns for which Dr. Kissinger had some responsibility." *See id.* at 266. That decision was subsequently affirmed by the D.C. Circuit under the political question doctrine without addressing the **Westfall** substitution issue. *See Schneider*, 412 F.3d at 193.

DRAFT

2679(b)(2)(B). Treaties adopted by the United States may be part of the “law of the land,””

see *Zicherman v. Korean Air Lines Co.*, 516 U.S. 217, 226 (1996), but a tort claim based directly upon a treaty does not constitute a claim for the violation of the Constitution or a federal statute as required by the Liability Reform Act. This is especially clear given the Supreme Court’s narrow construction of the exceptions to the Liability Reform Act. See, e.g., *Smith*, 499 U.S. at 173-74. In *Smith*, the Court held that “Congress’ express creation of these two exceptions [for violations of the Constitution and federal statutes] convinces us that the Ninth Circuit erred in inferring a **third** exception” to the Liability Reform Act. *Smith*, 499 U.S. at 167. This Court should reject Plaintiffs attempt to create a third exception for claims for violations of **treaties**.¹⁶

¹⁵ It should be noted that the distinction between federal constitutional, statutory, and treaty provisions is expressly recognized in the Constitution. The Supremacy Clause states: “This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all Treaties made, or shall be made, under the Authority of the United States, shall be the Supreme Law of the Land . . .” **Art. VI, Clause 2** (emphasis added).

¹⁶ In any event, Plaintiffs’ fifth cause of action should be dismissed because the Geneva Conventions do not provide private parties with judicially enforceable rights. See *Humdun*, 2005 WL 1653046 at *4-6. The D.C. Circuit rejected a claim similar to Plaintiffs’ in *Humdun*, where it held that a Guantanamo Bay detainee could not seek enforcement of the 1949 Geneva Convention in federal court. *Zd* at *6. In laying out the framework for its holding, the D.C. Circuit noted that enforcement of treaties rests with the signatory states, not individuals: “As a general matter, a ‘treaty is primarily a compact between independent nations,’ and ‘depends for the enforcement of its provisions on the interest and honor of the governments which are parties to it.’ If a treaty is violated, this ‘becomes the subject of international negotiations and reclamation,’ not the subject matter of a lawsuit.” *Zd* at *4 (citations omitted). **Thus**, even treaty provisions that directly benefit private persons “‘generally do not create private rights or provide for a private cause of action in domestic courts.’” *Zd* (quoting Restatement (Third) of the Foreign Relations Law of the United States § 907 cmt. a, at 395 (1987)). The D.C. Circuit also recognized that these principles guided the Supreme Court in *Eisentrager*, where the Court rejected the plaintiffs’ argument that the military commission that convicted them violated the 1929 Geneva Convention. *Id.* at *4. (“[R]esponsibility for observance and enforcement of [rights identified in the Convention] is upon political and military authorities.” *Eisentrager*, 339 U.S. at 789 n.14.). Finding no material distinctions between the 1929 Convention at issue in *Eisentrager* and the 1949 Convention at issue in *Hamdan*, both of which protect individual rights and commit

Upon the substitution of the United States on Plaintiffs' third, fourth and fifth causes of action in accordance with the Liability Reform Act, dismissal of the resulting FTCA claims is required. The Liability Reform Act provides that when the United States is substituted for an individual defendant, the resulting claim is fully "subject to the limitations and exceptions applicable to" FTCA claims. 28 U.S.C. § 2679(d)(4). In this case, Plaintiffs have not satisfied the jurisdictional requirements for proceeding on an FTCA claim. An essential prerequisite to the pursuit of an FTCA claim against the United States is the exhaustion of all administrative remedies. See 28 U.S.C. § 2675(a) ("An action shall not be instituted upon a claim against the United States for money damages . . . unless the claimant shall have first presented the claim to the appropriate Federal agency and his claims all have been finally denied by the agency in writing"); *McNeil v. United States*, 508 U.S. 106, 112 (1993); *Schneider*, 310 F. Supp. 2d at 266-67. This requirement is jurisdictional. See 28 U.S.C. § 2675(a); *Jackson v. United States*, 730 F.2d 808, 809 (D.C. Cir. 1984); *Schneider*, 310 F. Supp. 2d at 269. Since Plaintiffs have not exhausted their administrative remedies, this Court lacks subject matter jurisdiction over their FTCA claims. See 28 U.S.C. § 2675(a); *McNeil*, 508 U.S. at 112.

III. PLAINTIFFS LACK ARTICLE III STANDING TO SEEK DECLARATORY RELIEF.

Article III of the Constitution limits the subject matter jurisdiction of federal courts to actual "cases or controversies." See U.S. Const., Art. III, § 2, cl. 1. The case or controversy

enforcement of their provisions to signatory states, the D.C. Circuit held that the plaintiff in *Hamdan* could not enforce the Geneva Convention in federal court. *Hamdan*, 2005 WL 1653046 at *6. The Plaintiffs' here are likewise prevented from seeking enforcement of the Geneva Convention in this case. See also *Head Money Cases*, 112 U.S. 580, 598 (1884) ("judicial courts have nothing to do and can give no redress" to individuals seeking enforcement of a treaty).

requirement is not satisfied unless a plaintiff **has** standing to seek redress. *See Simon v. Eastern Ky. Welfare Rights Org.*, 426 U.S. 26, 37-38 (1976). To satisfy the standing requirement, a plaintiff must plead: (1) that the plaintiff suffered an injury in fact that is concrete and not conjectural, (2) that the injury is fairly traceable to the actions of the defendant, and (3) that the injury will be redressed by a favorable decision. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992); *Util. Air Regulatory Group v. EPA*, 320 F.3d 272, 277 (D.C. Cir. 2003). The case or controversy requirement applies to claims for declaratory relief. *See City of Los Angeles v. Lyons*, 461 U.S. 95, 101-06 (1983); *Golden v. Zwickler*, 394 U.S. 103, 108-09 (1969); *Federal Express Corp. v. Air Line Pilots Ass'n*, 67 F.3d 961, 963 (D.C. Cir. 1995).¹⁷ The Plaintiffs must satisfy these requirements to pursue the declaratory relief they seek in their sixth cause of action.

