

Call

February 5, 2004

TO: Jaymie Duman
 CC: Powell Moore
 FROM: Donald Rumsfeld *DR*
 SUBJECT: Information from Congressman Dingell

*Duman
2/7*

I saw Congressman John Dingell last night at the D-Day event. He said he has a person who has a laser that will take out a SAM missile. He would like to talk to somebody about it.

Please get Ron Sega (if he is the appropriate person) and Powell Moore and set up a phone call today or tomorrow to find out the information. See what we can do to connect the person John Dingell knows with our people, and then in a month tell me what has happened.

Thanks.

DHR:dh
020504-5 (to computer).doc

.....
Please respond by _____

2/6/04

*Call me a
week
Answer
2/25*

*SD:
~~SD~~
 Powell Moore
 has spoken w/
 Dingell + his staff.
 Ron Sega + Powell are
 working it. w/ Jaymie*

February 4, 2004

TO: Steve Cambone
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Lessons Learned

35009

As I mentioned to you yesterday, I do think you ought to have all the intelligence activities in DoD pull together the lessons learned they have been working on.

Also, please be prepared to assist George Tenet in his lessons learned for the Community and to assist the Commission the President plans to appoint.

Thanks.

OFFICE OF THE SECRETARY OF DEFENSE
THE SPECIAL ASSISTANT

DHR:dh
020404-7

.....
Please respond by 3/1/04

DSD/Steve:
Should you include
DSB LL?

Thanks,
Jaymie

?
44

609

OSD 09678-04

February 4, 2004

TO: LTG John Craddock
Larry Di Rita

CC: (b)(6)
Trip Coordinator

FROM: Donald Rumsfeld *DR*

SUBJECT: Armenia

Let's put Armenia on our list of places I might want to go. Apparently Lithuania works closely with Armenia, along with Azerbaijan and Georgia.

Thanks.

DHR:dh
020404-1

.....
Please respond by _____

OSD 09679-04

11-L-0559/OSD/42757

3330

11
0
0

February 4, 2004

TO: Mira Ricardel
CC: Gen. Dick Myers
Paul Wolfowitz
Doug Feith
Andy Hoch
FROM: Donald Rumsfeld))
SUBJECT: Lithuania Non-paper

Here is the material the MoD of Lithuania passed to me.

Thanks.

Attach.

Undated Lithuania Non-paper: Realignment of the US Global Defense Posture
CD: Siauliai Air Base

DHR:db
020304-11

.....
Please respond by _____

OSD 09680-04

11-L-0559/OSD/42758

NON-PAPER

**REALIGNMENT OF THE US GLOBAL DEFENSE POSTURE:
POSSIBLE CONTRIBUTIONS OF LITHUANIA**

Lithuania strongly supports the efforts of the US military transformation of which overseas rebasing is a pivotal element. This timely move will further foster NATO's transformation and reinforce its readiness to cope with today's strategic reality - forces are no longer expected to fight where they are based. Lithuania especially welcomes the US strive to involve the new allies into this process, which will no doubt strengthen the spirit of collectiveness among the allies and the transatlantic link itself.

Appreciating the transparent approach the US adopted in their consultations with the allies, Lithuania is ready and willing to contribute to the projected new American footprint in Europe. Taking into account the primacy of strategic considerations over any narrower local interests in this endeavor, Lithuania deems relevant the following suggestions and proposals to the US rebasing efforts:

- From a strategic standpoint Lithuania enjoys a benign environment in the Baltic Sea region and occupies a convenient position at the crossroads between Western and Northeastern Europe.
- In practice, the territory of Lithuania could serve several important purposes for the new US force posture in Europe. Perceived as an investment into defense-related infrastructure, Lithuania could well serve as a "Cooperative Security Location". Lithuania already has a convenient sea port at Klaipeda and a functioning civilian-military air port at Siauliai ready to provide host nation support, for reception, transit and stationing of friendly forces. With some investment and upgrading of existing facilities, this infrastructure could be used to assist the "rotational presence", movement or periodic operational presence of US troops.
- US and NATO forces could routinely make use of the open land for field exercises. Lithuania already has some appropriate infrastructure installed and running, including training bases, firing ranges, barracks, state-of-the-art tactical training facilities etc. In addition Lithuania can offer relatively low operating costs and highly experienced staff, who have managed a number of international exercises. Lithuania is also anticipating more information on the concept of the NATO Center of Excellence and looks forward to exploring possibilities to establish such a center in Lithuania.
- Lithuania can also offer certain air force assets. Lithuania has been in the process of upgrading the Siauliai airbase infrastructure to NATO standards. It was recently visited and evaluated positively by American experts. The base can serve a wide range of functions: permanent stationing of NATO or US air force assets, temporary air force training, transitory airlift, or standby logistics support with pre-positioned equipment for forward deployments. It does not require any significant investment in any of these cases. In addition, Lithuania can offer an open air space with little civilian air traffic for air force training.

U. S. - LITHUANIA ONLY

- Although not directly related to the current plans of the US force rebasing, Lithuania is also observing the debates within the Alliance and is looking forward to collective solutions on missile defense matters. Having fully integrated with NATINEADS, Lithuania will be able to consider the installment of certain missile defense assets. Besides being the most eastern EU and NATO member, Lithuania is in-between some troubled regions and the US as well as other Allies. Due to its location, Lithuania could serve as an early warning site equipped with radar equipment or even interceptors.

- In any of the above cases, US military presence in Lithuania would not turn into a financial burden for the US - Lithuania can provide readily available infrastructure along with appropriate security and logistics arrangements for any potential US presence (facilities, equipment or/and troops)

Lithuania looks forward to further consultations with American experts on the needs and plans of the US future force posture to be able to further refine the proposals advanced in this non-paper and present them in a more elaborate detail.

Possible Lithuanian contributions to the US Global Posture Review are summarized in the table below.

INFRASTRUCTURE	FUNCTIONS	COMMENTS
Airbase at Siauliai	HNS, including reception, transit, stationing of US/ NATO forces	Readily available
	Standby logistics support for forward deployments	
	Air policing functions	
	Air force training	
Missile defense assets (radars and/or interceptors)	Early warning site	Further consultations needed
Training facilities (training grounds, firing ranges, tactical trainers, barracks)	Training of land forces (especially in winter time conditions)	Readily available
Logistics depots	Pre-positioning of equipment for forward deployments	Readily available
Seaport at Klaipeda	HNS, including reception, transit, stationing of US/ NATO naval forces.	Further consultations needed

February 3, 2004

TO: Paul Wolfowitz
Doug Feith

FROM: Donald Rumsfeld *DR*

SUBJECT: Releasing Documents

Please make sure you get on top of this Bremer memo on releasing documents.

Thanks.

Attach.
2/3/04 Bremer memo to SecDef re: ISG Documents

DHR:dh
020304-9

.....
Please respond by 2/10/04

IRAQ

3 Feb 04

OSD 09681-04

11-L-0559/OSD/42761



COALITION PROVISIONAL AUTHORITY
BAGHDAD

✓
2/3

February 3, 2004

MEMO FOR: Secretary Rumsfeld

FROM: L. Paul Bremer III *W 2/3*

SUBJECT: Public Information Program Using Iraq Survey Group (ISG) Documents

IRAC

Recently, the ISG Deputy Director agreed with CPA officials in **principle to allow**, on a case-by-case basis, the release of selected documents to CPA for use in an information program. This is an important decision as **ISG** controls a significant percentage of former regime documents related to human rights atrocities. Access to these documents provides us with a significant opportunity to educate the international community about the **egregious** nature of the crimes committed by Saddam Hussein's regime as well as to address the Iraqi peoples' interest in **learning** the whole truth about the former dictatorship.

I intend to **ask** the CJTF-7 and CPA chief spokespersons to travel to Qatar to discuss immediate establishment of a systematic process to give CPA access to ISG-held documents as they become releasable. **As** my Office of Human Rights and Transitional Justice has access to search for relevant ISG documents through a computerized database, ISG officials and our spokespersons must develop a process for immediate public **release** of particular documents selected. This process would include safeguards to **ensure that** no document is used that would prejudice efforts to build cases for the 'Iraqi Special Tribunal, raise other legal issues, or adversely affect intelligence operations.

We will **keep** you informed of further developments.

3

SECDEF CABLES DISTRIBUTION	
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CPA	X
CABLE CH	
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3 FEB 04

OSD 09681-04

11-L-0559/OSD/42762

21,8
1800

720

✓
2/2

February 3, 2004

TO: (b)(6)
FROM: Donald Rumsfeld
SUBJECT: Trip Reports for POTUS

Please go through this file and make sure I have one copy of each of my Presidential trip reports since I started, with a log in the front index, so we can track and make sure they are all there. Put them in chronological order and then give me the file back.

Thanks.

Attach.
File

DHR:dh
020304-3

.....
Please respond by _____

~~DONE~~
DH

3335D

3 Feb 04

OSD 09682-04

February 2, 2004

TO: Gen. Pete Pace

CC: Gen. Dick Myers
Paul Wolfowitz

FROM: Donald Rumsfeld *DR*

SUBJECT: Testimony

032

Since you are going to be at the hearing with me, you are going to have to be prepared to answer the questions on "up-armor" HMMVs, body armor, all of those issues about shortfalls in equipment and whether or not the Guard and Reserve are getting shortchanged vis-à-vis the Active force.

Thanks.

OB
B19

DHR:dh
020204-17

.....

Please respond by 2/2/04

2 Feb 04

OSD 09683-04



February 2, 2004

TO: David Chu

CC: Gen. Dick Myers
Paul Wolfowitz

FROM: Donald Rumsfeld *DR*

SUBJECT: Military Issues

000.7

Attached is a piece of paper Joyce gave me from a meeting she had in Norfolk.

It is pretty clear that one of the toughest problems we have is to see that there are internal communications that are effective.

What process do we have to train people and to monitor and track and see what kind of a job people do in terms of that?

Thanks.

Attach.
Undated paper

DHR:dh
020204-16

.....

Please respond by *2/20/04* —

000.7

OSD 09684-04

*Don't do me
of Norfolk
for years
I go see*

Information ow: The overarching issue is that leadership needs to keep soldiers informed. **As** much information as reasonable should be put out, and the chain of command should ensure it is disseminated. Then, when information is unknown or can't be passed out later it isn't such an important issue. Soldiers will have learned to trust the leadership.

Reservist:

- Activated and prepared, then sat locked on Fort Eustis, little training, not allowed to leave for a month.. ..no details of what was happening until nearly the last minute before deployment.
- While waiting to deploy, and locked down on post, were put in ancient barracks that for much of the time had no toilets or running water.
- Told the unit would return in the Fall, then changed dates, then decided that half the unit would return, half stay until the Spring. Now it appears the unit will finally return to the US (the half of the unit still remaining.)
- Reservists are very uncertain about their return.. ..there are many rumors that the Army will leave them alone a month or so then re-mobilize. High level leadership should do what it can to explain the needs of the Service and what will probably happen.

Active:

- Never clear what process was used to tell people what was going on. One of the first units to deploy, then watched exact same units come after and very quickly redeploy to their home stations. (Probably are good reasons.. ..soldier deserve to know.)
- Followed this **up** with **many uncertainties about** final redeployment schedule.
- Pace of operations.. ..some units still in Iraq are being alerted about deployment to other regions such as the Balkans or Afghanistan soon after their return. May be necessary, but doesn't do much for morale.

All:

- Telephones.. ..AT&T are gouging the soldiers, often not easy to find, and hard to make connections in the States. Connections, when made, are very poor. Fort Benning operators are being wonderful helping soldiers make connections.
- Environmental leave policy should be stated.. ..let soldiers, officers and enlisted, **know** what the policy is and where they stand.

Intel Com

MEMORANDUM
January 31, 2004

If there are six or seven 4-stars assigned to Europe, we probably ought to phase that down.

My understanding is you've got the SACEUR, the Deputy UCOM, Giambastiani, Jones, Wald and then one for Army, Navy and Air Force. Apparently the Army NATO person is not always US. Therefore, we end up wanting a 4-star when the US Army person is also NATO and we don't need a 4-star when he is not. We ought to think through how we manage that.

DHR/azn
013104.14

210 (3+4)

31 Jan 04

OSD 09685-04

February 2, 2004

TO: Gen. Dick Myers
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: 4-Stars in Europe

My impression is that we have six or seven 4-stars in Europe, counting Giambastiani. I have a sixth sense that tells me the deputy to SACEUR ought not to be a 4-star and that possibly the Army person for the land component commander there ought not to be a 4-star, except when he also has the NATO hat.

Please look at that and get back to me.

Thanks.

DHR:dh
020204-12

.....
Please respond by 2/20/04

210 (3+4)

2 Feb 04

OSD 09686 - 04

MEMORANDUM
January 31, 2004

If there are six or seven 4-stars assigned to Europe, we probably ought to phase that down.

My understanding is you've got the SACEUR, the Deputy UCOM, Giambastiani, Jones, Wald and then one for Army, Navy and Air Force. Apparently the Army NATO person is not always US. Therefore, we end up wanting a 4-star when the US Army person is also NATO and we don't need a 4-star when he is not. We ought to think through how we manage that.

DHR/azn
013104.14

OSD 09685-04

11-L-0559/OSD/42769

February 2, 2004

TO: Larry Di Rita
Steve Cambone
Marc Thiessen
DSD
FROM: Donald Rumsfeld DA
SUBJECT: Bill Bennett Statement

Attached is an interesting statement on Iraq by Bill Bennett.

Thanks.

Attach.

Bennett, William J. "The War in Iraq: What to Remember," *The Proposition*, Vol. I, No. 9, December 2003.

DHR:db
020204-11

.....
Please respond by _____

OSD 09687-04

11-L-0559/OSD/42770

IRAQ

FEB 04

①



The Proposition

A Monthly Publication of the Claremont Institute

Vol. 1, No. 9 • December 2003

The War in Iraq: What to Remember

By William J. Bennett

Editor's Note: Last month, Brian T. Kennedy, President of the Claremont Institute, announced the appointment of William J. Bennett as the Claremont Institute's new Washington Fellow. Dr. Bennett served President Ronald Reagan as Chairman of the National Endowment for the Humanities and Secretary of Education. He also served President George H.W. Bush as the nation's first Drug Czar. The author or editor of over 15 books, Dr. Bennett is one of America's most influential and respected voices on cultural, political, and educational issues. He is a co-director of Empower America and Chairman of Americans for Victory Over Terrorism, a project dedicated to strengthening public opinion for the war on terrorism. Dr. Bennett will now represent the Claremont Institute in Washington, D.C. as a spokesman, advocate, and analyst both in public policy circles and in the national media.

On November 21, the Claremont Institute celebrated its annual Winston Churchill Dinner in Los Angeles. Rush Limbaugh, the scheduled speaker, was unable to attend (please see page three). The Institute is grateful that Dr. Bennett was able to step in and deliver the evening's keynote address. Below are excerpts from his remarks.

With all the passion directed at President Bush right now by the Democratic contenders for the White House, it is the duty of patriotic Americans to clear our throats and start ratcheting up our own passion about the following brief facts about the war in Iraq; facts that look at the conditions there before and the conditions now:

Iraq is demonstrably better than it was six months ago, six years ago, or sixteen years ago. Of this there can be no question. Iraq, while dangerous, is safer than it was, freer than it was, more humanitarian than it was.

While we rightfully lament the challenge of internal terrorism there—and our men and women being part of that—there can be no question that the regime:

- no longer officially harbors terrorists (as it did with Abu Nidal and Al-Zarqawi);
- no longer exports terrorism outside of its borders;
- no longer threatens to purchase or use weapons of mass destruction from other nations such as North Korea or China;
- no longer shuts down hospitals and schools;

- no longer murders its own citizens, including 5,000 children a month, according to UNICEF;
- no longer subsidizes homicide bombers against Israelis.

The Middle East has one less thug leading one less thuggish state today. And the threats from Iraq are exclusively internal to Iraq, and no longer external to other nations and allies. In Iraq now, it is easier to quell a cauldron than it was to prevent a volcano. We are helping to create the first democracy in the Arab world—and someday, someday, we may even receive a letter from Muslim nations thanking us for defeating their tyranny, like the letter from Czech Republic President Vaclav Havel and the "European Eight" earlier in the year thanking us for "American bravery, generosity and farsightedness [in saving Europe] from the two forms of tyranny that devastated our continent in the 20th century."

Our efforts in Iraq rank among the crowning achievements of our nation, of our democratic will against tyranny, and of our good will for human rights. We are turning one of the worst countries in the Middle East into one of the best

countries in the Middle East. For this we should not be humble. For this we should not be embarrassed. For this we should be proud.

The Holocaust Museum in Washington just celebrated its tenth anniversary. It is a profound place based on a simple premise: We should never forget man's inhumanity to man. And remembering and seeing with our eyes and imagination is the way not to forget. As with Germany so it is with Iraq—we should see and remember.

We should see and remember the videos former NYC Police Chief Bernard Kerik saw in Baghdad: "Interrogations of Iraqis whose lives ended with the detonation of a grenade that was tied to the neck or stuffed in the shirt pocket of the victim...living bodies disintegrate[d] at the pull of the pin....a tape of Saddam sitting and watching one of his military generals being eaten alive by Dobermans because the general's loyalty was in question."

We should see and remember the plastic shredding devices left-wing British Parliamentarian Ann Clwyd brought to the world's attention, with the following witness-testimony by an Iraqi: "There was a machine designed for shredding plastic. Men were dropped into it and we were again made to watch. Sometimes they went in head first and died quickly. Sometimes they went in feet first and died screaming.... Their remains would be placed in plastic bags and we were told they would be used as fish food."

We should read testimony from the survivors of the chemical attack on Halabja that killed a minimum of 5,000 people; we should see the torture chambers and the rape rooms. We should see mass graves like the one near al-Hilla that journalist Christopher Hitchens described: "The remains of 3,000 individuals were brought

to the surface.... Eyewitnesses from the horrific repression of 1991 report having seen three truckloads of prisoners three times a day, for a month, being unloaded there."

We need to have these images again, for too many seem to have forgotten them.

When I attended human rights rallies in my youth, I used to hear the quote from Tom Paine, that "we have it in our power to begin the world over again." In the Middle East—the cradle of dictatorship and terrorism—we are beginning the world again. What we are witnessing in Iraq today is what such work looks like. Yet many have forgotten that all beginnings are difficult.

If our efforts succeed, we will see more democracy, less war, and less torture. And, someday, we may even have the luxury of saying about this, and other memorials to horror, that we do not remember the world that brought them about. In the meantime, let us be mindful that it is in that desert in Iraq that civilization and barbarism are now at war. It has fallen to us to be the arm, the conscience, and the will of civilization. And, ladies and gentlemen of the Claremont Institute, we have done so by once again pledging our lives, our fortune, and our sacred honor.



And so to our critics we say, with passion, and conviction: we are proud of our country, we are proud of our fighting men and women in Iraq, and yes, we are proud of our president. And on this evening, honoring Winston Churchill, we say, as he said, "Never, never, never—in nothing, great or small, large or petty—never give in, except to convictions of honour and good sense. Never yield to force."

Thank you and good night.

Visit us on the Internet at www.claremont.org for daily commentary on the news, essays on politics and culture, and information about Claremont Institute events.

February 2, 2004

TO: David Chu
CC: Gen. Dick Myers
Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Military Retirement

201.8

The fact that one of our Top Sergeants is going to retire this year at the age of 41, after 20 years is beyond comprehension to me. He will likely keep his same job, but as a civilian, make more money and receive military retirement and healthcare for life for the military service for the next 40 years, having served only 20 years.

Our system obviously is designed to encourage people to leave. Something is wrong with the system.

Please come and see me about it.

Thanks.

DHR:dh
020204-2

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Please respond by 3/1/04

2 FEB 04

OSD 09688-04

3/3 08 30

720

EF-8642
04/002767

~~March 1~~
~~February 27, 2004~~

TO: Doug Feith
CC: Gen. Dick Myers
Paul Wolfowitz
FROM: Donald Rumsfeld
SUBJECT: Nation-Building

DA

092

Please take a look at this Max Boot article. We need to get going on this.

Thanks.

Attach.

Boot, Max. "Shouldering the Load, and the Rifle," *Los Angeles Times*, February 26, 2004.

DIIR:dh
022704-11

.....
Please respond by 3/12/04

3/3/04

✓
3/9

→SD

As I mentioned to you, the PC met on our Global Peace Ops Initiative while you were traveling.

There are funding issues we are working quickly to try to resolve.

Current plan is for President to announce our initiative at upcoming G-8 Summit in late Spring.

Doug Feith

OSD 09689-04

1 MAR 04

Los Angeles Times
February 26, 2004

Shouldering The Load, And The Rifle

Failed states need new U.S. activism and a U.N. army.

By Max Boot

This year it's Haiti. Last year it was Liberia. Before that it was Sierra Leone, Congo, Rwanda and Somalia. The world is full of failed states where life is nasty, brutish and short. Powerful nations know they cannot ignore these areas, not only for moral reasons but also because problems spill over into their own backyards, by way of communicable diseases, refugees and — worst of all — terrorists and weapons of mass destruction. But what are they supposed to do about these humanitarian catastrophes?

A hundred years ago the answer was obvious: A "civilized" country would colonize an "uncivilized" one. Today there is little eagerness in the West to take on what Rudyard Kipling called "the white man's burden." So, instead of acting decisively, we muddle through, passing high-minded resolutions at the United Nations and occasionally sending a few troops. It is this half-hearted approach that allowed the genocide in Rwanda and Bosnia and lesser horrors from Liberia to Haiti.

Isn't it about time we got serious about dealing with failed states? If we did, we would have to devise both national and international remedies.

Nationally, the United States needs to create a standing agency devoted to nation-building; it should have a director with the authority to force disparate departments in the U.S. government to work together, something that didn't happen before the invasion of Iraq. The military too needs to devote more attention to nation-building, perhaps by adopting a proposal from the Pentagon's Office of Force Transformation to add a couple of divisions specially trained for peacekeeping.

The job of policing the globe is too big for one country, however, and the U.S. needs more help from its allies. Washington should encourage regional powers to assume responsibility for their own backyards — Australia in Southeast Asia, Nigeria in West Africa, South Africa in southern Africa, and so on. Some of this has already been happening — for instance, the Australian interventions in East Timor and the Solomon Islands. The U.S. provided support for those missions but no troops — a good bargain from our standpoint.

There are also international organizations that can assist. NATO is creating a 21,000-strong Response Force. The European Union wants to follow suit. And the Pentagon has discussed setting up an International Peacekeeping Force with contributions from the U.S. and allied nations, though how it would work remains unclear.

Don't forget the United Nations. It currently deploys more than 45,000 peacekeepers, but their effectiveness is severely limited because they are supposed to enforce existing peace accords and stay strictly neutral even if one party is clearly at fault. This does nothing to help in places like Rwanda and Haiti, where there is no peace to enforce. The idea of creating a more robust U.N. force capable of smiting aggressors has been around since the late 1940s. It got a brief burst of life in the early 1990s after the end of the Cold War, but it was entombed after the U.N. was blamed for failures in Bosnia, Rwanda and Somalia.

11-L-0559/OSD/42775

It's time to resurrect the idea of a standing U.N. army, as a supplement, if not replacement, for the other forces mentioned above. The key to making it work would be eschewing the old U.N. way of doing things, which consists of asking for military contributions from a lot of countries with minimal capabilities, no record of working together and differing strategic interests. This produces low-quality blue helmets that are the laughingstock of thugs everywhere.

The U.N. needs a tough, professional force like the French Foreign Legion that would not quail before Haitian gang leaders or Serbian ethnic-cleansers. Members of such an outfit would have to be recruited on merit and trained together; it could not be cobbled together at the last minute from the military riffraff of Third World dictatorships. To make it work, the U.N. Department of Peacekeeping Operations would have to beef up its command, intelligence and logistical capabilities. The U.N. would also need to improve its ability to run failed states in a Kosovo-style receivership.

This proposal may seem like wishful thinking, not only because the U.N. is so slow to change but also because there is so much animus toward that organization in the U.S., which would have to sign off on this new force. If even the "multilateral" Clintonites eschewed this idea, what chance is there that it will be embraced by the "unilateral" Bushies? Not much, perhaps, but then George W. Bush used to oppose nation-building altogether — until he realized that it was in America's interest.

Likewise, beefing up peacekeeping capacity is very much in our interest. That would enable us to avoid the dilemma we face today in Haiti: either do nothing and let violence explode or take on a burden — fixing things ourselves — that we're not prepared to shoulder. There has to be a better way. I hope we find it before the next disaster strikes.

11-L-0559/OSD/42776

3/1 17:00

720

MARCH 1
~~February 27~~, 2004

TO: Larry Di Rita
LTG John Craddock

FROM: Donald Rumsfeld *DR*

SUBJECT: Phone Call w/Ambassador Blackwill

Please set me a phone call with Blackwill to discuss this memo.

Thanks.

Attach.
2/21 Memo

DHR:dh
022704-10

000,7150

.....
Please respond by 3/5/04

3/1 ✓
3/2 ✓
SecDef -
We'll set it up.
Some things you
should know, attached

Di Rita

1 MAR 04
21 Feb 04

OSD 09690-04

10:19 PM

MEMORANDUM

2/21/04

I need to talk to Blackwill about Pakistan nukes and Mishrah's comment when I met with him in Munich.

DHR/a2n
022104.05ts

000.7150

21
04

OSD 09690-04

11-L-0559/OSD/42778

March 2, 2004

TO: Secretary Of Defense
THRU: LTG Craddock *1/2*
FM: CDR Nosenzo

SUBJ: TOPICS FOR DISCUSSION WITH AMBASSADOR BLACKWILL

1. U.N. Team investigating the Bombing of U.N. Headquarters in Baghdad last year requested interviews with four U.S. Army Officers attached to CJTF-7 at the time of the bombing.

- This is the second U.N. investigation of the event.
- Request was initiated by a phone call from the U.N. to OSD.
- OSD/Joint Staff responded that the individuals in question would provide written responses to written questions.
- Questions are currently with the General Counsel *sal* for vetting (some of the questions are poorly worded, some questions made reference to other documents not included).

2. Ambassador Blackwill requested an additional Military Assistant.

- Ambassador Blackwill is not authorized ~~an~~ additional Military Assistant.
- Ambassador Blackwill contacted the Joint Staff for a by-name fill of the position.
- Joint Staff prepared a slate of eight Candidates in lieu of filling the by-name request.
- Rank of by-name request and slated individuals is commensurate with an aide position vice military assistant.
- Mr. DiRita pulled the slate and is coordinating with Ambassador Blackwill to fill the request with a civilian from OSD or State.

OSD 09690-04

By the way - Unbeknownst to anyone here, he is trying to snatch Rachel Billingslea. Think we stopped that. DiRita

11-L-0559/OSD/42779

000 71 SD

24 1404

2

4004

EF-8626 ✓
8:30 AM
04/002693
3/3
03/2

TO: Bill Luti
FROM: Donald Rumsfeld *DR*
DATE: February 25, 2004
SUBJECT:

MAR 1 2004
Dr

KAZAKHSTAN

In the meeting with the Kazak Prime Minister, they asked for help in connecting their people to the people in charge of reconstruction in Iraq.

You have the responsibility to *see* that that happens.

Thanks.

DHR/azn
022504.08

Please respond by: 3/5

*Sir,
Snowflake response
attached.
VFF.
LTC Sample*

Distro To BL KJ
Date 1 MAR 04
Time 0915

OSD 09700-04



INFO MEMO

I-04/002693
EF 8626

FOR SECRETARY OF DEFENSE

USD(P) 

FROM: William J. Luti, DUSD Near Eastern and South Asian Affairs *WJL 3/2/04*

SUBJECT: Kazak Prime Minister Request

- You asked about assisting the Kazak Prime Minister with connecting their people to the people in charge of reconstruction in Iraq.
- The Kazakhstan Embassy in Washington contacted the CPA-Washington Office on February 17, 2004, offering to send a team of high-ranking officials to Baghdad to discuss involvement in Iraq.
- On February 20, CPA shared the procedural requirements for foreign government travel to Iraq. State has also passed this information to our embassy in Kazakhstan.
- The Kazakhstan embassy informed State that it will be forwarding the necessary information to them by March 3, 2004.
 - Once the necessary information is received, State and CPA-Baghdad will process and accommodate the request accordingly. In the interim, State has spoken to our embassy asking that they remain in contact with the Kazakhstan Foreign Ministry to ensure the information is acquired as quickly as possible.
- I will keep you posted.

KAZAKHSTAN

2 MIN 04

25 FEB 04

OSD 09708-04



OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

SECRET

2004 JUN 27 11 01 52

ADMINISTRATION AND
MANAGEMENT

ACTION MEMO

June 25, 2004 5:30PM

FOR: SECRETARY OF DEFENSE

DepSecDef Action _____

FROM: Raymond F. DuBois, Director, Administration and Management

SUBJECT: Elimination of Unnecessary Committees, Boards, and Commissions

- This responds to the attached snowflake in which you requested that I review the DoD Advisory Boards and advise you as to which could be discontinued. The results of this review are as follows.
- Five Statutory Committees are either inactive, have lapsed charters, or have met less than once a year during the period FY99-FY03; i.e., Defense Environmental Task Force II, DoD-Government-Industry Advisory Committee on the Operation and Modernization of the National Defense Stockpile, Semiconductor Technology Council, Technology and privacy Advisory Committee, and Uniform Formulary Beneficiary Advisory Panel. I believe that these have served their purpose and could be terminated.
- The President's Information Technology Advisory Committee, a Presidential Advisory Committee, has not met since FY00 and could also be eliminated.
- Four Statutory Committees could be combined into two. The Missouri River-North Dakota Task Force and the Missouri River-South Dakota Task Force could be merged into a single Missouri River Task Force. The DoD Domestic Advisory Panel on Early Intervention and Education for Infants, Toddlers, and pre-School Children and Children with Disabilities and the Overseas Dependent Schools National Advisory Panel on the Education of Dependents with Disabilities could be merged into a single Disabilities Advisory Body.
- The Board of Advisors, Marine Corp University, a Statutory Committee, and two Discretionary Committees, the Air University Board of Visitors and the Board of Advisors to the President, Naval War College, perform similar functions, are service centric, and are not optimally structured to foster jointness in military thinking. These could be combined into a single Board of Visitors for Professional Military Education. This new Board, with multi-service representatives, would emphasize jointness at the respective institutions.

11-L-0559/OSD/42782

OSD 09717-04



- Similarly, the ~~three~~ Service Academy Boards (United States Air Force Academy Board of Visitors, the United States Military Academy Board of Visitors, and the United States Naval Academy Board of Visitors) could be combined into a single Board of Visitors for Military Academies, which would be constituted to foster a stronger joint focus.
- If effected, these actions would reduce the number of DoD Advisory Boards from 60 to 48, resulting in a 19% reduction.
- The committees and a brief description of each are listed at Tab A.

RECOMMENDATION: If you concur, I will work with the General Counsel, Service Secretaries, and OSD Principal Staff Officials to take the actions necessary to achieve the recommended eliminations and consolidations.

Approved _____

Disapproved _____

Other _____

COORDINATION: None

Attachments: As stated

Prepared By: Paul Granahan,

(b)(6)

May 25, 2004

TO: Ray DuBois
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Advisory Boards

Please take a look at some of these advisory boards and **let** me know if there are any you think we could usefully discontinue.

Thanks.

Attach. *4/29/04 DuBois ^{INFO} ~~memo~~ re DoD Advisory Boards*
~~5/14/04 ASD(ISP) memo to SecDef, OSD 76611-04~~

DHR:dh
052504-20

.....
Please respond by 6/25/04

OSD 09717-04

11-L-0559/OSD/42784

Information Paper on DoD Advisory Boards

- The Department currently utilizes 60 advisory boards, 34 of which were established at the discretion of the Secretary of Defense. Twenty-five were created in statute by the legislative branch, and one was established by Executive Order. A listing of these boards and their missions is at Tab 1. This listing is also found at the DoD Federal Advisory Committees website: <http://faca.disa.mil> under the Advisory Committees tab.
- DoD advisory boards which have private citizens as members are subject to the Federal Advisory Committee Act, 5 U.S.C. App. I. **This** statute not only recognizes the merits of seeking advice and assistance from experts outside the government, but it allows the executive branch to receive advice that is relevant, objective, and open to the public.
- Department advisory boards can be established on a long-term basis to address continuing issues, or they can be established on a short-term basis to address a specific issue. Long-term boards can be established for two-year periods and can be renewed for additional two-year periods thereafter.
- Under the law, advisory board meetings must be announced in advance and must be open to the public. All or part of an advisory **board** meeting may be closed, however, based on one or more of the provisions of the Government in the Sunshine Act, 5 U.S.C. § 552b(c).
 - As an example, advisory board meetings may be closed to the public when the board will discuss classified information.
- The law also requires advisory boards to keep and make available to the public minutes of open and closed meetings, including an accurate description of and the resolution of each matter discussed by the board.
- Department advisory boards **are** independent entities. While they report their findings to the Department leadership, their recommendations are not subject to direction and control by the Department.
- It has been the Department of Defense's policy for the past **15** years to appoint all private sector board members as Consultants, also known as Special Government Employees. After agreeing to serve, potential members are vetted through the Office of the Special Assistant to the Secretary of Defense (White House Liaison) and various Principal Staff Assistants who utilize the board

and/or receive their advice. Nominees are also required to fill out financial disclosure reports if the board they serve on makes recommendations that could affect the expenditure of government funds in the future. Board members may accept travel and per diem, but are rarely compensated directly for their work.

- o The General Counsel of the Department of Defense notifies advisory committee members by letter to contact the Standards of Conduct Office (SOCO) for advice concerning ethics issues relating to their appointment. SOCO assures that the members' confidential financial disclosure reports are completed before their first meeting. Committee members also complete a Foreign Activities Questionnaire and execute a disqualification from participation in any particular matters involving financial interests listed on the confidential financial disclosure report. SOCO attorneys provide an ethics briefing to the Committee members. A guide for current committee members is distributed at a committee meeting and can be found at http://www.defenselink.mil/dodgc/defense_ethics under "ethics resource library" and under "DoD guidance."
- o Advice provided to the Department has been critical to current transformation efforts, keeping the Department informed on cutting edge issues from the latest best business practices to state-of-the-art science and technology developments. This advice cannot be drawn exclusively from internal government sources. We simply do not have the expertise or those with professional networks with access to the kind of information needed. This advice often has a direct impact on future military operations and the welfare of the war fighter.
- If the Department were to use survey instruments and contractual arrangements to gather the advice provided by advisory boards, the costs would be significantly higher. Most support provided to these committees is done by federal employees who manage these committees as a collateral duty to their principal duties.



**DEPARTMENT OF DEFENSE
FEDERAL ADVISORY COMMITTEES**

As of 04/29/2004

Type of Committee: Statutory (Total • 25)

Presidential (Total • 1)

Discretionary/Established by Secretary of Defense (Total • 34)

Committee Name	Type	Description
<u>Advisory Council on Dependents' Education (ACDE)</u>	statutory	Advises the Secretary of Defense and the Director, Department of Defense Dependents Schools (DoDDS), on improvements to achieve and maintain a high quality public educational program through secondary school for minor dependents in overseas areas as defined in section 1411, Public Law 95-561, as amended.
<u>Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction</u>	Statutory	Assesses the capabilities for responding to terrorist incidents in the U.S. homeland involving weapons of mass destruction. Examines response capabilities at the Federal, State, and local levels.
<u>Air University Board of Visitors</u>	Discretionary	Assists the Air University in sustaining effective programs pertaining to the educational, doctrinal, and research policies and activities of the Air University, and advises the Secretary of the Air Force, through the Commander, AU.
<u>Armament Retooling and Manufacturing Support (ARMS) Executive Advisory Committee</u>	Discretionary	Studies the ARMS Initiative and reviews the Army's plan for its implementation; makes specific findings and recommendations concerning the concept, executability, and overall soundness of the plan; assesses government and industry expectations for the ARMS Initiative; evaluates the incentives being proposed under the ARMS Initiative Implementation Plan (AIIIP); reviews and makes specific recommendations on the applicability and adequacy of the loan guaranty program and planning grants; reviews and determines which existing public laws, regulations, and policies are currently available to fulfill the ARMS Initiative; and, reviews and comments on the Army's plans for Plant Reutilization, Emergency Planning, and the Disposal of Excess Plant Equipment.

<u>Armed Forces Epidemiological Board</u>	Discretionary	Serves as a continuing scientific advisory body to the Surgeons General of the military departments and the Assistant Secretary of Defense (Health Affairs) providing them with timely scientific and professional advice and guidance in matters pertaining to operational programs, policy development and research needs for the prevention of disease and injury and promotion of health.
<u>Arm Education Adviso Committee</u>	Discretionary (Auth by Law)	Provides the Secretary of the Army, the Chief of Staff, and the Army's senior leadership with expert and continuous advice on Army educational programs. Advice provided relates to educational policies, school curriculums, educational philosophy and objectives, program effectiveness, facilities, staff and faculty, instructional methods, and other aspects of organization and management.
<u>Army Science Board</u>	Discretionary	Advises the Secretary of the Army, the Chief of Staff, the Assistant Secretary of the Army (Research, Development and Acquisition), the Deputy Chiefs of Staff, and major Army Commanders on scientific, technological, and acquisition matters of interest to the Department of the Army.
<u>Board of Advisors to the President, Naval War College</u>	Discretionary	Advises and assists the President, Naval War College in educational and support areas. Reports or opinions, suggestions and recommendations of the Board will be made to the President, Naval War College. The President, Naval War College shall advise the Secretary of the Navy and the Chief of Naval Operations of opinions and recommendations made by the members of the Board which should receive consideration by a higher authority.
<u>Board of Advisors to the Superintendent, Naval Postgraduate School</u>	Discretionary	Advises the Superintendent and the Secretary of the Navy on naval graduate education programs, assessing the effectiveness of the school in accomplishing its mission and inquires into the curricula, instruction, physical equipment, administration, state of the student body, fiscal affairs, and other matters relating to the operation of school programs.
<u>Board of Regents Uniformed Services University of the Health Sciences</u>	Statutory	Provides advice and guidance to the Secretary of Defense through the Assistant Secretary of Defense for Health Affairs for the operation of the Uniformed Services University of the Health Sciences; to assure that said operation is in the best tradition of academia and in compliance with the appropriate accreditation authorities.

<u>Board of Visitors, Joint Military Intelligence College</u>	Discretionary	Provides the Secretary of Defense, Director, Defense Intelligence Agency (DIA), and the Commandant, Joint Military Intelligence College with independent, informed advice and recommendations on matters related to policy, mission, accreditation, faculty, students, facilities, curricula, educational methods, research, and administration, in connection with the College.
<u>Board of Visitors, Marine Corps University</u>	Statutory	Reviews develops, and provides recommendations on all aspects of the academic and administrative policies of the University; examines all aspects of the University's Professional Military Education operations; and provides such oversight and advice as is necessary to facilitate high educational standards and cost effective operations.
<u>Board of Visitors, National Defense University</u>	Discretionary	Provides advice on matters related to mission, policy, faculty, students, cumcula, educational methods, research, facilities, and administration of the National Defense University (NDU). Principal components of NDU are: Armed Forces Staff College, Industrial College of the Armed Forces, national War College, Institute for National Strategic Studies, Institute of Higher Defense Studies, and Department of Defense Computer Institute.
<u>Board of Visitors, Western Hemisphere Institute for Security Cooperation (WHINSEC)</u>	Statutory	Provides to DoD expert advice on the operations and management of the Institute. Inquires into the cumculum, instruction, physical equipment, fiscal affairs and academic methods of the Institution and any other matters that it or the Secretary of Defense deems appropriate. Reviews WHINSEC cumculum and determines whether it complies with applicable U.S. laws and regulations consistent with U.S. policy goals toward the Western

<u>Chief of Engineers</u> <u>Environmental</u> <u>Advisory Board</u>	Discretionary	Serves as advisor to the Chief for developing policy and procedures for Corps Programs; ascertains and advises upon natural, social and cultural resource management issues associated with Corps plans, projects and programs; provides advice aimed at both identifying and resolving existing environmental issues with new or expanded Corps missions; advises on the development of workable methods for quantifying natural, social and cultural resource management costs and benefits of Corps programs and in expressing these in terms of both their tangible and intangible consequences; and, explores and advises on new directions where the Corps, acting as the national engineering agency, can continue to solve not only the engineering and economic aspects of new challenges, problems, and opportunities, but also those environmental features for which it has responsibility.
<u>Chief of Naval</u> <u>Operations Executive</u> <u>Panel Advisory</u> <u>Committee</u>	Discretionary	Provides an avenue of communications by which a distinguished group representing scientific, academic, engineering, and political communities may advise the Chief of Naval Operations (CNO) on questions related to national seapower. In pursuing its objectives, the CEP may operate in committees composed of selected Panel members to conduct detailed examinations of matters related to national seapower.
<u>Defense Acquisition</u> <u>University Board of</u> <u>Visitors</u>	Statutory	Advise the Under Secretary of Defense (Acquisition and Technology) and the President of the Defense Acquisition University (DAU) on "organization management, curricula, methods of instruction, facilities and other matters of interest" to the DAU, as directed by 10 U.S.C. 1746.
<u>Defense Advisory</u> <u>Board for Employer</u> <u>Support of the Guard</u> <u>and Reserve</u>	Discretionary	Provides advice to the Secretary of Defense about issues concerning Reservists and their civilian employers, to include recommending policies and priorities for employer support actions and programs.
<u>Defense Advisory</u> <u>Committee on Military</u> <u>Personnel Testing</u>	Discretionary	Provides the Secretary of Defense, through the Assistant Secretary of Defense (Force Management and Personnel), with assistance and advice on matters pertaining to military personnel testing; reviews the calibration of personnel selection and classification tests to ensure the accuracy of resulting scores; reviews relevant validation studies to ensure that the tests have utility in predicting success in technical training and on the job; reviews ongoing testing research and development in support of the enlistment program; and, makes recommendations for improvements to make the testing process more responsive to the needs of the Department of Defense and the Military Services.

<u>Defense Advisor Committee on Women in the Services</u>	Discretionary	Provides the Secretary of Defense, through the Assistant Secretary of Defense (Force Management and Personnel), with assistance and advice on matters and policies relating to women in the Armed Forces.
<u>Defense Business Board</u>	Discretionary	Makes recommendations to the Senior Executive Council (SEC) on effective strategies for implementation of best business practices of interest to the Department of Defense.
<u>Defense Environmental Response Task Force</u>	Statutory (Lapsed/Inactive)	Studies and provides an annual report to Congress on the findings and recommendations concerning environmental restoration at military installations closed or realigned.
<u>Defense Finance and Accounting Service (DFAS) Board of Advisors</u>	Discretionary	Advises and assists the Under Secretary of Defense (Comptroller) and the Director, DFAS, with respect to providing world class finance and accounting services to the Department of Defense.
<u>Defense Intelligence Agency Advisory Board</u>	Discretionary	Provides the Director, Defense Intelligence Agency with scientific and technical expertise and advice on current and long-term operational and intelligence matters covering the total range of the mission of the Defense Intelligence Agency; provides a link between the scientific/technical and military operations communities of the United States and the Defense Intelligence Agency; and, in the military operations area , addresses issues including intelligence support to combat units, joint intelligence doctrine, net assessments, arms control, and integration of intelligence and operational planning.
<u>Defense Policy Board Advisory Committee</u>	Discretionary (Authby Law)	Provides the Secretary of Defense, Deputy Secretary and Under Secretary for Policy with independent, informed advice and opinion concerning major matters of defense policy; focus upon long-term, enduring issues central to strategic planning for the Department of Defense; and, responsible for research and analysis of topics, long or short range, addressed to it by the Secretary of Defense, Deputy Secretary and Under Secretary for Policy.
<u>Defense Science Board</u>	Discretionary	Advises the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Under Secretary of Defense for Acquisition on scientific and technical matters of interest to the Department of Defense.

<u>DoD Advisory Group on Electron Devices</u>	Discretionary	Provides the Under Secretary of Defense (Acquisition), the Director, Defense Advanced Research Projects Agency, and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices.
<u>DoD Domestic Advisory Panel on Early Intervention and Education for Infants, Toddlers, and Preschool Children and Children with Disabilities</u>	statutory	Advises the Director, Department of Defense Education Activity (DoDEA) and Director, Domestic Dependent Elementary and Secondary Schools (DDESS) unmet needs within the DDESS for the education of children with disabilities, comments publicly on any proposed DDESS rules or standards regarding the education of children with disabilities; and assists DDESS in matters that have been identified as areas of concern by the Director, DoDEA and Director, DDESS.
<u>DoD Education Benefits Board of Actuaries</u>	Statutory	Advises the Secretary of Defense on the actuarial status of the DoD Education Benefits Fund; furnishes advice and opinion on matters referred to it by the Secretary; reviews valuations of the Fund; and, provides periodic reports to the Secretary and President and Congress on the status of the fund as required.
<u>DoD-Government-Industry Advisory Committee on the Operation and Modernization of the National Defense Stockpile</u>	Statutory (Lapsed/Inactive)	Established pursuant to Section 10(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-1(a)), and Section 330 of Public Law 102.484, the National Defense Authorization Act for Fiscal Year 1993, advises the Secretary of Defense concerning significant issues relating to the operations of the National Defense Stockpile (NDS) and recommends ways to effect a modernization of the NDS consistent with NDS material requirements and sound business management practices.
<u>DoD Historical Advisory Committee</u>	Discretionary	Provides advice to the Secretary of Defense, the Secretaries of the Military Departments, and the heads of such other Components as may choose to participate, regarding the professional standards, historical methodology, program priorities, liaison with professional groups and institutions, and adequacy of resources connected with the various historical programs and associated activities of the DoD. These include: historical, archival, museum, library, art, curatorial, and related programs
<u>DoD Medicare-Eligible Retiree Health Care Board of Actuaries</u>	Statutory	Makes all actuarial determinations necessary to sustain the DoD Medicare-Eligible retiree Health Care Fund for the accumulation of funds in order to finance, on an actuarially sound basis, liabilities of the DoD under DoD retiree health care programs for Medicare-eligible beneficiaries.

<u>DoD Retirement Board of Actuaries</u>	Statutory	Makes all actuarial determinations necessary to sustain the Department of Defense Military Retirement Fund for the accumulation of funds in order to finance, on an actuarially sound basis, liabilities of the Department of Defense under military retirement and survivor benefit programs.
<u>DoD Wage Committee</u>	Discretionary by Law	Makes recommendations regarding wage surveys and wage schedules for blue-collar employees to the Department of Defense Wage Fixing Authority.
<u>Inland Waterways Users Board</u>	Statutory	Advises the Secretary of the Army on matters relating to construction and rehabilitation priorities on the commercial inland waterways and harbors of the United States.
<u>Joint Advisory Committee on Nuclear Weapons Surety</u>	Discretionary	Advises the Secretary of Defense, Secretary of Energy, and the Joint Nuclear Weapons Council on nuclear weapons systems surety matters that relate to protecting against inadvertent nuclear detonation or plutonium dispersal.
<u>Missouri River -- North Dakota -- Task Force</u>	Statutory	Advise the Secretary of the Army on a plan and projects to reduce siltation of the Missouri River in the State of North Dakota and to meet the objectives of the Pick-Sloan program in accordance with the Missouri River Protection and Improvement Act of 2000.
<u>Missouri River -- South Dakota -- Task Force</u>	Statutory	Advise the Secretary of the Army on a plan and projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan program in accordance with the Missouri River Protection and Improvement Act of 2000.
<u>National Security Agency Advisory Board</u>	Discretionary	Advises the Director, NSA/Chief, CSS, on matters involving Signals Intelligence production, Information Security, science, technology, business procedures and management related to the mission of the NSA/CSS.
<u>National Security Education Board</u>	Statutory	Develop criteria under the National Security Education Act of 1991 for awarding scholarships, fellowships, and grants to U.S. citizens and institutions; provide for wide dissemination of information regarding the activities assisted under the Act; establish qualifications for persons desiring scholarships or fellowships, and for institutions of higher education desiring grants under the Act. The Board will report to the Assistant Secretary of Defense (Strategy & Resources), who is the designated representative of the Secretary of Defense.

<u>Naval Research Advisory Committee</u>	Discretionary	Maintains an understanding of the technological needs confronting the Navy and Marine Corps, keeping abreast of the research and development which is being carried on to address them, and offering a judgment to the Navy and Marine Corps as to whether these efforts are adequate; senior scientific advisory group to the Secretary of the Navy, the Chief of Naval Operations, the Commandant of the Marine Corps, and the Chief of Naval Research
<u>Ocean Research Advisory Panel</u>	Statutory	Provides senior scientific advice to the National Oceanographic Research Leadership Council. Advises the Council on policies, procedures, selection of projects and allocations of funds regarding the National Oceanographic Partnership Program and on matters relating to national oceanographic data requirements as well as other responsibilities that the Council considers appropriate.
<u>Overseas Dependents Schools National Advisory Panel on the Education of Dependents with Disabilities</u>	Statutory	Advises the Director, DoDDS, of unmet needs within the system for the education of children with disabilities; comments publicly on any Office of Dependents Schools rules or standards regarding the education of children with disabilities; and assists ODS in matters that have been identified as areas of concern by the Director, DoDDS.
<u>Planning and Steering Committee (Navy)</u>	Discretionary	Provides to the Advanced Technology Panel of the Chief of Naval Operations Executive Board in-depth technical assessments to U.S. and Soviet ASW developments and related technologies, critically review programs which potentially impact SSBN survivability, and evaluate intelligence efforts to identify and define ASW and SSBN survivability threats.
<u>President's Information Technology Advisory Committee</u>	Presidential	Provides the National Science and Technology Council, through the Director of the Office of Science and Technology Policy, with advice and information on high-performance computing and communications, information technology, and the Next Generation Internet.
<u>Scientific Advisory Board of the Armed Forces Institute of Pathology</u>	Discretionary	Serves in the public interest as a scientific advisory body to the Director, Armed Forces Institute of Pathology, to provide scientific and professional advice and guidance in matters pertaining to operational programs, policies and procedures of the AFIP central laboratory of pathology for the Department of Defense and other federal agencies with responsibilities for consultation, education and research in pathology.

<u>Naval Research Advisory Committee</u>	Discretionary	Maintains an understanding of the technological needs confronting the Navy and Marine Corps, keeping abreast of the research and development which is being carried on to address them, and offering a judgment to the Navy and Marine Corps as to whether these efforts are adequate; senior scientific advisory group to the Secretary of the Navy, the Chief of Naval Operations, the Commandant of the Marine Corps, and the Chief of Naval Research
<u>Ocean Research Advisory Panel</u>	Statutory	Provides senior scientific advice to the National Oceanographic Research Leadership Council. Advises the Council on policies, procedures, selection of projects and allocations of funds regarding the National Oceanographic Partnership Program and on matters relating to national oceanographic data requirements as well as other responsibilities that the Council considers appropriate.
<u>Overseas Dependents Schools National Advisory Panel on the Education of Dependents with Disabilities</u>	Statutory	Advises the Director, DoDDS, of unmet needs within the system for the education of children with disabilities; comments publicly on any Office of Dependents Schools rules or standards regarding the education of children with disabilities; and assists ODS in matters that have been identified as areas of concern by the Director, DoDDS.
<u>Planning and Steering Committee (Navy)</u>	Discretionary	Provides to the Advanced Technology Panel of the Chief of Naval Operations Executive Board in-depth technical assessments to U.S. and Soviet ASW developments and related technologies, critically review programs which potentially impact SSBN survivability, and evaluate intelligence efforts to identify and define ASW and SSBN survivability threats.
<u>President's Information Technology Advisory Committee</u>	Presidential	Provides the National Science and Technology Council, through the Director of the Office of Science and Technology Policy, with advice and information on high-performance computing and communications, information technology, and the Next Generation Internet.
<u>Scientific Advisory Board of the Armed Forces Institute of Pathology</u>	Discretionary	Serves in the public interest as a scientific advisory body to the Director, Armed Forces Institute of Pathology, to provide scientific and professional advice and guidance in matters pertaining to operational programs, policies and procedures of the AFIP central laboratory of pathology for the Department of Defense and other federal agencies with responsibilities for consultation, education and research in pathology.

<u>Semiconductor Technolow Council</u>	Statutory (Lapsed/Inactive)	Advises the Secretary of Defense on appropriate technology goals and appropriate level of effort for the research and development activities of Sematech; to <i>link</i> assessment by the semiconductor industry of future market and national security needs to opportunities for technology development through cooperative public and private investment; and, to seek ways to respond to the technology challenges for semiconductors by fostering precompetitive cooperation among industry, the Federal Government, and institutions of higher education.
<u>United States Strategic Command Strategic Advisory Group (SAG)</u>	Discretionary	Provides technical and scientific advice of qualified scientists and representative views of the scientific community to the Director of Strategic Target Planning (DSTP) during the development of the Single Integrated Operational Plan (SIOP). Convening upon request, the SAG will provide scientific and technical advice and representative views to the DSTP in order to enhance JSTPS planning.
<u>Strategic Environmental Research and Development Program Scientific Advisory Board</u>	Statutory	Provides recommendations to the Strategic Environmental Research and Development Program Council on environmental research and development activities as prescribed in statute and assume additional advisory responsibilities as directed by the Council.
<u>Technology and Privacy Advisory Committee</u>	Discretionary	Advises the Secretary of Defense concerning the legal and policy considerations implicated by: a) the application of pattern queries/data correlation technology to counter-terrorism and counter-intelligence missions, and b) other DoD activities related to the war on terrorism.
<u>Threat Reduction Advisory Committee (TRAC) Charter</u>	Discretionary	Advises and assists the Under Secretary of Defense (Acquisition and Technology) on reduction of the threat to the United States and its allies from nuclear, biological, chemical, conventional and special weapons, sustainment of the nuclear weapons deterrent, chemical and biological defense, counterproliferation, technology security, weapons effects, and other matters related to the DTRA mission.
<u>Uniform Formula Beneficiary Advisory Panel</u>	Statutory	Reviews and comments on the development of the uniform formulary by the DoD Pharmacy and Therapeutics Committee.
<u>USAF Academy Board of Visitors</u>	Statutory	Inquires into the morale and discipline, the cumculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy which the Board decides to consider.

<u>USAF Scientific Advisory Board</u>	Discretionary	Provides a <i>link</i> between the Air Force and the Nation's scientific community by serving as a means of communicating the most recent scientific information as it applies to the Air Force; reviews and evaluates long-range plans for research and development and provides advice on the adequacy of the Air Force program; recommends usually promising scientific developments for selective Air Force emphasis and new scientific discoveries of techniques for practical application to weapon or support systems; makes a variety of studies designed to improve the Air Force Research and Development Program; and, serves as a pool of expert advisers to various Air Force activities.
<u>U.S. Arm. Coastal Engineering Research Board</u>	Statutory	Provides broad policy guidance and review of plans and fund requirements for the conduct of research and development in the field of coastal engineering and recommends priorities of accomplishment of research projects in consonance with the needs of the coastal engineering field and the objectives of the Chief of Engineers.
<u>U.S. European Command Senior Advisory Group (SAG)</u>	Discretionary	Provides the Commander, U.S. European Command with advice, guidance, and assistance toward fulfilling its mission.
<u>U.S. Joint Forces Command Transformation Advisory Group</u>	Discretionary	Provides timely advice on scientific, technical, intelligence, and policy-related issues to the Commander, USJFCOM, during the development of the nation's joint warfighting concepts to provide joint forces and capabilities, improve joint warfighting capabilities, transform the joint force, and improve internal command processes.
<u>U.S. Military Academy Board of Visitors</u>		Inquires into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider .
<u>U.S. Naval Academy Board of Visitors</u>	Statutory	Inquires into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Naval Academy that the Board decides to consider, and, within 60 days of its annual meeting, submits its findings and recommendation to the President of the United States.

TAB

A

1. Statutory committees that are inactive or have served their purpose.

- **Defense Environmental Task Force II:** Studies and provides an annual report to Congress on the findings and recommendations concerning environmental restoration at military installations closed or realigned. (One meeting FY99-03)
- **DoD-Government-Industry Advisory Committee on the Operation and Modernization of the National Defense Stockpile:** Established pursuant to Section 10(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-1(a)), and Section 3306 of Public Law 102.484, the National Defense Authorization Act for Fiscal Year 1993, advises the Secretary of Defense concerning significant issues relating to the operations of the National Defense Stockpile (NDS) and recommends ways to effect a modernization of the NDS consistent with NDS material requirements and sound business management practices description. (No meetings FY99-03)
- **Semiconductor Technology Council:** Advises the Secretary of Defense on appropriate technology goals and appropriate level of effort for the research and development activities of Sematech; to link assessment by the semiconductor industry of future market and national security needs to opportunities for technology development through cooperative public and private investment; and, to seek ways to respond to the technology challenges for semiconductors by fostering precompetitive cooperation among industry, the Federal Government, and institutions of higher education. (No meetings FY99-03)
- **Technology and Privacy Advisory Committee:** Advises the Secretary of Defense concerning the legal and policy considerations implicated by: a) the application of pattern queries/data correlation technology to counter-terrorism and counter-intelligence missions, and b) other DoD activities related to the war on terrorism. (Committee's work is complete)
- **Uniform Formulary Beneficiary Advisory Panel:** Reviews and comments on the development of the uniform formulary by the DoD Pharmacy and Therapeutics Committee. (No meetings since FY00)

2. Committees that have not met since FY00.

- **President's Information Technology Advisory Committee:** Provides the National Science and Technology Council, through the Director of the Office of Science and Technology Policy, with advice and information on high-performance computing and communications, information technology, and the Next Generation Internet.

3. Committees that are duplicative and could be merged.

- Merge into a single Missouri River Task Force.
 - Missouri River – North Dakota Task Force: Advise the Secretary of the Army on a plan and projects to reduce siltation of the Missouri River in the State of North Dakota and to meet the objectives of the Pick-Sloan program in accordance with the Missouri River Protection and Improvement Act of 2000.
 - Missouri River – South Dakota Task Force: Advise the Secretary of the Army on a plan and projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan program in accordance with the Missouri River Protection and Improvement Act of 2000.
- Merge into a single Disability Advisory Body.
 - DoD Domestic Advisory Panel on Early Intervention and Education for Infants, Toddlers, and pre-School Children and Children with Disabilities: Advises the Director, Department of Defense Education Activity (DoDEA) and Director, Domestic Dependent Elementary and Secondary Schools (DDESS) unmet needs within the DDESS for the education of children with disabilities; comments publicly on any proposed DDESS rules or standards regarding the education of children with disabilities; and assists DDESS in matters that have been identified as areas of concern by the Director, DoDEA and Director, DDESS.
 - Overseas Dependent Schools National Advisory Panel on the Education of Dependents with Disabilities: Advises the Director, DoD Dependant Schools (DoDDS), of unmet needs within the system for the education of children with disabilities; comments publicly on any Office of Dependents Schools (ODS) rules or standards regarding the education of children with disabilities; and assists ODS in matters that have been identified as areas of concern by the Director, DoDDS.

4. Boards that perform similar functions for Service Schools and could be consolidated under a new charter to emphasize jointness in Professional Military Education.

- Air University Board of Visitors: Assists the Air University in sustaining effective programs pertaining to the educational, doctrinal, and research policies and activities of the Air University, and advises the Secretary of the Air Force, **through** the Commander, AU.

- **Board of Advisors to the President, Naval War College:** Advises and assists the President, Naval War College in educational and support areas. Reports or opinions, suggestions and recommendations of the Board will be made to the President, Naval War College. The President, Naval War College shall advise the Secretary of the Navy and the Chief of Naval Operations of opinions and recommendations made by the members of the Board which should receive consideration by a higher authority.
- **Board of Advisors, Marine Corp University:** Reviews develops, and provides recommendations on all aspects of the academic and administrative policies of the University; examines all aspects of the University's Professional Military Education operations; and provides such oversight and advice as is necessary to facilitate high educational standards and cost effective operations.

5. Boards that perform similar functions for the Military Academies and could be consolidated under a new charter to emphasize jointness in Military Education.

- **United States Air Force Academy Board of Visitors:** Inquires into the morale and discipline, the cumculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy which the Board decides to consider.
- **United States Military Academy Board of Visitors:** Inquires into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.
- **United States Naval Academy Board of Visitors:** Inquires into the state of morale and discipline, the cumculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Naval Academy that the Board decides to consider and, within 60 days of its annual meeting, submits its findings and recommendation to the President of the United States.

May 25, 2004

TO: Ray DuBois
c c : Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Advisory Boards

Please take a look at some of these advisory boards and let me know if there are any you think we could usefully discontinue.

Thanks.

Attach. *4/29/04 DuBois ^{INFO} ~~PROP~~ on DoD Advisory Boards*
~~5/14/04 ASD(ISP) memo to SecDef, OSD 76611-04~~

DHR:dh
052504-20

.....
Please respond by 6/25/04

OSD 09717-04

11-L-0559/OSD/42802



OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

INFO MEMO

ADMINISTRATION AND
MANAGEMENT

JAN 03 2005

FOR: SECRETARY OF DEFENSE

FROM: Raymond F. DuBois, Director, Administration and Management

Ray DuBois

SUBJECT: Committees, **Boards**, and Commissions

- This responds to the attached snowflake in which you request that I coordinate with the DoD General Counsel and other appropriate DoD officials to consider the elimination or consolidation of **16** Federal Advisory Committees, Boards, and Commissions I had previously identified as candidates for such action.
- Five advisory bodies have been eliminated. Defense Environmental Task Force II, DoD-Government-Industry Advisory Committee on the Operation and Modernization of the National Defense Stockpile, Semiconductor Technology Council, Defense Finance and Accounting Service Board of Visitors and the Technology and Privacy Advisory Committee.
- Four advisory bodies have been consolidated into two.
 - The DoD Pharmacy and Therapeutics Committee has been consolidated into the Uniform Formulary Beneficiary Advisory Panel.
 - **The** DoD Domestic Advisory Panel on Early Intervention and Education for Infants, Toddlers, and Preschool Children and Children with Disabilities, and the DoD Overseas Dependent Schools National Advisory Panel on the Education of Dependents with Disabilities, has been consolidated into the DoD Advisory Panel on Early Intervention and Special Education.
- As a result of these actions, the number of DoD Federal Advisory Committees, Boards, and Commissions are reduced by **12%** from **60** to **53**.
- We do not recommend combining the Missouri River-North Task Force and the Missouri River-South Task Force. The significant differences between upstream and downstream states in terms of issues, priorities, and resources make it preferable to maintain two separate entities.

334

34 Jan 05

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11-L-0559/OSD/42803

OSD 09717-04



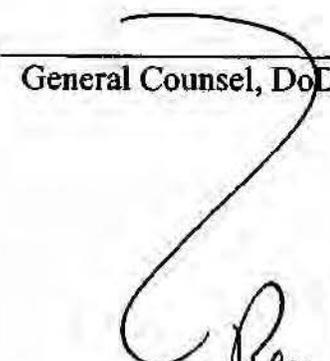
- We determined that the consolidation of advisory bodies associated with the Service Academies and Professional Military Education institutions is not appropriate at this time for two reasons. First, the unique mission, needs and circumstances for each of these institutions justify separate advisory oversight. Second, the intensity of Congressional interest in the Military Academies and the uncertainties of BRAC outcomes for the staff colleges, war colleges, and Defense universities make this a particularly inopportune time to change their advisory bodies.

COORDINATION: USD(AT&L), USD(P&R), DoD GC, Army, Navy, Air Force.
Joint Staff, DFAS (Tab A)

Attachments: As stated

Prepared by: Paul Granahan

(b)(6)

CONCUR: 
General Counsel, DoD

Ray Dubois, I'm favorably disposed,
but please brief me. I'd like
to ask specifically about TAPAC,
proposed DoD GC PACs (including recent
statutory me, and other ideas), and
retiring process. Thanks,
JH 11/20/04

July 1, 2004

TO Ray DuBois

FROM: Donald Rumsfeld *DR*

SUBJECT: Eliminating Boards, Commissions, etc.

I received your proposal on Boards and Commissions. Please get with Jim Haynes, the relevant Service secretaries and OSD people, and make a specific proposal on a way forward.

Thanks.

Attach.

6/25/04 DuBois memo to SD [OSD09717-04]

DHR:dm
070104-21

.....
Please respond by 8/13/04



ADMINISTRATION AND
MANAGEMENT

ACTION MEMO

June 25, 2004 5:30PM

FOR SECRETARY OF DEFENSE

DepSecDef Action_____

FROM: Raymond F. DuBois, Director, Administration and Management

SUBJECT: Elimination of Unnecessary Committees, Boards, and Commissions

- This responds to the attached snowflake in which you requested that I review the DoD Advisory Boards and advise you as to which could be discontinued. The results of this review are as follows.
- Five **Statutory** Committees are either inactive, have lapsed charters, or have met less than once a year during the **period** FY99-FY03; **i.e.**, Defense Environmental Task Force II, DoD-Government-Industry Advisory Committee on the Operation and Modernization of the National Defense Stockpile, Semiconductor Technology Council, Technology and Privacy Advisory Committee, and Uniform Formulary Beneficiary Advisory Panel. I believe that these have served their purpose and could **be** terminated.
- The President's Information Technology Advisory **Committee**, a Presidential Advisory Committee, has not met since **FY00** and could **also** be eliminated. ✓
- Four Statutory Committees could be combined into two. The Missouri River-North Dakota Task Force and the Missouri River-South Dakota **Task** Force could be merged into a single Missouri River Task Force. The DoD Domestic Advisory Panel on Early Intervention and Education for Infants, Toddlers, and pre-School Children and Children with Disabilities and the Overseas Dependent Schools National Advisory Panel on the Education of Dependents with Disabilities could be merged into a single Disabilities Advisory Body.
- The Board of Advisors, Marine Corp University, a **Statutory** Committee, and two Discretionary Committees, the Air University Board of Visitors and **the** Board of Advisors to the President, Naval War College, perform similar functions, are service centric, and are not optimally structured to **foster** jointness in military **thinking**. These could be combined into a single Board of Visitors for Professional Military Education. **This** new Board, with multi-service representatives, would emphasize jointness at **the** respective institutions.



OSD 09717-04

11-L-0559/OSD/42806

- Similarly, the ~~three~~ Service Academy Boards (**United States Air Force Academy Board of Visitors, the United States Military Academy Board of Visitors, and the United States Naval Academy Board of Visitors**) could **be** combined into a single **Board** of Visitors for **Military** Academies, which would be constituted to foster a stronger joint **focus**.
- If effected, these actions would reduce the number of DoD Advisory Boards from 60 to 48, resulting in a 19% reduction.
- The committees and a brief description of each are listed at Tab A.

RECOMMENDATION: If you concur, I will work with the General Counsel, Service Secretaries, and OSD Principal Staff Officials to take the actions necessary to achieve the recommended eliminations and consolidations.

Approved _____ Disapproved _____ Other _____

COORDINATION: None

Attachments: As stated

Prepared By: Paul ~~Graham~~,

(b)(6)

1. Statutory committees that are inactive or have served their purpose.

- **Defense Environmental Task Force II: Studies** and provides an annual **report** to Congress on the findings and recommendations concerning environmental restoration at **military installations** closed or realigned. (One meeting FY99-03)
- **DoD-Government-Industry Advisory Committee on the Operation and Modernization of the National Defense Stockpile:** Established pursuant to Section 10(a) of the Strategic and Critical Materials Stock Piling Act (**50 U.S.C.98h-1(a)**), and Section 3306 of Public Law 102.484, the National Defense Authorization Act for Fiscal Year 1993, advises the Secretary of Defense concerning significant issues relating to **the** operations of **the** National Defense Stockpile (NDS) and recommends ways to effect **a** modernization of the **NDS** consistent with NDS material requirements and sound business management practices description. (No meetings FY99-03)
- **Semiconductor Technology Council:** Advises the Secretary of Defense on appropriate technology **goals** and appropriate level of effort for the research and development activities of Sematech; to link assessment by the semiconductor industry of **future** market and national security needs to opportunities for technology development through cooperative public and private investment; and, to **seek** ways to respond to the technology challenges **for** semiconductors by fostering precompetitive cooperation among **industry**, the Federal Government, and institutions of higher education. (No meetings FY99-03)
- **Technology and Privacy Advisory Committee:** Advises the Secretary of Defense concerning the legal and policy considerations implicated by: a) the application of pattern queries/data correlation technology to counter-terrorism and counter-intelligence missions, and b) other DoD activities related to **the war** on terrorism. (**Committee's** work is complete)
- **Uniform Formulary Beneficiary Advisory Panel:** Reviews and comments on **the** development of the uniform formulary by the DoD Pharmacy and Therapeutics **Committee**. (**No** meetings since FY00)

2. Committees that have not met since **FY00**.

- **President's Information Technology Advisory Committee:** Provides the National Science and Technology Council, **through** the Director of the Office of Science and Technology Policy, with advice and information on **high-**performance computing and communications, information technology, and the Next Generation Internet.

3. Committees that are duplicative and could be merged.

- **Merge into a single Missouri River Task Force.**
 - **Missouri River - North Dakota Task Force:** Advise the Secretary of the Army on a plan and projects to reduce siltation of the Missouri River in the State of North Dakota and to meet the objectives of the Pick-Sloan program in accordance with the Missouri River Protection and Improvement Act of 2000.
 - **Missouri River - South Dakota Task Force:** Advise the Secretary of the Army on a plan and projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan program in accordance with the Missouri River Protection and Improvement Act of 2000.
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4. Boards that perform similar functions for Service Schools and could be consolidated under a new charter to emphasize jointness in Professional Military Education.

- **Air University Board of Visitors:** Assists the Air University in sustaining effective programs pertaining to the educational, doctrinal, and research policies and activities of the Air University, and advises the Secretary of the Air Force, through the Commander, AU.

- **Board of Advisors to the President, Naval War College:** Advises and assists the President, Naval War College in educational and support areas. Reports or opinions, suggestions and recommendations of the Board will be made to the President, Naval War College. The President, Naval War College shall advise the Secretary of the Navy and the Chief of Naval Operations of opinions and recommendations made by the members of the Board which should receive consideration by a higher authority.
 - **Board of Advisors, Marine Corp University:** Reviews develops, and provides recommendations on all aspects of the academic and administrative policies of the University; examines all aspects of the University's Professional Military Education operations; and provides such oversight and advice as is necessary to facilitate high educational standards and cost effective operations.
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- **United States Air Force Academy Board of Visitors:** Inquires into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy which the Board decides to consider.
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 - **United States Naval Academy Board of Visitors:** Inquires into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Naval Academy that the Board decides to consider and, within 60 days of its annual meeting, submits its findings and recommendation to the President of the United States.

May 25, 2004

TO: Ray DuBois
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Advisory Boards

Please take a look at some of these advisory boards and let me know if there are any you think we could usefully discontinue.

Thanks.

Attach. *4/29/04 DuBois ^{INFO} memo on DOD Advisory Boards*
~~5/14/04 ASD(ISP) memo to SecDef, OSD 76611-04~~

DHR:dh
052504-20

.....
Please respond by 6/25/04

Information Paper on DoD Advisory Boards

- o The Department currently utilizes **60 advisory boards, 34** of which were established at the discretion of the Secretary of Defense. Twenty-five were created in statute by the legislative branch, and one was established by Executive Order. A listing of these **boards** and their missions is at Tab 1. **This listing is also found at the DoD Federal Advisory Committees website: <http://faca.disa.mil> under the Advisory Committees tab.**
- o DoD advisory **boards** which have private citizens as members are subject to the Federal Advisory Committee Act, 5 U.S.C. App. I. **This statute not only recognizes the merits of seeking advice and assistance from experts outside the government, but it allows the executive branch to receive advice that is relevant, objective, and open to the public.**
- o Department advisory boards can be established on a long-term basis to address continuing issues, or they can be established on a short-term basis to address a specific issue. Long-term **boards** can be established for two-year periods and can be renewed for additional two-year **periods** thereafter.
- Under the law, advisory board meetings must be announced in advance and must be **open to the public. All** or part of an advisory **board** meeting may be closed, however, based on one or more of the provisions of the Government in the Sunshine Act, 5 U.S.C. § 552b(c).
 - o **As an example, advisory board meetings may be closed to the public when the board will discuss classified information.**
- o The law **also** requires advisory **boards to keep** and make available to the public **minutes** of open and closed meetings, including an accurate description of and **the** resolution of each matter discussed by the **board**.
- o Department advisory **boards are** independent entities. While they report their **findings to the** Department leadership, their recommendations are not subject to **direction** and control by the Department.
- o It has **been the** Department of Defense's policy for the past **15** years to appoint **all** private sector **board** members as Consultants, also **known as** Special Government Employees. After **agreeing to** serve, **potential** members are vetted through the Office of the Special Assistant to the Secretary of Defense (**White House Liaison**) and **various** Principal **Staff Assistants** who utilize the **board**

and/or receive their advice. Nominees **are also required** to fill out financial disclosure reports if the board they serve on makes recommendations that could affect the expenditure of government funds in the future. Board members may accept travel and per diem, but **are** rarely compensated **directly** for their work.

- The General Counsel of the Department of Defense **notifies** advisory committee members by letter to contact the **Standards of Conduct Office (SOCO)** for advice concerning ethics issues relating to their appointment. **SOCO assures** that the members' confidential financial disclosure reports **are** completed **before** their first meeting. **Committee** members **also** complete a **Foreign Activities Questionnaire** and execute a disqualification **from** participation in any particular **matters** involving financial interests **listed** on the confidential financial disclosure report. **SOCO** attorneys provide an ethics briefing **to** the **Committee** members. A guide for current committee members is distributed **at** a committee meeting **and** can be found at http://www.defenselink.mil/dodgc/defense_ethics under "ethics resource library" and under "DoD guidance."
- Advice provided to the Department has **been** critical to current transformation **efforts**, keeping the Department informed on cutting edge issues **from** the latest best business practices to state-of-the-art science **and** technology developments. **This** advice cannot **be drawn** exclusively **from** internal government **sources**. We simply do not have the expertise or **those** with professional networks with access to the **kind** of information **needed**. **This** advice **often** has a direct impact on **future military** operations and the welfare of the **war fighter**.
- **If** the Department were to use survey instruments **and contractual** arrangements **to** gather the advice provided by advisory boards, the costs **would be** significantly higher. Most support provided to these committees is done by federal employees who manage these committees **as** a collateral duty to their principal duties.

DEPARTMENT OF DEFENSE
FEDERAL ADVISORY COMMITTEES

As of 04/29/2004

Type of committee: statutory (Total - 25)

Presidential (Total - 1)

Discretionary/Established by Secretary of Defense (Total - 34)

Committee Name	Type	Description
Advisory Council on Dependents' Education (ACDE)	statutory	Advises the Secretary of Defense and the Director, Department of Defense Dependents Schools (DoDDS), on improvements to achieve and maintain a high quality public educational program through secondary school for minor dependents in overseas areas as defined in section 1411, Public Law 95-561, as amended.
Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction	statutory	Assesses the capabilities for responding to terrorist incidents in the U.S. homeland involving weapons of mass destruction. Examines response capabilities at the Federal, State, and local levels.
Air University Board of Visitors	Discretionary	Assists the Air University in sustaining effective programs pertaining to the educational, doctrinal, and research policies and activities of the Air University, and advises the Secretary of the Air Force, through the Commander, AU.
Armament Retooling and Manufacturing Support (ARMS) Executive Advisory Committee	Discretionary	Studies the ARMS Initiative and reviews the Army's plan for its implementation; makes specific findings and recommendations concerning the concept, executability, and overall soundness of the plan; assesses government and industry expectations for the ARMS Initiative; evaluates the incentives being proposed under the ARMS Initiative Implementation Plan (AIIP); reviews and makes specific recommendations on the applicability and adequacy of the loan guaranty program and planning grants; reviews and determines which existing public laws, regulations, and policies are currently available to fulfill the ARMS Initiative; and, reviews and comments on the Army's plans for Plant Reutilization, Emergency Planning, and the Disposal of Excess Plant Equipment.

<u>Armed Forces Epidemiological Board</u>	Discretionary	Serves as a continuing scientific advisory body to the Surgeons General of the military departments and the Assistant Secretary of Defense (Health Affairs) providing them with timely scientific and professional advice and guidance in matters pertaining to operational programs, policy development and research needs for the prevention of disease and injury and promotion of health .
<u>Army Education Advisory Committee</u>	Discretionary (Auth by Law)	Provides the Secretary of the Army , the Chief of Staff, and the Army's senior leadership with expert and continuous advice on Army educational programs. Advice provided relates to educational policies, school curriculums, educational philosophy and objectives, program effectiveness, facilities, staff and faculty, instructional methods, and other aspects of organization and management.
<u>Army Science Board</u>	Discretionary	Advises the Secretary of the Army, the Chief of Staff, the Assistant Secretary of the Army (Research, Development and Acquisition), the Deputy Chiefs of Staff , and major Army Commanders on scientific, technological, and acquisition matters of interest to the Department of the Army.
<u>Board of Advisors to the President, Naval War College</u>	Discretionary	Advises and assists the President , Naval War College in educational and support areas. Reports or opinions, suggestions and recommendations of the Board will be made to the President, Naval War College. The President, Naval War College shall advise the Secretary of the Navy and the Chief of Naval Operations of opinions and recommendations made by the members of the Board which should receive consideration by a higher authority.
<u>Board of Advisors to the Superintendent, Naval Postgraduate School</u>	Discretionary	Advises the Superintendent and the Secretary of the Navy on naval graduate education programs, assessing the effectiveness of the school in accomplishing its mission and inquires into the curricula, instruction, physical equipment, administration , state of the student body, fiscal affairs , and other matters relating to the operation of school programs.
<u>Board of Regents, Uniformed Services University of the Health Sciences</u>	Statutory	Provides advice and guidance to the Secretary of Defense through the Assistant Secretary of Defense for Health Affairs for the operation of the Uniformed Services University of the Health Sciences ; to assure that said operation is in the best tradition of academia and in compliance with the appropriate accreditation authorities.

<u>Board of Visitors,</u> <hr/> <hr/>	Discretionary	Provides the Secretary of Defense, Director, Defense Intelligence Agency (DIA), and the Commandant, Joint Military Intelligence College with independent, informed advice and recommendations on matters related to policy, mission, accreditation, faculty, students, facilities, curricula, educational methods, research, and administration , in connection with the College.
<u>Board of Visitors,</u> <u>Marine Corps</u> <u>University</u>	Statutory	Reviews develops, and provides recommendations on all aspects of the academic and administrative policies of the University; examines all aspects of the University's Professional Military Education operations; and provides such oversight and advice as is necessary to facilitate high educational standards and cost effective operations.
<u>Board of Visitors,</u> <u>National Defense</u> <u>University</u>	Discretionary	Provides advice on matters related to mission, policy, faculty, students, curricula, educational methods, research, facilities, and administration of the National Defense University (NDU). Principal components of NDU are: Armed Forces Staff College, Industrial College of the Armed Forces, national War College, Institute for National Strategic Studies, Institute of Higher Defense Studies, and Department of Defense Computer Institute.
<u>Board of Visitors,</u> <u>Western Hemisphere</u> <u>Institute for Security</u> <u>Cooperation</u> <u>(WHINSEC)</u>	Statutory	Provides to DoD expert advice on the operations and management of the Institute. Inquires into the curriculum, instruction, physical equipment, fiscal affairs and academic methods of the Institution and any other matters that it or the Secretary of Defense deems appropriate. Reviews WHINSEC curriculum and determines whether it complies with applicable U.S. laws and regulations consistent with U.S. policy goals toward the Western Hemispheres and adheres to U.S. doctrine appropriately emphasizing human rights, the rule of law, due process, civilian control of the military and the role of the military in a democratic society.

<p><u>Chief of Engineers Environmental Advisory Board</u></p>	<p>Discretionary</p>	<p>Serves as advisor to the Chief for developing policy and procedures for Corps Programs; ascertains and advises upon natural, social and cultural resource management issues associated with Corps plans, projects and programs; provides advice aimed at both identifying and resolving existing environmental issues with new or expanded Corps missions; advises on the development of workable methods for quantifying natural, social and cultural resource management costs and benefits of Corp programs and in expressing these in terms of both their tangible and intangible consequences; and, explores and advises on new directions where the Corps, acting as the national engineering agency, can continue to solve not only the engineering and economic aspects of new challenges, problems, and opportunities, but also those environmental features for which it has responsibility.</p>
<p><u>Chief of Naval Operations Executive Panel Advisory Committee</u></p>	<p>Discretionary</p>	<p>Provides an avenue of communications by which a distinguished group representing scientific, academic, engineering, and political communities may advise the chief of Naval Operations (CNO) on questions related to national seapower. In pursuing its objectives, the CEP may operate in committees composed of selected Panel members to conduct detailed examinations of matters related to national seapower.</p>
<p><u>Defense Acquisition University Board of Visitors</u></p>	<p>statutory</p>	<p>Advise the Under Secretary of Defense (Acquisition and Technology) and the President of the Defense Acquisition University (DAU) on "organization management, curricula, methods of instruction, facilities and other matters of interest" to the DAU, as directed by 10 U.S.C. 1746.</p>
<p><u>Defense Advisory Board for Employer Support of the Guard and Reserve</u></p>	<p>Discretionary</p>	<p>Provides advice to the Secretary of Defense about issues concerning Reservists and their civilian employers, to include recommending policies and priorities for employer support actions and programs.</p>
<p><u>Defense Advisory Committee on Military Personnel Testing</u></p>	<p>Discretionary</p>	<p>Provides the Secretary of Defense, through the Assistant Secretary of Defense (Force Management and Personnel), with assistance and advice on matters pertaining to military personnel testing; reviews the calibration of personnel selection and classification tests to ensure the accuracy of resulting scores; reviews relevant validation studies to ensure that the tests have utility in predicting success in technical training and on the job; reviews ongoing testing research and development in support of the enlistment program; and, makes recommendations for improvements to make the testing process more responsive to the needs of the Department of Defense and the Military Services.</p>

<u>Defense Advisory Committee on Women in the Services</u>	Discretionary	Provides the Secretary of Defense, through the Assistant Secretary of Defense (Force Management and Personnel), with assistance and advice on matters and policies relating to women in the Armed Forces.
<u>Defense Business</u>	Discretionary	Makes recommendations to the Senior Executive Council (SEC) on effective strategies for implementation of best business practices of interest to the Department of Defense.
<u>Defense Environmental Response Task Force II</u>	Statutory (Lapsed/Inactive)	Studies and provides an annual report to Congress on the findings and recommendations concerning environmental restoration at military installations closed or realigned.
<u>Defense Finance and Accounting Service (DFAS) Board of Advisors'</u>	Discretionary	Advises and assists the Under Secretary of Defense (Comptroller) and the Director, DFAS, with respect to providing world class finance and accounting services to the Department of Defense.
<u>Defense Intelligence Agency Advisory Board</u>	Discretionary	Provides the Director, Defense Intelligence Agency with scientific and technical expertise and advice on current and long-term operational and intelligence matters covering the total range of the mission of the Defense Intelligence Agency; provides a link between the scientific/technical and military operations communities of the United States and the Defense Intelligence Agency; and, in the military operations area, addresses issues including intelligence support to combat units, joint intelligence doctrine, net assessments, arms control, and integration of intelligence and operational planning.
<u>Defense Policy Board Advisory Committee</u>	Discretionary (Auth by Law)	Provides the Secretary of Defense, Deputy Secretary and Under Secretary for Policy with independent, informed advice and opinion concerning major matters of defense policy; focus upon long-term, enduring issues central to strategic planning for the Department of Defense; and, responsible for research and analysis of topics, long or short range, addressed to it by the Secretary of Defense, Deputy Secretary and Under Secretary for Policy.
<u>Defense Science Board</u>	Discretionary	Advises the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Under Secretary of Defense for Acquisition on scientific and technical matters of interest to the Department of Defense.

<u>DoD Advisory Group on Electron Devices</u>	Discretionary	Provides the Under Secretary of Defense (Acquisition), the Director, Defense Advanced Research Projects Agency, and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices.
<u>DoD Domestic Advisory Panel on Early Intervention and Education for Infants, Toddlers, and Preschool Children, and Children with Disabilities</u>	statutory	Advises the Director, Department of Defense Education Activity (DoDEA) and Director, Domestic Dependent Elementary and Secondary Schools (DDESS) unmet needs within the DDESS for the education of children with disabilities, comments publicly on any proposed DDESS rules or standards regarding the education of children with disabilities; and assists DDESS in matters that have been identified as areas of concern by the Director, DoDEA and Director, DDESS.
<u>DoD Education Benefits Board of Actuaries</u>	Statutory	Advises the Secretary of Defense on the actuarial status of the DoD Education Benefits Fund; furnishes advice and opinion on matters referred to it by the Secretary; reviews valuations of the Fund; and, provides periodic reports to the Secretary and President and Congress on the status of the fund as required.
<u>DoD-Government-Industry Advisory Committee on the Operation and Modernization of the National Defense Stockpile</u>	statutory (Lapsed/Inactive)	Established pursuant to Section 10(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C.98h-1(a)), and Section 3306 of Public Law 102.484, the National Defense Authorization Act for Fiscal Year 1993, advises the Secretary of Defense concerning significant issues relating to the operations of the National Defense Stockpile (NDS) and recommends ways to effect a modernization of the NDS consistent with NDS material requirements and sound business management practices.
<u>DoD Historical Advisory Committee</u>	Discretionary	Provides advice to the Secretary of Defense, the Secretaries of the Military Departments, and the heads of such other Components as may choose to participate, regarding the professional standards, historical methodology, program priorities, liaison with professional groups and institutions, and adequacy of resources connected with the various historical programs and associated activities of the DoD. These include: historical, archival, museum, library, art, curatorial, and related programs
<u>DoD Medicare-Eligible Retiree Health Care Board of Actuaries</u>		Makes all actuarial determinations necessary to sustain the DoD

<u>DoD Retirement Board of Actuaries</u>	Statutory	Makes all actuarial determinations necessary to sustain the Department of Defense Military Retirement Fund for the accumulation of funds in order to finance, on an actuarially sound basis, liabilities of the Department of Defense under military retirement and survivor benefit programs.
<u>DoD Wage Committee</u>	Γ (Auth by Law)	Makes recommendations regarding wage surveys and wage schedules for blue-collar employees to the Department of Defense Wage Fixing Authority .
<u>Inland Waterways Users Board</u>	Statutory	Advises the Secretary of the Army on matters relating to construction and rehabilitation priorities on the commercial inland waterways and harbors of the United States .
<u>Joint Advisory Committee on Nuclear Weapons Surety</u>	Discretionary	Advises the Secretary of Defense, Secretary of Energy, and the Joint Nuclear Weapons Council on nuclear weapons systems surety matters that relate to protecting against inadvertent nuclear detonation or plutonium dispersal .
<u>Missouri River -- North Dakota -- Task Force</u>	Statutory	Advise the Secretary of the Army on a plan and projects to reduce siltation of the Missouri River in the State of North Dakota and to meet the objectives of the Pick-Sloan program in accordance with the Missouri River Protection and Improvement Act of 2000 .
<u>Missouri River -- South Dakota -- Task Force</u>	Statutory	Advise the Secretary of the Army on a plan and projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan program in accordance with the Missouri River Protection and Improvement Act of 2000 .
<u>National Security Agency Advisory Board</u>	Discretionary	Advises the Director, NSA/Chief, CSS, on matters involving Signals Intelligence production, Information Security, science, technology, business procedures and management related to the mission of the NSA/CSS.
<u>National Security Education Board</u>	statutory	Develop criteria under the National Security Education Act of 1991 for awarding scholarships, fellowships, and grants to U.S. citizens and institutions; provide for wide dissemination of information regarding the activities assisted under the Act; establish qualifications for persons desiring scholarships or fellowships , and for institutions of higher education desiring grants under the Act . The Board will report to the Assistant Secretary of Defense (Strategy & Resources), who is the designated representative of the Secretary of Defense.

