

Inspector General

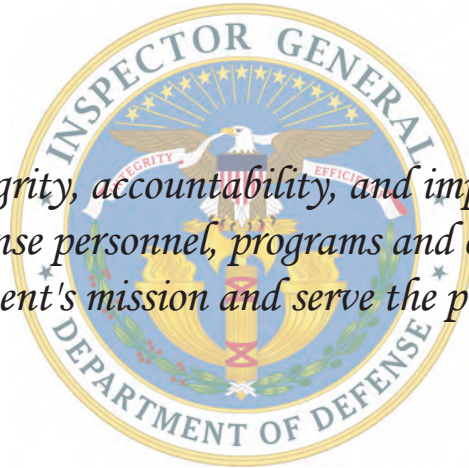
United States
Department *of* Defense



DEPARTMENT OF DEFENSE
OFFICE OF INSPECTOR GENERAL

MISSION STATEMENT

*Promote integrity, accountability, and improvement of
Department of Defense personnel, programs and operations to support
the Department's mission and serve the public interest.*



Executive Summary

Inspections & Evaluations



What Was Done

We initiated this review to further examine issues that were raised in an April 2008 *New York Times* article entitled, “Behind TV Analysts, Pentagon’s Hidden Hand.” The article documented a DoD public affairs outreach program that focused on retired military analyst (RMAs) who provided media commentary concerning DoD programs, particularly those involving combat operations in Southwest Asia. The article suggested that this outreach program and the DoD “information apparatus” were used to provide the RMAs with information “to generate favorable news coverage of the administration’s wartime performance.” Moreover, the article reported that such activities gave those analysts who had ties to military contractors an unfair opportunity to enhance their business interests.

Issues raised in the article became a matter of concern to 45 members of Congress, who requested that DoD conduct further review. Among congressional concerns was the possibility that the DoD public affairs outreach efforts involving RMAs violated the prohibitions on using appropriated funds for “publicity or propaganda purposes not authorized by Congress.” Subsequently, Section 1056 of the Duncan Hunter Act for Fiscal Year 2009 reiterated the prohibitions and requested that a report of our findings be provided to the Congress within 90 days after enactment.

To address the issues and congressional concerns, we reviewed over 12,000 pages of documents and interviewed over 30 witnesses—RMAs, DoD Public Affairs personnel, officials who provided DoD outreach briefings, and media representatives.

Findings

The Office of the Assistant Secretary of Defense for Public Affairs (OASD(PA)) manages the DoD public information program, which includes the public outreach function. Between 2002 and 2008, one of the many outreach target groups was the RMA group. For the period 2002 through 2006, the RMA outreach activities included 121 meetings—16 briefings at the Pentagon, 105 conference calls, and 9 trips—4 to Iraq and 5 to Guantanamo, Cuba. We determined that those activities were conducted in accordance with DoD policies and regulations.

The key issue in our review is whether OASD(PA) outreach activities involving RMAs violated the prohibitions on the use of appropriated funds for publicity or propaganda purposes. In evaluating this issue, we considered historic rulings by controlling legal authorities with respect to those congressional prohibitions. In that regard, the Comptroller General has interpreted the publicity and propaganda riders to prohibit three types of activities—self-aggrandizement or puffery, partisanship, and covert communications. Applying these standards, we found the evidence insufficient to conclude that RMA outreach activities were improper. Further, we found insufficient basis to conclude that OASD(PA) conceived of or undertook a disciplined effort to assemble a contingent of influential RMAs who could be depended on to comment favorably on DoD programs.

With regard to RMAs who had ties to military contractors, extensive searches found no instance where such RMAs used information or contacts obtained as a result of the OASD(PA) outreach program to achieve a competitive advantage for their company. Of the 70 RMAs that we examined, we found that 20 (29 percent) had some type of corporate association. We examined publicly available contracting information involving RMA-affiliated companies to identify any pattern of contract award or contract type that might indicate an irregularity. We did not isolate such a pattern and concluded that further investigative work into this matter was not warranted.

GENERAL INFORMATION

Forward questions or comments concerning the report of Examination of Allegations Involving DoD Office of Public Affairs Outreach Program (Report No. IE-2009-004) and other activities conducted by the Inspections & Evaluations Directorate to:

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An overview of the Inspector General of the Department of Defense mission and organizational structure is available at <http://www.dodig.mil>.