Because claims for declaratory relief are prospective, courts are particularly vigilant in applying the injury in fact and redressibility elements of the standing doctrine to such claims. *See, e.g., Lyons*, 461 U.S. at 102-04 (plaintiff must show substantial likelihood of concrete future **harm** that would be redressed by equitable relief); *Fair Employment Council of Greater Washington, Inc. v. BMC Marketing Corp.*, 28 F.3d 1268, 1272 (D.C. Cir. 1994) (no standing to seek declaratory relief where plaintiffs did not allege "that they are threatened with any future illegality"); *Emory v. Peeler*, 756 F.2d 1547, 1552 (11th Cir. 1985) (plaintiff seeking declaratory relief must show that there is a "substantial continuing controversy" with a "real and immediate" threat of future injury); *Buie v. Jones*, 717 F.2d 925, 929 (4th Cir. 1983) (no reasonable probability plaintiff will again be injured, thus plaintiff had no "personal stake in the outcome")

¹⁷ Indeed, the plain terms of the Declaratory Judgment Act require "a case of actual controversy" to exist before a **court** may grant declaratory relief. 28 U.S.C. § 2201(a).

and he would not “be harmed or benefitted by” a declaratory judgment). Allegations of past injury are insufficient for a plaintiff to obtain declaratory relief. *Lyons*, 461 U.S. at 102-03; Fraternal *Order of Police v. Rubin*, 134 F. Supp. 2d 39, 41 (D.D.C. 2001); *Emory*, 756 F.2d at 1552. There must be an imminent threat of *future* injury that will be redressed by the specific relief sought. *Id.*

The requirement of an imminent threat of future injury as a jurisdictional prerequisite to equitable relief is aptly illustrated by the Supreme Court’s decision in *City of Los Angeles v. Lyons*. The plaintiff in *Lyons* sued the City of Los Angeles and four of its police officers for injuries he allegedly sustained when he was stopped for a traffic violation and placed in a chokehold. He sought injunctive and declaratory relief, as well as money damages, and the district court issued a preliminary injunction barring the use of chokeholds, which was upheld on appeal. 461 U.S. at 97-100. The Supreme Court reversed, holding that the plaintiff lacked standing to seek equitable relief because he failed to show that “he was likely to suffer future injury from the use of the chokeholds by police officers.” *Id.* at 105. The Court held that, even if the plaintiff’s prior injury afforded him standing to seek retrospective relief in the form of damages, it did “nothing to establish a real and immediate threat that he would again be stopped for a traffic violation, or for any other offense, by an officer or officers who would illegally choke him to unconsciousness without any provocation or resistance on his part.” *Id.*¹⁸

¹⁸

The Supreme Court also made clear in *Lyons* that “a real and immediate threat” of future injury could not be demonstrated with broad and conclusory allegations. The Court stated in that regard “The additional allegation in the complaint that the police in Los Angeles routinely apply chokeholds in situations where they are not threatened by the use of deadly force falls far short of the allegations that would be necessary to establish a case or controversy between the parties.” *Id.*

The standing principles set forth in *Lyons* have led courts in this and other circuits to repeatedly deny the declaratory relief claims of prisoners and former detainees seeking to challenge the conditions of confinement at facilities where they are no longer held. In *Dorman v. Thornburgh*, 955 F.2d 57 (D.C. Cir. 1992), the D.C. Circuit held that a prisoner who had been paroled lacked standing to obtain a declaration that a prison regulation was unconstitutional. Similarly, the Eighth Circuit in *Martin v. Sargent*, 780 F.2d 1334 (8th Cir. 1985), held that a prisoner who had been transferred to a new facility lacked standing to challenge the conditions of confinement at the facility where he ~~was~~ previously detained. In *Buie v. Jones*, the Fourth Circuit held that a state prisoner lacked standing to challenge a visitation rule in place at the jail where he ~~was~~ a pretrial detainee because there was not “any reasonable probability that within the foreseeable ‘immediate’ future” the plaintiff would again be housed at the facility. 717 F.2d at 928-29. *Cf. Scott v. District of Columbia*, 139 F.2d 940, 941 (D.C. Cir. 1998) (“Normally, a prisoner’s transfer or release from a prison moots any claim he might have for equitable relief arising out of the conditions of his confinement in that prison.”).” Even where a prisoner remains at the same facility and seeks to challenge a condition the prisoner is no longer experiencing there is no standing to seek equitable relief. See *Knox v. McGinnis*, 998 F.2d 1405,

¹⁹ Accord *Barney v. Pulsipher*, 143 F.3d 1299, 1306 & n.3 (10th Cir. 1998) (former inmates lacked standing to seek declaratory or injunctive relief as to conditions in jail because they failed to show, and court “decline[d] to speculate,” that they “will likely end up” there “again some time in the future”); *Nelsen v. King County*, 895 F.2d 1248, 1250, 1252 (9th Cir. 1990) (former residents of alcoholic-treatment center lacked standing to seek injunctive relief because they could not show that they would “begin drinking uncontrollably several years after their discharge from the Center,” “commit an alcohol-related offense, be prosecuted for that offense, be convicted, be offered the choice to reenter the Center, make that choice, and find that the conditions at the Center were the same as they allegedly were when [plaintiffs] were there” previously).

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1413 (7th Cir. 1993) (prisoner could not obtain injunction against future use of “black box” restraining device, as it was only used in segregation, prisoner had returned to general population, and “mere possibility” that he “may sometime in the future be returned to the segregation unit” did not “establish a real and immediate threat that he again will be subject to use of the black box”).

