

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN CIVIL LIBERTIES UNION,  
CENTER FOR CONSTITUTIONAL RIGHTS,  
PHYSICIANS FOR HUMAN RIGHTS,  
VETERANS FOR COMMON SENSE AND  
VETERANS FOR PEACE,

ECF CASE

Plaintiffs,

No. 04 Civ. 4151 (AKH)

v.

DEPARTMENT OF DEFENSE, AND ITS  
COMPONENTS DEPARTMENT OF ARMY,  
DEPARTMENT OF NAVY, DEPARTMENT  
OF AIR FORCE, DEFENSE INTELLIGENCE  
AGENCY; DEPARTMENT OF HOMELAND  
SECURITY; DEPARTMENT OF JUSTICE,  
AND ITS COMPONENTS CIVIL RIGHTS  
DIVISION, CRIMINAL DIVISION, OFFICE  
OF INFORMATION AND PRIVACY, OFFICE  
OF INTELLIGENCE POLICY AND REVIEW,  
FEDERAL BUREAU OF INVESTIGATION;  
DEPARTMENT OF STATE; AND CENTRAL  
INTELLIGENCE AGENCY,

Defendants.

.....x  
**SECOND AMENDED DECLARATION OF RICHARD B. MYERS**

Richard B. Myers, pursuant to 28 U.S.C. sec. 1746, declares as follows:

1. I am the Chairman of the Joint Chiefs of Staff. I serve as the senior military advisor to the President of the United States, the Secretary of Defense, and the National Security Council. I am the highest ranking uniformed officer in the United States Armed Forces. In performing my duties, I routinely confer with and obtain advice from combatant commanders regarding the operational requirements of their commands; I evaluate and synthesize this information; I advise and make recommendations to the Secretary of Defense with respect to these requirements; and, as appropriate, I

communicate the combatant commands' requirements to other elements of the Department of Defense.

2. Through the exercise of my official duties and as a result of my personal knowledge, I am familiar with this civil action and with Plaintiffs' requests for information under the Freedom of Information Act. Further, I have reviewed the 87 photographic and video images that are identified in paragraph 6 of the Third Declaration of Philip J. McGuire (collectively referred to as the "responsive Darby Photos"). For the reasons set forth in this declaration, I have concluded that the official release of the images further identified below, even if redacted to obscure identifying information and, where applicable, the genitalia of those depicted, could reasonably be expected to:

- a. Endanger the lives and physical safety of the Soldiers, Sailors, Airmen, and Marines in the United States Armed Forces presently serving in Iraq and Afghanistan, as well as other U.S. officials, Coalition Forces allied with the United States, and contractors serving with these forces;
- b. Endanger the lives and physical safety of Iraqi civilians at large, and police and military personnel of the democratic Iraqi Transitional Government working in coordination with the United States and Coalition Forces in support of Operation IRAQI FREEDOM;
- c. Endanger the lives and physical safety of Afghan civilians at large, and police and military personnel of the Government of Afghanistan working in coordination with the United States and Coalition Forces operating in support of Operation ENDURING FREEDOM, NATO-led operations, and contractors serving with these forces;

- d. Aid the recruitment efforts and other activities of insurgent elements, weaken the new democratic governments of Iraq and Afghanistan, and add radical pressures on several of our regional allies and friends; and
- e. Increase the likelihood of violence against United States interests, personnel, and citizens worldwide.

### **THE BASES FOR MY CONCLUSIONS**

3. My conclusions are based upon my years of service and experience in the United States military; the assessments and evaluations of the U.S. Central Commander, General John P. Abizaid, and his immediate subordinate commander of the Multi-National Forces-Iraq, General George Casey; and intelligence reports and the assessments of Department of Defense subject-matter experts on the Middle-Eastern region, Arab culture, and the tenets of the Islamic religion. In formulating the advice I provide to the President, the Secretary of Defense, and the National Security Council in the ordinary course of my duties, I routinely rely on the views of our combat commanders, intelligence synthesis and reports, and the assessments of subject matter experts. In formulating my conclusions concerning the Darby Photos, I have used the same approach, types of resources, information, and experts. In particular:

- a. I have served in the United States Armed Forces for 40 years at various levels of command and staff. I have served as the Chairman of the Joint Chiefs of Staff since October 1, 2001. I served as the Vice Chairman from March 2000 through September 2001. I have been the President's principal military advisor since shortly after the attacks on the World Trade Center and the Pentagon, including throughout the inception, planning, and execution of Operation ENDURING

FREEDOM and Operation IRAQI FREEDOM. I have intimate, extensive knowledge of our military forces and their capabilities, as well as of the conventional and unconventional forces and capabilities of the enemies arrayed against us. I daily receive and review intelligence analyses of current regional conditions, acute situations, and trends in operations and conditions relating to Operation ENDURING FREEDOM and Operation IRAQI FREEDOM from the Joint Staff, the Department of Defense, as well as from other intelligence sources within the Executive Branch. I routinely travel to the countries within the U.S. Central Command critical to these ongoing missions. I meet, receive information from, and provide information to, the senior political, civilian, and military leaders of Iraq, Afghanistan, and our other regional allies. Our senior field commanders brief me, and I routinely inspect the environment, conditions, and equipment of our Soldiers, Sailors, Airmen, and Marines in the combat theaters of operation.

c. With respect to this matter, I solicited the assessments and recommendations of the U.S. Central Commander, General John P. Abizaid, and the Multi-National Forces-Iraq Commander, General George Casey, concerning their views of the military implications of release of the responsive Darby Photos. Both of them, by dint of their positions and responsibilities, have highly informed opinions that I have considered in this matter. General Abizaid is constantly engaged with senior political and civic leaders in the region. Moreover, General Abizaid has specialized knowledge of the Middle East: he is fluent in the Arabic language; he holds a Masters Degree in Middle Eastern Studies from Harvard University; he

was a Hoover Institution, Stanford University Fellow studying Middle Eastern affairs; and he was an Olmsted Scholar at the University of Jordan at Amman. Before his service as the Commander, U.S. Central Command, General Abizaid served under General Tommy Franks as his Deputy Commander (Forward) during Operation IRAQI FREEDOM. After the first Gulf War, he served in the Kurdish region of northern Iraq in Operation NORTHERN WATCH. During the course of his military career, he has served in other positions in the Middle East as well as in positions involving ethnic Muslim minorities in the Balkans. His staff assignments have included tours with the United Nations as operations officer for the Observer Group Lebanon, and he has also served on the Joint Staff as the Director of Strategic Plans and Policy.

d. As the Commander of Multi-National Forces – Iraq, General George Casey is constantly engaged with the senior political and civic leaders in Iraq. He travels extensively throughout the country, and regularly confers with commanders and service personnel at all levels of command and operations. In addition to his numerous Army command assignments, General Casey most recently served as the Vice Chief of Staff of the Army; immediately before that he served under me, first as the Director of Strategic Plans and Policy, and then as the Director of the Joint Staff. His graduate and post-graduate degrees are in International Relations. General Casey has also served as a Senior Fellow on The Atlantic Council.

e. Both General Abizaid and General Casey agree with and support my conclusions.

f. As I indicated above, I have also considered and relied upon the analysis and assessments of DOD resident subject-matter experts on the Middle-Eastern region, the Arab culture, and the tenets of the Islamic religion.

