



CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999

2005 JAN -7 PM 2:10
CM-2267-05
7 January 2005

MEMORANDUM FOR THE SECRETARY OF DEFENSE

Subject: Draft Memo on Abuse of Detainees Under Department of Defense Control

1. You requested I review the proposed draft memo to you from the President on abuse of detainees under Department of Defense control.
2. While the draft memo is substantially correct, I am deeply concerned about the tone. The memorandum does not focus on the positive developments; instead, it relies on past incidents to paint a bleak picture and casts the Department of Defense in a negative light. It places too much emphasis on the punishment and actions taken against those guilty of the abuse and too little emphasis on actions already taken to ensure such abuses will not occur again. In addition, this memo fails to put the abuse problem into a meaningful context; our forces have captured and held tens of thousands of detainees, with those leveling accusations of abuse numbering only in the dozens. A single instance of abuse is one too many, but recent press reports imply that abuse is systematic and widespread. This memo does nothing to dispel that notion.
3. As drafted, the memo further implies that detainee abuse is rampant and ongoing. As you are aware, the issues of abuse mentioned in the numerous articles occurred primarily in 2002 and 2003. While instances of alleged abuse have occurred recently, when it has occurred, it has been immediately reported, investigated and appropriate corrective action has been taken.
4. Our staffs should work together to change the draft memo if possible. This could be a positive exchange if done right. If the draft memo doesn't change, we need to generate a response memo, highlighting the positive, ongoing actions taken to address allegations of detainee abuse. In addition, I recommend such a response also highlight the good work of our forces involved in detention operations.

Richard B. Myers

RICHARD B. MYERS
Chairman
of the Joint Chiefs of Staff

SECDEF DECISION:

APPROVED: _____

DISAPPROVED: _____

OTHER: _____

Reference:

- 1 Draft Memorandum from the President to the Secretary of Defense, undated, "Abuse of Detainees under Department of Defense Control"



Certified as Unclassified
January 9 2009
IAW EO 12958, as amended
Chief, RDD, ESD, WHS

OSD 00622-05

383.6

7 JAN 05

29 Dec 04

FOUO

SENSITIVE

2005 JAN -7 PM 2:16

December 29, 2004

TO: Paul Butler
CC: Lt. Col. Greg Lengyel
FROM: Donald Rumsfeld
SUBJECT: Draft Memo

To: Paul Wolfowitz
Gen
Larry Di Rita
Doug Fertk
Steve Cambone
Jim Haynes

Attached is a sensitive draft memo.

It's not been signed or sent. I'd like you folks to check it and make sure it is accurate. If you have any suggestions on tone or handling of it, let me know.

We also ought to draft how we would respond to this. My impression is that the data in here is inaccurate, and needs to be updated and amended.

Please get back to me soon,

Thanks.

ATTACH.
12/29 BUTLER MEMO TO SECDEF 12/27 MEMO TO RICE
DHR:ss
122904-18 (ts)

.....
Please respond by 1/4/05

SENSITIVE

FOUO



To: SecDef .

12/29/04

From: Paul Butler *fab*

Attached *is* a copy of the draft memo we discussed last night. As far as we know, it is still a draft. I relayed the message to the Deputy last night. I'm trying to find out *if* he has spoken with Steve Hadley. I'll report back as soon as I know something.



NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

December 27, 2004

ACTION

MEMORANDUM FOR CONDOLEEZZA RICE

THROUGH:

JOHN BEALLINGER

PROM:

BRAD WIEGMANN

SUBJECT:

Abuse of Detainees under Department of Defense
Control

As you requested, attached at Tab I is a memorandum to the President recommending that he send a memorandum to the secretary of Defense on the detainee abuse issue.

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachment8

Tab 'I' Memorandum to the President

Tab A Memorandum to Secretary of

Defense



ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: CONDOLIEZZA RICE

SUBJECT: Abuse of Detainees under Department of Defense Control

Purpose

To sign a memorandum to the Secretary of Defense on abuse of detainees in Department of Defense control.

Background

There have been many reports this year of abuse of detainees in the control of our military, most prominently the episode at Abu Ghraib in Iraq, but also reports concerning other incidents in Iraq and Afghanistan and FBI reports that have recently come to light concerning alleged abuse of detainees at Guantanamo Bay. These allegations have been or are being investigated by the Department of Defense. To date over fifty individuals have been referred to courts martial for various types of misconduct and others have been administratively disciplined. The Independent Panel, established by Secretary Rumsfeld and headed by former Secretary of Defense James Schlesinger made a number of recommendations this summer to improve detainee operations to ensure that abuse does not recur, and the other investigations that have been conducted into detainee abuse have also made numerous recommendations. The Department of Defense is working through these recommendations and implementing reforms and some investigations remain ongoing.

The repeated reports of detainee abuse this year have been damaging to the image of the United States abroad and have been disturbing to many Americans here at home. The memorandum at Tab A expresses your concern about this issue, while also,

cc: Vice President
Chief of Staff
Vice President's
Chief of Staff



expressing continued confidence in our military, and emphasizes to the Secretary of Defense the importance of continuing his efforts and making the results of the investigations and corrective actions known to the American people. It sends a clear message from you as Commander-in-Chief that you expect all detainees in the custody of our military to be treated humanely and consistent with applicable law and asks the Secretary of Defense to convey this message to our commanders in the field.