There can be no question that Plaintiffs lack standing to seek declaratory relief with respect to the conditions of their confinement at military detention facilities in Afghanistan and Iraq. Plaintiffs were not detained when they filed this action, nor are they detained today. Even if Plaintiffs could demonstrate *past* exposure to unlawful conditions of confinement, they cannot, as they must, show that they face a real and immediate threat of *future* exposure to those same conditions. Plaintiffs allege no facts remotely suggesting that any of the allegedly unlawful actions they seek to challenge are likely to be taken against ~~them~~ again in the future. Plaintiffs’ lone allegation pertaining to future harm – that they “reasonably fear that they are at risk of and will again be subjected to Defendant’s unlawful and unconstitutional actions” – is wholly insufficient to create standing. Compl. ¶ 221. The Supreme Court made clear in *Lyons* that this type of allegation, asserting a reasonable fear of future injury, is insufficient to establish standing:

The reasonableness of [plaintiffs’] fear is dependent upon the likelihood of a recurrence of the allegedly unlawful conduct. It is the reality of the threat of repeated injury that is relevant to the standing inquiry, not the plaintiffs’ subjective apprehensions. The emotional consequences of a prior act simply are not a sufficient basis for an injunction absent a real and immediate threat of future injury by the defendant.

Lyons, 461 U.S. at 1668 n.8. (emphasis in original).

In sum, the Plaintiffs allege no facts remotely suggesting that any of the allegedly

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unlawful actions they seek to challenge ~~are~~ likely to be taken against them in the near future.

Accordingly, Plaintiffs lack the requisite standing to pursue declaratory relief and their sixth cause of action must be dismissed.

CONCLUSION

For the foregoing reasons, the Secretary of Defense and the United States requests that this Court dismiss all of Plaintiffs' claims pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6).

Dated: —, 2005

Respectfully submitted,

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Assistant Attorney General

JEFFREY S. BUCHOLTZ
Deputy Assistant Attorney General

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Torts Branch, Civil Division

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Attorneys for Defendant Secretary of Defense
Donald H. Rumsfeld

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DRAFT

**In re Iraq and Afghanistan Detainees
Litigation**

This document relates to:

Arkan Mohammed ALI, et al.,

v.

**Donald H. RUMSFELD, Secretary of
Defense of the United States of America**

Misc. No. _____ (TFH)

MDL No. 1686

ORDER OF DISMISSAL

The Defendant and the United States have moved, pursuant to Fed. R. Civ. P. 12(b)(1) and (6), for dismissal of all six causes of action stated in the Plaintiffs' Complaint. The parties have fully briefed the issue, and, upon consideration by ~~this~~ Court of the arguments made by the parties, ~~its~~ is hereby ORDERED that the motion to dismiss is GRANTED in its entirety. The Plaintiffs' Complaint is hereby dismissed without prejudice.

IT IS SO ORDERED.

Chief Judge Thomas F. Hogan
U.S.D.C., District of Columbia

FOUO

ES-3922

05/010665

August 8, 2005

UN

TO: Doug Feith

FROM: Donald Rumsfeld *DR*

SUBJECT: Valenzuela

Whatever happened to Valenzuela, the man in Iraq, who was helping with the elections and who did such a good job? Is there a UN person now helping to push along the constitution, the referendum and the election?

Thanks.

DHR:ss
08005-03

.....

Please respond by _____

8 Aug 05

OSD 18035-05

FOUO

09-08-05 17:45:14

11-L-0559/OSD/51840

~~FOR OFFICIAL USE ONLY~~

I-05/010665

ES-3922

USDP ~~6~~ SEP 7 2005

MEMORANDUM FOR SECRETARY OF DEFENSE

From: Peter W. Rodman, Assistant Secretary of Defense (ISA) *PR* 06 SEP 2005

Subject: Valenzuela (Snowflake Response)

You asked (attached) what happened to Carlos Valenzuela, former UN election advisor in Iraq, and if there is currently a person at the UN who is helping push along the constitution, the referendum, and the election.

Status of Carlos Valenzuela – Former UN Election Advisor in Iraq

- After the January 2005 Iraqi national election, Mr. Valenzuela returned to Bogota and has since resigned from the UN.

Assessment of UN Support of the Constitution, Referendum and Election

- Under UNSCR 1546, the UN is to have a leading role in advising and supporting the Iraqis on the process for holding elections. The UN is also to have a leading role in promoting national dialogue and consensus-building in drafting a constitution.
 - UN Special Representative Ashraf Qazi (former Pakistani Ambassador to the U.S.) has been supportive of our strategy, but the U.S. Embassy has tended to play the lead role.
- The UN Office of Constitution Support, led by Nicholas Fink Haysom, is assisting with the drafting of Iraq's constitution and has been helpful.
- The role of UN election advisor in Iraq (formerly filled by Valenzuela) has been divided among three electoral advisors:
 - International Member of the Independent Electoral Commission of Iraq: Geraldo Chevalier (currently in Haiti)
 - Chief Electoral Advisor : (Australian) David Avery (also currently acting as the International Member to the IECI)
 - Chief Electoral Operations Officer: (Australian, based in Amman) Kerry Hesiner
- While the UN personnel have been well-disposed and helpful, we remain concerned about the following:
 - Chevalier is currently leading the UN electoral assistance effort in Haiti; timing for his Baghdad arrival is not certain, although the UN is aiming for September 15.

~~FOR OFFICIAL USE ONLY~~

11-L-0559/OSD/51841

OSD 18035-05

06-09-05 12:32 IN

UN

6 Sep 05

8 Aug 05

~~FOR OFFICIAL USE ONLY~~

- The UN mission in Baghdad is "filled," that is, the UN has imposed a ceiling on the number of international personnel allowed in-country. Regional offices are primarily security liaison units with small, temporary staffs. We would like to see the UN ceiling raised and electoral experts deployed to Baghdad, Basra and Erbil.
- State regularly engages with the UN on electoral and constitutional issues at senior and working levels in Washington, New York and Baghdad. The Secretary of State has spoken with SYG Annan about, especially, the need for more UN staff.
- One concern that has been resolved The UN previously recommended that the December 2005 election use a system based on Single-District Proportional Representation, similar to that used in the January 2005 election. However, the emerging Iraqi consensus and our recommendation was for Provincial Proportional Representation with multiple districts. The Iraqis are now pursuing the latter system, with the UN's support.