**THE STATUS OF OPERATION ENDURING FREEDOM AND  
OPERATION IRAQI FREEDOM**

4. Following the attacks on the United States of September 11, 2001, the United States military, with the support of a worldwide coalition, launched Operation ENDURING FREEDOM to drive the oppressive Taliban regime – which provided comfort and support to al-Qaeda terrorists – from Afghanistan. As a result of that successful effort, the Taliban was removed from power, and on October 9, 2004, the Afghan people for the first time ever selected their head of state, the president of Afghanistan, by democratic vote. Similarly, Operation IRAQI FREEDOM was launched, again with the support of a worldwide coalition, to remove the dictatorial and murderous regime of Saddam Hussein from power, and succeeded in toppling that dictator and bringing freedom to Iraq. Following a brief period when Iraq was led by a Coalition Provisional Authority, sovereignty of Iraq was transferred to an interim government, and democratically elected representatives of the Iraqi people are in the process of completing work on a national constitution. There is, however, more work to do. Insurgent elements in both Afghanistan and Iraq continue to attack the process of democratic transition in those countries by mounting violent and deadly assaults against the multinational forces that remain posted in the region in order to protect and defend those countries as they take their steps toward freedom. As part of the multinational commitment to strengthening and defending these emerging democracies, more than 19,000 U.S. troops

remain on the ground in Afghanistan and over 140,000 U.S. troops are part of the ongoing mission in Iraq.

5. The situation on the ground in Iraq is dynamic and dangerous, in Baghdad and several other parts of the country. It changes from day to day, and it varies from region to region. With that in mind (and the caveat that numbers alone do not tell the complete story). I offer the following observations to provide the Court with some in-country context for the conclusion that official disclosure of the responsive Darby Photos described further below reasonably can be expected to endanger, in wartime, the lives and physical safety of U.S. military and other personnel, as well as the general public in Iraq and Afghanistan and elsewhere.

6. As General Abizaid testified to the Senate Armed Services Committee on June 23, 2005, the overall strength of the insurgency is about the same as it was six months ago, although he noted his belief that "there are more foreign fighters coming into Iraq than there were six months ago." Current estimates of the number of insurgents are in the range of 16,000 with perhaps 1,000 of that number being foreign fighters.

7. The number of insurgent attacks per day is approximately 70. As I have publicly stated, our assessments indicate that the lethality of the attacks is on average increasing.

8. Among the goals of the insurgency are to use violence against innocent civilians to undercut the mission of the U.S. and Coalition forces, as well as the Iraqi Transitional Government, and to stop the transition to democracy in that country. The insurgents will use any means necessary to incite violence and, specifically, will focus on perceived U.S. or Coalition mistreatment of Iraqi civilians and detainees as a propaganda and recruiting tool to aid their cause.

- a. Thus, for example, we have documented situations in which insurgents have falsely claimed that U.S. actions in Iraq, rather than their own terrorist attacks, have caused death and suffering. One organization, the Global Islamic Media Front, specializes in producing flash videos which typically feature dozens of images of women and children whose suffering is attributed to U.S. actions in Iraq as opposed to the acts of sabotage and violence perpetrated by the insurgents.
- b. Similarly, the insurgents rely on doctored photos and images to support their calls to violence. Last year DOD experts noted doctored images and videos that purported to document the rape of Iraqi women by U.S. soldiers – but which actually originated on a Hungarian pornography site – and that were distributed and presented on pro-Islamic and Arabic news web sites as actual examples of U.S. “barbarism.” In conducting Internet discussions regarding these images/videos on her websites, [Iraq Patrol](#) and [Iraq Tunnel](#), Iraqi novelist and Middle East expert, Buthaina Al-Nasiri, noted, “You cannot imagine the kind of angry messages I receive every day from young Arab men vowing to avenge the Iraqi girls. . . .”
- c. Specific references to the so-called rape photos surfaced in subsequent Muslim sermons throughout the Middle East along with calls for retaliatory violence. For example, in response to similarly doctored rape images, purporting to depict the alleged rape of three Iraqi women at British-run prisons in Iraq, Sheik Abdul-Sattar al-Bahadli of Basra called for Jihad and offered \$350 for anyone capturing a British soldier, \$150 for killing one, and stated that “Any Iraqi who takes a female soldier (foreign) can keep her as a slave or gift to himself.”



d. We have noted other instances of insurgent attacks after the disclosure of images depicting alleged abuse of detainees. On January 21, 2005, three days after 22 photos of detainees in British custody were made public, an Iraqi insurgent suicide car bomber drove his vehicle toward the gate of a British base in southern Iraq. His vehicle detonated just as it was intercepted before reaching the gate, but the explosion still resulted in numerous, very serious British injuries. Al Qaeda leader Abu Musab al-Zarqawi described the attack as a "response to the harm inflicted by British occupation forces on our brothers in prison."

9. There have been near-term increases in the assassination of Iraqi government officials (52 in the three-month period ending June 27, 2005), as well as a recent uptick in insurgent attacks on senior diplomatic officials from regional neighbors of Iraq: the Egyptian envoy was abducted on July 4, 2005, and murdered; and, in separate incidents, the Bahrainian and Pakistani ambassadors' vehicle convoys were attacked on July 6, 2005 (the Bahrainian ambassador was wounded in the hand by automatic weapons fire; the Pakistani ambassador was uninjured, but has been ordered by his government out of the country as a temporary security measure).

10. While I believe that the overall trends in Iraq indicate improvement, attacks on the economic infrastructure in Iraq remain a constant problem, are significantly difficult to defend against (because of generally decrepit conditions and the nature of defending large facilities in diverse geographical locations), and present acute hardships, particularly to Baghdad residents during the summer season. Water, electrical, and oil infrastructure are the main insurgent targets.

11. The situation on the ground in Afghanistan also remains volatile, particularly as the Taliban-led insurgency attempts to derail the political process by increasing attacks in the run-up to the September 18<sup>th</sup> National Assembly elections. Violence has steadily risen since May, and levels of Taliban, al-Qaida, and Hezb-e Islami Gulbuddin (HIG) attacks against our military forces in June were the second highest in a single month since the Taliban fell in late 2001.

12. In addition to increasing the quantity of attacks, insurgents are shifting their tactics. Bomb attacks in June were the highest on record, including a rise in suicide bombings: there have been eight suicide attacks thus far this year compared to four for all of 2004. The Taliban is now targeting candidates and electoral workers for the National Assembly elections (there have been at least 16 attacks recently), as well as pro-central government clerics (four have been assassinated since June 1, 2005). The incidents of the Taliban intimidating reform-minded Muslim clerics have also increased. There are, on average, approximately 40-45 insurgent-initiated attacks per week.

13. Insurgents in Afghanistan have a relatively sophisticated and aggressive information operations campaign. Taliban spokesmen respond quickly to claim credit when insurgents conduct successful attacks against Coalition or Afghan forces, and even claim tactical successes for incidents not related to the insurgency. The Taliban are also quick to spread disinformation about culturally sensitive issues such as the Coalition treatment of Afghan women as a means of turning public opinion against the United States and other Western countries.

14. While the Taliban is struggling to maintain popular support among Afghans, there are indications that their aggressive information operations campaign, combined

with growing discontent with the Afghan government, could be fueling localized dissatisfaction with the continuing presence of Coalition and NATO forces. For example, the Taliban were quick to capitalize on the May 11-14 protests against the alleged desecration of the Koran at Guantanamo Bay (discussed in more detail below) and described the protests as “a firm reaction of the people of Afghanistan against the presence of U.S. forces ... and inhumane treatment with prisoners at detention centers ... showing disrespect to the Muslims’ faith” in a 13 May press statement. Protests, some of which turned violent and deadly, occurred in 14 of the 34 provinces.