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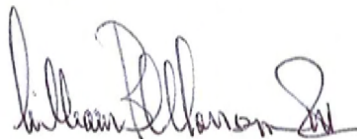
Contact the DoD OIG Hotline by telephone at (800) 424-9098, by e-mail at hotline@dodig.mil or in writing:

**Defense Hotline
The Pentagon
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20301-1900**

REPORT TRANSMITTAL

We are providing this report for information and use in compliance with Public Law 110-417, Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, Section 1056.

We requested and received management comments from the Assistant Secretary of Defense (Public Affairs), the Office of General Counsel of the Department of Defense, and the Government Accountability Office (GAO). We incorporated their comments in preparing this final report. All comments conformed to the requirements of DoD Directive 7650.3, "Follow-up on General Accounting Office (GAO), DoD Inspector General (DoD IG), and Internal Audit Reports," June 3, 2004. Therefore, additional comments are not required. We appreciate all courtesies extended to our staff.



Wm Brem Morrison, III
Assistant Inspector General
for Inspections and Evaluations

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Chapter 1—Introduction

Background

On April 20, 2008, the New York Times published an article entitled, “Behind TV Analysts, Pentagon’s Hidden Hand” (see Appendix A). The article described the relationship between a group of retired military analysts (RMAs), who appeared on major television and radio networks, and the media outlets that hired and used them. The article also stated that the “administration,” through the senior leadership of the Office of the Assistant Secretary of Defense for Public Affairs (OASD[PA]), provided the RMAs special access and information.

The article reported that the OASD(PA) recruited analysts “in a campaign to generate favorable news coverage of the administration’s wartime performance.” The article also stated that the effort included a “powerful financial dynamic” because “most of the analysts have ties to military contractors vested in the very war policies they are asked to assess on the air.”

In response to the article, members of Congress sent four letters: two from the Senate to the Secretary of Defense, and two from the House of Representatives to the DoD Inspector General. Collectively, the letters requested a DoD investigation of issues reported in the article and a review of these alleged public affairs activities:

1. RMAs were provided special access and received better, different, or unique information that was not available to other media professionals.
2. Most of the RMAs had ties to military contractors and OASD(PA) failed to vet RMAs to ensure that participation in the outreach program did not provide contractors with competitive advantage.
3. DoD improperly paid commercial airfares for RMAs to travel to Iraq and Cuba.
4. RMAs were excluded from briefings or removed from the RMA list for providing commentary unfavorable to the war effort.
5. OASD(PA) used RMAs as surrogates to deliver propaganda messages to the American public.
6. RMAs were expected to, and did, repeat OASD(PA)-provided talking points.
7. White House officials interfered with, and exerted undue influence on OASD Public Affairs.
8. OASD(PA) hired an outside media analysis firm - Omnitec Solutions - to monitor RMA analysis.

Figure 1. Summary of Congressional Concerns

As stated in one letter signed by 41 congressional members, the signatories questioned the DoD public affairs’ operation that “seems to blur the line between legitimate government information and propaganda.” All four letters referred to the potential impact on public opinion and what appeared to be a DoD attempt to undermine the objectivity of independent analysts and commentators.

In response to congressional concerns, the DoD Inspector General announced this project on May 23, 2008 (see Appendix B for the announcement and associated letters).

Also, members of Congress requested the Government Accountability Office (GAO) and the Enforcement Division of the Federal Communications Commission (FCC) to conduct concurrent inquiries regarding the use of military analysts. The GAO is writing a legal opinion concentrating on issues of fiscal law—specifically, the potential misuse of DoD appropriations for publicity or propaganda purposes. The FCC is reviewing potential violations of the Communications Act of 1934—specifically, whether analysts received “valuable consideration” and then broadcasted information without proper disclosure of its origin or source. The DoD Inspector General team coordinated their efforts with both the GAO and FCC project teams to avoid duplication.

Annual appropriations laws prohibit the use of funds for “publicity or propaganda purposes within the United States unless heretofore authorized by Congress.”¹ Public Law 110-417, Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, Section 1056, reiterates the prohibition on the use of appropriated funds for publicity and propaganda. The Duncan Hunter Act also states that “not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the findings of their project number D2008-DIPOEF-0209.000, entitled ‘Examination of Allegations Involving DoD Office of Public Affairs Outreach Program’ [this report].”