<u>Naval Research Advisory Committee</u>	Discretionary	Maintains an understanding of the technological needs confronting the Navy and Marine Corps, keeping abreast of the research and development which is being carried on to address them, and offering a judgment to the Navy and Marine Corps as to whether these efforts are adequate; senior scientific advisory group to the Secretary of the Navy, the Chief of Naval Operations, the Commandant of the Marine Corps, and the Chief of Naval Research
<u>Ocean Research Advisory Panel</u>	Statutory	Provides senior scientific advice to the National Oceanographic Research Leadership Council. Advises the Council on policies, procedures, selection of projects and allocations of funds regarding the National Oceanographic Partnership Program and on matters relating to national oceanographic data requirements as well as other responsibilities that the Council considers appropriate.
<u>Overseas Dependents Schools National Advisory Panel on the Education of Dependents with Disabilities</u>	Statutory	Advises the Director, DoDDS, of unmet needs within the system for the education of children with disabilities; comments publicly on any Office of Dependents Schools rules or standards regarding the education of children with disabilities; and assists ODS in matters that have been identified as areas of concern by the Director, DoDDS.
<u>Planning and Steering Committee (Navy)</u>	Discretionary	Provides to the Advanced Technology Panel of the Chief of Naval Operations Executive Board in-depth technical assessments to U.S. and Soviet ASW developments and related technologies, critically review programs which potentially impact SSBN survivability, and evaluate intelligence efforts to identify and define ASW and SSBN survivability threats.
<u>President's Information Technology Advisory Committee</u>	Presidential	Provides the National Science and Technology Council, through the Director of the office of Science and Technology Policy, with advice and information on high-performance computing and communications, information technology, and the Next Generation Internet.
<u>Scientific Advisory Board of the Armed Forces Institute of Pathology</u>	Discretionary	Serves in the public interest as a scientific advisory body to the Director, Armed Forces Institute of Pathology, to provide scientific and professional advice and guidance in matters pertaining to operational programs, policies and procedures of the AFIP central laboratory of pathology for the Department of Defense and other federal agencies with responsibilities for consultation, education and research in pathology.

<u>Semiconductor Technology Council</u>	statutory Lapsed/Inactive)	Advises the Secretary of Defense on appropriate technology goals and appropriate level of effort for the research and development activities of Sematech; to link assessment by the semiconductor industry of future market and national security needs to opportunities for technology development through cooperative public and private investment; and, to seek ways to respond to the technology challenges for semiconductors by fostering precompetitive cooperation among industry, the Federal Government, and institutions of higher education.
<u>United States Strategic Command Strategic Advisory Group (SAG)</u>	Discretionary	Provides technical and scientific advice of qualified scientists and representative views of the scientific community to the Director of Strategic Target Planning (DSTP) during the development of the Single Integrated Operational Plan (SIOP). Convening upon request , the SAG will provide scientific and technical advice and representative views to the DSTP in order to enhance JSTPS planning.
<u>Strategic Environmental Research and Development Program Scientific Advisory Board</u>	statutory	Provides recommendations to the Strategic Environmental Research and Development Program Council on environmental research and development activities as prescribed in statute and assume additional advisory responsibilities as directed by the Council.
<u>Technolow and Privacy Advisory Codttee</u>	Discretionary	Advises the Secretary of Defense concerning the legal and policy considerations implicated by: a) the application of pattern queries/data correlation technology to counter-terrorism and counter-intelligence missions, and b) other DoD activities related to the war on terrorism.
<u>Threat Reductio4 Advisory Committee (TRAC) Charter</u>	Discretionary	Advises and assists the Under Secretary of Defense (Acquisition and Technology) on reduction of the threat to the United States and its allies from nuclear, biological, chemical, conventional and special weapons , sustainment of the nuclear weapons deterrent , chemical and biological defense, counterproliferation, technology security , weapons effects, and other matters related to the DTRA mission.
<u>Uniform Formulary Beneficiary Advisory Panel</u>	statutory	Reviews and comments on the development of the uniform formulary by the DoD Pharmacy and Therapeutics Committee.
<u>USAF Academy Board of Visitors</u>	statutory	Inquires into the morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs , academic methods, and other matters relating to the Academy which the Board decides to consider.

<u>USAF Scientific Advisory Board</u>	Discretionary	Provides a link between the Air Force and the Nation's scientific community by serving as a means of communicating the most recent scientific information as it applies to the Air Force ; reviews and evaluates long-range plans for research and development and provides advice on the adequacy of the Air Force program; recommends usually promising scientific developments for selective Air Force emphasis and new scientific discoveries of techniques for practical application to weapon or support systems ; makes a variety of studies designed to improve the Air Force Research and Development Program; and, serves as a pool of expert advisers to various Air Force activities.
<u>U.S. Army Coastal Engineering Research Board</u>	statutory	Provides broad policy guidance and review of plans and fund requirements for the conduct of research and development in the field of coastal engineering and recommends priorities of accomplishment of research projects in consonance with the needs of the coastal engineering field and the objectives of the Chief of Engineers .
<u>U.S. European Command Senior Advisory Group (SAG)</u>	Discretionary	Provides the Commander, U.S. European Command with advice, guidance, and assistance toward fulfilling its mission.
<u>U.S. Joint Forces Command Transformation Advisory Group (TAG)</u>	Discretionary	Provides timely advice on scientific, technical, intelligence, and policy-related issues to the Commander, USJFCOM , during the development of the nation's joint warfighting concepts to provide joint forces and capabilities, improve joint warfighting capabilities, transform the joint force, and improve internal command processes.
<u>U.S. Air Academy Board of Visitors</u>	statutory	Inquires into the morale and discipline, the curriculum, instruction , physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.
<u>U.S. Naval Academy Board of Visitors</u>	statutory	Inquires into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Naval Academy that the Board decides to consider, and, within 60 days of its annual meeting , submits its findings and recommendation to the President of the United States .



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

THE UNDER SECRETARY OF DEFENSE
3010 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-3010

OCT 22 2004

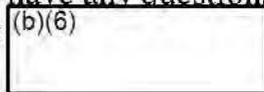
MEMORANDUM FOR DIRECTOR, ADMINISTRATION AND MANAGEMENT

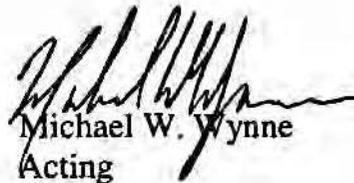
SUBJECT: Termination of Department of Defense Advisory Boards

Based upon my assessment of a September 2004 review, concerning whether three Statutory Boards and one Advisory Committee under my cognizance could be eliminated, the following applies:

- I non-concur on the elimination of the President's Information Technology Advisory Committee. RATIONALE: This Committee is formally chartered by Executive Order 13035, which is not due to expire until June 1, 2005.
- I concur on the elimination of the Defense Environmental Task Force II, Semiconductor Technology Council, and the DoD Government Advisory Committee on the Operation of the National Defense Stockpile.

Should you have any questions, please contact either Ms. June Woodford or Ms. Julie Bigler at (b)(6)




Michael W. Wynne
Acting



11-L-0559/OSD/42824



PERSONNEL AND
READINESS

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

AUG 13 2004

MEMORANDUM FOR Deputy Director, Administration and Management

SUBJECT: Consolidation of Department of Defense Advisory Boards

I cannot concur with your memo of August 5, 2004 concerning the consolidation of certain defense advisory boards.

A recent study conducted by Admiral Charles Larson for the *Air* Force Academy Board of Visitors finds that the three academies are unique and recommends that policies administering the three academies recognize these differences. Even if consolidation of the Service Academy Boards of Visitors was recommended, such a recommendation would require multiple changes to the statute. As such, the first opportunity to request any legislative change would be in concert with the legislative cycle next year. Given the intense Congressional oversight of the Service Academies, the Larson Report and the Fowler Report, I do not recommend we suggest this type of change.

The memo also suggests that we consider consolidating the Boards of Visitors for several, but not all, of the professional military education war colleges. The future of the staff colleges, war colleges and the service and defense universities are at play in the BRAC process. I do not believe that we should take any actions with regard to the Boards of Visitors for these institutions until the BRAC process is complete.

In a second memo dated August 6, 2004, you requested my views with regard to a DoDEA recommendation to eliminate the DOD Domestic Advisory Panel on Early Intervention and Education for Infants, Toddlers, and Preschool Children and Children with Disabilities and the Overseas Dependent Schools National Advisory Panel on Education of Dependents with Disabilities and to create a newly formed board, the DOD Advisory Panel on Early Intervention and Special Education. I concur with this proposal.


Charles S. Abell
Principal Deputy

11-L-0559/OSD/42825



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
C M L WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108



REPLY TO
ATTENTION OF

August 30, 2004

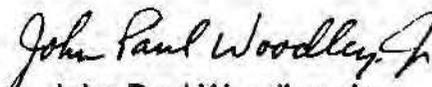
DEPUTY DIRECTOR FOR PLANNING AND EVALUATION, WASHINGTON
HEADQUARTERS SERVICES, OFFICE OF THE SECRETARY OF DEFENSE,
1950 DEFENSE PENTAGON, WASHINGTON D.C. 20301-1950

SUBJECT: Consolidation of Department of Defense Advisory Boards

I am responding to your memorandum of August 5, 2004 wherein you ask that I review two Statutory Boards, the Missouri River-North Dakota Task Force and the Missouri River-South Dakota Task Force to see if they lend themselves to consolidation under a single Board. I do not believe that the two Boards can or should be consolidated.

The two Boards were established under Titles VII and IX of the Water Resources Development Act of 2000 (Public Law 106-541) in order to provide a means for each state, and its sovereign Indian Nations, to be involved in assessing and addressing a host of issues of particular concern to them. While it is true that the two Boards are directed to perform generally similar functions, the two Boards were created as distinct entities and were charged by statute with preparing reports and assessments on matters peculiar to the respective states. Congress recognized that there are significant differences between upstream and downstream states in terms of priorities, resource concerns, and views regarding operation of the Missouri River System.

Please do not hesitate to contact me if you have any questions. Your staff may contact Mr. Chip Smith, my Assistant for Environment, Tribal and Regulatory Affairs at (b)(6) or (b)(6)


John Paul Woodley, Jr.
Assistant Secretary of the Army
(Civil Works)



Printed on Recycled Paper

11-L-0559/OSD/42826



OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

ADMINISTRATION AND
MANAGEMENT

AUG 05 2004

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT Consolidation of Department of Defense Advisory Boards

The Secretary has **asked** us to review the various Advisory Boards that have **been** established under DoD cognizance and to identify those that should be discontinued or consolidated.

Our review indicates that two Statutory Boards under **your** cognizance, the Missouri River-North Dakota Task Force and the Missouri River-South Dakota **Task** Force, perform similar functions that may lend themselves to consolidation in a single Board.

Please advise us by **30 August 2004** if you concur with this assessment so that we may work with your staff, the Office of the DoD General Counsel, and the Office of the ASD (Legislative Affairs) to initiate the statutory changes necessary to effect **this** consolidation.

The point of contact for **this** review is Mr. Paul Granahan, Deputy Director for Planning and Evaluation, Washington Headquarters Services. He may be reached at

(b)(6)

Howard G. Becker
Deputy Director

cc: ASD (Legislative Affairs)
ASD (Public Affairs)
GC, DoD



11-L-0559/OSD/42827

40801555



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

SEP 17 2004

MEMORANDUM FOR DEPUTY DIRECTOR, ADMINISTRATION AND MANAGEMENT,
OFFICE OF THE SECRETARY OF DEFENSE

SUBJECT: Consolidation of Department of Defense Advisory Boards

The Department of the Navy does not concur with the proposal to consolidate Department of Defense (DoD) Advisory Boards for the following reasons:

- Consolidation of the three Boards of Visitors for the service academies would require legislative action. *And might not be in the best interest of the services due to geography, culture, etc.*
- The Chairman, Joint Chiefs of Staff (CJCS) has statutory responsibility for oversight of officer joint education and has policies and organizations in place to meet this requirement.
- The proposed consolidation of the Board of Visitors of select military war colleges omits the Army professional military education institutions and National Defense University (NDU), thereby fragmenting the professional military education process. The Naval War College (NWC) has additional service-unique missions related to the development of the Navy's future strategy and research and analysis that could be impeded by the proposed consolidation. The Marine Corps University (MCU) receives direct oversight provided by the Commandant consistent with the intent of the Congress. Finally, consolidation stands to jeopardize accreditation of NWC and MCU master's degree programs.

A handwritten signature in black ink, appearing to read "William A. Navas, Jr.", with a stylized flourish at the end.

William A. Navas, Jr.
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

11-L-0559/OSD/42828



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC

Office Of The Assistant Secretary

03 SEP 2004

MEMORANDUM FOR DIRECTOR, ADMINISTRATION AND MANAGEMENT, OFFICE OF
THE SECRETARY OF DEFENSE

FROM: SAF/MR

SUBJECT: Consolidation of Department of Defense Advisory Boards

In response to your memo regarding the consolidation of professional military education-related Advisory Boards, the Air Force reviewed our current Board structure and concurs with further exploration. Although many factors argue against a consolidated Service Academy Board of Visitors (BoV), there may be merit in pursuing, to some degree, a combined BoV for Professional Military Education (PME).

Rationale for not including the academies in this effort directly relates to the ongoing efforts to reinvigorate the USAFA BoV. An engaged USAFA BoV, with formalized by-laws and new membership requirements, meeting four times a year, is key to the changes underway in the culture and management of USAFA. We want to avoid diluting the focus of our BoV members by expanding their realm of review to the other academies.

Interaction among the Services regarding PME already occurs. For example, the Educational Alliance Memorandum of Agreement between the Air Force and the Navy has existed since December 2002. The Military Education Coordination Council and the Process for Accreditation for Joint Education already provide basic oversight for PME schools. Expanding the respective advisory boards to an across-the-board perspective, to include the Army and the National Defense University, would be another step toward increased jointness in the spirit of Goldwater-Nichols. However, this should not be accomplished at the expense of the institutions from where this "combined" BoV would be pulled.

The Air University (AU) BoV has existed since 1946 and takes its oversight responsibilities very seriously. The broad scope of this specific BoV calls for it to advise on programs and institutions that encompass much more than PME, to include precommissioning, professional continuing education, degree granting, and significant research efforts. Thus, the AU's BoV agenda is flexible and wide-ranging and addresses other AU priorities such as the Community College of the Air Force. For example, over the past five years less than half of the AU's BoV meeting agendas were spent on officer PME; the remainder of the time focused on other areas. The impact on accreditation would also have to be explored since any consolidation or expansion would constitute a formal change of governance according to regional accreditation rules. Moreover, board structure plays an important role in the accreditation of degrees awarded through the PME schools and we do not want to jeopardize that role. We also need to consider that BoV members are volunteers, and we must be sensitive to the inherent challenges of these positions, especially regarding their time commitment.

11-L-0559/OSD/42829

The Air Force supports participating in a joint working group to explore potential value and further discuss the details if OSD decides to pursue this initiative. My point of contact is Colonel Kathleen Grabowski (AF/DPLE), (b)(6)



MICHAEL L. DOMINGUEZ
Assistant Secretary of the Air Force
(Manpower and Reserve Affairs)



THE JOINT STAFF
WASHINGTON, DC

P&E

Reply ZIP Code:
203 18-0300

DJSM 0992-04
15 September 2004

MEMORANDUM **FOR** THE DIRECTOR OF ADMINISTRATION AND
MANAGEMENT

Subject: Consolidation of Department of Defense Advisory Boards

1. Your proposal' to consolidate Advisory Boards dealing with professional military education (PME) has been reviewed. Regarding your first proposal, a Board of Visitors (BOV) for the Military Academies should not be created, since all three are unique and should be recognized as different entities, with diverse needs and circumstances.

2. You also suggest consolidating the BOV for several, but not all, of the PME war colleges. The JCS does not concur with your recommendation to create a new BOV for PME, as the Military Education Coordination Council and the Process for Accreditation for Joint Education (both established in CJCS policy) meet the function defined for a **BOV** for PME. Additionally, the military war and staff colleges have varying requirements from their respective civilian accrediting organizations that must be considered if they **are** to continue offering degrees.

T. J. KEATING
VADM, USN
DIRECTOR, JOINT STAFF

Reference

- 1 OSD(A&M) memorandum, 5 August 2004, "Consolidation of Department of Defense Advisory Boards"



DEFENSE FINANCE AND ACCOUNTING SERVICE
ARLINGTON
1851 SOUTH BELL STREET
ARLINGTON, VA 22240-5291

SEP 27 2004

MEMORANDUM FOR DIRECTOR, ADMINISTRATION AND MANAGEMENT,
OFFICE OF THE SECRETARY OF DEFENSE

SUBJECT: Renewal of the Defense Finance and Accounting Service (DFAS) Board of
Advisors

In response to your memorandum of August 13, 2004, subject as above, we will be
establishing a Customer Advisory Forum to replace the DFAS Board of Advisors. This forum
will not fall within the guidelines of the Federal Advisory Committee Act.

Questions regarding this request may be addressed to the DFAS point of contact,
Beverly Lemon, at (b)(6)


Jack E. Gaddy
Director

www.dfas.mil

Your Financial Partner @ Work

11-L-0559/OSD/42832

1041AM

TO: LTG John Craddock *C 3/1*

FROM: Donald Rumsfeld *DR*

DATE: February 25, 2004

SUBJECT: Kuwaiti Detainee

Would you follow up and get the name of the Kuwaiti detainee at **GTMO** to the government of Kuwait? I have forgotten who **was** in the meeting with us.

1

In the future, when you do these follow up memos, put down who was in the meeting and who should have the action so that we can just get it going immediately.

2

Thanks.

DHR/azn
022504.a.05

Please respond by:

2/28

✓ 3/12

Response to 1 and 2 attached

C 3/1

11-L-0559/OSD/42833

OSD 09727-04

383.6

25 FEB 04

1

✓
3/2

March 1, 2004

TO: LTG Craddock

FROM: CDR Nosenzo

SUBJECT: KUWAITI DETAINEE

MOHAMMED ALI JABBA is the detainee's name. He was captured on or about the 9th of Jan. The information has already been passed to the U.S. Embassy in Kuwait.

Attendees:

- Kuwait Side:
 - PRIME MINISTER SABAH AL-AHMED AL-JABER AL SABAH
 - Defense Minister Jabir Mubarak Al-Hamad Al Sabah
 - Chief of Staff Lt Gen Fahad Ahmad Al-Amir
 - Note taker and translator (names unknown)

- US Side:
 - SecDef
 - Dr. Luti
 - Charge Urbancic
 - Col(P) Mulholland (OMC Chief)
 - General Craddock
 - CDR McVety (Note taker, Kuwait desk, ~~note~~)
 - Rick Bell (Embassy note taker)

2

February 26, 2004

Meeting with MoD of Timbuktu
Checklist of Action Items

Meeting time/date: 10:15 am/Feb 26 2004

US Attendees: SecDef...

Timbuktuian Attendees: MoD of Timbuktu...

Open Action Item

Primary Responsibility

Coordinate Millions of Dollars of increase in FMF

Office/Name

Coordinate training and logistical support for deploying
Pease Keepers

Office/Name

For Format Only



2/20 6:50

720

February 21, 2004

TO: Andy Marshall
CC: Paul Wolfowitz
Doug Feith
FROM: Donald Rumsfeld *DR*
SUBJECT: Assumptions

381

Larry Di Rita
3/1

We have to fashion assumptions for the kind of world we are going to be living in for the next two or three years. Any thoughts?

Thanks.

DHR:dh
022104-9

.....
Please respond by _____

2/24/04

Sir,

Response Attached

✓/R

(b)(6)

21 FEB 04

OSD 09729-04

11-L-0559/OSD/42836



OFFICE OF THE SECRETARY OF DEFENSE
1920 DEFENSE PENTAGON
WASHINGTON, DC 20301-1920

DIRECTOR OF
NET ASSESSMENT

24 February 2004

TO: SECRETARY OF DEFENSE

CC: Paul Wolfowitz
Doug Feith

FROM: Andy Marshall *Am*

SUBJECT: Assumptions for Next Two or Three Years

Here are my thoughts:

1. Major geo-political structure of the world will be as it is now. A possible Economic/banking crisis in China could affect its relative position some. Therefore, the main uncertainties that should be taken account of in DoD planning concern:
 - How the situations in Iraq, Afghanistan, N. Korea play out over the next few years.
 - The fate of Iran, Saudi Arabia, Pakistan, Indonesia, Philippines; where governments could change or internal unrest increase. Some changes could be very favorable and others create major problems.
 - Large casualty terror events in the U.S., Western Europe.
 - Constant high rate of scientific and technological advance leading to some surprises.
2. An effort to flesh out three to four alternative futures could be mounted. A team of people is needed to cover the wide range of knowledge necessary for intelligent speculation.

381

24 Feb 04

21 Feb 04



OSD 09729-04

11-L-0559/OSD/42837

~~FOR OFFICIAL USE ONLY~~

✓
4/6

INFO MEMO

I-04/002693
EF 8626

FOR SECRETARY OF DEFENSE

USD(P) _____

FROM: William J. Luti, DUSD Near Eastern and South Asian Affairs *WJL 3/2/04*

SUBJECT: Kazak Prime Minister Request

- You asked about assisting the Kazak Prime Minister with connecting their people to the people in charge of reconstruction in Iraq.
- The Kazakhstan Embassy in Washington contacted the CPA-Washington Office on February 17, 2004, offering to send a team of high-ranking officials to Baghdad to discuss involvement in Iraq.
- On February 20, CPA shared the procedural requirements for foreign government travel to Iraq. State has also passed this information to our embassy in Kazakhstan.
- The Kazakhstan embassy informed State that it will be forwarding the necessary information to them by March 3, 2004.
 - Once the necessary information is received, State and CPA-Baghdad will process and accommodate the request accordingly. In the interim, State has spoken to our embassy asking that they remain in contact with the Kazakhstan Foreign Ministry to ensure the information is acquired as quickly as possible.
- I will keep you posted.

KAZAKHSTAN

3/2/04

3/2/04

OSD 09734-04

~~FOR OFFICIAL USE ONLY~~

In reply refer to EF-8626 & 04/002693

EF-8626

8:30 AM

TO: Bill Luti

DATE: February 25, 2004

SUBJECT:

In the meeting with the Kazak Prime Minister, they asked for help in connecting their people to the people in charge of reconstruction in Iraq.

You have the responsibility to see that that happens.

Thanks.

DHR/azn
022504.08

Please respond by: _____

3/15

OSD 09708-04

27-02-04 17:15 001

11-L-0559/OSD/42839

6/2
12:00

1200

4:12 PM

TO: Paul Butler

FROM: Donald Rumsfeld D

DATE: June 1, 2004

SUBJECT:

Let's get a letter from me to that lawyer at the Geren-Maples meeting today, thanking him for his help while he was here.

Give me his name and whatever I will need.

Thanks.

DHR/azn
060104.40

Please respond by: 6/2

201.22

1 Jun 04

OSD 09790-04



THE SECRETARY OF DEFENSE
WASHINGTON

JUN 30 2004

201,22

Major Brad Clark

(b)(6)

Dear Major Clark,

Thank you so much for your fine work during your months on active duty.

Your briefing to me and the others was superb, and indicative of what I am told was excellent service both in the Pentagon and Iraq.

With best wishes,

Sincerely,

30 Jun 04

1 Jun 04

OSD 09790-04

June 30, 2004

TO: Eric Draper
The White House
FROM: Donald Rumsfeld
SUBJECT: Photographs

When you get them developed, I would sure like to have some of the photographs from the summit meeting that involved Defense Department people. I particularly want to get the one taken with the President and Mira Ricardel.

Thanks so much.

DHR:dh
062904-10(ts computer).doc

060 SD

30 Jun 04

OSD 09795-04



7201
CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999

INFO MEMO

CM-1883-04
30 June 2004

FOR: SECRETARY OF DEFENSE

FROM: General Richard B. Myers, CJCS *RBMyers/ea*

SUBJECT: Standing Orders

- **Issue.** "I just read this Operation Deep Freeze memo. I wonder how many things like this exist that need to be reviewed in light of September 11. This was in July 2001, before September 11. Four hundred missions is a pile of missions. Let's get some review of things that preceded September 11 that need to be reviewed like that. Please give me a proposal." (TAB A)
- **Conclusion.** For the initial response to this action, all pre-September 11 orders were reviewed with negative results (TAB B). As a follow-up, USTRANSCOM was additionally tasked with the further examination of Memoranda of Agreement (MOAs) to ensure their applicability during the War On Terrorism (WOT) and their adherence to the standard DOD orders process. USTRANSCOM completed the review and stated that all MOAs are applicable during the WOT and are in compliance with the standard orders process.
- **Discussion.** USTRANSCOM is the only command supporting active MOAs with other agencies. Operation DEEP FREEZE, which initiated the original question, was the only MOA supported by an Execute Order dated prior to 11 September 2001 and is currently in the Office of the Assistant Secretary of Defense (Reserve Affairs) for rewrite.

COORDINATION: TAB C

Attachments:

As stated

Prepared By: Lt Gen Norton A. Schwartz, USAF; Director, J-3; (b)(6)

11-L-0559/OSD/42843

OSD 09822-04

TAB A

March 2, 2004

TO: LTG John Craddock
CC: Gen. Dick Myers
Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Standing Orders

I just read this Operation Deep Freeze memo. I wonder how many things like this exist that need to be reviewed in light of September 11. This *was* in July 2001, before September 11. Four hundred missions is a pile of missions.

Let's get some review of things that preceded September 11 that need to be reviewed like that. Please give me a proposal.

Thanks.

Attach.

2/12/04 J-3 response to SecDef snowflake

1/27/04 SecDef memo to CJCS re: Antarctica (012704-17)

DHR:dh
030204-14

.....
Please respond by 3/19/04

11-L-0559/OSD/42844

Tab A

03398-04

ANTARCTIC OPERATION DEEP FREEZE

Purpose. To provide a response to SecDef Snow Flake - 674.

Issue. SF-674 stated, "In the meeting with the President, John Landy mentioned that there had been 400 missions to Antarctica. I don't remember signing any deployment orders for that."

Bottom Line

- DOD support to Operation DEEP FREEZE is provided on a reimbursable basis from the National Science Foundation (NSF) under a DOD-NSF Memorandum of Agreement (MOA) at no cost to the Department of Defense.
- Operations are conducted under a standing SecDef EXORD that was issued 032310ZJul01.

Background

- Department of Defense has supported Polar Programs since 1957.

Operation DEEP FREEZE mission is designed to move people and cargo to, from and within Antarctica in support of the NSF.

MOA of 1 Apr 99 outlines NSF and DOD responsibilities for Operation DEEP FREEZE.

- The implementing party for NSF is the Office of Polar Programs.
- The implementing parties for the Department of Defense are the US Air Force/Air National Guard and the US Transportation Command (USTRANSCOM).
- As the DOD Executive Agent for the MOA, the Assistant Secretary of the Air Force (Manpower and Reserve Affairs) is required to perform a biennial review of the MOA.

01270417

- USTRANSCOM has operational control of all DOD common user transportation assets and personnel when they are supporting the Polar Programs.
- Operation DEEP FREEZE missions include:
 - Flying support missions between McMurdo (base camp in Antarctica) and Christchurch, New Zealand, by C-141 and C-17.
 - Intercontinental missions by LC-130 (ski equipped).
 - On-continent missions by LC-130.
 - US Coast Guard (USCG) and Military Sealift Command vessel operations (USCG Icebreakers, one cargo vessel and one fuel tanker).

Current Year/Season Support (As of 12 Feb 04)

- 46 of 56 C-141 and C-17 missions completed (only C-141 missions remain)
- 51 of 66 LC-130 intercontinental missions complete
- 401 LC-130 on-continent missions complete
 - LC-130 providing additional airlifting for cargo offloaded from AMERICAN TERN
- McMurdo Station to close on 24 Feb
- DEEP FREEZE closes o/a 27 Feb; all units return home

Recommendation. None. Provided for information only.

Prepared by: CDR Warren, USN, J-3 JOD-PAC,

(b)(6)

January 27, 2004

TO: Gen. Dick Myers
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *TR*
SUBJECT: Antarctica

In the meeting with the President, John Handy mentioned that there had been 400 missions to Antarctica. I don't remember signing any deployment orders for that.

Thanks.

DHR:dh
012704-17

.....
Please respond by 2/4/04

Sir,
The attached ⁿ5x8 previously
routed, answers this snowflake.
vr/cdr Nosmy
3/1

Tab A

11-L-0559/OSD/42846



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999

INFO MEMO

CM-1668-04

5 April 2004

FOR: SECRETARY OF DEFENSE

FROM: General Richard B. Myers, CJCS *RBMY/3*

SUBJECT: Standing Orders

- Issue. "I just read this Operation Deep Freeze memo. I wonder how many things like this exist that need to be reviewed in light of September 11. This was in July 2001, before September 11. Four hundred missions is a pile of missions. Let's get some review of things that preceded September 11 that need to be reviewed like Operation Deep Freeze. Please give me a proposal." (TAB A)
- Conclusion. The Joint Staff, combatant command and Service staffs have examined all standing execution orders (EXORDs). Operation DEEP FREEZE (ODF) is the only EXORD that had not been cancelled, reviewed or modified since 11 September 2001. I anticipate that a further evaluation of outstanding memorandums of agreement (MOAs) and understanding with other agencies may highlight areas that do not have a direct bearing on the War on Terrorism. A review of these memorandums will be forwarded by 30 April.
- Discussion. EXORDs dating back to 1992 were analyzed to determine if they had undergone periodic review and approval since 11 September.
 - Before July 2001, ODF was executed under an MOA with the National Science Foundation. USTRANSCOM supports several such MOAs pre-dating September 2001 that are now under evaluation.
 - Combatant commander and Service staffs were encouraged to continue their review of all EXORDs that require use of DOD assets in light of their applicability to current operations.

COORDINATION: TAB B

Attachments:

As stated

Prepared By: Lt Gen Norton A. Schwartz, USAF; Director, J-3; (b)(6)

OSD 03398-04
SJS 04-00529/02

11-L-0559/OSD/42847

Tab B

March 2, 2004

To: LTG John Craddock
CC: Gen. Dick Myers
Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Standing Orders

I just read this Operation Deep Freeze memo. I wonder how many things like this exist that need to be reviewed in light of September 11. This was in July 2001, before September 11. Four hundred missions is a pile of missions.

Let's get some review of things that preceded September 11 that need to be reviewed like that. Please give me a proposal.

Thanks.

Attach.

2/12/04-3 response to SecDef snowflake
1/27/04 SecDef memo to CJCS re: Antarctica (012704-17)

DHR:dh
030204-14

.....
Please respond by

3/19/04

COORDINATION PAGE

USA	COL Hooker	17 March 2004
USN	CAPT Thompson	18 March 2004
USAF	Col Murphy	17 March 2004
USMC	Col Van Dyke	17 March 2004
USCENTCOM	Col Hiebert	16 March 2004
USEUCOM	COL Rogers	17 March 2004
USJFCOM	CAPT Smith	17 March 2004
USNORTHCOM	CAPT Jacobs	15 March 2004
USPACOM	Col Murphy	17 March 2004
USSOCOM	Mr. Eichenberger	16 March 2004
USSOUTHCOM	Col Gurney	15 March 2004
USSTRATCOM	CAPT Oliver	17 March 2004
USTRANSCOM	Col Pedersen	17 March 2004

Tab B

TAB C

COORDINATION PAGE

USTRANSCOM

Gen Handy

26 April 2004

SECRET
2004 JAN 23 PM 3:49

January 27, 2004

TO: Gen. Dick Myers
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *TR*
SUBJECT: Antarctica

In the meeting with the President, John Handy mentioned that there **had** been 400 missions to Antarctica. I don't remember signing any deployment orders **for** that.

Thanks.

DHR:dh
012704-17

.....
Please respond by 2/4/04

Sir,
The attached ^{Call} 5x8 previously
routed, answers this snowflake.
vr/cdr Nosmy
3/1

OSD 09822-04 Tab A

11-L-0559/OSD/42851

UNCLASSIFIED

TAB A

May ²⁸ 26, 2004

TO: Gen. Dick Myers
CC: Paul Wolfowitz
FROM: Donald Rumsfeld **DM**
SUBJECT: **FAA** for Space

You should have someone pull together that idea of having **an FAA** for space.

Thanks.

DHR:dh
052604-12

.....
Please respond by 6/25/04

040 TRANSPORTATION
28 May 04
30 Jun 04

Tab A

UNCLASSIFIED

OSD 09825-04

11-L-0559/OSD/42852



HEALTH AFFAIRS

7201
THE ASSISTANT SECRETARY OF DEFENSE 57

WASHINGTON, D. C. 20301-1200

INFO MEMO

JUN 30 2004

FOR: SECRETARY OF DEFENSE

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

SUBJECT: Opportunity to Cut Health Care Costs (Email from Newt Gingrich)

- The purpose of this memo is to outline the features of a new form of health care insurance suggested by Mr. Gingrich (TAB A) for adoption by the Department of Defense.
- Many large employers in the United States are offering a new form of health insurance known as Consumer Driven Health plans. Consumer Driven Health plans combine the use of financial incentives and information on quality to promote cost-conscious behavior. Commercial Consumer Driven Health plans utilize a personal account for individuals or families from which consumers draw on for health care as they need. If the account is exhausted, the enrollee pays out of pocket costs on a dollar for dollar basis until an annual deductible is met. At that point, cost sharing applies until a catastrophic cap is reached. Preventive care is normally covered without cost. These financial features are combined with improved information on cost, outcomes, and quality to empower individuals to make better health care decisions for themselves and their family.
- Consumer Driven Health plans can have varying features. One major form of Consumer Driven Health plans includes use of notional accounts where the employer designates a defined amount. Under this design, the employer pays claims up to the amount of the notional account rather than providing funds to the beneficiary to pay the claims. A second approach is to use Medical Savings Accounts, which have tax exempt status, and allows beneficiaries to develop tax exempt interest, and involve actual employer provided funds.
- **Mi.** Gingrich has suggested that given a recent change of Medicare policy, the Department of Defense should offer Consumer Driven Health plans, specifically one with a Medical Savings Account feature, to TRICARE beneficiaries. He suggests Medical Savings Accounts might save TRICARE \$1 billion per year or more.

11-L-0559/OSD/42853

OSD 09909-04

- David Chu and I met together with **Mr. Gingrich** to learn more about Consumer Driven Health Plans. My staff has followed up with **Mr. Gingrich's** staff to gather more details and suggestions.
- I believe Consumer Driven Health Plans have great promise, and I am considering the initiation of a limited health care demonstration to establish the effectiveness of a Consumer Driven Health benefit in the Military Health System.
- I do, however, have 2 concerns regarding this initiative:
 - First, our present benefit design is so rich, (provides such extensive healthcare coverage) with very little out-of-pocket expense, that I suspect many beneficiaries may not find the Consumer Driven Health Plan option to be an attractive alternative.
 - Second, this option may require a legislative proposal and change in law to permit the implementation of this benefit design.
- My plan is to implement the on-going changes in TRICARE and the new multi-billion dollar contracts over the remainder of this calendar year. The design of these contracts, and organizational restructuring, will enhance customer satisfaction and quality of care while reducing costs to the Department. By early 2005 we would be ready to move forward with a demonstration on Consumer Driven Health Plans following this major transition.
- I appreciate **Mr. Gingrich's** creative ideas and recommendations for TRICARE and innovative approaches that may improve the financing and delivery of military health care.

COORDINATION; TAB B

Attachments:

As stated

Prepared by: Thomas Williams, TMA/HPA&E, (b)(6) PCDOCS 66066,66678

11-L-0559/OSD/42854

TAB

A

TO: David Chu
David Winkenwerder

FROM: Donald Rumsfeld *DR*

DATE: June 6, 2004

SUBJECT: **Gingrich**

Attached is another memo from Newt Gingrich on health care costs. Please take a look and let me **know** what you think.

Thanks.

DHR/azn
060604D.05s

Attach: Gingrich email 11.23.03 – Opportunity to Cut Health Costs

Please respond by: 6 | 21

(b)(6) CIV, OSD

From: Thirdwave2@aol.com
Sent: Sunday, November 23, 2003 5:45 PM
To: (b)(6) Larry.DiRita@osd.pentagon.mil;
John.Craddock@OSD.Pentagon.mil (b)(6) jack.patterson@osd.mil;
william.winkenwerder@ha.osd.mil
Subject: cutting the cost of dod health

for secdef,depsecdef
from newt 11/23/03

opportunity to cut health costs while making people happy

the new Medicare bill includes a provision for a health savings account effective 1/1/04.

this provision allows you to offer up to \$2500 per individual or \$5000 per family tax free in a health savings account which also is tax free in the interest buildup and tax free if you spend it on health, preventive health, long term care or long term care insurance.

this is the biggest change in health policy since 1943,

you could offer everyone in tricare under 65 an option. those who choose it and are healthy would rapidly begin to buildup a health savings account and would be spending first dollar on themselves and their family.

this would dramatically change the incentives for use and would lead to much more informed people because they would be in charge.

a family that had four years without a major illness would have \$20,000 plus the tax free interest or investment return (say 4% in this environment) or potentially \$21,300 in savings which could also allow the insurance to rise with a floating deductible equal to the size of the savings account.

given the size of tricare this might enable you to save \$1 billion a year or more.

11-L-0559/OSD/42857

11/24/2003

TAB

B

Response to Opportunity to Cut Health Care Costs from Newt Gingrich – SNOWFLAKE

COORDINATION

DASD (HB&FP)

Concurred, 6/24/04

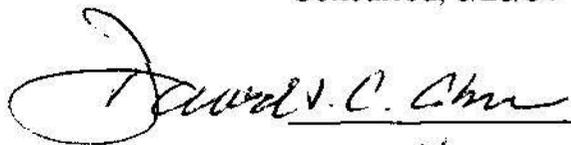
CoS (HA)

Concurred, 6/25/04

(A)PDASD (HA)

Concurred, 6/28/04

USD (P&R)


1 July 04

TO: David Chu
David Winkenwerder

FROM: Donald Rumsfeld *DR*

DATE: June 6, 2004

SUBJECT: **Gingrich**

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Thanks.

DHR/azn
060604D.05s

Attach: Gingrich email 11.23.03 – Opportunity to Cut Health Costs

Please respond by: 6 | 21

(b)(6)

CIV, OSD

From: Thirdwave2@aol.com

Sent: Sunday, November 23, 2003 5:45 PM

To: (b)(6) Larry.DiRita@osd.pentagon.mil;
John.Craddock@OSD.Pentagon.mil; (b)(6) jack.patterson@osd.mil;
william.winkenwerder@ha.osd.mil

Subject: cutting the cost of dod health

for secdef,depsecdef
from newt 11/23/03

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the new Medicare bill includes a provision for a health savings account effective 1/1/04.

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given the size of tricare this might enable you to save \$1 billion a year or more.

11-L-0559/OSD/42861

11/24/2003

JUN 21 2004

I-04/00325
EF-9224

TO: Doug Feith
CC: Paul Wolfowitz
Mira Ricardel

SUBJECT: Meeting in Rome

Geoff Hoon called. He wants to go ahead with the MoD meeting in Rome, probably Sunday morning, the morning before the NATO MoD meeting in Istanbul starts. I told him that if he wanted, I would co-host it, but that he would have to do the work, because I just had too many things going on.

I raised a series of questions. Issues he should consider: who to invite, what to present, etc. You might want to help them think through how to do it, if he decides to go forward. I told them the White House had no particular interest and that I didn't. He said that Downing Street had a lot of interest and that is why he has had to agree to do it.

Thanks.-

Policy Executive Secretariat Note

June 30, 2004

DHR:dh
061904-5

.....
Please respond by _____

Captain Marriott,

Respectfully request that this snowflake action be closed - it is OBE.

Agree
Paul Butler
7/2

Jane Bartlett
Jane Bartlett
Deputy Director
Policy Executive Secretariat

OSD 09948-04

72
TAB A

June 29, 2004

TO: Gen. Dick Myers
FROM: Donald Rumsfeld *DR*
SUBJECT: Aircraft Security for Ukraine

Let's make sure we provide the security for the Ukraine aircraft when they land at Al Kut, the way we indicated to Minister Marchuk.

Thanks.

DHR:dh
062904-5 (IS computer).doc

.....
Please respond by _____

7/2/04

OSD 10040-04

Tab A



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, O.C. 20318-9999

2004 JUL -7 AM 9 05

INFO MEMO

CM-1897-04

6 July 2004

DepSec Action _____

FOR: SECRETARY OF DEFENSE

FROM: General Richard B. Myers, ^{F&A} CJCS *1/4/04 R 6304*

SUBJECT: Aircraft Security for Ukraine

- **Issue.** "Let's make sure we provide the security for the Ukraine aircraft when they land at Al Kut, the way we indicated to Minister Marchuk." (TAB A)
- **Conclusion.** USCENTCOM Joint Operations Center confirmed that security for the Ukraine aircraft landing at Al Kut, Iraq, on 30 June was provided.
- **Discussion.** Multi-National Corps-Iraq provided attack aviation sweeps of the area prior to the aircraft's arrival, as well as ground security while the aircraft was at Al Kut. Aircraft departed the same day with no incidents reported. Ukraine General Officer feedback to Multi-National Force-Iraq indicated that they were pleased with the security arrangements.

COORDINATION: TAB B

Attachments:

As stated

Prepared By: Lt Gen N.A. Schwartz, USAF; Director, J-3; (b)(6)

11-L-0559/OSD/42864

OSD 10040704

TAB A

June 29, 2004

TO: Gen. Dick ~~Myers~~
FROM: Donald Rumsfeld *DR*
SUBJECT: Aircraft Security for Ukraine

Let's make sure we provide the security for the Ukraine aircraft when they land at Al Kut, the way we indicated to Minister Marchuk.

Thanks.

DHR:dh
062904-5 (is computer).doc

.....
Please respond by _____

7/2/04

Tab A

11-L-0559/OSD/42865

TAB B

COORDINATION PAGE

USCENTCOM

COL Swedburg

01 July 2004

TAB

June 8, 2004

713

TO: Gen. Dick Myers
Paul Wolfowitz
Gen. Pete Pace
Doug Feith

FROM: Donald Rumsfeld *DR*

SUBJECT: Hanson Article

Attached is an article by Victor Davis Hanson. Please read it, and let's discuss it.

Thanks.

Attach.

Hanson, Victor Davis. "Kill the Insurgents. Stop Talking." *The New Republic*, June 7 & 14, 2004, p. 13-14.

DHK:dh
060804-10

.....
Please respond by 6/18/04

Tab

OSD 10113-04

11-L-0559/OSD/42867

Kill the insurgents.

Stop Talking

BY VICTOR DAVIS HANSON

MOST OF THE time in war, diplomatic machinations don't create enduring realities—events on the battlefield do. After World War I, the defeated, but not humiliated, German army that surrendered in France and Belgium provided the origins for the “stab in the back” mythology that fueled Hitler's rise to power. After World War II, by contrast, the shattered and shamed Wehrmacht in Berlin was unable to energize a Fourth Reich. George S. Patton, snarling to head for Berlin and beyond in 1945, grasped the importance of “the unforgiving minute,” when military audacity can establish a fait accompli on the ground that diplomats quibble over for decades. His unfulfilled wish to take Prague meant a blank check for a late-arriving Red Army that would help ensure a half-century of totalitarianism in Eastern Europe.

The labyrinth of failed plans and bad-faith deals in the Balkans led nowhere until the U.S. Air Force secured in 79 days in 1999 the capitulation of Slobodan Milosevic—the chief foreign policy achievement of the Clinton administration. Suicide bombing failed to bring Yasir Arafat what he could not obtain at Camp David only because of the skill and ingenuity of the Israel Defense Forces (IDF), which—through a multifaceted strategy of border fortification, proactive attacks, targeted air assassinations, and increased intelligence and vigilance—drastically curtailed the efficacy of the tactic. Arafat today is a marginalized figure not because of a belated European perception that he is corrupt and murderous, but because he was first reduced to a humiliated lord of a rubble pile—thanks to the IDF.

In our current postmodern world, we tend to deprecate the efficacy of arms, trusting instead that wise and reasonable people can adjudicate the situation on the ground according to Enlightenment principles of diplomacy and reason. But thugs like Moqtada Al Sadr's Mahdi Army and Saddam Hussein's remnant killers beg to differ. They may eventually submit to a fair and honest brokered peace—but only when the alternative is an Abrams tank or Cobra gunship, rather than a stern rebuke from L. Paul Bremer. More important, neutrals and well-meaning moderates in Iraq often put their ideological preferences on hold as they wait to see who will, in fact, win. The promise of consensual government, gender equality, and the rule of law may indeed save the Iraqi people and improve our own security—but only

Victor Davis Hanson is a senior fellow at the Hoover Institution.

~~FYI.~~

See especially p. 14.

211
1100
Paul Butler
From: Sec Def
From: Peter Rodman
pub
v/z

When those who wish none of it learn that trying to stop it will get them killed.

A year ago, we waged a brilliant three-week campaign, then mysteriously forgot the source of our success. Military audacity, lethality, unpredictability, imperviousness to cheap criticism, and iron resolve, coupled with the message of freedom, convinced neutrals to join us and enemies not yet conquered to remain in the shadows. But our failure to shoot looters, to arrest early insurrectionists like Sadr, and to subdue cities like Tikrit or Falluja only earned us contempt—and not just from those who would kill us, but from others who would have joined us as well.

The misplaced restraint of the past year is not true morality, but a sort of weird immorality that seeks to avoid ethical censure in the short term—the ever-present, 24-hour pulpit of global television that inflates a half-dozen inadvertent civilian casualties into Dresden and Hiroshima. But, in the long term, such complacency has left more moderate Iraqis to be targeted by ever more emboldened murderers. For their part, American troops have discovered that they are safer on the assault when they can fire first and kill killers, rather than simply patrol and react, hoping their newly armored Humvees and fortified flak vests will deflect projectiles.

This is the context for the current insistence on more troops. America's failure to promptly retake Falluja or rid Najaf of militiamen demands more soldiers to garrison the ever more Fallujas and Najafs that will now surely arise. In contrast, audacity is a force multiplier. A Sadr in chains or in paradise is worth more, in terms of deterrence, than an entire infantry division.

There are other advantages to a force of some 138,000 rapidly responding soldiers, rather than 200,000 or so garrison troops. The more American troops, the less likely it is Iraqis will feel any obligation to step up to the responsibilities of their own defense. The more troops, the more psychological reliance on numbers than on performance of individual units. And, the more troops, the higher the profile of culturally bothersome Americans who disturb by their mere omnipresence, rather than win respect for their proven skill in arms.

ON MONDAY EVENING, the president outlined a sober, workable, step-by-step transition plan from the appointment of constitutional framers to representative delegates and on to direct democracy, which, like it or not, will at long last put a much-needed Iraqi face on both political and military operations. The long-term trends offer hope—whether we look at heightened petroleum revenue from increased pumping and prices to the influx of U.S. aid and the resurrection of the Iraqi infrastructure. But these trends won't endure unless our youth bring to bear the full force of U.S. military might that credits the Iraqis for their success in putting down the opponents of their own newly created society.

This formula does not require more American soldiers. It requires the increasing use of admittedly unreliable Iraqi

troops made more reliable by the massive use of U.S. tanks, airpower, and artillery. The former will grow in confidence, as did the Northern Alliance in Afghanistan, when they grasp that real force is on their side and that their enemies have no commensurate recourse to air strikes, armor, and heavy artillery—much less billions of dollars in aid. In other words, we can accomplish two seemingly mutually exclusive goals—more security and less of an American profile—but only by using the force we have to punish the enemy on every single occasion it attacks, starting immediately.

Practically, a new aggressiveness means greater use of Special Forces, Rangers, elite airborne units, and Marines to spearhead retaliatory raids in conjunction with Iraqi forces. Conventional and purely American units should form strategic reserves out of sight that can arrive in overwhelming force to surround recalcitrant cities should our Iraqi-American forces face problems—and they will, at first. Clear success in Falluja—defined not just by apparent tranquility, but the absence of arms caches, nocturnal assassins, and organized gangs of Baathists using homes and businesses to foment insurrection—will undermine Sadr's militias, embolden democracy-minded moderates, and frighten Iran and Syria into curbing their mischief. Iran will talk to us soon enough about behavior that promotes stability rather than terrorism—but only when they have real reason to fear U.S. success in Iraq. A consensual Iraq, then, even in the broadest sense, is a de facto revolutionary force in the region, whose daily televised parliamentary proceedings, free and open presses, economic transparency, and vibrant popular culture offer an alternative paradigm to the same old tired Middle East dichotomy between the Islamic fundamentalism of the masses and the fascist autocracy of the elite.

By contrast, hesitation and uncertainty would propel the sequence of events into reverse. If the humiliating withdrawal from Vietnam in 1975 helped create the landscape for the boat-people, reeducation camps, the Cambodian holocaust, the takeover of the Tehran Embassy, the Soviet invasion of Afghanistan, the Russian-sponsored insurrection in Central America, and a decade-long demoralization at home, so, in the same way, our momentum thus far has curtailed the Libyan weapons program, brought revelations of nuclear mischief from Dr. A.Q. Khan, and put Iran and Syria under scrutiny—a volcanic, not a static, situation that can as easily deteriorate as improve. The hard truth is that grand diplomacy and geopolitical calculus depend on the lethality of a few thousand American fighters in the streets of Karbala, Kufa, and Najaf. The more lethal they are today, the safer Iraqis and Americans will be in the years to come. ■

Class Action

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CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20315-9999

INFO MEMO

CM-1900-04
7 July 2804

29 Jul 04

FOR: SECRETARY OF DEFENSE

FROM: General Richard **3**.Myers, CJCS *RSM 7/7*

SUBJECT: Hanson Article

- **Question.** "Attached is an article by Victor David Hanson. Please read it, and let's discuss." (TAB)
- **Answer.** Hanson makes a sophisticated argument and raises several interesting points that merit discussion.
- **Analysis.** Hanson's basic thesis is that the United States should employ lethality rather than diplomacy/restraint against Iraqi extremists. This is best achieved by employing existing troops in a more audacious manner rather than increasing force structure.
- While his thesis is appealing, it also raises several critical questions to consider:
 - How would this approach impact the use of other instruments of power?
 - Why would this approach decrease rather than increase number of extremists?
 - How would this approach impact the legitimacy of the interim Iraqi government?
 - How would the UN and our allies respond to this approach?
 - Is he guilty of mirror imaging?
 - Does this approach **make** the US military a de facto arm of the Iraqi army'?
 - Finally, since Hanson was educated as a classicist, with particular expertise in the Peloponnesian War, why is he relying so heavily on the military instrument of power? One of the principal reasons Athens fell is that it overly relied on its navy (i.e. military instrument of power) to the exclusion of other instruments--is this a lesson worth bearing in mind'?

COORDINATION: NONE

Attachment:

As stated

Prepared By: LTG Waiter L. Sharp, USA; DJ-5;

(b)(6)

OSD 10113-04

11-L-0559/OSD/42870

TAB

June 8, 2004

713

TO: Gen. Dick Myers
Paul Wolfowitz
Gen. Pete Pace
Doug Feith

FROM: Donald Rumsfeld *DR*

SUBJECT: Hanson Article

Attached is an article by **Victor Davis Hanson**. **Please read it, and let's discuss it.**

Thanks.

Attach.

Hanson, *Victor Davis*. "Kill the Insurgents. Stop Talking." *The New Republic*, June 7 & 14, 2004, p. 13-14.

DHR.db
060804-10

.....
Please respond by 6/18/04

Tab

OSD 10113-04

11-L-0559/OSD/42871

271
1100
Paul Butler
SecDef

From: Peter Rodman

pub

v/z

~~FYI~~

See especially p. 14.

Kill the insurgents.

Stop Talking

BY VICTOR DAVIS HANSON

MOST OF THE time in war, diplomatic machinations don't create enduring realities—events on the battlefield do. After World War I, the defeated, but not humiliated, German army that surrendered in France and Belgium provided the origins for the “stab in the back” mythology that fueled Hitler's rise to power. After World War II, by contrast, the shattered and shamed Wehrmacht in Berlin was unable to energize a Fourth Reich. George S. Patton, snarling to head for Berlin and beyond in 1945, grasped the importance of “the unforgiving minute,” when military audacity can establish a fait accompli on the ground that diplomats quibble over for decades. His unfulfilled wish to take Prague meant a blank check for a late-arriving Red Army that would help ensure a half-century of totalitarianism in Eastern Europe.

The labyrinth of failed plans and bad-faith deals in the Balkans led nowhere until the U.S. Air Force secured in 79 days in 1999 the capitulation of Slobodan Milosevic—the chief foreign policy achievement of the Clinton administration. Suicide bombing failed to bring Yasir Arafat what he could not obtain at Camp David only because of the skill and ingenuity of the Israel Defense Forces (IDF), which—through a multifaceted strategy of border fortification, proactive attacks, targeted air assassinations, and increased intelligence and vigilance—drastically curtailed the efficacy of the tactic. Arafat today is a marginalized figure not because of a belated European perception that he is corrupt and murderous, but because he was first reduced to a humiliated lord of a rubble pile—thanks to the IDF.

In our current postmodern world, we tend to deprecate the efficacy of arms, trusting instead that wise and reasonable people can adjudicate the situation on the ground according to Enlightenment principles of diplomacy and reason. But thugs like Moqtada Al Sadr's Mahdi Army and Saddam Hussein's remnant killers beg to differ. They may eventually submit to a fair and honest brokered peace—but only when the alternative is an Abrams tank or Cobra gunship, rather than a stern rebuke from L. Paul Bremer. More important, neutrals and well-meaning moderates in Iraq often put their ideological preferences on bold as they wait to see who will, in fact, win. The promise of consensual government, gender equality, and the rule of law may indeed save the Iraqi people and improve our own security—but only

Victor Davis Hanson is a senior fellow at the Hoover Institution.

When those who wish none of it learn that trying to stop it will get them killed.

A year ago, we waged a brilliant three-week campaign, then mysteriously forgot the source of our success. Military audacity, lethality, unpredictability, imperviousness to cheap criticism, and iron resolve, coupled with the message of freedom, convinced neutrals to join us and enemies not yet conquered to remain in the shadows. But our failure to shoot looters, to arrest early insurrectionists like Sadr, and to subdue cities like Tikrit or Falluja only earned us contempt — and not just from those who would kill us, but from others who would have joined us as well.

The misplaced restraint of the past year is not true morality, but a sort of weird immorality that seeks to avoid ethical censure in the short term — the ever-present 24-hour pulpit of global television that inflates a half-dozen inadvertent civilian casualties into Dresden and Hiroshima. But, in the long term, such complacency has left more moderate Iraqis to be targeted by ever more emboldened murderers. For their part, American troops have discovered that they are safer on the assault when they can fire first and kill killers, rather than simply patrol and react, hoping their newly armored Humvees and fortified flak vests will deflect projectiles.

This is the context for the current insistence on more troops. America's failure to promptly retake Falluja or rid Najaf of militiamen demands more soldiers to garrison the ever more Fallujas and Najafs that will now surely arise. In contrast, audacity is a force multiplier. A Sadr in chains or in paradise is worth more, in terms of deterrence, than an entire infantry division.

There are other advantages to a force of some 138,000 rapidly responding soldiers, rather than 200,000 or so garrison troops. The more American troops, the less likely it is Iraqis will feel any obligation to step up to the responsibilities of their own defense. The more troops, the more psychological reliance on numbers than on performance of individual units. And, the more troops, the higher the profile of culturally bothersome Americans who disturb by their mere omnipresence, rather than win respect for their proven skill in arms.

ON MONDAY EVENING, the president outlined a sober, workable, step-by-step transition plan from the appointment of constitutional framers to representative delegates and on to direct democracy, which, like it or not, will at long last put a much-needed Iraqi face on both political and military operations. The long-term trends offer hope — whether we look at heightened petroleum revenue from increased pumping and prices to the influx of U.S. aid and the resurrection of the Iraqi infrastructure. But these trends won't endure unless our youth bring to bear the full force of U.S. military might that credits the Iraqis for their success in putting down the opponents of their own newly created society.

This formula does not require more American soldiers. It requires the increasing use of admittedly unreliable Iraqi

troops made more reliable by the massive use of U.S. tanks, airpower, and artillery. The former will grow in confidence, as did the Northern Alliance in Afghanistan, when they grasp that real force is on their side and that their enemies have no commensurate recourse to air strikes, armor, and heavy artillery — much less billions of dollars in aid. In other words, we can accomplish two seemingly mutually exclusive goals — more security and less of an American profile — but only by using the force we have to punish the enemy on every single occasion it attacks, starting immediately.

Practically, a new aggressiveness means greater use of Special Forces, Rangers, elite airborne units, and Marines to spearhead retaliatory raids in conjunction with Iraqi forces. Conventional and purely American units should form strategic reserves out of sight that can arrive in overwhelming force to surround recalcitrant cities should our Iraqi-American forces face problems — and they will, at first. Clear success in Falluja — defined not just by apparent tranquility, but the absence of arms caches, nocturnal assassins, and organized gangs of Baathists using homes and businesses to foment insurrection — will undermine Sadr's militias, embolden democracy-minded moderates, and frighten Iran and Syria into curbing their mischief. Iran will talk to us soon enough about behavior that promotes stability rather than terrorism — but only when they have real reason to fear U.S. success in Iraq. A consensual Iraq, then, even in the broadest sense, is a de facto revolutionary force in the region, whose daily televised parliamentary proceedings, free and open presses, economic transparency, and vibrant popular culture offer an alternative paradigm to the same old tired Middle East dichotomy between the Islamic fundamentalism of the masses and the fascist autocracy of the elite.

By contrast, hesitation and uncertainty would propel the sequence of events into reverse. If the humiliating withdrawal from Vietnam in 1975 helped create the landscape for the boat-people, reeducation camps, the Cambodian holocaust, the takeover of the Tehran Embassy, the Soviet invasion of Afghanistan, the Russian-sponsored insurrection in Central America, and a decade-long demoralization at home, so, in the same way, our momentum thus far has curtailed the Libyan weapons program, brought revelations of nuclear mischief from Dr. A.Q. Khan, and put Iran and Syria under scrutiny — a volcanic, not a static, situation that can as easily deteriorate as improve. The hard truth is that grand diplomacy and geopolitical calculus depend on the lethality of a few thousand American fighters in the streets of Karbala, Kufa, and Najaf. The more lethal they are today, the safer Iraqis and Americans will be in the years to come. ■

Class Action

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OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

ACTION MEMO

2DA JPL - 4 11 7 11

July 8, 2004, 12:30 PM

FOR: SECRETARY OF DEFENSE

DepSec Action _____

FROM: Raymond F. DuBois, Director, Administration and Management

SUBJECT: *Ray DuBois* Handling Reports from the Intl. Committee of the Red Cross [Final]

- In the attached snowflake you asked that we establish a system for receiving, memorializing, and elevating oral and written reports from the International Committee of the Red Cross (ICRC).
- The memo at **TAB A** establishes a process for receiving and promptly elevating oral or written ICRC reports. To ensure expedited action, we propose that all ICRC reports received by a **military** or civilian official of the Department of Defense at any level shall, within **24** hours, be transmitted to the USD(P) with information copies to the Director, Joint Staff; the ASD(PA); the General Counsel of **DoD**; and the DoD Executive Secretary. Reports received by officials within a combatant command area of operation shall also be transmitted simultaneously to the combatant commander.
- The USD(P) will determine the significance of reports and immediately forward to you those ICRC reports of significance. For all reports, the USD(P) will develop and coordinate a course of action. Actions of significance will be forwarded to you for decision.
- Oral reports from the ICRC will be summarized in writing. Guidance on the essential information to be included is provided in the memo at TAB A.
- The temporary procedures established in the memo at TAB A are effective immediately and shall be reviewed in six months with a view to incorporating these changes into pertinent DoD issuances.
- To ensure that DoD responses to ICRC reports are appropriately coordinated with other US Government agencies, the USD(P) shall establish an ICRC Interagency Group, consisting of representatives of Defense, State, the NSC Staff, and other appropriate agencies, that will meet, initially monthly, to review ICRC matters, coordinate responses, and share information.

7/12

080

850104

RECOMMENDATION: Sign the memo at TAB A.

COORDINATION: TAB B

Attachments
As stated

Prepared By: Bob Menig,

(b)(6)

TSA SO	
SA DRD	
BRMA CNO	5/13 7/12
EXEC SEC	M 7/12



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

JUL 14 2004

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

080

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

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

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

14 Jul 04

8 Jul 04



OSD 10190-04

11-L-0559/OSD/42875

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

- Combatant Commanders shall provide their assessment of the ICRC reports they receive to the USD(P) through the Director, Joint Staff within **24** hours of receipt.
- To ensure essential information is reported, oral reports shall be summarized in writing. The following information shall be included:
 - Description of the ICRC visit or meeting: Location? When? Has corrective action been initiated if warranted?
 - Identification of specific detainee or enemy prisoner of war reported upon (if applicable).
 - Name of ICRC Representative.
 - Identification of U.S. official who received the report. Also, identify the U.S. official submitting the report.
- All ICRC communications shall be marked with the following statement: "ICRC communications are provided to DoD as confidential, restricted-use documents. As such, they will be safeguarded the same as ~~SECRET/NO DIS~~ information using classified information channels. Dissemination of ICRC communications outside of DoD is not authorized without the approval of the Secretary or Deputy Secretary of Defense."

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

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

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

i ^


May 20, 2004

To: Ray DuBois

CC: Gen. Dick Myers
Paul Wilfowitz
Doug Feith
Pete Geren

J
7/12

FROM: Donald Rumsfeld *DR*

SUBJECT: ICRC and Human Rights Reporting

Please fashion a ~~system~~ throughout the Department of Defense whereby any *oral* input ~~from~~ the International Committee of the Red Cross is memorialized in a memorandum, and any written communication from the ICRC or any human rights group is elevated to at least the next two levels of authority above where the reports are submitted.

We need to get a Department-wide fix on this fast. Please do this in the next four days and make an 80 percent proposal to me.

Thanks.

DHR:dh
052004-26

.....
Please respond by 5/26/04

c r d
SIGNED BY SD
7/14

SIR
Response attached
vr / CDR Nosenzo
7/1
OSD 07805-04
DSD 07805-04
add 7/14
SM

ICRC Coordination

Organization	Official	Date Coordinated
CJCS	MG Michael Maples, VDJS	June 30,2004
USD(P)	Douglas J. Feith	June 23, 2004
General Counsel	W. J. Haynes	July 7,2004
Special Assistant (Mr. Geren)	Peter Geren	July 8,2004

cc:
Secretary of the **Army**
USD(I)
ASD(PA)

TAB

SECRETARY OF DEFENSE

2004 JUN 12 June 9, 2004

806

TO: Gen. Dick Myers
Doug Feith

CC: Paul Wolfowitz

FROM: Donald Rumsfeld *DR*

SUBJECT: Foreign Forces

We do need a plan to go out and get foreign forces to protect the UN in Iraq, to protect the elections and to replace some of our forces. Let's design a program to do that.

We also need to get a briefing on CENTCOM's ideas as to how they are going to arrange foreign forces relative to our forces.

Thanks.

DHR:dh
060904-28

.....
Please respond by 6/25/04

Tab

Iraq

9 Jun 04

2004 JUL 12 PM 5:26

ACTION MEMO

EF-0029
I-04/008975-ES
DepSecDef
USDP *[Signature]* 7/1c

FOR: SECRETARY OF DEFENSE

FROM: Mira R. Ricardol, *John Head for* **Acting Assistant Secretary of Defense (ISP)** **JUL 8 2004**

SUBJECT: Response to Letter from Dr. Edmund Stoiber, Bavarian Minister President.

- Letter at Tab B from Dr. Edmund Stoiber, the Minister President for Bavaria, comments on the 28 May 2004 global posture consultations between Doug Feith and members of the German federal government.
 - o Stoiber thanks you for involving Bavaria in the consultations.
 - o He expresses his appreciation for the possibility of a **Stryker** brigade being stationed in Grafenwoehr.
 - o Stoiber discusses the withdrawal of the 1st Infantry Division, the impact it will have on the Franconian region, and points out the advantages of the Nuernberg International Airport and Rhine-Main-Danube canal.
- Letter at Tab A for your signature:
 - o Thanks Dr. Stoiber for his letter.
 - o States Germany will remain a center-piece for U.S. forces stationed in Europe.
 - o Emphasizes that no final decisions have been made.
 - o Promises to continue the close consultations between our two governments.

32002 Strategic

RECOMMENDATION: You sign Tab A letter.

Attachments:
As stated

8 JUL 04

OSD 10269-04

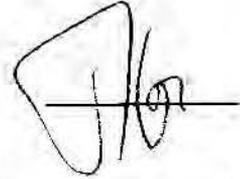
11-L-0559/OSD/42880

08-07-04 14:42 IN

COORDINATION

Deputy Assistant Secretary of Defense for
European and NATO Policy

Ian J. Brzezinski



Deputy Assistant Secretary of Defense for
Strategy

Mike Brown (for)

electronically

Director, European Policy North

Jess Kelso



11-L-0559/OSD/42881

~~FOR OFFICIAL USE ONLY~~

SECRETARY OF DEFENSE

ES-0029
041008975

2004 JUL 12 PM 5:36 July 1, 2004

TO: Doug Feith

SUBJECT: Bavarian Minister President

I would like to see the response we draft to this letter from the Bavarian Minister President.

Thanks.

Attach.

6/28/04 Bavarian Minister President ltr to SD

DHR:dh
070104-30

.....
Please respond by 7/7/04

GERMANY

1 JUL 04

8 JUL 04

~~FOR OFFICIAL USE ONLY~~

OSD 10269-04

02-07-04 11:20 IN

SECRET:

Brother copy of a memo you should
be getting shortly.

C 6/28
DB 71

Courtesy Translation by USFLO Bayern/28Jun04

The Bavarian Minister President

Tel: (b)(6)

File # BII3.2-971-282

Secretary of Defense
Donald H. Rumsfeld
Pentagon
Washington DC 20301-455
USA

Dear Secretary:

Allow me to make some comments about the consultations at the end of May of this year between representatives of your government and the German Federal government regarding the US military installations in Germany. I would like to thank you that your government acknowledges the value of Bavaria as an essential stationing location and involves us in these negotiations. In this fashion we also always obtain factual information.

I already had the opportunity this year, in early February, during the Munich Conference for Security Policy to state our position and to reassure you that the US military installations in Bavaria are of high strategic importance for Europe and that the stationing of the US military in Bavaria provides many strategic advantages with regards to rapid deployment into crisis areas, and that the US Army and their family members are appreciated guests and a unique part of Bavaria.

Although the plans of the military have not been politically finalized, I appreciate that the importance of training areas in Grafenwoehr and Hohenfels were taken into account and that will possibly be upgraded with a Stryker brigade thereby retaining the high strategic importance of the area.

11-L-0559/OSD/42883

The intent to **withdraw the 1st Infantry Division due to a restructuring** of *the* US Forces has a direct impact on **Bavaria** Especially in *the* **Franconian region** where the future use of the soon to be **vacated installations** has not been determined. Despite **the military** organization structure i believe that these **WS installations** are primarily suitable for rapid deployment of units. I request you reconsider **utilizing** these excellent installations ~~for~~ possible future **use**.

In **this** respect I would like to point out **the** advantages of **the** Nuernberg international **airport**. For a long time now your soldiers **stationed** in Bavaria have deployed to **the Balkans** from **this** airport. **Additionally**, last February the soldiers of the 1st **Infantry Division** deployed from **this** airport to Iraq. Your Generals and Officers **highly** appreciate the **short travel distance from their installations** in Bavaria to the deployment airfield.

In **coordination** with HQs, **USAREUR** Nuernberg **airport** established a separate deployment processing **area** for the US Army thereby **guaranteeing a smooth** operation. The Nuernberg **airport** also **guarantees air routes into the areas of** operation in the Middle **East**, especially since **the NATO expansion includes** the new members of **Bulgaria, Rumania** and Slovakia and **their commitment to** the alliance. Subsequently, a potential **Austrian** denial of over flight rights **is of no consequence any more**.

Should the requirement remain for the **further** deployment of **heavy** equipment **into** the areas of operation the **use of the Rhine-Main-Danube Canal** is obvious **since** the military installations **of** Wuerzburg, **Schweinfurt, Bamberg** and Kitzingen **are** located directly on the **canal**. **Also** other **US Army units** stationed in Ansbach, Illesheim and Giebelstadt **are** in close proximity **of** the **Rhine-Main-Danube Canal**. During the Iraq **mission** the deployment of **heavy** equipment **utilizing inland** waterways to the oversea ports **was** successfully performed.

Because of the special importance associated with the stationing of US Forces in Germany I would like to reiterate *the* strategic advantages of Bavaria's military installations which offer you the capability to rapidly deploy of your troops into the areas of operation.

Sincerely,

Dr. Edmund Stoiber



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

JUL 16 2004

320.2 Strategic

Dr. Edmund Stoiber
The Bavarian Minister President
Postfach 22 00 11
80535 Munich
Germany

Dear Minister-President Stoiber,

Thank you for your letter regarding our ongoing Global Posture review.

I appreciate your remarks about the possible return of the 1st Infantry Division to the U.S. and the impact it will have on the Franconian region of Bavaria. The United States' long friendship with Germany will continue even as we change our force posture to meet the threats of the twenty-first century. Germany will remain a centerpiece of our forces stationed in Europe.

16 Jul 04

As our review proceeds, we will continue the close consultations begun last year.

With best wishes,



OSD 10269-04

8 Jul 04

720



PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE
2000 DEFENSE PENTAGON
WASHINGTON, DC 20301-2000
INFO MEMO



SEC. 1.1
2004 JUL 12 12 50 PM '04
DepSecDef

POLICY

JUL 12 2004

1-04/006163

EF-9499

FOR SECRETARY OF DEFENSE

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

Iraq

SUBJECT: Metrics for Iraq Weekly Update

- You asked about the extent to which Senator Lamar Alexander's fifteen suggested metrics have been incorporated into the Iraq Weekly Update and suggested that we consider incorporating those that are not currently in use.
- Also attached is a list of the Senator's suggested metrics and an explanation of which metrics are, or are not, being used and why. We have highlighted in bold text those metrics that we are using.
 - CPA uses 13 of Senator Alexander's suggested metrics in whole or in part.
 - Only two of his suggested metrics, the Number of Prisons and the Number of TV/Radio Stations Broadcasting, are not used.

1250104



Senator Alexander's Metrics and the Iraq Weekly Status Report

OSD Policy
7/2/04

Suggested Metrics	Iraq Weekly Status Report
Electricity (megawatts produced, % of Iraqis w/power)	We report megawatt hours produced, peak generation capacity (megawatts), as well as average hours of electricity by governorate. No Iraqis receive electrical power around-the-clock, therefore, the hours of power received per day is a better indicator of how well Iraq's electrical demand is being met.
Schools (# of schools open, % of boys and girls attending)	Included in Iraq Weekly Status Report
Health care (# of hospitals operating, % receiving services)	We report that all 240 hospitals are operating. We also report on clinics, pharmaceutical supplies, and other related data. The percentage of Iraqis receiving services does not reflect improvements in the quality of services received.
Governance (timetable to a constitutional democracy)	Included in Iraq Weekly Status Report
Crude oil production (barrels produced, shipped)	Included in Iraq Weekly Status Report
Police (# in training, # training)	Included in Iraq Weekly Status Report
Militia (# in training, # training)	Included in Iraq Weekly Status Report
Water (gallons of water available, # of Iraqis with freshwater access)	We report on water projects underway and the estimated number of Iraqis benefiting from them.
Prisons (# of prisons, # of beds for prisoners, # of prisoners)	We could report the number of prisons open, prison beds available, and/ or the number of prisoners and detainees held. CPA believes it would be more advisable to measure the number of prisons brought up to international standards. CPA also believes that reporting weekly on this long-term effort would not be worthwhile. <i>WE WILL WORK WITH DOS TO REEVALUATE.</i>
Iraqi Troops (# in training, # serving)	Included in Iraq Weekly Status Report
Troops from other countries (# of troops, # of countries)	Included in Iraq Weekly Status Report
US Troops (overall #, reserve, and active duty)	Included in Iraq Weekly Status Report
Food (# of malnourished Iraqis, amount of food available)	We report the percentage of the projected quarterly food requirements that are on-hand.
Unemployment (# and/or %)	Included in Iraq Weekly Status Report
TV/Radio (# of stations, # of Iraqis receiving)	We could track the number of TV/radio stations broadcasting in Iraq and how Iraqis obtain information. CPA believes it would not be worthwhile to report this information weekly.

WE WILL WORK WITH DOS TO REEVALUATE, TO INCLUDE BROADCAST AND PRINT MEDIA. AS THE INTERNET DEVELOPS WE WILL ALSO DETERMINE IF THERE IS A VIABLE METHOD TO TRACK.

UNCLASSIFIED

06 0635 EDT Jul 04



WORKING PAPERS

Iraq Status

This briefing is classified
UNCLASSIFIED
Derived from: Multiple Sources

11-L-0559/OSD/42889

UNCLASSIFIED

Highlights

Objectives: Finance Stability Political Security Economy	Objectives: <ul style="list-style-type: none"> • Support the Interim Iraqi Government • Build Justice • Reconstruct Communications & Postal Systems • Reconstitute Oil Infrastructure
-------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Highlights:

Final transfer of sovereignty was announced at a ceremony in Baghdad, two days ahead of schedule

Recent polling shows a high level of support (68%) for the Interim Iraqi Government

Saddam Hussein appeared in an Iraqi court to hear preliminary charges of war crimes and crimes against humanity read out against him

Number of telephone subscribers in Iraq is now over 1 million (inc. 461,000 cell phone subscribers) - 50.3 % above pre-2003 levels

Estimated crude oil export revenue is around \$8 billion for 2004



Governance

- **The formal transfer of sovereignty to the Interim Iraqi Government took place at a ceremony on 28 Jun, two days ahead of schedule**
 - **Ambassador Bremer announced the formal dissolution of the Coalition Provisional Authority (CPA)**
- **Recent poll shows a high level of support (68%) for the Interim Iraqi Government and new leadership**
- **The same poll also indicate that a large proportion of Iraqis expect that the upcoming elections for the National Assembly will be free and fair**
- **The Government of Iraq is preparing for the selection of a National Council to oversee the government and cabinet council of Ministers**
 - **Assistance is being provided by an NGO funded by USAID**
- **Kuwait announced the resumption of diplomatic relations with Iraq, severed since Saddam Hussein's forces invaded the emirate in 1990**

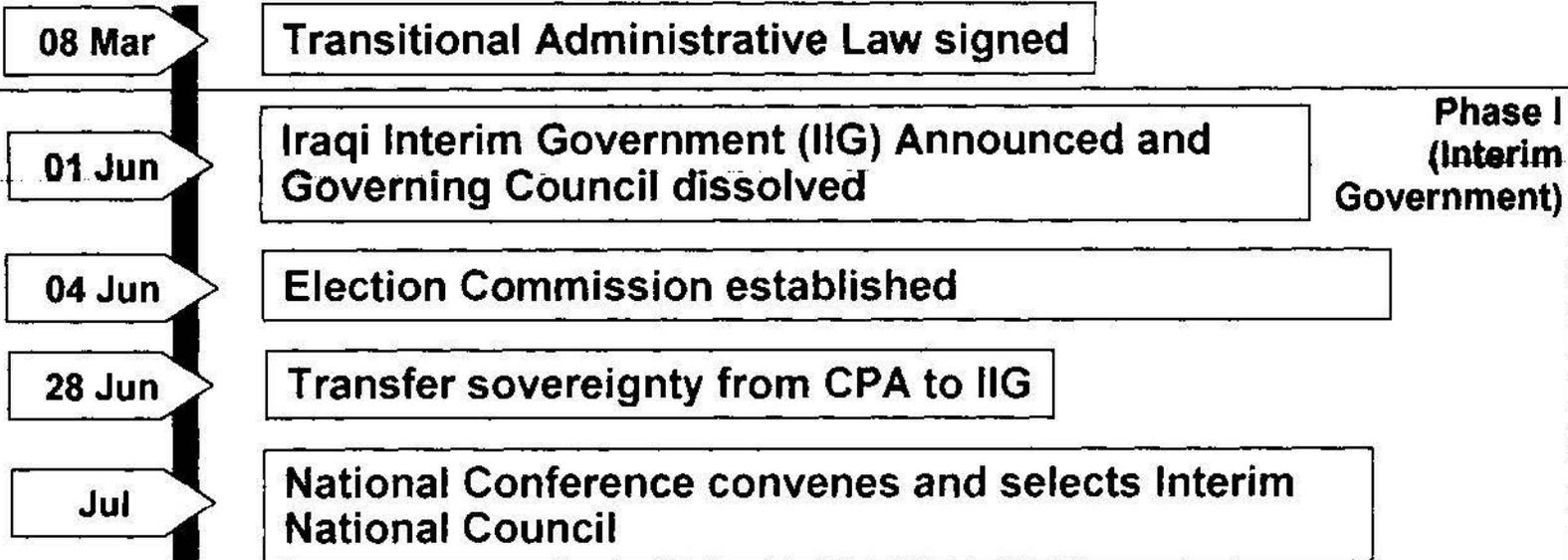
Objectives: Governance

**Support Transition to Sovereignty; Develop Civic Participation in Governance;
Develop Framework and Capacity for Elections; Promote Respect for Human Rights;
Promote Durable Solutions for Refugees and Internally Displaced Persons (IDPs)**

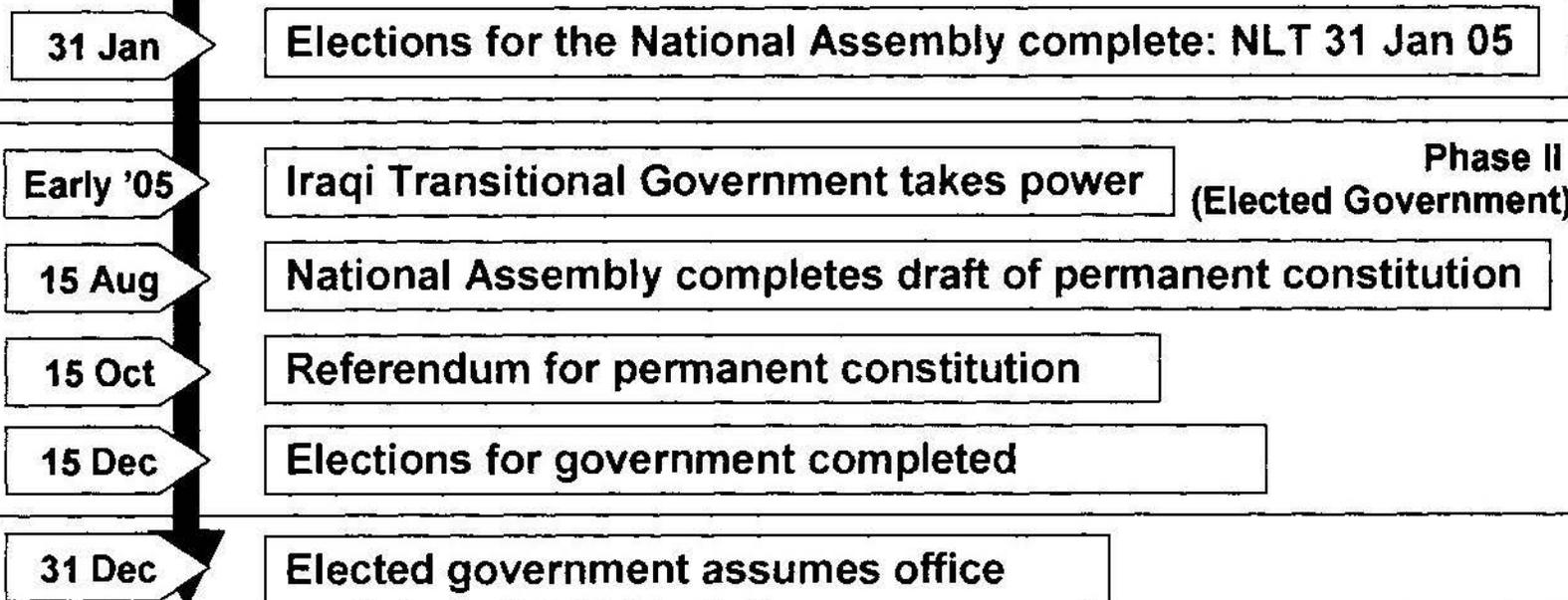


Governance (Cont.) - National Transition

2004



2005





Essential Services - Water and Sanitation

- **A strategic approach for repairing and maintaining the Sweet Water Canal and for providing potable water to Basrah is being developed**
 - **PCO, USAID, the Ministry of Water Resources, and the Ministry of Public Works are working together**
- **A substantial increase in access to potable water should result as work on a number of treatment plants and systems is completed in the second half of 2004, including:**
 - **Baghdad's Shark Dijlah plant will benefit 750,000**
 - **Ad Diwaniyah plant will benefit more than 80,000**
 - **An Najaf plant will benefit 560,000**
 - **Ninawa' Governorate plants will benefit 50,000**
 - **Fallujah plant will benefit more than 200,000 people**

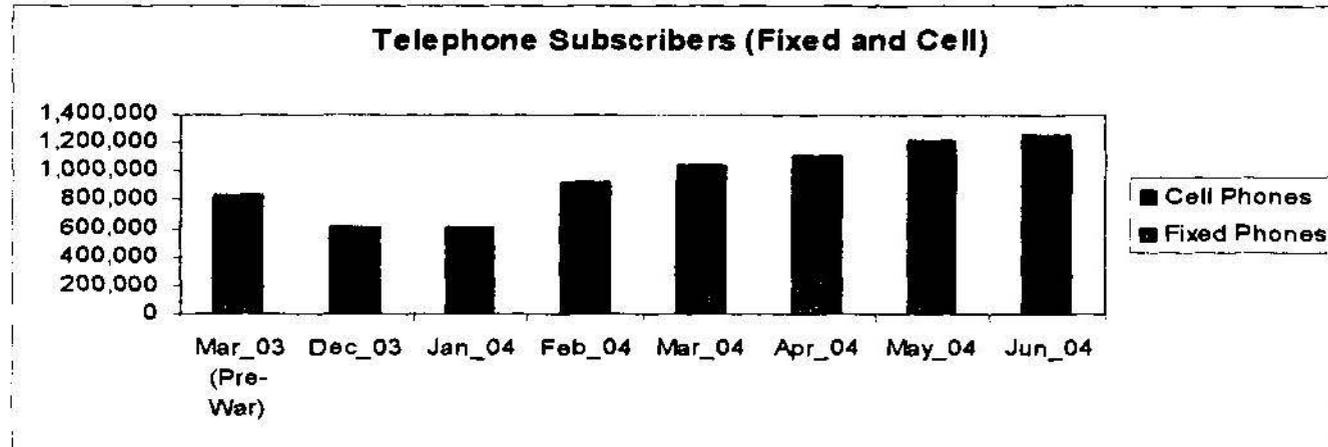
Objective: Provide Water Supply, Sewerage & Municipal Services

**Create viable organization to deliver water/sewerage/municipal services (WSMS);
Expand WSMS to meet national needs; Develop full range of municipal services &
inclusive delivery mechanism; Infrastructure improvements to water resource system;
Facilities improvements & capacity building within Ministry**



Essential Services - Telecommunications

- Total number of telephone subscribers in Iraq is now over 1,252,000 (inc. 461,000 cell phone subscribers) - 50.3 % above pre-war levels



- Over 3,300 radios have been installed as part of the Baghdad Digital Network, representing 100% of those under contract
 - Provides emergency communications capability for police, fire and emergency medical technicians

Objectives: Reconstruct Communications & Postal Systems

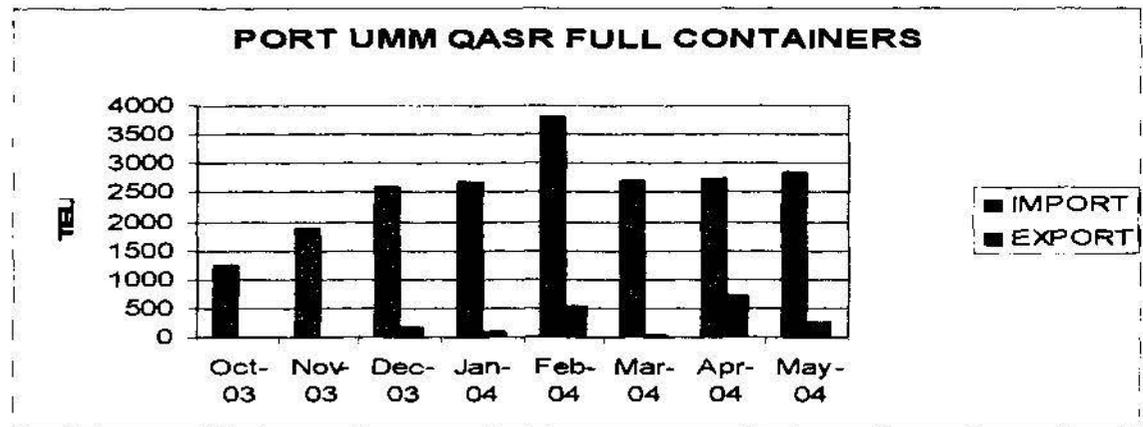
Build Iraq's first responder network • Establish independent regulatory agency • Upgrade Iraqi Telephone and Postal Company (ITPC) network • Build transmission component data network for Iraq, inc. international gateways • Restructure ITPC and its business operations • Upgrade and modernize postal systems • Upgrade ITPC outside plant for increased subscriber capacity and use



Essential Services - Transportation

- USAID's program for the management of the Port of Umm Qasr was completed on 30 Jun
- Since the port re-opened to commercial traffic in Jun 03, achievements include:
 - Over \$18 million in operating revenues were generated
 - Over 280 vessels, 1.2 million metric tons of cargo, and 8,000 people have moved through the facility

- Chart shows # of full containers (Twenty Foot Equivalent Units (TEU)) processed through Port Umm Qasr from Oct 03 through May 04