**RIOTING AND VIOLENCE FOLLOWING THE NEWSWEEK REPORT OF ALLEGED U.S. DESECRATION OF THE KORAN AT GUANTANAMO BAY**

15. On April 30, 2005, Newsweek reported that an unnamed U.S. official had seen a government report documenting desecration of the Koran at the U.S. facility at Guantanamo Bay, Cuba. On May 16, 2005, Newsweek retracted the statement in an article that the abuse had been uncovered in an “internal military investigation” after its source was unable to confirm where he had seen the purported information. Newsweek also offered further qualifications on the story in its May 23, 2005, issue.

16. The Koran’s alleged desecration, as reported by Newsweek, was perceived as such an affront to the Islamic faith that massive anti-U.S. demonstrations quickly erupted in the Palestinian territories, Egypt, Sudan, Bangladesh, Pakistan, and Indonesia. Our intelligence assessments indicate that the volatile public sentiments in these Muslim countries were exploited by organized, anti-American extremists who succeeded in fomenting violent and deadly demonstrations.

17. In Afghanistan, in particular, where over 19,000 U.S. troops are currently serving in Operation ENDURING FREEDOM, violence erupted as a result of the Newsweek

report. Demonstrations began in the eastern provinces and spread to the capital, Kabul. The United Nations, as a precautionary measure, withdrew its entire foreign staff from Jalalabad, where two of its guesthouses were attacked, government buildings and shops were targeted, and the offices of two international aid groups were destroyed. At least 17 deaths in Afghanistan were attributed to the reaction to the Koran story.

18. Despite Newsweek's published retraction, many Muslims still believe that U.S. personnel continue to desecrate the Koran in an effort to humiliate Muslims. For example, one Sunni website asserts that desecration of the Koran is a daily occurrence in Iraq under U.S. occupation and posted numerous photos of another such alleged incident. According to the website: "To humiliate the Koran in Iraq is a well-known tactic of the occupation and allied forces. The Koran has been desecrated by the Crusaders and the Jews. The latest incident of this happened when American soldiers raided the Al-Quds Mosque in . . . Al-Ramadi. . . The soldiers searched the entire mosque, tore the Koran, and beat the worshippers during the morning prayers."

19. The riots and violence that followed the Newsweek story had a significant impact on U.S. Central Command operations and intelligence assessments of conditions throughout both combat theaters, as well as regionally and beyond. Our intelligence and operations analysts evaluated the Koran incident in order to provide assessments and "lessons-learned" both to the combatant commanders and the Department of Defense. While I received and reviewed these assessments, my attention was first brought fully to bear in the context of this case on June 17, 2005. On that day I was informed that disclosure of the Darby Photos could occur as early as June 30, 2005. In light of the nature of the photos, and the riots and violence that occurred after the Newsweek article,

I contacted General Abizaid (who in turn contacted General Casey), apprised him of the situation, and asked for General Abizaid's military assessment of the implications of the release of the Darby Photos. General Abizaid and General Casey provided their assessments to me on June 20, 2005. They agreed with my determination that disclosure of the Darby Photos created the significant risks discussed in this declaration.

**THE REDACTED RESPONSIVE DARBY PHOTOS GRAPHICALLY DEPICT  
DETAINEE ABUSE AND MISTREATMENT**

20. I have personally reviewed the 87 responsive photographic and 4 video images that are identified in paragraph 6 of the Third Declaration of Philip J. McGuire.

[REDACTED] Testimony Under Seal

21. [SEALED]

[REDACTED]

Testimony Under Seal

22. [SEALED]

[REDACTED]

Testimony Under Seal

23. [SEALED]

[REDACTED]

Testimony Under Seal

Testimony Under Seal

**CONCLUSIONS AFTER REVIEWING THE RESPONSIVE DARBY PHOTOS**

24. While I have said this previously in countless forums, I condemn in the strongest terms the misconduct and abuse depicted in these images. It was illegal, immoral, and contrary to American values and character. The Department of Defense has spared no effort and will continue to press the investigation of, and full accountability for, these criminal acts. Based on my review, I believe that official release of the responsive Darby Photos described in paragraphs 21-23 will pose a clear and grave risk of inciting violence and riots against American troops and coalition forces. I also believe that release of the responsive Darby Photos will expose innocent Iraqi, Afghan, and American civilians to harm as a result of the insurgency's reaction, which will likely involve violence and rioting. It is probable that Al-Qaeda and other groups will seize upon these images and videos as grist for their propaganda mill, which will result in, besides violent attacks, increased terrorist recruitment, continued financial support, and exacerbation of tensions between the Iraqi and Afghan populaces and U.S. and Coalition Forces.

25. The recent vitriolic and violent reaction to Newsweek's Koran report described above – even following its retraction – made it clear that U.S. and allied troops and

personnel and civilians in the Middle East will be subject to a likely, serious, and grave risk if the responsive Darby Photos described in paragraphs 21-23 are publicly released. Release of these images will be portrayed as part and parcel of the alleged, continuing effort of the United States to humiliate Muslims and, given the patterns of violence observed there, will be used by the insurgents as propaganda to increase calls for violence against U.S. and Coalition personnel. I believe that if the responsive Darby Photos are released, riots, violence, and attacks by insurgents will result.

26. I am also concerned that, while the photos and videos taken together are illustrative only of isolated activity by one military unit, the members of which have been the subject of criminal investigations, prosecutions, and convictions,<sup>1</sup> their graphic and offensive nature makes it easy to falsely generalize from those images and characterize the abuse as more widespread than it was, and to impugn the United States Armed Forces as a whole, thereby generating a more vehement – and violent – reaction. The offensiveness of these images will make it more difficult to counteract calls for violence against U.S. and Coalition Forces despite the United States Government's immediate and forceful denunciation of the conduct portrayed in these photos, the numerous investigations into the activities and personnel they depict, and the criminal and military prosecution of those confirmed to be involved.

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<sup>1</sup> A separate addendum is attached that delineates the current status of disciplinary actions taken against those personnel who were involved in the abuse and mistreatment of detainees at Abu Grhaib, some of which is depicted in the Darby photos.

The Effect of the Responsive Darby Photos on the Predominantly Muslim Populations of Iraq and Afghanistan.

27. Specifically, with respect to the video images described in paragraph 23, as common experience has shown and as viewing of the video clips has confirmed, video images are more powerful than still photographs. Video captures a continuum of action, shows cause-and-effect, and portrays the range of emotions of those depicted in a manner that a still photo – which is devoid of those dynamic qualities – fails to convey. The video images, thus, evoke a visceral and empathetic connection between the viewer and the person being victimized, and are much more likely to generate a violent reaction or be exploited by insurgents for violent ends.

28. Iraqi and foreign detainees have indicated that an important motivation for their fighting against the Coalition and U.S. forces is their perceived mistreatment of Iraqis at Abu Ghraib prison. Thus, for example, al Qaeda leader Abu Musab al-Zarqawi demanded the release of all female detainees as the sole condition for the release of American hostages Jack Hensley, Eugene Armstrong, and British hostage Kenneth Bigley, all of whom were subsequently beheaded. British hostage Margaret Hassan (who was also killed by her abductors) also pleaded in a video released by her captors for the release of female detainees.