Methodology

To effectively address the allegations and congressional concerns, the Inspector General assembled a multi-functional team that included evaluators, auditors, investigators, and legal experts. In addition to a review of applicable laws, policies, and other relevant documents, the team examined copies of over 12,000 pages of unclassified information, plus a limited number of classified documents. The team took sworn testimony from over 30 witnesses—retired military analysts, DoD Public Affairs personnel (past and present), and officials who had provided DoD outreach briefings. The team also exchanged letters with five major broadcast networks and interviewed three network representatives. See Appendix C for a complete discussion of project scope and methodology.

¹ CRS Report for Congress, Public Relations and Propaganda: Restrictions on Executive Agency Activities, Updated March 21, 2005.

Definitions

The congressional concerns center around one activity of the OASD(PA)'s function—public outreach. Among the many outreach groups (see Figure 2) was a group of retired military officers and enlisted personnel who were employed as consultants, analysts, and/or commentators by the broadcast and print media. This report refers to this group as the retired military analysts. The IG team identified 70 RMAs for this study. These RMAs attended information briefings at the Pentagon or phoned-in for conference call meetings. Twenty-nine RMAs participated in OASD(PA) organized trips to Baghdad, Iraq, and Guantanamo Bay, Cuba.

OUTREACH PROGRAM TARGET GROUPS

GROUPS ATTENDING EVENTS 2004-2005

- * America Supports You
- * Civilian Defense Experts
- * Corporate Outreach
- Embassy Officials
- * Employers Support of Guard and Reserve
- * Former Senior Government Officials
- * Good Governance
- Labor Leaders
- * Military Service Organizations
- Religious Leaders
- * **Retired Military Analysts**
- Trade Association Liaison Council
- Tuskegee Airman
- *Veteran Service Organizations
- Wall Street Analysts

* Recommended for 2006 outreach events

OUTREACH GROUPS NOT CONTACTED IN 2004-2005

- Business Roundtable
- Former ASD's for Public Affairs
- Governors and Chiefs of Staff
- Human Rights and Democracy
- International Eminent
- Jewish Leadership
- Latin American Leadership
- Middle East Experts
- Moderate Muslim Organizations
- National Security Advisors
- Non-Government Organizations
- Senior Strategists
- Strategic Communicators
- Terrorism Experts
- Women's Groups
- World Affairs Councils

Figure 2. OASD(PA) Outreach List

Source: OASD(PA) e-mail communication dated January 11, 2006.

Two of the congressional letters questioned whether OASD(PA) activities constituted “propaganda,” and, therefore, “if the office violated appropriations law.” The definition of propaganda in this context remains unclear. GAO states that “as with most of the publicity and propaganda statutes over the years, there is no definition of either term. Thus, the statutes [relating to propaganda] have been applied through administrative interpretation.”²

In addition, Federal agencies have a responsibility to provide information to the public. The Hoover Commission stated in 1949 that:

An essential aspect of the department head's role is that of public spokesman for his agency. . . . Apart from his responsibility as spokesman, the department head has another obligation in a democracy—to keep the public informed about the activities of his

² GAO-04-261SP, “Principles of Federal Appropriations Law: Third Edition - Volume I,” January 2004, p. 4-197.

agency. How far to go and what media to use in this effort present touchy issues of personal and administrative integrity. But of the basic obligation there can be little doubt.³

GAO quotes the Commission's results in the 2004 version of GAO's "Principles of Federal Appropriations Law." Moreover, GAO cites legal rulings—concluding that it is neither illegal nor inherently inappropriate for an agency to use appropriated funds to communicate with the public and advocate positions.⁴ See Appendix D for a summary of relevant definitions used throughout this report. The Department of Justice contests GAO's interpretation of what constitutes propaganda, but agrees that Government communications which are "purely informational"—even if the communication does not inform the audience that the information is government-produced—are not propaganda and, hence, are "legitimate."⁵

Office of the Assistant Secretary of Defense for Public Affairs

Roles and Responsibilities – Department of Defense Directive 5122.5, "Assistant Secretary of Defense for Public Affairs (ASD[PA])," describes responsibilities, functions, relationships, and authorities of the OASD(PA).⁶ The ASD(PA) is the principal staff advisor to the Secretary of Defense and the Deputy Secretary of Defense for public DoD news, internal communications, community relations, media relations, public liaison, visual information training, and audio visual matters. The ASD(PA) leads the planning, budgeting, and execution of the PA function, evaluates the effectiveness of the function, and provides public affairs advice, counsel, and support for the Secretary of Defense, commanders, and senior staff members.