Acting Principal Director, NESAs Has Seen PDASD (ISA) Has Seen

Prepared By: Shawn Steene, ISA NESAs Northern Gulf, (b)(6)

~~FOR OFFICIAL USE ONLY~~

~~FOUO~~

I-05/012016
ES-4138
September 06, 2005

W455D

TO: Eric Edelman

FROM: Donald Rumsfeld

D.R.

SUBJECT: Notes to MoDs of Countries Offering Help

I think I ought to get a thank you note off to the MoDs of all the countries that have offered help for the Katrina crisis.

Thanks.

DHR:dh
090605-07

Please Respond By 09/15/05

*Mr. Secretary,
We are having our Coalition Maintenance
Office in ISA pull these together
for you.*

[Signature]

6 SEP 05

~~FOUO~~

OSD 18037-05

11-L-0559/OSD/51843

FOUO

ES-4027
05/011370

August 23, 2005

TO: Gordon England
CC: Eric Edelman
Gen Dick Myers
Bill Winkenwerder
Matt Waxman
FROM: Donald Rumsfeld *DR*
SUBJECT: Hunger Strike at Guantanamo Bay

Please get into this hunger strike at GTMO and make sure we're doing the right things.

Thanks.

DHR:sa
082205-22

.....
Please Respond By September 06, 2005

FOUO

OSD 18042-05

11-L-0559/OSD/51844

202 / 205

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FOUO

ES-4027
05/011310

OFFICE OF THE DEPUTY SECRETARY OF DEFENSE
The Military Assistant

23 August 2005 - 1325

MEMORANDUM FOR USD(P)

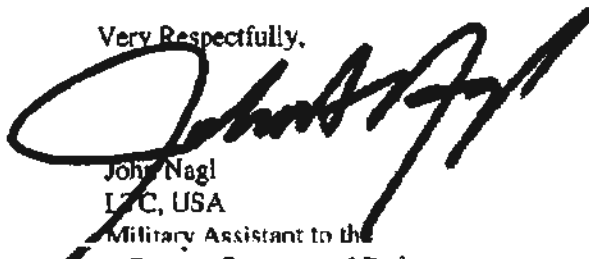
SUBJECT: Hunger Strike at Guantanamo Bay (GTMO)

Sir,

The DSD requests position paper and/or briefing slides on detainee hunger strike at GTMO, our policy there, and your recommendations.

Please provide a copy of this tasker with response.

Very Respectfully,



John Nagl
LTC, USA
Military Assistant to the
Deputy Secretary of Defense

SUSPENSE: 01Sep05

CC: DJS; SECNAV

ATTACHMENT: SECRET SNOWFLAKE
P82205-11

FOUO

OSD 18042-05

11-L-0559/OSD/51845

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23 Aug 05

23 Aug 05

~~FOUO~~

IOS/01/66
ES-4069

August 29, 2005

TO: Eric Edelman

FROM: Donald Rumsfeld

D.R.

SUBJECT Memo on Iraqi Sunni Posture

Please find attached a memo from Jerry Jones for your review and consideration. The memo provides a perspective on the Iraqi Sunni disposition in reaction to the constitutional drafting process.

Thanks.

Attach.

8/23/05 Jones memo: "The Iraqi Sunnis Have Reached the Tipping Point"

DHR:dh
082905-08

~~FOUO~~

OSD 18048-05

50-J3-J5 A11:27 IN

11-L-0559/OSD/51846

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~~FOUO~~

SEP 08 2005

TO: ADM Tim Keating

CC Gen Dick Myers
Eric Edelman
Paul McHale

FROM: Donald Rumsfeld 

SUBJECT: Coast Guard Helicopters

I am told the Coast Guard is pulling its helicopters out.

I take it we are not because we have so many missions assigned from FEMA. If that is the case, why don't we get the Coast Guard to leave their helicopters there, and have them help in some of our missions involving distribution, evacuation, and the like. That might free up some of our helicopters.

4524

Thanks.

DHR:ss
090705-04

.....
Please Respond By September 09, 2005

~~FOUO~~

11-L-0559/OSD/51847

OSD 18053-05

8-29-05

~~FOUO~~

SEP 08 2005

TO: President George W. Bush

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

FROM: Donald Rumsfeld



SUBJECT: Daily Update on Department of Defense KATRINA Activity

Attached is the latest update. New information is in bold type. We are continuing to flow forces into the affected areas.

Attach 9/7/05 DoD Support to Hurricane KATRINA

DHR:ss
090705-02

~~FOUO~~

OSD 18054-05

11-L-0559/OSD/51848

DoD Support to Hurricane KATRINA
Office of the Assistant Secretary of Defense (Homeland Defense)
Executive Summary
Wednesday, September 07, 2005 (as of 0600)

Command and Control

- U.S. Northern Command Commander is Admiral Keating in Colorado Springs, Colorado.
- Joint Task Force Katrina Commander is Lieutenant General Honore at Camp Shelby, Mississippi.
- Joint Task Force Louisiana National Guard Commander is Major General Landreneau, New Orleans, Louisiana.
- Joint Task Force Mississippi National Guard Commander is Major General Cross at Jackson, Mississippi.

Operational Highlights

- 60,407 Active Duty and National Guard personnel are on the ground or aboard ships supporting relief operations.
 - 17,417 Active Duty.
 - 42,990 National Guard.
- 20 U.S. Navy ships are in the Joint Operational Area .
- Total aviation support includes Active Duty and National Guard aircraft:
 - 360 helicopters (180 Active Duty & 180 National Guard).
 - 93 airplanes (70 Active Duty & 23 National Guard).
- DoD has provided extensive search and rescue, evacuation, and medical support:
 - 5,211 sorties flown – 802 in the past 24-hours.
 - 75,000 people evacuated.
 - 14,224 people rescued.
 - 7,500 patients evacuated by ground and an additional 2,552 evacuated by air.
 - 5,512 patients treated.
- 4,160 unaccounted-for DoD personnel – Our assessment is this will be reduced sharply as time goes by.
 - 3,188 Navy
 - 971 Air Force
 - 1 Marine