29. Similarly, on February 28, 2005, a statement by the Media Wing of Abu-Mus'ab al Zarqawi-al-Qa'ida of Jihad Organization in the Land of the Two Rivers [Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn] was posted on various pro-Al-Qaeda Internet sites in which the group warned and reminded Muslims of the tactics of the enemies of Islam: “2. They have incarcerated our women in concentration camps, where they raped them and violated their honor... 3. They gave the rejectionists (Shi'a) access to our women,



and the Ministry of Interior jails can testify to the fact. They gave them access to our Mosques, and their impudence reached the point of writing on the Mosques' walls, 'Today [we take] your land, tomorrow [we will take] your honor, [rape your women].'"

Redaction of the Responsive Darby Photos Does Not Alter These Conclusions

30. Redaction of the responsive Darby Photos to obscure individuals' faces and identifying information and, where necessary, genitalia, does not change my opinion. Release of the photographs and videos, even in redacted form, will very likely lead to riots and violence across the Middle East, posing grave risk to both military forces and civilians.

31. This is because the privacy concerns of the detainees are separate and distinct from the inflammatory nature and offensiveness of the conduct depicted in the responsive Darby Photos – and thus the risk of harm to our personnel – which remains apparent despite redaction. Even with the images redacted, the abuses will be apparent. The official release of these graphic photos and videos depicting this type of behavior and abuse by U.S. military personnel will very likely incite violence and result in casualties, and redaction of the photographs and videos will not alleviate or lessen this risk.

Not Only the Responsive Darby Photos Themselves,  
But the Official Act of Releasing Them Could Lead to  
Harm to American Troops and Civilians

32. In my opinion, not only the images themselves, but also the official act of releasing the responsive Darby Photos could significantly harm U.S. interests and endanger U.S. personnel, as well as Iraqi and Afghan civilians, police, and military personnel working in coordination with Coalition and NATO forces. Our democratic idea of public accountability – the airing of misdeeds by government officials and

employees in order to hold government to the highest standards of conduct – is an idea that is misunderstood in other parts of the world. The insurgents likely will perceive and portray an official United States Government release of the Darby Photos as a deliberate tactic in the war and a conscious degradation to the dignity of Iraqis. While the acts of abuse were originally inflicted by rogue individuals acting illegally and contrary to U.S. policy, this official release will be perceived as the re-infliction of that degradation in full public view and under the full authority of the U.S. Government. Demagogues will be free to characterize the public disclosure of these images as further evidence of U.S. immorality and hypocrisy. Such a characterization by violent extremists will – in my opinion – put the lives of American troops and civilians in extreme danger. It also will fuel the efforts of extremists to generate or stimulate opposition to U.S. policies throughout the broader Middle East. It is likely to increase pressures on friendly governments in the region to distance themselves from the U.S. All this would be a serious setback to the U.S. Government's efforts to fight the War on Terrorism alongside mainstream Muslim allies and friends in the Middle East.

Release of Photographs That Were Previously Leaked to the Press  
Poses a Threat to the Safety of Troops and Civilians

33. As an initial matter, the photographs that were previously leaked were not officially released. An official release by the United States Government lends an imprimatur – an official patina – that has never been attached to these photos.<sup>2</sup> As described above, many individuals in the Middle East will not understand that this

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<sup>2</sup> The United States Government has not previously released the responsive photos to the general public, but, as required by law, has provided relevant photos to civilian and military defense counsel in military courts-martial proceedings. Those disclosures have been subject to the requirements and proscriptions of the Military Rules of Evidence, the Rules for Courts-Martial, the Military Rules of Professional Conduct, and applicable military precedent.

official release is not an intentional effort to further ridicule and humiliate the individuals depicted, their culture, or their religion.

34. Before the Newsweek report of alleged Koran desecration, similar reports had been published by mainstream media publications. In particular, several media outlets previously reported that a Koran had allegedly been flushed down a toilet. Yet it was not until the Newsweek report cited a Government source, who appeared to confirm the reports, that the allegations touched off riots and death abroad. Similarly, official release of the responsive Darby Photos by the United States Government (even if some of the images had been leaked before to the press by unofficial sources) is bound to have a much different and more serious effect, different in kind from the prior unofficial release.

35. In addition, some of the previously released photographs have not been widely circulated. An official release of these photos significantly increases the chances that they will receive much greater circulation through publicly available channels and thereby inflame public sentiments and exacerbate tensions in sensitive geographic areas.

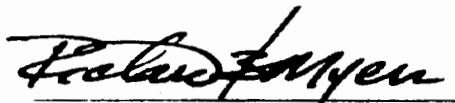
#### Sealing Portions of This Declaration

36. In some of the paragraphs of this Declaration, I provide descriptions of the records that are the subject of this litigation. The disclosure of the descriptions could reasonably be expected to endanger the lives and physical safety of persons described in paragraph 2, above. For that reason, I respectfully request the Court seal the following paragraphs: (the captions above paragraphs and) 21-23.

**CONCLUSION**

In light of the knowledge and information described herein, and given the provocative and offensive nature of the Darby Photos, I believe that the Darby Photos that I have identified in this declaration must be withheld in order to protect the lives of: members of the United States Armed Forces, forces operating in cooperation with the United States, and contractors operating with those forces; U.S. officials; Iraqi and Afghan police and military personnel working in coordination with our government and military forces; as well as to protect against the increased likelihood of violence against U.S. interests, personnel, and citizens world-wide.

I declare under penalty of perjury that the foregoing is true and correct.



RICHARD B. MYERS

Date: Washington, D.C.  
August 25, 2005



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

On the Web:  
<http://www.defenselink.mil/cgi-bin/dlprint.cgi?>  
<http://www.defenselink.mil/transcripts/2005/tr20050512-secdef2761.html>  
Media contact: +1 (703) 697-5131

Public contact:  
<http://www.dod.mil/fao/comment.html>  
or +1 (703) 428-0711

Enclosure (1)

**Presenter: Secretary of Defense Donald H. Rumsfeld and Air Force General Richard Myers, Chairman, Joint Chiefs of Staff**      **Thursday, May 12, 2005 2:00 p.m. EDT**

**DoD News Briefing**

To view slides used during the briefing: <http://www.defenselink.mil/news/May2005/g050512-D-6570C.html>

**SEC. RUMSFELD:** Good afternoon.

In 1961, President Kennedy took office and found a U.S. defense establishment that was still largely arranged to re-fight World War II. He ordered an extensive consolidation of bases to meet the challenges of the Cold War that was then flaring into a somewhat dangerous phase. Subsequent presidents have continued to refine U.S. military infrastructure as the threats to our country have evolved.

And today the Department of Defense again is in need of change and adjustment. Current arrangements pretty much designed for the Cold War must give way to the new demands of war against extremists and other evolving 21st century challenges.

At the direction of the president, and with the support of the Congress, this department has undertaken several initiatives to address our new circumstance, including, as you know, we've been changing the U.S. Global Posture, forging new partnerships to fight extremism, transforming U.S. military to a more agile Joint Expeditionary Force, and reforming the way the department does its business.

Tomorrow, at the direction of the Congress, the department will present another component of that strategy -- its recommendations to the Defense Base Closure and Realignment Commission for changes to U.S. military installations. This is an important process. Consider the array of issues of concern to this department: making sure the troops have proper equipment, relieving stress on the force, improving the ability of the forces to cooperate jointly, and protecting forces stationed at vulnerable bases and locations across this country and around the world. If one thinks about those priorities, it clearly makes sense to do all that one can to identify and remove whatever excess exists, to be able to better address those pressing needs, and by so doing, the American taxpayer benefits. This, in essence, is the logic and the imperative of BRAC.