To administer these functions, the ASD(PA) is responsible for (1) conducting timely DoD news and information activities with national and international media representatives in the United States and around the world, and (2) disseminating DoD policies and positions on issues to DoD employees and the public. The ASD(PA) maintains liaison with, and provides assistance to, representatives of the news media, non-Government organizations, entertainment-oriented entities, and members of the public who seek information on the responsibilities and functions of the public affairs program. See Appendix E for a list and brief description of relevant statutes, executive directives, and regulations governing the public affairs function.

³ Departmental Management in Federal Administration—A Report with Recommendations, Prepared for the U.S. Commission on Organization of the Executive Branch of the Government, January 13, 1949, p. 57.

⁴ GAO-04-261SP, "Principles of Federal Appropriations Law: Third Edition – Volume 1," January 2004. See Appendix D for a detailed discussion.

⁵ CRS Report for Congress, Public Relations and Propaganda: Restrictions on Executive Agency Activities, Updated March 21, 2005, p. CRS-10.

⁶ DoDD 5122.5 was reissued as DoDD 5122.05 on September 8, 2008. The information used to generate the New York Times article and subsequent congressional requests pre-dates the reissue. Therefore, the previous version of the directive, dated September 27, 2000, provides the public affairs guidelines and procedures reviewed in this report.

Directive Reissue – On July 13, 2005, the Deputy Secretary of Defense issued a memorandum requiring DoD components to reassess all of their DoD Directives. On September 5, 2008, the Deputy Secretary of Defense reissued DoD Directive 5122.5 (renumbered to DoDD 5122.05). Two changes were relevant to the allegations under this review. First, the revision states that the ASD(PA) was no longer responsible to “prepare speeches, public statements, congressional testimony, articles for publication, and other materials for public release” for White House officials. The second change states that ASD(PA) will not “prepare, and provide to the referring office, replies to inquiries from” White House officials. These changes remove a direct link between the White House and OASD(PA), and reduce the potential for conflict of interest. The draft revision with these changes was out for coordination and comment prior to publication of the New York Times article in April 2008.

Organization – The OASD(PA) is staffed with a combination of civilian employees (political appointees and career civil servants), military personnel (officers and enlisted), and contractors. Figure 3 depicts the organization chart for the OASD(PA) as of December 2008. Although leadership changes occurred between 2002 and 2008, the responsibility for RMA outreach activities was organized under the Deputy Assistant Secretary of Defense for Public Liaison. The one exception occurred during 2007, when the ASD(PA) created a “Communications Outreach” section that reported directly to the Assistant Secretary. In March 2008, the Acting ASD(PA) returned RMA outreach activities to the Deputy Assistant Secretary of Defense for Public Liaison.

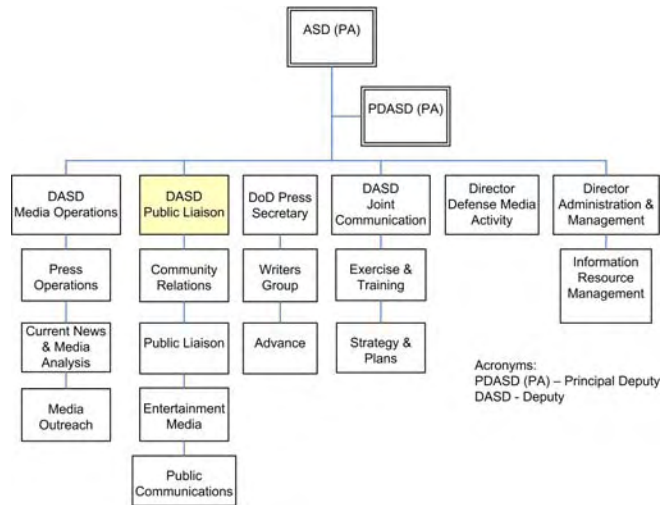


Figure 3. Office of the Assistant Secretary of Defense for Public Affairs
Source: OASD(PA)

Public Outreach – Within the OASD(PA), the Deputy Assistant Secretary of Defense for Public Liaison is responsible for exercising the public outreach function. DoD Directive 5410.18, “Public Affairs Community Relations Policy,” November 20, 2001 (certified current as of May 30, 2007) states that:

. . . a principal goal of all community relations activity is to increase understanding of the mission of the Department of Defense and the U. S. defense posture and capabilities by increasing public exposure to, and understanding of, military personnel, facilities, equipment, and programs.