- Projected flow of personnel for the next **24 – 48** hours:
 - 1,419 National Guard
 - **5,441** Active Duty
- Joint Task Force Katrina (Forward) will relocate to the USS IWO JIMA within **24** hours.
- Corps of Engineers closed 17th Street Canal levee breach and began pumping operations on September **6**. Working to open pump station #7.
- 82nd Airborne Division, 1st Cavalry Division, I and II Marine Expeditionary Force will conduct humanitarian, search and rescue, evacuation and security missions.
- Mortuary Affairs is expected to arrive at Camp Shelby, 7 Sep to assist FEMA with processing of deceased.
- Armed Forces Institute of Pathology is providing a specialized DNA team to assist with identification of fatalities.
- USS WHIDBEY ISLAND and USS GRAPPLE arrived in the Gulf:
 - USS WHIDBEY ISLAND delivered six floating bridges to replace destroyed bridges in New Orleans. USS GRAPPLE is on station to support salvage and clearing operations with the U.S. Coast Guard.
- USNS COMFORT, staffed to treat **250** patients, will arrive 9 September.
- U.S. Army element arrived at Camp Shelby, Mississippi equipped with airborne and ground loud speakers to assist with evacuation operations.
- DoD provided 1,500 mobile radios and technical support to be used by officials in Mississippi and Louisiana; radios arrived September **6** and given to the **82nd** Airborne at the New Orleans Airport.
- Six installations are providing support as transportation staging areas for ice, water, medical supplies.
 - Little Rock Air Force Base, Arkansas is the central collection point within DoD for supplies donated by foreign countries.
- Military Sealift Command contracted for one passenger ship to provide lodging for disaster victims and response personnel.
- **21** million MREs have ordered by FEMA.
- **745** beds are available in field hospitals: New Orleans International Airport (25 beds), USS BATAAN (**360** beds) and USS IWO JIMA (360 beds).
- Ten Department of Health and Human Services Federal Medical Shelters (250 beds each) are located at DoD installations: Eglin Air Force Base, Florida (**2** shelters); Fort Polk, Louisiana (4 shelters); Meridian Naval Air Station, Mississippi (4 shelters).
- Air Force established 1 of 3 tent cities at New Orleans International Airport.

DoD Support to Hurricane KATRINA
Office of the Assistant Secretary of Defense (Homeland Defense)
Executive Summary
Thursday, September 8, 2005 (as of 0400)

Command and Control

- U.S. Northern Command Commander is Admiral Keating in Colorado Springs, Colorado.
- Joint Task Force Katrina Commander is Lieutenant General Honore at Camp Shelby, Mississippi.
- Joint Task Force Louisiana National Guard Commander is Major General Landreneau, New Orleans, Louisiana.
- Joint Task Force Mississippi National Guard Commander is Major General Cross at Keesler AFB, Mississippi.

Operational Highlights

- **65,410** Active Duty and National Guard personnel are on the ground or aboard ships supporting relief operations.
 - **19,224** Active Duty.
 - **46,186** National Guard.
- 20 U.S. Navy ships are in the Joint Operational Area .
- Total aviation support includes Active Duty and National Guard aircraft:
 - **373** helicopters (**175** Active Duty & **198** National Guard).
 - 93 airplanes (70 Active Duty & 23 National Guard).
- DoD has provided extensive search and rescue, evacuation, and medical support:
 - **4,019** active sorties flown – **598** in the past 24-hours.
 - **8,388** ANG /ARNG sorties flown – **409** in the past 24 hours
 - **77,769** people evacuated.
 - **14,275** people rescued.
 - 7,500 patients evacuated by ground and an additional **2,607** evacuated by air.
 - **5,707** patients treated.
- Projected flow of personnel for the next 24 – 48 hours: **3,267** Active Duty
- Joint Task Force Katrina (West) **aboard** the USS IWO JIMA
- **Lieutenant General Honore directed that no Federal military service member will perform or assist with any type of forced evacuation.**

9/8/2005 6:41 AM

- 82nd Airborne Division, 1st Cavalry Division, I and II Marine Expeditionary Force conducting humanitarian assistance , search and rescue, evacuation and security assessments.
 - Primary operating area is Orleans Parish and St. Tammany Parish.
 - Evacuated **2,769** and rescued **51** displaced Americans
- Federal military forces in Mississippi will move to Louisiana; National Guard forces in Mississippi are sufficient.
- 54th Quartermaster Corps, Fort Lee, Virginia, is standing-by at Fort Benning prepared to assist FEMA if required - unit consists of 13 teams with a capacity to process 260 bodies per day.
- USS WHIDBEY ISLAND and USS GRAPPLE in the area:
 - USS WHIDBEY ISLAND completed off-load of the Marine Air Ground Task Force.
 - USS GRAPPLE is on station to support salvage and clearing operations with the U.S. Coast Guard.
- USNS COMFORT, staffed to treat 250 patients and **750** beds to house support personnel, will arrive September 9.
- Biloxi Airport generator is receiving the highest priority to bring it back on line.
- Six installations are providing support as transportation staging areas for ice, water, medical supplies.
- **1,257** beds are available in field hospitals: New Orleans International Airport (25 beds), USS BATAAN (360 beds), USS IWO JIMA (360 beds), USS Tortuga (308 beds), and **14th** Combat Support Hospital (**204** beds)
- Deputy Secretary of Defense approved Federal funding for use of National Guard in Title 32 status to support relief operations – status is retroactive to August **29**.
- The Vice President will visit the disaster area on September 8 – the Assistant Secretary of Defense for Homeland Defense will accompany; itinerary details have not been released.
- Little Rock Air Force Base, Arkansas is the central collection point for supplies donated by foreign countries; eighty-nine nations and international organizations have offered assistance.
 - U.S. Government has accepted or plans to accept **49** offers of assistance.
 - To date the United Kingdom, France, and Italy have provided material assistance; decision to accept assistance from China, Spain, Israel, Egypt and Russia is pending.
 - Tinker Air Force Base, is available as back-up staging area, if required.