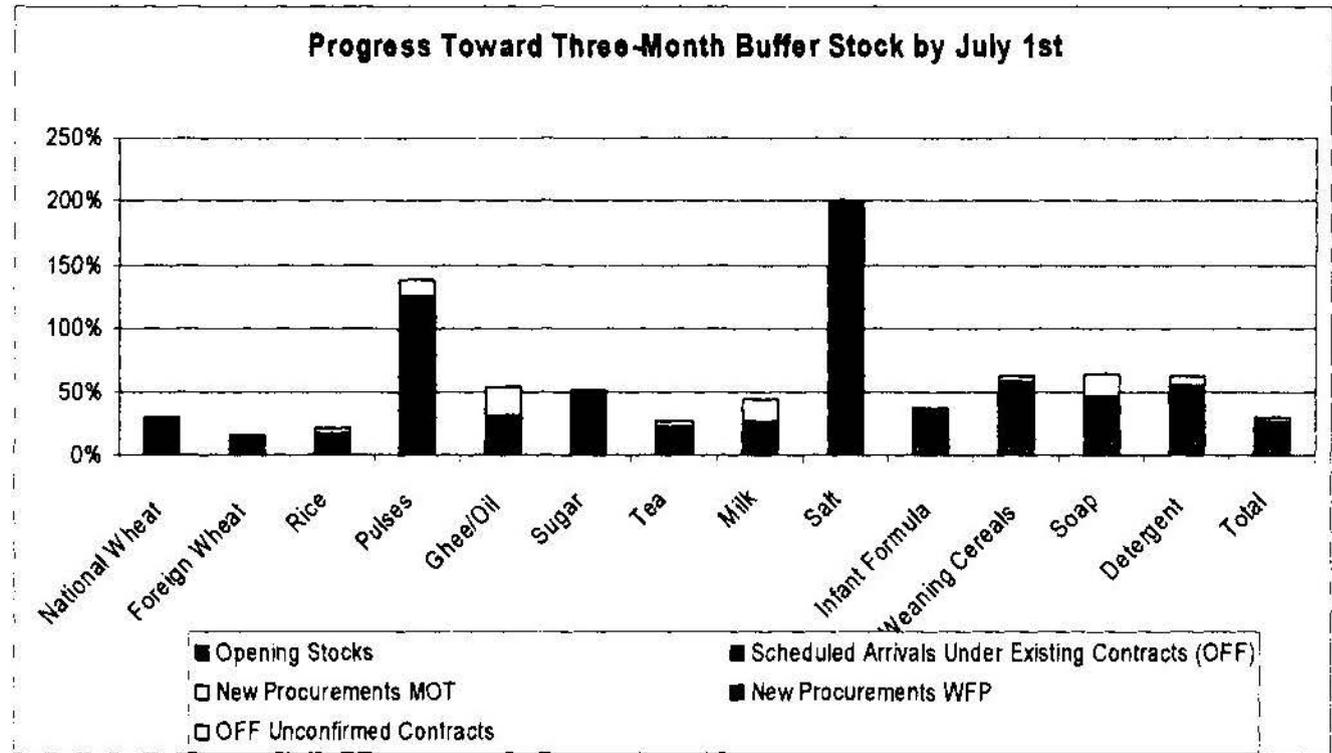
Objectives: Restore Economically Strategic Transportation Infrastructure

Enable Iraqi civil aviation to prepare for international commercial aviation and cargo service • Enable Iraqi Port Authority to administer a port of call with intermodal capabilities and inland container distribution • Enable Iraqi Republic Railways to provide domestic and international passenger and freight capabilities • Reform civil service at Ministry of Transportation



Essential Services - Food Security

- Chart below shows % of estimated requirements for Public Distribution System (PDS) goods from Apr- 01 Jul
- Requirement includes stocks sufficient for the period and a three month buffer for 01 Jul
- While substantial additional shipments of most goods have been procured, they are not shown as these shipments will arrive after 01 Jul



Objective: Provide Food Security for all Iraqis

Enhance capacity of Ministry of Agriculture • Assure supply of inputs • Strengthen research system • Ensure adequate stocks for Public Distribution System (PDS) • Monitor food security • Environmental Initiatives



Essential Services - Food Security (cont)

- **Food availability throughout Iraq has improved through the combined efforts of the Coalition and the Interim Iraqi Government:**
 - **Tenders for procurement of all commodities needed through the end of the year, including the three-month buffer, are complete and will be issued by Ministry of Trade (MOT) in the coming weeks**
 - **Both wheat and rice stock levels are above 30 days, excluding the national wheat harvest**
 - **The MOT has concluded contracts with two Iraqi firms and a Turkish firm to supply 200,000 metric tons of flour in Jul and Aug**
 - **Harvest of national wheat through the end of Jul will ensure that there is an additional two months supply of wheat**
 - **Three berths are now operational at Umm Qasr with a combined off-load capacity for wheat in excess of 15,000 metric tons per day**
 - **Security on the highways has been enhanced and the ability of trucks to transport wheat and rice is being closely monitored**
 - **Financial incentives for truck drivers have been implemented**



Essential Services - Health Care

- **Estimated that 85% of Iraqi children have now been immunized**
- **240 Iraqi hospitals and over 1,200 preventive health clinics are operating**
 - **Iraqi non-governmental organizations are using USAID assistance to rehabilitate health facilities throughout the country**
- **Supplemental funds are targeting construction of primary health care clinics in every governorate and rehabilitation of 16 pediatric/maternal hospitals**
- **The Minister of Health approved a \$11.5 million emergency drug purchase**
 - **This is the second phase of a program to reduce the occurrence of shortages of critical pharmaceuticals across the country**
- **Training for medical professionals and support for primary health care centers is improving the awareness and treatment of malnutrition**

Objective: Improve Quality and Access to Health Care

Develop health care organizations, management, & infrastructure; Train health care professionals; Pharmaceuticals logistic support; Public health



Essential Services - Education

- **Primary, intermediate, and secondary students have completed their final examinations for the school year with minimal disruption**
- **With support from USAID, Iraqi government agencies are conducting a various vocational training programs to help alleviate unemployment and supply appropriately skilled workers, including:**
 - **A 90-day agricultural training course for youth in southern Iraq**
 - **An Information Technology training program will train 1,000 young Iraqis in southern Iraq**
- **To date, over 32,000 secondary school teachers and 3,000 supervisors have been trained as part of effort to upgrade the quality of education**
- **Nearly 2,500 schools have been rehabilitated to date and an additional 1,200 are expected to be complete by the end of the year**

Objective: Improve Quality and Access to Education

Reorganize and staff the Ministry of Education; Rehabilitate school buildings and build new schools; Advance national dialog on curriculum reform; Continue and expand teacher training



PCO Developments

- **The former Program Management office is now the Project and Contracting Office**
- **The Accelerated Iraq Reconstruction Program (AIRP) continues to gain momentum nationwide to meet urgent local needs**
- **Projects and requirements were developed as a joint effort between various US and Iraqi agencies, and local community leadership**
- **Projects cover: water and sanitation, health, education, building, roads, power, telecommunications, and various other**
- **Achievements of the AIRP include:**
 - **Over 11,000 Iraqis have been directly employed on projects to date**
 - **Over \$303 million was under contract at 30 Jun, which surpasses the AIRP goal of \$250 million by this date**
 - **Jump starts community essential services construction and improves Iraqi's quality of life**
 - **Stimulates local economy**
 - **Provides opportunities for local businesses**



Project and Contracting Office Developments

- **The former Program Management Office (PMO) has been renamed the Project and Contracting Office (PCO)**
- **Major construction accomplishments to date include:**
 - **Tadji Military Base, Phase III**
 - **Kirkush Military Training Base - Base Utilities**
 - **Public Safety Academy, Baghdad**
 - **Civil Defense Headquarters, Baghdad**
 - **Counter Terrorism Training Facility, Baghdad**
 - **Ministry of Environment, Baghdad**
 - **Nasiriyah Power Generation Water Intake**
 - **Khor Al Zubayr Generation Rehabilitation**
- **The Accelerated Iraq Reconstruction Program (AIRP) continues to gain momentum nationwide to meet urgent local needs**
 - **Over 11,000 Iraqis have been directly employed on AIRP projects**
 - **Over \$303 million was under contract at 30 Jun, which surpasses the AIRP goal of \$250 million by this date**



Project and Contracting Office (PCO)

Sector	2207 Report	Apportioned \$M	Committed \$M	Obligated \$M	Expenditure \$M
Security and Law Enforcement	3,243	2,976	2,264	1,431	213
Electricity Sector	5,539	2,538	2,405	1,707	111
Oil Infrastructure	1,701	1,701	1,648	916	16
Justice, Public Safety, and Civil Society (less Democracy)	1,038	825	542	269	14
Democracy	451	451	415	270	8
Education, Refugees, Human Rights, Governance	259	259	229	48	8
Roads, Bridges, and Construction	370	270	246	123	0
Health Care	793	512	474	283	0
Transportation and Telecommunications	500	467	363	71	4
Water Resources and Sanitation	4,148	816	799	450	0
Private Sector Development	184	136	100	42	16
Admin Expense (USAID, CPA Successor)	213	29	29	29	10
TOTAL	18,439	10,980	9,514	5,639	400
CONSTRUCTION					
NON-CONSTRUCTION	5,582	4,789	3,580	1,649	
DEMOCRACY					
Total	18,439	10,980	9,514	5,639	400

N/P

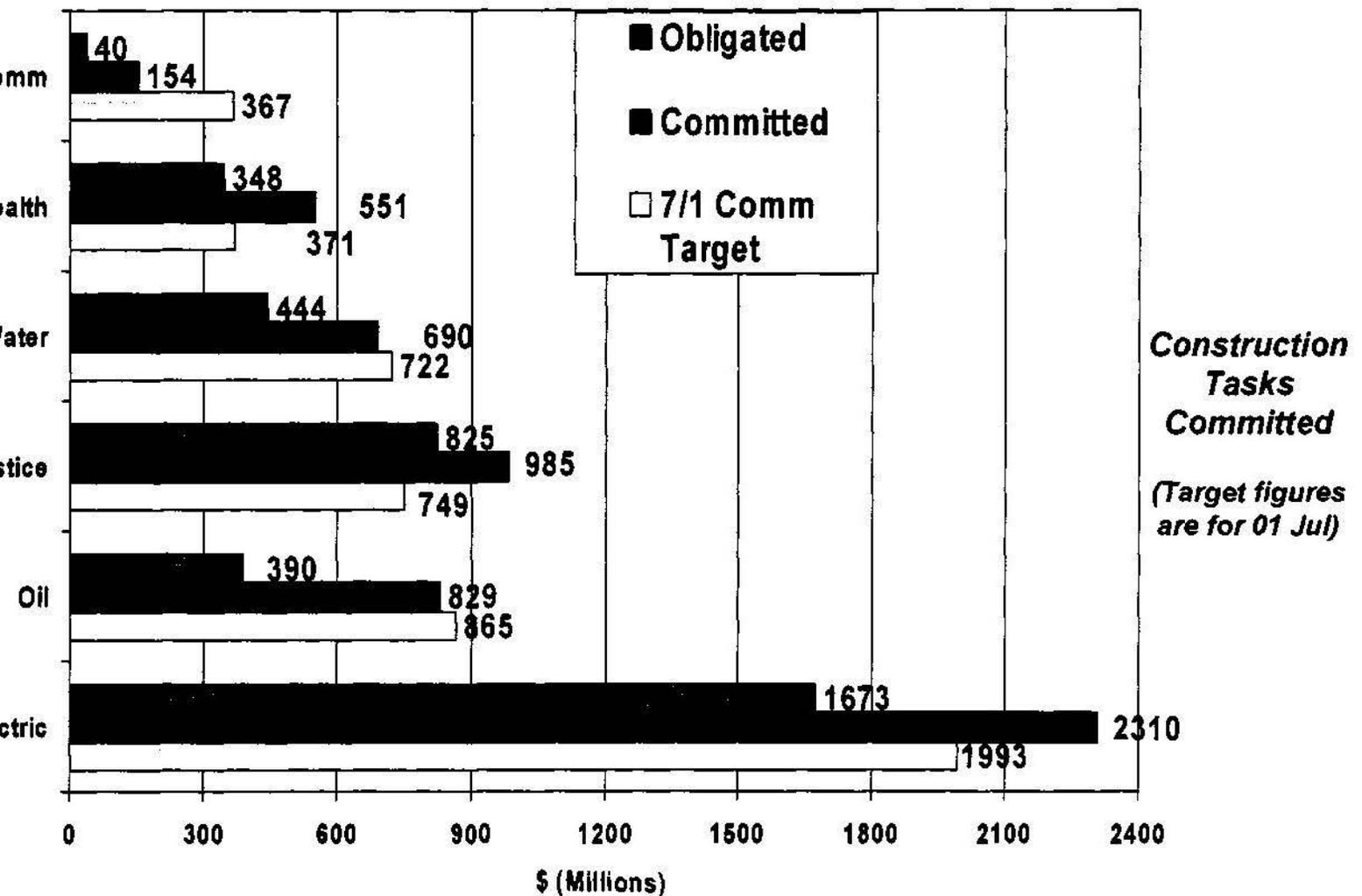
Data as of 30 Jun

14

11-L-0559/OSD/42902

UNCLASSIFIED

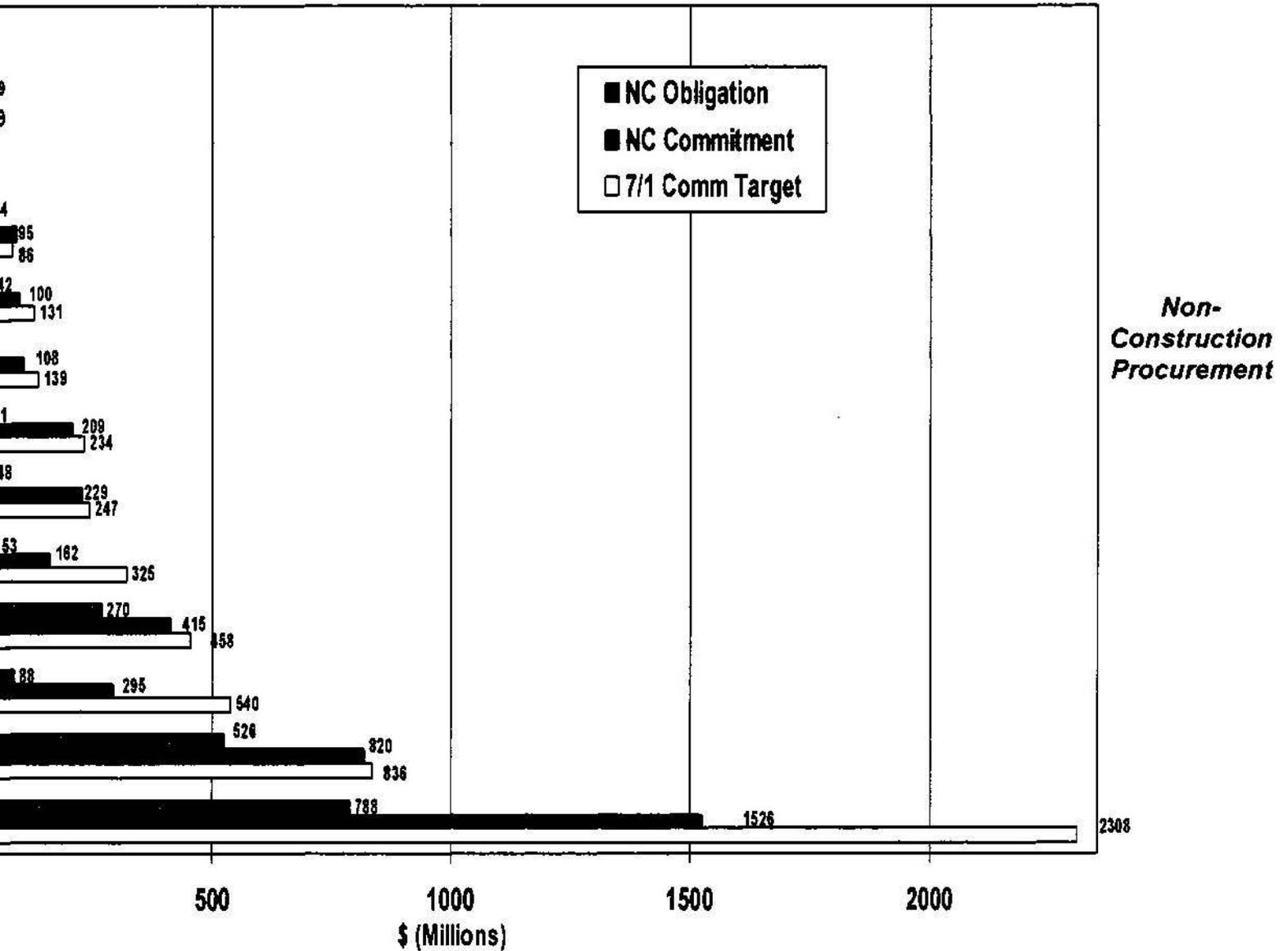
Project and Contracting Office (PCO) (Cont.)



PMO Web-site Portal:
www.rebuilding-iraq.net

UNCLASSIFIED

Subject and Contracting Office (PCO) (Cont.)





Economy

- On 27 Jun, estimated crude oil export revenue was around \$8 Billion for 2004
 - Revenues in June affected by attacks on northern and southern pipelines
- In Jan 04, the Ministry of Planning reported a national unemployment rate of 28 % and an underemployment rate of 21.6%
- According to a recent poll of Iraqis, 59% said that Iraq's economic situation is better than it was before the war
- In the same poll, nearly 59% of respondents expect the economic situation to improve over the next 6 months
- The Consumer Price Index for May in Iraq declined by 1.2 percent relative to its level in April
- The New Iraqi Dinar was at 1,460 dinars per dollar on 27 Jun, and has been stable for over four months

Economic Objectives:

Build Financial Market Structures; Develop Transparent Budgeting And Accounting Arrangements; Private Sector Initiatives; Lay Foundations For An Open Economy; Pursue National Strategy For Human Resources Development



Economy (Cont.)

The Iraq Stock Exchange opened on 24 Jun for the first time since the fall of the Ba'athist regime

- **The mid-market loan program has been launched with the creation of Iraq Mid-Market Development Foundation, a separate legal entity that will channel \$140 million of medium term loans to Iraqi companies and banks**
- **The Kurdistan Trade Forum was held in London during the last week of June to promote investment opportunities in the northern governorates of Iraq**
- **The Japanese government approved \$290 million in emergency grants for rebuilding infrastructure**
 - **These grants are part of the \$1.5 billion aid pledged by Japan last October**
- **The Ministry of Finance is implementing a 10 percent hotel and restaurant tax that will apply to deluxe hotels or first class restaurants.**
 - **USAID assistance has included the development of educational materials for businesses and training for tax administrators**

Iraqi Budgeted Spending for 2004

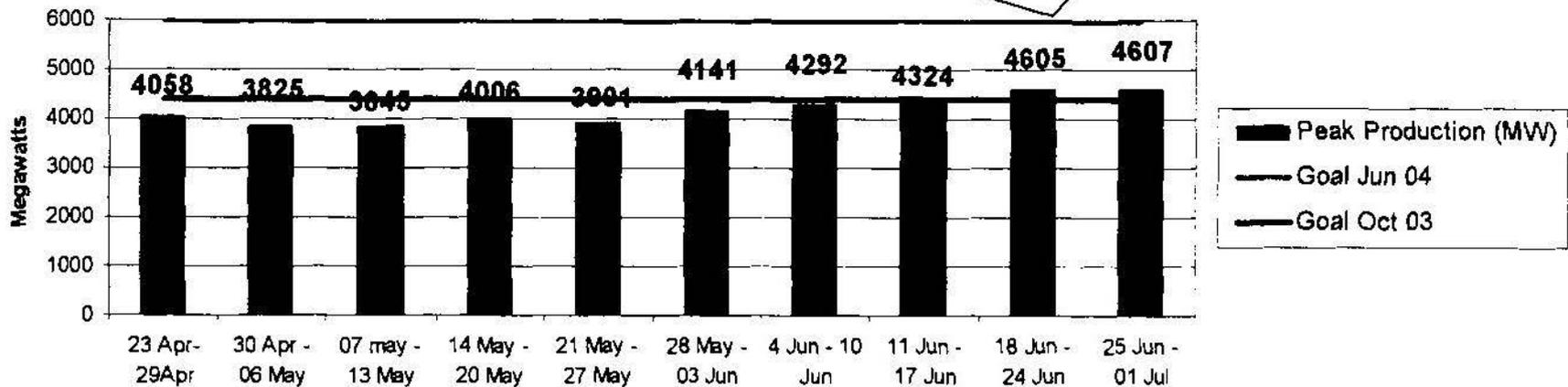
The following chart shows budgeted Iraqi spending for 2004, from all the sources:

Country funding in millions of US\$	Revised Iraqi Budget, March 2004					New OFF Deposits		Budgeted Total
	Salaries (inc. FPS)	Other Operating Expenses	Capital Projects	Other	Total	Total		
with selected major payments)*	17	12,938	184	814	13,953	1,580	15,533	
Distribution System		2,400			2,400	200	2,600	
Imports		2,100			2,100	0	2,100	
Payments		1,671			1,671	0	1,671	
Obligations (e.g., reparations)		1,432			1,432	0	1,432	
Regional Grants		831			831	0	831	
and Retirement Awards		797			797	0	797	
Restructuring and Salary Support		761			761	50	811	
Development		600			600	277	877	
Building projects		571			571	0	571	
Internal Security Projects		500			500	500	1,000	
Regional Response Program		225			225	0	225	
		70			70	123	193	
		981			981	430	1,411	
	8	210	900	-	1,118	315	1,433	
	230	750	50	-	1,030	0	1,030	
	682	103	170	-	955	0	955	
	7	82	212	-	301	0	301	
	37	17	233	-	287	0	287	
	5	56	200	-	261	460	721	
Works	15	21	166	-	202	0	202	
Sources	19	7	128	-	155	0	155	
	367	108	10	-	485	0	485	
	42	67	42	-	151	0	151	
	77	24	0	-	101	0	101	
Agencies	265	425	237	-	927	130	1,057	
	1,773	14,809	2,532	814	19,926	2,485	22,411	



Electricity Overview

Goal Jun 04: 6,000 MW Peak Deliverable Generation Capacity

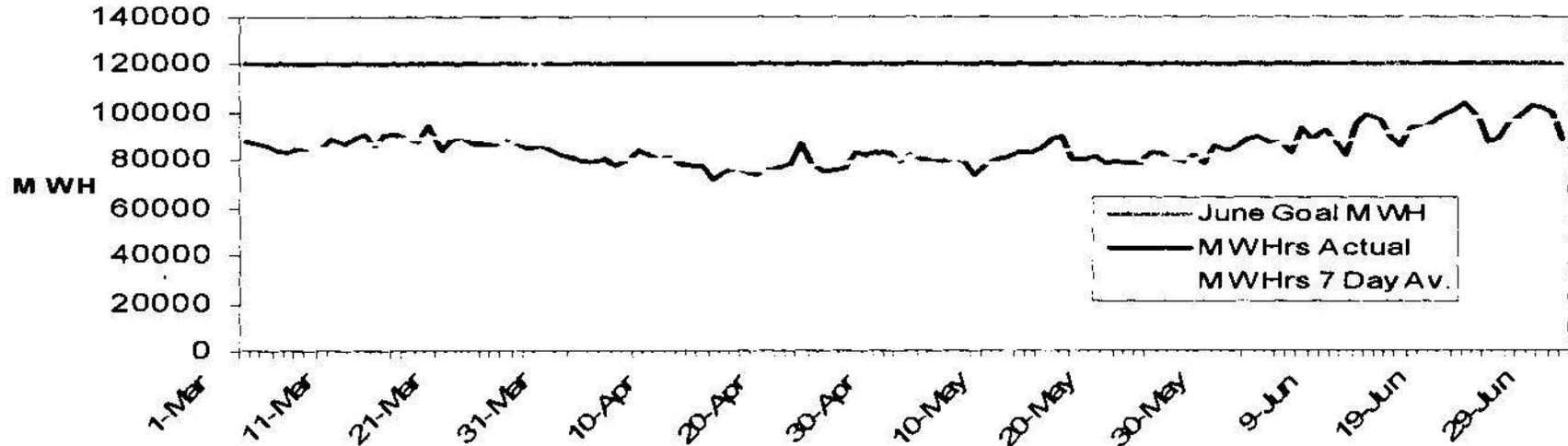


- Due to unforeseen problems, achievement of the Jun goal has slipped until at least Jul
- Spring maintenance program continues resulting in about 620 MW of generation capacity currently offline for scheduled and 640 MW for unscheduled maintenance

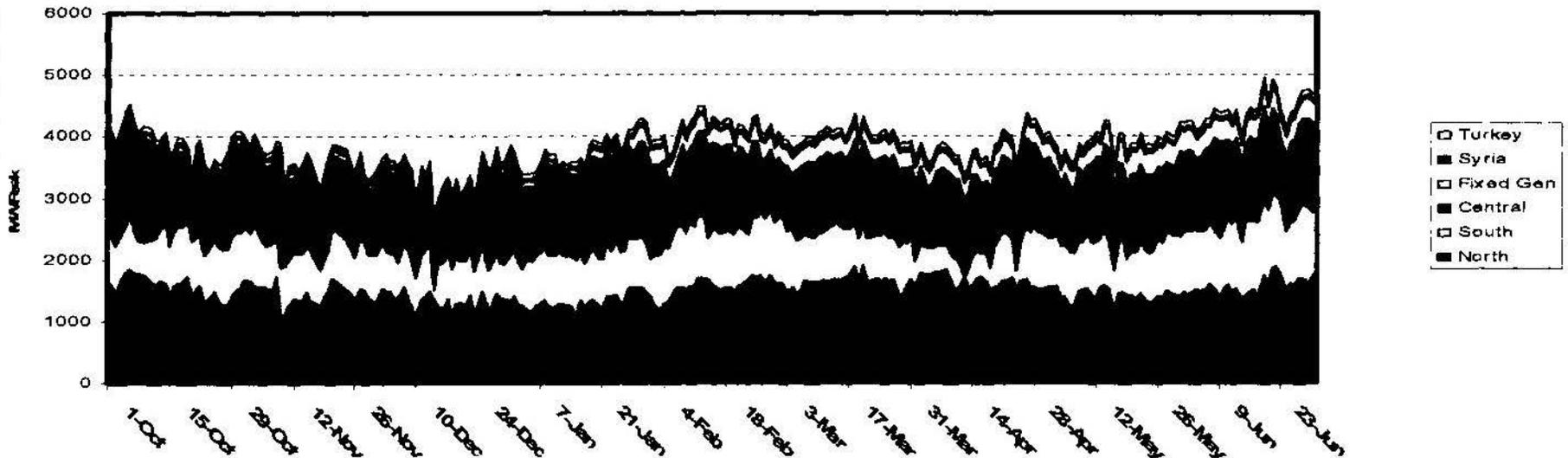


Power Production

Mega Watt Hour Production

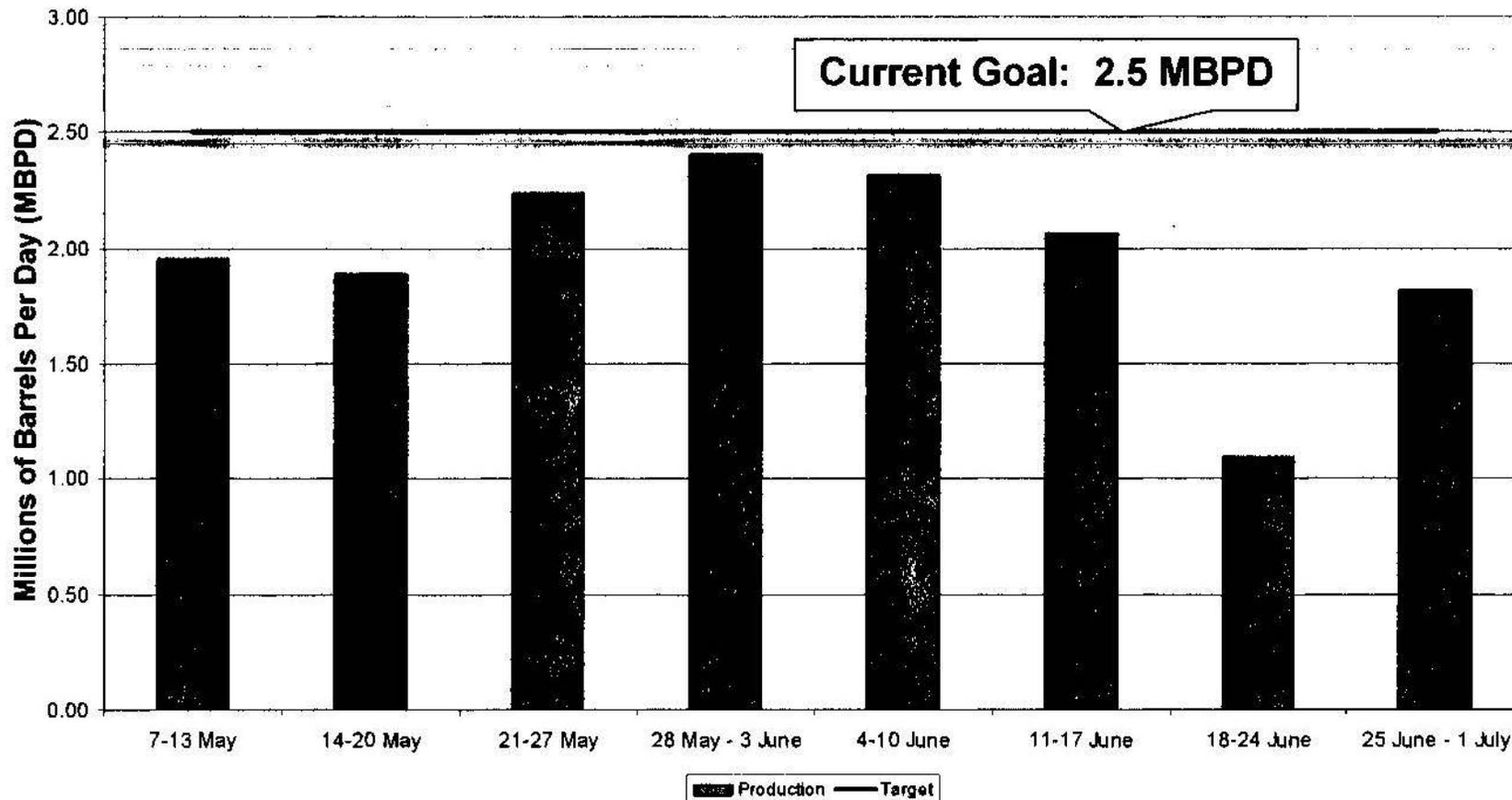


Generation By Region





Crude Oil Production



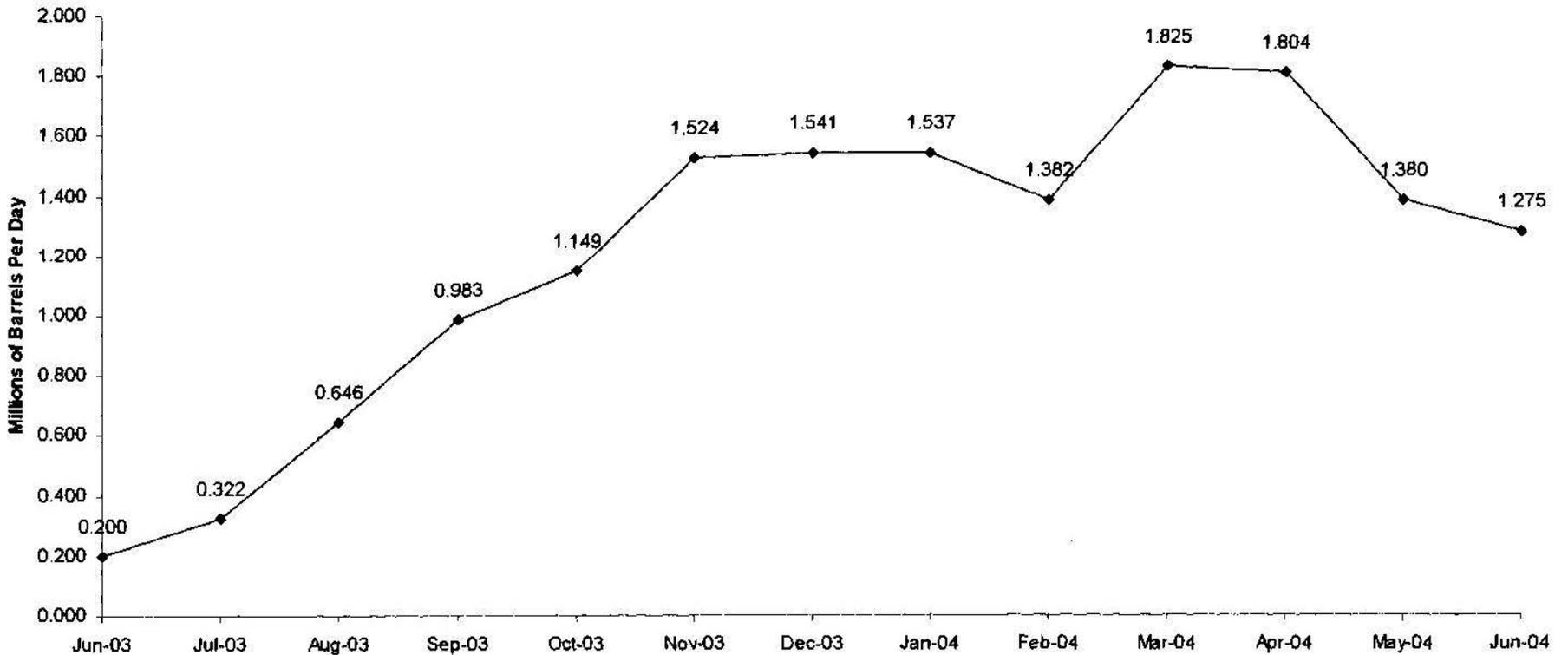
Weekly Average of 1.815 MBPD Is Below Target of 2.5 MBPD

- Long Term Target (Dec 04): 2.8 - 3.0 MBPD (Pre-War Capacity)
- Pre-War Peak: 2.5 MBPD in Mar 03
- Post-war Peak: 2.595 MBPD on 16 Apr 04



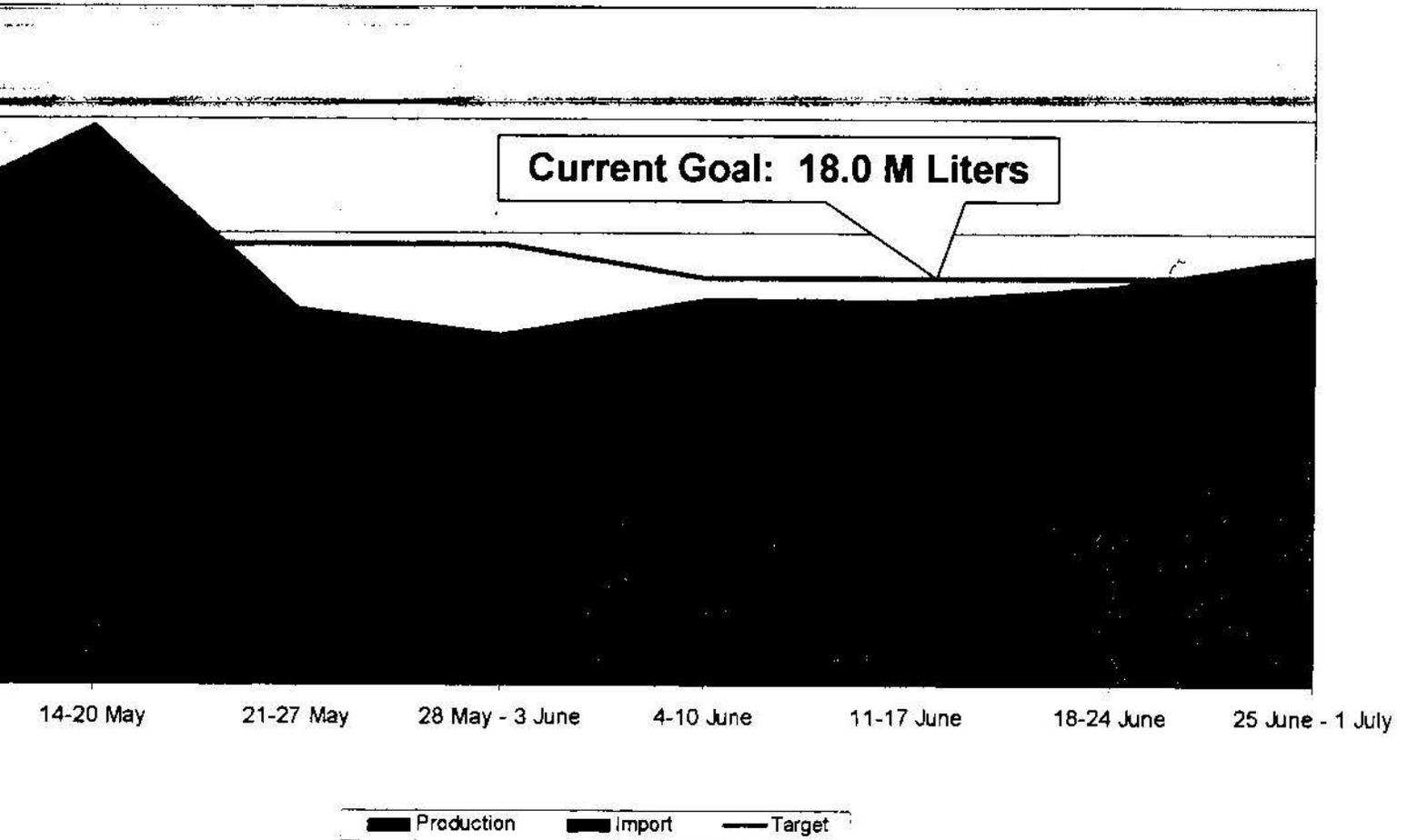
Crude Oil Exports

Monthly Average of Crude Oil Exports



• **Current Monthly Average: Jun data up to 27 Jun. No data for Jul**

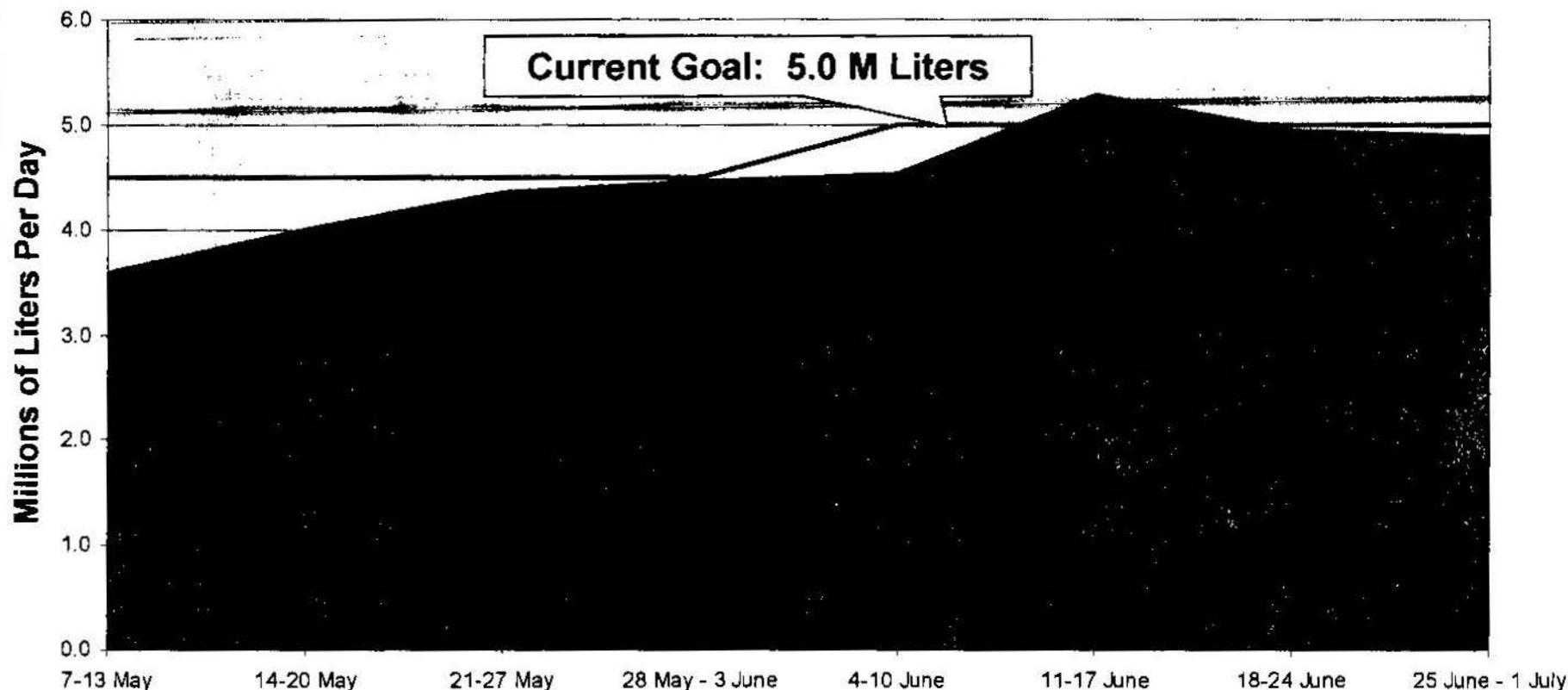
essel Supply



Week's average production and imports are 105% of goal



Kerosene Supply

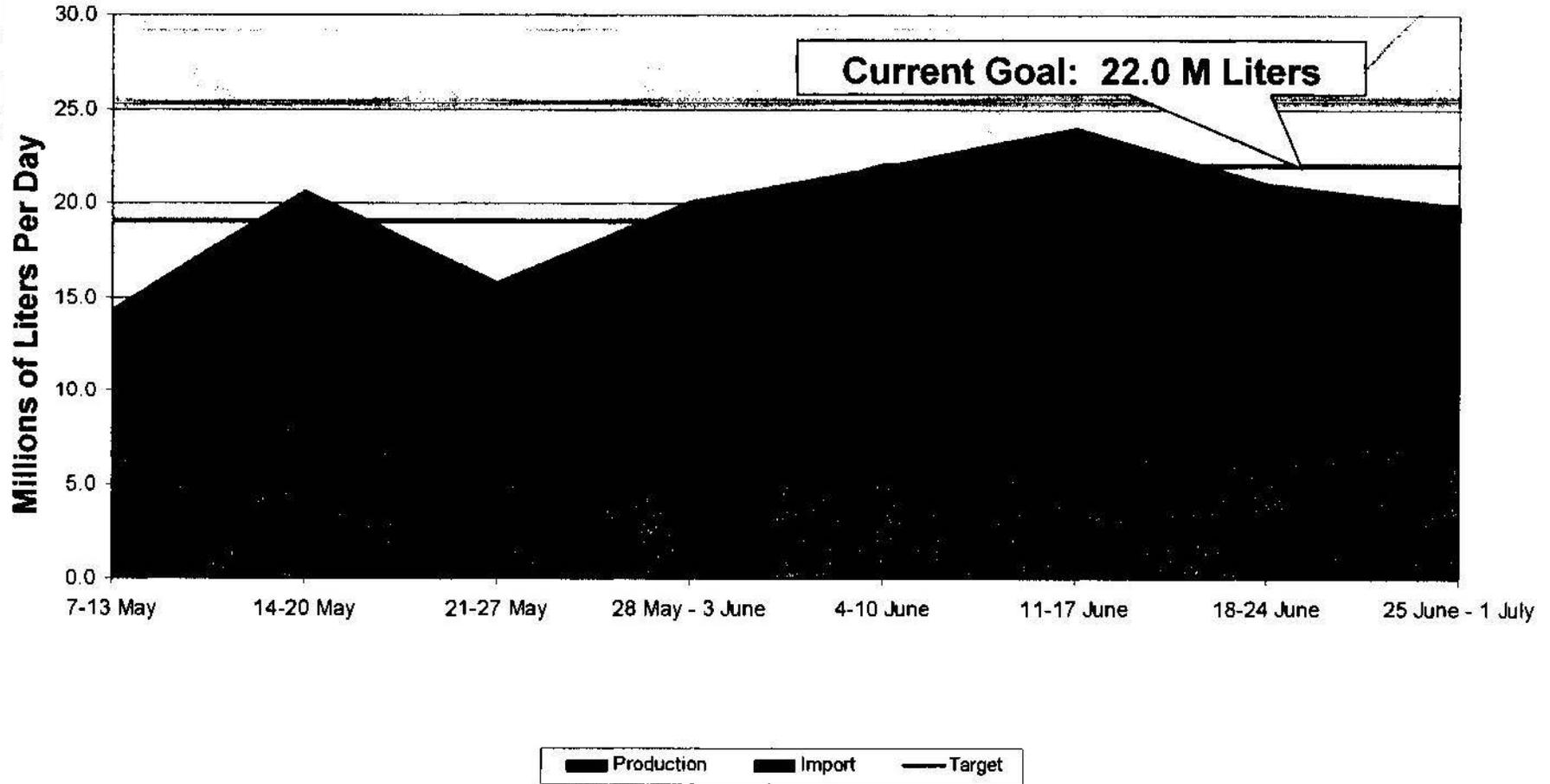


■ Production ■ Import — Target

• This week's average production and imports are 98% of goal



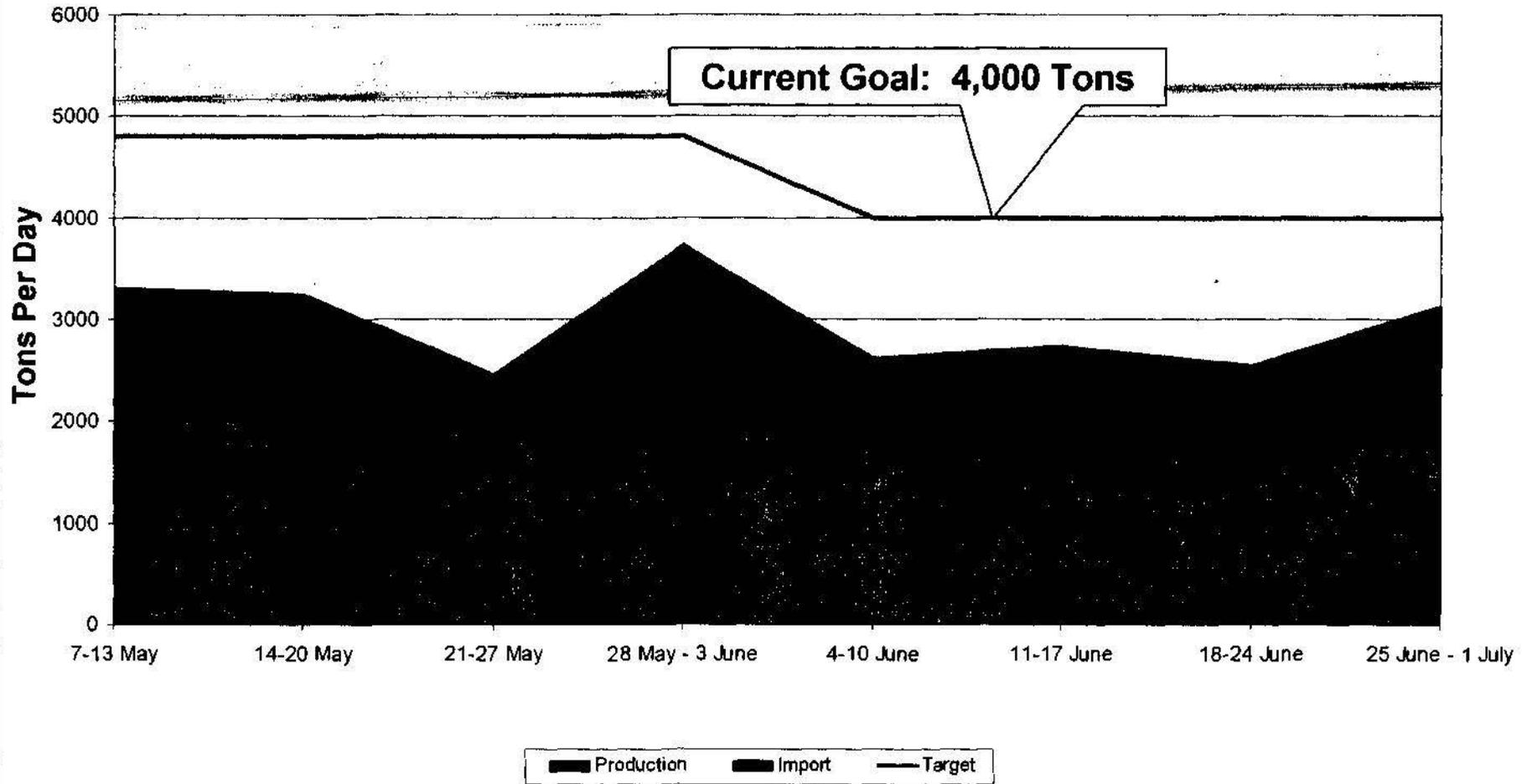
Gasoline / Benzene Supply



• This week's average production and imports are 90% of goal



Liquefied Petroleum Gas Supply



• This week's average production and imports are 78% of goal



Security - Build Justice

- On 30 Jun, Saddam Hussein was formally transferred from US to Iraqi custody
- On 01 Jul, Saddam Hussein was brought before the Investigative Court of the Central Criminal Court of Iraq (CCCI) to hear seven preliminary charges against him for the following crimes:
 - Anfal campaign against Kurds, late 1980s
 - Gassing Kurds in Halabja, 1988
 - Invasion of Kuwait , 1990
 - Brutality against Iraq's Kurdish and Shia communities in the aftermath of the 1991 Gulf War
 - Killing political activists over 30 years
 - Massacring members of Kurdish Barzani tribe in 1980s
 - Killing religious leaders, 1974
- Eleven senior members of Saddam Hussein's former regime also heard the charges against them on 01 Jul

Objective: Build Justice

Establish Independent Judiciary; Reform Judicial System; Improve the Penal System; Establish Commission on Public Integrity; Solidify Real Property Rights



Security - Developments

- **Coalition advisors are working with Iraqi security forces to increase surveillance and protection of the oil pipelines after recent attacks**
- **The initial battalion of the Iraq Intervention Force (IIF), which was formerly known as the Iraq National Task Force, deploy into Baghdad at the end of Jun**
 - **The IIF is being established, trained and equipped for urban counterinsurgency operations**
 - **All three battalions of the first IIF brigade will be ready by end of Jul**
- **The Iraqi National Guard (formerly the Iraqi Civil Defense Corp) are conducting joint patrols throughout Iraq with Coalition and Iraqi Police forces**
 - **Focus is on equipping, training, and reconstituting the force**

Objectives: Security

Achieve a Secure and Stable Environment; Develop Institutions that are Effective in Protecting Society and Constitutional Order ; Develop Iraqi Defense Capabilities and Oversight Mechanism

WORKING PAPERS

06 0635 EDT Jul 04

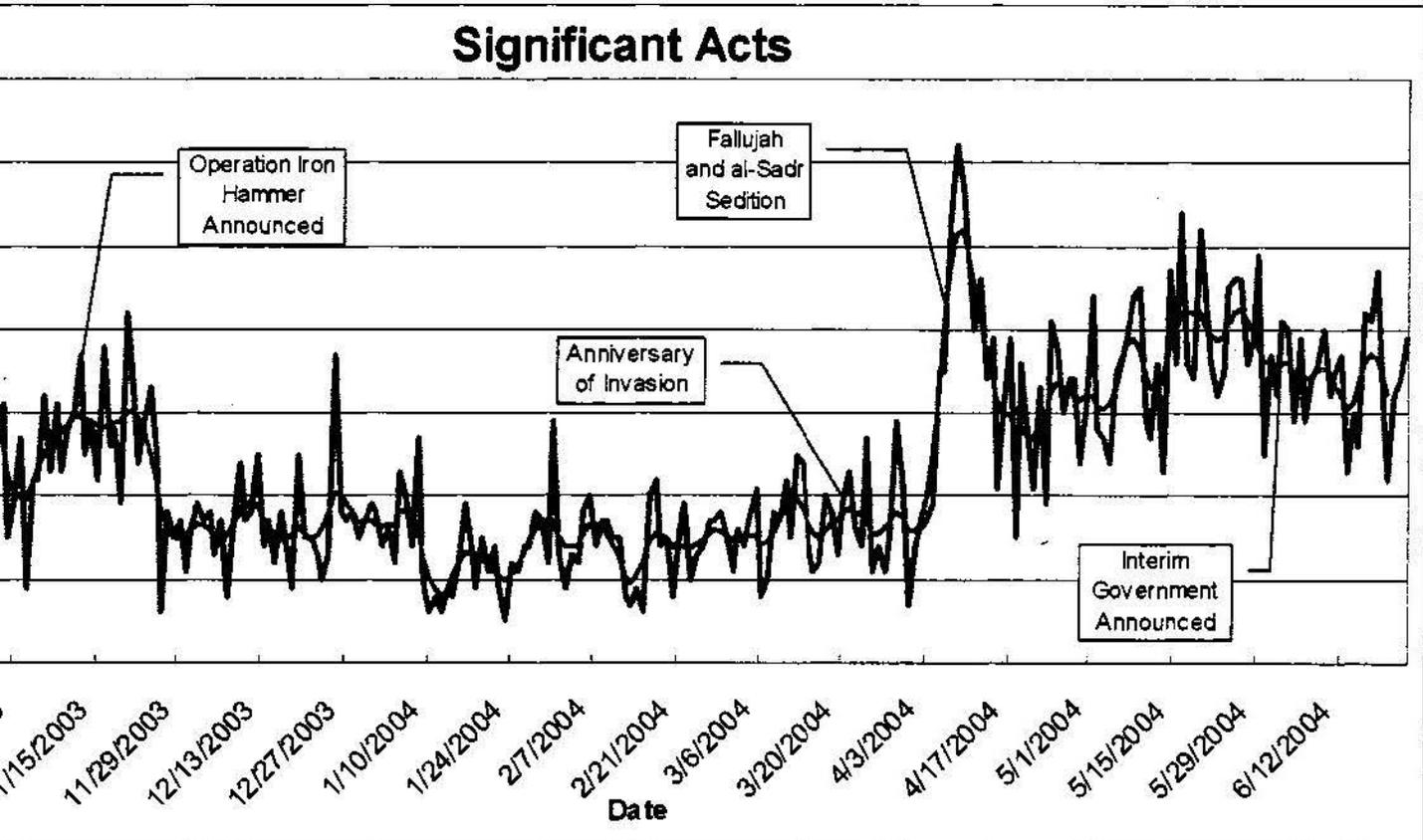
Security - Developments (Cont.)

are underway to recruit six additional 400-man public order battalions as part of the Iraqi Police Service civil intervention force. In these additions, the Iraqi Police Service civil intervention force will include five public order battalions and two counterinsurgency battalions. 5,085 new IPS recruits have completed the eight week training course at the Jordan Army Academy, or over 3,411 students, have graduated from the Jordan Army Academy. 1,674 students, have graduated from the Baghdad Safety Academy. Approximately 25,000 IPS personnel who served as police under the Saddam regime have completed a three-week Transitional and Integration course taught by Coalition advisors. These personnel are also being taught basic criminal investigation, criminal justice, and dignitary protection by Coalition advisors.

Security - Developments (Cont.)

The following shows significant insurgent activities in Iraq to 26 Jun, which include attacks using:

Improvised explosive devices (IED), vehicle-borne IEDs, mortars, rocket propelled grenades (RPG), and improvised rockets





Stability Contributors - OIF

Countries with forces in Iraq

31

TOTAL ~22K

Albania
 Australia
 Azerbaijan
 Bulgaria
 Czech Rep
 Denmark
 El Salvador
 Estonia
 Georgia
 Hungary
 Italy
 Japan
 Kazakhstan
 Korea
 Latvia

Lithuania
 Macedonia
 Moldova
 Mongolia
 Netherlands
 New Zealand
 Norway
 Philippines
 Poland
 Portugal
 Romania
 Singapore
 Slovakia
 Thailand
 Ukraine
 UK

Countries considering decision to provide forces for Iraq

5

TOTAL TBD

36 Countries
 Potentially Supporting
 Iraqi Stability and
 Humanitarian Relief

Data as of 02 Jul

P

EF-9499
04/006163

May 3, 2004

TO: Doug Feith
CC: Gen. Dick Myers
Paul Wolfowitz

SUBJECT: Metrics for Iraq Weekly Update

Here are some good metrics that Lamar Alexander sent along.

Why don't you see the extent to which they have been incorporated into our Iraq Weekly Update, and, if they have not, consider incorporating them.

Thanks.

Attach.
10/22/03 Senator Alexander ltr to SecDef

DHR:db
050304-25

.....
Please respond by 5/21/04

✓
10/23

United States Senate

WASHINGTON, DC 20510

OFFICE OF THE
SECRETARY OF DEFENSE

2003 OCT 23 AM 10:01

October 22, 2003

The Honorable Donald Rumsfeld
Secretary of Defense
Department of Defense
1300 Defense Pentagon
Washington, D.C. 20301

Dear Don,

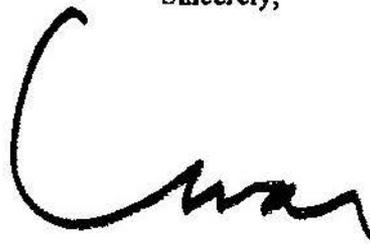
Thank you very much for your letter of the 16th and the copy of the one pager you are working on to explain the administration's plan to win the peace.

The one-pager is moving in the right direction. Fully developed, it should persuade Americans of our goal, our plans and our progress toward the goal.

Since you asked, here are my suggestions:

1. Set a clear overall goal: Operation Iraqi Democracy.
2. Set a timetable for accomplishing the goal and withdrawing most American forces: for example, January 1, 2005 or 2006.
3. Establish a set of measurable objectives which, taken together, add up to a plan to meet the goal. These should specify pre-war levels, post-war levels, today's levels, today's goal, and the goal for January 1, 2005 (or 2006). I've appended a list of suggested measurable objectives that are easy to understand.
4. Report publicly on the objectives once a week.
5. In every speech you, the President, Vice-President, Secretary Powell, Dr. Rice and other key officials make, refer briefly to that week's progress report: "As our weekly progress report on our plan to build democracy in Iraq showed, electricity before the war was at 3300 megawatts, our goal for January 1, 2005(or 2006) is 6000 megawatts, we are at 4217 megawatts today which is 1217 more than before the war, and right on schedule for our goal; on crude oil production, etc.

Sincerely,



U17594 / 03

11-L-0559/OSD/42922

Suggested objectives (should be measurable and simply presented):

- ✓ Electricity (megawatts produced, % of Iraqis w/ power)
- ✓ Schools (# of schools open, % of boys & girls attending)
- ✓ Health care (# of hospitals operating, % receiving services)
- ✓ Governance (timetable to a constitutional democracy)
- ✓ Crude oil production (barrels produced, shipped)
- ✓ Police (# in training, # serving)
- ✓ Militia (# in training, # serving)
- ✓ Water (gallons of water available, # of Iraqis w/ fresh water access)
- ✓ Prisons (# of prisons, # of beds for prisoners, # of prisoners)
- ✓ Iraq Troops (# in training, # serving)
- ✓ Troops from other countries (# of troops, # of countries)
- ✓ US Troops (overall #, reserve, and active duty)
- ✓ Food (# of malnourished Iraqis, amount of food available)
- ✓ Unemployment (# and/or %)
- ✓ TV/Radio (# of stations, # of Iraqis receiving)
- ✓ Etc.

~~FOR OFFICIAL USE ONLY~~

June 21, 2004

TO: Ray DuBois
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: DoD Directives

8
7/15

2004 JUN 21 10:02
10318-04

Thanks for your memo on the status of DoD Directives. Are there units that are lagging on getting this work done?

Do you think we ought to establish a directive that requires that these directives be reviewed every two or three years?

Thanks.

Attach.

6/14/04 DuBois memo to SD re: Review of DoD Directives Status Report [OSD 08556-04]

DHR:dh
062104-10

.....
Please respond by 7/9/04

S.r.,
Response is
Attached.
v/R, COLIB
7/15

~~FOR OFFICIAL USE ONLY~~

OSD 10318-04



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

OFFICE OF THE
SECRETARY OF DEFENSE

JUL 01 2004 PM 4:15

INFO MEMO

FOR: SECRETARY OF DEFENSE

FROM: Raymond F. DuBois, Director, Administration and Management
Ray DuBois

SUBJECT: Periodic Review of DoD Directives

- In the attached June 21 snowflake you asked if there are units lagging on completing the Directives review, and whether we should establish a system to review DoD Directives for currency every two or three years.
- The table at Tab A shows the current progress made by each Component.
- We are institutionalizing a 2-year review cycle for all DoD Directives (Tab B), and my staff is visiting Components that appear to lag in their progress.
- You also inquired about the relationship between DoD Directives and DoD Instructions. Directives establish policy for the Department and Instructions implement policy. Instructions that are not specifically authorized by Directives (approximately 40%) provide directions for operating programs or prescribe plans of action.
- Presently, 654 DoD Directives and 373 DoD Instructions are in effect.
- We are reviewing DoD Instructions on a 5-year cycle.

Attachments:

As stated

Prepared By: Mr. Dan Cragg, ESCD,

(b)(6)

3008

1250104

OSD 10318-04

June 21, 2004

TO: Ray DuBois
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: DoD Directives

Thanks for your memo on the status of DoD Directives. Are there units that are lagging on getting this work done?

Do you think we ought to establish a directive that requires that these directives be reviewed every two or three years?

Thanks.

Attach.

6/14/04 DuBois memo to SD re: Review of DoD Directives Status Report [SD 08556-04]

DHR:dh
062104-10

.....
Please respond by 7/9/04

**REVIEW OF DIRECTIVES
PROGRESS REPORT
FOR WEEK ENDING
7/9/04**

COMPONENT	TOTAL NUMBER	CERTIFIED CURRENT	TO BE REVISED OR CANCELED	SUBMITTED FOR COORDINATION*	% OF TOTAL SUBMITTED	SIGNED
USD(AT&L)	108	37	71	50	(70%)	15
USD(P)	66	11	55	6	(11%)	0
USD(C)	15	9	6	5	(83%)	0
USD(P&R)	192	103	89	49	(55%)	18
USD(I)	58	8	50	11	(22%)	2
ASD(LA)	3	0	3	0	(0%)	0
ASD(NII)	40	17	23	16	(70%)	6
ASD(PA)	14	11	3	3	(100%)	0
GC, DoD	36	19	17	9	(56%)	4
DOT&E	3	2	1	1	(100%)	0
IG, DoD	14	7	7	6	(86%)	3
DA&M	87	31	56	14	(25%)**	3
DPA&E	2	1	1	1	(100%)	0
DNA	1	0	1	0	(0%)	0
WHS	15	8	7	7	(100%)	1
TOTALS:	654	264	390	178	(46%)	54

* Of the 178 submitted for coordination, 49 have been recommended for cancellation.

** Of the 56 DA&M Directives identified for revision or cancellation, 49 are charter Directives. While DA&M is the agent for updating, coordinating, and maintaining these Directives, processing updates is a participatory endeavor and cannot be completed without full and timely input from the concerned PSAs and Component Heads.

5.2. The Director, Washington Headquarters Services, under the DA&M shall:

5.2.1. Administer and operate the DoD Directives System.

5.2.2. Administer periodic mandatory reviews of DoD issuances as follows:

5.2.2.1 Every 2 years, provide the PSAs with lists of DoD Directives under their cognizance for their review.

5.2.2.2 Every 5 years, provide the PSAs with lists of DoD Instructions and Publications under their cognizance for their review.

5.2.3. Place approved unclassified DoD issuances on the Internet.

5.2.4. Approve Administrative Instructions.

5.3. The positions identified in subparagraphs 4.4.2 through 4.4.3., above shall:

5.3.1. Prepare DoD issuances that are relevant and necessary to accomplish their assigned responsibilities, in accordance with reference (b).

5.3.2. Prepare, coordinate, and approve DoD Instructions within their areas of responsibility and, if authorized by their organizational charters, sign the Instructions.

5.3.3. Prepare, coordinate, and approve DoD Publications and sign the foreword.

5.3.4. Coordinate proposed DoD issuances with the DoD Components, as prescribed in paragraph 4.4., above, and coordinate on proposed DoD issuances originated by PSAs.

5.3.5. Conduct periodic reviews for currency of all DoD issuances under their cognizance according to the following schedule:

5.3.5.1. Beginning in January 2006 and every 2 years thereafter, review all DoD Directives under their cognizance.

5.3.5.2. Beginning in January 2008 and every 5 years thereafter, review all DoD Instructions and Publications under their cognizance.

5.3.6. Provide written certification to the DA&M whether each issuance reviewed according to subparagraph 5.3.5. above, is current or shall be revised or canceled.

5.3.7. Issue directive-type memoranda forwarding a signed copy of each to the Director, Executive Services and Communications, Washington Headquarters Services. Cancel or convert such memoranda into DoD issuance as appropriate.

TAB A

May 25, 2004

787

TO: Gen. Dick Myers
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Incident Conferences

I **think** we ought to have an analysis of the incident conference that could happen if an aircraft is hijacked, and decide who we want on it, who is allowed to talk and what the proper procedures would be.

Thanks.

DHR:db
052504-11

.....
Please respond by 6/4/04

Tab A

11-L-0559/OSD/42929

OSD 10396-04

July 13, 2004

TO: Lt. Gen. Michael Dunn, USAF
President, National Defense University

FROM: Donald Rumsfeld

D.R.

SUBJECT: NDU Accomplishments

Thanks so much for your memo on accomplishments over the last year. It sounds like a lot of good work is being done there.

Congratulations.

DHR:dh
071304-6

.....
Please respond by _____

352 NDU

13 Jul 04

9 Jul 04

OSD 10413-04

1/12
J

9 Jul 04

MEMORANDUM FOR: Secretary of Defense (Cy For)
Chairman, Joints Chiefs of Staff

FROM: President, National Defense University

Mike D.

Subject: Accomplishments Over the Last Year

Sirs, I wanted to give you some thoughts on the changes we have made during my first year at NDU.

Transformation – we have thoroughly infused the curricula in all our colleges with transformation – from transformational leadership, transformational organizations, to transformational thinking. However, we are still not satisfied. Art Cebrowski is in the process of funding us to develop curriculum for a certificate program in Transformational Leadership – which could be used in all war colleges (Army, Navy, Air, etc.),

GWOT -- Adjusted curricula to reflect the long-term nature of the conflict. Have focused on differences of views between US/allies and others. Have brought our international students forcefully into the debate. And have brought many senior policy makers to speak – in order to ensure we present the USG point of view. Have conducted workshops/roundtables for CPA, Amb Negroponte, and for Generals Casey and Sharp. Have conducted exercises for EUCOM and Government of Greece to enhance security for the 2004 Olympics and a major bioterrorism exercise for Secs Ridge, Minetta, Thompson, and other cabinet officials.

Capstone -- many changes – most significantly -- to expose our new GOs/FOs to senior leaders – including both of you, USDP, Dir CIA, and Art Cebrowski. One class even heard from VP Cheney. Secondly, have shifted overseas travel to visit our JTFs – to include GTMO, Afghanistan, Iraq, Bosnia, Korea, and Horn-of-Africa. Have also visited Israeli Northern Command (watched live Hizballah infiltrations in broad daylight) – great lessons learned. Speaker Gingrich continues to support us with his time and thoughts.

Research -- have refocused our efforts to support our customers in OSD/JS – policy, AT&L, and NII. Have added OSD chairs to the university from policy and AT&L. Have met with DASDs/Directors on products/round tables frequently. Have provided numerous studies and papers: on transformation; stabilization and reconstruction ops; IT in the military; analyzed difficult Homeland security challenges, including bio-terrorism, dirty bombs, and MANPADs threat to civil aviation; studies on implementation of US CT strategy; de-Ba'thification; building new Iraqi defense forces; changing civil-mil relations in the greater Middle East; enhancing stability in Afghanistan; papers on NE Asia and Korea/PRC roles, and others. This year, Joint Force Quarterly celebrated its 10th anniversary and INSS completed its 20th year of operations. We have provided library support to both OSD/JS.

WSS2 NDU

9 Jul 04

OSD 10413-04

Counter Terrorism Fellow (CTF) Program – A singular success. Is supported by SOLIC – brings international officers from those countries without enough IMET or those which have significant IMET restrictions (e.g. Indonesia), and focuses them on a CT curriculum. About 70 officers per year for 8 month program. A new class enters every 4 months. We expect our first Afghani and Iraqi students this year.

Regional Centers (Africa Center, NESAC Center, Center for Hemispheric Defense Studies) – All have new directors. Thru Ryan Henry’s leadership, are in process of using them in the “battle of ideas.” We have new courses on GWOT, created alumni associations – and providing them with high quality information, provided virtual access to our library, shared best practices among the centers, and a myriad of other programs.

Congress – have continued simulated war games and attracted over 80 members and many senior officials – have added scenarios on anthrax, plague, port security and transportation system. Have also run a Korean scenario and have one on China/Taiwan planned for later this month. We have conducted Hill staffer courses – both in terrorism and in “Defense 101,” and run brown-bag lunches for Hill staffers. With Ike Skelton’s help, we have held Congressional breakfasts – which expose our National War College and ICAF students to members of Congress (and vice versa).

Joint Professional Military Education (JPME) – we have broadened JPME: created a course for Capt/USN Lts, created a Joint Advanced Warfighting Course for joint planners, in process of creating a course (named Pinnacle) for prospective JTF Commanders. Are reviewing ideas for joint courses for NCOs, have created Advanced JPME course for Reserve Component (RC) Officers – combination in-residence/DL format, and increased the number of RC two-week courses by 50%.

Sr Leaders – we have made a concerted effort to bring the most senior policy makers to the University to address our students. DSD has visited about a dozen times, Dep Sec State, USDP, USS Political Affairs, DHS, and almost every Combatant Commander and Service Chief have addressed our students. We have gone after many notables – many of which are scheduled to talk – including former Sec Schultz. Pres Bush addressed our classes in February.

International Focus – have expanded our International Fellow (IFs) program with NWC and ICAF by 25% -- seeking to increase the number of countries represented from the arc of instability and from Africa. We are delivering more courses to more people with our regional centers – both here and abroad. We have reinvigorated our international Hall of Fame – where we recognize those IFs who succeed in their country. Working with embassies in Washington and country teams abroad, we have sought out our grads, catalogued their present positions, and sent notes to every Ambassador, DASD/ASD/DASS/ASS informing them that they had people in the AORs which have studied in the US and are likely to have a favorable impression of the US. We urged they be nurtured and included in events when key US officials visited the country. In the near future, we see NDU linked with counterpart

institutions and alumni in almost every country in the world – interacting virtually, by VTC, and in person – seeking to build consensus in support of US objectives. [Presently I correspond with the Commandants from over 50 countries on a routine basis.] We continue to volunteer to host distinguished foreign visitors here – to conduct roundtables with them and to press US views on them. Our experience is that we can say some things in an “academic setting” that can’t be said in formal meetings.

Homeland Security – Have formed a new Institute for Homeland Security Studies (IHSS) – led by Hon Steve Duncan, former ASD (RA) and DOD drug czar under SD Cheney. Purpose of IHSS is to pull together various aspects of HLS in other NDU components and to interface with DHS. We have created a Homeland Security Planner’s Course in support of NORTHCOM. We have developed a range of training and simulation programs designed to enhance interagency planning and cooperation of complex contingencies.

Information Resources Management College – continues to adjust its focus – we have new intensive courses focused on network-centric organizations, DOD enterprise architecture, and building the business case for IT. Curriculum changes were made to update CIO competencies and CIO leadership skills such as collaboration, communication, critical thinking, and leading change. Enrollment in distance learning courses grew to 25 percent of total enrollment, and the College continues to be an innovator in instructional design.

Facilities and Infrastructure. Planning is well under way for a new 240,000SF Academic and Conference Center – we expect ground breaking Nov 04. We plan to bring numerous NDU elements housed in leased space off campus into what we are tentatively calling “Lincoln Hall.” However, we have an opportunity to build a Homeland Security College – one which serves DOD, DHS, other parts of the government, and state/local authorities. We want DHS to fund the college and help us build the curriculum. Will let you both know of any roadblocks we might face.

Board of Visitors – have reinvigorated the BOV – provided it with more expansive view of NDU activities; have included its members in almost every facet of NDU operations, including overseas travel, key conferences, and workshops. I am very happy with the independent, thoughtful advice I get from the Board.

Funding – we have adequate funding ...but, in priority order, need additional funding for: (1) NESA center – courses for Afghanistans and Iraqis, and for playing an increasingly important role in the battle of ideas in the Presidents’ Greater Middle East Initiative. (2) NCO JPME – this is long overdue, needs resources.

Bottomline: Great things are underway here. We are improving in all we do.

Very Respectfully,

CF: DSD, USDP, DJS

7201
~~CONFIDENTIAL~~
TAB A

June 14, 2004

808

TO: Gen. Dick Myers
CC: Paul Wolfowitz
Gen. John Abizaid
Doug Feith
FROM: Donald Rumsfeld *DR*
SUBJECT: Afghanistan Security

I think we ought to develop two or three options as to different ways we might deal with the Afghanistan security situation.

One option should include using our clout to get the militias to **turn** in their weapons and cooperate with the government. A second option might include an accelerated Afghan security force. Another might include a way to incorporate the Afghan militias into the **Afghan** military.

Here is a report on Afghan capabilities.

Thanks.

Less
Attach.

NIC Intelligence Community Assessment, ICA 2004-04HC, June 2004

(Distributed separately)

DHR:dh
951404-12

.....
Please respond by 7/9/04

~~CONFIDENTIAL~~

UPON REMOVAL OF ATTACHMENT(S)
DOCUMENT BECOMES UNCLASSIFIED
Tab A

OSD 10492-04

11-L-0559/OSD/42934



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999
INFO MEMO

CM-1933-04

JUL 15 11 10 AM '04 15 July 2004

FOR: SECRETARY OF DEFENSE

FROM: General Richard B. Myers, CJCS *RBMY 7/14*

SUBJECT: Afghanistan Security

- **Issue.** "I think we ought to develop two or three options as to different ways we might deal with the Afghanistan Security Situation. One option should include using our clout to get the militias to ~~turn~~ ^{take} in their weapons and cooperate with the government. A second option might include an accelerated Afghan security force. Another might include a way to incorporate the Afghan militias into the Afghan military. ..." (TAB A)
- **Conclusion**
 - My staff is working closely with General Abizaid to develop a framework for Afghanistan security forces, similar to the one now being developed for Iraq. This framework will address concerns regarding the security situation and provide a way ahead for Afghanistan forces.
 - As the Iraq framework piece nears completion, work is beginning in earnest on a similar framework for Afghanistan.

COORDINATION: TAB B

Attachments:
As stated

Prepared By: LTG Walter L. Sharp, USA; Director, J-5; (b)(6)

~~FOR OFFICIAL USE ONLY~~ OSD 10492-04

11-L-0559/OSD/42935

~~CONFIDENTIAL~~
TAB A

June 14, 2004

808

TO: Gen. Dick Myers
CC: Paul Wolfowitz
Gen. John Abizaid
Doug Feith
FROM: Donald Rumsfeld *DR*
SUBJECT: Afghanistan Security

I think we ought to develop two or three options as to different ways we might deal with the Afghanistan security situation.

One option should include using our clout to get the militias to ~~turn~~ in their weapons and cooperate with the government. A second option might include an accelerated Afghan security force. Another might include a way to incorporate the Afghan militias into the Afghan military.

Here is a report on Afghan capabilities.

Thanks.

Less
Attach.

NIC Intelligence Community Assessment, ICA 2004-04HC, June 2004

(Distributed separately)

DHR:dh
061404-12

.....
Please respond by 7/9/04

~~CONFIDENTIAL~~

UPON REMOVAL OF ATTACHMENT(S)
DOCUMENT BECOMES UNCLASSIFIED
Tab A

11-L-0559/OSD/42936

OSD 10492 - 04

TAB B

COORDINATION

USCENTCOM

COL **Doxey**

18 June 2004

Tab B

11-L-0559/OSD/42937



ADMINISTRATION AND MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE

1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

OFFICE OF THE SECRETARY OF DEFENSE
SECURITY

ACTION MEMO

2004 DEC -2 AM 9:20

December 1, 2004, 4:15 PM

FOR: SECRETARY OF DEFENSE

DepSec Action _____

FROM: Raymond F. DuBois, Director, Administration & Management

SUBJECT: *Ray DuBois* Protection from the International Criminal Court (ICC)

- The directive at TAB A clarifies and updates policy guidance to the DoD Components on the assignment of personnel to UN Missions. The directive responds to your snowflake on this subject and subsequent guidance from VADM Stavridis (next under).
- Key points of the Directive:
 - All initial assignments of personnel to any UN Missions are approved by the SecDef.
 - Personnel will only be assigned to UN Missions in countries where sufficient protections exist to ensure U.S. personnel will not be exposed to the risk of assertion of jurisdiction by the ICC consistent with U.S. policy and the American Servicemembers' Protection Act.
 - The ASD(SO/LIC) is responsible for the receipt and coordination of requests for personnel to serve in UN Missions and for submitting a recommendation for your consideration.
 - The Secretary of the Army is designated as the Executive Agent for DoD Support to UN Missions. The US Military Observer Group-Washington (USMOG-W), a unit operating under the Secretary of the Army, provides administrative and logistical support for personnel assigned to UN Missions and ensures they receive anti-terrorism training prior to deployment.
- The directive was coordinated among the DoD Components and the OSD Staff. Comments received during coordination have been accommodated where appropriate.

O/S

1 Dec 04

RECOMMENDATION: Sign the directive at TAB A.

COORDINATION: TAB B

Attachments:
As stated

Prepared By: Bob Menig, (b)(6)

AM 02444-04

30 Jan 04



ADMINISTRATION AND MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

SECRET

08/20/04 10:05

MEMORANDUM FOR THE SENIOR MILITARY ASSISTANT

SUBJECT: *Jim* Protection from the ICC

In response to your note (attached) on the Secretary's snowflake on the ICC, we drafted the DoD Directive at **TAB A**.

It is clear that a directive is needed to update guidance to JCS and the Military Departments. Memoranda providing guidance on these personnel assignments date back as far as 1973.

Key points of the Directive:

- ▶ The SecDef approves all initial assignments of personnel to UN Missions.
- ▶ Personnel are assigned only to UN Missions in countries where personnel are protected from the ICC.
- ▶ In cases where personnel rotations are needed for already approved assignments, rotations are managed by the Commander of the US Military Observer Group-Washington (USMOG-W), a unit operating under the Secretary of the Army as the Executive Agent for DoD Support to United Nations Missions.
- ▶ USMOG-W handles training and support of personnel being assigned to UN Missions.
- ▶ Personnel assigned are considered individual augmentees, not units - when units are deployed, the JCS deployment order process is used.

The draft directive was prepared with input from the Joint Staff, OUSD(P), and the Army Staff, but formal staffing is needed before approval and publication.

With your concurrence, we will send the draft directive out for formal coordination.

APPROVED: _____
DISAPPROVED: _____
OTHER: _____

J

Ray
Raymond F. DuBois
Director

8.20.04

Attachments
As stated

TSA SD	
SRMA SD	
MA SD	
EXEC SEC	SL 8-24-04

OSD 10497-04

11-L-0559/OSD/42939

*Looks good!
Send out,
set coord,
Dend to
SD for
signature
the
Jim*



Department of Defense **DIRECTIVE**

NUMBER 2065.1E

DA&M

SUBJECT: Assignment of Personnel to United Nations Missions

- References:
- (a) Title 10, United States Code
 - (b) Secretary of Defense Memorandum, "Delegation of Authority to Approve Department of Defense Personnel Assignments to the United Nations for Headquarters Support," January 14, 1994 (hereby canceled)
 - (c) Under Secretary of Defense for Policy Memorandum, "US Military Support to the United Nations Mission in Ethiopia and Eritrea (UNMEE)," October 31, 2000 (hereby canceled)
 - (d) Secretary of Defense Memorandum, "United Nations Truce Supervision Organization (UNTSO)," July 20, 1973 (hereby canceled)
 - (e) DoD Directive 5101.1, "DoD Executive Agent," May 9, 2003
 - (f) Section 7421 et seq. of title 22, United States Code

1. PURPOSE

Pursuant to the authority vested in the Secretary of Defense under Section 113 of reference (a), this Directive:

1.1. Establishes policies and assigns responsibilities for the receipt, analysis, coordination and approval of assignments of DoD military or civilian personnel to serve with United Nations (UN) Missions.

1.2. Cancels references (b) through (d).

1.3. Pursuant to reference (e), designates the Secretary of the Army as the Executive Agent for DoD Support to UN Missions. This designation replaces and subsumes the executive agent designations made in references (c) and (d).

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the 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



Department of Defense **DIRECTIVE**

NUMBER 2065.1E

DA&M

SUBJECT: Assignment of Personnel to United Nations Missions

- References:
- (a) Title 10, United States Code
 - (b) Secretary of Defense Memorandum, "Delegation of Authority to Approve Department of Defense Personnel Assignments to the United Nations for Headquarters Support," January 14, 1994 (hereby canceled)
 - (c) Under Secretary of Defense for Policy Memorandum, "US Military Support to the United Nations Mission in Ethiopia and Eritrea (UNMEE)," October 31, 2000 (hereby canceled)
 - (d) Secretary of Defense Memorandum, "United Nations Truce Supervision Organization (UNTSO)," July 20, 1973 (hereby canceled)
 - (e) DoD Directive 5101.1, "DoD Executive Agent," May 9, 2003
 - (f) Section 7421 et seq. of title 22, United States Code

1. PURPOSE

Pursuant to the authority vested in the Secretary of Defense under Section 113 of reference (a), this Directive:

1.1. Establishes policies and assigns responsibilities for the receipt, analysis, coordination and approval of assignments of DoD military or civilian personnel to serve with United Nations (UN) Missions.

1.2. Cancels references (b) through (d).

1.3. Pursuant to reference (e), designates the Secretary of the Army as the Executive Agent for DoD Support to UN Missions. This designation replaces and subsumes the executive agent designations made in references (c) and (d).

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the 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

Missions, including but not limited to equipment, training, and transportation. Provide an officer to serve as the Commander of the USMOG-W.

4.4.3. Coordinate the assignment of personnel approved to serve in UN Missions and the replacement of such personnel with the Chairman of the Joint Chiefs of Staff and the Secretaries of the Military Departments or their designated representatives.

4.5. The Chairman of the Joint Chiefs of Staff shall, after approval of the request for personnel, request the Secretaries of the Military Departments and, when appropriate, the Commander, U.S. Special Operations Command and the other Combatant Commanders, to provide appropriate military and civilian personnel as approved by the Secretary of Defense. Personnel shall be directed to report to the USMOG-W for anti-terrorism training and for administrative and logistics support.

5. EFFECTIVE DATE

This Directive is effective immediately.

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



Department of Defense
DIRECTIVE

NUMBER 2065.1E

DA&M

SUBJECT **Assignment** of Personnel to United Nations Missions

- References:
- (a) Title 10, United States Code
 - (b) Secretary of Defense Memorandum, "Delegation of Authority to Approve Department of Defense Personnel Assignments to the United Nations for Headquarters Support," January 14, 1994 (hereby canceled)
 - (c) Under Secretary of Defense for Policy Memorandum, "**US** Military Support to the United Nations Mission in Ethiopia and Eritrea (UNMEE)," ~~October 31, 2000~~ (hereby canceled)
 - (d) Secretary of Defense Memorandum, "United Nations Truce Supervision **Organization (UNTSO)**," July 20, 1973 (hereby canceled)
 - (e) DoD Directive 5101.1, "DoD Executive Agent," May 9, 2003
 - (f) American Servicemembers' Protection Act of 2002, Section 7421 et seq. of title 22, United States Code

1. PURPOSE

Pursuant to the authority vested in the Secretary of Defense ~~under~~ Section 113 of reference (a), ~~this~~ Directive:

- 1.1. Establishes policies and assigns responsibilities for the receipt, analysis, coordination and approval of assignments of DoD military or civilian personnel to serve with United Nations (UN) Missions.
- 1.2. Cancels references (b) through (d).
- 1.3. Pursuant to reference (e), designates the Secretary of the Army ~~as~~ the Executive Agent for DoD ~~Support~~ to UN Missions. ~~This~~ designation replaces and subsumes the executive agent designations made in references (c) and (d).

2. APPLICABILITY AND SCOPE

~~This~~ Directive:

- 2.1. Applies to the Office of the Secretary of Defense (OSD), the ~~Military Departments, the~~ Chairman of the Joint Chiefs of Staff, the Combatant Commands, the ~~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"). The term "Military Services" as used herein applies to the Army, the Navy, the **Air** Force, the Marine Corps, and the Coast Guard (when not a **part** of the Navy).

2.2. Applies to all assignments (whether permanent or temporary duty) of DoD military and civilian personnel in support of UN Missions, but does not apply to the deployment of units in **support** of UN operations. When the deployment of units is required, the Chairman of the Joint Chiefs of Staff shall prepare the appropriate orders for approval by the Secretary of Defense.

2.3. Applies to authorized personnel **support** to a UN **Mission** in place on the effective date of this directive and to such support to a UN Mission in the **future**.

2.4. Takes precedence over DoD memoranda or other issuances that contain conflicting guidance on the assignment of personnel to UN Missions or Executive Agent responsibilities for such assignments.

3. POLICY

It is DoD policy that:

3.1. All initial assignments of DoD military and civilian personnel to any UN Mission shall be approved by the Secretary of Defense. Follow-on assignments to a UN Mission, including assignments resulting from the extension of a UN mandate shall be managed by the Executive Agent for DoD Support to UN Missions.

3.2. DoD military and civilian personnel shall be assigned only to UN Missions in countries where sufficient protections exist to ensure U.S. personnel will not be exposed to the **risk** of assertion of jurisdiction by the International Criminal Court (ICC) consistent with **U.S.** policy and the American Servicemembers' Protection Act (reference (f)). Such protections may be provided, **as** applicable, by a Status of **Forces Agreement** in effect in the country where the UN Mission takes place, a bilateral agreement between the United States and that country consistent with Article 98 of the ICC Treaty, a UN Security Council Resolution under Chapter VII of the UN **Charter**, or other legally binding provisions or agreements.

3.3. DoD military and civilian personnel serving in UN Missions shall be under the management oversight of an Executive Agent and supported by a single focal point official who shall be responsible for providing command, oversight, **training**, and administrative and logistics support for all DoD personnel serving in UN Missions.

4. RESPONSIBILITIES

4.1. The Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, under the Under Secretary of Defense for Policy, shall oversee the process for the receipt, analysis, coordination, and approval (or other disposition) of requests for personnel to serve with UN Missions received from the UN and forwarded by the Department of State to the Department of Defense, and shall:

4.1.1. Upon receipt of a request for DoD personnel to serve with a UN Mission, **determine**, in coordination with the General Counsel of the Department of Defense (**DoD GC**), and other officials responsible for policy regarding the ICC, whether the assignment of personnel meets the provisions of reference (f), thereby protecting DoD personnel from the jurisdiction of the ICC.

4.1.2. Forward to the Secretary of Defense for decision an Action Memorandum coordinated with the **Chairman** of the Joint Chiefs of Staff, the DoD GC, and others as appropriate. The Action Memorandum shall contain all pertinent information concerning the request for personnel, including the determination required by subparagraph 4.1.1.

4.1.3. Coordinate with the Department of **State** to determine force protection responsibilities for DoD personnel serving on UN Missions.

4.2. The **OSD Principal Staff Assistants** shall, within their functional areas, exercise their designated authorities and responsibilities as established by law or DoD guidance to facilitate the mission of the Executive Agent for DoD Support to UN Missions.