The OASD(PA) describes outreach as any program managed or sponsored by the public affairs office wherein DoD employees, agencies, or activities are showcased to educate, entertain, or inform the public. As shown in Figure 2, OASD(PA) promoted outreach programs—through goodwill events and relationship building—among a wide spectrum of groups, including the RMAs.⁷ Other routine means of information dissemination included press conferences, the America Supports You Web-site, Defense Link, e-mail alerts, and other means to inform the public.

Outreach Programs Well Established in Practice – Among the various outreach activities, the OASD(PA) sponsors the Joint Civilian Orientation Conference (JCOC). The first JCOC was in 1948. Since then, DoD has sponsored 74 conferences. Consistent with other outreach activities, the JCOC is designed to educate and inform local and national leaders about the military and national defense issues. Participants include educators, doctors, lawyers, and business and community leaders.

During the most recent conference on September 19-26, 2008, senior DoD leaders briefed a group of 50 attendees on current events and programs. DoD provided transportation for participants to several European countries where they saw first-hand the efforts of Service members working in the U.S. European Command's areas of responsibility. Following orientation meetings in the Pentagon, the group visited Army, Navy, Marine, and Air Force vessels, installations, and training areas. The previous conference in April 2008 was sponsored by the U.S. Southern Command, and included foreign travel to Brazil, Columbia, Honduras, and Guantanamo Bay, Cuba.⁸

⁷ Source: OASD(PA) Community Relations and Public Liaison, e-mail dated January 11, 2006.

⁸ U.S. European Command sponsored Joint Civilian Orientation Conference Web-site <http://jcoc.dod.mil/>, accessed on November 25, 2008.

Chapter 2—Examination Results

Historical Development – The functions of the OASD(PA) are rooted in a long history of using outreach programs as a means of disseminating information. During the Revolutionary War, General George Washington recognized the importance of public affairs to “create and sustain the public will to win.” General Washington’s decisions and actions established some of the principles that guide today’s public affairs process:

- The U.S. military requires public understanding and support to function.
- The U.S. military requires a command information program to generate the support of its Service members for success in combat, recruiting, and retention.
- The public affairs function is a command responsibility.
- Honesty is the best policy, even when the news is bad.⁹

Public affairs played a significant role during all of our country’s wars and conflicts. This extensive history and notable lessons learned served to codify the “Principles of Information”:¹⁰

- Information shall be made fully and readily available, consistent with statutory requirements, unless its release is precluded by national security constraints or valid statutory mandates or exceptions. The “Freedom of Information Act” will be supported in both letter and spirit.
- A free flow of general and military information shall be made available, without censorship or propaganda, to the men and women of the Armed Forces and their dependents. Information will not be classified or otherwise withheld to protect the Government from criticism or embarrassment.
- Information shall be withheld when disclosure would adversely affect national security, threaten the safety or privacy of U.S. Government personnel or their families, violate the privacy of the citizens of the United States, or be contrary to law.
- The Department of Defense's obligation to provide the public with information on DoD major programs may require detailed public affairs planning and coordination in the Department of Defense and with the other Government agencies. Such activity is to expedite the flow of information to the public; propaganda has no place in DoD public affairs programs.

According to the OASD(PA), these principles provide the framework used to convey timely and accurate information so the public, the Congress, and the news media may assess and understand the facts about national security and defense strategies and operations.

⁹ Public Affairs Qualification Course, Defense Information School, March 17, 2003.

¹⁰ “Principles of Information,” Office of the Secretary of Defense, November 9, 2001.

Genesis of the Retired Military Analysts (RMAs) – In the late 1980s and 1990s, the three major networks and the emerging cable news networks used RMAs as commentators on an occasional basis. During military operations in Grenada (1983) and Panama (1989), the networks hired RMAs as consultants. The networks also used RMAs during the build-up and execution of Operations Desert Shield/Desert Storm (1990 -1991). In 1991, the Cable News Network (CNN) hired retired Major General Perry Smith as the network’s full-time military analyst. As the employment of RMAs evolved among media organizations, RMAs obtained information from an adhoc network of contacts in the Pentagon, resulting in an inconsistent transfer of facts and content.

See Appendix F for further information on the history of the DoD public affairs program and a detailed timeline depicting the development and media use of RMAs from June 1980 through April 2008.

During the early years, DoD officials regarded RMAs as members of the media. This limited official communications to adhoc arrangements between RMAs and their personal contacts in the Government. Also, prior to 2001, RMAs were not a significant group in the OASD(PA) outreach program. The situation changed during 2001 when the DoD public affairs outreach program was transformed.