Concurrence: NSC/Legal

RECOMMENDATION

That you sign the memorandum at Tab A.

Attachment

Tab A Memorandum to the Secretary of Defense



MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: Abuse of Detainees under Department of Defense Control.

The United States has the finest military force in the world, and
our

and



prevent such abuses from occurring in the future. You have my full support in working toward these objectives; You should also reemphasize to commanders in the field that they must work to ensure that all detainees under the control of our armed forces are treated in a lawful and dignified manner.



7

OSD #	SE #	Subject	TO
13900-04	042304-14	Location of Civil Affairs	JCS
00052-05	112404-2	Joint CONOPS	JCS
00622-05	122904-18(ts)	Draft Memo	Butler
78963-04	120204-9	Pentagon Feory	JCS
79005-04	112404-6	NATO	USP
75306-05	123004-10	Protecting Officials	JCS

LT col longer,

can you pls indicate if
you show those open or closed?

TO: → THANKS,
JASON
ESD



To: SecDef

January 21, 2005

From: Paul Butler

cc: Deputy

CJCS

Larry Di Rita

Doug Feith

Steve Cambone

Jim Haynes

Pete Geren

Subject: Snowflake response on draft POTUS memo on detainees

You issued a snowflake (Tab A) asking the group listed above to review the draft memo from POTUS to you on detainees for accuracy and to develop a draft response. **Our** latest information is that there is no current plan to send the POTUS memo to you. Accordingly, the group decided that the proposed way ahead ought to be a memo from DoD to the NSC updating the status of detainee investigations. The attached draft memo for your review (Tab B) suggests that the memo come from the Deputy to Steve Hadley and that it review the record of investigations thus far and also address the need for interagency action on detainees in order to reinforce that this is not an issue under the sole control of DoD.

323,6

21 Jan 05

29 Dec 04



FOUO

SENSITIVE

December 29, 2004

TO: Paul Butler
CC: Lt. Col. Greg Lengyel
FROM: Donald Rumsfeld

To: Paul Wolffowitz
Gen Myers
Larry D. Rice
Doug Feith
Steve Cambone
Jim Haynes
Pete: Eeven

SUBJECT Draft Memo

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FOUO



PROPOSED MEMO FROM DEPSECDEF TO NAT'L SECURITY ADVISOR

The Department of Defense is nearing closure on the investigations and assessments of detainee operations and known causes of abuse. I would like to update you on the status of these efforts and to raise several related issues to your attention.

As you know, DoD aggressively investigates allegations of detainee abuse. It is holding individuals accountable for their actions, and is taking steps throughout the Department to minimize the possibility of future abuse. To date, more than **fifty** service members have been referred to courts-martial and others have been disciplined through administrative action. Any allegations of abuse that arise in the future will be investigated and appropriate corrective action **will** be taken.

Since September 11, 2001, our forces have detained tens of thousands of fighters on battlefields around the world, and have conducted tens of thousands of interrogations. The vast majority of **U.S.** service members have conducted themselves with honor. Their efforts have been critical to the success of our operations. Our forces will continue to capture and detain individuals who commit or assist those who commit hostile acts against the United States, and our coalition partners. Our forces will take appropriate and lawful steps to obtain intelligence **from** detainees that assist us in defeating our enemies and saving American lives.

To ensure we conduct these activities in accordance with the President's order to treat all detainees humanely, Secretary Rumsfeld has commissioned several major reviews, including the Schlesinger Panel and review of detention and interrogation activities by Vice Admiral A. T. Church. The latter review – the "Church Report" – is nearing completion, and we intend to brief its results to the Congress and the public in the near future.

Altogether, the eleven major reviews, assessments and investigations have produced over five hundred specific recommendations for improving detention operations, many of which DoD has already implemented. These reviews and ongoing DoD reform efforts are intended not only to improve operations but to communicate clearly to the American people, to the world and to the **U.S.** military that detainee abuse is not something we tolerate and that when it happens we act vigorously to uncover it, to punish those responsible and to implement fixes.

We would like to brief the Principals Committee on the results of the several reviews and reports conducted by DoD, and on the efforts DoD has underway or completed to improve detention operations. In discussing these issue, all agencies



ought to be forthcoming with information they have about abuse allegations or other problems with detention operations.

As DoD moves ahead with implementing reforms to detention operations, **the** USG should also reexamine its basic policies in light of three years **of** experience in Global War on Terrorism experience. Some fixes needed to prevent or address detainee abuse require action by-or cooperation with other USG Departments and agencies. Long-term solutions to USG detainee policy issues require interagency attention: What is the plan for accelerating development of Iraqi and **Afghan** justice and **prison** capacity? How can the USG help strengthen the legal authority of Coalition partners to detain terrorists and their supporters? The Deputies Committee should be asked to meet on these issues in the near **future**.



FOUO

SENSITIVE

UNCLASSIFIED SECRETARY OF DEFENSE

December 29, 2004: 11

TO: Paul Butler
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FROM: nsfeld

To: Paul Wolfowitz
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Larry D. Rife
Doug Feith
Steve Cambone
Jim Haynes

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