4.3. The **Secretaries of the Military Departments** shall:

4.3.1. Provide the military and civilian personnel to support UN Missions, as requested by the Chairman of the Joint Chiefs of **Staff**. Personnel shall be directed to report to the **U.S. Military Observer Group, Washington (USMOG-W)** (a jointly staffed organization), for anti-terrorism training and for administrative and logistics support before executing their assignments. Active or Reserve component personnel **who** are required for UN Missions for a period that exceeds 180 **days** may be assigned pursuant to permanent change of station orders as an authorized overstrength in the appropriate component. Retirees supporting UN Missions **shall** be ordered to active duty pursuant to **Section 688** of reference (a).

4.3.2. Provide personnel as requested by the Executive Agent for DoD Support to UN Missions, to **staff** the USMOG-W.

4.3.3. Cooperate with and support the Executive Agent for DoD Support to UN Missions to ensure the effective and efficient use of resources and facilitates the mission of the Executive Agent.

4.4. The **Secretary of the Army** is hereby designated as the **Executive Agent for DoD Support to UN Missions** in accordance with reference (e). In this role, and in addition to the responsibilities prescribed in paragraph 4.3, the **Secretary** of the Army shall:

4.4.1. Command and oversee all DoD personnel serving in UN Missions **through** the Commander of the USMOG-W to ensure that mission requirements and the administrative and logistics needs of the personnel are met.

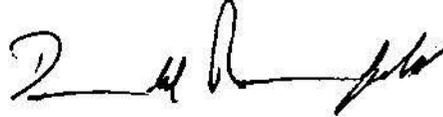
Missions, including but not limited to equipment, ~~training~~, and ~~transportation~~. Provide an officer to serve as the Commander of the USMOG-W.

4.4.3. Coordinate the assignment of personnel approved to serve in UN Missions and the replacement of such personnel with the ~~Chairman of the Joint Chiefs of Staff~~ and the Secretaries of the Military Departments or their designated representatives.

4.5. The ~~Chairman of the Joint Chiefs of Staff~~ shall, after approval of the request for personnel, request the Secretaries of the Military Departments and, when appropriate, the Commander, U.S. Special Operations Command and the other Combatant Commanders, to provide appropriate military and civilian personnel as approved by the Secretary of Defense. Personnel shall be directed to report to the USMOG-W for anti-terrorism ~~training~~ and for administrative and logistics support.

5. EFFECTIVE DATE

This Directive is effective immediately.

A handwritten signature in black ink, appearing to be "D. H. ...", is written over the text of section 5.

June 30, 2004

TO: Gen. Dick Myers
Paul Wolfowitz
David Chu

FROM: Donald Rumsfeld *DR*

SUBJECT: Protection from ICC

I think in the future I should approve anyone, who is going to go serve on a UN mission who is a military or civilian person. We need to have precise clarity as to where they are going and whether or not those places would have protection from the JCC - Article 98 or SOFAs.

Thanks.

DHR:dh
063004-3

*✓ Ray Dubois -
Instruction -
SD approves
via Deporal*

.....
Please respond by _____



Department of Defense **DIRECTIVE**

NUMBER xxxx.xx

DA&M

SUBJECT: Assignment of Personnel to United Nations Missions

- References:
- (a) Section 113 of title 10, United States Code
 - (b) Secretary of Defense memorandum, "Delegation of Authority to Approve Department of Defense Personnel Assignments to the United Nations for Headquarters Support," January 14, 1994 (hereby canceled)
 - (c) Under Secretary of Defense for Policy memorandum, "US Military Support to the United Nations Mission in Ethiopia and Eritrea (UNMEE)," October 31, 2000 (hereby canceled)
 - (d) Secretary of Defense memorandum, "United Nations Truce Supervision Organization (UNTSO)," July 20, 1973 (hereby canceled)
 - (e) Title 11, Public Law 107-206, "American Servicemembers' Protection Act of 2002"
 - (f) DoD Directive 5101.1, "DoD Executive Agent," September 3, 2002

1. PURPOSE

Pursuant to the authority vested in the Secretary of Defense under reference (a), this Directive:

1.1. Establishes policy and assigns responsibilities for the receipt, analysis, coordination and approval of assignments for DoD military or civilian personnel to serve with United Nations (UN) Missions.

1.2. Cancels references (b) through (d).

1.3. Designates the Secretary of the Army as the Executive Agent for DoD Support to United Nations Missions. This designation replaces and subsumes the executive agent designations made in references (c) and (d).

2. APPLICABILITY AND SCOPE

This Directive:

DRAFT

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the 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"). The term Military Services as used herein applies to the Army, Navy, Air Force, and Marine Corps.

2.2. Applies to the initial assignment of DoD military and civilian personnel to serve with UN Missions; it does not apply to the deployment of units in support of UN operations. When the deployment of units is required, the Chairman of the Joint Chiefs of Staff shall prepare the appropriate orders for approval by the Secretary of Defense.

2.3. Applies to the extant personnel and other support arrangements provided to: UN Mission Haiti (MINUSTAH), UN Mission Liberia (UNMIL), UN Mission Ethiopia and Eritrea (UNMEE), UN Mission Georgia (UNOMIG), UN Truce Supervision Organization (USSTO); and to such support provided to UN Missions in the future.

3. POLICY

It is DoD policy that:

3.1. All initial assignments of DoD military and civilian personnel to UN Missions shall be approved by the Secretary of Defense.

3.2. DoD military and civilian personnel shall only be assigned to UN Missions in countries that enable their protection consistent with the American Servicemembers' Protection Act (ASPA), reference (e).

3.3. DoD military and civilian personnel serving in UN Missions shall be under the management oversight of a DoD Executive Agent and supported by a single focal point organization that will be responsible for providing command and control, administrative and logistics support, and training for all DoD personnel serving in UN Missions.

4. RESPONSIBILITIES

4.1. The Assistant Secretary of Defense (Special Operations and Low Intensity Conflict) (ASD(SO/LIC)) under the Under Secretary of Defense for Policy (USD(P)) shall oversee the process for the receipt, analysis, coordination, and approval, or other disposition, of requests for personnel to serve with UN Missions received from the United Nations and forwarded by the Department of State to DoD, and shall:

4.1.1. Upon receipt of a request for DoD personnel to serve with a UN Mission, determine whether or not the assignment of personnel meets the provisions of the ASPA, reference (f), thereby protecting DoD personnel from the jurisdiction of the International Criminal Court (ICC).

4.1.2. Forward to the Secretary of Defense for decision, an Action Memorandum coordinated with the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Personnel and Readiness, the General Counsel of the DoD, and others as appropriate. The memorandum shall contain all pertinent information concerning the request for personnel, including the determination addressed in subparagraph 4.1.1 above.

4.1.3. Oversee the implementation of the responsibilities of the Executive Agent for DoD Support to United Nations Missions pursuant to DoD Directive 5101.1, reference (f).

4.2. The Chairman of the Joint Chiefs of Staff shall, when tasked by the Secretary of Defense following approval of the request for military personnel, task the Chiefs of the Military Services to provide the military personnel as approved by the Secretary of Defense. Personnel shall be directed to report to the US Military Observer Group, Washington (USMOG-W) for administrative and logistics support.

4.3. The Secretary of the Army is hereby designated as the Executive Agent for DoD Support to United Nations Missions in accordance with DoD Directive 5101.1, reference (f) and in this role shall:

4.3.1. Provide command and control of all DoD personnel serving in UN Missions through the USMOG-W. Oversee personnel during their service with UN Missions to ensure mission requirements and administrative and logistics needs of the personnel are met.

4.3.2. Program and budget to fund the operational and support requirements of USMOG-W and provide administrative and logistics support for personnel serving in UN Missions, including but not limited to equipment, training, and transportation. Provide the Commander of the USMOG-W.

4.3.3. Coordinate the assignment of personnel approved to serve in UN Missions and the replacement of such personnel with the Chairman of the Joint Chiefs of Staff and the Secretaries of the Military Departments. Unless mission requirements dictate otherwise, personnel assignments shall rotate among the Military Departments.

4.4. The Secretaries of the Military Departments shall:

4.4.1. When tasked by the Secretary of Defense following approval of the request for DoD civilian personnel, provide the civilian personnel as approved by the Secretary of Defense. Personnel shall be directed to report to the USMOG-W for administrative and logistics support.

4.4.2. Provide personnel as requested by the DoD Executive Agent for DoD Support to United Nations Missions to staff the USMOG-W, a jointly manned organization.

4.4.3. Cooperate and support the Executive Agent for DoD Support to United Nations Missions in a manner that ensures the effective and efficient use of resources and facilitates the mission of the Executive Agent.

4.5. The OSD Principal Staff Assistants shall, within their functional areas, exercise their designated authorities and responsibilities as established by **law** or DoD guidance to facilitate the mission of the Executive Agent for DoD Support to United Nations Missions.

5. EFFECTIVE DATE

This Directive is effective immediately.

TAB A

June 30, 2004

TO: Gen. Dick Myers
Paul Wolfowitz
David Chu

FROM: Donald Rumsfeld 

SUBJECT: Protection from ICC

I **think** in the future I should approve anyone who is going to go serve on a UN mission who is a military or civilian person. We need to have precise clarity as to where they are going and whether or not those places would have protection from the ICC – **Article 98** or SOFAs,

Thanks.

DHR:dh
063004-5

.....
Please respond by

Tab A



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999

OFFICE OF THE SECRETARY OF DEFENSE

CM-1931-04

2004 JUL 15 15 July 2004 AM 10 50

INFO MEMO

FOR: SECRETARY OF DEFENSE

FROM: General Richard B. Myers, CJCS

SUBJECT: Protection From the International Criminal Court (ICC)

- **Issue.** "I think in the future I should approve anyone who is going to go serve on a UN mission who is a military or civilian person. We need to have precise clarity as to where they are going and whether or not those places would have protection from the ICC - Article 98 or SOFAs." (TAB A)
- **Conclusion.** The Secretary of Defense is the approval authority for assignment of DOD personnel to UN peacekeeping missions.
- **Discussion**
 - The Department of State forwards UN requests for personnel to the Office of the Assistant Secretary of Defense (Special Operations and Low Intensity Conflict) (OASD(SO/LIC)) for action. The requests are subsequently routed through OASD(SO/LIC) to the Deputy ASD (Stability Operations) (DASD(SO)). After coordination with Joint Staff/J-5 and OSD (Negotiations Policy), DASD(SO) makes a recommendation through OASD(SO/LIC) to the Secretary of Defense whether to grant each request. If approved, the OSD Executive Secretary informs the Joint Staff of the requirement to be filled. Joint Staff/J-1 then tasks the Services in accordance with CJCSI 1301.01C, "Individual Augmentation Procedures." Protection from the ICC is determined during coordination between DASD(SO) and Joint Staff/J-5 and annotated on the OASD(SO/LIC) memorandum to the Secretary of Defense.
 - There are currently no DOD civilian personnel assigned to UN missions. However, such assignment would follow essentially the same procedure less the J-1 actions.

COORDINATION: TAB B

Attachments:
As stated

Prepared By: LTG Walter L. Sharp, USA; Director, J-5; (b)(6)

015
15 0104 305104

~~FOR OFFICIAL USE ONLY~~ OSD 10497-04

11-L-0559/OSD/42953

TAB B

COORDINATION PAGE

OASD(SO/LIC)	COL Brown	9 July 2004
DASD(NP)	Guy Roberts	8 July 2004
USMOG-W	Col de la Pena	8 July 2004

June 30, 2004

TO: Gen. Dick Myers
Paul Wolfowitz
David Chu

FROM: Donald Rumsfeld *DR*

SUBJECT: Protection from ICC

I think in the future I should approve anyone, who is going to go serve on a JN mission who is a military or civilian person. We need to have precise clarity as to where they are going and whether or not those places would have protection from the ICC - Article 98 or SOFAs.

Thanks.

DHR:dh
063004-3

*✓ Ray Dubois -
Instruction -
SD approves
via Depora*

.....
Please respond by _____

TAB

July 2, 2004
821

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

Afghanistan

I am told we are spending something like \$11 billion a year on the military in Afghanistan, and that the '05 budget for the entire USG for non-military support for Afghanistan is about \$1 billion.

Given the disparity, and the fact that our goal is to not have our military in Afghanistan forever, we need to fashion a way to present this obvious disparity in a way that is persuasive and that enables the USG to get things right.

The first thing we need to do is to prepare a security force plan addressing the same elements we are addressing in Iraq. We have been in Afghanistan for two and half years. We have made some progress, but we need to have a detailed plan and timetable. Then we need to find a way to fund it so we can shift the funding away from our military over to theirs.

Thank you.

250104

191R JB
070204-K

.....
Please respond by 7/16/04

Tab

June 29, 2004

314

TO: Gen. Dick Myers
FROM: Donald Rumsfeld *DR*
SUBJECT: Olympics

What is the status on moving those booms from England down to the Olympics?

What other issues do we have? I want to make sure we do what we need to do to help the Olympics, but nothing that leaves us short.

Thanks.

DHR:dh
062904-4 (ts computer).doc

.....
Please respond by 7/2/04

OSD 10552-04

11-L-0559/OSD/42958

Tab

353.8

29 Jun 04

SECFILES FULL RECORD DETAIL

Print Date: 7/16/2004

AK 07/16/04

DOCUMENT TYPE: **FRONT OFFICE DOC**

ATTACHMENT:

OSD CONTROL **OSD 10552-04**

DOC **6/29/2004**

DOR **7/16/2004**

SIGNATURE CASE:

FROM **SECDEF RUMSFELD**

TO **JCS**

SUBJECT **OLYMPICS**

KEYWORDS **SNOWFLAKE**

COMMENTS **NO FURTHER DISTRIBUTION WITHOUT ES APPROVAL**

FN **353.8**

SEC **U**

OCN062904-4

REFERENCE DOCUMENTS

STATUS CODE

DECISION

DECISION DATE

PRIORITY ACTION REPORT:

AGENCY

ACTION ASSIGNED

SUSPENSE

DOC SUSPENSE:

SUSPENSE COMPLETE

ACD

COORDINATION

PAGES **1**

ENCLOSURES **0**

PACKAGE VIEW:

SUSPENSE STATUS

FRONT OFFICE DOC

CREATED BY: **orr**

DISTRIBUTION: OFFICE COPIES

ADC **R**

ADD **0**



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999

INFO MEMO

CM-1936-04
15 July 2004

FOR: SECRETARY OF DEFENSE

FROM: General Richard B. Myers, CJCS *RBW 7/15*

SUBJECT: Dunlop Barrier Support for the Greek Olympics

- **Question.** "What is the status on moving those booms from England down to the Olympics? What other issues do we have? I want to make sure we do what we need to do to help the Olympics, but nothing that leaves us short." (TAB)
- **Answer.** In anticipation of funding, USEUCOM provided maritime transportation of Dunlop Barriers from England to Athens; all barriers (32) have arrived in Greece and installation has begun.
- **Analysis**
 - Greece was unable to support the project (\$800K). US State Department was also unable to provide resources for the Dunlop Barriers. On 1 July, DepSecDef approved use of Emergency and Extraordinary Expense (EEE) funds. Use of over \$500K required notice to House and Senate Armed Services and Appropriations Committees. Funds have been obligated for emplacement of the barriers.
 - USEUCOM anticipates a 30-day installation period. Cruise ships arrive the week of 8 August. Estimated completion is during first week in August. I will notify you when complete.

COORDINATION: NONE

Attachment:
As stated

Prepared By: Lieutenant General N.A. Schwartz, USAF; Director, J-3; (b)(6)

OSD 10552-04

11-L-0559/OSD/42960

353.8

15 JUL 04

29 JUN 04

7201

JUN 14 2004

TO: Lcs Brownlee
Gen. Pete Schoomaker

CC: Gen. Dick Myers
Paul Wolfowitz

FROM: Donald Rumsfeld



SUBJECT: History

I would like to visit with you about when the last time was that the US fired from the ground at aircraft attacking US forces. My guess is that it was probably Korea. I don't think it happened in Vietnam, and likely not since. All we have seen lately have been Scuds.

What personnel and investment do we have in the Army air defense forces? Do you have any proposals with respect to the future?

Thanks.

DHR:dh
061004-22

.....
Please respond by 7/9/04

#066-035 14 Jun 04 *af*

11-L-0559/OSD/42961

OSD 10554-04



DEPARTMENT OF THE ARMY
WASHINGTON

INFO MEMO

2004 JUL 16 11:00 AM

July 9, 2004, 3:00 PM

FOR: SECRETARY OF DEFENSE

FROM: R. L. Brownlee, Acting Secretary of the Army

~~Peter J. Schoomaker, General, Chief of Staff, United States Army~~

*Brownlee
July 15, 2004*

*8
15.07.04*

SUBJECT: Army Air and Missile Defense (AMD) Transformation

- Reference your memo dated 14 June 2004 at Tab A.
- The last time the Army fired at an attacking manned aircraft was in 1950 during the Korean War. Currently, our Air Forces have attained a level of deterrence that dissuades potential and current adversaries from pursuing large manned air forces. As a result, the Army began reorganization and modernization efforts within AMD. The Joint Force identified capability gaps that include the need for improved defenses against ballistic and cruise missiles, Unmanned Aerial Vehicles, rockets, artillery, mortars, combat identification, and a Single Integrated Air Picture. Of particular concern are cruise missiles and the proliferation of short-range ballistic missiles.
- This concern resulted in the shift of personnel and investments as indicated in the attached chart at Tab B. Specifically, the Army terminated Stinger Based Systems, received transfer of Patriot and Medium Extended Air Defense System (MEADS) programs from the Missile Defense Agency, and stood up a National Guard Brigade and Battalion for Ground Based Midcourse Defense. These efforts support National Security Presidential Directive - 23.
- The centerpiece of the Army's AMD transformation is the conversion to composite battalions. These battalions are capable of operating from tactical to strategic levels, interdependent with other services, as well as providing for Homeland Security. The Army has realigned 29 AMD battalions to other missions. The remaining organizations are transforming into a minimum of 14 Active Component AMD Task Forces and eight Homeland Defense battalions.
- A recent review of Army Cruise Missile Defense (CMD) capability resulted in increased funding for this mission by \$1.1 billion in President's Budget 05. The Army will deploy a CMD capability by fiscal year 2008. The Army will field an aerostat-based elevated sensor and an integrated fire control capability while executing an acquisition effort with the United States Marine Corps on a Surface Launched Advanced Medium-Range Air-to-Air Missile (SLAMRAAM) System.

Attachment:

As stated

Prepared By: COL Ralph M. McGee, (b)(6)

11-L-0559/OSD/42962

OSD 10554-04

Tab A

061004-22

JUN 14 2004

2003 JUN 10

TO: Les Brownlee
Gen. Pete Schoomaker

CC: Gen. Dick Myers
Paul Wolfowitz

FROM: Donald Rumsfeld



SUBJECT: History

I would like to visit with you about when the last time was that the US fired from the ground at aircraft attacking US forces. My guess is that it was probably Korea. I don't think it happened in Vietnam, and likely not since. All we have seen lately have been Scuds.

What personnel and investment do we have in the Army air defense forces? Do you have any proposals with respect to the future?

Thanks.

DHR:dh
061004-22

.....

Please respond by 7/9/04

#06-035 14 Jun 04 SA

11-L-0559/OSD/42964

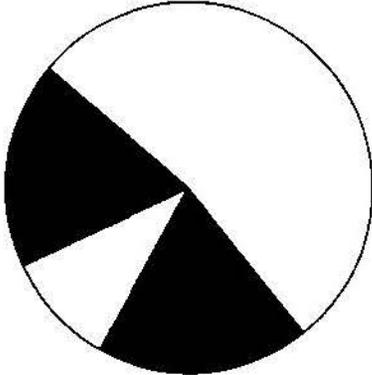
OSD 10554-04

Tab B

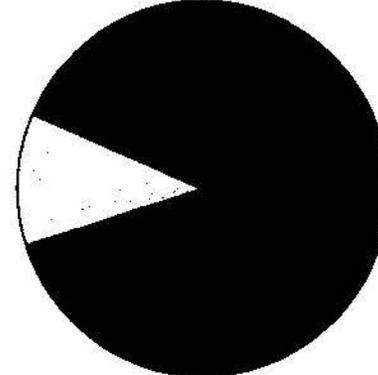


Army AMD Transformation Since 1999

PB99

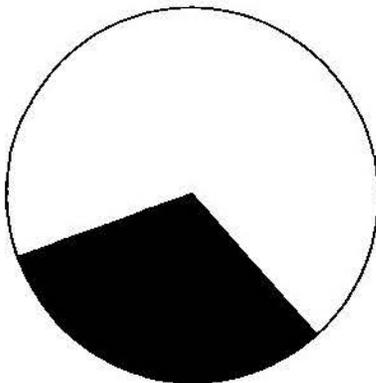


PB05

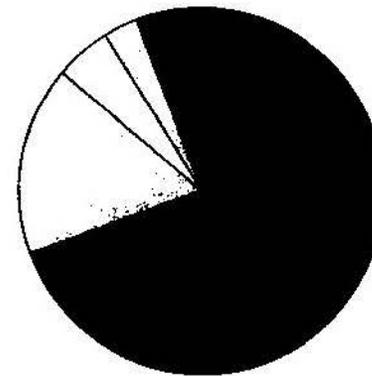


Investment

1999



2005



Personnel

*Reflects Total Army Analysis-11 (TAA-11) Decisions, Modularity and AMD Task Forces

Legend:

ABT - Air Breathing Threat
BMC2 - Battle Management Command and Control
GMD - Ground Based Midcourse Defense
MAMD - Maneuver Air and Missile Defense

AMD TF - Air and Missile Defense Task Force
CMD - Cruise Missile Defense
HLS - Homeland Security
TBMD - Tactical Ballistic Missile Defense

7201

~~TAB A~~
~~FOR OFFICIAL USE ONLY~~

OFFICE OF
SECURITY

June 24, 2004

2004 JUN 15 10:10 AM

TO: Gen. Pete Pace
CC: Doug Feith
FROM: Donald Rumsfeld
SUBJECT: Decision Recommendations

Someone is going to have to get their arms around the decision recommendations from the General Barno brief - on money, trainers, who needs to do what, etc

Thanks.

DHR:dh
062404-7

.....
Please respond by 7/1/04

Afghanistan

24 Jun 04

04 JUN 25 AM 10:22

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Tab A

11-L-0559/OSD/42967

OSD 10557-04

1800

720

~~FOR OFFICIAL USE ONLY~~

ES-0033
04/008980

July 1, 2004

TO Sec Def

Paul Butler
7/14

TO: Doug Feith

SUBJECT: Memo on Haiti

Please don't forget to give me a memo on Haiti, so we can caution them that the UN is not living up to its assignment.

Thanks.

DHR:dh
070104-10

.....
Please respond by 7/9/04

CFD
CONTROL TAGN
BACK TO MB
FM 7/16

Sir,
Response is
attached
VJR, ca-2

Haiti
July 04

~~FOR OFFICIAL USE ONLY~~

OSD 10560-04

02-07-04 4762721/N/N

OFFICE OF THE
SECRETARY OF DEFENSE

#1 Received 0815/ MAR 10 2004
Deputy EA W; EA R

2004 MAR 16 PM 2:00

CJCS Decision:

- Memo for my Signature _____
- Will answer at Roundtable:
 - Give me verbal response M/2/10
 - Give me e-mail response _____
 - Give me 5x8/ slide / etc. _____
- Send to Staff for info _____
- No Reply Required _____
- Copy to: JG; DJS

383.6

March 8, 2004

730

TO: Gen. Dick Myers
Paul Wolfowitz
Doug Feith
Jim Haynes

FROM: Donald Rumsfeld *DR*

SUBJECT: Detainees

I need to have the name this week of the person who is going to be in charge of Iraqi detainees, like General Mueller is in charge of GTMO detainees.

What is happening has got to stop.

Thanks.

DMR:db
030804-73

.....
Please respond by 3/12/04

8 Mar 04

11-L-0559/OSD/42969

CJCS-33
10F1
B22
4/1

OSD 10578-04

09-01806
CHAIRMAN@ACTION ASSIGNMENT

Reviewed by *B. J.* Date MAR 12 2004

THE JOINT STAFF

MEMORANDUM

DATE: 3/15/04

TO: ACB

SUBJECT: S/S 04-01806

Per Col Leonard does not require written CJS response. Self def selected MG Geoffrey Miller to be Spec Asst for Detainee Operations, JTF-7, Iraq. Reports NLT 1 Apr. New replacement for Col. JTF-6TMO will be interviewed by VJCS/DepSecDef on 18 Mar.

Col Semmelrod

*S/S 04-01806
 SF 930
 70810-60*

SJS/CPCB	SJS/ACB	Protocol								
LA	LC	Speechwriter								
Aides	JHO	NG/RA								
PA	Other <u>DJS/VJCS-cy</u>									
<table border="1"> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> <td>6</td> <td>7</td> <td>a</td> </tr> </table>			1	2	3	4	5	6	7	a
1	2	3	4	5	6	7	a			
CJCS Reply <u>VERBAL</u>	See CJCS Note	Info Only								
Scan & File/Note & File	Direct Reply	Appropriate Action								
Condolence	BSA/GSA	Translation								
Recommendations:										
Forward to: / Purple note:										
Amplifying Information										
Personal friend/salutation is:										
Comments:										
Enclose w/letter										
Photo	Bio	CJCS Book								
Autographed Card	CJCS Functions Sheet									
Other										
Gifts(s) Received										
DUSPENSE:		CONTROL #								

715
12:00

720

~~FOR OFFICIAL USE ONLY~~

July 14, 2004
ES-0155
I-04/009504

TO: Doug Feith
FROM:
SUBJECT: Uzbekistan

Your people told me there was a Presidential waiver for Uzbekistan. Colin Powell and Condi say there is not. Please advise.

Thanks.

DHR dh
071404-15

.....
Please respond by 7/16/04

7/15/04

Mr. Secretary:

Attached is a memo that answers your question. It also includes a draft memo to PCTOs (regarding the authority under the Foreign Assistance Act).

Mira Ricarde

↙

NB

I spoke with Doug Feith and he has some reservations on this. Thanks it a loser.

Paul

15-07-04 11:05 IN

11-L-0559/OSD/42971

~~FOR OFFICIAL USE ONLY~~

110589-04

UZ BEK

4/2/04

quod

11-1600

FOR OFFICIAL USE ONLY

ES-0031

04/008977

July 1, 2004

TO: Doug Feith

SUBJECT: Uzbekistan Waiver

Please dig into this question of whether the President has a waiver on Uzbekistan.

Thanks.

DHR:dh
070104-12

.....
Please respond by 7/7/04

*Expect Sel
OBI. More recent
SNAU like response went
in. Can close files at.*

*Paul
Paul Butler
7/6*

Uzbekistan

150104

OSD 10589-04

11-L-0559/OSD/42972

INFO MEMO

USDP *W. R. RUSSELL* 7/13
DEPSECDEF
ES-0031
041008977

FOR: SECRETARY OF DEFENSE

FROM: MIRA RICARDEL, *John Head for* ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY POLICY (Acting) JUL 12 2004

SUBJECT: Presidential Waiver Authority for Uzbekistan Certification (~~FOUO~~)

- (~~FOUO~~) You asked that we dig into the question of whether the President may waive prohibitions on assistance to Uzbekistan. (Tab A)
- (U) Under section 568(a) (Tab B) of the Consolidated Appropriations Act, 2004, funds are only available for Uzbekistan if the Secretary of State certifies and reports to Congress that Uzbekistan is making substantial and continuing progress on protection of human rights and on other matters.
 - o Unlike similar provisions, e.g., related to Kazakhstan, the Uzbekistan provision does not include a "national security interest" waiver.
- (U) There is an extraordinary authority in the Foreign Assistance Act (FAA) (section 614, Tab C) that would permit the President to provide assistance to Uzbekistan notwithstanding the prohibition, provided he determines, and so notifies Congress in writing, that to do so is "important to the security of the United States."
 - o FAA section 614 authority is sensitive and rarely used. We are unaware of its use during this Administration.
- (U) It appears that Secretary of State will make a decision whether to certify Uzbekistan under section 568(a) within the next week.
- (~~FOUO~~) If the decision is not to certify, you may want to discuss with Secretary Powell the possibility of recommending that the President use his extraordinary authority under section 614 of the FAA.

UZBEKISTAN

12 JUL 04

OGC *ALLEN 9*

A/DASD Eurasia *[Signature]* 07/09/04

OSD 10589-04

EXTRACT FROM THE 2004 CONSOLIDATED APPROPRIATIONS ACT

Sec. 568. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments under the "Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America", including respect for human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media.

(b) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights during the preceding 6-month period.

(c) The Secretary of State may waive the requirements under subsection (b) if he determines and reports to the Committees on Appropriations that such a waiver is in the national security interests of the United States.

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[Go to 1st query term\(s\)](#)

-CITE-

22 USC Sec. 2364

01/22/02

-EXPCITE-

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE

CHAPTER 32 - FOREIGN ASSISTANCE

SUBCHAPTER III - GENERAL AND ADMINISTRATIVE PROVISIONS

Part I - General Provisions

-HEAD-

Sec. 2364. Special authorities

-STATUTE- *Foreign Assistance Act, Section 614*

(a) Furnishing of assistance and arms export sales, credits, and guaranties upon determination and notification of Congress of importance and vitality of such action to security interests and national security interests of United States; policy justification; fiscal year limitations; transfers between accounts

(1) The President may authorize the furnishing of assistance under this chapter without regard to any provision of this Chapter, the Arms Export Control Act (22 U.S.C. 2751 et seq.), any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under this chapter, in furtherance of any of the purposes of this chapter, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the security interests of the United States.

(2) The President may make sales, extend credit, and issue

11-L-0559/OSD/42975

guaranties under the Arms Export Control Act (22 U.S.C. 2751 et seq.), without regard to any provision of this chapter, the Arms Export Control Act, any Law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the Arms Export Control Act, in furtherance of any of the purposes of such Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is vital to the national security interests of the United States.

(3) Before exercising the authority granted in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(4)(A) The authority of this subsection may not be used in any fiscal year to authorize -

(i) more than \$750,000,000 in sales to be made under the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(ii) the use of more than \$250,000,000 of funds made available for use under this chapter or the Arms Export Control Act; and

(iii) the use of more than \$100,000,000 of foreign currencies accruing under this chapter or any other Law.

(B) If the authority of this subsection is used both to authorize a sale under the Arms Export Control Act and to authorize funds to be used under the Arms Export Control Act or under this chapter with respect to the financing of that sale, then the use of the funds shall be counted against the limitation in subparagraph

11-L-0559/OSD/42976

(A) (ii) and the portion, if any, of the sale which is not so financed shall be counted against the limitation in subparagraph (A) (i) .

(C) Not more than \$50,000,000 of the \$250,000,000 limitation provided in subparagraph (A) (ii) may be allocated to any one country in any fiscal year unless that country is a victim of active aggression, and not more than \$500,000,000 of the aggregate limitation of \$1,000,000,000 provided in subparagraphs (A)(i) and (A) (ii) may be allocated to any one country in any fiscal year.

(5) The authority of this section may not be used to waive the limitations on transfers contained in section 2360(a) of this title.

(b) United States obligations in West Germany

Whenever the President determines it to be important to the national interest, he may use funds available for the purposes of part IV of subchapter I of this chapter in order to meet the responsibilities or objectives of the United States in Germany, including West Berlin, and without regard to such provisions of law as he determines should be disregarded to achieve this purpose

(c) Certification by President of inadvisability to specify nature of use of funds; reports to Congress

The President is authorized to use amounts not to exceed \$50,000,000 of the funds made available under this chapter pursuant to his certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient voucher for such amounts. The President shall fully inform the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority member of the Committee on Foreign Relations of the Senate of each use of funds under this subsection prior to

11-L-0559/OSD/42977

the use of such funds.

-SOURCE-

(Pub. L. 87-195, pt. 111, Sec. 614, Sept. 4, 1961, 75 Stat. 444; Pub. L. 89-583, pt. 111, Sec. 301(f), (g), Sept. 19, 1966, 80 Stat. 805; Pub. L. 90-137, pt. 111, Sec. 301(e), Nov. 14, 1967, 81 Stat. 459; Pub. L. 93-559, Sec. 19(b), Dec. 30, 1974, 88 Stat. 1800; Pub. L. 96-533, title I, Sec. 117(a), Dec. 16, 1980, 94 Stat. 3140; Pub. L. 99-83, title I, Sec. 128, Aug. 8, 1985, 99 Stat. 206; Pub. L. 101-222, Sec. 8, Dec. 12, 1989, 103 Stat. 1899; Pub. L. 103-199, title VII, Sec. 705(2), Dec. 17, 1993, 107 Stat. 2328.)

-REFTEXT-

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (c), was in the original "this Act", meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in subsec. (a)(1), (2), (4)(A), (B), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (Sec. 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

REFERENCES TO PART IV OF SUBCHAPTER I DEEMED REFERENCES TO PART IV
OF SUBCHAPTER II

Part IV of subchapter I (Sec. 2241 et seq.) of this chapter has been repealed. References to part IV of subchapter I, or any sections thereof, are deemed references to part IV of subchapter II (Sec. 2346 et seq.) of this chapter, or to appropriate sections thereof. See section 202(b) of Pub. L. 92-226, set out as a note

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under section 2346 of this title.

-MISC2-

AMENDMENTS

1993 - Subsec. (a)(4)(C). Pub. L. 103-199 struck out "'Communist or Communist-supported'" after "'victim of active'".

1989 - Subsec. (c). Pub. L. 101-222 amended second sentence generally. Prior to amendment, second sentence read as follows: "The President shall promptly and fully inform the Speaker of the House of Representatives and the chairman and ranking minority member of the Committee on Foreign Relations of the Senate of each use of funds under this subsection."

1985 - Subsec. (a)(4). Pub. L. 99-83 designated existing provisions as subpar. (A), added cl. (i) and designations "'(ii)'" and "'(iii)'", struck out fiscal year limitation for any one country, and added subpars. (B) and (C).

1980 - Subsec. (a). Pub. L. 96-533, in revising subsec. (a), incorporated part of existing first sentence in provisions designated par. (1), inserted reference to Arms Export Control Act, struck out reference to Mutual Defense Assistance Control Act of 1951, required notification of the Speaker **of** the House and chairman of the Senate Committee on Foreign Relations, and substituted "'security interests'" for "'security'"; inserted pars. (2) and (3); incorporated part of existing first sentence, second sentence, and substance of third sentence in provisions designated par. (4) and inserted reference to the Arms Export Control Act; and designated fourth sentence as par. (5) and substituted therein "'may not'" for "'shall not'".

1974 - Subsec. (a). Pub. L. 93-559 provided that the authority of the section shall not be used to waive the limitations on transfers contained in section 2360(a) of this title.

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1967 - Subsec. (a). Pub. L. 90-137 substituted ''506'' for ''510'', classified to the Code as section 2318 of this title.

1966 - Subsec. (a). Pub. L. 89-583, Sec. 301(f), provided that the \$50,000,000 limitation on allocation of funds to any country in any one fiscal year shall not apply to any country which is a victim of active Communist or Communist-supported aggression.

Subsec. (c). Pub. L. 89-583, Sec. 301(g), inserted provision for reports to Congress of use of funds under this subsec.

-CHANGE-

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

-MISC4-

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 of this title.

-TRANS-

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

-SECFEF-

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2151g, 2161, 2222, 2314, 2360, 2394, 2413, 2780, 3281 of this title.



11-L-0559/OSD/42980

7/14 15:00



July 13, 2004

Paul Butler
PWB
7/14

To: Secretary of Defense
From: Ken Krieg
cc: Paul Wolfowitz
Doug Feith
Ryan Henry

Subject: Snowflake on polling SLRG Members for topics

After a note to principals, memo to staffs and several reminders at staff meetings, I received two inputs:

- Air Force had no suggestions at this point, but will pass along as they have them, and
- Dr. Chu suggested doing a future presentation on entitlements growth.

I agree with David's recommendation and suggest that we do that in the context of the FY '06 program and budget review and FY '06 legislative submission sometime this fall.

This is in addition to the topics that Ryan and I have been developing amended by you in a conversation a month or so ago:

Combating Weapons of Mass Destruction – this week

Next Round Global Basing (next week) – integrate developing costs with plans and debate priorities, opportunity costs, etc.

Strategic Capabilities – Led by Ryan -- Next round of discussing strategy and tying to future capabilities.

Joint Forcible Entry – first of joint integrating concepts – how do we want to fight in the future jointly and what does our current portfolio of investment and effort do to prepare us.

Under Sea Superiority – second target of above technique.

Horizontal Integration

Broader Portfolio Topics

Beyond Goldwater-Nichols ideas and other Jointness issues (CSIS related work)

334

13 JUL 04

27 APR 04

April 27, 2004

TO: Ken Krieg
CC: Paul Wolfowitz
Doug Feith
Ryan Henry
FROM: Donald Rumsfeld *DR*
SUBJECT: SLRG

I think you ought to send a note to all the participants in the SLRG, and ask them if they have suggestions for future SLRG meetings.

Please tell me who suggests what.

Thanks.

DHR:dh
042704-2

.....
Please respond by 5/14/04

*MR. SECRETARY,
ONLY RECEIVED ONE RESPONSE.*

OSD 10603-04

11-L-0559/OSD/42982

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Classification: UNCLASSIFIED

Good afternoon all,

Mr. Krieg would like all participants to the SLRG to please provide suggestions for future SLRG meetings. Please have appropriate staff forward those suggestions to me via e-mail by next Friday.

Thank you

V/r

Carlos

Commander Carlos Del Toro
Military Assistant
to the Director and Deputy Director
Programs Analysis & Evaluation
Office of the Secretary of Defense
Room (b)(6)
1800 Defense Pentagon
Washington DC 20301-1800

(b)(6)

Look for Classification Marking in Message Body

Del Toro, Carlos, CDR, OSD-PAE

From: Seipel Bradley Lt Col AF/XPXS
Sent: Thursday, May 06, 2004:16 PM
To: Del Toro, Carlos, CDR, OSD-PA&E
cc: Olinto Louis Col AF/XPXS
Subject: RE: Special Request for SLRG Inputs

Carlos,

The USAF has no suggested topics for SLRGs at this time, but we certainly may in the future and will pass along to you.

V/r

Bradley A. Seipel, Lt Col, USAF
Exec Sec QDR Integration Group
HQ USAF/YPXS
Phone: (b)(6)

-----Original Message-----

From: Del Toro, Carlos, CDR, OSD-PA&E

Sent: Friday, April 30, 2004 3:58 PM

To: Butler, Trish, CIV, OSD-POLICY; Pond, Paul A, LtCol, JCS SJS; Steve LtCol John C [HQMC];

McCollum, Douglas F MAJ Army G3; Montalvo, Gary G LT; Barrett, Darren E; Rudder Col Philip C [HQMC]; Brown, Rosemary J, CIV, JCS ODJS; Miott, Ron, CIV, OSD-POLICY; Valente, Claudia, OSD-COMPT; Burchfield, Jeffrey B, Maj, JCS J8; Gunzinger Mark Civ AF/XPX; Rotach Karen Civ AF/XP; Burke, Richard, CIV, OSD-PA&E; 'Champoux, Bernard S, COL, JCS VCJCS'; Coulter, Eric, CIV, OSD-PA&E; Daly, Peter H, RDML, JCS J8; Gallant, Al, CIV, OSD-P&R; Gay, Robert, COL, OSD - P&R; Ioffredo, Michael, CIV, OSD-PA&E; Johnson, James, CIV, OSD-PA&E; Lamartin, Glenn, Dr, OSD-ATL; Mikolaski, Stephen, COL, OSD-COMPT; Roby, Cheryl, CIV, OSD-NII; Roth, John, OSD-COMPT; Spruill, Nancy, Dr, OSD-ATL; Stenbit, John, Mr, OSD-NII; Altomare, Michael J, COL, JCS J8; Farmer, Paul, CIV, OSD-PA&E; Rotach Karen Civ AF/XP; Collins, Christine, CIV, OSD-PA&E; Nappier, Milt, Mr, OSD-ATL; Rodgers, Philip, Mr, OSD-ATL; 'Gorenflo, Mark L CDR J004'; Henry, Ryan, HON, OSD-POLICY; Krieg, Ken, CIV, OSD-PA&E; Szemborski, Stanley R, VADM, OSD-PA&E; Lester, Suzi, CIV, OSD; Duncan LtCol James C [HQMC]; Collins, Barbara A, CIV, OSD-PA&E; Honecker, Brian A CWO2; Van Dyke Col Anthony E [HQMC]; Alston, Mack A YNCS (PTGN); Brasher Edward C. Col; Musca Col Joseph I [HQMC]; Bucci, Steven, COL, OSD; Cunningham Stickman LtCol AF/XPXS; Buechler, Nicholas J COL DAS; VanCamp, Eric J, Col, Force Transformation; Daugirda, John J, LTC, NORAD/USNORTHCOM WASHINGTON OFFICE; Snead, Lawrence R., LTC, JCS J7; Fair John Ctr AF/XOA; Greenwood, Charles R, Col, JCS SJS; Cunningham Stickman LtCol AF/XPXS; Pond, Paul A, LtCol, JCS SJS; Earhart, Douglas B COL Army G8-QDR; Angello, Joseph J, CIV, OSD-P&R; Rudder Col Philip C [HQMC]; Caspers Col Jeffrey L [HQMC]; Brilakis Col Mark A [HQMC]; Bultemeier Col Mark A [HQMC]; Rawson Col Steven W [HQMC]; Van Dyke Col Anthony E [HQMC]; Holland, Gary, COL, OSD-POLICY; Davis, Stephen, CDR, OSD-POLICY; Provost John CIV SOCOM-WO; Tucker, Christopher, COL, JCS J8; Long, Letitia, DISES, OSD-USDI; Shafford Troy Maj AF/REXP; Flowers Alfred Col USSOCOM/COMPTR; Ross, Kevin, LTCOL, OSD-POLICY; McGinn, Jerry, CIV, OSD-POLICY; Robinson, Scott, CAPT, OSD-ATL; Luther, Brian E; Snead, Richard L, CAPT, JCS J8; Comes, Scott, CIV, OSD-PA&E; Barrow, Brent, CAPT, OSD-P&R; 'robert.bellitto@jfc.com.mil'; Walker, Belinda MSG Army G8; Ledford, John H YNCS; Johnson, Clarence, Maj, JCS J8; Bayard GS15 Richard C [HQMC]; Sims Col Terron D [HQMC]; Plata, Nancy D, CIV, OSD-P&R; 'Bryant, Richard R. LCDR (CNO)'; Olinto Louis Col AF/XPXS; Buzzard, Curtis A MAJ Army G-3; Kaufman Timothy Contr AF/XPXS; Bayard GS15 Richard C [HQMC]; Berkson, Brad, Mr, OSD-ATL; 'robert.bellitto@jfc.com.mil'; Caspers Col Jeffrey L [HQMC]; Kott Marilyn Lt. Col AF/XP; Philbrick, Christopher R LTC Army G8; Seward, Pamela, CIV, OSD-POLICY; Simkins-Mullins, Caroline A, LtCol, JCS J8; Brown, Rosemary J, CIV, JCS ODJS; Crawford, Paul M COL Army-G8-PAE; Bayard GS15 Richard C [HQMC]; Long, Letitia, DISES, OSD-USDI; Hagerott, Mark R, CDR, OSD; Malone, David, CTR, OSD-PA&E; Nosenzo, Thomas, E, CDR, OSD; Schotzko, John E MAJ Army G8-QDR; Hannes, Kevin L CDR; Char,

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11-L-0559/OSD/42984

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Del Toro, Carlos, CDR, OSD-PAE

From: Ioffredo, Michael, CIV, OSD-PA&E
Sent: Friday, April 30, 2004 4:49 PM
To: Del Toro, Carlos, CDR, OSD-PA&E
Subject: RE: Special Request for SLRG Inputs

Classification: UNCLASSIFIED

As I mentioned at this morning's staff meeting, funding shortfall for combined Patriot/MEADS.

-----Original Message-----

From: Del Toro, Carlos, CDR, OSD-PA&E
Sent: Friday, April 30, 2004 3:58 PM
To: Butler, Trish, CIV, OSDPOUCY; Pond, Paul A, LtCol, JCS SJS; Steve Ltcol John C [HQMC]; McCollum, Douglas F MAJ OCLL; Montalvo, Gary G LT; Barrett, Darren E; Rudder Col Philip C [HQMC]; Brown, Rosemary J, CIV, JCS ODUS; Miott, Ron, CIV, OSD-POLICY; Valente, Claudia, OSD-COMPT; Burchfield, Jeffrey B Maj, JCS J8; Gunzinger Mark Civ AF/XPX; Rotach Karen Civ AF/XP; Burke, Richard, CIV, OSD-PA&E; 'Champoux, Bernard S OOL JCS VCJCS'; Coulter, Eric, CIV, OSD-PA&E; Daly, Peter H FDML, JCS J8; Gallant, Al, CIV, OSD-P&R; Gay, Robert, COL OSD - P&R; Ioffredo, Michael, CN, OSD-PA&E; Johnson, James, CIV, OSD-PA&E; Lamartin, Glenn, Dr, OSD-ATL; Mikolaski, Stephen, COL, OSD-COMPT; Roby, Cheryl, CN, OSDNII; Roth, John, OSD-COMPT; Spruill, Nancy, Dr, OSD-ATL; Stenbit, John, Mr, OSDNII; Altomare, Michael J, COL, JCS J8; Farmer, Paul, CIV, OSD-PA&E; Rotach Karen Civ AF/XP; Collins, Christine, CIV, OSD-PA&E; Nappier, Milit, Mr, OSD-ATL; Rodgers, Philip, Mr, OSD-ATL; 'Gorenflo, Mark LCDR J004'; Henry, Ryan, HON, OSD-POLICY; Krieg, Ken, CN, OSD-PA&E; Szemborski, Stanley R, VADM, OSD-PA&E; Lester, Suzi, CIV, OSD; Duncan LtCol James C [HQMC]; Collins, Barbara A, CIV, OSD-PA&E; Honecker, Brian A LTJG; Van Dyke Col Anthony E [HQMC]; Alston, Mack A YNCS (PTGN); Brasher Edward C, Col; Musca Col Joseph I [HQMC]; Buodi, Steven, COL, OSD; Cunningham Stickman LtCol AF/XPXS; Buechler, Nicholas J OOL OCSA; VanCamp, Eric J, Col, Force Transformation; Daugirda, John J, LTC, NORAD/USNORTHCOM WASHINGTON OFFICE; Shead, Lawrence R, LTC, JCS J7; Fair John Ctr AF/XOA; Greenwood, Charles R, Col, JCS SJS; Cunningham Stickman LtCol AF/XPXS; Pond, Paul A, LtCol, JCS SJS; Earhart, Douglas BCOL Army G8-QDR; Angello, Joseph J., CIV, OSD-P&R; Rudder Col Philip C [HQMC]; Caspers Col Jeffrey L [HQMC]; Brillakis Col Mark A [HQMC]; Buitemeier Col Mark A [HQMC]; Rawson Col Steven W [HQMC]; Van Dyke Col Anthony E [HQMC]; Holland, Gary, COL, OSD-POLICY; Davis, Stephen, CDR, OSDPOUCY; Provost John CIV SOCOM-WO; Tucker, Christopher, COL, JCS J8; Long, Letitia, DISES, OSDUSDI; Shafford Troy Maj AF/REXP; Flowers Alfred Col USSOCOM/COMPTR; Ross, Kevin, LT COL, OSD-POLICY; McGinn, Jerry, CIV, OSD-POLICY; Robinson, Scott, CAPT, OSD-ATL; Luther, Brian E Shead, Richard L, CAPT, JCS J8; Comes, Scott, CIV, OSD-PA&E; Barrow, Brent, CAPT, OSD-P&R; 'robert.bellitto@jfc.com.mil'; Walker, Belinda MSG Army G8; Ledford, John H YNCS; Johnson, Clarence, Maj, JCS J8; Bayard GS15 Richard C [HQMC]; Sims Col Terron D [HQMC]; Plata, Nancy D., CIV, OSD-P&R; 'Bryant, Richard R LCDR (CNO); Ollinto Louis Col AF/XPXS; Buzzard, Curtis A MAJ Army G-3; Kaufman Timothy Contr AF/XPXS; Bayard GS15 Richard C [HQMC]; Berkson, Brad, Mr, OSD-ATL; 'robert.bellitto@jfc.com.mil'; Caspers Col Jeffrey L [HQMC]; Kott Marilyn Lt. 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Col AF/XPPE; Anselm, Clete D, CDR, JCS J8; Lilli, Charlie CAPT (N8A); Shea, Patrick O, CDR (N8A2); Schebler, Daniel CDR CNO N815C/N00X5C; McGrath, T. J., Maj, DoD OGC; Hendrickson, Randall, CAPT, OSDPOUCY; Salmeyer, Michael, CIV, OSD-POLICY; Wilson, Charles, CAPT, OSD-ATL; Samuels, Celeste, CN, OSD-COMPT; Wilkenson, Wade F, USNCDR OPNAV (N81A/N00XA); Mann, Thomas, MR, OSDUSDI; Smith, Elizabeth A, CTR, OSD-USDI (ISR Systems); Troyano, Thomas, Mr, OSD-ATL; Hargis LtCol Darren L [HQMC]; Cave, Francine H, CIV, OSD-PA&E; Collins, Christine, CIV, OSD-PA&E; Burke-Angel, Fran, CIV, OSD-PA&E; Strickland, Melodie, CIV, OSD-PA&E; Adams Maj Mark A [HQMC]; Smith, Winton CDR (N3N5); Girrier, Robert P. (N3N5); Samuels, Celeste, CN, OSD-COMPT; Odom, Anita, Mrs, OSD-ATL; Davison, Rich, CN, OSD-POLICY; Euresi, Kara, CTR, OSD-ATL; Steptoe Philip P Civ AF/XPPE; Bowen, Desney V, LCDR, OSD-ATL; Seipel Bradley Lt Col AF/XPXS; McCloud Maj Trane [HQMC]; West, Scott D, Col, JCS J8; Generous, Monica, CIV, OSD; Pasquarette, James F, LTC, JCS J8; Crino, John R MAJ Army G8-PAE; Rogers, Jeffrey V, CTR, JCS J8; Kolesar, Krystyna, CN, OSD-PA&E; Armstrong, Brett, COL, OSD-ATL; Altomare, Michael J, COL, JCS J8; Gingrich, Karl H, MAJ, JCS J8; Bowen, Desney V, LCDR, OSD-ATL; Rogers, Jeffrey V, CTR, JCS J8; Quinlan, Robin, Ms, OSD-ATL; Beasley, William, CTR, OSD-ATL; Mitnaul, Henry, Col, OSD LA; Scott, William, Mr, OSD-ATL; Hesterman, Jeffrey A, CAPT, JCS J5; Marsh, Steve, CN, OSD-POLICY; Wilson, Tom, Mr, OSD-USDI; Wilson, Kirk, CDR, OSD-ATL; Gordon, Vance, CIV, OSD-PA&E; Poirier, Michel T, CDR, JCS J8; Stenger, Gail E, CN, OSD-P&R; Diggs, Donald, Mr, OSDNII; Nielsen Andrew Maj AF/XPPE; Coney, Thomas F, Capt, JCS J8; Tyson, Dustin, Col (S), OSD-POLICY; Anderson, Christfer R, CTR, OSD-PA&E; Sweatt, Susan, COL, OSD-USDI; Del Toro, Carlos, CDR, OSD-PA&E; Hegstrom, Robert R, CIV, OSD-PA&E; Taylor, Brenda, , OSD-USDI; Thompson, Cather, CIV, OSD-USDI; Hicks, Kristine, CTR, OSD-ATL; Ott, Alan, LTC, DoD OGC; Clark, Harley W LTC Army G8-FD; Tyson, Dustin, Col (S), OSDPOUCY; Cordray, Elisabeth, CN, OSDPOUCY; Wilson, Tom, Mr, OSD USDI; Jones, Cecilia, OR, OSD-NII; Bencal Christopher J, CDR; Sauer Edward K, LTC; McGee Michael L, LtCol; Paustin, Kyle, Brent J, LCDR, JCS J8; 'McLeese, Christine'

Subject: Special Request for SLRG Inputs

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11-L-0559/OSD/42985

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Del Toro, Carlos, CDR, OSD-PAE

From: Gallant, Al, CIV, OSD-P&R
Sent: Friday, April 30, 2004 4:03 PM
To: Dei Toro, Carlos, CDR, OSD-PA&E
Subject: RE: Special Request for SLRG Inputs

Carlos: It probably goes without saying, but I think Dr Chu is amenable to presenting the "Entitlements Growth" briefing-- he just couldn't do it on May 7 because of out-of-town commitments. Al

-----Original Message-----

From: Del Toro, Carlos, CDR, OSD-PA&E
Sent: Friday, April 30, 2004 3:58 PM
To: Butler, Trish, CIV, OSD-POLICY; Pond, Paul A, LtCol, JCS SJS; Steve LtCol John C [HQMC]; McCollum, Douglas F MAJ OCLL; Montalvo, Gary G LT; Barrett, Darren E, Rudder Col Philip C [HQMC]; Brown, Rosemary J, CN, JCS ODJS; Mlott, Ron, CIV, OSD-POLICY; Valente, Claudia, OSD-COMPT; Burchfield, Jeffrey B, Maj, JCS J8; Gunzinger Mark Civ AF/XPX; Rotach Karen Civ AF/XP; Burke, Richard, CN, OSD-PA&E; Champoux, Bernard S, COL, JCS VCJCS; Coulter, Eric, CN, OSD-PA&E; Daly, Peter H, RDML, JCS J8; Gallant, Al, CIV, OSD-P&R; Gay, Robert, COL, OSD-P&R; Ioffredo, Michael, CIV, OSD-PA&E; Johnson, James, CN, OSD-PA&E; Lamartin, Glenn, Dr, OSD-ATL; Mkolaski, Stephen, COL, OSD-COMPT; Roby, Cheryl, CIV, OSD-NII; Roth, John, OSD-COMPT; Spruill, Nancy, Dr, OSD-ATL; Stenbit, John, Mr, OSD-NII; Altomare, Michael J, COL, JCS J8; Farmer, Paul, CIV, OSD-PA&E; Rotach Karen Civ AF/XP; Collins, Christine, CIV, OSD-PA&E; Nappier, Milt, Mr, OSD-ATL; Rodgers, Philip, Mr, OSD-ATL; Gorenflo, Mark L ODR J004; Henry, Ryan, HON, OSD-POLICY; Krieg, Ken, CIV, OSD-PA&E; Szemborski, Stanley R, VADM, OSD-PA&E; Lester, Suzi, CIV, OSD; Duncan LtCol James C [HQMC]; Collins, Barbara A, CIV, OSD-PA&E; Honecker, Brian A LTJG; Van Dyke Col Anthony E [HQMC]; Alston, Mack A YNCS (PTGN); Brasher Edward C, Col; Musca Col Joseph I [HQMC]; Bucci, Steven, COL, OSD; Cunningham Stickman LtCol AF/XPXS; Buechler, Nicholas J COL OCSA; VanCamp, Eric J, Col, Force Transformation; Daugirda, John J, LTC, NORAD/USNORTHCOM WASHINGTON OFFICE; Sneed, Lawrence R, LTC, JCS J7; Fair John Ctr AF/XOA; Greenwood, Charles R, Col, JCS SJS; Cunningham Stickman LtCol AF/XPXS; Pond, Paul A, LtCol, JCS SJS; Earhart, Douglas B COL Army G8-CDR; Angello, Joseph J, CIV, OSD-P&R; Rudder Col Philip C [HQMC]; Caspers Col Jeffrey L [HQMC]; Briakis Col Mark A [HQMC]; Bultemeier Col Mark A [HQMC]; Rawson Col Steven W [HQMC]; Van Dyke Col Anthony E [HQMC]; Holland, Gary, COL, OSD-POLICY; Davis, Stephen, CDR, OSD-POLICY; Provost John C N SOCOM/MWO; Tucker, Christopher, COL, JCS J8; Long, Letitia, DISES, OSDUSDI; Shafford Troy Maj AF/REXP; Flowers Alfred Col USSOCOM/COMPTR; Ross, Kevin, LTCOL, OSD-POLICY; McGinn, Jerry, CIV, OSD-POLICY; Robinson, Scott, CAPT, OSD-ATL; Luther, Brian E, Sneed, Richard L, CAPT, JCS J8; Comes, Scott, CIV, OSD-PA&E; Barrow, Brent, CAPT, OSD-P&R; robert.bellitto@jffcom.mil; Walker, Belinda MSG Army G8; Ledford, John H YNCS; Johnson, Clarence, Maj, JCS J8; Bayard GS15 Richard C [HQMC]; Sims Col Terron D [HQMC]; Plata, Nancy D, CIV, OSD-P&R; Bryant, Richard R, LCDR (CNO); Olinto Louis Col AF/XPXS; Buzzard, Curtis A MAJ Army G-3; Kaufman Timothy Contr AF/XPXS; Bayard GS15 Richard C [HQMC]; Berkson, Brad, Mr, OSD-An; robert.bellitto@jffcom.mil; Caspers Col Jeffrey L [HQMC]; Kott Marilyn Lt Col AF/XP; Philbrick, Christopher R LTC Army G8; Seward, Pamela, CN, OSD-POLICY; Simkins-Mullins, Caroline A, LtCol, JCS J8; Brown, Rosemary J, CIV, JCS ODJS; Crawford, Paul M COL Army-G8-PAE; Bayard GS15 Richard C [HQMC]; Long, Letitia, DISES, OSDUSDI; Hagerott, Mark R, CDR, OSD; Malone, David, CTR, OSD-PA&E; Nosenzo, Thomas, E, CDR, OSD; Schotzko, John E MAJ Army G8-QDR; Hannes, Kevin USNCDR CNO N815E/N00X5E; Char, Chester, LTC, OSD-PA&E; Donnelly, Edward P COL Army G8-QDR; Barday, Jim O COL VCSA; Fattahi Omid Ctr AF/XPXS; Sample Todd Contr AF/XPXS; Lindenbaum, Eric; Duma, David, Mr, OSD-DOT&E; Wells, Mary, Ms, OSD-DOT&E; Lilli Charles I Capt, USN; Miller, Nancy L, CN (N8P); Austin, Stephen D, COL, OSD-PA&E; Davis, Lisa, TSGT, OSDPOUCY; Loy, David, COL, OSD-POLICY; Jones, Raymond, LTC(P), OSDATL; Key, Todd E MAJ Army G3; Hannes, Kevin USNCDR CNO N815E/N00X5E; Ford Kathleen MSgt AF/XO; Valente, Claudia, OSD-COMPT; Romero, Gregory R LCDR; Kustra Maj Mark C [HQMC]; Koch Jeffrey Lt Col AF/XPPE; Anselm, Clete D, CDR, JCS J8; Lilli, Charlie CAPT (N8A); Shea, Patrick O, ODR (N8A2); Schebler, Daniel CDR CNO N815C/N00X5C; McGrath, T. J., Maj, DoD OGC; Hendrickson, Randall, CAPT, OSD-POLICY; Sulmeyer, Michael, CIV, OSD-POLICY; Wilson, Charles, CAPT, OSD-ATL; Samuels, Celeste, CN, OSD-COMPT; Wilkenson, Wade F, USNCDR OPNAV (N81A/N00XA); Mann, Thomas, MR, OSD-USDI; Smith, Elizabeth A, CTR, OSD-USDI (ISR Systems); Troyano, Thomas, Mr, OSD-ATL; Hargis LtCol Darren L [HQMC]; Cave, Francine H, CN, OSD-PA&E; Collins, Christine, CN, OSD-PA&E; Burke-Angel, Fran, CIV, OSD-PA&E; Strickland, Melodie, CN, OSD-PA&E; Adams Maj Mark A [HQMC]; Smith, Winton ODR (N3N5); Gimier, Robert P, (N3N5); Samuels, Celeste, CN, OSD-COMPT; Odom, Anita, Mrs, OSD-ATL; Davison, Rich, CN, OSD-POUCY; Euresi, Kara, CTR, OSD-ATL; Steptoe Phillip P Civ AF/XPPE; Bowen, Desney V, LCDR, OSDATL; Seipel Bradley LtCol AF/XPXS; McCloud Maj Trane [HQMC]; West, Scott D, Col, JCS J8; Generous, Monica, CIV, OSD; Pasqualette, James F, LTC, JCS J8; Cnno, John R MAJ Army G8-PAE; Rogers, Jeffrey V, CTR, JCS J8; Kolesar, Krystyna, CIV, OSD-PA&E; Armstrong, Brett, COL, OSD-ATL; Altomare, Michael J, COL, JCS J8; Gingrich, Karl H, MAJ, JCS J8; Bowen, Desney V, LCDR, OSD-ATL; Rogers, Jeffrey V, CTR, JCS J8; Quinlan, Robin, Ms, OSD-ATL; Beasley, William, OFR, OSD-ATL; Mitnaul, Henry, Col, OSD-LA; Scott, William, Mr, OSD-ATL; Merman, Jeffrey A, CAPT, JCS J5; Marsh, Steve, CN, OSDPOUCY; Wilson, Tom, Mr, OSD-USDI; Wilson, Kirk, CDR, OSD-ATL; Gordon, Vance, CN, OSD-PA&E; Poirier, Michel T, CDR, JCS J8; Stenger, Gail E, CIV, OSD-P&R; Diggs, Donald, Mr, OSD-NII; Nielsen Andrew Maj AF/XPPE; Camey, Thomas F, Capt, JCS J8; Tyson, Dustin, Col (S), OSD-POUCY; Anderson, Christfer R, OFR, OSD-PA&E; Sweatt, Susan, COL, OSD-USDI; Del Toro, Carlos, ODR, OSD-PA&E; Hegstrom, Robert R, CIV, OSD-PA&E; Taylor, Brenda, , OSD-USDI; Thompson, Cather, CIV, OSD-USDI; Hicks, Kristine, CTR, OSD-ATL; Ott, Alan, LTC, DoD OGC; Clark, Harley W, LTC, Army G8-FD; Tyson, Dustin, Col (S), OSD-POLICY; Cordray, Elisabeth, CIV, OSD-POLICY; Wilson, Tom, Mr, OSD-USDI (b)(6) Cecilia, CTR, OSD-NII; Bencal Christopher J, CDR; Sauer Edward K, LTC; McGee Michael L, LtCol; Paustin, Kyler, Brent J, LCDR, JCS J8; McLeese, Christine

Subject: Special Request for SLRG Inputs

Look for Classification Marking in Message Body

12

11-L-0559/OSD/42986

6/23
08

120

Paul Butler

EF-8718
04/003014

March 3, 2004

6/23 → TO: Sec Def

TO: Doug Feith
CC: Gen. Dick Myers
Paul Wolfowitz

SUBJECT: Syria and Iran

I think the US Government needs a fresh policy on Syria and Iran.

Thanks.

DHR:dh
030304-6

.....
Please respond by 3/11

DB 6/25
C 6/24
3 Mar 04

092

UCB please control

Response is:

OSD 77344-04

05-03-04 11:33 IN

TEN
6/24

11-L-0559/OSD/42987

OSD 10693-04

EF-8776

March 8, 2004

I-04/003201

TO: Doug Feith

CC: Paul Wolfowitz

3/24 → Sec Def
SUBJECT PKK

Where do we stand on the PKK?

Thanks.

DHR:dh
030804-42

.....
Please respond by 3/19/04

✓ 4/5

UCB - please control

Sir,
Response attached
vr/CDR Nosenzo
3/30

Reply is:

OSD 77345-04

000.5

8 Mar 04

APR 5 2004

TO: Gen. Dick Myers
Powell Moore
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Letter to Cong. Knollenberg

This looks funny to me. What should I think about it?

Thanks.

Attach.
3/30/04 Service Chiefs ltr to Cong. Knollenberg

DHR:dh
033104-7

.....
Please respond by 4/9/04

320.2 Strategic

5 APR 04



DEPARTMENT OF DEFENSE

WASHINGTON, DC

30 MAR 2004

The Honorable Joseph Knollenberg
Chairman, Subcommittee on Military Construction
United States House of Representatives
Washington, DC 20510

Dear Chairman Knollenberg:

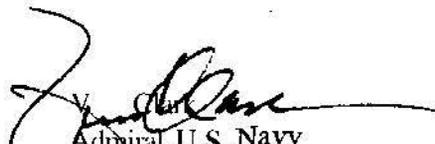
We regret that our request to have our respective service experts on installations and facilities testify before **your** Subcommittee has disappointed you. We assure you that we understand the importance of the annual appropriations for military construction, and we appreciate your long-standing commitment to the superb men and women of our Armed Forces.

However, we are concerned about possible conflicts of interest regarding our **role** in pending decisions for **the** Integrated Global Posture and Basing Study and the Fiscal Year 2005 Base Closure **and** Realignment process. Service chiefs must maintain a certain distance from deliberations **on** these matters until they are ready for our joint assessment and a final decision. **Your** Subcommittee rightfully would expect a level of familiarity and detail that is inconsistent with **our** duties regarding these issues at this time.

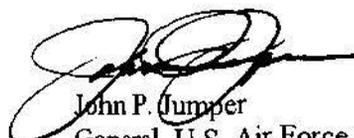
Our intent always has been to provide the Subcommittee with the most accurate information possible **on** our military construction priorities. Therefore, we believe our respective subject matter experts **are** the right witnesses to answer the Subcommittee's questions. Additionally, their appearance would preserve our ability to offer the Secretary of Defense and the President, at the proper time, **our** impartial judgments regarding what is best for the Nation.

Once again, we greatly appreciate your continued advocacy on behalf of our outstanding men and women **in** uniform, our Department of Defense civilians, and the thousands **of** family members, retirees and others associated with **our** military. Now, more than ever, **your** steadfast support **is** tangible proof of America's commitment to those making very real sacrifices for our country.

Sincerely,



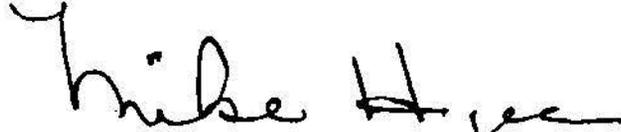
Admiral, U.S. Navy
Chief of Naval Operations



John P. Jumper
General, U.S. Air Force
Chief of Staff



Peter J. Schoomaker
General, U.S. Army
Chief of Staff



Michael W. Hagee
General, United States Marine Corps
Commandant

11-L-0559/OSD/42990

OFFICE OF THE SECRETARY OF DEFENSE
THE SPECIAL ASSISTANT

To Dr Chu

From Paul Butler

SecDef snowflake inviting
POTUS to Freedom Awards Dinner.
Note request from att ~~the~~
Cabinet affairs for PA Statement for
POTUS video. May want to
coordinate this with PA.



Paul Butler

8/10

0011WH

10 AUG 04

1 APPROV

TO: Honorable Andrew H. Card, Jr.
FROM: Donald Rumsfeld *DR*
SUBJECT: POTUS Recognition of Employers

On September 21, 2004, we will hold the *Secretary of Defense Employer Support Freedom Award* ceremonial dinner to recognize certain U.S. employers who have provided exceptional support to their Guard and Reserve employees.

This event would be an opportunity for the President to say "thank you" to America's employers for their patriotic commitment to the global war on terror.

I am told there will be about 500 guests. Some additional information on the award is attached.

Thanks.

Attach.

Information Paper: *Secretary of Defense Employee Support Freedom Award*

DHR:dh
03260-2

INFORMATION PAPER

Secretary of Defense Employer Support Freedom Award

The *Secretary of Defense Employer Support Freedom Award* was instituted in 1996 under the auspices of the National Committee for Employer Support of the Guard and Reserve (ESGR). The award recognizes employers who provide the most outstanding support for their National Guard and Reserve employees and is presented annually by the Secretary of Defense. The *Secretary of Defense Employer Support Freedom Award* is the highest in a series of awards for employees, which also include the *Patriot Award*, *The Above and Beyond Award*, and the *Pro Patria*.

Secretary of Defense William Perry authorized the first award in 1996 and presented it to Schneider National, a Green Bay, Wisconsin trucking company. In the years since, many companies have received this prestigious award. In 2003, recipients were Central Atlantic Toyota Distribution Center; D.H. Griffin Wrecking Company; Millet Brewing Company; PG&E Corp.; and Tyson Foods, Inc.

Traditionally, each of the 55 volunteer ESGR Committees (one in each state, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and Europe) submitted one nomination. These employer nominations were chosen from a pool of applications submitted by Guardsmen and Reservists.

In today's environment of continuous mobilization of Guardsmen and Reservists, America's employers are becoming inextricably linked to the nation's defense. ESGR recognizes that more employers are being impacted by the War on Terrorism and the on-going military operations in Iraq. In 2004, the nomination process was opened up to the general public and applications are submitted on-line to ESGR.

The nominations provide a detailed description of employer's outstanding efforts in support of their Guard and Reserve employees. On April 20, 2004, a National Selection Board will judge employer nominations based on criteria that assesses their company policies, practices, and programs that support their employees who serve in the Guard and Reserve. Special focus is given to what employers do "above and beyond" the support required by law.

For more information about the *Secretary of Defense Employer Support Freedom Award*, or other ESGR programs and services designed to help Guard and Reserve members and their employers, contact ESGR at (b)(6) or www.esgr.com.

APR 1 2004

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Attach.

Information Paper: *Secretary of Defense Employee Support Freedom Award*

DHR:dh
032604-2

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INFORMATION PAPER

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March 31, 2004

TO: Steve Cambone
CC: Marc Thiessen
FROM: Donald Rumsfeld *DR*
SUBJECT: Day of 9/11

Please take a look at this article from the *New York Observer*.

We need to start now to prepare the testimony for the hearing they will have when they look at the day of 9/11.

Please get with Marc Thiessen, and let's sketch out the testimony. We can use those portions of the original testimony that related to 9/11. In addition, we ought to do a complete timeline, minute-by-minute. We ought to have a section that raises every question raised by this article, by others, and by Zelikow - and just walk through precisely what happened.

In addition, in this testimony we should lay out what each Department in the USG's responsibility is, so it is clear what our responsibility is.

Let's set a timetable to do this.

Thanks.

Attach.

Sheehy, Gail. "Four 9/11 Moms Watch Rumsfeld and Grumble," *New York Observer*, March 29, 2004, p. 1.

DHR:dh
033104-1

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Please respond by 4/16/04

OSD 10720

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In the March Van Auk ty Casazz seven fat mothers at Breitweise ace down t way to the B uilding on t ourney that ke blindfo was differen testimony w commissio gence failur Sept. 11 ter e Secretary others. four moms World Trade less advoca estigation it

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Four 9/11 Moms Watch Rumsfeld And Grumble

Widows Drive from New Jersey to See Secretary, Ask Tough Questions As He, Powell Testify; Shocked That Zelikow Named in Clarke Book

BY GAIL SHEEHY

In the predawn hours of Tuesday, March 23, Kristen Breitweiser, Lone Van Auken, Mindy Kleinberg and Patty Casazza dropped off their collective seven fatherless children with grand-

around the Sept. 11 terrorist attacks that now has top officials from both the Clinton and Bush administrations duking it out in conflicting testimonies at this week's high-drama hearings in the Hart Office Building before the 9/11 commission



DONALD RUMSFELD

one was different. On March 23, testimony was to be heard by the commission investigating intelligence failures leading up to the Sept. 11 terrorist attacks from Defense Secretary Donald Rumsfeld, among others.

These four moms from New Jersey are the World Trade Center widows whose tireless advocacy produced the broad investigation into the failures

al for them, their hearts were heavy.

The Four Moms had submitted dozens of questions they have been burning to ask at these hearings. Mr. Rumsfeld is a particular thorn in their sides.

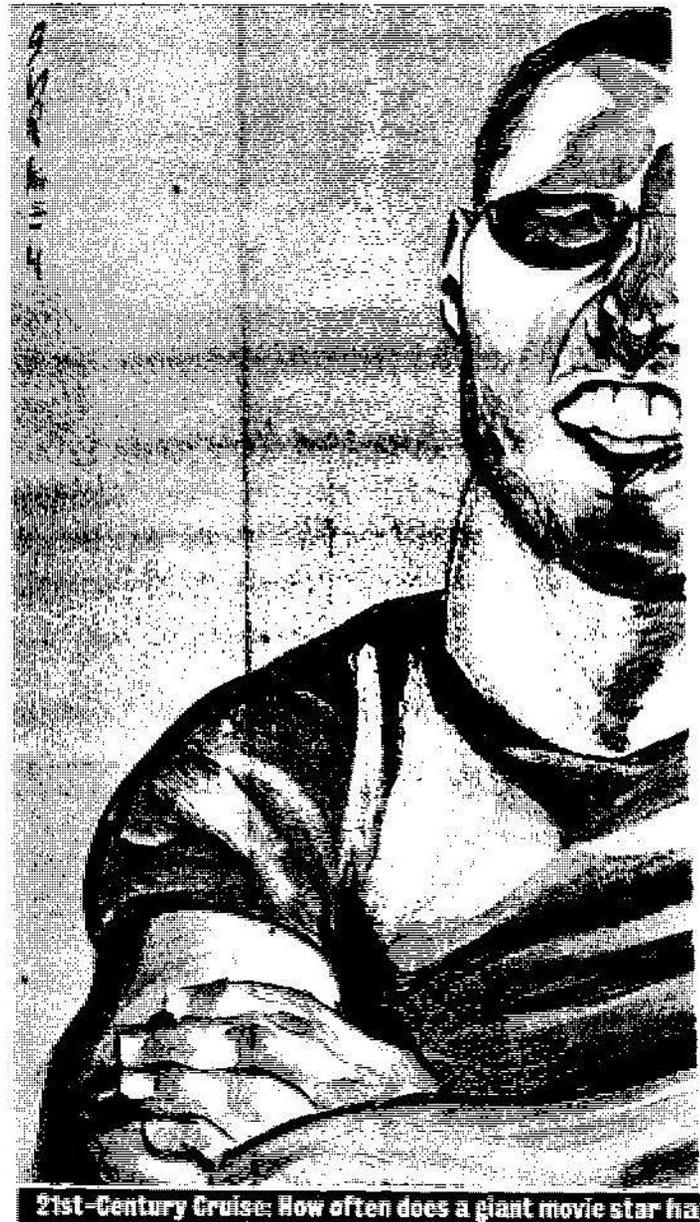
"He needs to answer to his actions on Sept. 11," said Ms. Kleinberg. "When was he aware that we were under attack? What did he do about it?"

When the widows had a conference call last week with the commission staff, they asked that Secretary Rumsfeld be questioned about his response on the day of Sept. 11. They were told that this was not a line of questioning the staff planned to pursue.

They were not especially impressed with his testimony. In Mr. Rumsfeld's opening statement, he said he knew of no intelligence in the months leading up to Sept. 11 indicating that terrorists intended to hijack commercial airplanes and fly them into the Pentagon or the World Trade Center.

It was his worst moment at the mike. Commissioner Richard Ben-Veniste ran through a list of at least a dozen cases of foiled plots using com-

CONTINUED ON 8



21st-Century Cruise: How often does a giant movie star ha

Tom's Risky

Superstar Cruise Bolts P.R. Superpower It's Hard to Be Mega-Brand Over Dec Cruise Has Survived Better Than AT

BY FRANK DIGIACOMO

For an actor whose best performances have come from playing vulnerable men—think *Jerry Maguire*, *Magnolia*'s Frank T.J. Mackey, the dick-swinging motivational speaker with father issues, or *Vanilla Sky*'s disfigured playboy, David Aames—Tom

Cruise has consistently presented himself on the stage of public perception as a pretty impregnable guy. He was flashing his halogen smile and peccable manners on some radio shows, vigorously litigating some tabloid report that questioned his sexuality, or beating back

BASRA HOTEL BLAST SOUNDED LIKE GOD'S BEDROOM SET FELL

New Boraq Hotel Bombed— Targeted for British, But Made Iraqi Victims

IT'S MY HOME! RELAX!

9/11 Widows Quiz Rumsfeld

CONTINUED FROM PAGE 1
 commercial airlines to attack key targets in the U.S. and elsewhere. Mr. Ben-Veniste cited the "Bujinski" plot in 1995, which envisioned blowing up Western commercial planes in Asia. That plot was foiled by the government and most have been on the mind of C.I.A. director George Tenet, who was having weekly lunches with Mr. Rumsfeld through 2001. In 1998, an Al Qaeda-connected group talked about flying a commercial plane into the World Trade Center.

"So when we had this threatened strike that something huge was going to happen, why didn't D.O.D. alert people on the ground of a potential hijacking? Why didn't it ever get to an actionable level?" the commissioner asked.

Mr. Rumsfeld said he only remembers hearing threats of a private aircraft being used. "The decision to fly a commercial aircraft was not known to me."

Mr. Ben-Veniste came back at him. "We knew from the Millennium plot [to blow up Los Angeles International Airport] that Al Qaeda was trying to bomb an American airport," he said. The Clinton administration foiled that plot and thought every day about foiling terrorists, he said. "But as we get into 2001, it was like everyone was looking at the white truck from the sniper attacks and not looking in the right direction. Nobody did a thing about it."

Mr. Rumsfeld backed off with the lame excuse, "I should say I don't know." He said that on the morning of Sept. 11, 2001, he was "hosting a meeting for some of the members of Congress."

"Ironically, in the course of the conversation, I stressed how important it was for our country to be adequately prepared for the unexpected," he said.

It's still incredible to the moms that their Secretary of Defense continued to sit in his private dining room at the Pentagon while their husbands were being incinerated in the towers of the World Trade Center. They know this from an account posted on Sept. 11 on the Web site of Christopher Cox, a Republican Congressman from Orange County who is chairman of the House Policy Committee.

"Ironically," Mr. Cox wrote, "just moments before the Department of Defense was hit by a suicide hijacker, Secretary Rumsfeld was describing to me why... Congress has got to give the President the tools he needs to move forward with a defense of America against ballistic missiles."

At that point, National Security Advisor Condoleezza Rice, the Secret Service, the F.A.A., NORAD (our North American air-defense system), American Airlines and United Airlines, among others, knew that at least three planes had been violently hijacked, their transponders turned off, and that thousands of American citizens had been uninformed in the World Trade Center by Middle Eastern terrorists, some of whom had been under surveillance by the F.B.I. Yet the nation's defense chief didn't think it significant enough to interrupt his political pitch to a key Republican in Congress to reactivate the Star Wars initiative of the Bush years.

"I've been around the block a few times," Mr. Rumsfeld told the Congressman, according to his own account. "There will be another event." Mr. Rumsfeld repeated it for emphasis. Mr. Cox wrote: "There will be another event."

"Within minutes of that utterance, Rumsfeld's words proved tragically prophetic," Mr. Cox wrote.

"Someone handed me a note that a plane had hit one of the W.T.C. towers," Mr. Rumsfeld testified on March 23. "Later, I was in my office with a C.I.A. briefer when I was told a second plane had hit the other tower."

"The next didn't seem to prompt any action on his part."

"Shortly thereafter, at 9:58 a.m., the Pentagon shook with an explosion of a then-unknown origin," he said.

He had to go to the window of his office to see that the Pentagon had been attacked? Now the rooms were getting agitated.

"I went outside to determine what had happened," he testified. "I was not there long, apparently, because I was told I was back at the Pentagon with the crisis action team, by shortly before or after 10 a.m."

"Upon my return from the crash site, and before going to the Executive Support Center," he continued, "I had one or more calls in my office, one of which I believe was the President."

Then commissioner member Jamie Gorelick, who served as deputy attorney general and general counsel for the Department of Defense in the Clinton administration, had her turn with Mr. Rumsfeld.

"Where were you and your aircraft when a missile was heading to the Pentagon? Surely that is your responsibility, to protect our facilities, our headquarters—the Pentagon. Is there anything we did to protect that?"

Mr. Rumsfeld said it was a law-enforcement issue.

"When I arrived at the command center, an order had been given—the command had been given instructions that their pilots could shoot down any commercial airlines filled with our people if the plane seemed to be acting in a threatening manner," he said.

Ms. Gorelick tried to get Mr. Rumsfeld to say whether the NORAD pilots themselves knew they had authority to shoot down a plane.

"I don't know what they thought," he answered. "I was immediately concerned that they knew what they could do and that we changed the rules of engagement."

One of the hardest things for the families to hear was how every witness detailed how he had done everything possible to combat the threat of terrorism. None said, "We fell short."

Secretary of State Colin Powell complained that the Bush administration was given no military plan by the Clinton administration for meeting Al Qaeda. He then described how Condoleezza Rice undertook a complete reorganization of the failed responses of the Clinton years—not too much more than a series of meetings that took up the next eight months.

"Then 9/11 hit, and we had to put together another plan altogether," said Mr. Powell.

He also claimed that "we did not know the perpetrators were already in our country and getting ready to commit the crimes we saw on 9/11."

Some of the widows groaned. In fact, the Moms had learned, the F.B.I. had 14 open investigations on supporters of the 9/11 hijackers who were in the U.S. before 9/11.

And after the Clinton administration foiled the Millennium plot to blow up L.A., the C.I.A. knew that two Al Qaeda operatives had a sleeper cell in San Diego. F.B.I. field officers tried to move the information up the line, with no success.

What's more, most of the 9/11 hijackers re-entered the U.S. between April and June of 2001 with blatantly suspicious visa applications, which the Four Moms had already obtained and shown to the commission. The State Department had 166,000 people on its terrorist watch list in 2001, but only 12 names had been passed along to the F.A.A. for inclusion on its "no-fly list." Mr. Powell had to admit as much, though he said that State Department consular officers had been given no information to help them identify terrorist suspects among the visa

applicants.

One of the key questions that the Moms expected to be put to Mr. Powell was why over 100 members of the Saudi royal family and many members of the bin Laden clan were airlifted out of the U.S. in the days immediately following the terrorist attacks—without being interviewed by law enforcement—while no other Americans, including members of the victims' families, could take a plane anywhere in the U.S. The State Department had obviously given its approval. But no commissioner apparently dared to touch the sacrosanct Saudi friends of the Bush family.

When Republican commissioner James Thompson asked Mr. Powell:



Secretary of Defense Donald Rumsfeld testified before the 9/11 Commission Mar. 23, but many who lost family members in the attacks still have questions.

"Prior to Sept. 11, would it have been possible to say to the Pakistanis and Saudis, 'You're either with us or against us?'" Mr. Powell simply ignored the issue of the Saudi exemption and pointed on Pakistan.

FOX IN THE CHICKEN HOUSE

To the Moms, the problems with the 9/11 commission were always apparent. But the disappointing testimony from Mr. Rumsfeld was especially difficult to bear. The Moms had tried to get their most pressing questions to the commission to be asked of Mr. Rumsfeld, but their efforts had foundered at the hands of Philip Zelinko, the commission's staff director.

Indeed, it was only with the recent publication of Richard Clarke's memoir of his counterterrorism days in the White House, *Against All Enemies*, that the Moms found out that Mr. Zelinko—who was supposed to present their questions to Mr. Rumsfeld—was actually one of the select few in the new Bush administration who had been warned, nine months before 9/11, that Osama bin Laden was the No. 1 security threat to the country. They are now calling for Mr. Zelinko's resignation.

Ms. Gorelick sees their point. "This is a legitimate concern," Ms. Gorelick said in an interview, "and I am not convinced we knew everything we needed to know when we made the decision to hire him."

But despite her obvious discomfiture at the conflicts of interest apparently not fully disclosed by Mr. Zelinko in his deposition by the commission's attorney, Ms. Gorelick believes that the time is too short to replace the staff director.

"We're just going to have to be very cognizant of the role that he played and address it in the writing of our report," she said.

That doesn't satisfy the Four Moms. They point out that it is Mr. Zelinko who decides which among the many people offering information will be interviewed. Efforts by the families to get the commission to hear from a raft of administration and intelligence-agency whistleblowers have been largely ignored at his behest. And it is Mr. Zelinko who oversees what investigative material the commissioners will be briefed on, and who decides the topics for the hearings. Mr. Zelinko's statement at the January hearing

stated to the Moms like a white lie waiting to happen:

"This was everybody's fault and nobody's fault."

The Moms don't buy it.

"Why did it take Condi Rice nine months to develop a counterterrorism policy for Al Qaeda, while it took only two weeks to develop a policy for regime change in Iraq?" Ms. Kleinberg asked rhetorically.

Dr. Rice has given one closed-door interview and has been asked to return for another, but the commissioners have declined to use their subpoena power to compel her public testimony. And now, they say, it is probably too late.

"That strategy may not turn out well for the Bush administration," Ms. Gorelick said.

Bob Kerrey, the commissioner who replaced Max Cleland, expressed the same view in a separate interview: "The risk they run in not telling what they were doing during that period of time is that other narratives will prevail."

The Four Moms have enjoyed some victories along the way. The first was when the White House finally gave up trying to block an independent investigation; the commission was created in December 2002. The Moms shut down the Washington—stopping in traffic to change out of their Capri pants and into proper pantsuits—to meet with the new commissioners, who thanked them for providing the wealth of information they'd been gathering since losing their husbands on Sept. 11.

Ms. Gorelick expressed amazement at the research the women had done, and vowed it would be their "road map."

"We were their biggest advocates," said the husky-voiced Ms. Kleinberg. "They asked us to get them more funding, and we did. It could have been a great relationship, but it hasn't been."

Mr. Zelinko's idea of how to conduct the investigation, the Moms said, is to hold everything close to the vest.

"They don't tell us or the public anything, and they wait until they publish their final report," said Ms. Casazza. "At which point, they'll be out of business."

Ms. Kleinberg chimed in: "Why not publish interim reports, instead of letting us sit around for two years bleeding for answers?"

"We have lower and lower expectations," said Ms. Van Auken, whose teenage daughter often accompanies her to hearings; her son still can't talk about seeing his father's building incinerated.

The irony is that two of the Four Moms voted for George Bush in 2000, while another is a registered independent; only one is a Democrat. But until they felt the teeth of the Bush attack dogs, they were either political or determinedly nonpartisan. Now their tone is different.

"The Bush people keep saying that Clinton was not doing enough [to combat the Al Qaeda threat]," said Ms. Kleinberg. "But 'nothing' is less than 'not enough,' and nothing is what the Bush administration did."

An unnamed spokesman for the Bush campaign was quoted as saying of Sept. 11, "We own it." That comment particularly disturbed the Four Moms.

"They can have it," said Ms. Van Auken. "Can I have my husband back now?"

"If they want to own 9/11, they also have to own 9/10 and 9/12," said Ms. Kleinberg. "Their argument is that this was a defining moment in our history. It's not the moment of tragedy that defines you, but what you do afterwards."

If the final report of this 9/11 commission does indeed turn out to be a whitewash, the Four Moms from New Jersey have a backup plan. Provided there is a change of leadership, they will petition the new President to create an independent 9/11 commission. As if one never existed before.

720

31
March 29, 2004

TO: Les Brownlee
Gen. Pete Schoomaker

CC: Gen. Dick Myers
Paul Wolfowitz

FROM: Donald Rumsfeld *DR*

SUBJECT: Shortage of Ammunition

471

I need to know why we are running out of small-caliber ammunition. It suggests that some unfortunate decisions were made, and, further, that there may be some systemic problem.

It concerns me that risk issues like that seem not to get elevated when they are being balanced off.

Please look into it and get back to me.

Thanks.

DHR:dh
032904-20

.....
Please respond by 4/23/04

31 Mar 04

OB
5/26

31
6/1

31
March 29, 2004

TO: Adm. Ellis
CC: Gen. Dick Myers
Paul Wolfowitz
Doug Feith
FROM: Donald Rumsfeld *DR*
SUBJECT: British Officers

Mira Ricardel advises me we are making progress on assigning British officers to Strategic Command.