9/8/2005 6:41 AM

11-L-0559/OSD/51852

~~FOUO~~

September 08, 2005

TO: Gen Norton Schwartz
cc: Gen Dick Myers
ADM Ed Giambastiani
FROM: Donald Rumsfeld *DR*
SUBJECT: Taking Command at TRANSCOM

TRANSCOM

Attached is a pretty good list of things John Handy sent along to me of both accomplishments and things remaining to be done. You will have your own ideas, of course, but these seem like a pretty good place to start. Go get 'em!

Attach List of Accomplishments and Tasks Remaining

DHR:ss
090805-07

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8SEP05

~~FOUO~~

OSD 18128-05

11-L-0559/OSD/51853

Accomplishments:

- Since Sep 01, USTRNSCOM has overseen the largest transportation operation during Operation **ENDURING FREEDOM/IRAQI FREEDOM (OEF/OIF)** since World War II while continuing to support other global commitments — all while transforming ourselves and DOD logistics. **It** has supported the nation's military in assuring our allies; fighting the Global War on Terror while transforming the entire command — it's headquarters and the service components
 - **3** Moved 2.9M passengers, 6.7M short tons of cargo, and 64.5M barrels of fuel into the CENTCOM area of operations
 - Evacuated 25K OEF/OIF patients, including 4.1K battle casualties, without loss of life
- As the Distribution Process Owner, transformed Department of Defense (DOD) distribution, integrating supply and transportation
 - Established deployment and distribution operations centers in each theater of operations to synchronize strategic and theater distribution activities — speeding deployment and reducing costs
 - ✦ Reduced troop movement in-transit times to theater of operations from 72 to 27 hours
 - Generated \$506.3M cost savings/avoidance by metering theater distribution flow, optimizing intermodal lift, and employing **more** efficient contracting capabilities
 - ✦ Improved delivery time by consolidating cargo loads for specific destinations
 - ✦ Streamlined troop movements via commercial aircraft by **63%** - eliminated delays at intermediate stops
- Advanced the recapitalization of the Defense Transportation System
 - **3** Expanded use of scheduled commercial transportation by 9% for unit deployment cargo and sustainment
 - Improved the readiness and reliability of the maritime fleet by working with the Department of Transportation to expand the Maritime Security Program from 47 to 60 ships
- Established a joint research and development program to explore and field transformational distribution capabilities

Things left to do:

- Formalize and codify Joint Theater Logistics (JTL), creation of a **JTL** Commander
 - Standardize port operations worldwide to ensure all ports are using the same systems, processes, and equipment

- 9 Joint Task Force – Port Opening to present COCOMs a new capability; USTRANSCOM-assigned forces organized and presented to Regional Combatant Commanders to quickly open and operate ports in specific theater locations until replaced by other capability
- Director of Mobility Forces (DM4) – Surface and the DM4-Air; responsible for executing mobility mission in the Theater Functional Components
- Implement a DOD-wide single distribution financial system (Defense Enterprise Accounting and Management System)
- Expand use of commercial partners; employing use of third party logistics entities to manage movement of DOD freight within the United States (Defense Transportation Coordination Initiative)
 - Lead DOD to an enterprise solution yielding total asset visibility – end-to-end personnel/assets/ cargo
- Develop an “assured business plan” for commercial airlift similar to Voluntary Intermodal Sealift Agreement
- Drive information systems simplification – eliminate duplication; modernize
- Finalize operational and IT system architectures to determine capability gaps and develop change recommendations that transform end to end distribution
- Joint professional workforce — military and civilian
 - 9 Develop professional career path for all services
 - Develop civilian personnel and training processes to ensure joint logistics skills

~~FOUO~~

September 09, 2005

TO: President George W. Bush

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

000 92

FROM: Donald Rumsfeld



SUBJECT Daily Update on Department of Defense KATRINA Activity

Attached is the latest update with new information in bold type. Worth noting:

- Stabilizing around 70,000 National Guard and Active Duty
- Watching Tropical Storm Ophelia closely
- Approaching 16 million MREs and 25 million liters H2O
- International aid starting to flow into the area
- Supporting FEMA on Mortuary Affairs

Respectfully,

Attach: 9/9/05 Daily Update on Department of Defense KATRINA Activity

DHR:ss
090805 08

15 SEP 05

OSD 18215-05

~~FOUO~~

11-L-0559/OSD/51856

DoD Support to Hurricane KATRINA
Office of the Assistant Secretary of Defense (Homeland Defense)
Executive Summary
Friday, September 9, 2005 (as of 0600)

Command and Control

- U.S. Northern Command Commander is Admiral Keating in Colorado Springs, Colorado.
- Joint Task Force Katrina Commander is Lieutenant General Honore at Camp Shelby, Mississippi.
- Joint Task Force Louisiana National Guard Commander is Major General Landreneau, New Orleans, Louisiana.
- Joint Task Force Mississippi National Guard Commander is Major General Cross at Keesler AFB, Mississippi.

Operational Highlights

- **70,616** Active Duty and National Guard personnel are on the ground or aboard ships supporting relief operations.
 - **19,793** Active Duty.
 - **46,186** National Guard. (+ **4,637** outside the response area).
- 20 US Navy ships are in the area.
- Total aviation support includes Active Duty and National Guard aircraft:
 - **346** (-) helicopters (**166** Active Duty and **180** National Guard).
 - **68** (-) airplanes (**35** Active Duty and **33** National Guard).
- DoD has provided extensive search and rescue, evacuation, and medical support:
 - **4,637** active sorties flown – **496** in the past 24-hours.
 - **8,697** National Guard sorties flown – **309** in the past 24 hours.
 - Approximately **80,000** people evacuated.
 - Approximately **15,000** people rescued.
 - 7,500 patients evacuated by ground and an additional 2,607 evacuated by air.
 - 5,707 patients treated.
- Total DoD medical personnel in the area is 2,037 (1,072 Active and 965 National Guard).