Let me make a few comments about that process that has been undertaken over the past two and a half years.

First, as required by law, the primary factor in each BRAC recommendation has been an assessment of an installation's underlying military value. Indeed, military judgments have played the key role from the outset, and properly so. In a time of war, whenever we can find ways to increase support for military needs to help the warfighters, we should do no less.

Second, the previous four BRAC rounds, in 1998 -- (sic) [1988], '91 and '93 and '95, over time have eliminated some 21 percent of then-excess U.S. military infrastructure, and reallocated many billions of dollars to pressing military needs. This year's recommendation, if approved by the BRAC commission, approved by the president, and ultimately approved by the Congress of the United States, should result in some \$5.5 billion in recurring annual savings; a net savings of \$48.8 billion over 20 years. When combined with the proposed changes to U.S. global posture, that projected 20-year net saving increases from \$48.8 billion to \$64.2 billion, or some \$6.7 billion per year.

Third, for the first time, these deliberations took place with an emphasis on jointness. The military recognizes that operating jointly reduces overhead costs, improves efficiencies; and facilitates cooperative training, research and operations. Importantly, these consolidations also free up personnel and resources to reduce stress on the force and improve force protection. The department also considered potential contingency and surge requirements, and possible increases in active-duty troop levels.

The current BRAC effort began more than two years ago with the development of a 20-year force structure plan and

an exhaustive top- to-bottom inventory of U.S. facilities worldwide. In fact, one might say that the process started even earlier with the Global Posture Review that we began in 2001, now some four years ago. Indeed, the considerations related to global posture fed into the BRAC analysis, allowing the department to anticipate and prepare for the return of tens of thousands of personnel and their families, and the knowledge gained by the two-year Global Posture Review has informed the BRAC deliberations in important ways.

Through extensive consultation with the service secretaries, with the Joint Chiefs of Staff and the combatant commanders, a panel of high-ranking military and civilian officials developed stringent criteria and conditions and matrices to assess the military business and support operations of the department, as well as every facility and military base in the country, taking into account lessons learned from previous BRAC rounds.

The word "base" of course includes much more than one traditionally thinks of, of a military base. It includes ports, airfields, industrial and research facilities, lease space, and the like.

A word about the criteria used. In addition to assessments of military value, the department also examined other key factors, including the economic impact on existing communities in the vicinity of military installations; the extent and timing of potential costs and savings; the ability of existing and potential receiving communities' infrastructure to support forces, missions and personnel; and the environmental impact, including the impact of costs related to environmental restoration, compliance, and waste management.

I'm advised that during these deliberations, senior military and civilian leaders invested thousands of hours, and their staffs expended tens of thousands of hours to this important work. They examined an estimated 25 million pieces of data, and they considered some 1,000 different scenarios. The analysis used certified data under a process monitored by the Government Accounting -- (sic) [Accountability] Office and the Department of Defense's inspection and audit agencies.

The department is recommending fewer major base closures than had earlier been anticipated, due in part to the return of tens of thousands of troops through our Global Posture Review, and also due to decisions to reduce lease space by moving activities from lease space into owned facilities.

Nonetheless, the changes that will occur will affect a number of communities, communities that have warmly embraced nearby military installations for a good many years, indeed, in some cases decades. The department will take great care to work with these communities, with the respect that they have earned, and the government stands ready with economic assistance.

With the strong support of the president, the Department of Defense and other departments of government, are prepared to provide personnel transfer and job-training assistance, in collaboration with the Department of Labor; provide local economic adjustment assistance through the Department of Defense's Office of Economic Adjustment; use our authorities to accelerate and support reuse needs; and work with the Department of Commerce and other federal agencies to assist local economic recovery.

More information on economic assistance, as well as other information relating to BRAC, can be found on the department's website, which I believe is shown up there.

[ <http://www.defenselink.mil/brac> ]

It's helpful to note that many local economies impacted by previous BRAC decisions successfully found ways to get positive results out of a situation that at first must have seemed dire -- which, of course, is a tribute to the ingenuity and resilience of the American people. For example -- I've never been through a BRAC before, so this is my first time; that occurred after I had left the department many years ago. But I'm told that within a decade of the base's closure, the community around Pease Air Force Base in New Hampshire employed an aggressive economic development plan to generate more than a thousand percent increase in civilian jobs.

In Arizona, Williams Air Force Base became the Williams Gateway Airport and has attracted many civilian jobs, and its education center is bringing in thousands of students.

And many cities have turned shutdown Navy bases into new business centers with thousands of new jobs.

All affected communities will not be able to replicate such positive results, of course, but every effort will be made to assist.

With the submission tomorrow, the Defense Department will complete its statutory role in the BRAC process. All further decisions, deliberations and analysis will occur under the auspices of the statutory BRAC commission, and ultimately from the commission to the president of the United States, and then to the Congress of the United States.

Because the BRAC commission can assess more information and will have the opportunity to hold hearings and learn from potentially impacted communities, it's possible that the commission may make some changes to these recommendations, as have prior BRAC commissions. I'm told that prior BRACs have made some 10 to 15 percent changes

in what was recommended.

I do want to thank the BRAC commissioners for agreeing to serve our country, and for undertaking this important assignment. It's a difficult one. And we appreciate it.

One final note. I want to thank the many civilian and military personnel in this department, including Chairman Dick Myers and the Joint Chiefs of Staff who are here; Deputy Secretary Paul Wolfowitz, who chaired the Infrastructure Executive Council; the service secretaries; Undersecretary Mike Wynne and his very able team, some of which are sitting over there, who have devoted countless hours to developing these recommendations. The department has relied heavily on their judgment, analysis and recommendations, and believes that the process put in place was fair and deliberative. I have full confidence that all of those who have participated are dedicated to the very best military interests of our nation and to the outstanding men and women who serve in uniform.

General Myers?

GEN. MYERS: Thank you, Mr. Secretary. And good afternoon.

The 2005 BRAC process ensures that the United States will continue to have the best-trained and best-equipped military to meet the threats and challenges of the 21st century. BRAC is not a stand-alone event, but it's a necessary step to improving the warfighting capability of the joint force. It is properly sequenced with the recent release of the National Security Strategy and the National Defense Strategy, and has been informed by the Global Basing Strategy.

The functions and values of all military installations were reviewed, and all recommendations are rooted in the congressionally approved selection criteria. The recommendations will support the 20-year Force Structure Plan recently submitted to Congress.

The 2005 BRAC process enabled the services to match facilities to force structure, and to make the best use of defense dollars. We also worked very hard with the combatant commanders to ensure that the BRAC recommendations support the homeland defense mission.

As part of the BRAC process, we looked at all our facilities from a force protection standpoint, and the BRAC recommendations help us better protect our service members and our DOD employees. BRAC has given us the opportunity to increase our combat efficiency and effectiveness, and return our forces to the deployable force structure, thereby reducing stress on the force. Many of our BRAC recommendations will also help ease stress on our soldiers, sailors, airmen, Marines, Coast Guardsmen and civilians, and our contractors, by allowing us to provide modern, world-class facilities and more efficient and joint organizations.