UK

I hope it is helpful.

Done 6/1

Thanks.

Attach.
3/18/04 ASD(ISP) memo to SecDef [OSD 04268-04]

DHR:dh
032904-24

.....
Please respond by _____

31 Mar 04

OSD 10723-04

0930



INTERNATIONAL SECURITY POLICY

ASSISTANT SECRETARY OF DEFENSE
2900 DEFENSE PENTAGON
WASHINGTON, DC 20301-2900

RECEIVED THE
SECRETARY OF DEFENSE
MAR 18 2004 5:07

EF 8919

MAR 23 2004 IO-04/002809-OMDP
USDP (S. A. ROUSSEAU)
DSD

INFO MEMO

To: SECRETARY OF DEFENSE
From: Mira Ricardel, ASD/ISP (Acting) *MR* MAR 18 2004
Subject: Assignment of UK Military Personnel to USSTRATCOM

- In response to your memo of February 5 (Tab 1) regarding the U.S. Strategic Command's (USSTRATCOM) desire to assign UK officers to key billets without providing U.S. officers in exchange, my staff has been working with the General Counsel, Comptroller, the Joint Staff and USSTRATCOM to find an appropriate solution.
- We have developed a draft arrangement under which UK military personnel would perform tasks assigned by the USSTRATCOM chain of command, and would be permitted to share relevant information with the UK Ministry of Defence.
 - Under this arrangement, the U.S. would not be required to provide officers to the UK in exchange.
- The General Counsel has advised that we are authorized to enter into such an arrangement under Title 10 U.S.C. 2608, which states:
 - *"The Secretary of Defense may accept from...any foreign government or international organization...any contribution of services made by such foreign government or international organization for use by the Department of Defense."*
- Acceptance authority under this provision has been delegated to the Comptroller.
- My staff is working with the Comptroller's office on such an arrangement, with the objective of having this mechanism in place by late March.
- We believe that this type of arrangement could be used not only for this USSTRATCOM assignment, but also to provide for similar assignments to other combatant commands.
 - Specific approval would be required from USD(P) consistent with DoD Directive 5230.20, "Visits, Assignments, and Exchanges of Foreign Nationals," each time this authority is requested.

Coordination: Tab 2 11-L-0559/OSD/43001

SPL ASSISTANT DI RITA	
SR MA CRADDOCK	3/24
MA BUCCI Nazario	3/29
EXECSEC MARRIOTT	3/24

Prepared By: Frank Rose, ISP/FP/MDP, (b)(6)



1050 04268-04



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



FEB 5 2004

MEMORANDUM FOR THE UNDER SECRETARY OF DEFENSE FOR POLICY
 GENERAL COUNSEL OF THE DEPARTMENT OF
 DEFENSE

SUBJECT: UK Officers on USSTRATCOM Staff

Commander, USSTRATCOM (CDRUSSTRATCOM), wants to assign UK officers to key USSTRATCOM staff billets without having to provide US officers to the UK in exchange. Current DOD policy allows exchange officers or foreign liaison officers, but not officers who function in both capacities and on a non-reciprocal basis.

Please review the officer exchange/liason policy to determine if the policy supports this closer cooperation across all combatant commands. If it does not, please advise me as to what courses of action may be taken to meet this goal.

Please report back to me by February 20, 2004.

2	GENERAL COUNSEL
1	DEPT. GENERAL COUNSEL
3	FA

OSD 75194-04



11-L-0559/OSD/43002

March 30, 2004

TO: Powell Moore
Larry Di Rita
LTG John Craddock
Paul Butler
Jaymie Durnan

FROM: Donald Rumsfeld DA

SUBJECT: Procedures for Appointments with Members of the House and Senate

032

With respect to meetings on the Hill and invitations to people on the Hill to come to the Department of Defense, I want to set some new procedures.

Invitations to Members of Congress to come to DoD to meet with me will need to be approved by me before the invitation is extended.

The same will be true for any proposals for me to go to the Hill to meet with the House, the Senate or anyone on the Hill.

I am concerned that appointments are being set that I cannot make, and it is awkward to have to keep canceling the meetings. It is best to get them set right the first time.

Thanks.

30 Mar 04

DHR:dh
033004-4

.....
Please respond by 4/9/04

720

March 30, 2004

TO: Eric Ruff
CC: Paul Wolfowitz
Larry Di Rita
FROM: Donald Rumsfeld
SUBJECT: Vail Resorts

DR

4/12

You ought to be aware of the wonderful things that Vail Resorts are doing. Here is a press release.

Thanks.

Attach.
3/23/04 Vail Resorts Press Release

DHR:dh
033004-2

.....
Please respond by _____

4/10
4/13
Info attached
Larry Di Rita
4/12

FROM: Eric Ruff
THRU: Larry Di Rita
TO: SecDef
CC: DepSecDef
DATE: April 8, 2004
SUBJECT: Vail Resorts

We have put the generous contributions of the Vail Resorts company on the DefendAmerica website, and it is being picked up by base newspapers and the Service news organizations. Additionally, Stars & Stripes has indicated their intention to cover this story in future issues.

DEFEND AMERICA

U.S. Department of Defense News About the War on Terrorism

Mar 30, 2004

Search

HOME LAND SECURITY
AND SECURITY SYSTEM

OPERATION

Our Troops

How you can help

Mar. 23, 2003

Prepared Remarks

CoD video Broadcast

Today's Webcast
Schedule

A Year in Iraq

Operation Enduring Freedom

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[Reserve Affairs](#)

[Army Reserve](#)

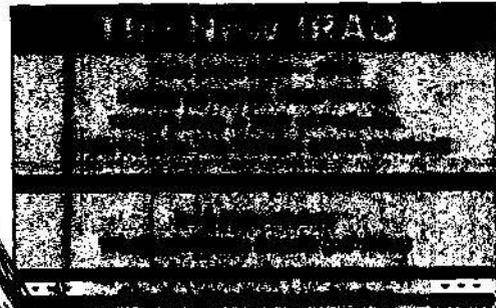
[Navy Reserve](#)

[Air Force Reserve](#)

[Marine Reserve](#)



VEHICLE UNLOADING — A U.S. Marine Heavy Expanded Mobility Tactical Truck and other Marine vehicles are unloaded from the Military Sealift Command fast sealift ship USNS Bellatrix at the port of Mina Ash-Shu'alah, Kuwait, in support of the recent troop rotations in Iraq. Military Sealift Command is the transportation provider for the Department of Defense with the responsibility of providing strategic sealift and ocean transportation for all military forces overseas. U.S. Navy photo by Petty Officer 3rd Class Eric L. Beauregard



OPERATION TRIBUTE TO FREEDOM

Operation Freedom Lodging Offers Free Stays

PETERSON AIR FORCE BASE, Colo., March 29, 2004 (NNS) — Vail Resorts in Colorado is offering 1,000 free nights to service members who served in Iraq and Afghanistan, as part of "Operation Freedom Lodging." Members from any branch of service who served for 30 or more days in these countries are eligible for up to three consecutive nights of lodging at Vail Resorts-owned and -operated hotels in Breckenridge and Keystone. [More](#)

★ [Sign an On-line Thank You Note](#)

Future Iraqi Defense Leaders Train in Washington

WASHINGTON, March 30, 2004 — Iraqi training for leadership positions within the new Iraqi Ministry of Defense told reporters here today they look forward to building a military that transcends ethnic and political differences to protect Iraq's people and its constitution. [More](#)

Iraq Survey Group Continues WMD Search

WASHINGTON, March 30, 2004 — A U.S. official working with an international group of specialists searching post-Saddam Iraq for weapons of mass destruction said today that more work needs to be performed before arriving at any conclusions. [More](#)

Defense Leaders Speak President George W. Bush

"NATO's core mission remains the same: the defense of its members against any aggression. Today, our alliance faces a new enemy, which has brought death to innocent people from New York to Madrid. Terrorists hate everything this alliance stands for. They despise our freedom, they fear our unity, they seek to divide us. They will fail. We will not be

President Bush Lauds First Responders, Military Members

By Kathleen T. Rhem / American Forces Press Service

WASHINGTON, March 30, 2004 - The United States is at war and needs to be "ready on all fronts," President Bush told first responders in Appleton, Wis., today.

"The first-responder effort and the strategy with the local, state and federal government is really an important part of making sure that we do everything we can to do our solemn duty, which is to protect our fellow citizens from harm," Bush said during a brief stop in the Wisconsin city of about 70,000 people.

The size of the United States makes it particularly tough to stop terrorists on U.S. soil, Bush said. That's why it's vital to take the fight to the enemy. [More](#)

Spike in Iraq Violence Leaves Two Coalition Soldiers Dead

By U.S. Army Sgt. 1st Class Doug Sample / American Forces Press Service

WASHINGTON, March 30, 2004 — A recent spike in attacks against coalition forces in Iraq has left two more coalition soldiers dead, a coalition military spokesman said today in Baghdad.

A coalition soldier was killed and one was wounded today in an improvised explosive device attack on their patrol near Ramadi, said Army Brig. Gen. Mark Kimmitt, Combined Joint Task Force 7 deputy operations director. [More](#)

Bush Welcomes NATO Nations, Pledges Unity in War on Terror

By Gerry J. Gilmore / American Forces Press Service

WASHINGTON, March 30, 2004 — President Bush welcomed seven new NATO members at a March 29 White House ceremony, noting the alliance "is made stronger by their

720

March 30, 2004

TO: Larry Di Rita
LTG John Craddock

FROM: Donald Rumsfeld *DR*

SUBJECT: Briefing on Account

I need to get a briefing on the transfer account that Tom O'Connell manages. I have forgotten the correct name of it.

Thanks.

DHR:dh
033004-8

.....
Please respond by 4/9/04

W
M
7

30 Mar 04

OSD 10727-04

11-L-0559/OSD/43007

March 29, 2004

TO: Larry Di Rita
FROM: Donald Rumsfeld 
SUBJECT: Thank You Letters

Now that we have these speechwriters, we ought to be writing thank you notes to: the people from the USO who support the troops, press people, corporations that support the troops, the wrestling people who are going to visit them at the hospitals, and the NASCAR people who go in, for example.

I think we ought to get a system to get that information, get some very good letters written, drafted and sent, and show me how it works.

Thanks.

DHR:dh
032904-7

OB/A/23

.....
Please respond by 4/9/04

33550

29 2004-04

OSD 10728-04

March 29, 2004

TO: Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: Public Thank You

We ought to start announcing people who are helping the troops, like the USO, the wrestlers, the NASCAR and other entertainers who go out to Walter Reed, and thank them at a press briefing.

Thanks.

DHR:db
032904-8

.....
Please respond by 4/9/04

OB
4/23

235 SD

29 March 04

OSD 10729-04

120

March 29, 2004

TO: Larry Di Rita
LTG John Craddock

FROM: Donald Rumsfeld *DR*

SUBJECT: Condolence Letters

I do want to write a letter to all the families of the people who have died and those who were wounded. I would like to see a new go at it. I don't feel like we are doing it as well as we could.

Thanks.

DHR:dh
032904-10

.....
Please respond by 4/9/04

OB
4/23

03

03

March 25, 2004

OB
3/31

TO: Larry Di Rita
LTG John Craddock

cc: Marc Thiessen

FROM: Donald Rumsfeld *D*

SUBJECT: Letters

I think we could be doing a better job on letters. Now that we have some speechwriters, we might want to try to do that.

Specifically, some thoughts are:

- Letters to combatant commanders periodically – when they take over, depart, or do something important, for example.
- Letters to families of people who have been killed.
- Letters to people who are retiring.

We ought to try to do a better job on these. Let's try to do that.

Thanks.

DHR:dh
032504-9

.....
Please respond by 4/16/04

Vertical text on the right margin, possibly a stamp or reference number.

March ²⁹ 25, 2004

TO: Ian Brzezinski
CC: Gen. Dick Myers
Paul Wolfowitz
Doug Feith
FROM: Donald Rumsfeld *DR*
SUBJECT: Romanian MoD

Advance copy sent 3/25 0915

ROMANIA

Please get back to me and tell me whether or not we can do something special for the Romanian MoD on the day he is in town – whether we can get him in the POTUS meeting.

Thanks.

DHR:dh
032504-3

.....
Please respond by 3/26/04

29 MAR 04

29
March 26, 2004

TO: Marc Thiessen
FROM: Donald Rumsfeld *DR*
SUBJECT: Active and Reserve/Guard

326

I want to get a speech working now on the material on the Active and Guard/Reserve balance.

I have Chu and Abell working on it in terms of cost. It is an important subject and is going to take some time and some substantive help.

Thanks.

Attach.
3/26/04 P&R Brief "Active and Reserve Component Pay & Benefits Cost Analysis"

DHR:dh
032604-15

.....
Please respond by _____

29 MAR 04

OSD 10733-04

11-L-0559/OSD/43013



✓ 3/26

Active and Reserve Component Pay & Benefits Cost Analysis

USD for Personnel and Readiness

March 26, 2004

SECDEF Questions:

1. As we gather data, we ought to know how much more expensive the Guard and Reserve are relative to the Active Force, because of Congressional add-ons...
2. Please develop a way to look at this that compares the usage of Active forces vs. Reserve and Guard forces per dollars spent.

Personnel & Readiness

Per Capita Cost of Entitlement Changes

	<u>AC</u>	<u>RC</u>	<u>RC %</u>
<u>FY 02 Average Cost Per Capita</u>	<u>\$54,642</u>	<u>\$6,970</u>	<u>12.7%</u>
TRICARE for Life Accrual	\$5,279	\$1,759	
Repeal of 1986 "Redux" Retirement	\$929		
Family Separation Allowance	\$73	\$73	
RC Healthcare		\$534	
<u>FY 04 Average Cost Per Capita</u>	<u>\$63,765</u>	<u>\$9,814</u>	
(Also includes pay raises & force mix changes)			<u>15.4%</u>
<u>"Worst Case" Benefit Increases:</u>			
Full Concurrent Receipt	\$1,065	\$40	
Additional RC Healthcare		\$2,804	
Reserve MGIB Increase		\$256	
Survivor Benefit (Social Security) Offset	\$111	\$48	
Age 55 Retirement		\$893	
<u>Potential Average Cost Per Capita</u>	<u>\$64,941</u>	<u>\$13,855</u>	<u>21.3%</u>

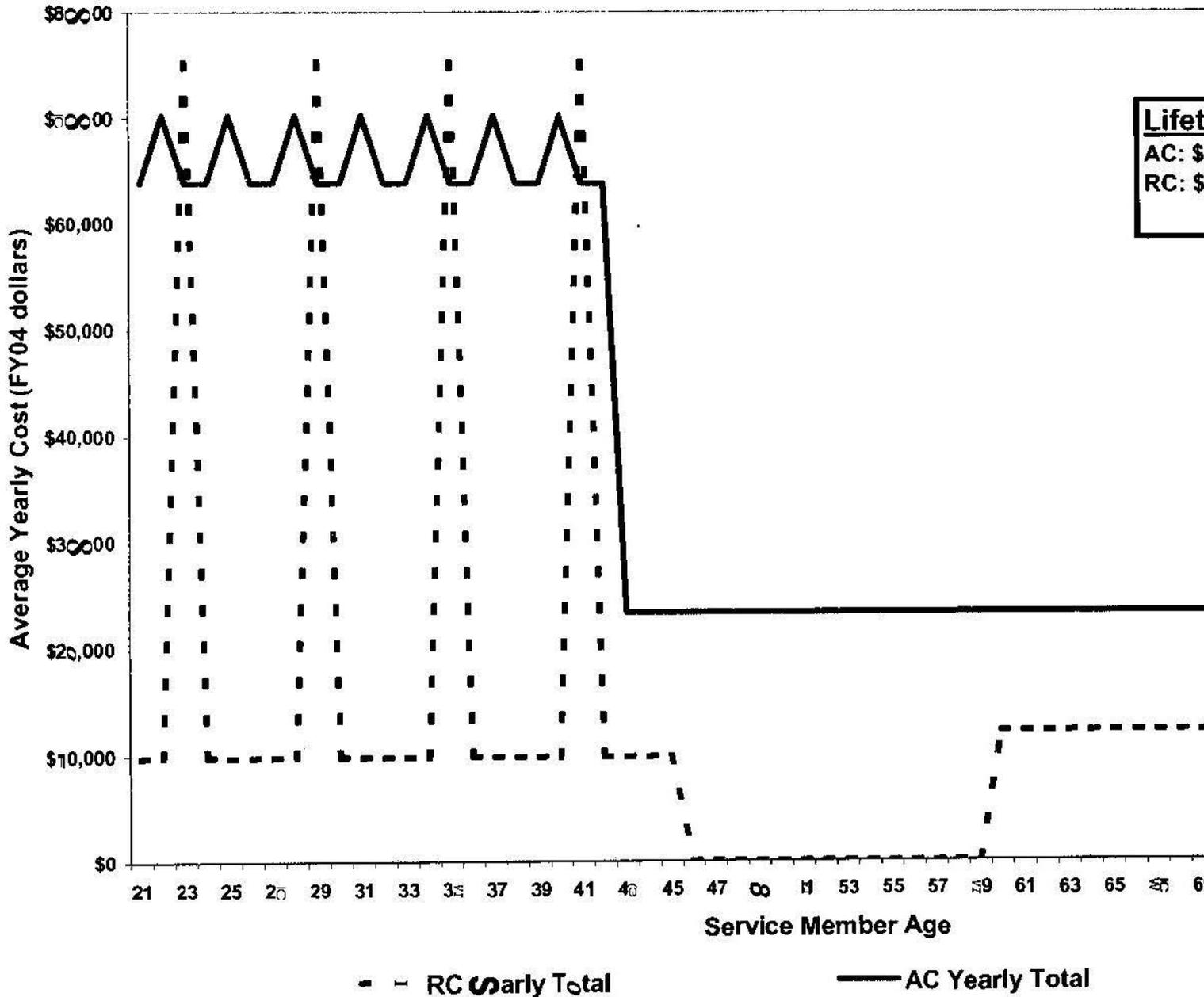
Facts

- Average annual (non-mobilized) compensation: RC is 15.4% of the cost of AC (FY 04 Appropriations; composite average)
 - AC:
 - RC:
- Average lifespan is 83 years (DHRA)
- Percentage of force reaching retirement (DHRA)
 - AC:
 - RC:
- Average length of career for
 - AC:
 - RC:

Assumptions – Calculating Lifetime Costs

- “Usage” is defined as number of deployments in a career:
 - AC: 7 (1 per 3)
 - RC: 4 (1 per 6)
- *Until we complete mil/civ conversions and rebalancing, portions of the Active and Reserve forces never deploy
- Non-pay incremental costs for RC deployments are about two times higher than deployment costs for AC service members. Including added “full-pay”, RC deployment costs are ten times higher than AC members
- Commissary and exchange service costs net zero between Active and Reserve forces
- *Active component personnel receive DoD schools support of \$1,274 per member per year, and \$2,550 per member in medical treatment facilities

DC and RC Individual Member Cost Comparison

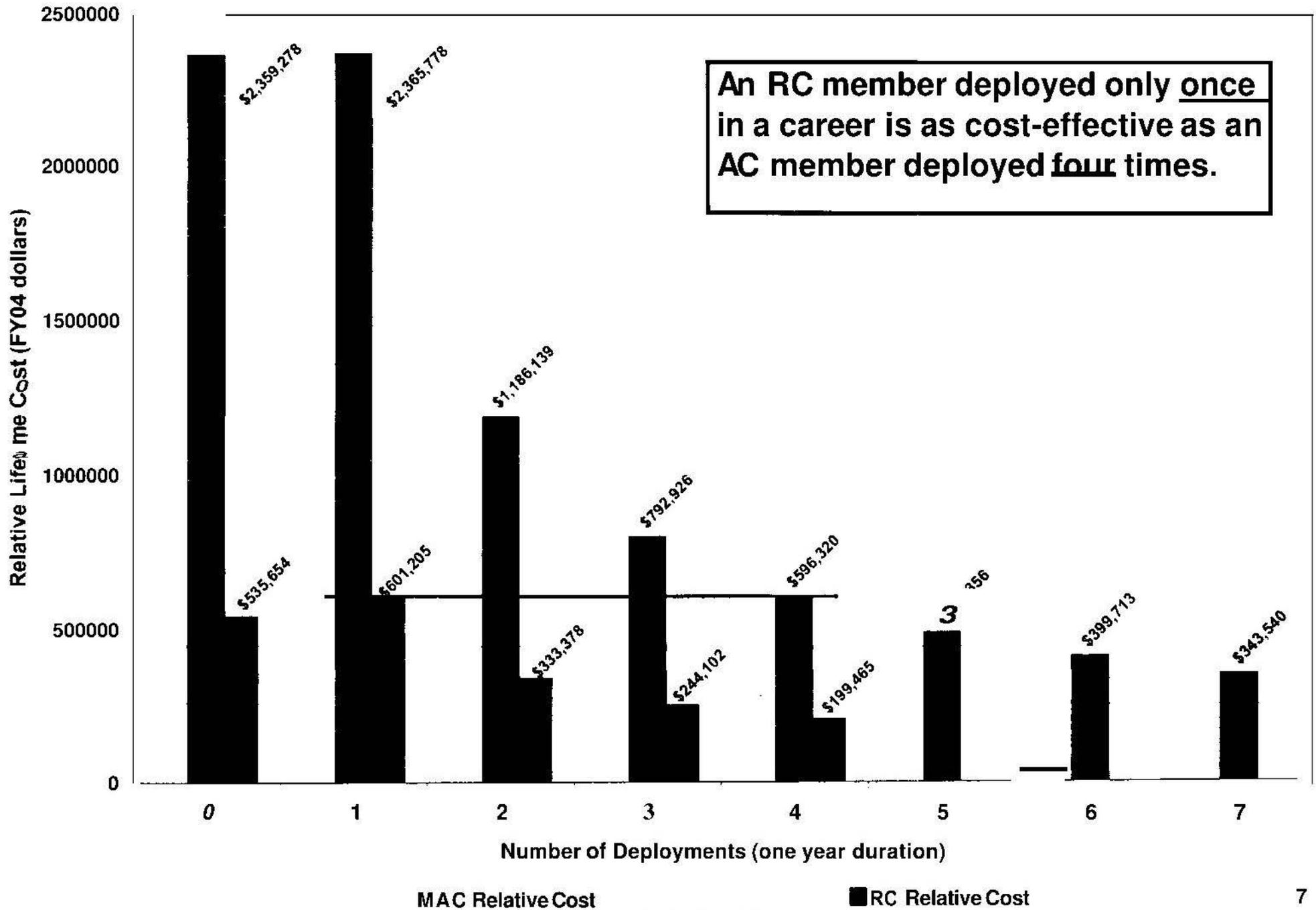


11-L-0559/OSD/43019

Key Points

- Lifetime RC personnel costs are one third of AC personnel in “busy” careers
- Incremental costs and additional pay associated with mobilization make short-term expenses very high for RC forces
- Fixed costs for active personnel far exceed those of non-mobilized reserve personnel and relate directly to the overall higher lifetime cost
- The “gray-area” between the end of RC service and the beginning of retirement benefit reception constitutes a significant cost savings over AC forces (AC member receives ~\$327,000 during RC member’s non-paid “gray area”) [Age 55 RC retirement would change to \$210,000]

Comparison of Lifetime Costs per Deployment Usage



Conclusions

- Entitlement changes are increasing the costs of both AC and RC members, but RC growth is greater.
- Reserve component personnel cost about one third the costs of Active forces over a lifetime (pay and retirement).
- In all scenarios of reasonable expectations, RC forces are more cost effective than AC forces in terms of total lifetime costs, and lifetime costs amortized over a number of deployments.
- The Reserve components are cost-effective force providers to augment the Active force, despite higher short-term mobilization costs and lower “usage” opportunities.

In reply refer to EF-9062 & 041004211

March 29, 2004

C4/7

TO: Doug Feith

CC: Paul Wolfowitz

Larry Di Piro

SUBJECT: Ash Carter

I think someone ought to brief Ash Carter broadly on what we are doing with respect to the posture. He cracked it in the press, without knowing what we're doing.

Thanks.

DHR:dh
032504-16

Please respond by 4/16/04

Agree

Policy ExecSec's Note April 5, 2004

April 5, 2004

CAPT Merriott,

- USDP spoke with Ash Carter on 4/1.
- USDP gave SecDef a readout of the conversation at the 4/2 Roundtable.
- Please close this action.

C. L. O'Connor

Colonel C. L. O'Connor, USMC
Director, Policy Executive Secretariat

OSD 10735-04

11-L-0559/OSD/43023

337

29 MAR 04

29
March 25 2004

TO: David Chu
CC: Gen. Dick Myers
Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Cost of Reserve v. Active

326

I need some data that shows me what the taxpayers are getting for a Reservist or Guard person, versus active duty, given the number of man-days or years we get out of each of them based on some assumption.

Please do it soon.

Thanks.

DHR:dh
032504-19

.....
Please respond by 4/16/04

29 MAR 04

OSD 10736-04

7201
March 2~~4~~, 2004

TO: Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: *WSJ* Article

Please see if you can get me a copy of an article from Monday's *Wall Street Journal* on the Moors in Spain and Islam, and taking it back.

Thanks.

DHR:dh
032404-8

.....
Please respond by 3/26/04

000.7

24 MAR 04

OSD 10737-04

11-L-0559/OSD/43025

720

March 24, 2004

TO: Larry Di Rita
LTG John Craddock

cc: Ryan Henry
Ken Krieg

FROM: Donald Rumsfeld *DR*

SUBJECT: SLRG Prep

In the future, I would like all SLRG preps to be held two or three days before a SLRG meeting, so I can have an effect on what takes place.

The SLRG prep papers did not arrive to me until the morning of March 24, which means I will not have time to read them prior to the prep session scheduled for today.

Thanks.

DHR:dh
032404-6



Please respond by _____

337

24 Mar 04

March 24, 2004

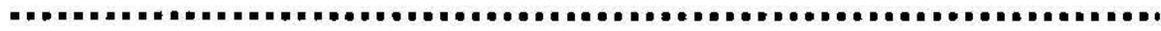
TO: Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: Pentagon Memorial Fund

I would like some brochures and information about how people can give to the Pentagon Memorial fund.

I want to get them up and out and get a little more aggressive in promoting it. I need some in my office so I can give them to people, and maybe I will send them to some people. Maybe we ought to have stacks of them in the waiting room.

Thanks.

DHR:dh
032404-23



Please respond by _____

000.4

24 MAR 04

March ²³~~18~~, 2004

TO: Marc Thiessen
FROM: Donald Rumsfeld *D.*
SUBJECT: Barone Article

Please take a look at this article by Michael Barone - it is good.

Thanks.

Attach.

Barone, Michael. "Heartening Progress in Iraq," *U.S. News & World Report*, March 22/March 29, 2004, p. 48.

DHR:dh
031904-3

.....
Please respond by _____

IRAQ

23 Mar 04

M. J.

Heartening progress in Iraq

IT HELPS SOMETIMES TO PUT THINGS in historic and metric perspective. The Iraqi Governing Council adopted a constitution on March 8, 11 months after the fall of Saddam Hussein. The German Western Parliamentary Council adopted a constitution—in May 1949, 48 months after the fall of Adolf Hitler. George W. Bush's critics complain of his "rush to war" and unpreparedness for its aftermath, but the

11 months it took to get a constitution was less than the 14 months between his speech naming Iraq as part of the "axis of evil" and the beginning of military action in Iraq.

What is remarkable about our occupation of Iraq is not that it has gone badly but that it has gone so well. Last week, crude oil production was above target level, the central bank signed up for the payment system used by central banks internationally, and 140,000 Iraqi police and law enforcement officers were on duty. A new Iraqi currency is circulating, and schools are open. Wages are rising, interest rates are falling, businesses are opening and hiring. Millions of Iraqis are buying cellphones, TVs, and satellite dishes. Attacks on Americans have greatly diminished, and attacks on Iraqis are likely to turn them against terrorists rather than against us.

The interim constitution adopted March 8 is worth serious attention. It provides for an elected national assembly, a strong prime minister, a largely ceremonial three-member presidency, and an independent judiciary. It has a bill of rights, with freedoms of expression and religion. It promises full equality for women. It bridges one of the thornier issues by saying that Islam shall be "a source"—not the sole source—of law, and that no law can run contrary to democratic principles. It provides for a large measure of autonomy for the Kurds, who have already developed their own democratic institutions despite a history of feuding. Both Kurdish and Arabic will be official languages.

No constitution is self-executing. Benjamin Franklin, on being asked what America's Constitutional Convention had produced, famously said, "A

republic... if you can keep it." What is encouraging here is the language used by Governing Council members. Sunnis and Kurds, Adnan Pachachi (said to be the State Department's man) and Ahmed Chalabi (said to be the Pentagon's man), they all get it—democracy, human rights, minority rights—to a degree not many expected a year ago.

This may have something to do with the extraordinary worldwide spread of democracy in the past 25 years. When Gen. Lucius Clay was prodding the Germans to produce a constitution in 1949, there were precious few democracies operating throughout the world. Now there are dozens and dozens. Starting in the 1970s with Spain, where the king played a key role, and Portugal, then in Greece and Turkey, South Korea and Taiwan, the Philippines and Indonesia, in Latin America and eastern Europe and Russia, authoritarian and totalitarian regimes have been replaced by working democracies; not always perfect, in some cases backsliding, but democracies. The trend is positive, and examples are there to see.

Advancing democracy. Jimmy Carter, Ronald Reagan, George H. W. Bush, and Bill Clinton all made contributions to this. Now George W. Bush is working to advance democracy in the Middle East. Iranians have been demonstrating against the mullahs; Saudi Arabia's Crown Prince Abdullah has been talking about reforms; Persian Gulf states are moving toward democracy; some brave Syrians even demonstrated in Damascus. The developments in Iraq cannot help but change the focus of Arabs and Iranians, who have long been encouraged

by their tyrants to blame their plight on Israel and the United States. Now their attention is being redirected to the question of how to build a decent democratic society.

One more thing for the Coalition Provisional Authority and the Iraqi Governing Council to consider: the creation of something like Alaska's Permanent Fund to flow some percentage of state oil revenues through to each citizen. Huge oil revenues have produced wasteful, tyrannical states. Flowing through some of the money to citizens would provide a safety net and encourage the growth of a vibrant and independent private sector. Democracy requires not only a good constitution but a self-reliant people jealous of their rights. An Iraqi Permanent Fund would be a step in that direction. ●

What is remarkable about our occupation... is not that it has gone badly but that it has gone so well.



WEIGHING IN. Paul Bremer (right), the chief U.S. administrator in Iraq, talks with members of the Iraqi Governing Council.

March 19, 2004

TO: Honorable Andrew H. Card, Jr.
FROM: Donald Rumsfeld *DR*
SUBJECT: Intrepid Foundation Invitation for POTUS

Here is a letter from the Intrepid Foundation in New York. They want to honor the President in May.

It is an organization that does a good deal for the military, including providing scholarships to dependents. The Fisher family also funds the Fisher Houses, which are rooms military families can use while visiting loved ones undergoing treatment at military health facilities, including Walter Reed and Bethesda Naval Hospital.

It is worth your consideration.

Thanks.

Attach.
12/22/03 Intrepid Foundation invitation to POTUS

DHR:dh
031904-7

001,1004

19 MAR 04



ARNOLD FISHER
CHAIRMAN OF THE BOARD

December 22, 2003

Dear **Mr.** President,

On behalf of the Board of Trustees of the Intrepid Museum Foundation, it is **my** honor to invite you to **receive** the **2004 Intrepid Freedom Award**, a **special** honor presented to **selected world leaders** for their leadership in the advancement of peace, **freedom** and **democracy**.

The **Intrepid Freedom Award** was created by the **Board** of Trustees in **1992** to recognize outstanding leaders who have **stood** tall in defense of the principles prized by people throughout the world. Past recipients have included Presidents **Reagan** and **Yeltsin**, and Prime Ministers **Rabin** and **Thatcher**, as well as then-Secretary **Clayey** and General **Fuwall**. Our board has recommended you for this Award in recognition of your pursuit of world **freedom** and **democracy**.

The Award will be presented at the **Fleet Week Gala**, hosted aboard the historic World War II aircraft carrier **Intrepid** in **New York City** on the evening of **May 27, 2004**. The dinner will be part of the **17th** anniversary of **Fleet Week**. **Fleet Week**, often referred to as "America's Premiere thank-you to the men and women of the Armed Forces," is hosted annually by the **Intrepid Museum Foundation** and the **City of New York**. Vessels from the United States Navy and Coast Guard, as well as from Allied nations from around the world, visit **New York** to join in the week's celebrations.

Since the inception of **Fleet Week** in **New York** in **1987**, 300,000 American military personnel, from all five branches of the Armed Forces, have joined in the event. The Museum arranges a series of activities for them, including **free crew parties** aboard **Intrepid**, athletic competitions, and other special events. Other **New York** organizations join in as well: The **New York Yankees** and **Mets** each donate 5,000 tickets for the **uoops** for baseball games; theatres offer **Broadway show** tickets, and many restaurants and stores offer **discounts** for servicemen and women in town. **Fleet Week** has become a **true opportunity** for American citizens to offer their thanks to those who serve in our nation's defense. This year 10,000 U.S. troops will be joined by **sailors** from other allied nations for our celebration.

The **black-tie Gala** is hosted on the hangar deck of the World War II - era carrier **Intrepid**, which serves as the centerpiece of the **Intrepid Sea Air Space Museum**. The **Gala**, which also honors the members of the **Armed Forces** of the **United States** and allied nations, is a military-themed event featuring patriotic entertainment. The event is scheduled to begin at **six o'clock** with a reception, followed by dinner in the carrier's hangar deck area. Senior **Federal, State** and **City** officials will be in attendance. Our nation's top corporate **CEO's** and national figures will be present as well.

08/03/1995 09:59

(b)(6)

PAGE 03

Received: 1/2/04 10:09;

INTREPIO MUSEUM BVP; PAGE 5

01/08/04 FRI 17:24 TEL

005

I hop that you will join in what I promise will be an outstanding event. My office will provide all details required by your staff, and we are standing by to assist in any special arrangements that may be required. We hope that you will accept our invitation and that we will see you and the First Lady at the Gala.

Sincerely,



The Honorable George W. Bush
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

11-L-0559/OSD/43032

BCC:
GEN DICK MYERS
PAUL WOLFWITZ
DOUG FEITH

March 19, 2004

TO: Dr. Condoleezza Rice
CC: Honorable Colin Powell (by hand)
FROM: Donald Rumsfeld *DR*
SUBJECT: Non-NATO Ally Status

I just heard that Colin has announced that Pakistan is now a non-NATO ally.

I don't recall knowing about this.

We ought to decide who should have non-NATO ally status, and on what basis we will decide it.

It ought not be like passing out eggs at Easter.

Thanks.

DHR:dh
031904-4

✓
3/25

Pakistan

19 MAR 04

OSD 10742-04

11-L-0559/OSD/43033

March 18, 2004
EF-8941
I-04/003783

TO: Doug Feith
CC: Paul Wolfowitz
FROM: *Seidler*
SUBJECT: Oil-for-Food

~~Adm~~
~~Wolfe~~
3/19 1645

1250

3/29

Please come forward with a plan soon for the US Government on this UN issue, so we can be helpful to the CPA and get it sorted out. I would like a plan we can propose to the interagency.

Thanks.

Attach.
3/18/04 Gingrich e-mail to SecDef re Oil for Scandal

DHR:dh
031804-12

.....
Please respond by 3/26/04

✓ 3/30

Sir,
Response attached.
vr/ CDR Nosenzo
3/30

18 MAR 04

OSD 10743-04

U.S. OI' *[Signature]* 3/25/04

INFO MEMO

FOR SECRETARY OF DEFENSE

FROM: Mira R. Ricardel, ASD for International Security Policy (Acting)

[Signature] MAR 24 2004

SUBJECT: Oil for Food (OFF) Program Allegations of Abuse Update

- You requested we prepare a draft USG plan to address the unfolding OFF program abuses (Tab A). Earlier you had also asked about getting the Inspector General involved (Tab B).
- Several events occurred since you raised this issue at the 11 March PC meeting:
 - o The Iraqi Governing Council has hired an independent accounting firm, KPMG, and legal counsel to investigate past and current OFF Program abuses.
 - o Senior Officials from State briefed the HIRC Subcommittee on National Security on OFF Program abuses.
 - o A sub-PCC has developed options on how best to proceed.
- On 19 March UN Secretary General Annan announced his intention to create an independent high-level commission to fully investigate the OFF Program abuses.
 - o An internal UN investigation of UN officials and UN contractors is ongoing.
 - o SYG Annan intends to seek the full and active cooperation of the UN Security Council and all member states.
- Over the weekend, both Secretary Powell and NSA Rice gave their support for Annan's proposal, and promised whatever assistance may be needed.
 - o Jerry Bremer has frozen all records that exist in Iraq and has promised the full support and cooperation of the CPA and the Iraqi Governing Council.

IRAQ

24 March 04

18 March 04

Next Steps. In conjunction with these ongoing investigations we will continue to press for full disclosure and accountability, and ~~we will~~ make available to investigators any information we have on the OFF Program.

D. Feith has been in touch with Steve Cambone about this. Feith is also pushing the issue with Jerry Bremer and with State.

The USG, including the Iraq Survey Group, should

Prepared by: Guy B. Roberts PD/NP

Reviewed by: Mark T. Esper, DASD/NP

March 18, 2004

TO: LTG John Craddock
FROM: Donald Rumsfeld *DR*
SUBJECT: POTUS and Basing in Spain

*✓ OLS
3/22*

Spain

The next time I meet with the President, I am going to have to be able to tell him what we currently have in Spain in force posture, what we were planning to do and how we have adjusted what we were planning to do.

Thanks.

DHR:dh
031804-8

.....
Please respond by 3/23/04

18 MAR 04

3/18 1300

720

C 3/29

March 17, 2004

TO: Larry Di Rita
FROM: Donald Rumsfeld DR
SUBJECT: Memo on Audit

What am I supposed to do with this memo from Dov Zakheim on audit?

Thanks.

Attach.
3/16/04 USD(C) memo to SecDef re: Audit

DHR:dh
031704-5

.....
Please respond by 3/23/04

✓
3/29

SecDef 3/23
Nothing. The Poles have raised
some questions and we're looking into it
Di Rita

130

17 MAR 04

03116



COMPTROLLER

UNDER SECRETARY OF DEFENSE
1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

INFO MEMO

March 16, 2004, 1:30 PM

FOR: SECRETARY OF DEFENSE
DEPUTY SECRETARY OF DEFENSE

FROM: Dov S. Zakheim 

SUBJECT: Audit

- Attached is the type of audit I have asked the DCAA staff to perform.
- Highlighted are the key points.
- Today I talked with the Polish Deputy Defense Minister, Janusz Zamke. He told me that since my recent visit, conditions have improved at the Multinational Division.

Attachments:
As Stated

COORDINATION: NONE

A large, hand-drawn oval containing the number "2".

11-L-0559/OSD/43038

Dr. Zakheim wanted to know the status of the living accommodations and camp conditions for the coalition forces (Multinational division) with specific emphasis on the Polish sector. He was concerned that all personnel in theater be treated on an equal footing as regards the camp accommodations. He also wanted a comparison to contractor living conditions.

We have been performing some floorchecks and perambulations in the Polish sector and making observations over the past weeks. I personally visited one of the Camps, Camp Lima. There was about a 60:40 split of Thai versus Polish troops at that location, so the Thai commander was the camp commander. I spoke to the Thai commander as well as the Polish commander on site and made some observations of my own. I also spoke to some Thai, Polish, and American troops. There were a few American troops at the camp and some Slovak troops were due to arrive in a couple days.

My observation was that the living accommodations of all the troops appeared to be similar, whether Thai, Polish or American. Higher ranking officers did have better quarters than the regular troops, as would be expected. At the time of my visit, all but about 150 of the Polish troops were in mobile containers, which is considered a desirable living accommodation at a camp like this. All the Thai troops were already in containers. I am not sure why the Thai's got priority over the Poles. It could be that they were there first or may have had something to do with the fact that the commander was Thai. But once they get into a container, the accommodations are similar.

There was a very clear difference in the living accommodations for the troops versus the contractor (KBR) personnel. There were 25 containers for KBR personnel, each a one person container with plumbing. By contrast, the troops are three to a container with no plumbing.

Another observation is that the KBR containers seemed to have better protective measures than some of the troop containers. A blast wall had been erected between the KBR containers and the camp perimeter. There was no such wall for much of the troop housing. There may have been good reasons for this disparity. It may be that the KBR side of the camp was considered more dangerous or vulnerable; they may have been closer to the perimeter etc. I am not qualified to make these assessments. The Thai commander said some of his troops had commented on this disparity. He was not complaining, but did say he had heard some comments.

I asked the Thai commander about the KBR housing. He said that some of the Thai troops had brought up this subject. He said he had explained to them that it was not a problem because KBR itself was paying for those containers. I did not attempt to explain to him that it was really the contract that was paying for the containers. As for the LOGCAP support, he did not have major complaints but was not entirely satisfied. He said it took a long time to get things done. He said they sometimes just use their own money when they want to get something done quickly. On this subject, I am sure there is a certain amount of confusion and misconception about what can and can't be done under LOGCAP. His expectations could be different than what the contract actually provides for.

The Polish commander had no major complaints. He did not seem to have a problem with the disparity in living conditions. One of the Polish officers explained that soldiers expected to be living in field conditions and that they expected that civilian contractors would be treated differently.

We made additional observations at Babil, with a large concentration of Polish troops and a Polish commander. We spoke with the commander there. He was very satisfied with the conditions and treatment his troops were receiving. The food was good and the camp conditions positive. The conditions at Babil were better than Camp Lima and the feedback from the commander sounded more positive. The commander did not seem to have any problem with contractor living conditions there. He said the troops expected to be living in field conditions.

The IBO auditors performed three additional field visits at camps for the Polish and the Ukrainians. Our observations disclosed no significant problems with the quantity and quality of the life support being provided to the Multi-National Forces under the LOGCAP Contract. We have coordinated with the local DCMA offices on this review.

KBR's living conditions are significantly better than the troops, but there may be valid reasons for this. We are considering an operations audit to determine if cost savings can be achieved by placing KBR personnel in housing more similar to that provided to the troops. We asked KBR for its in-theater housing policy for its personnel nearly a month ago. We have still not received it.

Best regards,

Dan Alernis
Branch Manager
Defense Contract Audit Agency
Iraq Branch Office

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~~For Official Use Only~~

March 17, 2004

TO: Marc Thiessen
FROM: Donald Rumsfeld *DR*
SUBJECT: Poll Results

Here is an interesting poll you might want to reference in some remarks sometime.

Thanks.

Attach.
Poll

DHR:dh
031704-7

.....
Please respond by _____

000.7

17 MAR 09

Poll: Iraqis say life better now

LONDON, England-- A majority of Iraqis believe life is better now than it was under Saddam Hussein, according to a **poll** by broadcasting organizations released to coincide with the first anniversary of the U.S.-led invasion.

And almost half -- 49 percent-- of those questioned believe the invasion of their country by U.S. and British troops was right, compared with 39 percent who said it was wrong.

The poll -- the first nationwide poll in Iraq since the war -- was commissioned by ABC of the U.S., Britain's BBC, Germany's ARD and Japan's NHK.

Some 57 percent of respondents said life was better now than under Saddam, against 19 percent who said it was worse and 23 percent who said it was about the same.

Iraqi people appeared optimistic about the future, with 71 percent saying they expected things to be better in a years time, six percent predicting it will be worse and nine percent the same.

But Iraqis are concerned about conditions in their country, the poll shows.

They have considerable worries about joblessness, security and basic services like electricity.

"The positive attitudes and the high expectations and optimism are quite striking, with majorities telling us their lives are going well," ABC polling director Gary Langer told The Associated Press.

"Expectations carry risks, however. If these are unmet, there could be political consequences."

Seven in 10 say the availability of jobs is poor and nearly that many said the same about electricity. Almost three-fourths gave a positive rating to local schools, however.

The biggest overall concern nationally was regaining public security -- named as the top concern by almost two-thirds in the poll, 64 percent. That was far higher than any other priority.

About half said they oppose the presence of coalition forces, but few want those troops to leave now -- wanting soldiers to stay until the Iraqi government is in place or until security is restored.

Only 25 percent said they had confidence in coalition forces to deliver their needs. There were far higher levels of confidence in Iraqi religious leaders, 70 percent; local police, 68 percent; and the new Iraqi army, 56 percent,

Four of five said they want a unified country with a central government in Baghdad. Kurds, an ethnic minority in northern Iraq who make up about one-third of the total population in Iraq, were less likely to feel that way. By a 2-1 margin, Kurds favored the formation of regional states with a federal government. Kurds have been seeking autonomy in Iraq.

The number who think Iraq needs "a single strong Iraqi leader" in the next year increased from 27 percent in November, when the polling firm Oxford Research International last asked the question, to **47** percent now.

When asked what Iraq needs in five years, people were more likely to say an Iraqi democracy, 42 percent, followed by "a single strong leader," 35 percent.

The poll was conducted by the Oxford Research International of Oxford, England, for ABC News, the British Broadcasting Corp., the German broadcasting network ARD and the Japanese network NHK.

The poll of 2,737 face-to-face interviews was conducted in Iraq from Feb. 9-28 and has a margin of sampling error of plus or minus 2 percentage points.

ABC's Langer told **AP** the interviewers faced difficulties conducting the poll because of the security situation in Iraq.

The polling firm "reported a car wreck, interviewers detained by coalition forces, interviewers detained and questioned by Iraqi police, and some who had to detour around a bombing site," he said.

**ABC, BBC, ARD (GER) AND NHK (JAPAN) NATIONWIDE POLL,
9-28 FEB 04: LIFE IN IRAQ**

Based on 2737 face-to-face interviews; 2% margin of error. Oxford Research International did polling for the news organizations. Some difficulties encountered during polling due to security situation.

Issue	Data
Life now versus under Saddam Hussein	57% life is better than under Saddam 19% life is worse 23% about the same
On the future	71% said things will be better in one years time 5% things will be worse 9% things the same
Rated poor	70% poor availability of jobs - 70% poor availability of electricity
Rated positive	75% positive about local schools
Biggest concern	64% regaining public security
Coalition Forces	50% oppose presence; but most want soldiers to stay until Iraq gov't in place or security restored 25% believe coalition forces can deliver needs
Iraqi Leadership	70% confidence Iraqi religious leadership 68% confidence local Iraqi police 56% confidence new Iraqi army
Unified country with central gov't in Baghdad	80% favor (Kurds favor regional states with federal gov't by 2 to 1)
Strong, single Iraq leader	47% of Iraqis see need for (up from 27% in Nov)
Iraq's needs in 5 yrs	42% democracy 35% single, strong leader

March 17, 2004

TO: Steve Cambone
Marc Thiessen

FROM: Donald Rumsfeld

SUBJECT: Questions and Answers

*Advance
copy sent
3/17 1245*

000.5

Here is an article from this week's *Time* that I think raises some questions we may want to raise and answer ourselves.

Thanks.

Attach.
Klein, Joe, "Bush and 9/11: What We Need to Know," *Time*

DHR:dh
031704-8

.....
Please respond by 3/19/04

17 MAR 24

OSD 10773-04

11-L-0559/OSD/43045

★ VIEWPOINT

Bush and 9/11: What We Need to Know

The investigative panel is getting ready to grill the President. Here's what they

should ask

By JOE KLEIN



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Saturday, Mar. 13, 2004

George W. Bush's most memorable day as President was Sept. 14, 2001, when he stood in the rubble of the World Trade Center, holding a bullhorn in one hand, his other arm slung over the shoulder of a veteran fire fighter from central casting. Bush was pitch perfect that day—the common-man President, engaged and resolute. This is the image the Bush campaign is probably saving for the last, emotional moments of the election next fall. It is the memory the Republicans want you to carry into the voting booth. It is why the Republican Convention will be held in New York City this year. And it may also be why the White House has been so reluctant to cooperate with the independent commission investigating the events of Sept. 11, 2001.

The commission, which will finish its work in midsummer, on the eve of the conventions, will soon question the President about his response to the terrorist threat in the months before 9/11. I asked a dozen people last week—some intimate with the commission's thinking, some members of the intelligence community, some members of Congress who have investigated 9/11—what they would ask the President if they could. Their questions fell into three broad categories.

Why didn't you respond to the al-Qaeda attack on the U.S.S. *Cole*? The attack occurred on Oct. 12, 2000; 17 American sailors were killed. The Clinton Administration wanted to declare war on al-Qaeda. An aggressive military response was prepared, including special-forces attacks on al-Qaeda training camps in Afghanistan. But Clinton decided that it was inappropriate to take such dramatic action during the transition to the Bush presidency. As first reported in this magazine in 2002, Clinton National Security Adviser Sandy Berger and counterterrorism deputy Richard Clarke presented their plan to Condoleezza Rice and her staff in the first week of January 2001.

Berger believed al-Qaeda was the greatest threat facing the U.S. as Clinton left office. Rice thought China was. What were President Bush's priorities? Was he aware of the Berger briefing? Did he consider an aggressive response to the bombing of the *Cole* or to the al-Qaeda millennium plot directed at Los Angeles International Airport—which was foiled on Dec. 14, 1999? Did he have any al-Qaeda strategy at all? Rice, who has not yet testified under oath, decided to review counterterrorism policy; the review wasn't completed until Sept. 4. A related question along the same lines: Why didn't you deploy the armed Predator drones in Afghanistan? The technology, which might have provided the clearest shot at Osama bin Laden before 9/11, was available early in 2001. But the

CIA and the Pentagon squabbled about which agency would be in charge of pulling the trigger. The dispute wasn't resolved until after 9/11. Were you aware of this dispute, Mi- President? Why weren't you able to resolve it?

Indeed, the second category of questions revolves around the President's interest in and awareness of the al-Qaeda threat. As late as Sept. 10, after the assassination of Northern Alliance leader Ahmed Shah Massoud, Bush was asking in his national-security briefing about the possibility of negotiating with the Taliban for the head of bin Laden. "If he had studied the problem at all," an intelligence expert told me, "he would have known that was preposterous." As early as Aug. 6, Bush had been told that al-Qaeda was planning to strike the U.S., perhaps using airplanes. What was his response to that? How closely was he following the intelligence reports about al-Qaeda activity, which had taken an extremely urgent tone by late spring? Another intelligence expert proposed this question: "Did he ever ask about the quality of the relationship between the CIA and the FBI?"

Obviously, the President couldn't be responsible for knowing that the FBI was tracking suspicious flight training in Arizona or that the CIA had an informant close to two of the hijackers, but was he aware of the friction between the two agencies? Was he aware that John Ashcroft had opposed increasing counterterrorism funding for the **FBI**?

Finally, there are the questions about the President's actions immediately after 9/11. Specifically, why did he allow planeloads of Saudi nationals, including members of the bin Laden family, out of the U.S. in the immediate aftermath of the terrorist attacks? Who asked him to give the Saudis special treatment? Was he aware that the Saudi Arabian government and members of the royal family gave money to charities that funded al-Qaeda?

It is easy to cast blame in hindsight. Even if Bush had been obsessed with the terrorist threat, 9/11 might not have been prevented. But the President's apparent lack of rigor—his incuriosity about an enemy that had attacked American targets overseas and had attempted an attack at home—raises a basic question about the nature and competence of this Administration. And that is not a question the Republicans want you to take to the polls in November

!!

March 17, 2004

TO: Powell Moore

CC: Paul Wolfowitz
David Chu

FROM: Donald Rumsfeld *DR*

SUBJECT: RC Members Serving in the Balkans

326

My recollection is that when Blunt was here, we talked about what the percentage was of the Reserves actually utilized for the Balkans, and I guessed it was 0.12.

In any event, here are the numbers. I wonder if you ought to get them to Blunt. Did we ever do that?

Please check with David Chu and see if he did.

Thanks.

Attach.
 3/8/04 USD(P&R) memo to SecDEF re: Number of Reserve Component Members Serving in the Balkans (OSD 03585-04)

DHR:dh
031704-14

.....
 Please respond by 3/26/04

17 MAR 04



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



3/17

PERSONNEL AND
READINESS

March 8, 2004, 1200

FOR: SECRETARY OF DEFENSE

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

David S. C. Chu 10 Mar 04

SUBJECT: SNOWFLAKE - Number of Reserve Component Members Serving in the Balkans

- Based on an inquiry from Congressman Roy D. Blunt, you asked for the number and percentage of Reserve component members who served in the Balkans.

	FY96	FY97	FY98	FY99	FY00	FY01	FY02	FY03	Total
Bosnia	8,114	7,776	1,378	1,754	1,965	4,614	2,808	3,041	31,450
Kosovo	0	0	0	5,576	1,527	960	842	2,529	11,434
Total- Balkans	8,114	7,776	1,378	7,330	3,492	5,574	3,650	5,570	42,884
% of Selected Reserve*	0.87%	0.85%	0.15%	0.83%	0.40%	0.64%	0.41%	0.63%	
% of Ready Reserve**	0.53%	0.54%	0.10%	0.57%	0.28%	0.46%	0.30%	0.48%	

- Reserve component call-ups for Bosnia operations began December 8, 1995 (Presidential Executive Order 12982) and for Kosovo operations April 27, 1999 (Presidential Executive Order 13120).
- The annual totals represent less than 1% of the Selected Reserve force for each year, and, at the highest, slightly more than 1/2 of 1% of the Ready Reserve.
- COORDINATION: NONE

SPL ASSISTANT DI RITA	
SR MA CRADDOCK	
MA BUCCI	
EXECSEC MARRIOTT	3/10

Prepared By: Mr. Dan Kohner, OASD/RA(M&P), (b)(6)



Mobilized Reserve Members in Support of Balkan Contingencies

	FY96	FY97	FY98	FY99	FY00	FY01	FY02*	FY03*
Bosnia	8,114	7,776	1,378	1,754	1,965	4,614	2,808	3,041
Kosovo	0	0	0	5,576	1,527	960	842	2,529
Balkans - Total	8,114	7,776	1,378	7,330	3,492	5,574	3,650	5,570

SelfRes Pop	928,033	909,740	889,078	879,027	873,207	875,398	882,142	882,792
Mob'd for Balkans - % of SelfRes	0.87%	0.85%	0.15%	0.83%	0.40%	0.64%	0.41%	0.63%

IRR Pop	608,607	541,234	464,350	409,817	378,245	348,723	317,179	284,309
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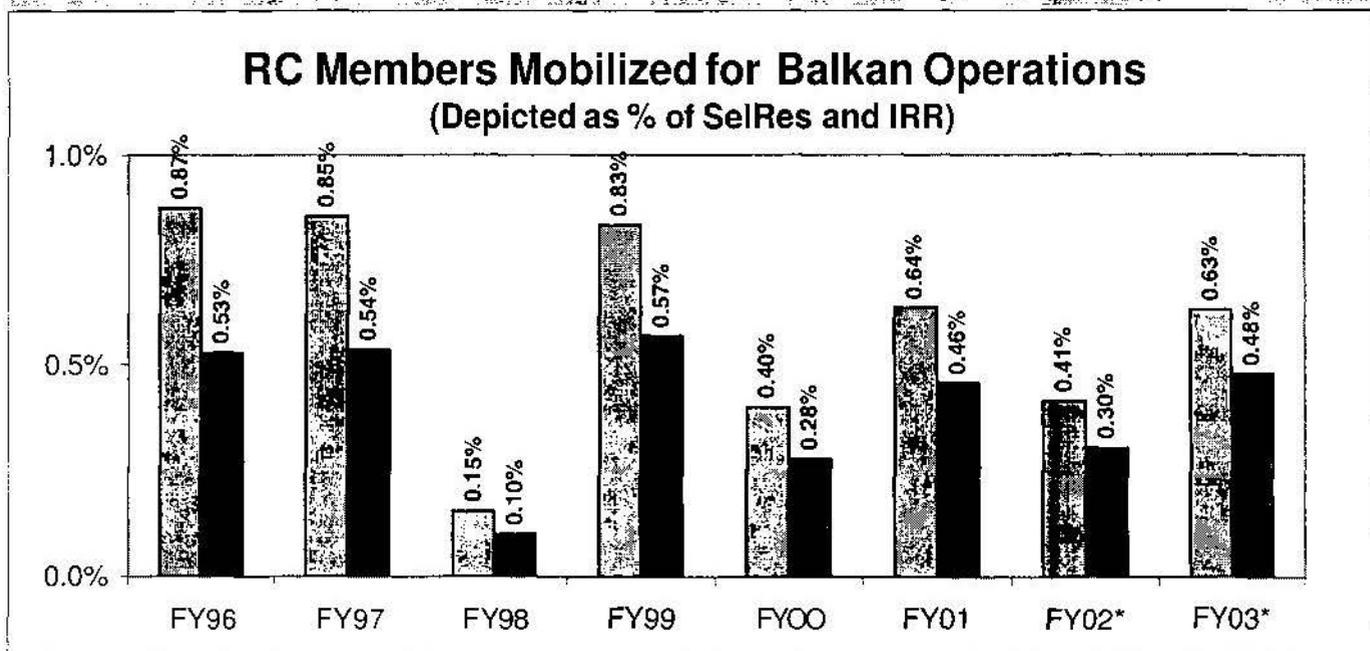
Ready Reserve Pop (SelfRes + IRR/ING)	1,536,640	1,450,974	1,353,428	1,288,844	1,251,452	1,224,121	1,199,321	1,167,101
Mob'd for Balkans - % of Ready Reserve	0.53%	0.54%	0.10%	0.57%	0.28%	0.46%	0.30%	0.48%

Bosnia	PRC via EO 12982 - 8 Dec 95
Kosovo	PRC via EO 13120 - 27 Apr 99

Cumulative RC Members:	Invol
Bosnia	31,450
Kosovo	11,434

* Includes Reserve members in support of Operation NOBLE EAGLE in Balkan countries as well as Operations JOINT ENDEAVOR/GUARD/FORGE (Bosnia) and JOINT GUARDIAN (Kosovo)

Does not include volunteers.



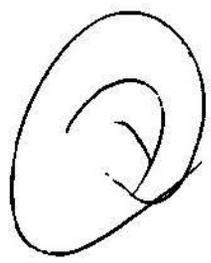
- RC members mobilized for Balkans - % of SelfRes force.
- RC members mobilized for Balkans - % of Ready Reserve force.

3/11 1230 3/5/04

C3/12
3/17

March 4, 2004

TO: David Chu
FROM: Donald Rumsfeld
SUBJECT: Number



LETY DI RIA
3/12

Please get back to me with that number I asked you for, the percentage—the one I guessed was something like .012.

Thanks

DHR:dh
030404-30

.....
Please respond by 3/12

March 17, 2004

TO: Doug Feith
CC: Paul Wolfowitz
FROM: Donald Rumsfeld 
SUBJECT: Oil-for-Food

Here is the material Newt gave me on the UN oil-for-food "scandal." What do you think about getting the Inspector General working on it?

Thanks.

Attach.

3/10/04 Gingrich e-mail to SecDef w/attachments (45 documents)

DHR:dh
031704-15

.....
Please respond by 3/26/04

OSD 10775-04

11-L-0559/OSD/43052

Craddock
DiRita

10, 2004 8:09 AM

(b)(6) Larry.DiRita@osd.pentagon.mil;
John.Craddock@OSD.Pentagon.mil (b)(6) jack.patterson@osd.mil

Cc: peter.pace@js.pentagon.mil; damicorj@js.pentagon.mil
Subject: corruption in iraq and the threat to the BUsh administration

for secdef,depsecdef
from Newt
3/10/04

Hankes-Drielsma (the man who uncovered the Nobel scandal in Sweden and negotiated the South African debt crisis) is convinced the UN oil for food program was the largest financial scandal in history

he is also convinced it reaches into France, the UN, Jordan, and a host of other countries

finally he is convinced it will inevitably show up as corruption in our efforts to modernize Iraq because the depth and habit of corruption are so deep

it is vital that we get ahead of this corruption scandal by appointing a special investigative task force both to help uncover past corruption and to root out current corruption.

Given the scale of corruption KPMG is uncovering it is almost certain a lot of very clever experts in bribery and false accounting are doing business with CPA.

former **Deputy Attorney General Ed Scmults** is in Iraq now as Advisor to the Justice Ministry. He could be reassigned immediately to head an anti-corruption task force with a counterpart from Iraq.

Either we will be the people rooting out corruption or we will be the people presiding over corruption

This could explode this summer and fall and be very much to our disadvantage unless we get ahead of the curve and very loudly meet it head on

I am forwarding a number of already published articles which make clear how big this is and Hankes-Drielsma is back in town next week and I am certain this will get bigger. Someone fairly senior should be assigned to work with him.

3/10/2004

11-L-0559/OSD/43053

March 17, 2004

TO: Ken Krieg
CC: Paul Wolfowitz
FROM: Donald Rumsfeld 
SUBJECT: Cost-Cutting

Here is a memo I sent you January 31. Please take the lead on this and make sure we get a good list.

Thanks.

Attach.
1/31/04 SecDef Memo (103104.16)

DHR:dh
031704-17

.....
Please respond by

4/16/04

020700

17 MAR 04

TO: Larry Di Rita
LTG John Craddock
Jaymie Durnan
Steve Cambone
Paul Wolfowitz
Kew Kares

FROM: Donald Rumsfeld *DR*

DATE: January 31, 2004

SUBJECT: **Attached**

Attached is a list of some major cost-cutting efforts. Why don't you add some others to this list and let's refine it.

Thanks.

DHR/azn
103104.16

Attach: List of Cost Cutting Activities

Respond by: _____

2/7/04

MEMORANDUM

January 31, 2004

Important cost-cutting activities that will change the face of how this department functions.

1. Complete revamping of the DAT system worldwide.
2. New security cooperation.
3. Massive review of regular international and bilateral meetings to increase the ones that should be increased and decrease the ones that should be decreased.
4. Force posture.
5. Complete review of DoD directives.
6. Complete revamping of contingency plans.
7. Other.

DHR/azn
013104.15

March 17, 2004

TO: Marc Thiessen
Tony Dolan
FROM: Donald Rumsfeld *DR*
SUBJECT: Questions for Press

We ought to think about questions I can ask the press that the answer to which will inform them of something that is useful.

On a recent trip, I asked the press how many people they thought had been killed in action in Afghanistan. As I recall, the estimates were 200 to 500. I think the truth is that it was in the 60s or 70s. It was helpful for them to learn the answer. It was also helpful for them to know that they thought they knew the answer but didn't, and that they were wrong because of impression.

We ought to think about questions we can ask.

Thanks.

DHR:dh
031704-18

.....
Please respond by 4/2/04

000.7

17 MAR 04

OSD 10777-04

3/18
1300

120

March 17, 2004

TO: Doug Feith
CC: Paul Wolfowitz
LTG John Craddock
Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: China

*ask June -
Chun.*

China

3/29

I have not been to China in the three-plus years I have been here. I am wondering if we ought to finish four years without my doing that. I have been asked to visit 15 times.

I am going to be going over to Australia and Singapore. Why don't you noodle that and give me your advice?

Thanks.

DHR:dh
031704-20

*OB
5/18*

Please respond by 4/2/04

3/21

W

*Sec Def -
Agree. When all the
Taiwan election items
settle down, should
consider doing. After
Singapore may be good!
(early ~~May~~ ^{JUNE})
D. Rumsfeld*

17/17/04

OSD 10779-04

3/29

11-L-0559/OSD/43058

March 17, 2004

✓ 3/17

TO: Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: Story on Stop-Loss

After we get a report back from the Army Association of America, or whatever outfit it was that came out with the story about stop-loss being like a draft, I would like to know who contacted them and whether or not we were able to disabuse them.

320.2

Thanks.

DHR:dh
031504-35

.....
Please respond by 3/19/04

3/15

SecDef-

Les Brownlee told me he would make a point of getting to the group in question (Military Officers Association).

I suggested he and Schoomaker or he and Casey do it.

Also, we are providing the correct info to other like associations and to the Military "talking heads". Also, going back to Schieffer/Friedman. *DR*

OSD 10780-04
11-L-0559/OSD/43059

INFO MEMO

March 15, 2004, 4:45 p.m.

FOR: SECRETARY OF DEFENSE

FROM: GEN Casey, Vice Chief of Staff, Army

SUBJECT: Army Stop Loss Update

1. Purpose. To respond to a question of the Secretary of Defense on "Face the Nation" concerning an allegation by the Military Officer's Association of America (MOAA) that the Army policy of Stop Loss (SL) is being used as a means to generate the authorized 30K end strength increase.

2. Discussion.

- Stop Loss is the temporary holding of soldiers past the completion of their contracted term of service for operational purposes.
- The Army has judiciously employed SL over the last two years, being effective stewards who used SL to increase unit readiness. The requirement for SL is reviewed monthly and was completely eliminated for an extended period for the active forces; however, operational requirements caused it to be reinstated.
- The focus of Army deployments is on trained and ready units, not individuals. SL is a management tool that sustains effectively a force, which has trained together, to remain a cohesive element throughout its deployment.
- As of February 2004, SL affects a total of 44,535 soldiers of all components; with the transition between OIF1/OIF2 and OEF4/OEF5, current projections reflect an average of 30,889 Soldiers affected by Stop Loss (all components for the remainder of this calendar year).
- Without SL, selected low density skilled units would be required to remain in theater longer than the current *12 months Boots on the Ground*.
- The Army's Force Stabilization Initiative will minimize the necessity for SL as we source OIF3 and OEF6.
- SL is a temporary measure that does not permanently affect the Army's End strength; moreover, it has not been a key planning element in increasing the end strength.
- The 30K temporary growth will be met through a 20K increase in recruiting and a 10K increase in retention over the next four years. Actions have already been initiated to increase accessions by 5K this FY.
- The SL program was initiated well before the approval of the 30K temporary growth and affects only the deployed or deploying forces.
- This temporary growth allows the Army to reorganize internally through the Army's initiatives of Modularity, Restructuring and Rebalancing our AC/RC force structure mix, and Force Stabilization.

Prepared By: LTG Lovelace, (b)(6)

11-L-0559/OSD/43060

Craddock, John J, Lt Gen, OSD

From: Lovelace, James J LTG DAS (b)(6)
Sent: Monday, March 15, 2004 6:18 PM
To: Craddock, John J Lt Gen OSD; Caldwell, Bill MG OSD
Subject: Stop Loss Update..SITREP 15 March 04

John/Bill,

- Today met with several on the staff to wargame/AAR circumstances that led to Stop Loss being an issue on this past weekend's "Face the Nation" program.

PURPOSE: To respond to a question of the Secretary of Defense on "Face the Nation" concerning an allegation by the Military Officer's Association of America (MOAA) that the Army policy of Stop Loss is being used as a means to generate the authorized 30K end strength increase.

- **MOAA appears to believe that the Army's Stop Loss policy is keeping Soldiers in the Army until 2005, not understanding the actual facts of the program. An inaccurate article was posted on MOAA's legislative update web site on 13 February, 2004 (item #3).**
- I spoke with GEN (Ret) Sullivan, President of Association of the United States Army earlier today he was also caught by surprise on MOAA's perspective on Stop Loss.
- BG Gaylord (OCPA) has made contact with MOAAI also have attempted to call (ADM(Ret) Ryan has not yet returned my call)in order to offer to provide them factual information that they then can use to set the record straight on their web site. Secretary Brownlee intends to talk with the President of MOAA ...already being coordinated between the offices.
- We are currently developing TTP, so that in the future the Army can keep Army-related lobbying organizations accurately informed, staying within legal bounds... similar to what we already do with AUSA. Will not let this happen again!!
- We have been monitoring both the media and the Hill for any follow up requests for information....none to this point.
- Below is an **updated** information paper to show your bosses .



Army Stop Loss
Update.doc (25 ...

Changes highlighted.

Hooah, Jim

11-L-0559/OSD/43061

March 17, 2004

TO: Larry Lanzilotta
FROM: Donald Rumsfeld *DR*
SUBJECT: Departure

I am very sorry you're leaving.

I sure hope you'll stick around until Tina is confirmed and in the saddle, and has a week or two with you, so you can pass the baton.

Thanks.

DHR:dh
031704-16

.....
Please respond by 3/26/04

020055C

17 MAR 04

March 17, 2004

TO: Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: Kennedy Story on Internet

I think you better let Kennedy's office know that I have never said anything like that e-mail being sent out on the internet, so they are aware that it is just factually not true.

Thanks.

DHR:dh
031704-1

.....
Please respond by 3/19/04

OB
3/24

413.51

17 Mar 04

March 16, 2004

TO: Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: Binder for "Radio Day"

The notebook for today's "Radio Day" activities arrived in my office sometime after I left last night. It is 40 or 50 pages long, and there is no way in the world I have any time to even look at it.

It is just a waste of everyone's time to do it if they are not going to get it to me the day before. I should also add that it is unintelligible.

Thanks.

DHR:dh
031604-5

✓
3/17

.....
Please respond by _____

3/15

I agree. Totally unhelpful and sloppy.

Di Rita

000.7750

16 MAR 04

OSD 10783-04

March 15, 2004

TO: LTG John Craddock
FROM: Donald Rumsfeld *DR*
SUBJECT: Location of Iraqi Chemical Suits

Please find out in what town in Iraq did we find the chemical suits the Iraqis had to protect them against a chemical attack, how many suits there were and where they were located.

Thanks.

DHR:dh
031504-34

.....
Please respond by 3/19/04

IRAQ

15 Mar 04

March 15, 2004

TO: LTG John Craddock
FROM: Donald Rumsfeld *DR*
SUBJECT: Lessons Learned Brief for POTUS

Let's make sure we get Ed Giambastiani scheduled to brief the President on lessons learned from the Iraqi viewpoint.

Thanks.

DHR:dh
031504-29

.....
Please respond by

4/9/04

OK
3/16

IRAQ

15 MAR 04

March 15, 2004

OB
3/16

Larry Di Rita
3/15

TO: Larry Di Rita
FROM: Donald Rumsfeld
SUBJECT: 9/11 Press Avail

Please get me the transcript of my press briefing the night of September 11, 2001 in the press briefing room in the Pentagon. I think it was around 6 p.m. I need to read it.

Also, please give me a videotape of it.

Thanks.

DHR:dh
031504-27



Please respond by _____

3/15

Tape coming

Larry Di Rita
3/15

OSD

March 04



United States Department of Defense.

On the web: http://www.defenselink.mil/cgi-bin/dlprint.cgi?http://www.defenselink.mil/transcripts/2001/t09112001_t0911sd.html
Media contact: +1 (703) 697-5131
Public contact: <http://www.dod.mil/faq/comment.html> (703) 428-0711

Presenter: Secretary of Defense Donald H. Rumsfeld

Tuesday, Sept. 11, 2001 - 6:42 p.m. EDT

DoD News Briefing on Pentagon Attack

(Also participating were Chairman of the Joint Chiefs of Staff Gen. Hugh Shelton, Secretary of the Army Thomas E. White, Senator Carl Levin (D-Mich.), and Senator John Warner (R-Va.))

Rumsfeld: This is a -- first of all, good evening. This is a tragic day for our country. Our hearts and prayers go to the injured, their families and friends.

We have taken a series of measures to prevent further attacks and to determine who is responsible. We're making every effort to take care of the injured and the casualties in the building. I'm deeply grateful for the many volunteers from the defense establishment and from the excellent units from all throughout this region. They have our deep appreciation.

We have been working closely throughout the day with President Bush, Vice President Cheney, CIA Director George Tenet, the vice chairman of the Joint Chiefs of Staff, Dick Myers, who is currently participating in a meeting elsewhere in the building, and a great many other officials from throughout the government.

I should say we've received calls from across the world offering their sympathy and indeed their assistance in various ways.

I'm very pleased to be joined here by Chairman Carl Levin and Senator John Warner. Senator Warner called earlier today and offered his support and was kind enough to come down and has been with us. We've very recently had a discussion with the president of the United States. Chairman Hugh Shelton has just landed from Europe. Secretary of the Army Tom White, who has a responsibility for incidents like this as executive agent for the Department of Defense, is also joining me.

It's an indication that the United States government is functioning in the face of this terrible act against our country. I should add that the briefing here is taking place in the Pentagon. The Pentagon's functioning. It will be in business tomorrow.

I know the interest in casualty figures, and all I can say is it's not possible to have solid casualty figures at this time. And the various components are doing roster checks, and we'll have information at some point in the future. And as quickly as it's possible to have it, it will certainly be made available to each of you.

I'll be happy to take a few questions after asking first General Shelton if he would like to say anything, and then we will allow the others to make a remark or two.

11-L-0559/OSD/43068

Shelton: Thank you, Mr. Secretary. Ladies and gentlemen, as the secretary just said, today, we have watched the tragedy of an outrageous act of barbaric terrorism carried out by fanatics against both civilians and military people, acts that have killed and maimed many innocent and decent citizens of our country.

I extend my condolences to the entire Department of Defense families, military and civilian, and to the families of all those throughout our nation who lost loved ones.

I think this is indeed a reminder of the tragedy and the tragic dangers that we face day in and day out both here at that home as well as abroad.

I will tell you up front, I have no intentions of discussing today what comes next, but make no mistake about it, your armed forces are ready.

Warner: The chairman.

Rumsfeld: The chairman of the Senate Armed Services Committee, Carl Levin.

Levin: Our intense focus on recovery and helping the injured and the families of those who were killed is matched only by our determination to prevent more attacks and matched only by our unity to track down, root out and relentlessly pursue terrorists, states that support them and harbor them.

They are the common enemy of the civilized world. Our institutions are strong, and our unity is palpable.

Senator John Warner.

Warner: Thank you.

As a past chairman, preceding Carl Levin, I can assure you that the Congress stands behind our president, and the president speaks with one voice for this entire nation. This is indeed the most tragic hour in America's history, and yet I think it can be its finest hour, as our president and those with him, most notably our secretary of Defense, our chairman, and the men and women of the armed forces all over this world stand ready not only to defend this nation and our allies against further attack, but to take such actions as are directed in the future in retaliation for this terrorist act -- a series of terrorist acts, unprecedented in world history.

We call upon the entire world to step up and help, because terrorism is a common enemy to all, and we're in this together. The United States has borne the brunt, but who can be next? Step forward and let us hold accountable and punish those that have perpetrated this attack.

Again, I commend the secretary, the chairman, and how proud we are. We spoke with our President here moments ago. He's got a firm grip on this situation, and the Secretary and the General have a firm grip on our armed forces and in communication the world over.

Rumsfeld: Thank you very much.

We'll take a few questions and then we'll adjourn.

11-L-0559/OSD/43069

Charlie.

Q: Mr. Secretary, did you have any inkling at all, in any way, that something of this nature and something of this scope might be planned?

Rumsfeld: Charlie, we don't discuss intelligence matters.

Q: I see. And how -- how would you respond if you find out who did this?

Rumsfeld: Obviously, the president of the United States has spoken on that subject, and those are issues that he will address in good time.

Yes?

Q: Mr. Secretary, we are getting reports from CNN and others that there are bombs exploding in Kabul, Afghanistan. Are we, at the moment, striking back? And if so, is the target Osama bin Laden and his organization?

Rumsfeld: I've seen those reports. They -- in no way is the United States government connected to those explosions.

Q: What about Osama bin Laden, do you suspect him as the prime suspect in this?

Rumsfeld: It's not the time for discussions like that.

Q: Mr. Secretary, you said you could not be specific about casualties. Can you give us some characterization, whether it's dozens, hundreds in the building?

Rumsfeld: Well, we know there were large numbers, many dozens, in the aircraft that flew at full power, steering directly into the -- between, I think, the first and second floor of the -- opposite the helipad. You've seen it. There cannot be any survivors; it just would be beyond comprehension.

There are a number of people that they've not identified by name, but identified as being dead, and there are a number of casualties. But the FBI has secured the site. And the -- information takes time to come. People have been lifted out and taken away in ambulances. And the numbers will be calculated, and it will not be a few.

Q: Mr. Secretary, could you tell us what you saw?

Q: Mr. Secretary?

Rumsfeld: Yeah?

Q: Mr. Secretary, do you consider what happened today, both in New York and here, an act of war?

Rumsfeld: There is no question but that the attack against the United States of America today was a vicious, well-coordinated, massive attack against the United States of America. What words the lawyers will use to characterize it is for them.

11-L-0559/OSD/43070

Q: Does that mean that the U.S. is at war then?

Q: Mr. Secretary, you said that the Pentagon would be open for business tomorrow. What kind of assurances can you give the people who work here at the building that the building will be safe?

Rumsfeld: A terrorist can attack at any time at any place using any technique. It is physically impossible to defend at every time in every place against every technique. It is not possible to give guarantees. The people who work in this building do so voluntarily. They're brave people, and they do their jobs well.

Q: Mr. Secretary, can you give a sense of what happened -- what did you see when you left your office, ran down to the site and apparently helped people on stretchers and then returned to the command center?

Rumsfeld: The -- I felt the shock of the airplane hitting the building, went through the building and then out into the area, and they were bringing bodies out that had been injured, most of which were alive and moving, but seriously injured. And a lot of volunteers were doing a terrific job helping to bring them out of the buildings and get them into stretchers and into ambulances and into airlifts.

Q: Mr. Secretary, can you tell us how many of the dead were soldiers and how many were civilians? Have you been able to determine that?

Rumsfeld: Absolutely not.

Yeah.

Q: Mr. Secretary, today we saw military planes both in New York and in Washington. How much more of a military presence will we see, now that this incident has occurred, for the next week?

Rumsfeld: Those kinds of decisions are made day to day. It is correct that we had aircraft flying protective missions at various places in the United States today. And they will do that as appropriate.

Q: Mr. Secretary --

Q: Mr. Secretary --

Q: -- what do you say to the American people who may have questions on how something so coordinated has been carried out against this nation? What do you say to them who might not have confidence that our intelligence and security are what they should have been?

Rumsfeld: I say to them that the president of the United States will be making some remarks to them this evening that will address those subjects.

Q: Mr. Secretary, you've declared -- the Pentagon has declared Threatcon Delta for forces around the world. Could you tell me why? Have you received any threats? Or has anyone claimed credit for this?

Rumsfeld: We have in fact declared Force Protection Condition Delta and a condition of high alert -- indeed, the highest alert. We did so almost immediately upon the attacks, and it is still in force.

Q: Mr. Secretary, were there threats issued against other U.S. facilities elsewhere in the world today?

Rumsfeld: The -- I don't know that there's a day that's gone by since I've been in this job that there haven't been threats somewhere in the world to some facility somewhere. It's a -- it's one of the complexities of the intelligence business that you have to sort through those kinds of things. But we don't get into the specifics.

Yes? You had your hand up? Yes?

Q: Mr. Secretary, there were rumors earlier in the day that the plane which crashed in Pennsylvania had been brought down by the United States, either shot down or in some other manner.

Rumsfeld: We have absolutely no information that any U.S. aircraft shot down any other aircraft today.

Q: I wonder if we could just ask Senator Levin one thing, Senator, if that's all right.

Levin: You bet.

Q: Senator Levin, you and other Democrats in Congress have voiced fear that you simply don't have enough money for the large increase in defense that the Pentagon is seeking, especially for missile defense, and you fear that you'll have to dip into the Social Security funds to pay for it. Does this sort of thing convince you that an emergency exists in this country to increase defense spending, to dip into Social Security, if necessary, to pay for defense spending -- increase defense spending?

Levin: One thing where the committee was unanimous on, among many, many other things, was that the -- we authorized the full request of the President, including the \$18 billion. So I would say that Democrats and Republicans have seen the need for the request.

Q: Mr. Secretary, could you describe what steps are being taken -- defensive measures -- beyond force protection, and whether there's been any operational planning for homeland defense and as to --

Rumsfeld: Those aren't the kinds of things that one discusses.

Q: Sir, the perpetrators of the Khobar Towers bombing were never found -- the Cole bombing as well. What assurances or what confidence do you have that the perpetrators of this act will be found?

Rumsfeld: All one can offer by way of assurance is a seriousness of purpose. We're still taking bodies out of this building, so I would say that that's a little premature.

Q: Mr. Secretary?

Rumsfeld: Yes?

Q: You've talked about -- and others at the podium have talked about being ready, the military is ready, General Shelton said. And we understand the Navy has dispatched two carriers and some guided-missile cruisers and destroyers and a couple of Marine Corps helicopter amphibious ships, such as the Bataan -- it's not the Bataan -- here and to New York. Can you tell us if that's true? And also any other things you can share with us about how the United States military is preparing to take on whatever in

11-L-0559/OSD/43072

the next few days?

Rumsfeld: We don't make announcements about ship deployments.

Q: Mr. Secretary?

Rumsfeld: Yes?

Q: Can you describe the fire-fighting efforts that are going on right now in that corridor and the search-and-rescue efforts that are beginning?

Rumsfeld: Can I describe them?

Q: Yeah.

Rumsfeld: Why don't we let the Secretary of the Army, who was out there with me a few minutes ago and has been talking to the incident commander on the site.

White: I think it's fair to say at this point that the fire is contained, and will shortly, if not already, be sufficiently controlled to allow entry into the building. That entry will be supervised by the FBI, who are in charge of the site, assisted by the fire departments that are present. We, on the Army side, will support them as they go in the building and search for casualties and bring them out, then we will support them in dealing with that. That's what's going on on the ground.

Rumsfeld: We'll take one last question.

Q: Is the government operating under the assumption that this attack is done, or is it poised or bracing for more action?

Rumsfeld: The government is certainly aware that it's difficult to know when attacks are concluded.

And I want to thank Senator -- Chairman Levin and Senator Warner, and certainly Secretary of the Army White and General Shelton for being here with me. And we'll excuse ourselves. Thank you.

Q: Thank you.

http://www.defenselink.mil/transcripts/2001/t09112001_t0911sd.html

March 15, 2004

TO: Jim Haynes
CC: Gen. Dick Myers
Paul Wolfowitz
FROM: Donald Rumsfeld
SUBJECT: Human Rights Watch Report

Here is a report by Human Rights Watch. I have not read it. How should we respond? Should we respond?

Please give me a way to think about this.

Thanks.

Attach.

3/04 Human Rights Watch, "'Enduring Freedom' Abuses by U.S. Forces in Afghanistan"

DHR:dh
031504-40

.....
Please respond by _____

DH 4/14

Sir,
Response attached.
Original attachment
included behind.
v/cdr Nosunzo
4/12

Afghanistan

15 MAR 04

OSD 10787-04

11-L-0559/OSD/43074



GENERAL COUNSEL

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

INFO MEMO

March 29, 2004, 7:00 PM

FOR: SECRETARY OF DEFENSE

FROM: William J. Haynes II, General Counsel

SUBJECT: Human Rights Watch (HRW) Report on ENDURING FREEDOM

- You asked whether DoD should respond to a report by HRW (Tab A) published in March 2004 covering operations in Afghanistan in 2003 and early 2004. The report alleges human rights/law of war violations during U.S. operations in Afghanistan. For the reasons explained below, a response is neither required nor recommended.
- This is the most recent of several HRW public criticisms of U.S. military operations in the Global War on Terrorism and the war in Iraq. Other reports have focused on combat operations in Iraq (December 2003) and post-conflict civilian casualties in Iraq (October 2003). HRW also has been publicly critical of the use of military commissions.
- This report alleges that U.S. forces have employed excessive force in the continuing military operations against al Qaeda and Taliban; denounces capture (versus arrest) and detention of al Qaeda/Taliban suspects; and criticizes HRW's lack of access to detainees.
- The HRW report contains major flaws of fact, law and theory. For example:
- HRW endeavors to apply peacetime law enforcement/human rights standards to an on-going armed conflict with regard to (a) use of force, and (b) capture vis-à-vis arrest.
 - o The argument disregards threat conditions and assumes, wrongly, that the rules for engaging the enemy during wartime do not apply. For example, it recommends that firearms not be used except in "self defense against the threat of death or serious injury," and states that "intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."



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- o These are incomplete statements of domestic law enforcement rules for use of deadly force that would limit use of supporting arms and aircraft and would placing U.S. forces in Afghanistan hunting heavily armed al Qaeda and Taliban at undue risk.
- The complaint about HRW's lack of access to detainees assumes a privilege that HRW does not have.
 - o The U.S. abides by the law of war and, in the case of detainees, ensures that they are treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions. We do this even though detainees are not entitled to prisoner of war (PW) status.
 - o Consistent with this policy, the U.S. has provided International Committee of the Red Cross (ICRC) access to detainees in view of the ICRC's recognized role under the Geneva Conventions. As is the case in armed conflicts across the spectrum, there is no requirement to provide access to other international and nongovernmental organizations.
- HRW argues that if detainees are not entitled to PW status, they are entitled to protection under the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC). This argument is not consistent with the diplomatic history of the Geneva Conventions, which afford no protection for unprivileged belligerents.
- The HRW report applies standards contained in the 1977 Additional Protocol II, a treaty to which U.S. is not a party, incorrectly arguing that its provisions are customary law binding on the U.S.
- The HRW report is based on media reports rather than first-hand accounts.
- The HRW report expresses HRW's objections to U.S. policy and operations, framing its criticism in legal terms. A response is neither required nor recommended.

Attachment: As stated.

CC: CJCS
 USDP
 VCJCS

“Enduring Freedom”

Abuses by U.S. Forces in Afghanistan

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I. Summary

Following the September 11, 2001 attacks, the United States went to war in Afghanistan in the name of national security and the protection of fundamental rights and freedoms, and with a stated secondary ~~aim~~ of liberating the people of Afghanistan from the cruel and capricious rule of the Taliban.

Yet today, on Afghan soil, the United States is maintaining a system of arrests and detention as part of its ongoing *military* and intelligence operations that violates international human rights law and international humanitarian law (the laws of war). In doing so, the United States is endangering the lives of Afghan civilians, undermining efforts to restore the rule of law in Afghanistan, and calling into question its commitment to upholding basic rights.

This report, based on research conducted in southeast and eastern Afghanistan in 2003 and early 2004, focuses on how U.S. forces arrest and detain persons in Afghanistan.¹ It details numerous abuses by U.S. personnel, including cases of excessive force during arrests; arbitrary and indefinite detention; and mistreatment of detainees. The report also details the overall legal deficiencies ~~of~~ the U.S.-administered detention system in Afghanistan, which, as shown here, operates almost entirely outside of the ~~rule of~~ law.

In Afghanistan, United States and coalition forces, allied with local Afghan forces, are fighting armed groups comprised of members of the Taliban, the mujahidin group Hezb-e Islami, and a relatively small number of non-Afghan fighters, some of whom are associated with al-Qaeda. For their part, these groups have shown little willingness to abide by international humanitarian law ~~or~~ human rights standards: they have carried out abductions and attacks against civilians and humanitarian aid workers and detonated bombs in bazaars and other civilian areas. Those responsible for these violations, including the leaders of these groups, should, if captured, be investigated and prosecuted for violations of Afghan law and the laws of war.

¹ For the purposes of this report, the term "U.S. forces" refers to U.S. personnel ~~in~~ the Department of Defense and Central Intelligence Agency ("CIA") and ~~all~~ other military personnel under the overall command of the President of the United States. The U.S.-led coalition force in Afghanistan is made ~~up~~ predominately of U.S. personnel, although there are approximately *two* thousand troops from other nations in the force. ~~Approximately~~ 6,000 troops from various nations are also stationed in Kabul and Kunduz city as part of the U.N.-mandated International Security Assistance Force (ISAF).