DoD Public Affairs Outreach Program Transformed – 2001 to 2002

In May 2001, Ms. Victoria Clarke was confirmed by the U.S. Senate and appointed as the Assistant Secretary of Defense for Public Affairs (ASD[PA]). Prior to her appointment, she served as press secretary for a senior senator, worked in the administrations of two Presidents, and practiced public relations in the private sector. Ms. Clarke resigned as ASD(PA) in September 2003. Ms. Clarke declined the IG team’s request for an interview.

As described in her book,¹¹ Ms. Clarke identified several considerations for managing the outreach program. First, she determined that traditional public affairs practices were no longer sufficient to meet the department’s evolving communications challenges. Of particular concern was the ability to communicate effectively in an information environment dominated by the 24-hour news cycle. Second, she was also aware of the capability of potential adversaries to rapidly transmit mis-information to a global audience via the Internet and other media. Consequently, she explained that “flooding the zone with information” and achieving “information dominance” were central to winning the information war in the new information age. Third, she stated that transparency was at the heart of an effective communications program. Hence, OASD(PA) should make as much information as possible—good or bad—available to the news media, Congress, and the general public. While these concepts were included in existing DoD policies, major events like the September 11, 2001, terrorist attack against the United States dictated the need to intensify the public affairs outreach efforts and inform the public of DoD plans and operations.

¹¹ “Lipstick on a Pig: Winning in the No-Spin Era by Someone Who Knows the Game,” Ms. Victoria “Torie” Clarke, Simon and Schuster, New York, 2006.

The ASD(PA) organized the first two outreach briefings in October 2001, meeting with Government relations strategists and labor leaders. As external events evolved over the next year, the outreach program was further energized to include religious leaders, corporate executives, former Government officials, and RMAs, among others. Representatives from OASD(PA) testified that:

- the effort was part of a larger three-pronged OASD(PA) initiative designed to prepare for the possibility of war with Iraq. The three prongs of the program included (1) the media embed effort, (2) a dedicated proactive media engagement team which focused on radio and internet, and (3) outreach to key groups and organizations including labor leaders, educators, veterans, civilian military analysts, former Secretaries, Cabinet members, retired military analysts, and others.
- the intent was to identify individuals that had an interest in DoD activities and were influential in their communities.
- the outreach group lists were populated in an informal manner over an extended time period.
- the OASD(PA) invited outreach groups to attend conference calls, briefings, and other events designed to educate, inform, and in some cases, correct the record, regarding current DoD activities.

According to witnesses from OASD(PA) and the media, during the lead-up to and initial phases of the war in Iraq, the embedding of journalists in military units was the primary focus of outreach efforts. The program represented the first coordinated effort between DoD and news outlets to place journalists in military units in Iraq. At the start of Operation Iraqi Freedom in March 2003, there were 662 American and foreign journalists embedded with U.S. and British combat units. The embed program remained a primary focus of OASD(PA) through the first 2 years of the Iraq war.

RMA Outreach 2002 to 2006

On October 31, 2002, OASD(PA) organized a briefing for the RMA group—the first of a series of activities that would include other briefings, conference calls, and PA-organized trips. OASD(PA) invited 13 RMAs to the first event—RMAs who had previously appeared on news broadcasts or who had published materials on military matters. The Secretary of Defense, Chairman of the Joint Chiefs of Staff, and the ASD(PA) participated in this first RMA meeting.

RMAs and OASD(PA) staff members testified that participation at RMA outreach activities was not predetermined and did not follow a formal process. The invitee list was dynamic—and the list grew to include at least 70 names. Individuals were added to the list over time as the result of the following actions:

- contact initiated by OASD(PA) based on demonstrated competency in front of the camera, rank, experience, and recommendations from other senior DoD officials;
- recommendations from an active RMA participant; or,
- requests by an interested individual on his/her own behalf.

Documentary and testimonial evidence indicate that two RMAs were unwillingly removed from the RMA list. According to a senior OASD(PA) official, the Secretary's office "dis-invited" General (USA, Ret.) Barry R. McCaffrey from the program in 2003, a decision that was opposed by OASD(PA) staff as inconsistent with the public affairs policy of transparency. General McCaffrey stated that he was a member of a group of retired senior officers who regularly received briefings at the Pentagon, and that he was "absolutely shut out" after he made comments critical of the war effort in both written and broadcast media. However, he did not recall any interaction with OASD(PA), and chose not to challenge the decision because he continued to have access to the highest officials in the Government.