- Deputy Secretary of Defense approved Federal funding for use of National Guard in Title 32 status to support relief operations – status is retroactive to August 29.
- Projected flow of personnel for the next 24 to 48 hours: 3,140 Active Duty and 1154 National Guard.
- Joint Task Force Katrina (West) aboard the **USS IWO JIMA**.
- JTF Katrina (Forward) continues to improve JTF communications and computer networks and complete establishment of backup systems.
- Lieutenant General Honore directed that no Federal military service member will perform or assist with any type of forced evacuation.
- The USNS COMFORT is positioned 142 miles southeast of New Orleans awaiting US Northern Command decision on final port
- 82nd Airborne Division, 1st Cavalry Division, I and II Marine Expeditionary Force conducting humanitarian assistance , search and rescue, evacuation and security assessments.
 - Developing boundaries and search grid systems in conjunction with JTF Katrina and FEMA to facilitate clearing designated areas.
 - Deliberate planning to execute the high risk waterborne search and recovery in flooded areas in coordination with FEMA and US Coast Guard.
 - Division soldiers will not recover remains: will only mark and record locations for mortuary teams.
- 54th Quartermaster Corps, Fort Lee, Virginia, is standing-by at Fort Benning prepared to assist FEMA with mortuary affairs if required.
- Six installations are providing support as transportation staging areas for ice, water, medical supplies.
- 1,507 beds are available in field hospitals: New Orleans International Airport (25 beds), USS BATAAN (360 beds), USS IWO JIMA (360 beds), USS Tortuga (308 beds), 14th Combat Support Hospital (204 beds) and the USNS COMFORT (250 beds).
- 21 million Meals Ready to Eat have been ordered by FEMA – 15.7 million have been delivered.
 - As a result of more organizations providing meals and movement of people to temporary shelters, FEMA placed the delivery of 25 million meals on-hold as current inventory is sufficient.
- Little Rock Air Force Base, Arkansas is the central collection point for supplies donated by foreign countries - 100 nations and 11 international organizations have offered assistance.



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

ACTION MEMO

SEP 09 2005

380.01

FOR: SECRETARY OF DEFENSE

FROM: Michael B. Donley, Director, Administration and Management *MD*

SUBJECT: Personal Security Details (PSDs)

- In the Snowflake next under you directed that I review the list of people who receive PSD and Car/Driver support. I previously responded on Car/Driver support to the Under Secretaries, and I'm prepared to discuss further at your convenience.
- To respond on PSD assignments, we conducted a DoD-wide survey to establish an accurate list of protectees, Robert Rangel and Steve Bucci have the results. We identified 66 positions where PSD are assigned (up from 56 in our last report).
- In this survey we asked for information on the size of each PSD. DoD-wide 586 personnel are assigned to 66 PSDs. This has helped us to understand the resource investments associated with each assignment. PSDs in the report range in size from 1 to 56 persons, which suggests we lack common standards and adequate terminology.
- My findings on the assignments that you highlighted follow; they focus on Europe, the Air Force, and Defense Agency assignments. I'm prepared to provide by name results and additional material and briefing charts to support the findings below.
 - PSD assignments in Europe appear generous and probably reflect legacy practices.
 - EUCOM has the second highest number of protectees in DOD (13), trailing the 16 protectees in CENTCOM's Area of Responsibility (AOR).
 - Of the 405 personnel performing PSD duty in the COCOMAORs, EUCOM has the highest assigned with 181, CENTCOM follows with 155, and SOUTHCOM is third with 32. (CENTCOM numbers do not include local forces that reinforce PSDs for mission specific movements.)
 - Air Force PSD assignments are consistent with the security afforded their counterparts in the other services.
 - Operational Air Force PSDs are generally smaller than PSDs that support their Army counterparts and are comparable to their Navy counterparts.
 - Non-operational Air Force PSDs are small details of one or two. (Anomalies in the Air Force report reflect the lack of DoD-wide policies,

MSRP05

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USA SD	27	24	SA DSD	
EXEC SEC	11/12	11/12	11/12	0935
ESR MA	28	9/12		

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OSD 18237-05

Joint standards, and common terminology.)

- o PSD assignments for the Directors of the Defense Intelligence Agency (DIA) and the National Security Agency (NSA) appear cautious.
 - These assignments protect against strategic compromise of highly sensitive information and are supported by a current threat assessment. Further review of the value of these assignments may be warranted based on our tolerance for risk in this area. Six persons constitute the PSD for the Director DIA; the Director NSA has a PSD of nine persons.
- PSD assignments are managed by the Military Departments, each following its procedures. Currently, we lack DoD-wide policy guidance to standardize these practices across the Department by conforming the Military Departments' instructions to an overarching DoD Directive or Instruction.
- Engaging the USD(P) and the Chairman is a necessary first step in instilling a disciplined process on our PSD assignment practices. A draft personal memo is at Tab A for your consideration. Policy and the Joint Staff have already begun to address the lack of guidance by sponsoring two DoD-wide conferences on standardizing policies for High Risk Personnel (HRP) (one in May and again from 31 Aug – 2 Sept.) A follow-on conference to further refine the issues is scheduled in December.
- o Carefully crafted policy guidance on PSD assignments will help properly focus scarce PSD resources.
- o SOLIC envisions developing Joint minimum standards in the areas of personal security vulnerability assessments, HRP training, PSD training, general requirements, and guidelines on resources.

CONCLUSION: Rather than fine-tuning these PSD assignments at the margins, I believe that comprehensive policy guidance and Department-wide implementing instructions should shape these assignments.

RECOMMENDATION: That you sign the memo at Tab A directing the USD(P), in coordination with the Chairman, to develop Joint policies regarding the DoD HRP Program.

Robert Rangel

12/24 Approved: *Rangel* Disapproved: _____ Other: _____

Tab A: Draft Memorandum

Prepared by: Steve Linder, O&MP, ODA&M (b)(6)

11-L-0559/OSD/51860

~~FOUO~~

JUN 21 2005

TO: Mike Donley
FROM: Donald Rumsfeld *DR*
SUBJECT: Personal Security Details and Car/Driver

Please take a fresh look at this list of people who receive Personal Security Details and Car/Driver support. It seems too generous to me. I have put question marks next to ones that should be carefully reviewed.