As the secretary said, military value was the primary consideration in the BRAC decision-making process, and there were four major areas that we focused on. The first one was current and future mission capabilities and the impact on operational readiness of the total force – meaning the active duty, the Guard and the Reserve; the availability and condition of land facilities and associated airspace, to include training areas; maintaining sufficient capacity to accommodate contingency mobilization, surge, and future total force requirements; and cost of operations and manpower implications.

Senior military leadership, including the service chiefs, combatant commanders, and members of the Joint Staff, looked at how we should close and realign our current infrastructure to maximize our warfighting capability. And we had three objectives when we did that: continuing the progress we have made in transforming our force, including how we integrate our Reserve component into the total force, and preparing them for the 21st century; and how we posture our forces globally to be more flexible and agile. Second, configuring our infrastructure to enhance joint warfighting, facilitate joint training, and improve efficiency. And finally, converting unneeded capacity into warfighting capability.

Let me describe the BRAC process briefly in just a little bit more detail than the secretary did. And that is we had seven joint cross-service groups and the military departments who began looking at all our facilities and capabilities and our requirements, and then they came up with proposals. The best of their proposals became what we call scenarios. We evaluated a total of approximately 1,000 scenarios in great detail against the eight different criteria. The combatant commanders analyzed them and made inputs on them as part of the process as well.

Secretary Wynne chaired a steering group that provided oversight for this process and ensured the efforts of the various groups were integrated. Recommendations were then forwarded to the executive council chaired by the deputy secretary of Defense, and I sat on that committee as well as did the Joint Chiefs of Staff and the secretaries of the services. We made final recommendations to Secretary Rumsfeld. So that was the process.

Finally, I'd like to thank the hundreds of service members, civilians and contract support at the combatant commands, within the services and on the joint staff who have spent countless hours to help prepare these recommendations. It's my belief that the process we went through was very thorough, very rigorous, and that we had full joint- and senior-level involvement from across the armed forces.

This is really important and necessary work as we structure our military for the 21st century. And in the last four years, we've been about trying to get this department and our military force ready for the 21st century. BRAC is an integral





I also want to make the point that I believe that these recommendations will serve our nation well as we have the opportunity to take a long-range view about the way our – in my case, the United States Navy ought to be structured for the next 20 years. And so this whole – all of this analysis was conducted with an eye toward the future, a 20-year future.

And finally, I just want to say that because we're interested in effective and efficient operations, every time we look at one of these issues, I was looking at resources. In addition to military value, the mantra that I've laid out for our Navy over the last five years is the things that we do need to be good for sailors, but they also need to be good for the taxpayers. And it is my belief that these actions will lead to exactly that.

And so, in conclusion, I believe that this entire process has been of great value to the United States Navy. And of course there is much process still to come, and it is our understanding and my understanding that we would be party to that as the commission takes on its work. We are very hopeful that these recommendations will be seen through the process, and we believe that they will benefit the United States Navy and the United States military greatly.

Thank you.

GENERAL MICHAEL W. HAGEE (Commandant of the Marine Corps): Good afternoon.

As Admiral Clark mentioned, a major part of this BRAC was about looking for joint solutions to our infrastructure needs as we develop recommendations for the more efficient and effective use of our bases and stations. A significant effort, as the secretary of Defense mentioned, went into the review of infrastructure capacity and military value of our current installations to support not only today's needs, but also the future force structure needs.

We believe the recommendations will improve organizational alignments and ensure our readiness and expeditionary capability to deploy quickly. We look forward to working with the BRAC commission in their analysis of the recommendations.

Thank you.

GEN. JOHN JUMPER (Air Force chief of staff): Good afternoon. I'm John Jumper, the Air Force chief of staff, and I'd like to start by thanking the leadership in OSD that indeed put together a very thorough process that, as Admiral Clark and Dick Cody said, we were all able to sign up to with no problem at all. And as Vern Clark said, we had several meetings that transitioned from a planned 4-5 p.m. that transitioned into a 10:00 p.m. pizza party as we – as we got through the details of this process.

For the United States Air Force, this continues an ongoing transformation, as the secretary said, over several years to make our structures and our organizations more agile and better able to cope with the world that we find ourselves in today. And for the Air Force, we also intend to take full advantage of the vast experience that exists out there in our total force, with our Air National Guard and our Air Force Reserve. We also see this accelerating and normalizing the joint processes and the joint training, the joint research, as the secretary said, and you heard from others, as well as implementing rapidly lessons learned that can only be solved in joint ways. This we will do with these organizations and basing structures that come forth in BRAC. We also need to retain our access to precious training space and make that training space as joint as we can as we look into the future. All of this, as you've heard today, based on very rigorous analysis, has placed a premium on military value.

And finally, to our community partners out there, I grew up in the Air Force. My dad was in the Air Force for 28 years. I lived at 26 bases before I started my own career. And now, twenty-plus bases later, I have been and lived at many of the Air Force bases around the United States during my lifetime, and we have very close personal relationships with each and every one of these communities. No one is a stranger out there. And as the secretary said, we pledge not only the resources, as he did, of the department, but certainly of the United States Air Force, to stand by our community partners as we make these transitions that flow from the full process of BRAC.

Thank you very much.

Q: Can you give us a sneak preview, Mr. Secretary?

SEC. RUMSFELD: Thank you, gentlemen.

We'd be happy to respond to a few questions. I would suggest they be on BRAC, since that's the – we have the experts here. We have the Secretary of the Army Fran Harvey. We've got Gordon England, the Secretary of the Navy, and probably tomorrow noon, the – he will become the acting deputy secretary of Defense, as Paul Wolfowitz departs for the World Bank.

Yeah. Charlie, yes.

Q: Mr. Secretary, realizing that you don't plan to release details of this until tomorrow, which I guess would be heartburn city on the Hill, could you at least tell us, without going – without naming bases, could you tell us the number of

bases that you will --

SEC. RUMSFELD: I could, but I won't. (Laughter.)

Q: (Groaning.) Oh, no.

SEC. RUMSFELD: It -- you have precise answer to a very specific question. I'll tell you, the members of the House and the members of the Senate and the governors and the mayors and the people who have elected responsibility for -- to their constituents -- we feel we owe them the opportunity to be told first by us. And so what we're going to do is to leave everything till sometime tomorrow, I believe --

STAFF: Tomorrow morning.

SEC. RUMSFELD: -- tomorrow morning, and the members of the House and Senate will be given simultaneously the information about this, in detail, as it relates to their concerns and interests and proper interest indeed.

So I don't think getting into a number-counting business is a useful thing at the present time.

Q: On the -- (inaudible).

SEC. RUMSFELD: And you have completed your question, Charlie.

Q: (Off mike.)

SEC. RUMSFELD: You have done a terrific opening for us.

And Barbara?

Q: Mr. Secretary, I don't mean to be difficult, sir, but this news briefing was not --

SEC. RUMSFELD: Let's go back to Charlie. (Laughter.)

Q: To follow up on numbers, then.

Q: All right.

Q: The \$5 billion claim --

SEC. RUMSFELD: Wait. Let Barbara --

Q: Thank you, sir.

SEC. RUMSFELD: I don't mean to be difficult.

Q: I don't, but this briefing -- it was not told to any of the news media there would be a single-subject briefing. And since you do discuss warfighting and --

SEC. RUMSFELD: Okay. Why don't we take a few questions on BRAC, and then we'll take a couple of questions --

Q: Will you come back to me, sir?

SEC. RUMSFELD: I'll try. I'll try.

Yes?