But the activities of these groups are no excuse for U.S. violations. The Geneva Conventions do not require reciprocity to be applicable. Abuses by one party to a conflict, no matter how egregious, do not justify violations by the other side. This is a fundamental principle of international humanitarian law.

* * * * *

From 2002 to the present, Human Rights Watch estimates that at least one thousand Afghans and other nationals have been arrested and detained by US.-led forces in Afghanistan. Some of those apprehended have been picked up during military operations while taking direct part in hostilities, but others taken into custody have been civilians with no apparent connection to ongoing hostilities. (This latter category may include persons wanted for criminal offenses, but such arrests are not carried out in compliance with Afghan or international legal standards.)

There are numerous reports that U.S. forces have used excessive or indiscriminate force when conducting arrests in residential areas in Afghanistan. As shown in this report, U.S. military forces have repeatedly used deadly force from helicopter gunships and *small* and heavy arms *fire*, including undirected suppressing fire, during what are essentially law-enforcement operations to arrest persons in uncontested locales. The use of these tactics has resulted in avoidable civilian deaths and injuries, and in individual cases may amount to violations of international humanitarian law.

Human Rights Watch has also documented that Afghan soldiers deployed alongside U.S. forces have beaten and otherwise mistreated people during arrest operations and looted homes or seized the land of those being detained. These violations should be a matter of concern to the United States. The Afghan government remains responsible for violations by Afghan forces that are under their control, and individual Afghan military commanders are culpable for abuses by their troops. But where Afghan forces have been put under the de facto control or command of U.S. forces during operations, U.S. personnel have a responsibility to prevent ongoing abuses by Afghan troops, and may be criminally culpable if they fail to do so.

Many of those arrested by U.S. forces are detained for indefinite periods at U.S. military bases or outposts. While held, these detainees have no contact with relatives or others, although some detainees receive visits from the International Committee of the Red Cross (ICRC). Detainees have no opportunity to challenge the basis for their detention, and are sometimes subjected to mistreatment or torture. Some detainees have been sent to the U.S. detention center at Guantanamo Bay Naval Base in Cuba, while others have

been kept in Afghanistan.² Many have ultimately been released; but some detainees in Afghanistan have been held for over **two** years.

The U.S. military maintains its main detention facility in Afghanistan at the Bagram airbase, north of the capital Kabul. There are an unknown number of additional U.S. detention facilities in the country, including at bases in Kandahar, Jalalabad, and Asadabad. The U.S. Central Intelligence Agency (CIA) is also holding an unknown number of detainees, both at Bagram airbase and at other locations in Afghanistan, including in Kabul. Furthermore, the United States has encouraged **local** Afghan authorities to detain hundreds of persons taken into custody during joint U.S.-Afghan operations. These persons are held without charge and in poor conditions, and some have been subjected to torture and other mistreatment. In the northern city of Shiberghan, approximately one thousand detainees—alleged Taliban combatants and foreign fighters allied and captured with them—are being held at a facility under the control of Afghan General Abdul Rashid Dostum, a member of the Karzai government and the commander of a predominately Uzbek militia, Junbish-e Melli. CIA and U.S. military interrogators are believed to have access to these detainees and others held by Afghan forces. The United States has opposed efforts by the Afghan and Pakistani governments to screen such detainees for release.

Human Rights Watch is also concerned about mistreatment of detainees **in** custody. Human Rights Watch has had access only to detainees *released* from U.S. custody.³ Human Rights Watch researchers therefore have only been able to interview detainees **whom** U.S. authorities did not consider to be a security **risk** or indictable **for** criminal offenses. From these detainees, however, Human Rights Watch has received credible allegations of mistreatment in U.S. custody. These allegations are consistent with other allegations received by the Afghan Independent Human Rights Commission, the United Nations Assistance Mission in Afghanistan (**UNAMA**), and numerous international journalists.

² The Guantanamo Bay Naval Base in Cuba, where the United States is holding approximately 660 detainees, most of whom were taken into custody in Afghanistan, is not the subject of this report.

³ Human Rights Watch sent written requests in **2003** to Defense Secretary Donald Rumsfeld **and** General John Abizaid, the commander of Central Command (CENTCOM), for permission to visit U.S. detention facilities in Afghanistan and discuss our concerns about alleged abuses by U.S. forces **with** officials in the Department of Defense. To date we have not received any response. Officials in the public affairs offices of the Pentagon and CENTCOM told Human Rights Watch in October 2003 and again in January 2004 that such requests would not be granted. Human Rights Watch has also made written requests to George Tenet, the Director of Central Intelligence, regarding concerns about CIA operations in Afghanistan; a response from the General Counsel of the CIA indicated that CIA officials **would** not be available to discuss operations **in** Afghanistan.

Afghans detained at Bagram airbase in 2002 have described being held in detention for weeks, continuously shackled, intentionally kept awake for extended periods of time, and forced to kneel or stand in painful positions for extended periods. Some say they were kicked and beaten when arrested, or later as part of efforts to keep them awake. Some say they were doused with freezing water in the winter. Similar allegations have been made about treatment in 2002 and 2003 at U.S. military bases in Kandahar and in U.S. detention facilities in the eastern cities of Jalalabad and Asadabad.

In December 2002 **two** Afghan detainees died at Bagram. Both of their deaths were ruled homicides by U.S. military doctors who performed autopsies. Department of Defense officials claim to have launched an investigation into the deaths in March 2003. In June 2003, another Afghan died at a detention site near Asadabad, in Kunar province. The Department of Defense has yet to explain adequately the circumstances of any of these deaths. Human Rights Watch is concerned that the results of any investigations may never be publicized, and that appropriate criminal and disciplinary action may never take place.

Concerns about conditions at Bagram persist. The Afghan Independent Human Rights Commission has collected complaints alleging torture and mistreatment made by recently released detainees and families of persons still detained.

Human Rights Watch is also deeply concerned about the lack of legal process for detainees. The United States has set up a system in Afghanistan that does not provide detainees a process whereby they can contest their detention and obtain their release. Ordinary civilians caught up in military operations and arrested are left in a hopeless situation. Once in custody, they have no way of challenging the legal basis for their detention or obtaining a hearing before an adjudicative body. They have no access to legal counsel. **Their** release is wholly dependent on decisions of the U.S. military command, with little apparent regard for the requirements of international law—whether the treatment of civilians under international humanitarian law or the due process requirements of human rights law.

Not a single person detained in Afghanistan since the start of U.S. operations in 2001 has been afforded prisoner-of-war status or other legal status under the **1949** Geneva Conventions.⁴ No one held by the United States since the start of hostilities to the

⁴ Belligerents captured during the international armed conflict between the United States and the Taliban should have been afforded the status of prisoners of war under the Third Geneva Convention unless and ~~until~~ a “competent tribunal” under article 5 determined otherwise. The U.S. did not

present has been charged or tried for any crime (with the single exception of John Walker Lindh, a U.S. citizen) nor has the United States or the present Afghan government set up any tribunals or other legal mechanisms to process detainees captured in connection with military operations. The United States continues to treat *all* detainees it has captured in Afghanistan as “unlawful combatants” it considers not entitled to the full protections of the Geneva Conventions or of human rights law.

The Afghan government also has obligations to protect the rights of persons within its borders. President Hamid Karzai has complained to U.S. authorities on occasion about abuses by U.S. troops. The Afghan government and the Afghan Ministry of Defense have limited influence over U.S. military strategies and policies, but they can do more to insist that U.S. forces operating in Afghanistan uphold international humanitarian law and human rights law.

* * * * *

The violations of detainees’ rights documented in this report are exacerbated by the almost complete opacity maintained by U.S. officials about the Bagram facility and other detention facilities in Afghanistan. The United States refuses to **allow** access to detainees’ *families*, lawyers, or advocates, or to journalists or representatives of non-governmental organizations (other than the ICRC). **And** it is not evident that the detention system maintained by the United States in Afghanistan is conducive to the security of U.S. forces. The routine arrests and indefinite detention of persons who have no genuine connection to armed opposition groups has angered many Afghan communities and lessened their willingness to cooperate with U.S. forces.

Almost nothing is known about U.S. investigations or prosecutions of **U.S.** military personnel for *alleged* violations of international humanitarian law. (**This** is in sharp contrast with **Iraq**, where a number of cases involving U.S. soldiers have been publicly reported.) Simply put, the United States operates its detention facilities in Afghanistan in a *climate* of almost total impunity. As noted, the Department of Defense has not even released the results of its investigations into the deaths of Afghan detainees at Bagram and Asadabad and has yet to explain adequately the circumstances of these deaths. Nor have U.S. officials adequately responded to inquiries about alleged

convene a single article 5 tribunal in Afghanistan, though it has held hundreds during **the** 2003 Iraq war and in previous conflicts. Afghan nationals found not to be prisoners of war would be entitled to “protected person” status under **the** Fourth Geneva Convention.

mistreatment and torture by U.S. forces in Afghanistan made by human rights groups and members of the U.S. Congress.⁵

There is little doubt that U.S. policies on the detention of terrorism suspects—both in Afghanistan and elsewhere—have harmed public opinion of the United States around the world, and have damaged some of its efforts in building a coalition to combat international terrorism.

These policies are also making it more difficult for the United States to criticize other governments for violating international human rights and humanitarian law standards in maintaining detention facilities. Every year, the U.S. State Department publishes “Country Reports on Human Rights Practices,” which contain criticisms of abuses similar to those documented in this report, such as beatings, use of sleep deprivation, continuous shackling, and long-term isolation.⁶ The United States is undermining the effectiveness of these reports by committing the same abuses it has rightly criticized elsewhere.

The U.S. detention policy in Afghanistan serves as a poor example for other nations around the world, and for Afghanistan itself. Afghan warlords whose troops are deployed alongside U.S. forces in Afghanistan have done little to improve their horrific records with regard to the treatment of detained persons. Instead of setting a positive example for them, the behavior of the United States sends the message that the U.S. operates on a set of double standards. And worldwide, it is now **all** too easy for governments to justify their failures to uphold human rights by pointing to U.S. violations in Afghanistan.

It doesn’t have to be this way. Human Rights Watch believes that the protections provided under international humanitarian and human rights law do not conflict with the security of states. The **U.S.** and Afghan governments have both a duty and a responsibility to provide for the security of their populations and to take appropriate actions against those who threaten state security or violate the law. But in Afghanistan, the United States appears to have allowed its single-minded pursuit of security to obscure the obligation to protect individual rights, rights deeply ingrained in U.S.

⁵ See, e.g., Letter from Senator Patrick Leahy to National **Security** Advisor Condoleezza **Rice**, June 2, 2003, available at <http://www.hrw.org/press/2003/06/letter-to-rice.pdf>; Response to Senator Leahy from Department of Defense General Counsel William Haynes, June 25, 2003, available at <http://www.hnv.org/press/2003/06/letter-to-leahy.pdf>

⁶ See Appendix.

constitutional law and reflected in international law (as well as in the former and current Afghan constitutions). This course of action is shortsighted and damaging to the rule of law, not **only** in Afghanistan but across the world.

A list of recommendations to the United States, the Afghan government, and other countries involved in Afghanistan begins on **page 51**.

II. Background “Operation Enduring Freedom”

The ongoing U.S.-led military operations in Afghanistan discussed in this report fall under a larger campaign referred to by the United States and its coalition partners in Afghanistan as “Operation Enduring Freedom.”

Operation Enduring Freedom as originally planned was a response to the September 11, 2001 attacks on the United States. It was, in its first manifestation, a military operation against the Taliban government of Afghanistan and the network of foreign groups, including al-Qaeda, believed responsible for the September 11 attacks.⁷

The U.S.-led coalition’s initial military operations in Afghanistan, from September through December 2001, were directed at the Taliban forces and their foreign allies. In late September, CIA forces entered Afghanistan to organize existing Afghan anti-Taliban forces (primarily the loose coalition of groups called the Northern Alliance) and assist covert U.S. Army and Air Force units to transport equipment into the country. Throughout the first phase of the conflict, millions of dollars in cash and significant amounts of weapons, communications equipment, and other military supplies were ferried into Afghanistan and given to anti-Taliban forces. As the war progressed, the U.S. advance teams were joined by Army Special Forces and Special Forces units from the Navy and Air Force, and ultimately, regular army ground troops and units from coalition partners such as the United Kingdom and Australia. Over the next two months, the U.S.-led coalition carried out an extensive air campaign against the Taliban and its allies. Anti-Taliban forces on the ground initially assisted in identifying targets for the air campaign and later advanced and seized areas held by Taliban and al-Qaeda forces.

Since December 2001, the U.S.-led coalition’s primary military focus has been on locating remnants of the Taliban and al-Qaeda which did not surrender and fled into remote areas of the country.

However, there was and is more to Operation Enduring Freedom than military operations against Taliban and al-Qaeda remnants. Coalition operations have included

⁷ For more information on the diverse characteristics and composition of non-Afghan armed groups operating in Afghanistan before and after the U.S.-led attack in 2001, including al-Qaeda, see Jason Burke, *Al-Qaeda: Casting a Shadow of Terror*, (B. Tauris : September 2003). See also Ahmed Rashid, *Taliban: Militant Islam, Oil & Fundamentalism in Central Asia* (New Haven: Yale University Press, 2000).

investigative and intelligence-gathering components aimed at locating or uncovering threats to the United States and other coalition members, and disrupting or eliminating those threats. Operations have also included efforts to capture terrorist suspects and gather intelligence in Afghanistan as part of the global campaign to disrupt the worldwide operations of al-Qaeda.

U.S. and Coalition forces have also increasingly broadened the scope of their activities in Afghanistan to include peacekeeping and peacebuilding efforts, delivery of humanitarian aid, counter-narcotics work, and general intelligence gathering. As in other post-conflict situations where the United States has taken the leadership role, it has deployed significant numbers of personnel from the CIA and other intelligence services: the State Department, and the U.S. Agency for International Development, in addition to the armed forces.

Since the fall of the Taliban government in late 2001, U.S. and coalition military operations under Operation Enduring Freedom have largely consisted of small- and medium-scale operations whose overall aim is to destroy or disrupt the remaining Taliban, al-Qaeda, and other hostile forces in the country. Some of these operations have focused on fixed Taliban or al-Qaeda military positions, such as caves, bunkers, and other fortified positions, usually in remote rural areas. Others have been directed at residential compounds, usually in small villages, in which anti-coalition suspects are thought to be hiding. These operations can be divided into those where the primary intent appears to be to destroy the target, such as through bombing raids and other direct attacks, and those where the intention is to take into custody particular individuals and collect intelligence information, either from local residents or seized materials.

⁸ The office of the Director of Central Intelligence officially oversees not only the CIA but also the "U.S. Intelligence Community," which consists of at least fourteen different government agencies, including Department of Defense intelligence offices and several non-military agencies.

III. Violations by U.S. Forces

This chapter is divided into three sections addressing, respectively, use of excessive force by U.S. forces during arrests; arbitrary arrests and indefinite detention; and mistreatment in detention.

As the cases in the first section show, U.S. forces repeatedly have used military means and methods during arrest operations in residential areas where law enforcement tactics were more appropriate. This has resulted in unnecessary civilian casualties and in some cases may have involved indiscriminate or disproportionate force in violation of international humanitarian law.

Cases in the second section of this chapter raise serious questions about the intelligence gathering and processing that leads to coalition arrests. Members of the U.S. armed forces have arrested many civilians not directly participating in hostilities and persons whom U.S. authorities have no legal basis for taking into custody. The cases in the second section also make clear that persons detained by U.S. forces in Afghanistan are held without regard to the requirements of international humanitarian or human rights law and are not provided reasons for their arrest or detention. Detainees are held **virtually** incommunicado without any legal basis for challenging **their** detention or seeking their release.

The final set of cases presented here raise serious concerns regarding the treatment of detainees at U.S. detention facilities in Afghanistan, particularly in light of the **failure** of the United States to investigate and publicly report **on** several unexplained deaths in detention. There is credible evidence of beatings and other physical assaults on detainees, as well as evidence that the United States has used shackling, exposure to cold, and sleep deprivation amounting to torture or other mistreatment in violation of international law. To date neither the Department of Defense nor the CIA has adequately responded to allegations of mistreatment.

Indiscriminate and Excessive Force Used During Arrests

As this section shows, U.S. forces routinely use military force when carrying out arrests in Afghanistan, sometimes with insufficient regard to the requirements of applicable international humanitarian and human rights law. U.S. military Rules of Engagement designed for combat situations seem to be applied where law enforcement protocols are required.⁹ In addition, it appears that faulty and inadequate intelligence has resulted in targeting of civilians who were not taking a part in the hostilities, unnecessary civilian deaths and injuries during arrest operations, and needless destruction of civilian homes and property.¹⁰ There are also credible reports that U.S. forces have beaten and abused persons during arrest operations, and that Afghan troops accompanying U.S. forces have abused local residents and looted the homes of those detained.

According to U.N. officials in Kabul, numerous complaints have been made to their offices about U.S.-led operations in southern, southeastern, and eastern areas of Afghanistan alleging excessive use of force by coalition troops.¹¹ Complaints often state that U.S. forces have been manipulated by local Afghan forces, including local Afghan “fixers” and interpreters; that U.S. military forces have unwittingly been used as proxies in local rivalries; and that the presence of U.S. forces has been the backdrop for Afghans to extort money from local residents or intimidate opponents.

Government officials in the Karzai government, along with local government officials, have also repeatedly raised concerns with U.S. officials about excessive military force being used during operations.¹²

One U.N. official who collected complaints about U.S. operations in 2002 said many of the complaints concerned the “use of cowboy-like excessive force” against residents

⁹ The Department of Defense was unwilling to provide Human Rights Watch with copies of current Rules of Engagement (ROE) Cards for their personnel in Afghanistan, or a copy of Afghanistan-specific ROE.

¹⁰ The consequences of mistaken attacks on Afghan civilians and civilian objects during air strikes is a large issue of concern but is not discussed in this report. Human Rights Watch has raised this issue elsewhere. See, e.g., Human Rights Watch, “Afghanistan: U.S. Military Should Investigate Civilian Deaths,” press release, December 13, 2003.

¹¹ Human Rights Watch interviews with U.N. officials, Kabul, December 16, 2003. Human Rights Watch telephone interviews with a former senior U.N. official, December 5, 2003 and February 6, 2004.

¹² Paul Watson, “Afghan Leader Told U.S. About Abuses, Aide Says,” October 31, 2003; Patrick Quinn, “U.S. raids, cultural problems lead to rising resentment in southern Afghanistan,” Associated Press, June 24, 2002.

“who generally turn out to be law abiding citizens.” The official noted cases of U.S. forces “blowing doors open with grenades, rather than knocking,” and roughly treating women and children.¹³

Human Rights Watch is particularly concerned about the use of suppressing fire during arrest operations—that is, the indiscriminate firing of weapons to immobilize possible enemy forces. As noted below, Human Rights Watch believes that the use of suppressing fire in the first resort (not in response to enemy fire) is inappropriate during arrest operations in residential areas where no combat is taking place or underway.

The case of Ahmed Khan and his sons

On a night in late July 2002, U.S. forces raided the home of Ahmed Khan, a resident of Zurmat district in Paktia province. Zurmat district, while not completely stable, is firmly under the control of Afghan forces allied with the United States and was under such control in July 2002. During the raid, Ahmed Khan was arrested along with his two sons, aged 17 and 18 years.¹⁴ A local farmer died from gunfire during the arrest operation, and a woman in a neighboring house was wounded. Human Rights Watch spoke with several neighbors and other witnesses to the raid. Ahmed Khan described the attack:

It was around harvest time. The farmers were sleeping by the harvests. . . . It was about nine at night. We were lying in bed, but we were not yet asleep. . . . Suddenly, there was a lot of noise. Some helicopters were flying over. Then there were large explosions. The house shook; the

¹³ Human Rights Watch e-mail exchange with former U.N. official in Afghanistan, February 2004.

¹⁴ There were conflicting reports by reporters who visited the site of the attack about what the target of the raid was and whether other men in the area were taken into custody during the raid. One news report about the incident suggested that five other persons were arrested on the same night. “US troops kill Afghan, take away six in raid; False report misled soldiers: governor,” Agence France Presse, August 1, 2002. Another report suggests that the arrest was aimed at a man called Haji Uddin, who was alleged to have given shelter to anti-U.S. forces in the area. Liz Sly, “U.S. grabs at shadows in hunt for Al-Qaeda,” *Chicago Tribune*, September 3, 2002. The same report stated that five persons were arrested during the raid two relatives of Haji Uddin, including a 14-year-old boy, and three farm workers. But Human Rights Watch interviews with residents and local officials in Zurmat shed no light on the reason for the U.S. forces raid on Ahmed Khan’s home. The governor of Paktia, Raz hiohammad Dalili, who was familiar with the incident, could not explain why the attack took place. Human Rights Watch interview with Raz Mohammad Dalili, governor of Paktia, March 9, 2003. See also Pamela Constable, *Frustrated hunt for Bin Laden: al-Qaeda leader elusive, but U.S. sees success in Afghan raids*, Washington Post, September 11, 2002.

towers [corners of the house] had been hit. . . . The operations started. Some helicopters came, we could hear them circling and firing machine guns. It was a lot of noise. There were also explosions. They rocketed one of the towers, and they rocketed a hole through the wall.¹⁵

During the shooting, Ahmed Khan said he and his family hid on the floor in their bedroom on the second floor of the house. Gunfire shattered their windows and doors.¹⁶ Neighbors said they saw helicopters shooting at the house and at areas around it.¹⁷ Ahmed Khan described how U.S. forces entered his house, firing their weapons:

I looked out the broken windows here, and saw that there were many soldiers in the compound. They shot at the door [front door of the house], and opened it, and came up these stairs. They came through the windows. . . . They entered the house, through the windows, which had been broken by the shooting and the explosions. They came **up** to our room, and they kicked the door open and entered with torches and machine guns. They signaled for us to put up **our** hands, there were no Afghans with them, no Pashto speakers, although later [we saw] interpreters in the yard. . . . Then they fastened the men's hands and told the women to go into the yard. And they took us into the yard too.¹⁸

Troops, including Afghan soldiers, then searched the house, occasionally using **gunfire** to open locks.

They [U.S. soldiers] made the women go to the other house [across the yard]. Then they searched the house. They broke **all** the windows, and

¹⁵ ~~Human~~ Rights Watch interview with Ahmed Khan, Zurmat, Paktia, March 10, 2003. A neighbor of Ahmed Khan's described the attack in similar terms: "I heard a lot of noise, which came from helicopters. So I got up, and I crept up to my **roof**. I looked around. There were helicopters circling his [Ahmed Khan's] house. There was a lot of shooting and it was difficult to look thoroughly at what was happening. There were many, many helicopters. We did not dare to **go** near that house." Human Rights Watch interview with H.M., Zurmat, Paktia, March 10, 2003.

¹⁶ "There were a lot of bullets. The glass broke **in** all the windows" Human Rights Watch interview with Ahmed Khan, Zurmat, Paktia, March 10, 2003.

¹⁷ Human Rights Watch interview with H.M., Zurmat, Paktia, March 10, 2003, Human Rights Watch interview with brother of Niaz hiohammad, Zurmat, Pakda, March 10, 2003.

¹⁸ Human Rights Watch interview with Ahmed Khan, Zurmat, Paktia, March 10, 2003.

tore the doors off cupboards, and shot open the boxes, and turned them over. . . . [Later,] they put hoods over ~~our~~ heads, and walked us out. We were lifted up, into a helicopter. I could hear the rotors. We were in the helicopter for a long time. . . . I don't know how long. Later I learned I was in Bagram.¹⁹

The body of a local laborer and farmer, Niaz Mohammad, was found after the raid. A neighbor told Human Rights Watch:

[Later, we] found the corpse of the man who was killed. It was Niaz Mohammad. He had a bullet in his foot, and a bullet in his back. It had entered in his back, and come out right where his heart is. He was found near to the mill.²⁰

Ahmed Khan and his neighbors told Human Rights Watch that Niaz Mohammad had been sleeping outside, near piles of harvested wheat, in order to keep watch so that no one would steal the grain.²¹

According to neighbors, a local woman was also wounded in the attack. She received a bullet wound that was ~~not~~ considered to be serious. The homes in the vicinity of Ahmed Khan's house received considerable damage from bullets and other weapons, indicating that the U.S. forces used considerable firepower even though there was no evidence of any armed opposition. A U.N. local staff person visited the site the day after the attack: "There were bullet shells all around the house, everywhere, many shells. There was a big hole in the wall and bullet holes in the windows; the glass was all broken and had fallen into the yard. Household items were scattered all about—all around the compound."²² Human Rights Watch visited Ahmed Khan's compound in March 2003

¹⁹ Human Rights Watch interview with Ahmed Khan, Zurmat, Paktia, March 10, 2003.

²⁰ Human Rights Watch interview with H.M., Zurmat, Paktia, March 10, 2003.

²¹ Human Rights Watch interview with Ahmed Khan, Zurmat, Paktia, March 10, 2003.

²² Human Rights Watch interview with H.M., Zurmat, Paktia, March 10, 2003. Human Rights Watch interview with G.A.U., local U.N. staff, Gardez, Paktia, March 10, 2003. One of the neighbors described the house after the attack "After all the noise ended and the helicopters left, I went to the house to see what happened. I went with some neighbors. We went inside. The first thing is that the women were very scared. Boxes from the house were thrown around the yard, and there were possessions scattered about. . . . About ten minutes later, we walked outside. We were walking around to ask people what happened." Human Rights Watch interview with H.M., Zurmat, Paktia, March 10, 2003.

and observed scores of bullet holes in the window frames and doors of the house, bullet slugs, and destroyed farm equipment.²³

Ahmed Khan's family said they lost many of their most valuable possessions on the night of the raid. U.S. forces confiscated some books and four automatic weapons, which they later returned to Ahmed Khan, when he and his teenage sons were released. But the family said that other possessions were missing. Said Ahmed Khan:

They stole all my possessions. . . . I don't know who it was. The Americans returned some things to us, but a lot of jewelry disappeared. The women were in the other room. They didn't see anything. . . . The Americans may have taken the jewelry, or the Afghans. I don't know. I lost a lot of property. I don't know what was lost that night. A lot of jewelry was taken.²⁴

Ahmed Khan's frustration was manifest months later:

They killed a farmer, Niaz Mohammed. He was just guarding his harvest and was killed. He **had** four children, **two** boys and **two** girls. What **will** I do for these children? I take care of them now. **We will** forgive America when they pay for his life, at least to help me **with** these children.²⁵

²³ Human Rights Watch researchers also saw that newly laid mud and brick had been used to **fill** in a large hole in the compound's wall, approximately three meters **in** diameter, where a rocket was said to have hit. Scores of bullet holes in the house's walls and window frames indicated that **gunfire** had come from **two** directions: the hole in the wall, and the door of the compound. Bullets in the window frames were embedded in **two** trajectories: some were clearly driven **in** perpendicularly (at **90** degrees), coming from the direction of the hole **in** the wall; others were driven in much more obliquely (less than 10 degrees off the surfaces flush with the house) starting from the direction of the house's door.

²⁴ Human Rights Watch interview with Ahmed Khan, Zurmat, Paktia, March 10, 2003.

²⁵ Human Rights Watch interview with Ahmed Khan, Zurmat, Paktia, March 10, 2003.

Other cases

Human Rights Watch documented a case in February 2003 in the southern province of Uruzgon in which U.S. troops assaulted **two** children during a raid **on** a civilian house.²⁶ The owner of the house, a low-level military commander in Uruzgon province, cooperated with U.S. forces during coalition attacks on Taliban forces in southern Afghanistan in late 2001 and early 2002. But one night in February **2003**, U.S. forces raided the man's home, entering by force and tying up him and one of his older sons. Through local interpreters and Afghan soldiers accompanying them, the U.S. troops accused the man of holding weapons and cooperating with the Taliban. A Farsi-speaker, the man was baffled why the soldiers believed he was cooperating with the Pashtun-speaking Taliban.

According to the man, the soldiers pushed him and his older son against a wall, and seized the man's young son and nephew:

In front of my eyes, **two** Americans laid down both the boys on the ground and pressed their boots into the children's backs. And they were yelling: 'Where is the ammunition? Where is the ammunition?'

These boys were aged **only** eleven and thirteen. The children were shrieking and shouting. I was saying, "**Look** over all my house – I have nothing!" But they kept asking this, as the children screamed.²⁷

The soldiers subsequently searched the house, but **only** found **two** weapons, both of them registered with the authorities. Still, the man was arrested by the local Afghan forces and taken to a neighboring province. He was released a few days later.

On December 5, 2003, U.S. forces conducted an operation in the village of Kosween, in Sayed **Karam** district of Paktia, near Gardez in southeast Afghanistan.²⁸ According to U.S. military officials, the **aim** of the operation was to arrest a man named Mullah Jalani, alleged to be a Hezb-e Islami leader involved in anti-U.S. military operations. As a result of the operation, a couple and their **six** children were killed: Ikhtari Gul, **35** (a farmer),

²⁶ Information about this incident is taken from a Human Rights Watch interview with man from Uruzgon, Kabul, March 2003.

²⁷ Human Rights Watch interview with man from Uruzgon, Kabul, March 2003.

²⁸ Information about this case is based on interviews in December 2003 and January 2004 with several journalists who visited the site of the raid in the weeks after it occurred.

and his wife, Khela; their four daughters, Khela, Daulat Zai, Anara and Kadran; and **two** sons, Asif and Nematullah.²⁹ The use of military methods and tactics during the operation may have violated international legal obligations to minimize harm to civilians and prohibitions against disproportionate attacks.

The U.S. military gave inconsistent accounts of the operation after it occurred. On December 6, Lieutenant Colonel Bryan Hilferty told several reporters at Bagram airbase that U.S. forces the previous night had raided the home of Mdah Jalani in Sayed Karam.³⁰ He said that U.S. forces had detained “several persons” during the raid, but had not captured Jalani.³¹ The village was sealed off in the week after the raid several journalists who attempted to visit the site of the operation during the week of December 7 - 12 were turned back by Afghan forces cooperating with a Special Forces unit in the village.³²

On December 10, Hilferty admitted that the Sayed Karam raid had involved close **air** support and bombing, and said that on December 7 U.S. forces found eight civilians who had died during the operations.³³ Hilferty indicated that the dead civilians were in another compound than the one attacked and were buried by a **wall** that collapsed because of “secondary and tertiary explosions” from stored ammunition in Jalani’s compound.³⁴ He suggested that U.S. forces were not “completely responsible” for the deaths because the civilians (presumably including the children) had “surrounded

²⁹ Ikhtari’s brother, Naser, told a reporter that the children’s ages ranged from one to twelve. Pamela Constable, “Deadly U.S. Raid Leaves Some Afghans Bewildered; Villagers Say Target Was **Not** a Terrorist,” Washington Post, December 12, 2003.

³⁰ “Troops In Afghanistan **Raid** Insurgent Base, Destroy Weapons,” Associated Press, December 6, 2003.

³¹ Ibid. The next day, December 7, the military announced that nine children had been killed in a separate incident—an **air** attack on a building in Ghazni, Afghanistan. Aijaz Rahi, “Afghan Village Angry After Gunship Attack,” Associated Press, December 8, 2003. For more information about these **two** attacks, see **also** Human Rights Watch, “Afghanistan: **U.S.** Military Should Investigate Civilian Deaths,” press release, December 13, 2003. There was **no** indication that the Ghazni incident was **an** arrest operation.

³² Human Rights Watch telephone interview with an international journalist who attempted **to** visit Sayed Karam, February 6, 2004.

³³ Paul Watson, “Civilian Toll Not U.S. Fault, Afghans Say,” Los Angeles Times, December 11, 2003. U.S. Secretary of Defense Donald Rumsfeld gave a press briefing in Washington on December 9 but did not reveal the civilian deaths in Gardez. Why this information was withheld by the military for three days was not explained.

³⁴ Watson, “Civilian Toll Not U.S. Fault, Afghans Say.”

themselves” with weapons and ordinance—a puzzling claim, since the dead civilians were not in Jalani’s compound.³⁵ A foreign correspondent visiting the village the same week found a large concave crater at the compound where the civilians were killed, suggesting that an errant bomb had hit the compound.³⁶

Hilferty said that the aim of the operation had been to arrest Mda h Jalani, whom he described as a suspected associate of Gulbuddin Hekmatyar, the leader of Hezb-e Islami: “We try very hard not to kill anyone. We would prefer to capture the terrorists rather than kill them.”³⁷ But he gave no adequate explanation as to why U.S. forces on the ground ultimately used bombs in an operation in a residential area.

There are conflicting reports from different sources as to how many people were arrested in the operation, varying from five to fourteen.³⁸ A reporter from the *Washington Post* visited the village a week after the attack and was told by villagers that Jalani was a local **military** leader who had cooperated with Taliban forces during the Taliban era, but who had changed sides and cooperated with U.S. forces at times and sat on a local governmental council.³⁹ Villagers said that Jalani had been involved in several tribal disputes in the area and was living openly in the village before the attack, but had left before it took place.

Human Rights Watch received a complaint from government officials in Paktia about an operation in Zurmat district in February 2003 in which Abdul Gehafouz Akhundzada, a cleric, was arrested in his home after a firefight. (Akhundzada’s detention is discussed in more detail in the section on arbitrary arrests and detention below). Among other

³⁵ Ibid.

³⁶ Human Rights Watch interview with a journalist who wished to remain anonymous, Kabul, December 12, 2003.

³⁷ Watson, “Civilian Toll Not U.S. Fault, Afghans Say.”

³⁸ Officials in the Afghan Independent Human Rights Commission told Human Rights Watch that eleven persons were arrested during the operation, and had not been released. Human Rights Watch interview with AIHRC official, Kabul, December 16, 2003. A local Afghan governmental official in Paktia, Faiz Mohammed Zalan, told a reporter: “There were five people arrested during the whole operation, but they were innocent, so they were released the next day.” See Watson, “Civilian Toll Not U.S. Fault, Afghans Say.” The Washington Post reporter who visited the village was told by residents that possibly as many as fourteen people had been arrested during the raid.

³⁹ Pamela Constable, “Deadly U.S. Raid Leaves Some Afghans Bewildered; Villagers Say Target Was Not a Terrorist,” *Washington Post*, December 12, 2003. U.S. Special Forces in the village refused to talk to the reporter.

things, officials complained of U.S. forces coming for Akhundzada in the middle of the night, a course of action which they believe set off a dangerous firefight.

According to Akhundzada's family and neighbors, the arrest took place on or around February 20, 2003. Afghan and U.S. soldiers gathered outside his home late at night and knocked on his door.⁴⁰ Akhundzada reportedly thought they were Afghan troops who had come to rob him—a common occurrence in Zurmat district.⁴¹ He fired a weapon from his rooftop, either in the air or directed at the troops. The troops outside returned fire, and soon thereafter, U.S. helicopters flew toward the house, reportedly firing weapons. According to his family and neighbors, Akhundzada then realized that the Afghan troops were working with U.S. forces, and surrendered. Before this happened, however, U.S. and Afghan forces fired hundreds of rounds of ammunition into Akhundzada's home, where there were two women—Akhundzada's mother and wife—and his two children. The women and children told Human Rights Watch that they lay on the floor of the home during the attack, and were not wounded.

After Akhundzada was arrested, U.S. troops entered the home and searched it, shooting open steel trunks with their weapons and breaking doors and windows.⁴² Human Rights Watch researchers inspected the house in March and saw hundreds of bullet holes in the compound's external and internal walls. Two bullet slugs dug out of the compound's internal walls appeared to be from an M-60 machine gun, a more powerful weapon than the standard assault rifles carried by U.S. and Afghan troops (M-16s and Russian AK-47s).

Local officials maintained that Akhundzada was a civilian, living openly in Zurmat, who could have been peacefully approached and taken into custody during the day.

Kandahar officials also complained to U.S. forces in 2002 about a raid involving U.S. Army and Special Forces troops that took place on May 24, 2002, in the village of Band

⁴⁰ Information about this case is based on interviews in Zurmat with family members of Abdul Gehafouz Akhundzada, March 10, 2003; interviews with villagers in Zurmat district on March 10, 2003; and interviews with governmental officials in Gardez on March 9, 2003.

⁴¹ Human Rights Watch documented in 2003 that home robberies by Afghan soldiers and police were common in southeastern Afghanistan in 2002 and 2003, including in Paktia province and Zurmat district in particular. See Human Rights Watch, "Killing You Is a Very Easy Thing For Us: Human Rights Abuses in Southeast Afghanistan," *A Human Rights Watch Short Report*, vol. 15, no. 5(c), July 2003, available at <http://www.hrw.org/reports/2003/afghanistan0703/>.

⁴² Sometime during the operation, the family's copy of the Koran was shot through with a bullet, a fact which later and understandably caused anger in the local community.

Taimore, in Kandahar province. Accounts of the operation are not clear, but according to journalists who interviewed villagers, a tribal leader in his 80s was shot dead in a mosque and a 3-year-old girl drowned after she fell into a well trying to run away from U.S. forces.⁴³

* * * * *

Through 2003, the Afghan Independent Human Rights Commission office in Gardez city has received numerous complaints from the Gardez area, including allegations that U.S. forces or Afghan forces working with them used excessive force and destroyed property during operations. According to the complaints:

- November 9, 2003, Central Gardez: G.K.⁴⁴ claims he “was arrested without cause and his house was damaged by coalition forces. Women and children were kept in the yard in the cold weather and the locks of the women’s boxes were broken, money and jewels were taken.”
- November 8, 2003, Gardez, Shekar Kheil village: H.M.K. complains that “house was damaged by the coalition forces and the named person was taken along with property deeds and other things.”
- August 22, 2003, Central Gardez, Khajeh village: Dr. B, Dr. J, Engineer T.B claim that “In the middle of the night, their house was damaged and coalition forces entered the women’s rooms without permission. Due to fear and terror one woman lost her fetus [spontaneously aborted]. [Dr. B] was taken, along with some money and jewelry.”
- July 28, 2003, Central Gardez: N.G. claims he “was arrested by coalition forces without cause in the middle of the night from his house, and money and jewels were taken.”
- July 13, 2003, Central Gardez, Shaykhan village: J.M.M. complains that: “Coalition forces arrested, beat, harassed and insulted him.”

⁴³ See Michael Ware, “We Were Better Off Under the Russians,” *Time Magazine*, June 10, 2002; Patrick Quinn, “U.S. raids, cultural problems lead to rising resentment in southern Afghanistan,” *Associated Press*, June 24, 2002.

⁴⁴ Names have been replaced with initials to protect the confidentiality of the complainants.

- May 2003, Khost province, Lelamy Koli district: H.I.K. complains that “compound bombed by coalition forces: **two** killed, four injured, four others were taken [arrested] by coalition forces.”

UNAMA local offices and UNAMA headquarters in Kabul have also received numerous complaints over 2002 and 2003 about U.S. forces using excessive or “culturally insensitive” force during operations in the south and southeast of the country.⁴⁵ (Complaints about culturally insensitive force usually refer to allegations of male troops touching or looking at women during searches, which in some areas violate local norms even if there is no sexual intent. Local leaders have requested, among other things, that the U.S. military use more women soldiers during search operations.)

Abuses by Afghan forces

Afghan forces deployed alongside U.S. forces have been implicated in abuses during military operations. As noted elsewhere in this report, persons arrested by U.S. forces routinely complain about local Afghan forces looting their homes in the wake of U.S. military operations.

An Afghan journalist in Kandahar city told Human Rights Watch in November 2003 that he received several complaints in 2003 from residents in Zabul and Helmand about local forces operating with U.S. troops extorting money from villagers by threatening to tell U.S. forces that local residents are “with the Taliban,” claiming that the villagers will be targeted for arrest by the United States if they fail to pay certain sums of money—typically around 10,000 Pakistani rupees (approximately U.S.\$175).⁴⁶

In October 2003, a reporter from the *Los Angeles Times* documented that local troops from Kandahar, working as guides for U.S. forces, looted homes and beat and tortured civilians during a week-long military operation in Zabul province, which lies directly to the east of Kandahar.⁴⁷ Residents showed the journalist **two** young men who had been

⁴⁵ Human Rights Watch interview with U.N. officials, Kabul, December 13 and 16, 2003. Human Rights Watch telephone interview with former U.N. official, February 6, 2004.

⁴⁶ Human Rights Watch interviews with A.G.S., Afghan journalist, October 5 and 9, 2003.

⁴⁷ Paul Watson, “Afghans Tell of Torture During Security Sweep,” *Los Angeles Times*, October 30, 2003; Paul Watson, “Afghan Leader Told U.S. About Abuses, Aide Says,” October 31, 2003. See also transcript of interview with Paul Watson by *Los Angeles Times* Online editor, on documenting abuses and interviewing witnesses, available at: <http://www.latimes.com/>

beaten by the troops; one described being severely beaten and blacking out, the other was still unconscious days after the attack. According to other residents, U.S. forces did not witness the abuses, but the Afghan troops allegedly stole “cash, jewelry, watches, radios, three motorcycles—even the mud-brick school’s windows and doors” before leaving when U.S. and Afghan troops moved on to other areas. Said one elder: “These people are robbing us, torturing us and beating us They are also taking innocent people to jail.”

In late October 2003, a spokesman for President Hamid Karzai said publicly that Karzai’s office had been receiving information about similar abuses by local troops for more than a year; that Karzai had told U.S. military commanders in Kabul that Afghan militias accompanying U.S. troops were committing abuses; that Karzai had suggested to U.S. commanders they not use Afghan militias in non-combat situations; and that the U.S. actions with local militias were undermining the overall effort to combat terrorism in Afghanistan.⁴⁸

Legal standard applicable to use of force during arrest operations

International humanitarian law seeks to protect civilians from unnecessary **harm** during armed conflict. Central to this protection is the imperative that military forces differentiate between combatants and civilians during military operations and when they take persons into custody.

Rules applicable to the current conflict in Afghanistan⁴⁹ require a military force to “take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects.”⁵⁰ Attackers must refrain from an attack that may be expected to cause disproportionate civilian casualties and damage.⁵¹ Also prohibited are indiscriminate attacks, which include those not directed at a specific military objective

⁴⁸ Watson, “Afghan Leader Told U.S. About Abuses, Aide Says,” October 31, 2003.

⁴⁹ See section on “International Legal Context,” below.

⁵⁰ Protocol I (1977) Additional to the Geneva Conventions of 1949 (“Protocol I”), art. 57(2)(a)(ii). Many of the provisions of Protocol I of the Geneva Conventions, including those applying to methods and means of attack, are accepted as customary international law applicable to international and non-international armed conflict. See section on “International Legal Context,” below.

⁵¹ Protocol I, art. 57(2)(a)(iii).

and consequently of a nature to strike military objectives and civilians or civilian objects without distinction.⁵²

In situations where forces are conducting essentially law enforcement operations—for instance, arrests of civilians wanted for questioning—basic rules of international human rights law also apply, including standards applicable to the use of force by law enforcement personnel. Applicable law enforcement standards are typically more stringent than those under international humanitarian law, and narrowly prescribe the contexts in which deadly force and firearms may be used.

Human Rights Watch believes that the use of military tactics and military rules of engagement in operations that otherwise bear the characteristics of civilian law enforcement, particularly the arrest of suspects in residential areas, raises **legal** concerns and in Afghanistan likely has led to avoidable casualties and destruction of civilian property. The United States has an obligation to investigate such incidents, take disciplinary or other **legal** action as appropriate, scrutinize its arrest methods and rules of engagement, and adopt necessary policy changes to prevent further unnecessary loss of life and property.

⁵² Protocol I, art. 51(4). Among indiscriminate attacks are those expected to cause incidental loss of civilian life and property that would be excessive in relation to the concrete and direct military advantage anticipated. *Id.* art. 51(5).

Arbitrary or Mistaken Arrests and Indefinite Detention

U.S. forces in Afghanistan regularly capture combatants and civilians who have taken up arms against U.S., Afghan, and coalition forces, during both combat and search and arrest operations. However, as shown here, U.S. forces also routinely arrest civilians taking no direct part in hostilities, sometimes in contexts in which the arrests seem arbitrary or based on poor or faulty intelligence.

As shown in this section, U.S. forces sometimes take into custody all men of military age found within the vicinity of an operation. Other times, it seems persons are targeted for arrest because U.S. officials have determined they are a security risk or are useful for intelligence purposes—for instance, clerics or local tribal leaders who might be politically involved with the Taliban, or civilians spotted near the site of a recent attack. Human Rights Watch has interviewed many Afghans who were arrested for simply being at the wrong place at the wrong time.

For many of these men, arrest is the start of an ordeal in which they may be beaten or otherwise mistreated during arrest or detention, repeatedly and seemingly randomly interrogated, held for weeks or months without family visits, and eventually released only to find that their homes were looted by Afghan troops. (Negations of beatings and mistreatment are not discussed here but in the “Mistreatment in Detention” section below.)

In late May 2002, U.S. forces raided two homes in the village of Kirmati, near Gardez city, and arrested five Afghan men, all of whom were later released and returned to Gardez. During the raid, U.S. forces reportedly used helicopters and airplanes to patrol the area and lay down suppressing fire. The raid took place in an entirely residential area, and there is no evidence that U.S. forces met any resistance. Kirmati is firmly under the control of Afghan forces allied with the United States and was so at the time of this attack.

U.S. forces took five people into custody: Mohammad Naim and his brother Sherbat, Ahmaddullah and his brother Amanullah, and Khoja Mohammad. Mohammad Naim described the raid as follows:

It was late at night. It was after midnight. Suddenly, there were a lot of noises, very loud, confusing . . . I went into the yard. Suddenly, there was someone in my house with a gun on me. So I surrendered.⁵³

⁵³ Human Rights Watch interview with hfohammad Naim, Gardez, Paktia, March 10, 2003.

Mohammad Naim's brother told a similar story.⁵⁴ Ahmaddullah and Amanullah, who are brothers, were arrested in a house nearby. Another villager, Khoja Mohammad, was arrested when he came out of his house to investigate what was happening in the other houses.⁵⁵ Amanullah described the arrests as follows:

I awoke, there were helicopters **all** around the house. And I looked out and there were people in my house [in the compound]. There was a man I could see, I thought he was a thief. He had a gun. But he spoke English, and I realized he was an American. I don't speak much English, but I said, "How are you?" But then he said, "shut up" in Pashto - "Chopsha."

My brother was there too, and he was arrested. They tied his hands, and they were pointing their guns at me **all** the time. Then they arrested me too, and tied my hands.⁵⁶

The five men were taken to Bagram. Mohammad Naim described what happened after they landed:

They threw us in a room, face down. We were there for a while. Then they stood me up and led me somewhere, and then they took off my blindfold. I saw that I was alone. I saw that there were some other people in the room, but I was the **only** prisoner.

I was on the ground, and a man stood over me, and he had a foot on my back. **An** interpreter **was** there **at** this point. He asked me, "What is your name?" and I told them.

They made me take off my clothes, so that I was naked. They took pictures of us, naked. And then they gave us new clothes, which were dark blue.

⁵⁴ **Human** Rights Watch interview with Sherbat, Gardez, Paktia, March 10,2003.

⁵⁵ **Human** Rights Watch interview with Khoja Mohammad, Gardez, Paktia, March 10,2003.

⁵⁶ Human Rights Watch interview with Amanullah, Gardez, Paktia, March 10,2003.

A man came, and he had some plastic bag, and he ran his hands through my hair, shaking my hair. And then he pulled out some of my hair, some hair from my beard, and he put it in a bag. . . . The most awful thing about the whole experience was how they were taking **our** pictures, and we were completely naked. Completely naked. It was completely humiliating.⁵⁷

According to Mohammad Naim and Sherbat, the questioning at Bagram over the next few days was exceedingly general, and indicated that the U.S. investigators had **no** idea who the brothers were:

In the interrogations they asked us, “Who are you? What do you do?” I told them, “I am butcher. I am just a butcher with a shop in the village.” They showed me Khoja Mohammad’s picture [one of the other villagers arrested] and asked me if I knew him. “Obviously I know **him**—**he** is my neighbor,” I said.⁵⁸

U.S. forces also asked very general questions of Ahmaddullah, Amanullah, and Khoja Mohammad, suggesting the U.S. **knew** very little about them as **well**. Amanullah described his interrogation at Bagram as follows:

During the interrogations, they were asking me, “Do you know Jalaludid? [A suspected Taliban commander.] Do **you** know Mullah Omar?” And they were asking about some other Taliban ministers. But I was telling them, “I am only a laborer.” But then they would ask me [again]: “Do you know Ali Jan, Jalaludin’s deputy?”

There was one Afghan translator, one American, and **two** others [nationalities unknown].⁵⁹

Khoja Mohammad, meanwhile, was asked about Sherbat, one of the brothers arrested in another house. “During the interrogations, they showed me Sherbat’s picture, and they asked me if I knew him. I said, laughing, ‘Of course I know him: he is a butcher in my village. I buy my meat from him.’”

⁵⁷ Human Rights Watch interview with Mohammad Naim, Gardez, Paktia, March 10, 2003.

⁵⁸ Human Rights Watch interview with Sherbat (last name withheld), Gardez, Paktia, March 10, 2003.

⁵⁹ Ibid.

After sixteen days of detention, including *six* days of interrogations, the U.S. released ‘the five men. Said Sherbat:

When they released us, an American came and said, through the translator, ‘We apologize to you. We apologize on behalf of America and even on behalf of President Bush. We apologize.’ They said that they would help us by giving us compensation for what they did. They said we would receive assistance. But we never did.

They covered our heads again, and put us in the helicopter, and took us to Gardez. We landed in Gardez, and they took us in truck. We told them to stop before we got to **our** village, and that we would *walk*. The interpreter gave us about thirty-thousand [old] Afghanis each [approximately 70 cents U.S.], so that at least we could get some tea.⁶⁰

The five men returned home to find that their houses had been looted and most of their possessions of value gone. Said Mohammad Naim: “I think that night [of the raid] my house was looted. . . . After that, **no** one helped **us**, **no** government, no NGO, no **one**.”⁶¹ The brothers **said** that they were told later that the Afghan forces working with the Americans had searched and looted their houses.

Ahmaddullah says he suffered mental health difficulties after the arrest:

When we were there [to Bagram], I was so afraid they were going to kill me. Even now, having come back, I worry they will come and kill me. We are innocent people, we have nothing. We were punished by the Taliban: we were Persian speakers [i.e., not native Pashtuns like the Taliban.] We thought they [the U.S. forces at Bagram] would **kill** us for sure. I have to take medication now just to sleep. . . . Afghanistan has had so many governments in the last **thirty** years, and under **all** of these governments I have suffered. Under **all** of them I have been mistreated. They **all** ask for forgiveness. What’s the good of forgiveness if they don’t give you anything?⁶²

⁶⁰ Human Rights Watch interview with Sherbat, Gardez, Paktia, March 10,2003.

⁶¹ Human Rights Watch interview with Mohammad Naim, Gardez, Paktia, March 10,2003.

⁶² Human Rights Watch interview with Ahmaddullah, Gardez, Paktia, March 10,2003.

Human Rights Watch received information about various other persons detained for extended periods by U.S. forces after being taken into custody.

Human Rights Watch interviewed **two** civilian men who were arrested in Paktia in early 2002 and held at Bagram for over a month before being flown to Guantanamo Bay Naval Base in Cuba.⁶³ Both were released in May 2003. The fact that the two were released from Guantanamo and were not held by Afghan authorities after their release makes it clear that insufficient evidence existed that they committed any crime. Neither of them had any idea why they were arrested. One of the detainees said that a close friend of his was still in custody, either in Bagram or Guantanamo. The detainee's family and residents of his village told the detainee that his friend was arrested when he (the friend) approached a U.S. military base near Khost asking for information about him.

Human Rights Watch received a report about two persons in Khost city, Paktia, arrested by U.S. forces in August 2003.⁶⁴ The **two** men were arrested after their brother was killed in an explosion that local authorities believed was the result of a premature detonation of a car bomb. According to the **two** men, who spoke with local journalists in Khost, they were taken to Bagram airbase and interrogated by U.S. forces there. They said they were released after two months, when U.S. forces determined that they were not involved in the explosion or affiliated with anti-Coalition forces. During **this** whole time, their family was unable to receive news of them. The two said they received compensation from the United States and were flown back to Khost.

In Jalalabad in May **2003**, four persons were taken into custody by U.S. forces operating out of Jalalabad airport.⁶⁵ After interrogation, the men were then turned over to Afghan authorities. The detainees, who according to some residents were merely civilians, had **no** criminal charges pending against them, and were being held seemingly at the request

⁶³ The information here is gathered from interviews by Human Rights Watch with the **two** detainees in July 2003 and several interviews with a journalist who interviewed these detainees earlier. For security reasons, the names of the detainees are withheld. The **two** detainees were severely mistreated by U.S. forces while at Bagram; their case is discussed in more detail in the *Mistreatment in Detention* section, below.

⁶⁴ Information about this case is based on a Human Rights Watch telephone interview with a local journalist, Paktia province, November 4, 2003.

⁶⁵ The information about this case is based on a Human Rights Watch interview with AIHRC official, Jalalabad, May 7, 2003.

of the U.S. forces. They were released a few weeks later after AIHRC officials pressured the local authorities.

One case discussed above involved the February 2003 arrest of Abdul Gehafouz Akhundzada, a cleric from Zurmat district. After the arrest, described earlier, Akhundzada was taken away in a helicopter, presumably to Bagram airbase, but his family was not informed of the location or reason for his arrest over the following months. As of late 2003, there was no response to appeals made through local government officials to both the U.S. and the Afghan authorities for an explanation as to his whereabouts. According to local residents, the U.S. government released no information as to the reasons for Akhundzada's arrest to his family or made such information public. Local U.N. staff in Paktia suggested that coalition forces focused operations in Zurmat district in 2003 in part because several senior Taliban Officials were born there.⁶⁶ It is possible U.S. forces arrested Akhundzada in order to question him, believing that since he is a cleric he might have information about the location of Taliban officials. U.N. staff, however (as well as local officials), do not believe that Akhundzada had any meaningful or high-level connections with the Taliban.⁶⁷

Ahmed Khan and his two sons (discussed above) also told Human Rights Watch that they were arrested in Zurmat and taken to Bagram airbase after their arrest. They said they were questioned about their identities, and whether they knew certain people—various names were given, people whom they did not know.⁶⁸ They were held for over two weeks, and then flown back to Zurmat. Ahmed Khan told Human Rights Watch that U.S. officials at Bagram Air Base apologized to him before releasing him, and asked him “for forgiveness.”

Naim Kuchi, an elder and tribal leader of nomads from Paktika province, was arrested in late December 2002, while traveling on a road outside of Kabul.⁶⁹ U.S. personnel in civilian vehicles, accompanied by Afghan forces, reportedly took him into custody.

⁶⁶ Human Rights Watch interviews with local U.N. staff, Gardez, March 11, 2003.

⁶⁷ Human Rights Watch interviews with local U.N. staff, Gardez, March 11, 2003. Human Rights Watch interview with Raz Mohammad Dalili, governor of Paktia, and other government officials, Gardez, March 9, 2003.

⁶⁸ Human Rights Watch interview with Ahmed Khan and his sons, Zurmat, Paktia, March 10, 2003.

⁶⁹ Information about this case is based on Human Rights Watch interviews with Naim Kuchi's brother, Kabul, March 8 and 29, 2003. See also Marc Kaufman, “Afghans Protest Clan Leader's Detention,” Washington Post, January 12, 2003; Marc Kaufman, “Afghan Figure Sent to U.S. Facility in Cuba,” Washington Post, March 29, 2003.

Kuchi's family told Human Rights Watch that Kuchi had no involvement with anti-Coalition activities and said they had received no information about the basis for his arrest, nor were they able to meet with him after his arrest. In March 2003, Kuchi was transferred to the Guantanamo Bay detention facility, where he remains. A former U.N. official told Human Rights Watch that Kuchi was allied with the Taliban and with the former mujahidin government in Kabul from 1992-1996, and that he had represented the Ahmadzai nomad tribe in meetings with the Karzai government and the United Nations in 2002.⁷⁰ In April 2003, U.S. Department of Defense officials told Human Rights Watch that Kuchi was a former Taliban official and a "scumbag" involved in smuggling arms over the Pakistani border.⁷¹ Whatever the case, Kuchi remains detained without charge or trial.

Rohullah Wakil, a local leader from Kunar province who was elected to the 2002 loya jirga in Kabul, was arrested in a raid in Kunar in August 2002 and remains in custody—possibly at Bagram. Local representatives from Kunar have made repeated pleas to the United States and U.N. in Kabul, complaining that Wakil should either be tried for a crime or released. No charges have been filed against him.

Human Rights Watch estimates that at least 1,000 persons have been detained in the course of coalition operations in Afghanistan from early 2002 to the present, most of whom have been released within days or weeks of their capture. This estimate is based on the average number of weekly new detainees who arrive at Bagram—approximately ten—according to journalists and human rights monitors who have been following the Bagram process. The number of new detainees obviously fluctuates: In December 2003, according to a U.S. military spokesman in Kabul, U.S. forces detained over 100 people.⁷²

CIA Detention Facilities

As noted above, CIA agents have operated throughout Afghanistan since soon after September 11, 2001, conducting military and intelligence operations. The CIA maintains a large heavily guarded compound in Kabul, in the Ariana Chowk neighborhood, surrounded by forty foot walls, razor wire, and guard towers. The CIA also controls a separate detention and interrogation facility at Bagram airbase, though this has never

⁷⁰ E-mail correspondence with former U.N. official, February 2004.

⁷¹ Human Rights Watch meeting with U.S. Department of Defense officials, Washington D.C., April 24, 2003.

⁷² Stephen Graham, "U.S. Kills 10, Arrests 100 in Afghanistan," Associated Press, December 30, 2003.

been officially acknowledged by the United States. Little is known about who is detained there, for how long, conditions of detention, or grounds for release or transfer to other US.-controlled facilities.

Human Rights Watch interviewed one former detainee, a former high-level Taliban official, who was held in an unknown facility near Kabul for eight months, guarded by Afghan troops but interrogated by U.S. personnel in plainclothes.⁷³ Since all U.S. military personnel are under orders to wear uniforms in Afghanistan, it is possible that the government personnel in question were from the CIA. The former official said that there were other detainees held in the same facility: he heard their voices and heard guards discussing other prisoners in the hallway outside his cell. He said he cooperated with the U.S. personnel and was not mistreated. He believes he was held in an Afghan detention center in the Shashdarak area of Kabul or at the Ariana Chowk CIA facility.

There is also some evidence that the United States detains people in Afghanistan who have been captured outside of the country. Pakistani officials told a reporter with *Time* that Khalid Shaikh Mohammed, an alleged al-Qaeda leader, was taken to Bagram air base after his arrest in Pakistan in March 2003.⁷⁴ Saifullah Paracha, a Pakistani man who was alleged to have connections to Shaikh Mohammed, was also taken to Afghanistan after he was arrested in Pakistan in July 2003, according to his wife, who received a letter from him delivered by the International Committee of the Red Cross.⁷⁵ (His son was also arrested by authorities in the United States.⁷⁶) Part of the letter from Saifullah read:

I am in Kabul with U.S. authorities. My health is OK. My blood pressure and sugar is controlled. Tell relatives about my welfare. . . . The Red Cross people do visit me [every] seven to 10 days. Reply me soon. You can send me fax. Get the number from Internet or ICRC.⁷⁷

Saifullah reportedly remains in custody without charge.

⁷³ The information presented here is based on a Human Rights Watch interview with a former detainee on July 18, 2003, in Kabul. For security reasons, the person's name is withheld here.

⁷⁴ See "The Biggest Fish of Them All," *Time* Magazine, March 17, 2003.

⁷⁵ Zarar Khan, "Missing businessman in U.S. custody, wife says," Associated Press, September 4, 2003.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

Legal standard applicable to detention of civilians and combatants in Afghanistan

International humanitarian law and human rights law provide protections to **all** persons taken into custody during situations of armed conflict. As discussed in the section “International Legal Context” below, since the establishment of the Karzai government, the ongoing fighting in Afghanistan is considered to be a non-international (internal) armed conflict under the Geneva Conventions. Persons arrested and detained during internal armed conflicts must be treated in accordance with Article **3** common to the **1949** Geneva Conventions, customary international humanitarian law, and the due process requirements of human rights law.

During an internal conflict, persons apprehended for taking part in armed conflict may be prosecuted for taking up arms against the government. This is different from the situation of an international armed conflict, where soldiers are normally entitled to the “combatant’s privilege,” which protects them from being prosecuted for taking part in the hostilities. This means that the Afghan government may prosecute persons apprehended during the current fighting for violations of Afghan law. But such prosecutions must be carried out by tribunals that meet international due process standards.⁷⁸

Persons taken into custody who have not taken a direct part in the hostilities must be charged with a **criminal** offense or released. The protections of human rights **law**, in particular the rights to be charged with a criminal offense, have access to legal counsel, and be tried before an impartial and independent court, **apply**.⁷⁹ In a declared state of emergency, some due process requirements may be derogated, but such derogations must be “limited to the extent strictly required by the exigencies of the **situation**.”⁸⁰ **The**

⁷⁸ Common article **3** of the Geneva Conventions provides that criminal sentences may not be imposed except by regularly constituted courts that afford “**all** the judicial guarantees which are recognized as indispensable by civilized people.” Geneva Conventions of 1949, art. **3**. Customary international humanitarian law incorporates many of the **fair** trial protections found in human rights law. Persons must be presumed **innocent**, be prosecuted by an independent and impartial court, be informed without delay of the charges against them, and they shall have the right and means of defense. See Protocol I, art. 75. See also International Covenant on Civil and Political Rights (“ICCPR”), opened for signature December 16, 1966, 999 U.N.T.S. 171 (entered into force March 23, 1976, and acceded to by Afghanistan January 24, 1983 and ratified by the United States on June 8, 1992), art. 14.

⁷⁹ ICCPR, arts. 9 and 14.

⁸⁰ The U.N. Human Rights Committee, the body that monitors compliance with the International Covenant on Civil and Political Rights, states in its commentary to article **4** on states of emergency, that limitations to derogation “relates to the duration, geographical coverage and material scope of the state of emergency and any measures of derogation resorted to because of the emergency. . . . [T]he

right to a fair trial by an independent and impartial court, for instance, may never be violated.⁸¹

Even if the United States maintains that an international armed conflict persists in Afghanistan (see International Legal Context section below), U.S. actions with regard to its detainees would remain contrary to international law. During international armed conflict, civilians may be detained for “imperative reasons of security,” but they may not be held indefinitely without review. The Fourth Geneva Convention permits detention “only if the security of the Detaining Power makes it absolutely **necessary**.”⁸² Even then, the internee is entitled to have his internment reconsidered “as soon as possible” before an appropriate court or administrative board set up by the Detaining Power for that purpose. Thus, most of the standards applicable to non-international conflict are applicable even to international conflicts. By flaunting these standards, the United States is violating international law.

obligation to limit any derogations to those strictly required by the exigencies of the situation reflects the principle of proportionality which is common to derogation and limitation powers. Moreover, the mere fact that a permissible derogation from a specific provision may, of itself, be justified by the exigencies of the situation does not obviate the requirement that specific measures taken pursuant to the derogation must also be shown to be required by the exigencies of the situation.” Human Rights Committee, General Comment 29, States of Emergency (art. 4), U.N. Doc. CCPR/C/21/Rev.1/Add.11 (2001), para. 4.

⁸¹ Human Rights Committee, General Comment 29, para. 11.

⁸² Fourth Geneva, art. 42.

Mistreatment in Detention

Bagram airbase

Human Rights Watch has received credible and consistent information about mistreatment of detainees at the Bagram detention facility. It also appears that during the first months after the United States set up the Bagram facility in late 2001, the treatment of detainees there was especially harsh.

Two detainees held in Bagram in March 2002 (who were later sent to the Guantanamo facility and ultimately released and repatriated) described to Human Rights Watch being held in a cell for several weeks, in a group, stripped to their undershirts and underwear.⁸³ According to the two men, bright lights were set up outside their cells, shining in, and U.S. military personnel took shifts, keeping the detainees awake by banging on the metal walls of their cells with batons. The detainees said they were terrified and disoriented by sleep deprivation, which they said lasted for several weeks. During interrogations, they said, they were made to stand upright for lengthy periods of time with a bright spotlight shining directly into their eyes. They were told that they would not be questioned until they remained motionless for one hour, and that they were not entitled even to turn their heads. If they did move, the interrogators said the “clock was reset.” U.S. personnel, through interpreters, yelled at the detainees from behind the light, asking questions.⁸⁴

Two more detainees held at Bagram in late 2002 told a *New York Times* reporter of being painfully shackled in standing positions, naked, for weeks at a time, forcibly deprived of sleep and occasionally beaten.⁸⁵

A reporter with the *Associated Press* interviewed two detainees who were held in Bagram in late 2002 and early 2003: Saif-ur Rahman and Abdul Qayyum.⁸⁶ Qayyum was

⁸³ The information here is gathered from interviews by Human Rights Watch with the two detainees in July 2003 and several interviews with a journalist who interviewed these detainees earlier. For security reasons, the names of the detainees are withheld.

⁸⁴ A journalist with a British Broadcasting Corporation Panorama program interviewed these two detainees in July 2003 about their experiences at Bagram and Guantanamo. See “Inside Guantanamo,” BBC-One program broadcast on October 5, 2003, transcript available at: <http://news.bbc.co.uk/1/1/shared/sp1/hi/programmes/panorama/transcripts/insideguantanamo.txt>

⁸⁵ See Carlotta Gall, “U.S. Military Investigating Death of Afghan in Custody,” *New York Times*, March 4, 2003.

⁸⁶ Information about these cases is based on an article by an Associated Press journalist who interviewed the two in March 2003. See Kathy Gannon, “Prisoners released from Bagram forced to

arrested in August 2002; Rahman in December 2002. Both were held for more than two months. Interviewed separately, they described similar experiences in detention: sleep deprivation, being forced to stand for long periods of time, and humiliating taunts from women soldiers. Rahman said that on his first night of detention he was kept in a freezing cell for part of his detention, stripped naked, and doused with cold water. He believes he was at a military base in Jalalabad at this point. Later, at Bagram, he said U.S. troops made him lie on the ground at one point, naked, and pinned him down with a chair. He also said he was shackled continuously, even when sleeping, and forbidden from talking with other detainees. Qayyum and Rahman were linked with a local commander in Kunar province, Rohullah Wakil, a local and national leader who was elected to the 2002 loya jirga in Kabul, and who was arrested in August 2002 and remains in custody.

According to detainees who have been released, U.S. personnel punish detainees at Bagram when they break rules—for instance, talking to another prisoner or yelling at guards. Detainees are taken, in shackles, and made to hold their arms over their heads; their shackles are then draped over the top of a door, so that they can not lower their arms. They are ordered to stand with their hands up, in this manner, for two-hour intervals. According to one detainee interviewed who was punished in this manner, the punishment caused pain in the arms.⁸⁷

In March 2003, Roger King, a U.S. military spokesman at Bagram, denied that mistreatment had occurred, but admitted the following:

We do force people to stand for an extended period of time. . . . Disruption of sleep has been reported as an effective way of reducing people's inhibition about talking or their resistance to questioning. . . . They are not allowed to speak to each other. If they do, they can plan together or rely on the comfort of one another. If they're caught speaking out of turn, they can be forced to do things, like stand for a period of time—as payment for speaking out.⁸⁸

strip naked, deprived of sleep, ordered to stand for hours," Associated Press, March 14, 2003. Human Rights Watch interviewed Gannon to confirm the accounts given here.

⁸⁷ Human Rights Watch interview with Ahmed Khan, Zurmat, Paktia, March 10, 2003.

⁸⁸ Gannon, "Prisoners released from Bagram forced to strip naked, deprived of sleep, ordered to stand for hours," March 14, 2003.

King also said that a “common technique” for disrupting sleep was to keep the lights on constantly or to wake detainees every fifteen minutes to disorient them.⁸⁹

Several U.S. officials, speaking anonymously to the media, have admitted that U.S. military and CIA interrogators use sleep deprivation as a technique, and that detainees are sometimes kept standing or kneeling for hours in black hoods or spray-painted goggles, and held in awkward, painful positions.⁹⁰

In March 2003, a U.S. official told a *New York Times* reporter that Omar Faruq, a detainee at Bagram who was allegedly close to Osama bin Laden, was subjected to interrogations at Bagram that were “not quite torture, but about as close as you can get.” The official said that Faruq was fed very little and subjected to sleep and light deprivation and prolonged isolation and room temperatures ranging from 100 degrees to 10 degrees Fahrenheit (38 to -12 centigrade).⁹¹ The same month, U.S. officials told another *New York Times* reporter about interrogations of Abu Zubaydah, allegedly a senior al-Qaeda leader who was arrested in March 2003 and possibly held at Bagram. Abu Zubaydah was shot in the chest, groin, and thigh when he was captured in Pakistan in March, and, according to one official, interrogators later manipulated levels of pain medication for Abu Zubaydah while they were interrogating him.⁹² Military interrogators told the *Wall Street Journal*:

“Interrogators can also play on their prisoners’ phobias, such as fear of rats or dogs, or disguise themselves as interrogators from a country known to use torture or threaten to send the prisoners to such a place. Prisoners can be stripped, forcibly shaved and deprived of religious items and toiletries.”⁹³

⁸⁹ Ibid.

⁹⁰ See, e.g., Dana Priest and Barton Gellman, “U.S. Decries Abuse but Defends Interrogations: ‘Stress and Duress’ Tactics Used on Terrorism Suspects Held in Secret Overseas Facilities,” *Washington Post*, December 26, 2002.; Eric Lichtblau and Adam Liptak, “Questioning to Be Legal, Humane and Aggressive the White House Says,” *New York Times*, March 4, 2003.

⁹¹ Don Van Natta Jr. “A dark jail for Qaeda suspects; captives are deprived of sleep and sometimes chilled.” *The New York Times*, March 10, 2003.

⁹² Eric Lichtblau and Adam Liptak, “Questioning of Accused Expected to Be Humane, Legal and Aggressive,” *New York Times*, March 4, 2003.

⁹³ Jess Bravin and Gary Fields, “How do Interrogators Make A Captured Terrorist Talk?,” *Wall Street Journal*, March 4, 2003.

Mistreatment in other facilities

Human Rights Watch interviewed a Pakistani fighter with the Taliban who was held at the Kandahar airport in early 2002 and later taken to Guantanamo. He said he was beaten and kicked by U.S. troops in transport to Kandahar and while there.⁹⁴ He was released from Guantanamo in July 2003.

[On the plane to Kandahar:] We were shackled and our eyes were covered so that we could not see anything. . . . [A]ll the handcuffed prisoners were forced to sit with their legs stretched and hands behind them and the whole body bent onto the legs all the way. [Demonstrates: kneeling but essentially sitting on top of his calves and feet, with torso bent down over the knees.]

It was very difficult to remain in that position and if we fell to the side or moved, the armed men standing over our heads would beat us mercilessly with their army boots, kicking us in our back and kidneys. We were all beaten, without exception.

The man also said that he and other prisoners were beaten when they arrived in Kandahar:

Our eyes were closed [blindfolded] while we were getting out of the helicopter at the Kandahar airbase. One man pulled me up by my arm and threw me down the stairs, and then made me to lie down on the ground with my face upward.

We did not have the right to move, and if we did we were beaten. Other people were beaten. . . .

When we were in Kandahar, we were not allowed to talk with each other and if we did, we were beaten and we were not allowed to sleep. For instance, if we were sleeping we were waken up or if we were covering our head with our bed cover we were beaten strongly.

⁹⁴ Human Rights Watch interview with M.S.M. (name withheld), Malakand district, Pakistan, January 3, 2004.

They would kick and punch us. To tell you precisely they were behaving rudely with us.

The man also said that he and other prisoners were occasionally taken outside and forced to lie on the frozen ground until they were numb with cold.⁹⁵

Another Pakistani man, who was arrested in Pakistan by U.S. forces and taken to Kandahar in early 2002 (he was later sent to Guantanamo and was released in 2003), said he was beaten during an interrogation at Kandahar:

My hands were handcuffed in my back. There I was beaten for the first time by the Americans. They made me lie down on a table with my face down, while two persons held me, one at my neck and the second at my feet. Both pressed me down hard on the table, and two others beat me on my back, my thighs and my arms with punches and their elbows. The beating lasted five or six minutes. Then the interrogations started and lasted for half an hour. I was standing the whole time.⁹⁶

The man said he was beaten again at Kandahar in a holding cell, along with other prisoners, before being taken to Guantanamo.

Persons taken into custody after a raid in January 2002 provided other details of mistreatment at the Kandahar airbase. On the night of January 24, 2002, U.S. forces attacked two government buildings in Khas Uruzgon, a small village in eastern Uruzgon province, and mistakenly killed several anti-Taliban fighters who were assisting U.S. forces.⁹⁷ U.S. forces destroyed a school in the attack, killing 19 soldiers and Afghan

⁹⁵ James Meek, a reporter with the Guardian (U.K.), interviewed this detainee and others held in Kandahar at the same time. Their stories were consistent, including being beaten and forced to lie on the frozen earth. See James Meek, "People The Law Forgot," The Guardian, December 3, 2003. See also Gannon, "Prisoners released from Bagram forced to strip naked, deprived of sleep, ordered to stand for hours," March 14, 2003 (including allegations by a detainee at Jalalabad who was forced to lie outside in a puddle of frozen water).

⁹⁶ Human Rights Watch interview with A.Z. (name withheld), North West Frontier Province, Pakistan, February 6, 2004.

⁹⁷ The information about this account is based on the following interviews: Human Rights Watch interview with A.M.S., resident of Khas Uruzgon, Kabul, February 23, 2003; Human Rights Watch interview with R.H.M., resident of Khas Uruzgon; Kabul, February 23, 2003; Human Rights Watch telephone interview with an international journalist who visited Uruzgon village on January 27, 2002, February 20, 2003; Human Rights Watch interview with international journalist who visited Uruzgon

government employees who were with them. U.S. forces took into custody twenty-seven anti-Taliban fighters and government workers and transferred them to Kandahar airbase, where they were held for several days.

Several of these detainees said that they were kicked and punched repeatedly by U.S. forces after they arrived, and suffered broken bones that went untreated. Several were beaten until they were unconscious. Among those beaten was an elderly man, who had his hand broken. Others reported being kicked in their ribs and heads.⁹⁸

At the scene of the attack, local residents found **two** dead Afghan soldiers with their hands bound with plastic ties similar to those commonly used by U.S. troops. They had apparently died from gunshot wounds to the torso. Residents were unable to determine whether they had been bound before they were killed or whether they were wounded, bound, and then subsequently died. The deaths raise serious issues that the U.S. military should **fully** investigate. If the men were intentionally killed after their capture, the killing would amount to an extrajudicial execution and violation of the laws of war. If the men received their injuries before being captured, then it may have been unlawful for the U.S. forces to leave them bound without providing them proper medical attention.⁹⁹ That the U.S. forces were able to take some **two** dozen persons into custody suggests that they would have been fully capable of taking the other two for medical treatment.

After the Khas Uruzgon detainees were released, U.S. officials visited Uruzgon and apologized to elders there, and gave out \$1,000 to the families of persons who had been killed in the raid. Those who were mistreated by **U.S.** forces received nothing.¹⁰⁰

village in early February 2002, February 5, 2004. See also Craig Smith, "U.S. Account Of a Battle with Taliban is Disputed," New York Times, January 27, 2002; Eric Schmitt and Thom Shanker, "U.S. Releasing 27 Captured in Raid," New York Times, February 7, 2002.

⁹⁸ See preceding note. See also Carlotta Gall, "Released Afghans Tell of Beatings," New York Times, February 11, 2002; Ellen Knickmeyer, "Survivors of raid by U.S. forces say victims were among America's best friends," Associated Press, February 6, 2002; Molly Moore, "Villagers Released by American Troops Say They Were Beaten, Kept in 'Cage,'" Washington Post, February 11, 2002; Eric Slater, "U.S. Forces Beat Afghans After Deadly Assault, Ex-Prisoners Say," Los Angeles Times, February 11, 2002.

⁹⁹ See Second Geneva Convention, art 3 ("The wounded. . . shall be collected and cared for"); art. 12 (Wounded belligerents who fall into enemy hands "shall be treated humanely and cared for. . . . Only urgent medical reasons will authorize priority in the order of treatment to be administered").

¹⁰⁰ A CIA spokesman acknowledged to CNN that the agency sent its personnel to Uruzgon to provide payment. See "CIA pays victims of commando raid," February 6, 2002, available at: <http://www.cnn.com/2002/US/02/06/ret.detainees.released/>

On March 17, 2002, U.S. forces raided a compound in Sangesar, a village near Kandahar, and arrested more than thirty anti-Taliban fighters, apparently by mistake.¹⁰¹ The detainees were taken to the Kandahar airport.¹⁰² According to the detainees, hoods were placed over their heads and they were “thrown down,” face first, onto rocky ground. Many said they were kicked in the back by U.S. forces. One witness, with a bruised arm, said he was held by the feet and head and kicked repeatedly in the back. Another man, who still had a black eye when he was interviewed three days after being released, said, “They picked me up and threw me down on the rocks. It was painful. I couldn’t rest on my chest. When I moved they kicked me.”¹⁰³ The detainees also said they were punished for talking to each other, by being made to kneel with their hands behind their heads for extended periods, and were kicked when they moved.

A photojournalist who accompanied Special Forces and soldiers from the U.S. 82nd Airborne during operations in eastern Afghanistan in July 2002 told Human Rights Watch that Special Forces referred to the Kandahar airbase as “Camp Slappy,” and that U.S. forces would threaten uncooperative persons encountered during raids, suggesting that they might be sent there: “We tell them they can either cooperate or go to Camp Slappy,” a Special Forces soldier told the journalist.”

Recent complaints received by the Gardez office of the AIHRC about U.S. forces in the Gardez area include the following, from Zumat district in Paktia province, alleging that

¹⁰¹ Information about this case is based on a telephone interview with a journalist who interviewed the detained men, February 4, 2004, and the news story that journalist filed. See Charles J. Hanley, “Finally freed, Afghans say they were kicked and abused in U.S. hands,” Associated Press, March 23, 2002.

¹⁰² This case was discussed in a Department of Defense briefing on March 20, 2002 in Washington D.C. At that briefing, a military spokesman, Brig. Gen. John W. Rosa Jr., said “We went to the compound—no shots were fired—found out who these folks were, temporarily detained them. We never processed them and they never became detainees. But no shots were fired, and those folks were released.” This statement was false. Several journalists were told by officials in Afghanistan that the men were still in custody, and were not released until March 21. See Hanley, “Finally freed, Afghans say they were kicked and abused in U.S. hands,” March 23, 2002.

¹⁰³ See Hanley, “Finally freed, Afghans say they were kicked and abused in U.S. hands,” March 23, 2002.

¹⁰⁴ Human Rights Watch telephone interview with Tomas van Houtryve, February 3, 2004. See also Tomas van Houtryve, “Prisoners of America,” *International Relations Journal*, San Francisco State University, Spring 2003.

five residents there were arrested and tortured by U.S. forces (this case is currently being investigated by the AIHRC):

November 29, 2003, Ezzat Kheil village: “The compound was bombarded by coalition forces from Bagram at 2 a.m., damaging the compound and terrifying and frightening women and children in the middle of the night. . . . Five residents of the village were arrested and released after six days; they had been subjected to torture and two of them were injured.”

Human Rights Watch has learned that U.S. forces routinely hold Afghans at the local airport in the eastern city of Jalalabad. However, former detainees there refused to speak in detail with Human Rights Watch about their experiences in U.S. detention. One told Human Rights Watch:

We were treated absolutely terribly there. They did terrible things to us, things we’ll never forget. It was absolutely awful what they did. . . . We absolutely cannot talk about it. We don’t want to talk about it with you. We have made our agreements not to talk, and we won’t talk about it.¹⁰⁵

* * * * *

The treatment of detainees at Bagram seems to have become more standardized and professional since 2002, though the absence of access to detainees makes it difficult to determine whether conditions have significantly improved. Human Rights Watch interviewed several persons detained at the military facility at Bagram in 2003. According to these accounts, persons arrested are usually blindfolded, hooded, and shackled during the trip to Bagram, which is normally by helicopter.¹⁰⁶ Once at Bagram, detainees are taken to a room, separated from other persons who were detained with them, and then stripped and photographed. Samples of hair and skin flakes are taken, presumably to collect for a DNA database. Detainees are then instructed, through interpreters, about the rules of Bagram, which include restrictions on talking with other detainees. They are then shackled and taken to cells, where they are held during the

¹⁰⁵ Human Rights Watch interview with two Afghan men (names withheld), Jalalabad, May 8, 2003.

¹⁰⁶ International law permits security forces to use measures during transportation of arrested persons, such as blindfolds and shackling, that would not normally be permitted once a detainee is at a detention facility. However, these measures can amount to cruel, inhumane or degrading treatment—especially if they are used intentionally to cause pain or suffering.

periods they are not being interrogated. They are given bottles of water and fed in the cells. Except during interrogations, the detainees are shackled, even while sleeping.

Human Rights Watch has not been able to locate or interview anyone who has been held at the Bagram CIA facility. Human Rights Watch researchers spoke with one detainee held in Kabul city who was interrogated by U.S. officials who were likely CIA personnel (as mentioned in the Arbitrary Detention section above).

Detainees held by Afghan forces

Human Rights Watch is extremely concerned about the treatment of the hundreds of Afghans alleged to be from Taliban, Hezb-e Islami, or other anti-Coalition forces held under the auspices of the Afghan military and intelligence authorities. In past reports Human Rights Watch has documented numerous cases of torture, beatings, and other mistreatment of persons in the custody of local Afghan military officials.¹⁰⁷ Recently, for instance, there have been credible reports from human rights monitors in Kandahar that “Taliban prisoners” are repeatedly and severely beaten by the Afghan soldiers holding them. A monitor who met with some prisoners there said: “We have come across this repeatedly. It is an ordinary thing. We know about this. We visit the prisons.”¹⁰⁸

In the northern city of Shiberghan, approximately one thousand detainees—alleged Taliban combatants and foreign fighters captured with them--are being held at a ‘facility under the control of Afghan General Abdul Rashid Dostum, a member of the Karzai government and the commander of a predominately Uzbek militia, Junbish-e Melli. According to human rights monitors in Kabul, CIA and U.S. military interrogators have access to these detainees and others held by Afghan forces across the country.¹⁰⁹ According to officials in the Pakistan government, the United States has resisted efforts by the Afghan and Pakistani governments to screen the detainees for release.

¹⁰⁷ Human Rights Watch, “**All Our** Hopes are Crushed: Violence and Repression in Western Afghanistan,” *A Human Rights Watch Short Report*, vol. 14, no. 7(C), October 2002, available at http://hrw.org/reports/2002/afghan3/herat1002-06.htm#P997_155129, section IV entitled “Torture and Arbitrary Arrests”; Human Rights Watch, “Killing You Is a Very Easy **Thing** For Us: Human Rights Abuses in Southeast Afghanistan,” *A Human Rights Watch Short Report*, vol. 15, no. 5(c), July 2003, available at <http://www.hrw.org/reports/2003/afghanistan0703/>.

¹⁰⁸ Human Rights Watch telephone interview with human rights monitor in Kandahar, October 15, 2003.

¹⁰⁹ Human Rights Watch interview with a human rights monitor, Kabul, December 17, 2003.

Officials with **UNAMA** and the Afghan Human Rights Commission have visited Afghan military detention facilities in several provinces and expressed concerns to Human Rights Watch about the treatment of prisoners, including their belief that prisoners have, in some cases, been subjected to torture.¹¹⁰ U.S. military and **CIA** in Afghanistan are aware of these facilities' existence: U.S. forces regularly **work** with local forces during military operations that result in the arrests of persons who are put in Afghan military custody.

Death in U.S. custody

Two Afghans died while in detention at Bagram airbase in December 2002.¹¹¹ Both deaths were ruled homicides by U.S. military doctors who performed autopsies.

One of the prisoners, Dilawar, aged 22 and from near Khost **city** in southeastern Afghanistan, died on December 10, 2002 from "blunt force injuries to lower extremities complicating coronary artery disease," according to his death certificate prepared by a military pathologist, which was obtained by the *New York Times*.¹¹² The other detainee, Mullah Habibullah, aged approximately 30 years and from the southern province of Oruzgan, died earlier, on December 3, 2002. A military spokesman at Bagram confirmed to reporters from the *New York Times* that Mullah Habibullah's death was ruled a homicide by a **military** pathologist, the cause being "pulmonary embolism [blood clot in the lungs] due to blunt force injury to the **legs**."¹¹³ Both *military* pathologists, when contacted by Human Rights Watch in November and December 2003, turned down requests to be interviewed.

¹¹⁰ These concerns have been cited in correspondence and telephone conversations between Human Rights Watch and staff from the United Nations Mission in Afghanistan and the Afghan Independent Human Rights Commission. For a more detailed description of military detention sites and ordinary criminal **jails** and prisons in Afghanistan see Human Rights Watch, "Killing **You Is a Very Easy Thing For Us**," n. 9 and accompanying text.

¹¹¹ See Carlotta **Gall**, "U.S. Military Investigating Death of Afghan in Custody," *New York Times*, March 4, 2003. Information about these cases is also based on extensive conversations with journalists who have researched the cases and requested **information** from U.S. military spokespeople in Kabul during 2003.

¹¹² The death certificate was signed by a military pathologist named Dr. Elizabeth A. Rouse. Dilawar's family have insisted to reporters from the BBC and the *New York Times* that **Dilawar** was a **civilian**—a taxi driver and farmer. See **Gall**, "U.S. Military Investigating Death of Afghan in Custody," March 4, 2003; and "Inside Guantanamo," BBC-One program, October 5, 2003.

¹¹³ The spokesman told reporters that the military pathologist who performed the autopsy was named Dr. Kathleen Ingwersen.

Military officials at Bagram said in March 2003 that the military had launched an investigation into the deaths. But as of this Writing in February 2004, they have not announced any results.

In June 2003, another Afghan died at a detention site near Asadabad, in Kunar province.¹¹⁴ U.S. military officials in Afghanistan and in the United States have refused to provide any details about this death.

Human Rights Watch has written repeatedly in 2003 and 2004 to officials in the U.S. Central Command (CENTCOM) and the U.S. Army Criminal Investigation Command (which CENTCOM officials have said is responsible for the Bagram investigation) asking for information about all three of the detainee deaths. Officials from both offices have replied and stated that the investigation into the Bagram deaths is ongoing and that no information is available. As for the Asadabad death, both offices have refused to release any information at all—not even a statement that an investigation is ongoing.

Legal standard applicable to physical treatment of detainees

The prohibition against the ill treatment and torture of detainees is fundamental to both international humanitarian and human rights law. Common article 3 to the 1949 Geneva Conventions prohibits torture, cruel treatment, and “outrages upon personal dignity, in particular humiliating and degrading treatment.” The “Fundamental Guarantees” under Protocol I of 1977 to the Geneva Conventions, generally accepted as customary international law in non-international as well as international armed conflicts, likewise prohibit “at any time and in any place whatsoever . . . torture of all kinds, whether physical or mental.”¹¹⁵ Human rights law similarly prohibits torture and other cruel, inhuman, or degrading treatment or punishment.¹¹⁶ The prohibition against torture and other mistreatment is in effect at all times, and cannot be derogated from during a state of emergency.¹¹⁷

¹¹⁴ April Witt, “U.S. Probes Death of Prisoner in Afghanistan,” Washington Post, June 24, 2003.