The second situation occurred in 2005. Lieutenant Colonel (USMC, Ret.) William Cowen stated he stopped receiving contact from OASD(PA), but believed he was excluded because of a personal issue with a senior officer, not negative commentary.

Based on the information available, RMAs participated in outreach activities because the meetings and trips were a good source for data on current events. In fact, the majority of RMAs who provided testimony stated that they were in no manner discriminated against or contacted by any DoD official regarding any criticism they voiced in the media. The RMAs interviewed said that during meetings they felt comfortable asking critical questions of presenters and other senior DoD officials in attendance, and to freely express editorial comments and criticisms on the air.

Briefings and Conference Calls – As summarized in her book, Ms. Clarke stated that the RMA outreach meetings followed a set pattern:

The Joint Staff would provide a flag officer to conduct an operations briefing. A senior civilian from the policy shop would brief participants on their agenda; often General Meyers or then Vice Chairman Peter Pace would speak as well. Each briefer always saved the bulk of his time for questions and discussions, and there was always a lot of it.

Each outreach meeting ended with Secretary Rumsfeld spending anywhere from thirty to sixty minutes with the group. . . .

But the secretary understood and appreciated the value of the outreach. He felt an obligation, to be sure, to try to keep people informed. . . .¹²

As discussed later, the Secretary of Defense did not attend every RMA outreach meeting.

As shown in Table 1, OASD(PA) invited RMAs to participate in approximately 121 meetings with DoD officials—16 briefings and 105 conference calls. Each meeting featured DoD subject matter experts who provided up-to-date information on various topics—for example, work-up to the wars in Iraq and Afghanistan, operations in the Global War on Terror, Veterans Healthcare, DoD budget, and other DoD topical issues of importance. See Appendix G for a listing of dates and scheduled topics for the identified briefings and conference calls.

| Year | Briefings | Conference Calls | Total Meetings |
|--------------|-----------|------------------|----------------|
| 2002 | 1 | 0 | 1 |
| 2003 | 6 | 20 | 26 |
| 2004 | 3 | 40 | 43 |
| 2005 | 4 | 29 | 33 |
| 2006 | 2 | 16 | 18 |
| Total | 16 | 105 | 121 |

Table 1. RMA Outreach Conference Calls and Briefings 2002-2006
Source: Data summarized from OSD attendee lists.

According to attendees, the briefings and conference calls followed a standard format: a presentation by a subject matter expert followed by a question and answer period. Presenters testified that OASD(PA) officials did not alter content or format. For a given topic, the same briefing was presented to all outreach groups.

Presenters typically briefed their information in a series of slides. OASD(PA) summarized the highlights of the briefings into fact sheets titled “U.S. Department of Defense: Talking Points,” and provided them to participants (see Appendix H for an example). This was a standard method used by public affairs practitioners to ensure that facts were consistent. “Talking Points” memoranda were routinely provided to DoD senior officials and other Pentagon employees, Capitol Hill staff, military analysts, and others with interest in military issues. OASD(PA) placed no restriction on accrediting the information to DoD, other than a prohibition on the identification of the presenters, who were referred to as a DoD spokespersons. RMAs interviewed said that they routinely cited the Pentagon or DoD officials as the source of their information during broadcasts. The networks were aware that RMAs received some of their information through OASD(PA).

Conduct of the conference calls was similar to the in-person briefings. Calls usually involved a brief presentation by a subject matter expert followed by a discussion period.

¹² Ibid, pp.139-140

OASD(PA) officials reported that they received frequent requests for information from the RMAs. These requests were considered when planning meeting agendas. Witnesses testified that OASD(PA) scheduled conference calls as a venue to respond to breaking news. The number of conference calls far exceeded in-person briefings because of their flexibility to respond to short lead times and to simplify logistical requirements.

Witnesses agreed that the level of experience and expertise of RMAs made these outreach meetings more interactive than briefings conducted with other outreach groups. RMAs tended to ask many questions during presentations and they scrutinized the content and context of the information.

Classified Information – OASD(PA) officials and presenters interviewed stated that the information presented in the briefings was not classified. Two RMAs interviewed stated that classified information was discussed on one occasion during the early phases of operations in Iraq. A former OASD(PA) senior official stated—“Nothing was ever given to them, by design, that was classified because it wouldn’t do us any good. We wanted to make sure that what they were told was something they could tell the public.”