Q: Mr. Secretary, when you delineate the savings, you throw out a claim of 5.5 billion (dollars) in non-recurring and \$48 billion over 20 years. That seems kind of high -- 48 billion (dollars), because the past base closures, GAO said, had netted about 28 billion (dollars) for the first four. Can you give us a sense of the assumptions behind those numbers?

SEC. RUMSFELD: Mike, do you want to -- Mike's the one who has calculated -- Mike Wynne, who's the undersecretary of Defense --

MICHAEL WYNNE (undersecretary of Defense for Acquisition, Technology and Logistics): What the --

(Cross talk.)

Q: To the microphone, please.

MR. WYNNE: Thank you very much.

Tony, what the secretary indicated was 5.5 billion (dollars) of annual recurring savings, following the completion of the non-recurring investment. Over a 20-year period, then, using OMB discounted rates, it comes to a net present value of 48-point- something billion dollars. And I didn't have the number right at my ready position.

So we did in fact use the normal OMB discounted rates out there to get the number.

Q: (Off mike) -- these have been vetted and certified --

MR. WYNNE: We've had a very transparent process that you'll, I'm sure, find out about, because the General Accountability Office and the Inspector General Offices have been our best friends.

Q: Thank you.

Q: Mr. Secretary, could I get in line behind Barbara for a non-BRAC question, please, when you come back?

Q: Mr. Secretary, on the BRAC --

SEC. RUMSFELD: Yes, Joe.

Q: -- with this new emphasis on jointness in this round, can we expect to see more sort of megabases in the more spacious South and West?

SEC. RUMSFELD: I'm not going to get into that, of locations or anything like that. It will all be available tomorrow. What we wanted to do today was to focus on the process and the scope of it and the logic behind it.

Q: Well, without naming an area, can you tell us whether we can expect to see more sort or large bases -- (inaudible) -- with people from different services?

SEC. RUMSFELD: Well, we're going to keep the same size military and have a surge capability and reduce the number of bases.

GEN. MYERS: And there will be jointness. I don't know it will be in the sense that you're talking about it, but you'll see, when it's released, that the degree with which the services coordinate, integrate and operate together will be increased, and it will include how we manage some of our bases and posts.

SEC. RUMSFELD: Yes?

Q: A question on the process, if I may. (Off mike) -- but there has been some back and forth on Capitol Hill about how the process ought to work, and I wonder if you feel that you were given enough leeway, enough authority to do the things you needed to do during the review, or was there too much picking away at it by the Hill?

SEC. RUMSFELD: You know, I take the world like I find it. And the law is the law, the statute's the statute, the process is the process. We followed the statute, we followed the process, and never looked back. We just did what we were told to do.

And the one thing I'll say to characterize it that I found was that there were so many people spending so many hours analyzing so much data, and looking at interrelationships, and testing priorities one against another, that when it came to me, it struck me that it was highly interdependent, and that the proposals, while they will fall out as this happens here and that happens there, were not independent, stand-alone decisions. They were decisions that were made as part of a cloth, a fabric. And it concerned me that were I to have reached into the middle of that and said, "Gee, I think this ought to be this way instead of that way," I would -- I could not have known all of the linkages that had gone into the consideration by the services. by the joint cross -- what do you call those groups?

STAFF: Joint cross-service groups.

SEC. RUMSFELD: -- joint cross-service groups. And I found that the complexity of all of that and the amount of data that had been analyzed would have required someone to have traced that thread all the way back through that process if one were to decide to make a change. And for that reason, I made no changes from the recommendations --

Q: You were reluctant to make changes, because if you pulled a thread, the whole thing would fall apart.

SEC. RUMSFELD: No, it wouldn't fall apart, Charlie. No. I -- Charlie, I didn't say anything like fall apart. I said the relationships of one thread looks like it's a standalone thing, but in fact, it was based on analysis and relationships that run throughout the entire base structure of our country.

(Cross talk, laughter.)

Q: (Inaudible) -- example of that, without naming bases, actually, of how that works?

SEC. RUMSFELD: You'll see them tomorrow -- (inaudible).

(Cross talk.)

GEN : You could take a base that has a certain amount of infrastructure on it, for instance, and a certain amount of force structure things. Airplanes. You may shut the base down, but the airplanes aren't going away, necessarily; they're going somewhere else. So the places that receives them has to have the training ranges, the ramp space, and all those sorts of things that go with it. And there may be other things that are relocating to that same base. So, I mean, there are lot of things that are interrelated in that sense. So -- does that help a little bit, Eric? I mean, it's --

Q: Mr. Secretary --

Q: Can you talk to --

Q: Thank you. To follow up on your point about moving people from leased space into military-owned space, will there be any sort of offsetting shift from military space into the private sector? For example, through a broad scale moving of servicing contracts and maintenance contracts away from government-owned facilities into contract with the private sector?

SEC. RUMSFELD?: That's really not a BRAC issue. That is an ongoing process that happens in this department all the time --

Q: Given that there are a lot of depots and government-owned shipyards and things like that, that perform those maintenance contracts -- are their services going to stay with the government, or is there going to be a move to move some of those servicing contracts into the private sector?

SEC. RUMSFELD: We will announce our decisions tomorrow.

Q: Mr. Secretary, is there a figure on excess capacity that you have finally come to? I know different numbers have been floating around --

SEC. RUMSFELD: Yeah.

Q: And, General, could you -- well, or both of you -- could you talk about how force protection on domestic bases against the threat of terrorism, if that -- how much that played a role, or if that played a role in the decisions you were making?

SEC. RUMSFELD: I'll answer the first part, and why don't you do the force protection, Dick.

We had been told that the prior BRACs reduced about 21 percent of what I presume was then the base structure. And they decided that -- this -- combined, those four decided that 21 percent of what had existed didn't need to. And that's proven to be the case.

We had been told that there could be as much as 20 to 25 percent excess capacity, but without a lot of precision to that. Did that include leased space? Didn't it include leased space? And the like. Did it include surge, or didn't it include surge? Which, of course, is part of the statute.

As it turns out, as I think I've indicated publicly, the actual number that we -- the recommendations that came to me were less than that by a substantial amount. Instead of 20 to 25 (percent), it's closer to 5 to 10 percent, I think.

Is that roughly right?

GEN. MYERS: Roughly right.

SEC. RUMSFELD: And I use a range because it's hard to calculate it and you have to define what the numerator and the denominators are. But it is a considerably less amount, and the reasons for that were the criteria or the standards we had to use: military value, surge capability, economic impact, accommodating people coming from overseas, and accommodating people being moved out of leased space into owned space. So it's a lower number. It's still a sizeable number, obviously.

GEN. MYERS: In terms of force protection, there's many ways we looked at that, but a couple of ways that I'll point out. One is that many of the leased buildings and the leased base that the DOD leases does not meet the DOD requirements for force protection. So we solve a lot of that by moving them to permanent facilities on installations which, just

by their nature, are more secure.

There's another aspect. We looked at it from the homeland defense viewpoint and the department's obligations under homeland defense in terms of consequence management, air defense, maritime defense. And we made sure that our combatant commanders that are responsible for that were in this process for that very reason, to make sure we could carry out our obligations for homeland defense as well.

SEC. RUMSFELD: Now should we take one last question on BRAC and then a couple of questions not on BRAC?

Jim.

Q: In the list that's presented tomorrow, will that also include what will happen to the overseas bases?

SEC. RUMSFELD: No.