¹¹⁵ Protocol I (1977) Additional to the Geneva Conventions of 1949 (“Protocol I”), art. 75.

¹¹⁶ See generally the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Convention against Torture”). G.A. Res. 39/46, annex, 39, U.N. Doc. A/39/51 (entered into force June 26, 1987; ratified by Afghanistan April 1, 1987 and by the United States on October 21, 1994). See also ICCPR, art. 7.

¹¹⁷ ICCPR, art. 4(2).

While international law permits the discipline and punishment of prisoners who break reasonable rules, such punishment must be determined by law or imposed by a competent administrative authority, and may not amount to torture or other mistreatment.¹¹⁸

There is no clear line separating some types of permissible interrogation techniques from unlawful mistreatment.¹¹⁹ Each case must be assessed on its own merits. To conform to the letter and spirit of international law, detaining forces should err on the side of caution and constantly evaluate their methods. A practice that is acceptable in one context can be abusive in other circumstances; for instance, allowable day-long questioning of a detainee, when continued overnight and into the following day, can become impermissible sleep deprivation.

Prolonged shackling of detainees violates international law prohibitions against mistreatment, and can amount to torture. The Special Rapporteur on Torture has repeatedly and in various contexts identified shackling for lengthy periods as an example of a torture practice.¹²⁰ The U.N. Secretary General has also referred to shackling as an example of a prohibited method of torture.¹²¹

¹¹⁸ ICCPR, art. 10 (“All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”); United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted August 30, 1955, by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957), amended E.S.C. res. 2076, 62 U.N. ESCOR Supp. (No. 1) at 35, U.N. Doc. E/5988 (1977), paragraphs 28-32

¹¹⁹ See Nigel Rodley, *The Treatment of Prisoners Under International Law* (Clarendon Press, Oxford 1999), p. 105 (“[T]he borderline between ‘other ill-treatment’ and treatment falling outside the prohibition altogether cannot be precisely drawn.”).

¹²⁰ Report of the Special Rapporteur on Torture, Mr. Nigel S. Rodley, “Question of the Human Rights of All Persons Subjected to Any Form of Detention or Imprisonment, in Particular: Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” U.N. Doc. E/CN.4/1998/38, submitted 24 December 1997 pursuant to Commission on Human Rights resolution 1997/38, (Yemen, para. 200) (“The methods of torture reported included...shackling for lengthy periods...”); Report of the Special Rapporteur on Torture, Mr. Nigel S. Rodley, “Question of the Human Rights of All Persons Subjected to Any Form of Detention or Imprisonment, in Particular: Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” U.N. Doc. E/CN.4/1996/35/Add.1, submitted 16 January 1996 pursuant to Commission on Human Rights Resolution 1995/37, (China, para. 104) (“The methods of... torture reportedly include handcuffing or shackling for long periods...”); Report of the Special Rapporteur on Torture, Mr. Nigel S. Rodley, “Question of the Human Rights of All Persons Subjected to Any Form of Detention or Imprisonment, in Particular: Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” U.N. Doc. E/CN.4/1995/34, submitted 12 January 1995 pursuant to Commission on

Prolonged sleep deprivation and exposure to cold may also violate international law prohibitions against mistreatment, and can amount to torture. The U.S. State Department, in its “Country Reports on Human Rights Practices,” **has** repeatedly listed prolonged sleep deprivation and exposure to cold as examples of practices amounting to mistreatment and torture. (See Appendix.)

Human Rights Resolution 1992/32, (China, para. 91) (“Among the most **common** methods of torture reported were . . . shackling with handcuffs or leg-irons, often tightly and with the victim’s body **in a painful position.**”).

¹²¹ See, e.g., United Nations Secretary-General, “Human Rights Questions: Human Rights Situations and Reports of Special Rapporteurs and Representatives, Situation of human rights in Myanmar; Note by the Secretary-General,” (1994), A/49/594, para. 13 (“Numerous allegations . . . have been received from various sources alleging that forces of the Myanmar military, intelligence and security services and police continue to torture persons in detention or otherwise subject them to cruel, **inhuman** or degrading treatments and punishments. . . . Allegations include subjection to . . . shackling. . .”).

IV. International Legal Context

International humanitarian law binds **all** of the parties to the **military** conflict in Afghanistan, including non-state armed groups, Afghan government forces, and the United States and coalition forces. Fundamentally, it imposes upon these warring parties legal obligations to reduce unnecessary suffering and protect civilians and other non-combatants. However, the specific legal context of conflict in Afghanistan and the specific applicable rules of international humanitarian law have changed over time.

The war between the United States and Afghanistan started at least by October 6, 2001, when **U.S. air** attacks on Afghanistan began. This war was an *international* armed conflict—a conflict between opposing states. The law applicable to international conflicts includes the four Geneva Conventions of 1949, to which Afghanistan and the United States are party,¹²² and the Hague Regulations of 1907, which are **commonly** accepted as customary international law.¹²³

On December 22, 2001, power was transferred to an Interim Authority as the sovereign power of Afghanistan, chaired by Hamid Karzai and established by the December 5, 2001 Bonn Agreement, endorsed by U.N. Resolution 1383 (2001).¹²⁴ **Six months** later, Hamid **Kamari** was elected by an Afghan loya jirga to the presidency **of** the transitional administration of Afghanistan; he was inaugurated on June 19, 2002.

As of June 19, 2002, and possibly as early as December 22, 2001, the international armed conflict between the United States and Afghanistan concluded. Since the end of the international conflict, hostilities have been part of a *non-international* (also referred to as an

¹²² Geneva Convention for the Amelioration of the Condition of the Wounded and Sick **m** Armed Forces in the Field (First Geneva Convention), 75 U.N.T.S. 31, entered into force Oct. 21, 1950; Geneva Convention for the Amelioration of **the** Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), 75 U.N.T.S. 85, entered into force Oct. 21, 1950; Geneva Convention relative to the Treatment of Prisoners of War (**Third** Geneva Convention), 75 U.N.T.S. 135, entered into force Oct. 21, 1950; Geneva Convention relative to the Protection of Civilian Persons in Time of War (Third Geneva Convention), 75 U.N.T.S. 287, entered into force Oct. 21, 1950.

¹²³ Convention (IV) respecting the Laws and Customs of War **on** Land of 1907 (Hague Regulations), 3 *Martens Nouveau Recueil* (ser. 3) 461, 187 *Consol. T.S.* 227, entered into force Jan. 26, 1910.

¹²⁴ According to the **Bonn Agreement**, art. 1: “An Interim Authority shall be established upon the official transfer of power on 22 December 2001. . . .” Art. 3: “Upon the official transfer of power, the Interim Authority shall be the repository of Afghan sovereignty, with immediate effect.” See *Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions*, Bonn, Germany, signed December 5, 2001.

internal) armed conflict. U.S. forces in Afghanistan are now operating in the country with the acquiescence of the Karzai government, and hostilities fall under provisions of the Geneva Conventions applicable to non-international armed conflict. The primary law applicable to non-international armed conflicts is article 3 common to the Geneva Conventions. Protocol II to the Geneva Conventions, applicable to non-international conflicts, has not been ratified by Afghanistan or the United States, but most if not *all* of its provisions are recognized as customary international law and are therefore also applicable.¹²⁵ In addition, certain provisions of Protocol I, including many of those concerned with the protection of the civilian population, are also recognized as reflective of customary international law and are also applicable.¹²⁶

During a non-international armed conflict, international humanitarian law as the *lex specialis* (specialized law) takes precedence, but does not replace, human rights law. Persons under the control of a party to an internal armed conflict must be treated in accordance with international humanitarian law. But where that law is absent, vague, or inapplicable, human rights law standards still apply. Human rights law includes, among other things, the International Covenant on Civil and Political Rights¹²⁷ and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,¹²⁸ both of which have been ratified by the United States and Afghanistan.

Human rights standards applicable to military and police forces who are carrying out law enforcement or investigative operations—including arrests and searches—include the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the U.N. Code of Conduct for Law Enforcement Officials.¹²⁹ These standards apply to military forces when they are operating in a law enforcement context.¹³⁰

¹²⁵ Protocol II (1977) Additional to the Geneva Conventions of 1949 (“Protocol II”).

¹²⁶ Protocol I (1977) Additional to the Geneva Conventions of 1949 (“Protocol I”).

¹²⁷ International Covenant on Civil and Political Rights (ICCPR), opened for signature December 16, 1966, 999 U.N.T.S. 171 (entered into force March 23, 1976, and acceded to by Afghanistan January 24, 1983 and ratified by the United States on June 8, 1992).

¹²⁸ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, annex, 39, U.N. Doc. A/39/51 (entered into force June 26, 1987; ratified by Afghanistan April 1, 1987 and by the United States on October 21, 1994).

¹²⁹ U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, U.N. Doc. A/CONF.144/28/Rev.1 (1990); U.N. Code of Conduct for Law Enforcement Officials, G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979), adopted by the U.N. General Assembly on December 17, 1979.

¹³⁰ *Ibid.* In accordance with the commentary to article 1 of the Code of Conduct for Law Enforcement Officials, in countries where police powers are exercised by military authorities, whether

V. Conclusions

This report raises serious concerns regarding the actions of U.S. forces in Afghanistan, specifically with regard to the use of excessive force during arrests; arbitrary or mistaken arrests and indefinite detention; and mistreatment in detention:

- U.S. forces regularly use military means and methods during arrest operations in residential areas where law enforcement techniques would be more appropriate. This has resulted in unnecessary civilian casualties and may in some cases have involved indiscriminate or disproportionate force in violation of international humanitarian law.
- Members of the U.S. armed forces have arrested numerous civilians not directly participating in the hostilities and numerous persons whom U.S. authorities have no legal basis for taking into custody. These cases raise serious questions about the intelligence gathering and processing that leads to arrests and call into question the practice of arresting any and sometimes all Afghan men found in the vicinity of U.S. military operations.
- Persons detained by U.S. forces in Afghanistan are held without regard to the requirements of international humanitarian law or human rights law. They are not provided reasons for their arrest or detention. They are held virtually incommunicado without any legal basis for challenging their detention or seeking their release. They are held at the apparent whim of U.S. authorities, in some cases for more than a year.
- The general lack of due process within the U.S. detention system violates both international humanitarian law and basic standards of human rights law. The United States, as a detaining power in Afghanistan, is essentially applying no legal principles to the persons whom they detain in Afghanistan. Simply put, the United States is acting outside the rule of law. There are no judicial processes restraining their actions in arresting persons in Afghanistan. The only real legal limits on their activities are self-imposed, and there is little evidence that the Department of Defense has seriously investigated allegations of abuses or mistreatment at Bagram, and the department has most certainly not sought on its own to correct the legal deficiencies of its detention regime.

uniformed or not, or by state security forces, the definition of law enforcement officials shall be regarded as including officers of such services.

- There are serious concerns regarding the treatment of detainees at Bagram airbase, particularly in light of the failure of the United States to investigate and publicly report on several unexplained deaths in detention. There is credible evidence of beatings and other physical assaults of detainees, as well as evidence that the United States has used prolonged shackling, exposure to cold, and sleep deprivation amounting to torture or other mistreatment in violation of international law. Neither the **U.S.** Department of Defense nor the **CIA** has adequately responded to allegations of mistreatment at U.S. detention facilities in Afghanistan.

VI. Recommendations

To the United States Government:

Detention

- Publicly identify all places in Afghanistan where the United States, including the CIA, is holding persons in detention. The CIA should transfer **all** detainees under its control to U.S. military or Afghan detention facilities or release them. In the event that the International Committee of the Red Cross does not have access to all detainees under U.S. control, permit **full** access immediately.
- Ensure that **all** detainees are treated in accordance with international human rights law and international humanitarian law applicable to non-international armed conflicts. As the sovereign authority, the Afghan government is ultimately responsible for protecting the legal rights of those detained by the United States. The United States must take **immediate** measures in conjunction with the Afghan **Ministry** of the Interior to ensure that detainees at Bagram airbase and other U.S. detention sites are charged and prosecuted, or released, in accordance with international due process standards. **This** includes access to counsel, and the right to a fair and public trial before a competent, impartial, and independent court.
- Permit families of detainees, and those providing legal assistance, to visit detainees,
- Abide **fully** with U.S. obligations as a party to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. Prohibit **all** interrogation techniques that cause physical or mental suffering. Cease practices, such as shackling and sleep deprivation, if they rise to the level of mistreatment. End incommunicado detention practices that facilitate mistreatment.
- **Fully** and impartially investigate allegations of mistreatment of detainees in detention at all U.S. facilities in Afghanistan and make public the results of those investigations.
- In particular, release the results of investigations into detainee deaths at Bagram and Asadabad military bases. Take disciplinary or criminal action as appropriate against all personnel responsible for mistreating or otherwise violating the rights of detainees.

Military Operations and Law Enforcement

- In all circumstances comply with international humanitarian law standards to protect civilians against the dangers arising from military operations. These include prohibitions on attacks against civilians and civilian objects, indiscriminate attacks, and attacks that cause harm to civilians or civilian objects that are excessive in relation to the anticipated military advantage.
- Take all precautionary measures during military operations, including: taking **all** feasible steps to verify that objectives to be attacked are not civilian but military; taking **all** feasible precautions in the choice of means and methods of attack to avoid or minimize harm to civilians and civilian objects; and canceling **or** postponing an attack where it becomes apparent the objective or target is not **a** military one or where civilian loss would be disproportionate. The United States must give particular attention to these standards during operations carried out in residential areas that have not been the scene of military action.
- Revise as necessary standing Rules of Engagement for Afghanistan to ensure that in law enforcement situations, the **U.S.** armed forces and CIA forces abide by international standards on the use of force by **law** enforcement officials. For instance, indiscriminate suppressing fire should not be used in law-enforcement type operations.
- In law enforcement situations, military forces should abide by the standards set forth in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the U.N. Code of Conduct for Law Enforcement Officials. U.S. forces deployed in such situations must be provided with the equipment and training necessary for this purpose. It is also necessary to have sufficient and appropriate interpreters to communicate with the local population. Applicable standards provide in part:
 - In law enforcement operations, non-violent means shall be applied, as far as possible, before resorting to the use of force and **firearms**. Force and firearms may only be used if other means remain ineffective or without any promise of achieving the intended result.
 - Whenever the lawful use of force and firearms is unavoidable, restraint must be exercised in their use and in proportion to the seriousness of the offence and the legitimate objective to be achieved. Force used

must minimize damage and injury, and respect and preserve human life. Injured persons must receive medical aid and have their family notified at the earliest possible moment.

- Firearms shall not be used against persons except: in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent escape, and **only** when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.
 - It must be ensured that firearms are used **only** in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm. Prohibited are the use of those firearms and ammunition that cause unwarranted injury or present an unwarranted risk.
- US. forces should, in all instances, take all appropriate steps to prevent or stop Afghan forces deployed with or under the command of U.S. forces from committing violations of international human rights and humanitarian law. Those who do should be turned over to the proper Afghan authorities for disciplinary action or criminal prosecution.

○ President Hamid Karzai and the Afghan Government:

- Ensure, through the Ministry of the Interior, that the Afghan justice system applies to all persons detained in the country, including those held by U.S. forces at Bagram airbase and other detention facilities. Work with the United States to ensure that the fundamental rights of all detainees are respected.
- Thoroughly and impartially investigate all allegations of criminal offenses and violations of the laws of war by Afghan military forces and militias, and take appropriate disciplinary and criminal action against those responsible.
- Pressure the United States government to ensure that all forces operating in Afghanistan uphold international humanitarian law and human rights law.

Appendix: U.S. Criticisms of Mistreatment and Torture Practices

The U.S. State Department has condemned as torture or other inhuman treatment many of the treatments and techniques described in this report and used by U.S. personnel in Afghanistan. Listed below are reports from 2000, 2001, and 2002 in the U.S. State Department's annual "Country Reports on Human Rights Practices."

Country	Methods Used:
Burma	According to a State Department country report, the Burmese military "routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient. " ¹³¹ Techniques listed include being forced to squat or remain in uncomfortable periods for long periods of time, sleep and food deprivation, confinement in leg clamps, and prolonged questioning under bright lights. ¹³²
Cambodia	The State Department reported that "torture, beatings, and other forms of physical mistreatment of persons held in police or military custody continued to be a serious problem throughout the country. " ¹³³ In particular, the State Department noted that "there were credible reports that both military police and police officials used physical and psychological torture and severely beat criminal detainees, particularly during interrogation. " ¹³⁴ It also noted reports of shackling of prisoners.
Cameroon	The State Department reported that "security forces continued to subject prisoners and detainees to degrading treatment," which included stripping of inmates. ¹³⁵
China	The State Department reported that "police and other elements of the security apparatus employed torture and degrading treatment in dealing with some detainees and prisoners" including prolonged periods of solitary confinement, incommunicado detention, beatings, and shackling. ¹³⁶ Reports noted that the practice of shackling hands and feet constituted torture. ¹³⁷

¹³¹ U.S. State Department, *2001 Country Reports on Human Rights Practices* (Burma), Sect. 1(c).

¹³² Ibid.

¹³³ U.S. State Department, *2002 Country Reports on Human Rights Practices* (Cambodia), Sect. 1(c).

¹³⁴ Ibid.

¹³⁵ U.S. State Department, *2000 Country Reports on Human Rights Practices* (Cameroon), Sect. 1(c); U.S. State Department, *2001 Country Reports on Human Rights Practices* (Cameroon), Sect. 1(c); U.S. State Department, *2002 Country Reports on Human Rights Practices* (Cameroon), Sect. 1(c).

¹³⁶ U.S. State Department, *2002 Country Reports on Human Rights Practices* (China (including Tibet, Macau and Hong Kong), Sect. 1(c).

Country	Methods Used:
Egypt	The State Department noted that “there were numerous, credible reports that security forces tortured and mistreated citizens.” ¹³⁸ The country reports cite the stripping, handcuffing, being doused with cold water, and blindfolding of prisoners among the principal methods of torture used by Egyptian authorities. ¹³⁹
Greece	In a 2002 report, the State Department described kicks, blows the hands, fists, batons or other objects and excessive force at the time of arrest as “ill treatment.” ¹⁴⁰
Iran	According to the State Department “there were numerous credible reports that security forces and prison personnel continued to torture detainees and prisoners.” ¹⁴¹ Common methods of torture include sleep deprivation and “suspension for long periods in contorted positions.” ¹⁴² The State Department further noted that systematic abuses included “prolonged and incommunicado detention.” ¹⁴³
Iraq	Iraqi security services used extended solitary confinement in small dark compartments as a form of torture, according to 2001 and 2002 reports.” Reports from 2000,2001, and 2002 also cite the use of prolonged and incommunicado detention and the continual denial of citizens’ “basic right to due process.” ¹⁴⁵

¹³⁷ Ibid.

¹³⁸ U.S. State Department, *2002 Country Reports on Human Rights Practices* (Egypt), Sect. 1(c).

¹³⁹ U.S. State Department, *2000 Country Reports on Human Rights Practices* (Egypt), Sect. 1(c); U.S. State Department, *2007 Country Reports on Human Rights Practices* (Egypt), Sect. 1(c); U.S. State Department, *2002 Country Reports on Human Rights Practices* (Egypt), Sect. 1(c).

¹⁴⁰ U.S. State Department, *2002 Country Reports on Human Rights Practices* (Greece), Sect. 1(c).

¹⁴¹ U.S. State Department, *2001 Country Reports on Human Rights Practices* (Iran), Sect. 1(c); U.S. State Department, *2002 Country Reports on Human Rights Practices* (Iran), Sect. 1(c).

¹⁴² U.S. State Department, *2000 Country Reports on Human Rights Practices* (Iran), Sect. 1(c); U.S. State Department, *2007 Country Reports on Human Rights Practices* (Iran), Sect. 1(c); U.S. State Department, *2002 Country Reports on Human Rights Practices* (Iran), Sect. 1(c).

¹⁴³ U.S. State Department, *2000 Country Reports on Human Rights Practices* (Iran), Sect. 1(d). The practice of incommunicado detentions was continued in 2001 and 2002. U.S. State Department, *2007 Country Reports on Human Rights Practices* (Iran), Sect. 1(d); *2002 Country Reports on Human Rights Practices* (Iran), Sect. 1(d).

¹⁴⁴ U.S. State Department, *2001 Country Reports on Human Rights Practices* (Iraq), Sect. 1(c); U.S. State Department, *2002 Country Reports on Human Rights Practices* (Iraq), Sect. 1(c).

¹⁴⁵ U.S. State Department, *2000 Country Reports on Human Rights Practices* (Iraq), Sect. 1(d). The practice of incommunicado detentions was continued in 2001 and 2002. U.S. State Department, *2007 Country Reports on Human Rights Practices* (Iraq), Sect. 1(d); U.S. State Department, *2002 Country Reports on Human Rights Practices* (Iraq), Sect. 1(d).

Country	Methods Used:
Jordan	The State Department reports that Jordanian police and security forces were alleged to engage in acts of torture, including the use of sleep deprivation, solitary confinement, and prolonged suspension with ropes in contorted positions. ¹⁴⁶
North Korea	The State Department stated that methods of torture “routinely” employed in North Korea include “severe beatings . . . prolonged periods of exposure, humiliations such as public nakedness, and confinement to small ‘punishment cells’, in which prisoners were unable to stand upright or lie down, where they could be held for several weeks.” ¹⁴⁷ The State Department characterized the use of leg irons, metal collars, and shackles as “harsh”. ¹⁴⁸
Kuwait	According to the State Department reports, “there continued to be credible reports that some police and members of the security forces abused detainees during interrogation.” ¹⁴⁹ Abusive treatment included blindfolding and verbal threats. ¹⁵⁰
	The State Department reported that prisoners were subjected to “torture and other abuses” including “beatings, long-term solitary confinement in completely darkened rooms In some cases detainees were held in leg chains or wooden stocks”. ¹⁵¹
Libya	According to the State Department, Libyan authorities commonly chain detainees to a wall or hang them by their wrists for hours and deprive them of food and water. ¹⁵² The State Department stated that “[t]he Government’s human rights record remained poor, and it continued to commit numerous serious abuses,” examples of which included holding prisoners incommunicado. ¹⁵³

¹⁴⁶ U.S. State Department, 2000 *Country Reports on Human Rights Practices (Jordan)*, Sect. 1(c); U.S. State Department, 2002 *Country Reports on Human Rights Practices (Jordan)*, Sect. 1(c).

¹⁴⁷ U.S. State Department, 2002 *Country Reports on Human Rights Practices (Democratic People’s Republic of Korea)*, Sect. 1(c).

¹⁴⁸ Ibid.

¹⁴⁹ U.S. State Department, 2000 *Country Reports on Human Rights Practices (Kuwait)*, Sect. 1(c); U.S. State Department, 2001 *Country Reports on Human Rights Practices (Kuwait)*, Sect. 1(c); U.S. State Department, 2002 *Country Reports on Human Rights Practices (Kuwait)*, Sect. 1(c);

¹⁵⁰ U.S. State Department, 2002 *Country Reports on Human Rights Practices (Kuwait)*, Sect. 1(c); U.S. State Department, 2001 *Country Reports on Human Rights Practices (Kuwait)*, Sect. 1(c).

¹⁵¹ U.S. State Department, 2002 *Country Reports on Human Rights Practices (Laos)*, Sect. 1(c).

¹⁵² U.S. State Department, 2000 *Country Reports on Human Rights Practices (Libya)*, Sect. 1(c); U.S. State Department, 2001 *Country Reports on Human Rights Practices (Libya)*, Sect. 1(c); U.S. State Department, 2002 *Country Reports on Human Rights Practices (Libya)*, Sect. 1(c).

¹⁵³ U.S. State Department, 2000 *Country Reports on Human Rights Practices (Libya)*, Sect. 1(d). The practice of incommunicado detentions was continued in 2001 and 2002. U.S. State Department, 2001

country	Methods Used
Pakistan	The State Department reports that prolonged isolation, being chained to a cell wall, and denial of food or sleep are common torture methods. ¹⁵⁴
Philippines	The State Department reported that “members of the security forces and police continued to use torture and to abuse suspects and detainees.” The State Department cited reports by a non-governmental organization stating that “torture remained an ingrained part of the arrest and detention process.” The State Department noted that common forms of torture and abuse reported during the arrest and detention process included striking detainees and threatening them with guns. The State Department also cited reports of detainees being tied up, blindfolded and punched during interrogations as cases of torture. ¹⁵⁵
Russia	The State Department described forms of “torture” by police officers including beating with fists, batons or other objects. ¹⁵⁶
Saudi Arabia	The State Department noted that Ministry of Interior officials use sleep deprivation and suspension from bars with handcuffs as interrogation tactics. ¹⁵⁷
Sri Lanka	According to State Department reports, “torture continues with relative impunity. ” ¹⁵⁸ Reported methods of torture include suspension by the wrists or feet in contorted positions and being forced to remain in unnatural positions for extended periods. ¹⁵⁹

Country Reports on Human Rights Practices (Libya), Sect. 1(d); U.S. State Department, 2002 Country Reports on Human Rights Practices (Libya), Sect. 1(d).

¹⁵⁴ U.S. State Department, 2000 *Country Reports on Human Rights Practices* (Pakistan), Sect. 1(c); U.S. State Department, 2007 *Country Reports on Human Rights Practices* (Pakistan) Sect. 1(c); U.S. State Department, 2002 *Country Reports on Human Rights Practices* (Pakistan), Sect. 1(c).

¹⁵⁵ U.S. State Department, 2002 *Country Reports on Human Rights Practices* (Philippines), Sect. 1(c).

¹⁵⁶ U.S. State Department, 2002 *Country Reports on Human Rights Practices* (Russia), Sect. 1(c).

¹⁵⁷ U.S. State Department, 2000 *Country Reports on Human Rights Practices* (Saudi Arabia), Sect. 1(c); U.S. State Department, 2001 *Country Reports on Human Rights Practices* (Saudi Arabia), Sect. 1(c); U.S. State Department, 2002 *Country Reports on Human Rights Practices* (Saudi Arabia), Sect. 1(c).

¹⁵⁸ U.S. State Department, 2000 *Country Reports on Human Rights Practices* (Sri Lanka), Sect. 1(c); U.S. State Department, 2001 *Country Reports on Human Rights Practices* (Sri Lanka), Sect. 1(c).

¹⁵⁹ U.S. State Department, 2007 *Country Reports on Human Rights Practices* (Sri Lanka), Sect. 1(c); U.S. State Department, 2007 *Country Reports on Human Rights Practices* (Sri Lanka), Sect. 1(c); U.S. State Department, 2002 *Country Reports on Human Rights Practices* (Sri Lanka), Sect. 1(c).

Country	Methods Used:
Tunisia	Tactics such as food and sleep deprivation or confinement to a tiny, unlit cell are commonly used in Tunisia. ¹⁶⁰ In addition, the State Department notes that despite the shortening by Tunisian government of the maximum allowable period of pre-arraignment incommunicado detention from 10 to 6 days, “credible sources claimed that the Government rarely enforces the new provisions and that appeals to the court for enforcement are routinely denied .” ¹⁶¹
Turkey	According to the 2001 and 2002 country reports, some of the many methods of torture employed by Turkish security forces and recognized by the State Department included repeated beatings; forced prolonged standing, isolation; exposure to loud music; stripping and blindfolding; food and sleep deprivation; and psychological torture including verbal threats and deception of a detainee, for example, instilling a false belief that the detainee is to be killed . ¹⁶²
Yemen	According to the State Department, detainees in Yemen have been confined in leg irons and shackles despite a 1998 law banning the practice. ¹⁶³

¹⁶⁰ U.S. State Department, *2001 Country Reports on Human Rights Practices* (Tunisia), Sect. 1(c); U.S. State Department, *2002 Country Reports on Human Rights Practices* (Tunisia), Sect. 1(c).

¹⁶¹ U.S. State Department, *2001 Country Reports on Human Rights Practices* (Tunisia), Sect. 1(c), (d). The practice of incommunicado detentions was continued in 2002. U.S. State Department, *2002 Country Reports on Human Rights Practices* (Tunisia), Sect. 1(c), (d).

¹⁶² U.S. State Department, *2001 Country Reports on Human Rights Practices* (Turkey), Sect. 1(c); U.S. State Department, *2002 Country Reports on Human Rights Practices* (Turkey), Sect. 1(c).

¹⁶³ U.S. State Department, *2002 Country Reports on Human Rights Practices* (Yemen), Sect. 1(c).

Acknowledgments

This report was written by John Sifton, a researcher in the Asia Division of Human Rights Watch. It is based on research conducted Human Rights Watch researchers in 2003 and 2004 in Afghanistan and Pakistan and from New York. Brad Adams, Executive Director of the Asia Division, and Joe Saunders, Deputy Program Director, edited the report. James Ross, Senior Legal Advisor, provided legal review. Saman Zia-Zarifi and Marc Garlasco also reviewed the report and provided comments. Ami Evangelista, Liz Weiss, Angelina Fisher, and Jane Stratton provided research assistance. Production assistance was provided by Ami Evangelista, Veronica Matushaj, Andrea Holley, Fitzroy Hepkins, Jose Martinez, John Emerson, and Jagdish Parikh.

Human Rights Watch would like to thank the Afghan women and men whom we interviewed for this report and who assisted us in our investigation. For security reasons, many of them cannot be named here.

We would also like to thank the countless staff and officials of non-governmental organizations and U.N. agencies in Afghanistan who have assisted us with our work. We also want to specially thank the numerous international and Afghan television, radio, and print journalists in Kabul who have provided information for this report.

We would especially like to thank Ahmed Rashid for his support and encouragement. Human Rights Watch also thanks Barnett R. Rubin and Patricia Gossman for their ongoing assistance.

Our work on Afghanistan has required significant financial resources. We thank the Ford Foundation, the John D. and Catherine T. MacArthur Foundation, the Carnegie Corporation of New York, Stichting Doen, and Rockefeller Brothers Fund for their generous contributions to our emergency work in Afghanistan in 2002 and 2003.

More recently, we wish to acknowledge the generous support of the Annenberg Foundation, which has enabled Human Rights Watch to sustain our monitoring of Afghanistan.

Human Rights Watch

Asia Division

Human Rights Watch is dedicated to protecting the human rights of people around the world.

We stand with victims and activists to bring offenders to justice, to prevent discrimination, to uphold political freedom and to protect people from inhumane conduct in wartime.

We investigate and expose human rights violations and hold abusers accountable.

We challenge governments and those holding power to end abusive practices and respect international human rights law.

We enlist the public and the international community to support the cause of human rights for **all**.

The staff includes Kenneth Roth, executive director; Carroll Bogert, associate director; Michele Alexander, development director; Rory Mungoven, advocacy director; Barbara Guglielmo, finance director; Lotte Leicht, Brussels office director; Steve Crawshaw, London office director; Maria Pignataro Nielsen, human resources director; Iain Levine, program director; Wilder Tayler, legal and policy director; and Joanna Weschler, United Nations representative. Jonathan Fanton is the chair of the board. Robert L. Bernstein is the founding chair.

Its Asia division was established in 1985 to monitor and promote **the** observance of internationally recognized human rights in Asia. Brad Adams is executive director; Saman Zia-Zarifi is deputy director; Sara Colm and Mickey Spiegel are senior researchers; Meg Davis, Meenakshi Ganguly, Ali Hasan, Charmain Mohamed, John Sifton, and Tejshree Thapa are researchers; Thomas Kellogg is Orville Schell Fellow; **Liz** Weiss is coordinator; and Ami Evangelista is associate. Joanne Leedom-Ackerman is chairperson of the advisory committee.

Web Site Address: <http://www.hrw.org>

Listserv address: To subscribe to the list, send a blank e-mail message to hrw-news-asia-subscribe@topica.email-publisher.com.

March 15, 2004

TO: Larry Di Rita
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Brit GTMO Detainee Allegations

383.6

My understanding on this detainee beating allegation is that it is flat untrue, that we have had many people check it, that they are lying and that they are trained to lie and say these things.

It seems to me we ought to knock it down hard and expose them for following their training.

Thanks.

Attach.
3/13/04 AFP (FBIS OW43484535)

DHR:dh
031504-21

.....
Please respond by 3/9/04

3/15

✓
3/16

To Def -

We have knocked down quite hard. Surprisingly, the allegations have not gotten a lot of play over here, because the allegation(s) are so fantastic and not believable. D. R.

OSD 10788-04

11-L-0559/OSD/43138

DOCUMENT-ID: OW43484534
 DOCST: ACTIVE
 LANGUAGE: ENGLISH
 VENDOR: AGENCE FRANCE PRESSE
 PUBNAME: AGENCE FRANCE PRESSE
 ORIGDATE: 200403132340
 PUBLISHR: AGENCE FRANCE PRESSE
 PUBNO: e0562
 DOR: 20040313
 TOR: 184115
 CLASS: UNCLASSIFIED
 TITLE: More Guantanamo Bay Britons allege beatings and abuse
 ATTENTION - ADDS quotes, details, background ///

TOPLINES:

LONDON, March 13 (AFP) - Three British friends released this week from the United States' Guantanamo Bay centre for terrorism suspects have said they were regularly beaten while in US custody,
 TEXT:

More Guantanamo Bay Britons allege beatings and abuse
 ATTENTION - ADDS quotes, details, background ///

LONDON, March 13 (AFP) - Three British friends released this week from the United States' Guantanamo Bay centre for terrorism suspects have said they were regularly beaten while in US custody, backing similar allegations by two other British detainees.

Asif Iqbal, Ruhai Ahmed and Shafiq Rasul, all from the town of Tipton in central England, said they were regularly mistreated from the moment they were handed over to US forces in Afghanistan in late 2001.

After being taken to a US detention centre in the Afghan city of Kandahar, they were forced to kneel bent forwards for hours with their foreheads touching the ground, Rasul told The Observer, a British Sunday newspaper.

"I lifted my head up slightly because I was really in pain. The sergeant came up behind me, kicked my legs from underneath me, then knelt on my back," he said.

"They look me outside and searched me while one man was sitting on me, kicking and punching."

The three childhood friends, aged between 22 and 26, said they had gone to Pakistan for Iqbal's planned wedding, arranged by his family, before going into Afghanistan to help arrange humanitarian aid.

There they were captured by the US-backed Northern Alliance, and almost died after hundreds of prisoners were forced into lorry containers, the majority of whom suffocated.

The trio's allegations of US mistreatment follow similar claims made earlier this week by two other British returnees.

Tarek Dergoul, a 26-year-old former care worker from east London, said in a statement issued through his lawyer on Friday that he had endured "botched medical treatment, interrogation at gunpoint, beatings and inhuman conditions".

Earlier that day another released Briton, 37-year-old website designer Jamal al-Harith, said in a newspaper interview that he had experienced beatings and degrading treatment during his two years at the jail.

UNCLASSIFIED

US Secretary of State Colin Powell told a British television programme which also interviewed Harith that the charges were "unlikely".

The five British men flew home on Tuesday from Camp Delta, the high-security camp in Guantanamo Bay, Cuba where the United States is holding about 650 suspected Al-Qaeda and Taliban fighters.

Despite their lengthy detention and although four of the men were briefly held by British police when they returned, none has been charged with any crimes.

The three friends recounted being repeatedly interrogated by both US and British intelligence officials who falsely claimed to have incontrovertible evidence linking them to the Al-Qaeda terrorist group.

The trio said that last year they were moved to an isolation block at the Cuban camp after interrogators said they had been seen on a video tape made in August 2000 standing behind Al-Qaeda leader Osama bin Laden.

Rasul told the newspaper that he had pointed out that at the time he was allegedly with bin Laden, he had been enrolled at a British university and working at a local electrical goods shop -- both facts that could be easily checked.

On being told he could have falsified these, Rasul made a false confession along with his friends.

"I got to the point where I just couldn't take it any more. Do what you have to do, I told them.

"I'd been sitting there for three months in isolation so I said yes, it's me. Go ahead and put me on trial," Rasul said.

Although Britain has been the United States' closest ally in its "war on terrorism", there has been considerable disquiet in the country over the treatment of the Britons detained at Guantanamo Bay.

Washington says that those held at the base are "illegal combatants", and thus not subject to rules governing either civilian or military prisoners.

pw/gk

Britain-US-attacks-Guantanamo
AFP 132340 GMT 03 04

March 15, 2004

TO: Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: TV Programs on Anniversary

Advanced copy sent 3/15 103

Please have someone pull up what are going to be the best programs on the one-year anniversary of Iraq.

Let's make sure we get them put on my calendar and taped. If I can, I will watch them; if not, I can watch them later on tape.

Thanks.

DHR:dh
031504-15

.....
Please respond by 3/16/04

*DB
3/16*

Vertical stamp or text on the right margin, partially illegible.

March 15, 2004

TO: MIRA RICARDEL
~~Peter Rodman~~

cc: Paul Wolfowitz
Doug Feith

FROM: Donald Rumsfeld *DR*

SUBJECT: Condolence Letter to Spain

*Advance
copy sent
3/15 10/15*

Please draft a note to Aznar about the terrorist act in Spain, and get it to me to sign by tomorrow.

Joyce had dinner with him at the White House recently. You might include her and say that we are both thinking of him, the people of his country and the loved ones of those who were killed.

Thanks.

DHR:dh
031504-7

.....
Please respond by 3/16/04

OSD 10790-04

11-L-0559/OSD/43142

March 15, 2004

TO: Doug Feith
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Oil-for-Food

IRAQ

Here is the material from Newt Gingrich on the Oil-for-Food program. Let's push ahead.

Thanks.

Attach.
3/10/04 Gingrich memo to SecState

DHR:dh
031504-4

.....
Please respond by 3/26/04

15 MAR 04

OSD 10791-04 *g*

11-L-0559/OSD/43143

Copyright 2004 The Financial Times Limited
Financial Times (London, England)
February 21, 2004 Saturday

Two firms named to probe Iraq graft claim

By THOMAS CATAN

Iraq's Governing Council has appointed KPMG accountants and Freshfields, the international law firm, to investigate allegations of corruption under the United Nations' oil-for-food programme - set up to alleviate the impact on ordinary Iraqis of sanctions against Saddam Hussein.

The IGC opened the investigation last month after compiling a list of some 270 people from 45 countries who allegedly received crude oil contracts from Mr Hussein's regime under the UN programme.

The Iraqi oil minister, Ibrahim Bahr al-Uloum, said last week that his ministry would sue anyone found to have taken bribes from Mr Hussein's regime.

The UN has strongly denied accusations of corruption within its operations and said it was requesting documentary evidence.

Claude Hankes-Drielsma, a British adviser to the IGC, said yesterday: "The concerns and questions put to the UN are serious and warrant an independent investigation by the UN ... I think what will shock everybody is the extent of it (the corruption) . . .

"The amounts involved and the blatancy of it is beyond anything that certainly I've seen," he added.

Some former weapons inspectors in Iraq have made similar allegations.

David Kay, former head of the US Iraq Survey Group, told the AP news agency last week that his team had found widespread corruption in the oil-for-food programme.

"There are going to be red faces among a lot of our allies and friends as to this," he said.

The US Treasury and the customs service are also investigating whether international sanctions against Iraq were violated.

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Copyright 2004 News World Communications, Inc.
The Washington Times
February 20, 2004

Saddam's fan club

By Ariel Cohen

SPECIAL TO THE WASHINGTON TIMES

The latest revelations that the deposed Iraqi dictator Saddam Hussein used oil sales under the U.N. oil-for-food program to buy friends and influence policy around the world should turn on an alarm in Washington, New York, Paris and other capitals. Saddam's influence buying is only a part of a broader phenomenon. Other oil-producing countries are engaged in similar activities on an even larger scale.

Several important lessons arise from discovery of Saddam's buddy list. First, this is just the beginning: There are thousands of documents in Baghdad that American and Iraqi intelligence officers need to catalog, translate, analyze and investigate. The precedent - the Eastern German intelligence service STASI archives, which exposed hundreds of spies in Europe and America.

Second, the U.N. may have done more damage than good in Iraq - and may do so again. The U.N. oil-for-food officials knew about the global bribery effort and did nothing to stop it. Moreover, it is possible the officials in that august body facilitated and benefited from at least some of the transactions.

A key question is whether a "Mr. Sevan" who allegedly received oil export vouchers in Panama is the same person as the U.N. Assistant Secretary General Benon V. Sevan, who ran the oil-for-food program. So far, U.N. Secretary General Koffi Annan has refused an internal investigation, and the U.N. bureaucracy has stonewalled and resisted an external investigation of the oil-for-food program.

This is not the first time the U.N. has bungled major policy undertakings: The U.N. aid effort in the West Bank and Gaza called United Nations Relief and Works Agency for Palestine Refugees in the Near East [UNRWA] only perpetuated the refugee problem and has been thoroughly penetrated by Hamas and other terrorist organizations.

Third, persistent rumors are worth checking. Stories about Saddam's global payola have been in circulation for years, with nobody investigating. Similar stories are in circulation about Saudi and Chinese influence-buying. It is high time the law-enforcement and intelligence agencies in the U.S. and Europe cooperated in investigating.

The documents uncovered in Baghdad by the Iraqi Oil Ministry and published in Al Mada, an independent Iraqi newspaper, are a jackpot of embarrassing information. Their veracity is confirmed by Naseer al-Chaderji, a senior member of the Iraqi Governing Counsel [IGC], and by **Claude Hanks-Drielsma**, the British chairman of Roland Berger Strategy Consultants and an adviser to the IGC.

The documents list dozens of organizations and individuals in more than 50 countries who were instrumental in orchestrating pro-Saddam policies, and point to a spider web of allies, from the pro-Saddam British back-bencher Member of Parliament George Gallaway to President Jaques Chirac's friend Patrick Maugein, an oil trader, and to highly influential former French Interior Minister Charles Pasqua, who has denied any connection to Iraq. While Bernarde Merimee - France's ambassador to the United Nations - who is on Saddam's buddy list, denied accusations, can banking details available in Baghdad exculpate the French diplomat?

The list includes Indonesian President Megawati Sukarnoputri, the Bulgarian Socialist Party, the highly influential Russian Orthodox Church, Yasser Arafat's Palestine Liberation Organization and Jordanian Islamic radical leader Layth Shbeilat. Some of those fingered have denied the accusations. Others, like Mr. Maugein, have announced they "did nothing wrong."

There are a few surprises on the list. The extent to which Russia benefited from doing business with Saddam is mind-boggling. While others received several millions of barrels, Russia got the lion's share of 1.3 billion barrels.

Vladimir Zhirinovsky's "Liberal Democratic Party" is listed as receiving a whopping 80 million barrels. A senior official in that extremist party complained to the author in a 2002 meeting at the Duma that Washington's military action against Saddam would "destroy the most lucrative business" they ever had.

President Putin's United Russia party was equally well-oiled. Russian politically influential oil companies received close to a billion barrels with market value of more than \$20 billion. "Our Foreign Ministry is for sale as far as the Russian oil companies are concerned. A department chief receives about \$200 a month - you do the math," a Moscow-based Russian Middle Eastern expert told me.

Many names and positions on the list require further investigation and clarification: Who is the anonymous "director" of the Russian Presidential Administration? The recently retired Alexander Voloshin, Mr. Putin's chief of staff, or a lower-level official, possibly still in place? Undeniably, Moscow's resistance to the war against Saddam was as implacable as it was shrill.

Did the millions of barrels earmarked for the "Ukrainian Social Democrat Party" benefit President Leonid Kuchma's Chief of Staff Alexander Medvedchuk, the leader of that party or go directly to the president who allegedly sold arms to Baghdad?

Just as Saddam's oily revenues corrupted presidential chancelleries and newsrooms, funds from other major Middle Eastern oil suppliers with ambitious religious and political agendas may wreak even more havoc.

At stake is the integrity of the foreign policy process, which is supposed to, but often does not, reflect national interests - not the size of bribes in ministers' bank accounts. However, an ugly reality is emerging, one that should be investigated by U.S. intelligence and law-enforcement agencies.

Consumer countries have to strive to turn oil suppliers into what they should be: commodity providers, not power peddlers corrupting global political systems, media and academia. National agendas should be set at the ballot box and in legislatures, not in desert tents. Global bribery may be as dangerous to the West as global terrorism. Saddam's buddy list is just the tip of the iceberg.

Ariel Cohen is a research fellow at the Heritage Foundation. His expertise is in international energy security.

###

Copyright 2004 The Financial Times Limited
Financial Times (London, England)
February 6, 2004

Saddam oil bribe claims probed in US

By THOMAS CATAN, CAROLA HOYOS and MARK TURNER

US authorities are investigating claims that hundreds of people received oil contracts from Saddam Hussein when US sanctions were in force in return for supporting his regime.

The US Treasury's office of foreign assets control and immigrations and customs enforcement are examining whether any oil contracts violated international sanctions. Iraq's Governing Council (IGC) has also launched an investigation since a local newspaper listed 270 people from more than 40 countries alleged to have received oil contracts, including foreign politicians, officials, companies and activists.

Senior United Nations officials will shortly discuss a response to related charges of corruption in connection with the oil-for-food programme, which the UN administered for Iraq during Mr Hussein's rule.

The UN meeting will also study a series of allegations made by members of the Governing Council, a UN official said.

In a letter this week to the UN, obtained by the FT, IGC adviser **Claude Hanks-Drielsma** detailed "serious transgressions" in the oil-for-food programme. He said the original list of oil contracts "demonstrates beyond any doubt that Saddam Hussein bought political and other support under the aegis of the UN". Kofi Annan, the UN secretary-general, has said the programme was satisfactorily audited many times.

According to Mr Hanks-Drielsma, the UK chairman of Roland Berger Strategy Consultants and a former chairman of the management committee at Price Waterhouse and Partners, at least 10 per cent was added to the value of all invoices under the UN-run programme.

He calculated that the scheme would have provided Mr Hussein's regime with more than Dollars 4bn (Pounds 2.2bn).

UN officials said they were aware that Mr Hussein's regime had found ways to circumvent the sanctions and raise cash through kickbacks.

"Everybody knew this was going on but it was not going on under our noses because it was not part of the procedures we were involved in," said a UN official. "Certainly a lot of people and companies got involved in illicit transactions but these were not part of the oil-for-food programme."

Mr Hanks-Drielsma said he was "absolutely certain" the document was legitimate. "I know how it was compiled and I'm totally satisfied that it's genuine." He said the list was compiled on IGC orders mainly from existing oil ministry records.

Mr Hanks-Drielsma has long known Mr Chalabi, head of the Iraqi National Congress (INC) and chairman of the IGC finance committee, which is investigating the allegations. Mr Chalabi began pursuing the charges against the UN at least eight months ago, according to a person who spoke to him last summer.

"There are many indications there's a huge amount of corruption as regards this programme," said a spokesman for Mr Chalabi.

Additional reporting by Mark Turner and Carola Hoyos

###

Copyright 2004 The Financial Times Limited
Financial Times (London, England)
February 5, 2004

Monitoring panel for Iraq spending yet to start work

By THOMAS CATAN

An independent watchdog set up by the United Nations nine months ago to monitor spending of Iraqi revenues by occupying powers has yet to begin work, plagued by long disagreements over its scope.

In the meantime, the occupying powers continue to spend billions of dollars in Iraqi funds without the independent oversight ordered by the UN Security Council last year.

"There's been all of this time, all these revenues, without any independent verification - which is in breach of UN resolutions," said John Davison of UK charity Christian Aid.

The Coalition Provisional Authority (CPA) is due to be dissolved in around five months' time, when it is scheduled to hand over power to an Iraqi government. It is unclear what will happen to both the fund and the international panel supposed to monitor it after that time.

The situation has fuelled suspicions that the CPA is deliberately dragging out the process to avoid independent scrutiny of its spending in its final months of existence - something it strongly denies.

"One is never quite sure what the actual hold-up is," said Claude Hankes-Drielsma, a British adviser to Iraq's Governing Council. "The lack of transparency and adequate consultation has at times contributed to that perception. It's quite disgraceful and unnecessary that it hasn't started work yet."

The UN Security Council set up the International Advisory and Monitoring Board (IAMB) last May to oversee spending from the Development Fund for Iraq (DFI) - a newly created account containing Iraqi oil revenues, frozen assets and funds left over from the UN's oil-for-food programme.

Under the terms of the UN resolution, the watchdog is made up by representatives of the International Monetary Fund, the World Bank and the Arab Fund for Social and Economic Development. They spent much of last year engaged in disagreements over the watchdog's remit.

"One of the issues that held it up is that the US didn't want it to have any real teeth," said an official from one of the watchdog's member organisations. "(The members) said wait a second, we are not in the business of rubber-stamping things here."

After months of wrangling, the IAMB was finally set up in October, and has held two procedural meetings since then. But it is still waiting for the CPA to nominate accountants, which the IAMB is meant to then approve or reject.

"The institutions presented a work programme to the CPA in December and are still waiting for a final commitment by CPA," said the official from an IAMB member organisation.

A CPA official, however, said they were waiting for the "statement of work" to be finalised before any accountants could be selected. According to CPA figures, Dollars 10.5bn has flowed into the DFI account in New York, of which just over Dollars 3bn has been spent. The CPA says it has used funds from the account to, among other things, buy wheat, pay Iraqi salaries, rebuild essential services and print the new currency.

As time goes by, there is a growing sense among critics that they will simply have to take occupying forces at their word.

"Five months from now, the CPA is supposed to dissolve," said Nathaniel Hurd, who is preparing a report on spending by the occupying powers for Iraq Revenue Watch, a watchdog funded by financier George Soros. "So this whole thing may have been some giant window-dressing exercise and all of this money may be spent with minimal external oversight," said Mr Hurd.

###

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THE DAILY TELEGRAPH(LONDON)
October 16, 2003

Taylor Nelson creates new role for Lowden

ROLAND Berger Strategy Consultants have appointed **Claude Hanks-Drielsma** as chairman. He is chairman of the Windsor Leadership Trust.

###

Copyright 2003 The Financial Times Limited
Financial Times (London,England)
October 15, 2003

And finally... Claude Hanks-Drielsma

By RUTH SULLIVANBODY:

* Roland Berger Strategy Consultants has appointed **Claude Hanks-Drielsma**, former chairman of Price Waterhouse's management committee, as chairman.

###

Copyright 2003 Times Newspapers Limited
The Times (London)
October 7, 2003

The College of St George Windsor Castle

Mr **Claude Hanks-Drielsma** was elected *Honorary Fellow and Special Adviser*, The College of St George, at the meeting of the General Chapter on September 29, 2003.

###



OpinionJournal

from THE WALL STREET JOURNAL Editorial Page



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WEASEL ALERT

Saddam's Global Payroll

It's time to take a serious look at the U.N.'s oil-for-food program.

BY THERSE RAPHAEL

Monday, February 9, 2004 8:00 a.m. EST

On Dec. 5, during a trip to Baghdad, Claude Hanks-Drielsma faxed an urgent letter to U.N. Secretary-General Kofi Annan. Mr. Drielsma, the U.K. Chairman Roland Berger Strategy Consultants, had recently been appointed to advise Iraqi Governing Council. What he saw in Baghdad left him shocked. "As a result of my findings here, combined with earlier information," he wrote, "I most strongly urge the U.N. to consider appointing an independent commission to review and investigate the 'Oil for Food Programme.' Failure to do so might bring into question the U.N.'s credibility and the public's perception of it. . . My belief is that serious transgressions have taken place and may still be taking place."

Just how serious these transgressions were became clear late last month, when the Iraqi daily Al Mada published a partial list of names, compiled by Iraq's ministry, of those whom Saddam Hussein rewarded with allocations of Iraqi oil. Mr. Hanks-Drielsma, who says he was among the first to see the list in early December, says it is based on numerous contracts and other detailed documents and was compiled at the request of the Iraqi Governing Council.

The list, a copy of which has been seen by the Journal's editorial page, is in spreadsheet format and details (in Arabic) individuals, companies and organizations, grouped by country, who oil ministry and Governing Council officials believe received vouchers from the Iraqi regime for the purchase of oil under the oil-for-food program. Mr. Hanks-Drielsma said the recipients would have been given allocations at below-market prices and then been able to pocket the difference when a middleman sold the oil on to a refinery; 13 time periods are designated and with indications of how much crude, in millions of barrels, each recipient allegedly received.

The list reads like an official registry of Friends of Saddam across some 50 countries. It's clear where his best, best friends were. There are 11 entries under France (totaling 150.8 million barrels of crude), 14 names under Syria



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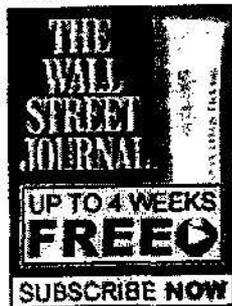
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(totaling 116.9 million barrels) and four pages detailing Russian recipients, voucher allocations of over one billion barrels. Many of the names, transliterated phonetically from Arabic, are not well-known or are difficult to identify from the information given. Others stand out. There's George Gallo, the Saddam-supporting British MP recently expelled from the Labour Party, has always denied receiving any form of payment from Saddam. Other notable names include Indonesian President Megawati Sukarnoputri (also listed separately as the "daughter of President Sukarno"), the PLO, the Popular Front for the Liberation of Palestine, the Russian Orthodox Church, the "director of the Russian President's office" and former French Interior Minister Charles Pasqua. Some--including Mr. Pasqua, the Russian Church and Ms. Megawati--have denied receiving anything from Saddam. Patrick Maugein, a close friend of Jacques Chirac and head of Soco International oil company, says his dealings were all within "the framework of the oil-for-food program and there was nothing illegal about it."

The list's breadth, and the difficulty in reading and interpreting it, has slowed its exposure. There's also the question of authentication. Mr. Hanks-Driels (who is not an Arabic speaker) is convinced it is authentic and will be followed by more detailed evidence as the Iraqi oil ministry and Governing Council conduct further investigations. "I've seen the documents that have satisfied beyond any doubt that we're dealing with a genuine situation," he told me.

One of the most eye-catching names on the list is easy to miss as it's the only entry under a country one would not normally associate with Iraq--Panama. The entry says: "Mr. Sevan." That's the same name as that of the U.N. Assistant Secretary-General Benon V. Sevan, a Cyprus-born, New York-educated career U.N. officer who was tapped by Kofi Annan in October 1997 to run the oil-for-food program.

When I tried Mr. Sevan for comment, a U.N. spokesman wouldn't put me through to him directly but offered to pass on e-mailed questions. In an e-reply to questions about Mr. Sevan's apparent inclusion on the list and interest in the Panama-based business that allegedly received the discounted oil, the spokesman quoted Kofi Annan's statement Friday: "As far as I know, nobody at the Secretariat has committed any wrongdoing. If there is evidence, we will investigate it very seriously, and I want those who are making the charges to give the material they have to me so that we can follow up to determine if there has been any wrongdoing and I would take necessary action. So far, no statements are being made but we need to get facts." The pro forma U.N. response certainly seems inadequate. Mr. Sevan should take the opportunity to defend himself against the inference that the presence of his name on this list could help explain how Saddam was able to get by with so much influence-buying around the world with little apparent objection from the U.N.

In the seven years that Oil-for-Food was operational, (it was shut down in November and its obligations are being wound up) Saddam was able to skim funds for his personal use, while at the same time doing favors for those who supported the lifting of sanctions, supplied him with his vast arsenal of weapons, and opposed military action in Iraq. Indeed, it was clear from the outset that Saddam would be able to use the program to benefit his friends. The 1995 U.N. resolution setting out the program--Resolution 986--bends backwards to reassure Iraq that Oil-for-Food would not "infringe the

11-L-0559/OSD/43155

sovereignty or territorial integrity" of Iraq. And to that end it gave Saddam power to decide on trading partners. "A contract for the purchase of petrole and petroleum products will only be considered for approval if it has been endorsed by the Government of Iraq," states the program's procedures. Predictably, Saddam exploited the program for influence-buying and kickba and filled his coffers by smuggling oil through Syria and elsewhere. With Oil for-Food and smuggling, he was able to sustain his domestic power base ar maintain a lavish lifestyle for his inner circle.

The system was ripe for abuse, in part because a divided Security Council g Saddam far too much flexibility within the program. Oil-for-Food not only g Iraq the power to decide with whom to deal, but also freedom to determine official price of Iraqi oil, revenues from which went legally into the U.N.'s Oi for-Food account. U.N. rules did not allow it to order Iraq to deal directly wi end-users and bypass all those lucky middlemen who got deals from Sadda Nor was the U.N. allowed to view contracts other than those between the oi ministry and the first purchaser, so it had no way of verifying that surcharg were being imposed by the middlemen on end-users. That enabled him to a surcharges to finance his own schemes while still making the final price competitive.

U.N. rules were ostensibly devised to prevent pricing abuses, but in one of t many indications of administrative failure, those safeguards appear not to h been enforced. In response, the U.S. and Britain tried often from 2001 to impose stricter financial standards, but Russia blocked changes. Then the U and Britain instituted a system of retroactive pricing--delaying approval of t Iraqi selling price so that they could take account of the market price when giving their approval. This too met with grumbling from Friends of Saddam while it reduced oil exports, it didn't end the corruption.

Throughout most of the program's life, Mr. Sevan's office seemed to see no evil. When overwhelming evidence finally surfaced that Oil-for-Food had become a gravy-train for the Iraqi regime, U.N. officials acknowledged som the abuses but refused any of the blame. Criticism is routinely portrayed as politically motivated. "The [program] has existed in a highly politicized environment from day one," explains the U.N. Web site. "The scale of these operations has also made it a rather large target." Its last line of defense w to punt to the Security Council, whose sanctions committee (authorized by 1990 sanctions resolution and composed of Council members) was meant to oversee the program, receive reports and review audits.

The record of systemic abuse of the program lends credence to claims that oil-ministry list is genuine and should be investigated. The Iraqi Governing Council says it's considering legal action against anyone found to have profi illegally from Oil-for-Food. The U.S. Treasury's Bureau of Immigration and Customs Enforcement is investigating possible violations of U.S. law. But th U.N. has resisted calls for an independent investigation into abuses. Says M Hankes-Drielsma: "I would urge the U.N. to take the high moral ground and instigate a truly independent investigation."

To this end, he wrote a second letter to the U.N. secretariat on Feb. 1, this addressed to Hans Correll, Under Secretary for Legal Affairs and Legal Cour of the U.N., with a copy to British Foreign Secretary Jack Straw. He catalog:

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questions on areas "which need urgent investigation," e.g. "Why did the U.I approve oil contracts to non-end users?" His letter alleges that "not less than 10% was added to the value of all invoices to provide cash to Saddam . . ." was this not identified and prevented?" The letter also asks "What controls in place to monitor BNP [the French bank] who handled the bulk of the LCs, total value of which may have [been] in the region of \$47 billion?"

In a June 2000 statement on Oil-for-Food, Mr. Sevan said, "As [Mr. Annan] it recently, we, as international civil servants, take our marching orders from the Security Council." It might have been more accurate to acknowledge that the U.N. took its marching orders from Saddam.

Ms. Raphael is editorial page editor of The Wall Street Journal Europe.

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March 15, 2004

TO: Doug Feith
Jim Haynes

*Advance
copy sent
3/15 0915*

CC: Gen. Dick Myers
Paul Wolfowitz

FROM: Donald Rumsfeld *DR*

SUBJECT: Transitional Arrangements for Coalition Forces

Please take a look at this note to Secretary Powell on the situation in Iraq legally.
Please get back to me with a proposal - fast.

Thanks.

Attach.
3/10/04 Jack Straw memo to SecState

DHR:dh
031504-3

.....
Please respond by 3/17/04

IRAQ

13 APR 04

OSD 10792-04



British Embassy
Washington

P
03/12
3/15

From the Ambassador
Sir David Manning KCMG

10 March 2004

The Honorable Colin Powell, KCB
Secretary of State
Department of State
Room 7226
2201 C Street NW
Washington DC 20520

3100 Massachusetts Avenue, N.W.
Washington, D.C. 20008-3600

Telephone: (b)(6)
Facsimile: [redacted]

www.BritainUSA.com
LETTER TASKED

By fax: (b)(6)

(7)

CC TO NSC
1 PENTAGON

See the Secretary

I have been asked by the Foreign Secretary, Jack Straw, to forward to you the attached paper on transitional arrangements in Iraq.

Best wishes,

Yours faithfully,
David Manning
David Manning

2004 MAR 11 PM 3 01

arrangements and thus address many of the issues highlighted above. If we can get the IGC to issue an invitation to the MNF to remain beyond 30 June, a new UNSCR should then

- note this as representing Iraqi consent until such time as the new sovereign Transitional government addresses the matter;
- re-authorises the MNF on that basis; and
- give UNSC recognition/endorsement to other arrangements set out in an IGC invitation, including eg the type of operations the MNF would conduct, and the relationship between the MNF and Iraq as set out in the IGC invitation.

Status of forces provisions

7. With the disappearance of the CPA on 30 June, the privileges and immunities set out for coalition forces under CPA Order 17 will cease to exist, notwithstanding Article 26(C) of the TAL. UNSCR 1511 does not confer P&I on the MNF, and it would be unusual and awkward to write them into a new UNSCR. These issues need to be provided for in some other form. This is important to the UK military, who have a duty of care requiring them to ensure that their personnel are legally protected for the activities they are likely to be involved in. Coalition partners also feel strongly about this, and will find it difficult to secure continuing approval from their parliaments in the absence of clarity on such issues. The continuation of CPA Order 17 would fill part of this gap, although there would be a need to find some legally watertight way of effecting this – such as amending Order 17 so that it does not cease to apply with the demise of the CPA. But CPA Order 17 anyway covers only some of the issues relevant to the status of forces – namely jurisdiction, immunities and claims. It does not cover issues such as:

- freedom of entry into, exit from and movement within Iraqi territory, airspace and waters
- the right to use such bases and facilities as the MNF deems appropriate, including the retention of property currently being used.
- the right to use utilities and other services, etc

8. It is widely accepted now that a formal SOFA could probably not be negotiated with the IGC nor would it be likely to be seen as a legitimate bilateral agreement. But the IGC could express a view which would establish a working interim basis for MNF forces pending any negotiation of a formal SOFA agreement with the Transitional Government. This could be in the form of an annex to the letter of invitation from the IGC. An possible alternative option would be for the IGC letter simply to state that until a sovereign Iraqi Government concludes a binding international agreement on the status of forces, as provided for in the TAL, the provisions of the UN's generic model SOFA should apply, *mutatis mutandis* (though this options needs further analysis and might not provide all the protections we need). This would save the IGC having to negotiate on some politically very sensitive issues. Subsequent UNSCR recognition of this arrangement would also go a long way to solving the IGC legitimacy problem.

720

March 15, 2004

TO: Larry Di Rita
David Chu
CC: Paul Wolfowitz
FROM: Donald Rumsfeld 
SUBJECT: Mandatory Retirement

210 0644

Please get together and tell me how I am supposed to speak out on this mandatory retirement problem. Please get me some anecdotes and some examples, and let's get some action going on it.

Thanks.

Attach.
3/8/04 USD(P&R) memo to SecDef re: Mandatory Retirement (OSD 03360-04)

DHR:dh
031504-2

.....
Please respond by 4/2/04

15700000



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

3/15
2004 MAR -5 PM 1:54

INFO MEMO

①

PERSONNEL AND
READINESS

March 8, 2004 - 11:00 AM

FOR: SECRETARY OF DEFENSE

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

David S. C. Chu & M... 04
Signature & Date

SUBJECT: Mandatory Retirement--SNOWFLAKE(Tab A)

- There are several remedies applicable to Captain Jenkins and others like him:
 - He can be recalled to active duty. The Secretary of a Military Department may order most retired officers to active duty (10 U.S.C. 9688). No more than 25 officers can serve concurrently and they cannot serve more than 12 months in a 24-month period. (During periods of national emergency these restrictions are lifted, which is the current situation.)
 - If selected by a selection board, an officer who would otherwise be required to retire following completion of 30 years service may have retirement deferred and be continued on active duty for up to 5 years or until age 62, whichever is sooner (10 U.S.C. §637).
- The real problem is that officers like Captain Jenkins may not wish to be retained, because there is little financial incentive to stay. Indeed, it could be argued the current incentive is negative, since delayed retirement may damage second career earnings.
- We are pursuing a set of legislative remedies to this dilemma for flag officers (raising maximum age to 68, and providing for an increased pension if they serve beyond 30 years). Your speaking out in support will help us, since we failed to win their acceptance last year.
- RAND is helping us evaluate alternatives for officers below flag rank. To enable us to try these out without having to justify each in advance, we are seeking military personnel demonstration authority. OMB has not yet cleared this, but I am hopeful they will soon do so. (I will let you know if by the end of next week we have not yet succeeded.)

+

COORDINATION: TAB B.

Attachments:
As stated

Prepared by: Lt Col Francine Blackmon, ODUSD(MPP/OEPM); (b)(6)



11-L-0559/OSD/43162

SPL ASSISTANT IN CHARGE	2/10
SR MA CRADOCK	3/17
MA BUCCI	
EXERCISE MANAGER	033610 04/3/9

12/12/03

December 11, 2003

TO: David Chu
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Incentives

Yesterday I met the Executive Assistant to Reuben Jeffery. He is a Navy Captain with 30 years of service. He is 51 years old, and he is retiring. He is first-rate.

All the incentives in our system are wrong. Why don't we get them fixed?

Please come back to me with a proposal by January 5.

Thanks.

DHR:dh
121103-18

MR

Please respond by 1/5/04

✓
3/11/03

"Jan 5 -"
Response attached.
D.R.

Larry Di Rita

3/11

3/16 1730



15
March 12, 2004

TO: Powell Moore
CC: Larry Di Rita
FROM: Donald Rumsfeld
SUBJECT: Voting Record

DR

Larry Di Rita
3/25

I would like to know how Ted Kennedy, John Kerry and Carl Levin voted on the regime change legislation in 1998.

Thanks.

DHR:dh
031204-4

.....
Please respond by 3/19/04

✓
3/26

Response attached
3/25

IRAO

15 MAR 04

OSD 10794-04

11-L-0559/OSD/43164



LEGISLATIVE
AFFAIRS

THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, DC 20301-1300

✓
3/24

March 16, 2004 4:00 PM

FOR: SECRETARY OF DEFENSE

FROM: Powell A. Moore, Assistant Secretary of Defense
for Legislative Affairs, (b)(6)

SUBJECT: Response to SECDEF Snowflake regarding Voting Record

- You wanted to know how Senators Ted Kennedy, John Kerry and Carl Levin voted on the regime change legislation in 1998.
- On October 7, 1998, the Senate passed H.R. 4655 by unanimous consent. There was no recorded vote. ||

Attachments:

SECDEF Snowflake # 031204-4
H.R. 4655 Bill Summary and Status

11-L-0559/OSD/43165

Bill Summary & Status for the 105th Congress

Item 1 of 1

PREVIOUS:ALL | NEXT:ALL
NEW SEARCH | HOME | HELP

H.R.4655**Title:** To establish a program to support a transition to democracy in Iraq.**Sponsor:** Rep Gilman, Benjamin A. [NY-20] (introduced 9/29/1998) **Cosponsors:** 1**Related Bills:** [H.R.4664](#), [S.2525](#)**Latest Major Action:** 10/31/1998 Became Public Law No: 105-338.

Jump to: [Titles](#), [Status](#), [Committees](#), [Related Bill Details](#), [Amendments](#), [Cosponsors](#), [Summary](#)

TITLE(S): (*italics indicate a title for a portion of a bill*)

- **SHORT TITLE(S) AS INTRODUCED:**
Iraq Liberation Act of 1998
- **SHORT TITLE(S) AS PASSED HOUSE:**
Iraq Liberation Act of 1998
- **SHORT TITLE(S) AS ENACTED:**
Iraq Liberation Act of 1998
- **OFFICIAL TITLE AS INTRODUCED:**
To establish a program to support a transition to democracy in Iraq.

STATUS: (*color indicates Senate actions*) ([Floor Actions](#)/[Congressional Record Page References](#))See also: [Related House Committee Documents](#)**9/29/1998:**

Referred to the House Committee on International Relations.

10/2/1998:

Committee Consideration and Mark-up Session Held.

10/2/1998:

Committee Agreed to Seek Consideration Under Suspension of the Rules, (Amended) by Voice Vote.

10/5/1998 6:12pm:

Mr. Gilman moved to suspend the rules and pass the bill, as amended.

10/5/1998 6:12pm:

Considered under suspension of the rules.

10/5/1998 6:54pm:

At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 5, rule I, the Chair announced that further proceedings on the motion would be postponed.

10/5/1998 7:26pm:

11-L-0559/OSD/43166

Considered as unfinished business.

10/5/1998 7:33pm:

On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays:
(2/3 required): 360 - 38 (Roll No. 482).

10/5/1998 7:33pm:

Motion to reconsider laid on the table Agreed to without objection.

10/6/1998:

Received in the Senate, read twice.

10/7/1998:

Passed Senate without amendment by Unanimous Consent.

10/7/1998:

Cleared for White House.

10/8/1998:

Message on Senate action sent to the House.

10/20/1998:

Presented to President.

10/31/1998:

Signed by President.

10/31/1998:

Became Public Law No: 105-338.

COMMITTEE(S):

Committee/Subcommittee:	Activity:
<u>House International Relations</u>	Referral, Markup

RELATED BILL DETAILS: (additional related bills may be indentified in Status)

Bill:	Relationship:
<u>H.R.4664</u>	Identical bill identified by CRS
<u>S.2525</u>	Identical bill identified by CRS

AMENDMENT(S):

NONE

COSPONSORS(1), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: by date)

Rep Cox, Christopher - 9/29/1998 [CA-47]

SUMMARY AS OF:

10/5/1998--Passed House, amended. (There is 1 other summary)

Iraq Liberation Act of 1998 - Declares that it should be the policy of the United States to seek to remove the Saddam Hussein regime from power in Iraq and to replace it with a democratic government.

11-L-0559/OSD/43167

Authorizes the President, after notifying specified congressional committees, to provide to the Iraqi democratic opposition organizations: (1) grant assistance for radio and television broadcasting to Iraq; (2) Department of Defense (DOD) defense articles and services and military education and training (IMET); and (3) humanitarian assistance, with emphasis on addressing the needs of individuals who have fled from areas under the control of the Hussein regime. Prohibits assistance to any group or organization that is engaged in military cooperation with the Hussein regime. Authorizes appropriations.

Directs the President to designate: (1) one or more Iraqi democratic opposition organizations that meet specified criteria as eligible to receive assistance under this Act; and (2) additional such organizations which satisfy the President's criteria.

Urges the President to call upon the United Nations to establish an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other criminal violations of international law.

Expresses the sense of the Congress that once the Saddam Hussein regime is removed from power in Iraq, the United States should support Iraq's transition to democracy by providing humanitarian assistance to the Iraqi people and democracy transition assistance to Iraqi parties and movements with democratic goals, including convening Iraq's foreign creditors to develop a multilateral response to the foreign debt incurred by the Hussein regime.



7201
UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

INFO MEMO

July 20, 2004 11:00 AM

PERSONNEL AND
READINESS

FOR: SECRETARY OF DEFENSE

FROM: David S. C. Chu, USD(P&R) *Charles Bell* July 20, 2004

SUBJECT: Update on the Federal Voting Assistance Program--SNOWFLAKE

- You signed memos on March 17, 2004, to the Service Secretaries and Combatant Commanders directing that they give the voting program command attention and emphasizing quality officers as their Unit Voting Officers. We wrote all Governors on March 10, 2004, requesting voting assistance for Guard and Reserve units.
- We have worked with the Postal Service to implement special expedited handling procedures for election materials sent to and from Service members outside the U.S. during the 45 day period preceding the November election. Separate expedited postal handling procedures have been implemented for members serving in Iraq and Afghanistan.
- The Department and the Department of Justice have written state chief election officials urging election officials to use every available means to help ensure Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters may receive and return absentee ballots by fax or electronic mail methods.
- We have been visiting mobilization sites and major installations to inform commanders on voting program requirements and to train Voting Assistance Officers. As of July 15, 2004, 113 Voting Assistance Officer Training workshops have been completed at military sites and 30 workshops have been presented to overseas citizen audiences at U.S. Embassies and Consulates. A total of 157 workshops are scheduled through August 2004. In addition, Voting Assistance Officer Training is offered On-Line.
- We have an aggressive public affairs campaign, which includes television, radio, billboards, posters, pre-recorded messages from leaders, slogan contests, and emphasis through the Overseas Citizen Voters Week (July 4-10, 2004), Armed Forces Voters Week (September 3-11, 2004), and Absentee Voting Week (October 11-15, 2004).
- We are monitoring voting during the Primaries to detect problems and implement necessary corrective actions before the General Election.
- We look forward to briefing you at your convenience to review these and other steps being taken.

Prepared By: J. Scott Wiedmann, (b)(6)



11-L-0559/OSD/43169

OSD 10801-04

March 15, 2004

TO: LTG John Craddock
FROM: Donald Rumsfeld *DR*
SUBJECT: "Bumper Sticker"

You are going to get back to me with a "bumper sticker" on accomplishments.

Thanks.

DHR:dh
031104-11

.....
Please respond by 3/19/04

DR 4/19

SecDef —

- From the list provided by Gen Handy, propose 4 "bumper sticker" accomplishments be added to DoD Accomplishments
- These "adds" are high-lighted on the attached draft list.

C 3/18

OSD 10869-04

11-0122

151104-11

The First 3 Years—1/01-3/04—Highlights

DoD Accomplishments

- **Global War on Terrorism—**
 - Developed global offensive strategy
 - Removed Taliban and Al Qaeda power base
 - Removed Iraqi regime from power—Saddam Hussein and top Ba'athist leaders in custody
 - Executed the largest troop movement since WW II
 - Degrading/damaging worldwide terrorist networks
 - Innovative approaches—to high value, time-sensitive targets; maritime interdiction
 - Transforming mindset—more flexible and agile
 - Delegated authorities to capture/kill high value targets
 - Sense of urgency
- **Improved Military Readiness**
 - Funding increases to support tempo
 - Joint combat capability strengthened
 - Targeted pay raises
 - Budget supplementals to sustain readiness
 - Implemented single focal point for air mobility operations
- **Nuclear Posture Review**
 - New triad
 - Nuclear weapons reductions underway
- **Developed Proliferation Security Initiative**
- **Restructured Missile Defense Program**
 - Withdrawal ABM Treaty
 - Refocused and broadened R&D for MD
 - Aggressive test program
 - Began fielding an initial capability
- **Implemented Space Commission Recommendations**

3/4/04

1

The First 3 Years—1/01-3/04—Highlights

Accomplishments (cont.)

- **Defense Status**
 - New defense strategy
 - New force sizing construct
 - New risk balancing focus
- **Modernized Unified Command Plan**
 - Northern Command—fully operational Sep 03
 - JFCOM— Focus on Transformation— NATO Supreme Allied Commander-Transformation
 - Strategic Command—combined w/Space Command; new missions
 - NATO command structure modernized
- **New Working Relationships**
 - OSD & Joint Staff
 - DoD & CIA
 - DoD and DHS
- **Improved Strategic Reconnaissance Operations**
- **New Strategic Direction**
 - DoD role in new political military strategy
 - Liberia crisis—initial US lead to stabilize, then hand-off to follow-on UN force
 - Strategic Planning Guidance, Enhanced Planning Process, Joint Programming Guidance, Contingency Planning Guidance improving speed/relevance/value of plans
- **New Strategic Relationships**
 - Central Asia/Caucasus and South Asia
 - Eastern Europe and NATO
 - Missions determining Coalitions
 - Security Cooperation Guidance implemented
 - NATO Expansion
 - NATO Response Force

The First 3 Years—1/01-3/04—Highlights

Accomplishments (cont.)

- **Implemented Top-Down, Capabilities-Based Requirements & Acquisition Process**
- **Adopted Realistic Budgeting/ Cost Estimates**
- **Illustrative Program Decisions**
 - Crusader to FCS/Precision
 - Acceleration of UAVs/UCAVs
 - DD-21 to DD-X
 - Stryker Brigade combat capability
 - SSBN to SSGN
 - “Ship Swaps”
 - Laser Comms and C4ISR funding
 - Consolidated Navy/Marine aircraft programs
 - Army Aviation Task Force/Comanche
- **Supply chain management reforms**
 - Established single entity responsible for the Defense Logistics supply chain
 - Established USTRANSCOM as the distribution process owner
 - Flattened planning cycle – 50% faster
 - Improved in-transit visibility – reduced costs, improved performance
- **Stand-up of:**
 - USD(I)
 - ASD (Homeland Defense)
 - Coalition Provisional Authority (Rear Office)
- **Defense Transformation Legislation**
 - National Security Personnel System
 - Range and Training Area Readiness
 - BRAC authority
- **Established Senior Level Review Group Process**



UNITED STATES TRANSPORTATION COMMAND
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SCOTT AIR FORCE BASE IL 62225-5357

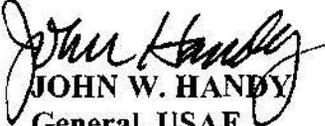
10 March 2004

MEMORANDUM FOR SECRETARY OF DEFENSE

FROM: TCCC

SUBJECT: USTRANSCOM 30-Month Snapshot

1. The United States Transportation Command (USTRANSCOM) has transformed dramatically over the past 30-months, greatly benefiting the Department of Defense (DOD) and the warfighter. The attached listing highlights some of the key events and initiatives.
2. Rest assured that we are committed to continuous process advancements that will significantly improve DOD distribution, and provide premier support to global warfighters. I am truly proud of the USTRANSCOM team, and you can count on us to deliver excellence!
3. I look forward to any feedback you may offer.


JOHN W. HANDY
General, USAF
Commander

Attachment:
USTRANSCOM 30-Month Snapshot

cc:
Chairman, Joint Chiefs of Staff
Deputy Secretary of Defense
Deputy Under Secretary of Defense (AT&L)

11-L-0559/OSD/43174

USTRANSCOM 30-Month Look (Oct 01-Mar 04)

Organization:

- Flattened and streamlined the HQ based on industry model—identified 86 positions
- Created J-3 Directorate dedicated to warfighter operations
- Consolidated two Numbered Air Forces into one - single focal point for air mobility ops
- Established Joint Interagency Coordination Group
- Transferred the Joint Deployment Training Center to USJFCOM and Defense Courier Service to HQ USTRANSCOM
- SDDC/MSC reorganization – consolidated contracting into one component

Process:

- Implemented DOD Distribution Process Owner
- Cost avoidance using sealift over airlift
- Established DDOC Forward - created template for joint theater logistics
- Deployed/embarked force protection for common user sealift - Operation Guardian Mariner
- Drove reauthorization of Maritime Security Program - expanded warfighter capability
- Union/Labor Support

Warfighting:

- Optimized Sealift - 101st deployment closed in 12 days
- C-17 Performance—ie., 173rd Airborne Brigade Airdrop
- CRAF / RRF Activation
- Delivered combat capability – force packaged and sequenced troop/equipment arrivals
- Containerized ammo vs. break bulk
- ITV to identify MRE's in theater
- Reduced footprint
- Aeromedical Evacuation
- Safety

Technology:

- DOD certified command architecture model as template
- Designed expandable IT system - GTN 21 ready for global distribution mission
- Published RFID CONOPS - driving global visibility for warfighter
- Established global ITV of patient movement

Bottom Line: Supported combat operations in two austere environments - executed the largest troop movement since WWII, while simultaneously supporting other combatant commands

Deployment and Distribution Operations Center (DDOC) “The First 45 Days”

Organization

- Formed from DOD's Logistics Partners
- Led by Distribution Process Owner
- Lean Organization: 63 Logistics Experts
- Deployed into Theater; Tactically Controlled by the CENTCOM Commander
- Reach back Capability – leverages the power of DOD's National Logistics network

Improved Theater Execution

- Improved customer confidence – collaborative theater environment
 - Connected logisticians in Kuwait, Iraq, Qatar, and the US
 - Most robust collaborative logistics network in DOD
 - Flattened the planning cycle for intra-theater distribution (50% faster)
- Improved performance and reduced costs by gaining visibility of key forces and materiel
 - Located and redirected 19 containers of armored vehicle track in Kuwait
 - Diverted over 100 Repair Parts containers back to origin in CONUS
 - Prevented shipment of over 1700 containers from CONUS
- Synchronized strategic & intra-theater Deployment and Distribution:
 - Generated CRAF-level performance in a NON-CRAF environment
 - Achieved record single day performance - approx. 8,000 pax moved globally
 - Discharged and loaded 5 LMSR-size vessels simultaneously in record time
- Accelerated 101st AA Div Redeployment by 3 weeks
- Improved strategic delivery of critical materiel directly to forward units
 - Streamlined packaging process for frontline units
 - No longer requires multiple handling and repackaging in theater
 - Pallets constructed in CONUS for direct delivery to combat units in Iraq
 - Improved velocity –significantly reduced customer wait times
- Introduced leading edge, national systems into theater
 - Vessel berth throughput to synchronized deployment/retrograde operations
 - First ever web-based tool to track intransit visibility in Iraq
 - Created repair parts to provide accurate visibility of inbound cargo
- Demonstrated new technology
 - Tested Iridium satellite tags to track container and unit convoys
 - First ever employment of commercial satellite tags to manage containers

Bottom Line: We moved out and demonstrated the power of DOD's logistics partnership while achieving a truly “end to end” distribution process

March ¹⁵ 11, 2004

TO: Gen. Dick Myers
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: TRANSCOM Dual-Hat

We need to address the question of the fact that the TRANSCOM CINC is dual-hatted as an Air Force four-star in charge of Mobility Command. That is inhibiting in terms of who is going to be TRANSCOM someday.

I need some visibility into that and why that is a good idea. Do we need that task? Could it be merged with something other than a combatant command or a specified command?

Thanks.

DHR:dh
031104-10

.....
Please respond by 4/2/04

OSD 10870-04

11-L-0559/OSD/43177

March 15, 2004

TO: Doug Feith
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Response by Joe Collins to *Atlantic Monthly*

I saw this letter to the editor of Joe Collins wrote to the *Atlantic Monthly*. It is excellent. Please tell him: "Good job!"

Thanks.

Attach.

Collins, Joe. "Blind Into Baghdad" letter to the edito., *Atlantic Monthly*, April 2004.

DHR:dh
031504-5

.....
Please respond by _____

OSD 10871-04

11-L-0559/OSD/43178

From

11-L-0559-04

Atlantic
Monthly
April 2004

Blind Into Baghdad

As one of the Department of Defense officials involved in the initial planning for relief and reconstruction in Iraq, I would like to comment on James Fallows's article "Blind Into Baghdad" (January/February *Atlantic*). At every turn in his description of planning for Iraq, the author overemphasized bureaucratic conflict in the executive branch and distorted the nature of contingency planning.

As the Pentagon's "point man" (his term) for postwar plans, I worked continuously and harmoniously with my colleagues at State, USAID, the CIA, and the NSC. I also participated in numerous interagency meetings and conferences, including the January 2003 National Intelligence Council exercise that Fallows says Pentagon personnel were "forbidden by OSD to attend."

The author states that rather than holding a meeting with the Secretary of Defense or the deputy secretary, the nongovernmental organizations were given an audience only with me. In fact I had been meeting with the NGOs frequently on many topics since the start of operations in Afghanistan. I was not a consolation prize for the NGOs but a frequent interlocutor, and I remain so to this day. Our conversations are substantive and have often resulted in policy changes, even though we forgo the photo ops and the press releases that often encumber one-time meetings with the most senior officials.

Missing from Fallows's narrative was any mention of the official interagency planning effort that went on from early fall of 2002 to March of 2003. The planning group met weekly in the Eisenhower Executive Office Building, next to the White House. Chaired by NSC and OMB officials, this group included senior representatives from State,

USAID, the CIA, Treasury, and many other agencies. Tom Warrick, the head of State's Future of Iraq Project, was a back-bencher at some of the sessions. The senior interagency planners were all familiar with the interesting work of his eclectic group.

The interagency group formulated first a strategy and then a detailed plan for relief and reconstruction. Representatives from the group coordinated these plans with international organizations and with General Tommy Franks, the combat commander. Secretaries Colin Powell and Donald Rumsfeld were briefed on the final plan, as was the President. The group even briefed the press on its work on February 24.

Although none of this planning was as juicy as the bureaucratic infighting that Fallows dwells on, it is an essential part of the story. Jay Garner—appointed in late January of 2003 to lead the field effort in Iraq—did face a daunting task, but not a blank sheet of paper. Indeed, the basic reconstruction plans discussed at the two-day conference that Garner held in February at the National Defense University were in the main developed—and harmoniously so—by the very interagency group that Fallows overlooked.

Finally, Fallows's judgment that when the past eighteen months are assessed "the Administration will be found wanting for its carelessness" does not pass muster. The four conflicts that I have helped to plan in the Pentagon suggest clearly that war, as Clausewitz told us, remains the province of chance. Military campaigns and their aftermath defy prediction. Intelligence accepted for a decade can be wrong. The same experts who incorrectly predict huge refugee flows may accurately predict civil disturbances. Staffs will fixate on things that do not come to pass and assume away the importance of things

that do. No plan—political or military—survives contact with reality. Planners will always make more mistakes than journalists who have the benefit of 20/20 hindsight.

We have not "squandered American prestige, fortune, and lives" in Iraq. Despite high costs and many casualties, the United States and its thirty-four coalition partners have destroyed one of the most heinous and dangerous regimes in the world, captured 80 percent of its criminal senior leadership, liberated the Iraqi people, and started the political and economic reconstruction of a nation that may well bring democracy to that part of the Middle East. Mr. Fallows should resist the temptation to call the game in the third inning.

Joseph J. Collins
Deputy Assistant Secretary of Defense
Alexandria, Va.

James Fallows's lengthy list of expert warnings on Iraq that were ignored by the Bush Administration would have benefited from some reference to the strikingly parallel "splendid little war" that provided the other bookend to the twentieth century. (And both of those conflicts boasted a British troubadour, although Tony Blair's flack Alistair Campbell never quite matched the eloquence that Rudyard Kipling showed in his paean to American benevolence, "The White Man's Burden.") In the Philippines a century ago a walkover victory in the capital was followed by prolonged hostilities in the countryside. A foray by General Frederick Funston and his special forces into hostile territory led to the capture of the enemy leader, General Emilio Aguinaldo. (The two Napoleonic figures—both about five feet four—actually got along quite well after that episode.) Mark Twain suggested a redesign of Old Glory, with "the white stripes painted



March 16, 2004

TO: Marc Thiessen
FROM: Donald Rumsfeld *DR*
SUBJECT: Thoughts on WMD

01/16

Here are some thoughts on the WMD issue that we might want to use from time to time.

Thanks.

Attach.
3/15/04 MFR on WMD (#031504-33)

DHR:dh
031604-4

.....
Please respond by _____

01/16

OSD 10872-04

March 15,2004

SUBJECT: WMD

How many times did the President ask what General Franks was going to do when WMD was used on US forces during the invasion of Iraq? Many times!

General Franks believed the likelihood of Saddam Hussein using WMD was the greatest at that point where our forces got closer to Baghdad, from any direction.

How many times did US forces put on their chemical protective gear, despite the discomfort? The reason is because they expected a chemical attack.

The heads of state of most countries in the CENTCOM AOR believed Saddam Hussein had WMD. Mubarak cautioned General Franks that Saddam Hussein has biological weapons and will use them – “be careful.”

The likelihood is that we did surprise Saddam Hussein. He likely had precursors that he could have put together fast, but because he was surprised, he didn't have time to do so.

We will find out at some point in the future what the situation actually was.