Thanks.

Attach: 12-14-04 DTR A&M Memo to SecDef

DTR.m
062005-10

.....

Please Respond By 06/30/05

~~FOUO~~

11-L-0559/OSD/51861

OSD 1281205

INFO MEMO

Call 2/25/05

FOR: SECRETARY OF DEFENSE

FROM: Mr. Raymond F. DuBois, Director, Administration and Management

Ray DuBois 12/14/04

SUBJECT: Personal Security Details (PSDs)

In response to your snowflake of 6 December, Subject: "Vehicles and Security," I submit the following:

- Attached listing of all DoD officials, civilian and military, was forwarded to Peter Sobich, Special Assistant to the President and Deputy Cabinet Secretary, on 17 November 2004. Sobich had requested that each Department provide the White House a list of all officials who are assigned a PSD.
- Six DoD Civilian officials and 21 Military officials are assigned 24/7 PSD here and abroad.
- The following civilian officials, (five Under Secretaries of Defense) have dedicated cars and drivers and are eligible for home to office transportation, but do not have a PSD assigned: Mike Wynne, Doug Feith, Tina Jonas, David Chu and Steve Cambone.

?

RECOMMENDATION: None

Attachments:

DoD Inventory of Personal Security Details, November 2004

T 6/1

~~FOR OFFICIAL USE ONLY~~

NOVEMBER 2004
Inventory of Personnel Security Details

Department of Defense
Office of the Secretary of Defense

Donald H. Rumsfeld	Secretary of Defense	(b)(6)	PAS Level I	Army CID	F/T	CONUS/OCONUS
	Deputy Secretary of Defense		PAS Level II	Army CID	F/T	CONUS/OCONUS
Paul D. Wolfowitz						

Joint Staff, Combatant Commands, Defense Agencies

GEN Richard Meyers	Chairman, Joint Chiefs of Staff	(b)(6)	General, USAF	Army CID	F/T	CONUS/OCONUS
GEN Peter Pace	Vice Chairman, Joint Chiefs of Staff		General, USMAC	Army CID	F/T	CONUS/OCONUS
GEN James L. Jones	CDR, EUCOM		General, USMAC	Army CID	F/T	CONUS/OCONUS
GEN Charles Wald	Deputy CDR, EUCOM		General, USAF	Army CID	F/T	CONUS/OCONUS
ADM E. P. Giambastiani	CDR, JFCOM		Admiral, USN	USA MP/ USAF SP	F/T	CONUS/OCONUS
GEN James E. Cartwright	CDR, STRATCOM		General, USMAC	USAF SP	F/T	CONUS/OCONUS

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11-L-0559/OSD/51863

~~FOR OFFICIAL USE ONLY~~

NOVEMBER 2004

Inventory of Personal Security Details

ADM Timothy Keating	CDR, NORTHCOM	(b)(6)	Admiral, USN	AFOSI	F/T
GEN Leon J. LaPorte	CDE/CFC USFK		General, USA	Army MP	F/T
ADM Thomas Fargo	CDE, PACOM		Admiral, USN	Navy NCIS	F/T
GEN John Hardy	CDR, TRANSCOM (also USAF Air Mobility Command Commander)		General, USAF	AFOSI	P/T
GEN Bantz J. Craddock	CDR, SOUTHCOM		General, USA	Army	F/T
GEN Bryan Brown	CDR, SOCOM		General, USA	SOCOM PSD	F/T
VADM Lowell E. Jacoby	Dir, DIA		Vice Admiral, USN	DIA (Federal Law Enforcement Officers)	F/T
GEN John Abizaid	CENTCOM CDR		General, USA	Army CID	F/T
GEN George Casey Jr.	MNF-I CDR		General, USA	MNF-I (PSU)	F/T
LT GEN Lance Smith	CENTCOM DCDR		Lieutenant General, USAF	USCENTCOM	F/T
VADM David Nichols Jr.	5 TH FLEET/ NAVCENT CDR		Vice Admiral, USN	NCIS	F/T
LTG David Barbo	CFC-A CDR		Lieutenant General, USA	CFC-A	F/T
LT GEN Walter Buchanan III	9 TH AF/ CENTAF CDR		Lieutenant General, USAF	CENTAF	F/T

7.

Provides personal security detail as necessary in CONUS.

11-L-0559/OSD/51864

NOVEMBER 2004
Inventory of Personnel Security Details

LTG Steve Whitcomb	3 rd ARMY/ ABCENT CDR	(b)(6)	Lieutenant General, USA	Army CID/ Military Police	F/T	OCORUS based; no CONUS FSD
LTO Thomas Mott	MNC-1 CDR		Lieutenant General, USA	MNC-1 (P&U)	F/T	OCORUS based; no CONUS FSD
MG Eric Olson	CTIF-180 CDR		Major General, USA	Army CID/ Military Police	F/T	OCORUS based; no CONUS FSD
MG Gary Howell	SOCCENT CDR		Major General, USA	SOCCENT	F/T	OCORUS based; no CONUS FSD
Maj Gen Steven Holland	CTIF-HQA USA		Major General, USA	CTIF-HQA	F/T	OCORUS based; no CONUS FSD

Department of Army

Asst. Secretary of Defense (for Policy)	Asst. Secretary of the Army	(b)(6)	PAS Level IV	Army CID	F/T	CONUS/OCOR
GEN Peter J. Schoemaker	Chief of Staff of the Army		General, USA	Army CID	F/T	CONUS/OCOR
GEN Richard A. Cody	Vice Chief of Staff of the Army		General, USA	Army CID	F/T	CONUS/OCOR
GEN B. B. Bell	USARHUR		General, USA	Army CID/ Military Police	F/T	CONUS/OCOR
LTG Tim Korman	NATO U.S. Rep.		Lieutenant General, USA	Army CID/ Military Police	F/T	CONUS/OCOR
			Lieutenant General, USA	Army CID/ Military Police	F/T	OCORUS based; no CONUS FSD

11-L-0559/OSD/51865