Q: And at what point will you lay out what – you know, what happens in those bases if forces will be pulled out?

SEC. RUMSFELD: As they reach fruition – it won't be a massive layout of the world. What it will be is a decision to take some steps in part of the world, and many negotiation and discussion with your first choice or your second choice or your third choice, and then a decision that's worked out with another country, at which point it's announced. So there won't be any big announcement about overseas bases.

We know the rough numbers – you know, seventy – plus or minus – 70,000 very likely being moved back to the U.S. and territories, and upper – plus or minus – 100,000 dependents. But the announcements as to exactly how they will be done will be dependent upon the negotiations in each country. And we may have a set of preferences. And we'll go to the first choice and try to see what our preferences and their interests converge. And to the extent that works out, fine. To the extent it doesn't, we'll go to the second choice and see if the mixture there between our respective interests converge in a way that's preferable to the first choice. And you wouldn't announce anything until you'd made that decision.

Q: Just to follow that, will you tell us where in this country you've carved out space for the forces coming home?

SEC. RUMSFELD: We do, I think. We will.

Q: (Off mike) – so you will tell us that.

SEC. RUMSFELD: In the BRAC.

Q: In the BRAC. Right.

SEC. RUMSFELD: Yes. Yes. We had the -- I mean, that's the wonderful advantage of having spent four years looking at the world, so that we knew roughly what was coming back, but not how it was going to be rearranged overseas.

Okay. Barbara. Not to be difficult, but –

Q: No – (off mike).

General Myers, I guess it's perhaps – let me ask you to begin with. By the U.S. military's own estimates, hundreds of Iraqi civilians and security forces killed in Iraq over the last several weeks – car bombs at an all-time high, they tell us. Separate from the political process, separate from individual military ongoing operations out in the west, your own statement is that the insurgency is at the capacity it was a year ago. What if anything can you tell us that the United States military is doing more of, differently, anything to bring down the level of violence in Iraq, and given the fact that this Marine Corps squad, I believe, from Ohio was virtually decimated in an attack in western Iraq, when's the last time that ever happened in the U.S. military, in the Marine Corps in combat? What are you doing to bring the violence down?

GEN. MYERS: Well, first of all, I think one of your assumptions was that the violence was seen as separate from the political process, and I would take exception to that. I've had discussions with General Abizaid, of course, and General Casey on that, and I believe what they would tell you if they were standing here is what I believe, is that what we're seeing here with the vehicle-borne improvised explosive devices and those vehicles that are – we also have stationary vehicles that are used as improvised explosive devices.

So what we're seeing is really an attempt to discredit this new Cabinet and new government; to try to get the Iraqi people – they do it in a funny way because this is, in most cases, Iraqis blowing up other Iraqis. And I don't know how they expect to curry favor with the Iraqi population when we have Iraq-on-Iraq violence. So it is part – I would submit it's not separate from the political process, it's very much a part of the political process.

And, of course, what we're doing about it is continuing on the strategy that we've had, which is to get the Iraqis in front of this process. I can tell you that the intelligence is better and better every day, from Iraqis, which is an important part

of this. They are – the polls show they are sick and tired of this violence as well, which they should be, because it's the innocents that are being harmed most by it.

In terms of the Marine incident, I don't know if that's the worst. It was a terrible tragedy when they ran over a land mine and --

Q: Is there anything that you're doing besides your ongoing strategy? Is there anything different, more, anything you weren't doing before? Is it just sticking with --

GEN. MYERS: Barbara, yeah -- no, every time -- every time you have spike in violence, and we have a spike here in early May in violence, I think what you have to do is just step back a minute and think about what we're doing. We're involved in an insurgency, a very violent insurgency. If there was a magic bullet, then General Casey and General Abizaid or I, or somebody on the staff more likely, would have found it. This requires patience. This is not something that we're going to go out and knee-jerk to every time we -- you know, it's -- we've always -- we've stood up here and said this is a thinking and adapting adversary. They are thinking and adapting. The vehicle-borne improvised explosive device is a very tough device to thwart.

And so, sure, we work on it every day. But I wouldn't look for results tomorrow. This is a -- this -- one thing we know about insurgencies is that they last from, you know, three, four years to nine years. These are tough fights. And in the end, it's going to have to be the Iraqis that win this. So it's not U.S. forces.

Q: General, I have a follow-up, if I may. A follow-up, please?

SEC. RUMSFELD: We'll make this the last one.

Q: May I do a follow-up, please? And Barbara and I are not in collusion, but I have more or less the same question, but I'm going to be a little more specific, General.

Last time we met with you, you said the capacity of the insurgents was roughly the same now as it was a year ago. And a few minutes later you said, "But we are definitely winning."

They seem to be contradictory. And General Petraeus tells us that one of his major problems is this 2,000-mile, very porous border, much of it between Syria and Iraq, much of it between Iran and Iraq.

How can you possibly stop the rising level of insurgency if you can't seal off the borders?

GEN. MYERS: Well, sealing borders is an issue we've talked about a lot in this room, I think, and anybody that wants to come to a map and help us -- to help you understand that borders, Ivan, can't be sealed. Now, is there good work going on at the borders? There absolutely is. You're talking about borders, let me just talk to you about borders for a second.

We've got some folks from Homeland Security Department -- George Casey visited them today out on the western border, and he said from a year ago when he went out there and he went to a border post and it was just chaos. They didn't have facilities. They didn't have any information technology to help them. These folks from Homeland Security have been over there helping the Iraqis. And this same border post that he went to today and he said it is remarkable, it is ordered; they have the information technology to properly screen folks that are trying to come in the country. You know most of the people that come into Iraq come in on false papers. I mean they come across a border station, and they have appropriate paperwork as far as the border station is concerned. They're not -- they don't have to sneak across, and this will fix some of that.

The other part of that is we need cooperation from Iraq's neighbors and that's being worked as well, and very vigorously, I might add.

(Cross talk.)

Q: Do either one of you have anything about the demonstrations in Afghanistan, which were apparently sparked by reports that there was a lack of respect by some interrogators at Guantanamo for the Koran. Do either one of you have anything to say about that?

GEN. MYERS: It's the -- it's a judgment of our commander in Afghanistan, General Eikenberry, that in fact the violence that we saw in Jalalabad was not necessarily the result of the allegations about disrespect for the Koran -- and I'll get to that in just a minute -- but more tied up in the political process and the reconciliation process that President Karzai and his Cabinet is conducting in Afghanistan. So that's -- that was his judgment today in an after- action of that violence. He didn't -- he thought it was not at all tied to the article in the magazine.

General Craddock, our commander of Southern Command, has been in Guantanamo for the last couple of days digging into this issue to see if there was a time when the Koran was not respected. I can tell you that the version of the Koran that we provide to detainees is approved by the ICRC. So we're very careful about that. They have looked through

the logs, the interrogation logs, and they cannot confirm yet that there were ever the case of the toilet incident, except for one case, a log entry, which they still have to confirm, where a detainee was reported by a guard to be ripping pages out of a Koran and putting in the toilet to stop it up as a protest. But not where the U.S. did it.

Now, there -- so it's something we're going to look at. That's still unconfirmed; it's a log entry that has to be confirmed. There are several log entries that show that the Koran may have been moved to -- and the detainees became irritated about it, but never an incident where it was thrown in the toilet.

SEC. RUMSFELD: The experts here are here, if people have questions on BRAC. And I think --

Q: (Off mike) -- talk to tomorrow. (Laughter.)

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