DHR:dh
031504-33

11-L-0559/OSD/43181

March 16, 2004

TO: Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: Internet Story

720

I just read this thing on the internet that my son sent me. It is just factually not true. I never said anything like that. How do we get something like that corrected? Is that legal for people to do that?

Maybe one thing to do would be to put the exact testimony on to counter it.

Thanks.

Attach.
3/15/04 Nick R. e-mail to JR

DHR:dh
031604-1

.....
Please respond by 3/26/04

3/15 ✓ 3/18

SecDef -

About as quickly as it showed up on the internet, a bunch of stories started appearing saying it was untrue and urban legend. It has not been reported, to our knowledge, by mainstream outlets. The exact testimony is posted for internet access.

OSD 10873-04

11-L-0559/OSD/43182

Di Rita

Joyce Rumsfeld

From: "Nick" (b)(6)
To: "Joyce Rumsfeld" (b)(6)
Sent: Monday, March 15, 2004 1:32 PM

Is this accurate? I would guess not. If it is not, it just shows what kind of stuff can circulate.

Nick

Rumsfeld: Kennedy 'All Wet' About Bush Lies

(2004-02-05) -- Defense Secretary Donald Rumsfeld told Sen. Edward M. Kennedy yesterday that he was "all wet" when the Senator alleged that the Bush administration lied about Iraq's weapons of mass destruction to justify going to war.

The verbal clash came during Mr. Rumsfeld's testimony at a Senate Armed Services Committee hearing probing the state of pre-war intelligence.

Sen. Kennedy began his questioning of the Defense Secretary by saying, "Don't you think some members of the Bush administration should be held legally accountable for the lies they told about Iraqi weapons, and the subsequent cover-up?"

"First, with all due respect Senator Kennedy, you're all wet," said Mr. Rumsfeld. "The administration has not lied or covered up. However, in general, I do believe that when a man commits a crime he should face the bar of justice. He should not be allowed to serve in positions of power in our government, and be hailed as a leader, when the question of his guilt remains unresolved, if you know what I mean."

"I'm sure I do not know what you mean," Mr. Kennedy said. "But the American people deserve to know why you can't find Saddam's weapons of mass destruction."

"Sometimes things are hard to find, even when you know where they are," said Mr. Rumsfeld. "For example, I've heard of a man who missed a bridge and drove his car into the water, even though he knew where the bridge was. And then sometimes you just keep diving into a problem and despite repeated efforts, you come up empty handed. That doesn't mean that nothing's there. As you know, eventually, the truth comes to light."

Having no further questions, Mr. Kennedy yielded the remainder of his time.

March 10, 2004

TO: Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: Jerry Lindauer

Please put Jerry Lindauer on the Defense Business Board. He is a smart guy. You might want to connect with him somehow.

Thanks.

DHR:dh
031004-7

.....
Please respond by 4/2/04

3/11 ✓
3/12

- Will do.
 - I asked Allison Barber, who runs Armed forces Radio/TV, to get with him, too.
- D. White*

3
12
12

10 MAR 04

OSD 10875-04

March 10, 2004

TO: Larry Di Rita
FROM: Donald Rumsfeld *DR*
SUBJECT: Serving as Acting Secretary

I talked to Les Brownlee last night. He tells me that since he is the Under Secretary, he can serve as Acting Secretary as long as is needed, and he is not limited.

Please check the law.

Thanks.

DHR:dh
031004-4

.....
Please respond by 3/19/04

020 Army

020 Army

OSD 10876-04

March 10, 2004

TO: Jim Haynes

CC: Paul Wolfowitz

FROM: Donald Rumsfeld 

SUBJECT: Same Sex Marriage in the Military

250

I was asked a question in the press avail about what DoD would do about same sex marriages by military personnel, given the "Don't ask, don't tell" policy.

Please get back to me personally to discuss it.

Thanks.

DHR:dh
031004-2

.....

Please *respond* by _____

OSD 10877-04

11 MAR 04

March 10, 2004

TO: Doug Feith
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: March 8 Gompert Memo

*Advance
copy sent
3/11 0830*

Please get on top of this Gompert memo. Talk to Paul Wolfowitz, and then tell me what you recommend.

We better get back to him fast. Time is short.

Thanks.

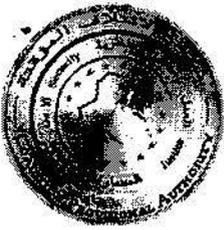
Attach.
3/8/04 Gompert Memo: Iraq Issues

DHR:dh
031004-17

.....
Please respond by 3/15/04

OSD 10878-04

11-L-0559/OSD/43187



COALITION PROVISIONAL AUTHORITY

BAGHDAD

SECDEF

March

8, 2004

df

MEMORANDUM FOR LTG John Craddock, Senior Military Assistant to the Secretary of Defense

SUBJECT: Iraq Issues

Several items for attention:

7
a. Egypt: I intend to visit Cairo to promote Egyptian cooperation with the coalition. In the near term, this will involve unit training of the Iraqi Army units at high-quality (US-spec) Egyptian sites. It could also include Egyptian participation in the MNF post-7/1 – an option we'd like to create while making no commitment from our side. (Amb Bremer, State and CJTF7 concur.)

bx
b. Iraqi defense budget: We've stabilized the 2005 MoD budget at \$1.7B (which includes ICDC but not police) and are sending it to OSD and J5 for review. Unless otherwise directed, I will advise the Iraqis that they should assume the fiscal responsibility. (Amb Bremer concurs.)

7
c. Creation of Iraqi MoD: The order will be signed and announcement made on March 20, assuming consultations go smoothly. CPA order has been worked thoroughly between CPA and DoD. Input to SECDEF on choice of Iraqi Defense Minister and post-7/1 senior advisors will follow separately and shortly.

d. Threat and Iraqi capabilities: Per inter-agency guidance, we will begin using our consultations with Iraqis to build factual awareness and political consensus concerning threats in and to Iraq, Iraqi capabilities and responsibilities to deal with those threats, and gaps. CJTF7 is involved; DoD links are Policy and J-5.

//SIGNED BY//
DAVID C. GOMPERT
Senior Advisor
Office of National Security Affairs
Baghdad, Iraq

CC:
Amb L. Paul Bremer
GEN John Abizaid

UNCLASSIFIED

11-L-0559/OSD/43188

03/10

120

March 9, 2004

Advance copy sent

TO: Larry Di Rita
FROM: Donald Rumsfeld *D*
SUBJECT: Chu's Charts

If you have David Chu's charts, please get them in to me fast.

Thanks.

DHR:dh
030804-95

.....
Please respond by 3/12/04

OSD 10879-04



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

PERSONNEL AND
READINESS

INFO MEMO

March 3, 2004 - 10:00 A.M

FOR SECRETARY OF DEFENSE

FROM: DR. DAVID S. C. CHU, UNDER SECRETARY OF DEFENSE
(PERSONNEL AND READINESS)

*David S.C. Chu
3 Mar 04*

SUBJECT: Revised Entitlement Charts

*3/8
ATTY DIR*

- Attached at Tab A is a revised set of entitlement charts and assumptions used to build the charts, responding to your direction (Tab B). As you requested, each chart parses the recent growth of entitlements among retirees (the bulk of the change), actives (very modest change), and the reserves (most near-term potential growth).
- The first chart in the series tabulates the burden on the defense budget from legislation currently in force; the next, if that legislation is extended (e.g., reserve health care expires this year); and the last summarizes the effect of further changes being discussed on the Hill.
- You will note that most of the changes occurred in the last five years or so (the effects are delayed, and do not show up until FY03). We are researching the record of the prior five years, but believe only modest changes were made in that period.

INFORMATION ONLY

COORDINATION: *Samletta 512*
USD (Comptroller)

Attachments:
As Stated

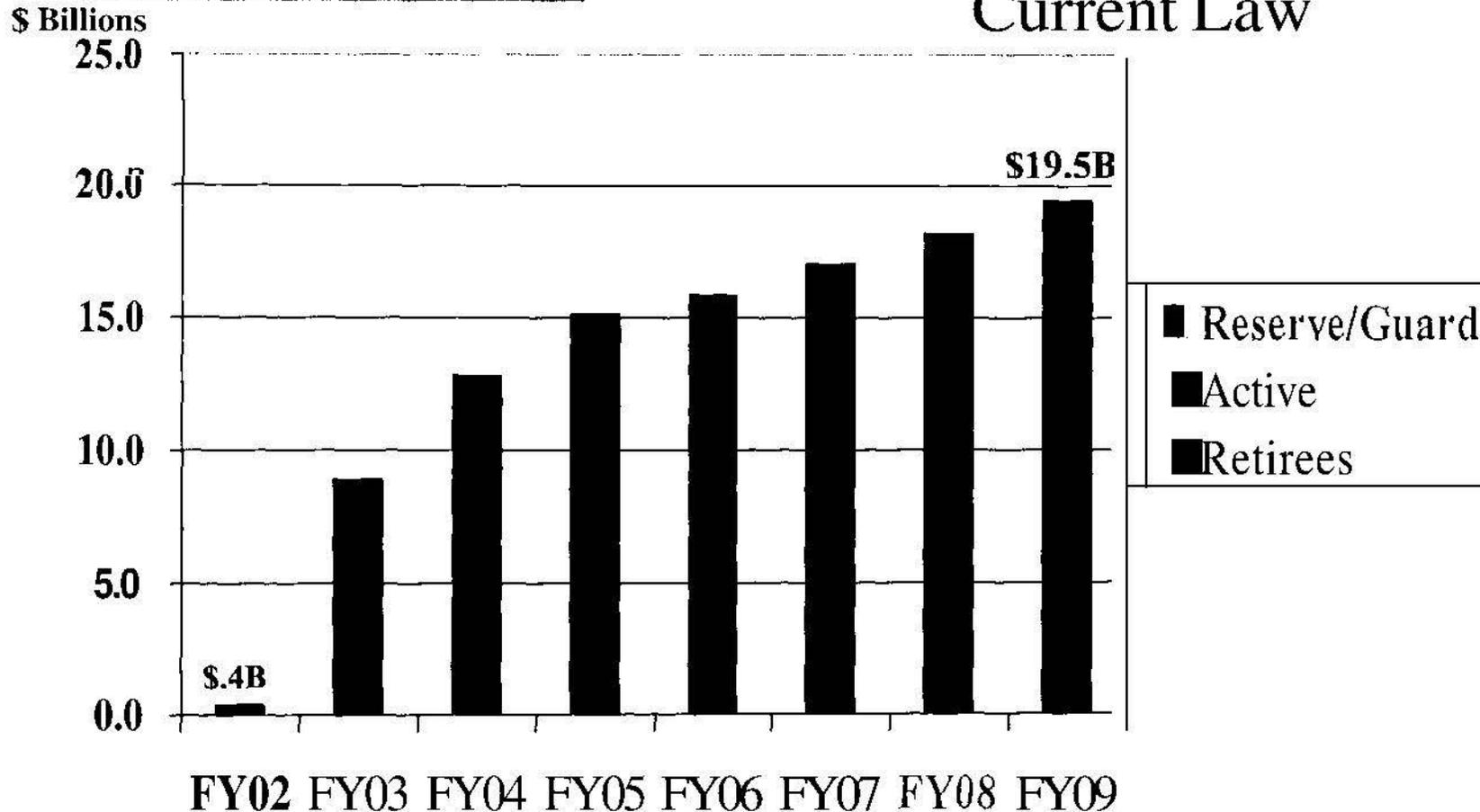
Prepared by: Captain Stephen M. Wellock, (b)(6)



Personnel & Readiness

Growth of Entitlements FY02-FY09

Current Law



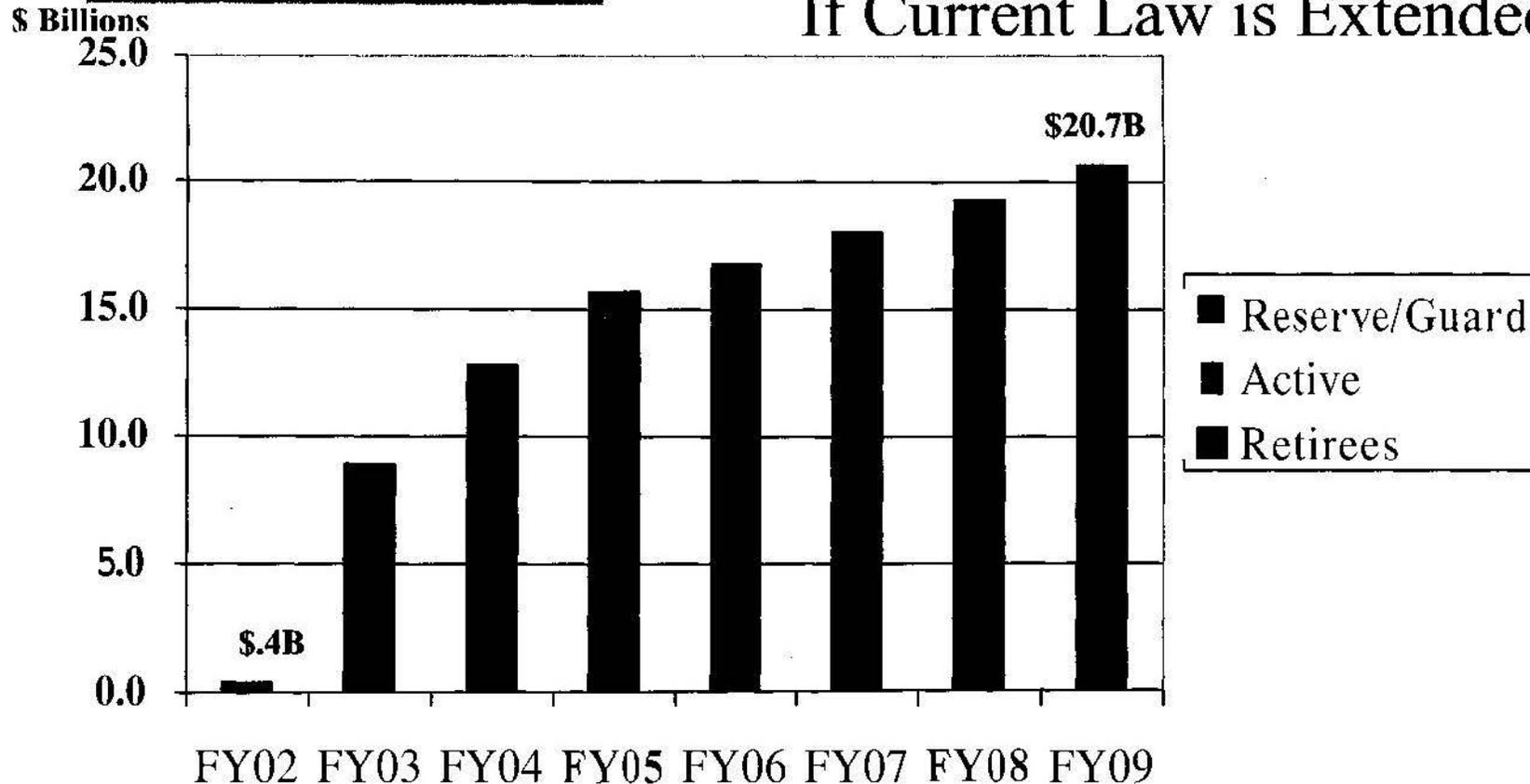
Reserve - Includes cost for enhanced Reserve healthcare authorized by the FY03 Supplemental, and the reserve portion of Family Separation Allowance (FSA) from the FY03 Supplemental.

Active duty - Includes enhanced healthcare benefits from FY01/02 NDAA's and the active portion of FSA from the FY03 Supplemental.

Retirees - Includes TFL accrual pmts for benefits in FY01 NDAA, costs for enhanced benefits from FY01/02 NDAA's, cost of new Tricare claimants, cost of **2004 NDAA** concurrent receipt-change in accruals, and DoD cost for the repeal of the 1986 Military Retirement Reform Act contained in the FY00 NDAA.

Personnel & Readiness

Growth of Entitlements FY02-FY09 If Current Law is Extended



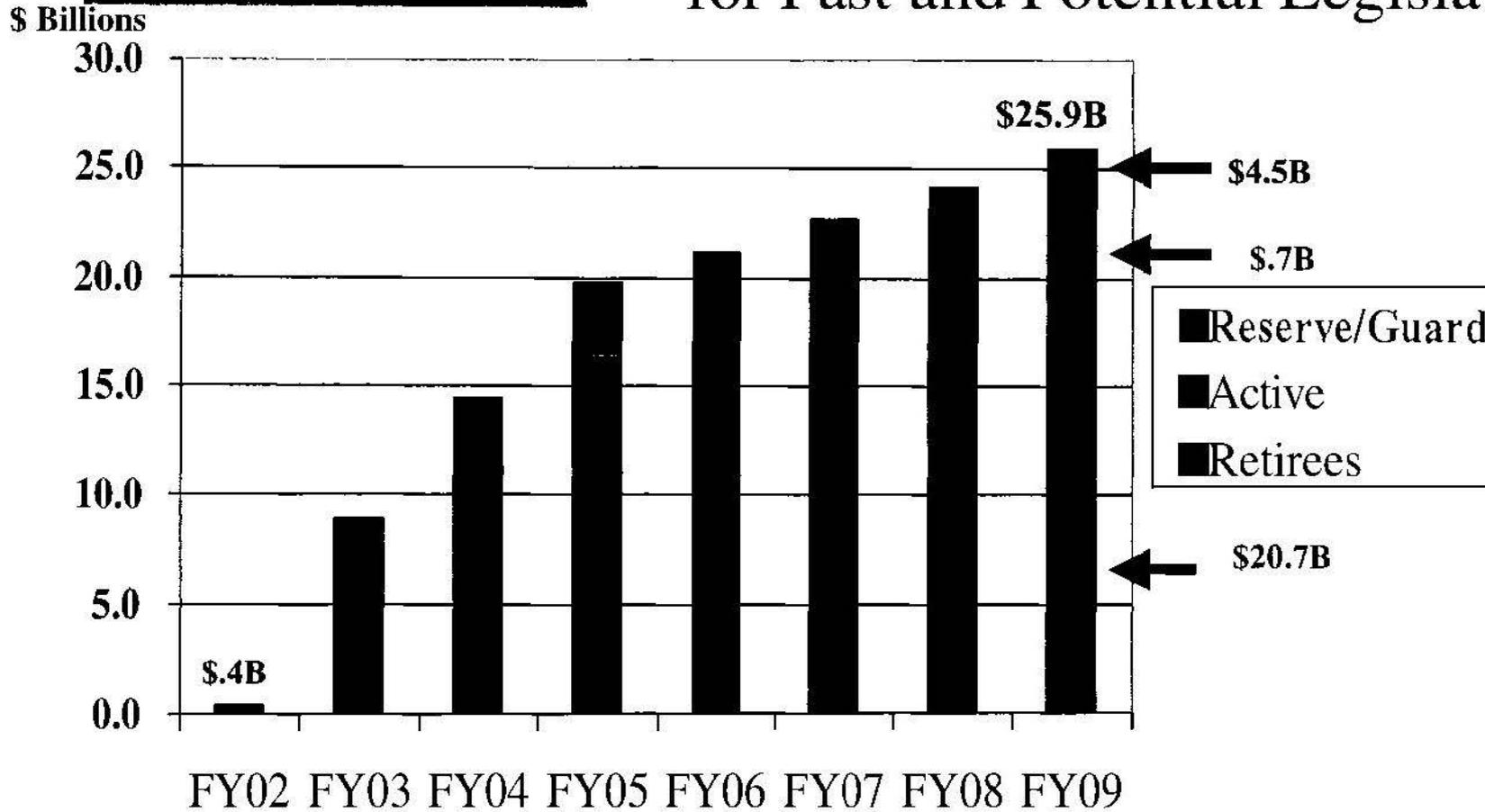
Reserve – Includes cost to extend enhanced Reserve healthcare authorized by FY03 Supplemental, and the Reserve portion of Family Separation Allowance (FSA) from the FY03 Supplemental..

Active duty – Includes enhanced healthcare benefits from **FY01/02** NDAA's and cost to extend the active portion of FSA from the FY03 Supplemental assuming current legislation is extended.

Retirees - Includes TFL accrual pmts for benefits in **FY01** NDAA, costs for enhanced benefits from **FY01/02** NDAA's, cost of new Tricare claimants, and DoD cost of repeal of the 1986 Military Retirement Reform Act contained in the **FY00** NDAA.

Personnel & Readiness

Growth of Entitlements FY02-FY09 for Past and Potential Legislation



Reserve - Includes cost to expand Reserve healthcare originally authorized by FY03 Sup, and the reserve portion of Family Separation Allowance (FSA) from the FY03 Sup. Also includes cost of potential legislation for age **55** Reserve retirement.

Active duty - Includes enhanced healthcare benefits from **FY01/02** NDAA's and the active portion of FSA from the FY03 Supplemental assuming current legislation is extended.

Retirees - Includes TFL accrual pmts for benefits in **FY01** NDAA, costs for enhanced benefits from **FY01/02** NDAA's, cost of new Tricare claimants, and DoD cost of repeal of the 1986 Military Retirement Reform Act contained in the **FY00** NDAA. Also includes cost of potential legislation to provide for full concurrent receipt, and Survivor Benefit Program offset.

March 9, 2004

TO: Jim Roche
Gen. John Jumper

CC: Gen. Dick Myers
Paul Wolfowitz
David Chu

FROM: Donald Rumsfeld *DR*

SUBJECT: Rebalancing Active/Reserve

I would like to have a look at your proposal for rebalancing the Active component and the Reserve component. It certainly took a lot of Reserves to activate the air bridge, much more than I ever expected. It suggests to me that we need to do a lot more rebalancing than you are currently proposing to do.

Please explain.

Thanks.

DHR:dh
030804-88

.....
Please respond by 3/26/04

Sec Def - 3/25

I sent a copy of
Sec Roche's response
to Dr Chu for review
& comment.

Sir,
Response attached.
vr/CDR Nosenzo

3124

C

OSD 378...



SECRETARY OF THE AIR FORCE
WASHINGTON

✓
3/25

MAR 24 2004

MEMORANDUM FOR THE SECRETARY OF DEFENSE

FROM: SECRETARY OF THE AIR FORCE

SUBJECT: Rebalancing Active/Reserve

In response to your questions about rebalancing Air Force Active and Reserve components, I offer the following. Over the past year, we have undertaken the largest airlift effort since World War II. Initial deployments for OIF delivered over 325,000 personnel and 120,000 tons of cargo while concurrently transporting another 80,000 troops and 40,000 tons of cargo for operations in Afghanistan. We are now in the process of a 200,000 personnel swap out. All totaled, these figures exceed passenger and tonnage requirements for two Major Combat Operations. Commercial airlift support is reduced because of combat threats in Iraq.

The Air Bridge to support these operations is a "surge" effort to support contingency operations and not a normal peacetime operation. The air bridge is scaleable--the active duty forces are sized to handle numerous small-scale conflicts (e.g. Somalia) or very brief, intense operations (e.g., ALLIED FORCE). For more prolonged, large-scale mobility movements as part of major combat operations, use of the Air Reserve Component is in the plan. A shift of mobility forces toward active duty would mean a surplus of mobility personnel during peacetime.

The Air Force leverages the Reserve Component to be fiscally responsible and cost effective. We use that capability only at the right time and in the right amount. Prior to 9/11, mobility operations did not require the extensive reserve call-ups that were characteristic of Operations OIF/OEF/ONE. OIF/OEF air bridge efforts are not a new steady state as evidenced by our gradual reduction in optempo over the last two years. During OIF, we selectively mobilized the Reserve Component to fulfill Combatant Commander requirements that could not be met by a combination of active forces, reserve full-time personnel and volunteers. We deactivated many of these forces as soon as the requirements were met. Since last August, we have demobilized over 15,000 personnel. These are smart, cost effective business practices that work well for the Air Force and our Nation.

The Air Force continues to aggressively pursue rebalancing initiatives as discussed in the SLRG. We call this the Future Total Force. I have created a Future Total Force office within our headquarters to explore new organizational constructs that integrate Active, Guard, and Reserve units. By integrating some units, we increase available manpower and take advantage of Reserve component experience during surge operations but keep overhead lean during peacetime. As we divest legacy weapon systems, we will increase investments in unmanned aerial vehicles; space capabilities; and intelligence, surveillance and reconnaissance systems.

11-L-0559/OSD/43195

These investments translate into roles and missions that are ideally suited for the Guard and Reserve. Our developing concepts of operations put many Guard and Reserve units into front-line combat roles while reducing the need to mobilize.

The Air Force is reshaping its total force mix and is on target to meet peacetime and contingency requirements. We do not need to extensively rebalance to solve a spike in requirements due to major contingency operations. We will continue to review our force balance against the backdrop of current and future contingency and peacetime operations as we go through our program review for the Program Objective Memorandum '06.

W/ Jim

Robert G. B. B. Air Force
Secretary of the

P.S. - Boss, I don't believe we should seek a "permanent solution" to a "temporary problem." Because our Guard is so well trained, we enjoy a "virtual endstrength" far larger than our active one. Further, all indications so far point to healthy recruiting and retention in the Guard & Reserve. These Airmen know they are doing something important and noble, and they know they are appreciated.

W/ Jim

March 9, 2004

TO: David Chu
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Veterans

Here is a letter from someone who is obviously a little frustrated. Why don't you call him and see what he has to say.

Let me know.

Thanks.

Attach.
3/7/04 Weeks ltr to SecDef

DHR:dh
030904-13

.....
Please respond by 3/26/04

OSD 10882-04

11-L-0559/OSD/43197

318
1400

George J. Weeks

USN Retired
(b)(6)

March 7, 2004

Mr Donald Rumsfeld
The Secretary of Defense
Washington, DC 20301

Dear Don

There are over 350 retired military vets who feel they should receive **some** respect and recognition for their **dedication to their country.**

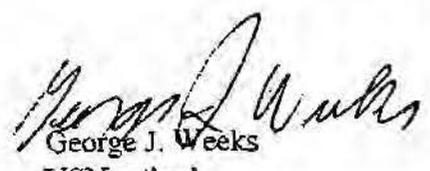
We understand **who** was president and secretary of defense in 1990 when public law 101-150-N0015, 1990 **was** enacted. We also **understand** the amendments added in 1998. What we **have** a problem with is **how** the Pentagon can hire a COO who **has never** been in the **military** and has **absolutely** no concept of our way of life, to take our **Trust Fund** and do with what he likes.

I have tried for several months to contact **David Chu** to no **avail**. I have spoken to **Col Pachuto**, **John Molen**o, **Capt Walleck** on several occasions, but without satisfaction.

We feel that someone from your **office** should meet with us to answer several **problems** that we **have**, such as spending 1.9 million dollars for a **46 room expansion project** and many of the **problems we have.**

We know you will do the **right thing by us.**

Respectfully,



George J. Weeks
USN retired

FAX - (b)(6)

March 9, 2004

TO: Marc Thiessen
FROM: Donald Rumsfeld *DR*
SUBJECT: Quotes

Please use some of these quotes. I think they are worth repeating and certainly send an important message.

Thanks.

Attach.
Quotes from 1st Armored Division Calendar

DHR:dh
030904-3

.....
Please respond by _____

350.001:SD

9/1/04 2:4

OSD 10883-04

11-L-0559/OSD/43199

SUBJECT: Quotes (taken from 2004 Calendar of 1st Armored Division)

Once we have a war there is only one thing to do. It must be won. For defeat brings worse things than any that can ever happen in war.

Ernest Miller Hemingway

Few men are born brave. Many become so through training and force of discipline.

Flavius Vegetius Renatus

We've got the terrorists on the run. We're keeping them on the run. One by one the terrorists are learning the meaning of American justice.

President George W. Bush

To foster the people's willing spirit is often as important as to possess the more concrete forms of power.

Sir Basil H. Liddel-Hart

People sleep peaceably in their beds at night because rough men stand ready to do violence on their behalf.

George Orwell

When we assumed the Soldier, we did not lay aside the Citizen.

George Washington

No man is worth his salt who is not ready at all times to risk his body, to risk his well being, to risk his life, in a great cause.

Theodore Roosevelt

We make war that we may live in peace.

Aristotle

Victory is reserved for those who are willing to pay its price.

Sun Zi

I am a soldier, I fight where I am told, and I win where I fight.

General George Patton, Jr.

Only our individual faith in freedom can keep us free.

Dwight D. Eisenhower

A better world shall emerge based on faith and understanding.

General Douglas MacArthur

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and success of liberty.

John F. Kennedy

DHR:dh
Current MFRS/Quotes

March 8, 2004

TO: Paul Wolfowitz
cc: Steve Cambone
FROM: Donald Rumsfeld *DR*
SUBJECT: Review NSC Notes

Steve Hadley apparently is going to have you go over the notes as to what the Administration did between January 20,2001 and September 11,2001.

You probably should do that soon, and then get back to me, so I can have some sense of it. Apparently he is going to have you and Armitage go over it. That's what Condi told me.

Thanks

DHR:dh
030404-3

.....
Please respond by 3/19/04

330450

3/19/04

OSD 10885-04

March 8, 2004

TO: Mira Ricardel

CC: Paul Wolfowitz
Doug Feith

FROM: Donald Rumsfeld *DR*

SUBJECT: Croatia

I talked to Condi and Colin about Croatia.

1. Colin is going to delay inviting the Prime Minister. They say they are going to work on Croatia to do some other things. I said the PM just came into office, so it is hard to hold him accountable. Colin said they want to see more progress before they give him an Oval Office meeting.
2. With respect to the shipyard deal, Colin and Condi both said they were for it and the problem is there are some sanction laws. Colin has to go through certain legal steps to lift the sanctions. He says his people are working on it.

Thanks

DHR:dh
030404-14

.....

Please respond by _____

OSD 10886-04

3/11
12:30

7201

3/15

~~INFORMATION RETENTION~~

March 8, 2004

TO: Dov Zakheim

CC: Paul Wolfowitz
Doug Feith

FROM: Donald Rumsfeld *DR*

SUBJECT: Paying for Secondary Roads

Larry Di Rita
3/15

Zal claims you said we could pay for secondary roads from a defense standpoint.
What is that about?

Thanks.

DHR:dh
030804-15

.....
Please respond by 3/12/04

3/11/04

✓
3/15

→ SD

I spoke to Zakheim about this and conveyed your thoughts.

Doug Feith

cc ISH
SOLIC

3/15/04

~~INFORMATION RETENTION~~

OSD 10887-04

11-L-0559/OSD/43204

March 8, 2004

TO: Gen. Dick Myers
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Estonia

Please let me know if, when and where we put nuclear submarines near Estonia and how often.

Thanks.

DHR:dh
030804-23

.....
Please respond by 3/19/04

OSD 10888-04

11-L-0559/OSD/43205

TO: Larry Di Rita
LTG John Craddock

FROM: Donald Rumsfeld

SUBJECT: Lunch Meeting w/HHS

Let's set up a lunch with Secretary Thompson regarding the hospital in Kabul.

The correspondence includes material from Joe Collins. What does SOLIC have to do with this subject?

For the meeting, please have Lanzilotta, Collins (if he is the guy), Winkenwerder and anyone else you think should be there,

Thanks.

Attach.

3/5/04 Sec HHS letter to SecDef re: Rabia Balkhi Women's Hospital

DHR:dh
030804-68

.....
Please respond by 4/2/04

11-L-0559/OSD/43206

Done
March 8, 2004
3/26

000.000

S. H. H.

000.000



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

MAR - 5 2004

The Honorable Donald H. Rumsfeld
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Mr. Secretary:

Thank you for your note of February 27 regarding our joint activities at Rabia Balkhi Women's Hospital (RBH) in Kabul, Afghanistan. I appreciate the time you took to write. In response, I thought I would provide you with an assessment of the actions our two Departments have taken to date to address the physical infrastructure of the hospital and the training we have initiated for the benefit of the hospital staff.

As you know, emblematic of the problems found throughout Afghanistan, the hospital suffers from a multitude of problems after years of neglect and willful destruction during twenty years of civil war. As a result, when our two Departments jointly agreed to work at RBH, it operated as a hospital in name only, and was missing many of the components found in even the most basic hospitals in many developing countries. Since the time we teamed together in late 2002, we have jointly been able to implement a number of critical improvements at the facility, and have upgraded not only the physical infrastructure but also the skills of the staff to handle the current patient caseload.

Specific health-related improvements at RBH in the last 18 months include the following:

- Maternal and Child Health Teaching; Clinics began in April 2003 with continuous physician and nurse-midwife consultant rotations;
- 9 Dramatic drop in hospital-based maternal and infant mortality rates from 10 per week in the first quarter of 2003 to less than one per week during the last quarter of 2003;
- 9 Drop in post-operative infection rate from over 50 percent prior to October 2003; to 16 percent in October; 2.3 percent in January 2004; and 0 percent during the first two weeks of February;
- 9 Establishment of RBH's first emergency room, which has already saved lives;
- Expansion and renovation of a newborn nursery and opening of a newborn discharge room;
- 9 Start of rudimentary medical records program (no records system existed before at all);
- 9 Start of quality-assurance workshow;
- Opening of computer lab with Internet links;
- Start of environmental rounds for review of sanitation and infection-control measures;
- 9 Initiation of significant events-reporting system for tracking unnecessary deaths and other adverse events; and
- 9 Improved education and training of cleaning and maintenance staff.

Page 2 - The Honorable Donald H. Rumsfeld

Specific facility improvements at RBH in the last 18 months include the following:

- RBH is now on an independent line connection to the city power supply (previously shared with a dental clinic);
- Emergency power generator is operational;
- Second, smaller emergency power generator is operational (donated by Japan);
- Medical-waste incinerator is operational;
- Hospital is on a separate, clean water well (previously shared with a dental clinic);
- Emergency diesel fuel is now available;
- HHS has provided \$15,000 for emergency plumbing and electrical repairs;
- The Department of Defense (DoD) will initiate a janitorial and maintenance contract;
- Approval of Special Commander's Emergency Response Program funds for cleaning of floors is pending action; and
- Numerous safety and humanitarian external improvements are underway.

In association with the janitorial and maintenance contract, HHS and DoD have pledged to work with RBH and the Afghan Ministry of Health (MOH) to develop a model program of a Voluntary Nominal Fee System, the first-ever fee-for-service program for the MOH.

Additionally, since Congress has now appropriated Fiscal Year 2004 funds to HHS for the support of this activity, we will soon initiate a request for proposals from non-governmental groups to operate this program on a long-term, performance-based contract. This will ensure we can maintain and build upon the results we have seen so far. Furthermore, we will issue a second request for proposals that will initiate our long-term residency program in obstetrics and gynecology. This program will likely be awarded to a U.S. university or medical school that has significant experience with working in developing countries. Through a combination of these two programs, we will lay the base for significant improvement of the staff and operations at RBH, and in turn, the hospital will serve as a model for the rest of the nation.

While funding for these two programs is assured, what has not yet been resolved is the extent to which we will be able to improve the physical infrastructure of the hospital. As you must have heard on your trip to Afghanistan, we need to improve the working environment of the hospital to more effectively operate our training programs. We are currently waiting for the results of an assessment of the hospital undertaken by the U.S. Army Corps of Engineers in Kabul. Preliminary findings indicate a strong imperative to address the plumbing, sewer, and electrical systems at the hospital, in addition to the maintenance and emergency repairs we are currently supporting. Estimates of the needs have run as high as \$2 million, which we understand exceed the current guidelines for this sort of humanitarian work set by your Department. I would welcome further discussions with you to identify sources of funding for renovation. Additionally, we might wish to consider outside sources of funding from private groups. For your reference, I have enclosed copies of recent correspondence between my staff and Deputy Assistant Secretary of Defense Joseph Collins, Ph.D., on this topic.

I understand that you might have heard on your trip that another maternity hospital in Kabul, Malalai, is doing better **than RBH**. There is a growing competition of sorts (healthy for the most part) between RBH and Malalai, that might have been in play. It is true that, on the surface, Malalai looks better than RBH, without doubt, because of a better paint job, better lighting, and regular maintenance and cleaning. However, Afghan and American physicians (not **only those** involved in **our** project) tend to say that the staff at RBH **are** better trained and have skills that **surpass those** of doctors at Malalai. Additionally, Malalai **is** referring its more **difficult** cases **to RBH**, and patients are often found to be transferring themselves from Malalai to RBH for **better care**. So, while superficially Malalai looks to the untrained eye to be a better facility, patients seem to be voting with their feet for **RBH**.

The bottom line is that conditions at RBH **are** improving, and the care being provided to mothers and their infants there is better now than it **has** been in many years—perhaps **since** the **mid-1980s** or before. We still have much work to do, of course, but we can be proud of the energy and commitment our two Departments have demonstrated in the course of **the last year and a half**. **Our** next step is to expand our joint program from Kabul to other sites within Afghanistan, as we agreed. We are working with DoD and **the** Afghan Ministry of Public Health to identify potential sites for **additional** maternal and child health teaching clinics for Fiscal **Years 2004 and 2005**.

Thank you again for the support you and your team provided to make **my** visit to Iraq possible. You have much to be proud of in the Coalition Provisional Authority's accomplishments in that country so far, and my Department and I are pleased to be able to contribute in **some** small way. I **am** also contemplating mother stopover to **Afghanistan** in association with a visit to the Middle **East** and **South Asia** next month, and I would appreciate **any** assistance you can render in **this** regard to make **this** visit a **success**.

I look forward to continuing our dialogue on both Iraq and Afghanistan. As always, **thank** you for your friendship and your great leadership in these **trying** times.

Sincerely,


Tommy G. Thompson

P.S. Lets have lunch at your convenience and discuss how we can better serve the women & children in Afghanistan! Tommy



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Office of International Affairs
Washington, D.C. 20201

JAN 2 2004

Joseph Collins, Ph.D.
Deputy Assistant Secretary for Stability Operations
U.S. Department of Defense
2000 Defense Pentagon
Washington, D.C. 20301-2000

Dear Dr. Collins:

Please accept my best wishes to you and your family for a healthy and blessed New Year. Thank you for taking the time to meet with me on December 8. We had a productive discussion that day that reaffirmed the partnership between the Department of Defense (DoD) and the Department of Health and Human Services (HHS) and the commitment by our respective Secretaries to improve the health and welfare of the Afghan people and to ensure the stability and security of that country.

To follow up regarding Rabia Balkhi Women's Hospital (RBH) in Kabul, we would like to reiterate the need to complete the necessary renovations at RBH for us to maintain and expand our existing training program there. As we discussed, problems at RBH are in three main areas: training, administration, and physical infrastructure. HHS is addressing the first two needs of training and administration through our on-the-ground staff of physicians, nurses, midwives, and administrators, who are providing needed expertise to the staff at RBH. In addition to didactic training and improving the clinical skills of physicians, nurses, and midwives, we are also providing medical English classes to the staff, and implementing numerous initiatives to improve the overall administration of the hospital, including such basic systems as infection control, inventory control, personnel, record-keeping, and pharmacy management. Senior hospital administrators from HHS and the Department of Veterans Affairs have been providing needed expert advice on a continuous basis.

While carrying out these activities, our instructors and RBH staff have encountered severe problems with the physical infrastructure of the hospital that negatively affect the quality of teaching by our faculty and ultimately the quality of care by the Afghan doctors and nurses. The poor physical condition and layout of the hospital complex, the lack of maintenance and repair services at the hospital, and the substandard utilities infrastructure that serves the facility are all challenges that impede our ability to meet our shared goals. Major deficiencies exist in the electrical system, the water supply including plumbing, and waste management systems at RBH. Furthermore, the Afghan Ministry of Public Health is currently not capable of providing the necessary maintenance required to sustain the primary functions of a major hospital. RBH regularly suffers from extensive power outages, sewerage system failures, including backed-up sewers, and waste collection system failures that result in the uncontrolled accumulation of biohazardous wastes.

Page 2 - Joseph Collins, Ph.D.

As a result of these problems, our HHS trainers are not able to work effectively in the substandard environment, and, because of utility deficiencies, the hospital cannot install essential equipment donated by DoD and others. A number of visitors to RBH from the Joint Civil-Military Operations Task Force (JCMOTF) based in Kabul have taken note of these circumstances and are developing various proposals to address the problems at RBH.

CAPT Jose Cuzmé, one of our senior hospital engineers at HHS, whom you met, made an assessment of the situation. I am enclosing an abbreviated trip report by CAPT Cuzmé with his major findings and recommendations, as well as the latest weekly report on our work at RBH that we delivered to Secretary Thompson. We would be glad to discuss these findings in more detail, if you wish.

We are eager to continue cooperative efforts with DoD to address these problems and establish an effective, sustainable health care facility at RBH. Thus, I encourage your efforts to negotiate and fund a contract through JCMOTF with the Afghan Ministry of Public Health to provide some regular maintenance at RBH. In doing so, I would hope that JCMOTF would keep the requirements made of the Ministry commensurate with the level of investment DoD is planning to make.

Furthermore, we here at HHS would appreciate the opportunity to expand our partnership with DoD, particularly the Army Corps of Engineers and JCMOTF, in drafting and implementing plans for the renovation of the facility's electrical and water/sewage systems. We hope that DoD would be willing to make the capital investments necessary to bring RBH up to acceptable standards of hygiene and safety. At a minimum, we at HHS believe DoD should underwrite the costs of implementing CAPT Cuzmé's first set of recommendations, although we consider his second option outlined in the attached trip report a better, long-term solution. We at HHS will be pleased to work with you on this important renovation. Our goal is to have a sustainable environment in which we can effectively operate our training program in cooperation with the Afghan Ministry of Public Health, your office and JCMOTF, for the betterment of Afghan mothers and children.

Our joint DoD-HHS activities at RBH have helped us understand the challenges we will face as we expand our program of maternal and child teaching clinics into other areas of Afghanistan. As we discussed last week, Jalalabad is under serious consideration as the next site for our training program. HHS and DoD staff visited this location in October and noted that the major requirements seem to be in place. Our next step is to ask for an assessment by our non-governmental organization (NGO) partner, International Medical Corps, to ensure it feels confident that its staff can operate in that environment. On the assumption that the answer will be positive, we are going ahead with plans to allocate funding for this location.

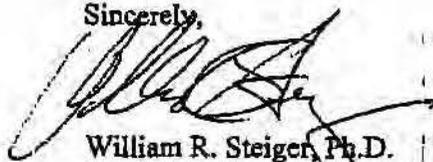
Page 3 - Joseph Collins, Ph.D.

You might be interested to know that one of our staff in Kabul was invited to participate in the opening of the headquarters for the Provincial Reconstruction Team (PRT) in Kandahar. In addition to observing the opening ceremonies, he was able to meet with some provincial health officials who welcomed our efforts. As you noted during our meeting, however, our staff member did not think the security situation was appropriate for our program just yet. He also had an opportunity to make a visit himself to Jalalabad and had good discussions with local health officials.

Finally, I would like to thank you for keeping HHS in mind when staffing the PRTs. We consider the PRTs a major component of the U.S. Government's commitment to assisting Afghanistan, and I would like to propose that HHS assign personnel to the Jalalabad PRT as a potential first step. To that end, we have already begun to identify staff who would be interested in contributing to the efforts of the PRT in Jalalabad. Some of the proposed staff have had significant military experience and would work well in the PRT environment in lending public health and clinical expertise to the team.

Thank you again for meeting with my staff and me. I look forward to continuing our conversations and to accomplishing our objectives in Afghanistan. Please accept my best wishes for a happy and healthy holiday season.

Sincerely,



William R. Steiger, Ph.D.
Special Assistant to the Secretary
for International Affairs

Enclosures



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-2500

JAN 27 2004

SPECIAL OPERATIONS/
LOW-INTENSITY CONFLICT

William R. Steiger, Ph.D.
Special Assistant to the Secretary for International Affairs
Office of the Secretary
Department of Health and Human Services
Washington DC 20201

Dear Dr. Steiger:

Thank you for meeting with us on December 8, 2003 and for your letter of January 2, 2004 regarding Rabia Balkhi Women's Hospital (RBH) in Kabul Afghanistan. I appreciate the work Health and Human Services (HHS) has done to improve the hospital. DoD will continue to support HHS staff in Afghanistan with meals, lodging and other logistical support.

In addition to the challenges for RBH that you identified - training, administration and physical infrastructure, the lack of an adequate hospital operating budget and overall hospital administration and management are issues that the Afghanistan government needs to address.

Below are specific comments, from information we obtained from TF-180 and Central Command, and updates on physical infrastructure issues:

Joint task Force 180 (JTF-180) staff has been working with the U.S. Corps of Engineers through support of USAID to complete an extensive assessment and technical design plan for reconstruction of the hospital's electrical wiring/power systems and plumbing, wastewater and waste disposal systems, which are the issues noted in Option 1 of CAPT Cuzme's report. It is best to await the results and estimates of this very extensive effort before committing any additional resources to reconstruction at RBH. These detailed plans are expected to be completed by the end of January. The construction required for HHS Option 2, with its estimated cost of \$1 -2 million, exceeds the rudimentary level of work that the Department of Defense (DOD) seeks to adhere to in its humanitarian work.

DOD is drafting a project to provide one year of maintenance coverage at RBH. We are working with the Afghanistan Ministry of Health to ensure that this maintenance responsibility will be assumed by the Afghans in successive years. Additionally, we have identified a number of critical administrative, management and training requirements that will improve the ministry's chances to sustain the expected investments. We ask HHS assistance to insure progress on these actions, in particular, the development of plans for an effective management of

the janitorial and maintenance program, and the essential staff and patient training programs.

JTF-180 staff has informed us that the German Medical Service, a German nongovernmental organization, has worked with them and RBH staff to connect the hospital to an existing deep well at the front side of the dental clinic to provide a safe source of drinking water. If you have additional information on the water system we would appreciate it and will investigate further.

In the HHS weekly report of January 2, 2004, it states that International Medical Corps (IMC) is investigating the possibility of renting tanker trucks to provide regular pumping of the septic tanks. This is an excellent idea and, with the plumbing maintenance, should reduce clogged sinks and sewage backups. Past "sewage system failures" have been linked to the disposal by RBH staff of bandages, medical waste etc., in sinks and toilets. Training of staff to prevent pipe blockages is needed. Construction of a sewer system to divert effluent to the Kabul River exceeds the rudimentary Level of work required of Department of Defense (DOD) humanitarian projects.

We are informed by TF-180 staff that the medical incinerator had been operational but its motors broke due to overheating attributed to incorrect installation. Repairs have been completed and the incinerator is operational as of 12 January. Hospital maintenance staff has already been trained in the proper use of the incinerator. We encourage HHS to influence the hospital administration to establish an effective medical waste disposal policy, protocol and implement medical staff training to insure that the advantage of having a medical incinerator is beneficial to the long-term infection control needs of the hospital.

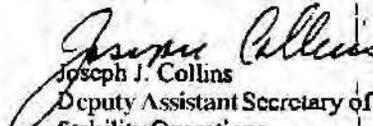
As you know, backup power is an issue we have been working on and will continue to pursue until the electrical system is fully functional. We are informed that both generators have been operational for over a month. US AID provided the initial allocation of fuel for the 400 KW generator and the Japan International Cooperation Agency (JICA) is committed to providing fuel for a number of months for the smaller generator which they installed. Hospital staff has received appropriate training and we are regularly monitoring the proper use of the generator and the extent of fuel usage of the main generator especially.

Extensive alterations to walls may lead to a project that is not appropriate for a DOD humanitarian project. If you can identify which walls you would like evaluated for structural design, DOD could assist you. If HHS could provide more specific recommendations for floor and wall finishes needed to provide a more sanitary environment, we will consider doing this work. Lighting upgrades will be included with the electrical upgrade project. TF-180 staff will provide HHS the final reports from the Corps of Engineers: HHS could indicate at that time any suggested changes or additions.

DoD welcomes HHS participation in the Afghanistan Provincial Reconstruction Teams (PRT). To facilitate HHS participation, I suggest we arrange a meeting with Department of State staff. Please contact COL Sam Jones at (b)(6) to talk over the mechanics of setting up such a meeting.

Again, thanks for all of HHS's efforts to improve Afghanistan maternal and child healthcare. We look to continuing our productive partnership in the future and addressing the range of challenges that we have identified here.

Sincerely,


Joseph J. Collins
Deputy Assistant Secretary of Defense
Stability Operations

AFGHANISTAN TRIP REPORT
José F. Cuzme, P.E
U.S. Public Health Service
Indian Health Service
U.S. Department of Health and Human Services
November 17 - 23, 2003

PURPOSE:

- **To** assess the current conditions of Rabia Balhki Hospital (RBH) in Kabul, including the water system, sewerage treatment and disposal, solid waste management, and power facilities.
- **To** identify potential conceptual infrastructure alternatives for a sustainable maternity hospital.
- **To** identify stabilization priority needs to stop the weakening of the existing supporting infrastructure of the hospital.
- **To** develop recommendations of adequate space and staffing in conjunction with health professionals assigned to the HHS initiative that is assisting RBH.

FINDINGS:

- **Water System:** The existing water supply is polluted and limited in quantity. The existing RBH well is not functional and has been disconnected. DoD has tested water from the RBH well in front of the emergency room for coliform counts. The tests reflect coliform counts of 1275, which are extremely high. RBH instead relies on a water supply from the Dental Hospital next door. A new well and storage facilities are necessary to provide the quantities of safe and clean water needed by RBH.
- **Sewage System:** RBH suffers from constantly clogged sinks and sewage backups in toilets. Buildings A, B, and C have each a septic tank or tanks of unknown dimensions that drain onto the grounds as they fill. It is speculated that these septic tanks are about 2 by 3 meters and 3 meters deep. They are essentially cesspools designed to be vertical in nature, which allows percolation through the tank walls. MOH has arrangements to pump these tanks twice a week with a hydro pump truck of 3700 liters. MOH indicated that the pump trucks belong to another hospital and are in poor condition from age and usage. Our recommended solution is to reconfigure the sewer system to create a new wastewater system and divert effluent to the nearby Kabul River.
- **Electrical System:** The electrical system is inadequate throughout RBH. As a result, the HHS-supported trainers and hospital staff are unable to use donated medical equipment and heaters. Our recommended solution is to externally wire the entire complex with a capacity matched to anticipated needs.

- **Medical Waste:** Inadequate disposal of medical waste is a constant source of new infections throughout RBH. Medical waste is deposited into recycled paint buckets available in the medical treatment rooms and emptied periodically/into 40-gallon steel drums located in front of the generator and incinerator building. An attempt at medical waste disposal was observed, using supplemental fuel in an existing incinerator, which proved unsuccessful. Repeated attempts during my visit were equally unsuccessful.
- **Power Supply:** Power outages occur every two to four hours because of the overcapacity of the city power system. RBH does not have backup power, because the existing 400 KW generator and a 65 KW generator donated by the Japanese Government remain unconnected to the hospital. Problems continue because of a lack of fuel and batteries, poor communications, or other reasons. CMCOORD has expended major effort to work with the Ministry of Power to restore electricity.
- **Structures:** The RBH buildings are of solid stones and blocks, and are 70 years old. The unreinforced masonry structure, with walls up to two feet thick, makes partition relocation difficult. Structural design advice is needed for all load-bearing walls that could need removal or alteration. The floor tiles have a deteriorated finish that is prohibitively expensive to repair. The buildings have very poor lighting throughout, no handrails at the stairs, failed sinks, leaking pipes and faucets, poorly painted walls, and an unsanitary environment. All of these factors contribute to an environment favorable for infections and the transmission of disease.

RECOMMENDATIONS

Option 1: Address the immediate priorities of access to fresh water, wastewater treatment, waste disposal, and external electrical wiring, without addressing structural issues related to physical space. This low-cost (under \$500,000) course of action can be accomplished within one year. However, this is clearly a stop-gap solution that will need re-addressing within a matter of five years.

Option 2: Demolish the combined administrative building and outpatient department (Building C). Use cleared space for a wastewater treatment system for RBH. Construct a new building with all administration functions on the second floor and supply and facility maintenance on the first floor.

Shift all inpatient services to the main building (Building A). Relocate all surgery, labor and delivery, and other inpatient services to the second floor of Building A. Put inpatient beds and dining facilities on the first floor. This option will require the installation of an elevator suitable for the Afghan environment.

Shift all outpatient services to Building B. Provide an enclosed passage from the second floor of Building B to the second floor of Building A so that gurneys can be moved between buildings. This medium-cost solution (\$1-2 million) will take approximately two years to accomplish, but is a longer-lasting approach.

Option 3: Do nothing with RBH and focus attention on **working with the MOH** to develop and implement a plan that **will** drastically reduce the number of patients referred to RBH. This plan would acknowledge **the** severe limitations of the **RBH infrastructure** and will force the MOH to reconfigure current plans that rely on RBH to **serve** a large population of **patients**. This will also affect **HHS'** plans **to** use RBH as a location for a maternal and child health teaching clinic.

(A related option is to suggest that the MOH decommission RBH **entirely** and sell the potentially valuable property to commercial land developers. The **proceeds** could be **used** to construct a **new** facility elsewhere. **The cost** of this option is unknown, but will likely take several years to implement and could require the **infusion** of new **resources** at other facilities **in the Kabul region**. Note that **this** is a decision that the **U.S. Government** cannot unilaterally implement, but instead **is one the Ministry of Health would** have **to** make.)

March 8, 2004

TO: Doug Feith
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DF*
SUBJECT: Uzbekistan

I think we ought to get back to the President of Uzbekistan and explain what that article he was waving in my face was, and what it wasn't.

Please draft something.

Thanks.

DHR:dh
030804-46

.....
Please respond by 3/19/04

UZBEKISTAN

8 March 04

OSD 10890-04

March 8, 2004

TO: Doug Feith
 CC: Paul Wolfowitz
 FROM: Donald Rumsfeld *DR*
 SUBJECT: Responsibility for Relationships

I think we ought to develop a system where you tell me who is the person responsible for maintaining the relationship with all key countries.

Thanks.

DHR:dh
030804-49

.....
 Please respond by 3/19/04

702

8. FAX CD

OSD 10891-04

72

March 8, 2004

TO: Powell Moore
cc: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Buddy System

032

Please show me a proposal for a buddy system for OSD to get each person assigned to certain people in the House and Senate to develop good, continuing linkages to keep us connected.

Thanks.

DHR:dh
030804-48

.....
Please respond by 3/26/04

8

032

OSD 10892-04

11-L-0559/OSD/43222

March 8, 2004

TO: Steve Cambone

c c : Paul Wolfowitz
 Larry Di Rita
 LTG John Craddock

FROM: Donald Rumsfeld *DR*

SUBJECT: Discuss Memo

3/13/04

Let's talk about this memo from Chris Williams.

Larry/John, please set up a meeting.

Thanks.

Attach.
 2/10/04 C. Williams memo to SecDef re: Upcoming Missile Defense Activities and Operations

DHR:dh
030804-54

.....
 Please respond by 3/19/04

3/19/04

OSD 10893-04

LC

February 10, 2004

Copy to:

- Wynne (Tom 2/12)
 - Canbone
 - Ricardel
 - Krieg
- 3/8

MEMORANDUM FOR SECRETARY RUMSFELD

FROM: Chris Williams *AW*

SUBJECT: Up-coming Missile Defense Activities and Operations

Larry Di Rita
4/12

Sir, according to news reports, the Department plans to begin putting missile defense interceptor missiles in launch silos as early as June and have a rudimentary missile defense system in operation by October. First and foremost, this is truly a remarkable accomplishment – one in which you, the President, LTG Kadish, and many others can and should take enormous pride. It was barely three years ago that we were discussing how to restructure the BMD program. From decision to limited operational capability in three years! Now that is acquisition reform in earnest!

As we move into this “season of operations”, steps should be taken now to develop an overarching programmatic and political “gameplan” regarding BMD activities and operations. What do I mean by this?

- There should be a single “master schedule of events” produced and updated weekly that lays out important activities, responsible parties, and points of contact. That document should be prepared by OSD Policy (together with MDA) and shared with key DOD officials and with Condi at the NSC and, when appropriate, Andy Card and Karl Rove, and should include not only major programmatic activities but also Congressional hearing dates, major speeches planned, etc. It will be a useful tool for you to hold people accountable for delivering this capability on the schedule directed by the President.
- There needs to be a standard taxonomy adopted by all involved (DOD, State, NSC, industry, Hill supporters, etc) to describe what capabilities are being made operational, how effectively they might reasonably be expected to perform against certain threats, the national security value they provide, how they fit into the longer-term BMD and broader strategic capabilities architecture, etc. For example, at what point will you (or the President) assert that the nation possesses a limited capability to shoot down hostile missiles? Will that capability be available 24/7? Do we believe such a limited capability will help deter aggression? Who will have release authority and who will command-and-control the defensive interceptors? etc. We need factually accurate and appropriately scrubbed answers to these and other important questions well in advance of any operational deployments. And we need them soon, since testimony on the FY2005 Defense budget has already begun and since June is just a few short months away...
- Consideration should be given now to when and how to “roll out” the fact that America is no longer defenseless against in-coming ballistic missiles. Does the President wish to announce this during his nomination acceptance speech at the convention in New York? In a ceremony up in Alaska? Or does the White

House wish to “low-key” such an event? This will no doubt be a big event for many in the President’s political base, including many battle-scarred missile defense proponents on the Hill; should a high-profile event be considered?

- There will also need to be a clear strategy for dealing with our friends, allies, and adversaries. How we talk about this capability will in part help determine how other nations respond to the announcement.

In sum, we are rapidly approaching a major milestone in defense policy and operations. We need to develop a forward-looking strategy and plan for this important set of events. I would be pleased to assist you and your staff in any aspect of this undertaking you deem appropriate.

Best regards.

March 8, 2004

TO: Doug Feith
CC: Gen. Dick Myers
Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: Review Gompert's Ministry of Defense Paper

Along with the Joint Staff, please review this piece from Dave Gompert, make any edit proposals you two want and then send it back to him with an okay.

Please do it within three days.

Thanks

Attach.

1/26/04 "MOD's Mission Achieved by Upholding Accepted Values"

DHR:dh
030404-11

.....
Please respond by 3/11/04

OSD 10895-04

11-L-0559/OSD/43227

TRAO

21 Apr 04

OFFICE OF THE SECRETARY OF DEFENSE
The Senior Military Assistant

3/3

SecDef

- Dan Gompert asked that you get this - basic principles for the Ministry of Defense
- he believes this is a start point - these principles will evolve.
- these principles will be in the CPA order establishing the Iraqi MoD
- Gompert intends to get the Governing Council to endorse.

C

MOD's mission achieved by upholding accepted values:

- **Civilian Control:** The Iraqi Armed Forces and all people working in the MOD shall be responsible to civilian authority.
- **Professionalism:** The culture and character of the Ministry will reflect professionalism, technical competence, non-interference in political affairs, merit, national allegiance, respect for individual rights, and the rule of law. The MOD shall understand and show respect for Iraqi civil society.
- **Unity:** The MOD will play its full part in reinforcing national unity, and will neither institutionalize nor be used to foster disunity.
- **Representative:** While based on merit, the MOD shall be broadly representative of the Iraqi society. No part of the MOD should be dominated by any one group.
- **Integrity:** There will be zero tolerance of corruption. Rules and regulations will be established to eliminate waste, fraud, and abuse, and avoid all employee conflicts of interest.
- **Stewardship:** The MOD shall earn the respect and confidence of the Iraqi people by accounting for resources, being effective, acting in the country's interest, abiding by laws, and telling the truth.
- **Transparency:** The Iraqi people, or their elected representatives, have the right to know about MOD's policies, organizations, financial matters, and conduct of operations. The MOD shall also be transparent in its international affairs, including active participation in international security institutions and the development of cooperative security relations.
- **Affordability:** The MOD must ensure that the scale, capabilities, and costs of defense efforts are in line with the real needs of the country and must be built and maintained within the means of the Iraqi budget.

March 8, 2004

TO: Steve Cambone
CC: Paul Wolfowitz
FROM: Donald Rumsfeld *DR*
SUBJECT: NSC Notes

I talked to Colin and Condi today. They said Paul Wolfowitz and Rich Armitage are going over all of the NSC notes with Hadley and noting what took place during the pre-9/11 part of the Administration. They reminded me that we generated a number of alerts in June and July during a threat period and put our forces on alert.

Please talk to Paul and see when they are doing that and get involved. They have the NSC notes and will run over them with us. Condi spent an enormous amount of time doing it.

Thanks.

DHR:dh
030304-14

.....
Please respond by 3/12/04

OSD 10896-04

11-L-0559/OSD/43230

334 NSC

2 March 2004

720

SIR, your copy. *ME*

March 8, 2004

WARM

120

TO: Gen. Pete Pace

CC: Gen. Dick Myers
Paul Wolfowitz

FROM: Donald Rumsfeld *DR*

SUBJECT: Iraqi Police

DJS

PLEASE TAKE FOR
QUICK RESPONSE. GET CSTF-9
INPUT OR CHOP. *VR*
8 Mar 04

The Iraqi police have to be the top priority. I don't feel that anyone is giving me the information I need. I need to know what Sanchez's people are going to do, how we are going to buy the equipment, how the budget is allocated and does it need to be reallocated.

Thanks

OK PER SMA
3/23

DHR:dh
030404-28

.....
Please respond by 3/19/04

~~*[Signature]*~~

DJS

BELIEVE WE HAVE
ANSWERED THIS BY ADDING
METRICS TO OUR BRIEFING
SLIDES. PLEASE CLOSE WITH LTG CRASH.

VR
3/22/04

OSD 10897-04

720

9 Mar 07 00
Scanned
✓
3/12

March 8, 2004

TO: Paul Wolfowitz
FROM: Donald Rumsfeld 
SUBJECT: Status

IRAO

What is the status of this February 3 memo you sent me?

Thanks.

Attach.
2/3/04 DSD memo to SecDef

DHR:dh
030804-5

.....
Please respond by 3/12/04

8 MAR 04

✓
3/8

MEMO TO: Secretary Rumsfeld

DATE: February 3, 2004

FROM: Paul Wolfowitz

SUBJECT: Bremer's Situational Awareness

Handwritten signature/initials

Don,

Thanks for pushing back on Jerry this morning about his repeated insinuations that your "staff had misinformed you."

We do need to get as much ground truth as possible concerning facts. That was precisely the purpose of sending out the Eikenberry team. They probably know more now about the security situation than any of us, including Sanchez and Bremer. (One of their observations is that Bremer's main contact with the division commanders comes when they visit Baghdad. Apparently (I have no personal knowledge on this point), Jerry rarely visits them in the field.)

Iraq

Jerry seems to be confusing the issue of who does the training in Jordan with the issue of who's been training and managing the police who are in the field already. As you said, virtually all of the training that's been done up north has been done by the military and the equipping has been done using CERP funds. There was a slow-down in the fall because the CERP funds did dry up.

As for Baghdad, there is more CPA involvement there, mainly thanks to Bernie Kemck's successor, Steve Casteel, his Deputy, a British policeman named Doug Brand, and Jim Steele, Bremer's advisor. They have very few people working for them and even in Baghdad most of the work is still being done by U.S. military police, many of them reservists. For example, when I visited a police station in Baghdad on Sunday, there were 8 or 9 U.S. Army MPs and Civil Affairs personnel working there and no one from CPA. In Mosul, we visited a police station that Dave Petraeus has stood up. It is much better equipped and professional-looking than the still very primitive situation we encountered in Baghdad.

3 Feb 04
8
am 04

The bottom line for me is that the training, equipping and organizing of the police has to be done by people who put great energy into the job. It's fine if the State Department sets the training standards and provides policy guidance to the trainers, as long as that doesn't lead to still further delays. Once the police are trained and equipped, they can come under the control of the Ministry of Interior that therefore we can wait for the Ministry of Interior, if that's the decision.

Jerry says there is a program, it is underway and "it's working, but more slowly than we'd like." But timing on this is everything. As you know, delays jeopardize success and they put American lives at risk.

23/10
3/12

MEMO TO: Secretary Rumsfeld

DATE: March 10, 2004

FROM: Paul Wolfowitz *PW*

SUBJECT: Status of February 3 Memo

Don,

This problem has been fixed by the directive you signed out to Bremer and Abizaid a week or so ago.

Iraq

10 mar 04

8 mar 04

March 7, 2004

FILE

TO: **Larry** Di Rita
LTG John Craddock
Dov Zakheim
Gordon England

CC: Paul Wolfowitz

FROM: Donald Rumsfeld *DR*

SUBJECT: Presidential Helicopter

*Sir,
This is an acquisition vice
budget matter. It has been
passed from Dr. Zakheim
to Mr. Wynn. vr/cdr N*

452 204

The subject of the Presidential helicopter came up yesterday. I understand the Navy is the contracting officer for it.

I would like to have someone quickly brief me on it. Tell me what the facts are—whether or not the Comanche deal has affected it and who is going to make the final decision. My impression is the White House does not want to, and it should be made over here.

Please come in with a proposal. There is no rush to make the final decision. From what I have heard, it is fine if we do it very late this year. In any event, I don't want to be blindsided on it.

Thanks

DHR:dh
030404-29

Please respond by 3/19/04

*Already discussed at
meeting
answer*

452 204

C 3/9

March 8, 2004

TO: Steve Cambone
CC: Marc Thiessen
FROM: Donald Rumsfeld 
SUBJECT: 9/11 Testimony

Here is the testimony. I have been over it, It needs a lot of work.

I have these thoughts:

1. I would get Marc Thiessen involved immediately.
2. I think we need a section for each of the four main questions that we have been asked. The answers can have some commentary, but basically they should be bullet points.
 - What we did January 20, 2001 to September 11, 2001.
 - What we did on 9/11.
 - What we have done 9/11 to 3/04.
 - Our recommendations.
3. I think more bullet points throughout would be good. It is more powerful and it shows a list, rather than having each thought buried.
4. We ought to think about having attachments — foreexample, my 1984 speech, the Guidelines for Going to War, and anything else that we can think of—so it gives them some stuff to chew on.

It is a good start. Thanks.

Attach.
3/1/04 Draft testimony

DHR:dh
030804-1

.....
Please respond by _____

OSD 10900-04

000.5

8 MAR 04

STAFF DRAFT

② vic have bullet
③ Attorney General's
1 March 2004, 14:23

STATEMENT BEFORE THE 911 COMMISSION

23 March 2004

① Make T
② Better or get
for each of the
- 11/20/01 - 9/11/01
- 9/11
- Post 9/11 to 3/04
- Recommended

Introduction

Thank you, Chairman Kean ~~and~~ Chairman Hamilton, for ~~inviting me here~~
~~today, and thank you, and all the members, for providing me the opportunity to~~
~~contribute to your Commission's important mission for our country.~~

You have been entrusted with ~~an~~ important task. The insights that you ~~can~~
~~provide~~ ^{can be} valuable to those ~~who are~~ charged with defending the nation against
attack and, specifically, the terrorist assault of the kind ~~we~~ ^{our nation} suffered on September
11, 2001. We look forward to ~~receiving your~~ ^{all} recommendations as to how the
country might arrange ~~itself to be better~~ ^{be better} and ^{you may have} prepared to disrupt such assaults and to
deny ~~our adversaries their objectives are much to be anticipated.~~

~~You have requested that I~~
~~I am here today to recount the actions undertaken by the Department of~~

Defense to prepare itself in the months prior to the attack of 911 to operate against
21st century threats, actions taken on the day of 911 and in ~~its immediate aftermath,~~ ^{the period since,}

STAFF DRAFT

and to offer some thoughts on the issues you ^{are considering as to} might ~~as you consider~~ how the nation might improve its capability to anticipate and disrupt or defeat 21st century threats.

An Era of Surprise; Intelligence's Role

^{Told on a number of occasions}
~~Many of you have heard me say in the past that we live in an era of surprise.~~

I recently reviewed the transcripts of my confirmation testimony, ~~and I thought it~~ ^{on the US Senate Committee on Armed Services or Al Qaeda} was notable that nobody asked a single question about Al Qaeda. ~~I've previously~~

^{I'm} ~~reviewed~~ ^{told that in} Vice President Cheney's confirmation testimony, as Secretary of Defense, and nobody ^{talked about} mentioned Kuwait. ^{or a possible invasion by Iraq.}

^{by a member of the Senate}
During my confirmation hearings, I was asked what concerned me most, ~~and~~ ^{- what might keep me awake at night. - 4}

I answered immediately and unequivocally that it was intelligence. To be clear, my concerns about intelligence were not related to the dedication and professionalism of the men and women of the intelligence community. Rather, it was born of my conviction that intelligence—its collection, analysis, and translation into appropriate action—is exceedingly difficult in an era of surprise. —
^{In This 21st Century.}

This era is a challenge for intelligence due to the dynamism and complexity of the world in which we live—of the growth of an international economy, the

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volume and rate of global interactions, and the depth, breadth, and extent and ease of communications ~~only information~~ that have been forged among public and private individuals and institutions around the world. Moreover, whereas during the Cold War, we could more easily define our intelligence priorities, today we are driven to concentrate on multiple potential adversaries —both state and non-state actors —operating around the globe and in cyber-space.

The ability of the intelligence community to monitor, analyze, report, and warn about impending events, and, specifically, to sort from that ~~wealth~~ ^{mountain} of data ^{real} threats to the U.S. and its interests, is made difficult by the dynamism and complexity of our world. It is compounded by the fact that the capabilities of the intelligence community to steal the secrets of those who would do us harm, and to convey those secrets to policy-makers in confidence, continues to be compromised by leaks, unauthorized disclosures, government démarches, the easy flow of experts and expertise on technical matters, and the rapid spread of technologies and expertise useful to deny and deceive U.S. intelligence efforts.

A summary of the harm done to the United States ^{spied} by the likes of Ames, Hansen, Pollard, and others, suggests that ^{unknown} ^{many} ^{US} some features of ~~our~~ national technical means for collecting intelligence are compromised even before

Put in
for names for at

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have been deployed.

the systems of which they are a part) Hardly a day goes by when our newspapers

don't carry a story that reveals appropriately classified information. This activity *damages* - *indeed*

deadly program profits only our adversaries.

As part of ^{*our*} ~~that~~ complicated world ~~in which we live~~, adversaries of the United States and its friends and allies have chosen terrorism as ^{*a*} ~~the~~ preferred instrument to force free nations to submit to their agendas by inflicting horror upon their innocent citizens.

Terrorism an Abiding Concern

The ~~reality~~ ^{*The numbers*} of terrorism is not new. Back when I was Middle East envoy ^{*Some 20 years ago,*} I began to take sharp notice of it, ~~and I noticed~~ ^{*celebrated*} several distinguishing characteristics about it, ~~as I relayed~~ ^{*many*} in a talk ~~some~~ ^{*years*} ago. I said, *Quote -*

"Terrorism is growing.

"Increasingly, terrorism is not random nor the work of isolated madmen.

Rather, it is state-sponsored, by nations using it as a central element of their foreign policy.

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“ . . . Terrorism works. A single attack by a small, weak nation, by influencing public opinion and morale, can alter the behavior of great nationsUnchecked, state-sponsored terrorism is adversely changing the balance of power in our world.

“Terrorist attacks can take place at any time, any place, using any technique. Regrettably, it is not possible to defend every potential target in every place, at all times, against every form of attack. Defense has its limits and its costs.

“Terrorism is a form of warfare, and must be treated as such. As with other forms of conflict, weakness invites aggression. Simply standing in a defensive position, absorbing blows, is not enough. Terrorism must be deterred.

“In my judgment, terrorism, even today, is dangerously underestimated.” *original*

I said those words in 1984, 20 years ago.

Changing Threat Posed by Terrorism

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11-L-0559/OSD/43241

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What is new today, however, is the potential for terrorists to gain access to weapons of mass destruction. My service on the Ballistic Missile Threat Commission ^{in the late 1990s} underscored for me and for many others the extent to which proliferation ^{was} ^{is} occurring. It highlighted the concomitant danger of the possibility of terrorists armed with weapons of mass destruction. That nexus of terrorists armed with weapons of mass destruction forms the heart of the threat that ~~the~~ ^{our country} ^{must} ^{address} in the years ^{ahead} to come. ^{Defense Department}

Equipping for an Era of Surprise — Administration Efforts 20 Jan-10 Sep 2001

For the better part of a century, the nation's armed forces have been organized, trained, and equipped to fight foreign armies, navies, and air forces. We will need to maintain such a capability as a prudent deterrent. It is likely, however, that even traditionally armed adversaries ^{increasingly} will seek asymmetric capabilities that hide their weaknesses and exploit our vulnerabilities. In addition to traditional adversaries, and because of the nexus of terrorism and WMD, we will need to have ^{Israel} ~~an armed force~~ able to track, engage, and defeat individual terrorists; the networks through which they operate; and, ^{as} if necessary, the nation-states that harbor them. We will need to track, interdict, and, ^{as} if necessary, destroy WMD and the means for their development and delivery.

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And we will need to do it in the full knowledge that the intelligence used to support such efforts ^{and will continue to be} is imperfect.

Planning: ^{this} In the first year of ~~the~~ Administration, the senior leadership of the Department developed a strategy and plan to transform ^{our} ~~its~~ capabilities to meet emerging national security needs. In the Quadrennial Defense Review (QDR), the final draft of which ^{had} ~~was~~ been completed prior to 911, we came to the conclusion that the traditional threat-based approach to planning was no longer appropriate. We developed, instead, what we call a "capabilities-based" planning approach. Through that approach, we ^{sought} ~~seek~~ to create a portfolio of capabilities that ^{will} ~~will~~ provide the speed, agility, and precision needed to meet the 21st century threats ^{enduring} ~~that~~ we face.

^{statutorily required}
As part of that defense review, we identified, as our first priority, the defense ^A of the territory and people of the United States. Many people have associated that priority with missile defense. In fact, we looked at the issue much more broadly. We sought to develop a criterion for sizing the overall force that would give us an indication of the numbers of soldiers, airmen, marines, and sailors, ~~that~~ ^{we} needed ^{for} to devote to what is now called homeland defense.

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11-L-0559/⁷OSD/43243

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In addition to the QDR, we spent a considerable period of time refashioning the nuclear offensive deterrent in pursuit of two objectives. One was to identify the appropriate size, structure, and capabilities for the nuclear force in the new world in which we live. As a result of that effort, we concluded that we could reduce the nuclear deterrent force to 1,700-2,200 operationally deployed weapons by the year 2012. Secondly, we identified the new capabilities that needed to be incorporated into the strategic force to complement the offensive nuclear forces across a wide range of possible scenarios and to provide the kind of capabilities that might dissuade states from undertaking political, military, or technical courses of action that would threaten U.S. and allied security.

Reviews and plans are important for transforming the capabilities of the force, but it was important that we revise our deliberate and contingency planning process, as well, to reflect those capabilities and the new threats we face. When I came into office, I discovered that nearly all the major plans were more than two years old and that their assumptions had not been reviewed for three to four—and, in some cases – five years. After a series of reviews of individual plans, I convened a meeting in late May 2001 to review these assumptions. As a result, direction was given and action taken to revise both our plans and the planning

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process. As a result, we are now ^{developing} ~~building~~ plans to address the threats we face today. These are plans that would permit the President to use ^{U.S. and capabilities} ~~the~~ force with the kind of nuance, speed and agility needed to deter and defeat contemporary threats.

~~for~~ ~~the~~ These changes were reflected in the Defense Planning Guidance and the Contingency Planning Guidance.

Personnel. In addition to transforming the capabilities of the armed forces and refashioning ^{U.S.} ~~our~~ war plans, we ~~also~~ spent considerable time bringing in the people willing and able to undertake the enormous range of tasks that needed to be accomplished.

It is worth noting that, despite that effort, it was not until 2 March that the Deputy Secretary ^{of Defense was confirmed.} ~~arrived.~~ It was not until 10 May that the Under Secretary for Acquisition was sworn in. And it was not until July 16 that the Under Secretary ^{of Defense} for Policy, in whose area of responsibility falls many of the tasks I have just outlined — ~~u,~~ took office. It was not until the first of October that the current Chairman and Vice Chairman ^{of the Joint Chiefs of Staff} took their positions. ~~Nor has the personnel effort~~ ^{And he required to bring} ~~abated.~~ ^{people on board her if this lens leads.} In the ~~time~~ since I have been here, the President has appointed more than

30 service secretaries and chiefs, combatant commanders, and Joint Staff

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3 years

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directorates heads as he has sought to bring together the leadership needed to fight the war on terror while transforming the force.

It has taken an average of 6 months to get them on board, and at any given time over the past 3 years we have had only 10% of the positions filled.

Budgets. Reviews, plans, and people all are essential, but in the end, policy is reflected in budgets. During the first year alone—between 21 January and 31

December—we were engaged in building a revised FY 2001 budget, an FY-01

supplemental, the FY-02 budget, the FY-02 supplemental, and the FY-03 budget—

five budgets in the first year alone. *Many are familiar with the time and*

effort it takes to get one budget wrapped up, so you can imagine the amount of

resources—time and effort—to take care of ~~five~~ *four or five* of them in one year.

Level of Effort. The review process—reviewing the strategy, planning,

budget, and personnel—consumed an enormous amount of time and effort in ~~those~~ *the*

first seven-and-a-half months. I held more than 250 meetings during that time, on

just the subjects I ~~listed~~ *have mentioned*. Over 100 of those meetings were devoted to personnel

matters? ~~Over~~ *50* 120 meetings were devoted to strategy and policy reviews? ~~Twenty~~ *26*

six were focused on war plans. *6* s or more dealt with budgets. I met

with the CJCS, VCJCS, Combatant Commanders and Service Chiefs and *Personnel*

Secretaries more than 40 times. Gulf policy primarily related to ONW and OSW

took over 20 meetings. I met with members of Congress – hearings or meetings – *Spill out*

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over 20 times. ~~Few of them took less than 30 minutes, and most were longer than~~ ^M
an hour each, and some, such as the review of the war plans I conducted on May
26, lasted four to five hours. I mention that because ~~as you know~~, you're all busy
people ^{you know} ~~that is a significant investment of time given the kinds of schedules you~~

That investment, however, was ~~an~~ important one, and it was made with an
eye toward getting the Department ready for that era of surprise into which I ~~knew~~ ^{we believe?}
~~we had entered.~~ ^{Correctly -}

An Eye Toward the Threat.

^{My second term as SecSec of Defense}
From the beginning, I made a point to publicly identify the nature of the
⁵ threat we would face. As far back as February of 2001, I noted that, "because of
the proliferation that is taking place (throughout the world) . . . , people look for
so-called asymmetric responses to dissuade ^(others) people from attempting to have them
not do what they would like to do in their neighborhoods, to their neighbors.

Obviously, those things [go] across the spectrum, from terrorism through cyber-
attacks to information warfare to cruise missiles to short-range ballistic missiles to
longer-range ballistic missiles and weapons of mass destruction." ^{unquote.}

Events across the first months of the Administration underscored the many
and varied manifestations of the kind of the 21st century threats we faced. In

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October 2000, terrorists captured a group of Americans in Ecuador, one of whom was killed January 30, 2001, and ^{thrown} dumped off the back of a truck. In the first few months after ~~having~~ ⁱⁿ taken office, I was delivered a report on the actions being taken to implement the recommendations from the Cole Panel. That was followed shortly thereafter by ^{meetings} a long conversation with then-FBI Director Louis Freeh on the issues related to Khobar Towers and the missions that had been and could have been taken to bring those who had perpetrated the attack to justice. [check sequence]

By spring and summer, ^{of 2001} the concerns of the ~~FBI~~ ^{Intelligence Community} were becoming more insistent. Consistent with those concerns, we, in June, ^{we decided to} actually ~~sortied~~ ^{the} some of our Navy warships, which was just one action we undertook as we ^{scrutinize} ~~scrutinized~~ to force protection conditions. And, I met for quite some time with the Hart-Rudman Commission to discuss ways ~~by which~~ to protect our homeland.

~~Finally,~~ In the aftermath of the incident in Ecuador and of the downing of the EP-3 in China in April, we undertook an effort to rearrange ^{the Department's} our crisis management organization and process and had not quite completed its implementation ^{by} on the 1st of September.

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September 11, 2001

Background. On the morning of September 11, 2001, I hosted a number of Members of Congress to discuss, among other business, ^{Defense} the budget. In the course of our conversation, ^{I had noted DR n} ~~mentioned~~ ^{and the} something about surprise ~~get~~ ^{from Di Rita} ~~from Di Rita~~. The threat posed to the United States by terrorism, ~~and by al Qaeda~~ ^{recognized} especially, had been ~~acknowledged~~ within the ~~U.S.~~ Government since the mid-1990s. Al Qaeda was responsible for the attacks in Africa.

The previous administration had directed both its intelligence agencies and the Department of Defense to plan for and, when authorized, take action against al Qaeda [classified annex to cover MON and Positive Plot]. I am told that the Department developed what I ~~would~~ ^{consider} call concepts for employing force to support. ^{selective} ~~variety~~ of actions against al Qaeda that might have been directed by the President. ^{not} These were ~~in no way~~ finished plans. In my ~~discussions~~ ^{briefing prior and on return after} with Secretary Cohen during ~~the transition~~, I do not recall those plans ^{being discussed} ~~having a prominent role~~.

I am informed that a briefing on that subject was on my calendar in early February 2001. ~~I must say that~~ ^I I do not recall that ~~specific~~ ^{briefing} brief as being distinguishable in any notable way from any of the other planning that I had reviewed prior to 9/11.

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Over the course of the first seven months of the new Administration, it addressed policy initiatives on a range of subjects. With respect to Afghanistan,

Pakistan, and al Qaeda, the Government worked its way through the process of developing policy ^{iel} during the course of the Spring and Summer of 2001. ^{As people came here confirmed and come on board.}

~~A review of the record will~~ show that the first meeting on these subjects occurred in April, leading to the penultimate draft of policy on Afghanistan, Pakistan, and al Qaeda that was circulated on 7 September 2001, for decision by principals.

^{that I said earlier} YOU will recall ~~that I told you~~ that the individual whose area of responsibility on these subjects ^{I've mentioned} ~~I've mentioned~~ that is, the Under Secretary for Policy, ^{who} was not

sworn in until July. The same was true of the cognizant Assistant Secretary. So, ^{the file and there after} for a ~~period~~ of five months, the Defense Department had a skeleton team working

with others throughout the Administration under the auspices of the NSC on the subject of interest to this Commission, that is, Pakistan, Afghanistan, and al Qaeda.

Paul Wolfowitz, my deputy, handled these ^{an entire mess of} discussions for ~~me~~. ^{10/0 dependent}

Associated with the effort was a classified effort to provide a relatively ^{intensity} prompt and responsive capability to strike against designated and authorized terrorist targets. That effort was a follow-on from previous activity. It required modification of equipment and creation of new command and control

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arrangements. I am advised that that capability was not sufficiently mature technically, under the conditions prevailing prior to 9 11, to be deployed in an operational mode.

The Day of 911

Morning; of 911. On the day of 911, when the plane struck the Pentagon at 0939, I

had finished breakfast with the Congressional delegation and I was in my office with my CIA briefer. *It was unclear what had caused the explosion* I immediately went outside to see what had happened. I was

not outside for ~~very~~ long, apparently, because I am told that there are ~~records~~ *notes* indicating that I was back in the Pentagon, with a crisis action team, by a few

before or shortly after minutes ~~past~~ 1000. Upon my return from the crash site and before going to what *went back to my office* we call SecDef Cables, I made a number of calls, one of which was to the *I believe*

President. Upon entering Cables, [ed. note: need to consult with Di Rita/Clarke on DR's first actions upon entering room].

I then went down to the National Military Command Center. I met Gen. Myers, who had just returned from *Capitol* Hill. We *discussed and I decided* ~~agreed~~ to recommend a change in

last name

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threat condition from "Echo" (?) to "Charlie," or from the lowest to the 3rd highest level. ^I We also gave instruction to notify the Russians of the change and to ^{request} request that they stand down an exercise they were conducting.

(A summary was provided, of the forces we had available in the Persian Gulf/Arabian Gulf. They included the ^{then} Vinson in the Indian Ocean, the ^{Carrier USS} Enterprise and 4 SSGNs at Oman and 6 SSGNs in the Persian Gulf. The 10 SSGNs had ²⁰⁰ 200 TLAMs ^{among them}. In addition, the ^{Carrier USS} Constellation was 4 days out of San Diego in the Pacific Ocean, and the ^{Carrier USS} Lincoln was in port at Everett, WA.)

^I I joined the air threat conference call, which was ^{already} already in progress. [One of] my first conversations during the conference call was with the Vice President, who informed me that he had ^{authorized} passed along the President's authorization to shoot

^{it} down hostile aircraft [coming toward Washington, D.C.] ^{I later heard that} the President has authorized that OIR-

My thoughts ^{immediately} went to the circumstances of the pilots of our ^{the U.S} military aircraft. ^{that might be called upon to exercise that rule.} I went to work with the then-Vice Chairman, General Dick Myers, to work out appropriate rules of engagement. Throughout the course of the day, I returned at least once and ^{possibly} maybe twice to refine those ROE's, ^{and} my reason for paying such close attention to them was an experience that happened many years ago, with the Mayaguez ^(that stuck in my mind.)

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of the Joint Chiefs of Staff

in 1974 or 1975
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That had been a room where
During the incident, we had communications rigged in the Cabinet Room
the President in I *the US military* *checked about*
such that we could actually hear our pilots in the cockpits as they intercepted the
which they believed had all the US fighters off the
Mayaguez. I remember hearing the uncertainty in the pilots' voices—these were

~~relatively young guys~~, and they were charged with making some ~~potentially~~ grave
about whether or not to try to stop the hunt by shooting at its rudder or
decisions ~~on their own~~. I was a pilot. I remember what it felt like. I ~~really~~ put *engine*
shoot the
myself into the ~~heart~~ of pilots we were asking to intercept civilian airliners over
and possible how to shoot down airliners killed with our jets *w of*
American soil. They needed to have clear ROE telling them what they could and *over shells*
Answers.
could not do. They needed to have *clearly* ~~it clear in their heads~~.

Check this fact

So, I was ~~terribly~~ concerned-on 911—that these pilots have the proper
Rule of Engagement
ROE with which to carry out their missions. There ~~wasn't~~ any ROE on the books
It has not been an order President has had to order
for this kind of situation. ~~I don't think there's been an order to kill fellow~~
to kill other Americans -
Americans since Abraham Lincoln.

I spent the remainder of the morning and into the afternoon in the NMCC
and ~~Cables~~ *in* preparing my thoughts for each of the conversations with the
the Vice President and President
President ~~giving~~ guidance on air intercepts and thinking about the way forward.

word about

Here again, I can best explain my thinking by ~~analogy~~ *to* past events, in this
case, the tragic bombings in Beirut in 1983, and the manner in which the response

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was made to those bombings. The delay in responding to the embassy bombings in April, followed by the delay in response to the subsequent ~~United States~~ ^{US} Marine Corps barracks bombings, and culminating in the ineffective response months later came to mind. ~~that~~ ^{as I have 241 memories} ~~that~~, in such instances of attack against American interests, I ~~thought we~~ ^{concluded that we should} needed to respond quickly and decisively, and aim at the true source of the problem, and ^{to do so would be} in a way that ~~is~~ ^{our conduct} understood and supported by the American people, or else ~~we would waste our effort at best and~~ ~~more likely,~~ simply encourage future, more daring, attacks against our people.

During the course of the day of 9/11, the President indicated to me that he expected ^{US to provide him with} options for military responses ~~to be presented,~~ and, ~~in the intervening~~ ^{next} days, we began ^{ed} preparing those options for him in an effort that concluded with his direction to me to carry out the actions that ultimately became known as Operation Enduring Freedom, against the Taliban regime in Afghanistan that harbored and supported al Qaeda.

Post-911