OASD(PA) Organized Trips to Iraq and Cuba for RMAs – As shown in Table 2, during 2005 and 2006, OASD(PA) organized nine trips—four to Iraq and five to the prison facility in Guantanamo Bay, Cuba. OASD(PA) provided 57 seats over the nine trips, with no group larger than 10 RMAs. The remaining available seats were offered to credentialed media or members of other outreach groups. A total of 29 RMAs took part in the fact-finding trips, and no individual participated in more than four trips.

| Year | Date(s) | Location | RMA Attendees |
|------|-----------|----------|---------------|
| 2005 | 9-12 Jan | Iraq | 7 |
| 2005 | 24 Jun | Cuba | 10 |
| 2005 | 12 Jul | Cuba | 10 |
| 2005 | 29 Sep | Cuba | 4 |
| 2005 | 5-10 Oct | Iraq | 6 |
| 2005 | 6-11 Dec | Iraq | 5 |
| 2006 | 21 Jun | Cuba | 5 |
| 2006 | 28 Jun | Cuba | 6 |
| 2006 | 14-18 Sep | Iraq | 4 |

Table 2. Outreach to RMAs—Trips to Iraq and Guantanamo
Source: Trip data provided by OASD(PA).

Iraq Trips - The itinerary for the September 14, 2006, trip to Iraq, as quoted below, provides a good example of the stated purpose.

Purpose: The Office of the Secretary of Defense for Public Affairs invited civilian military analysts and national veterans [sic] organization leaders to the Iraq AOR [Area of Responsibility] to show them, first-hand, current Multinational Force-Iraq operations and to file reports on the same. These retired senior officials provide MNF-I a unique capability to accurately communicate with global audiences regarding current operations, as well as showcase the progress MNF-I is making in

Iraq. As former U.S. Government of Department of Defense employees, DVs [Distinguished Visitors] have first-hand experience with military doctrine and operations. They are educated, informed and ready to engage the national and international media on current issues to help deliver themes and messages, and counter enemy propaganda. The groups should see the degree to which Coalition Forces and Iraqi leaders are working together. Engaging with these DVs will help the global audience understand the current situation on the ground and the progress being made in Iraq, which will increase public trust and support for the MNF-I effort. OASD-PA hosted a similar outreach trip to Iraq in the days leading up to the October 2005 [Iraqi] elections with full support of MNF-I.¹³

Both OASD(PA) representatives and RMAs stated the trips were beneficial. The trips provided access to ongoing operations and a chance to get “current, accurate information out to the American people.” RMAs stated they benefited from the opportunity to talk directly with operators and get the information first-hand.

Cuba Trips - According to OASD(PA) documentation, the purpose of the outreach trips to Cuba was to increase the transparency of operations at Guantanamo Bay. The RMAs toured the site and were briefed on detainee policy, the Combatant Status Review Tribunal/Administrative Review Board, and Military Commission Procedures.¹⁴

RMA Trip and Meeting Expenses – DoD Directive 4500.09E, “Transportation and Traffic Management,” September 11, 2007, establishes the policy and procedures for the use of military aircraft in support of public affairs activities and other DoD programs. The directive requires the Commander, U.S. Transportation Command, as the single-manager for common user transportation, to develop, publish, and maintain DoD 4515.13-R, “Air Transportation Eligibility.” Specifically, this regulation states:

‘Public affairs travel’ is defined as ‘any travel or transportation of individuals, groups, or materiel undertaken as a result of a request to or an invitation from, and authorized by, an approving authority in the interest of adding to the public understanding of DoD activities.’ It includes travel or transportation involving individuals or things, military or civilian, Government or non-Government, U.S., or foreign requests. Travel may be local or non-local, point-to-point or public affairs orientation, reimbursable or nonreimbursable.

The Commanders at all echelons are authorized to grant approval for local travel or transportation for public affairs purposes wholly within the scope of the mission and responsibilities of their respective command subject to . . . : The travel is being provided for the benefit of local media or individuals other than local media who are a part of an approved local public affairs activity, including community relations programs that meet a military public affairs objective.

¹³ “Itinerary for Defense Analysts: 15-18 Sep 06, as of 1928 [hours] local, 14 Sep 06,” provided by OASD(PA).

¹⁴ Unsigned Memorandum from OASD(PA) dated August 10, 2006.

Based on documentary and testimonial evidence, OASD(PA) complied with this policy for the RMAs trips to Iraq and Cuba.

For the initial trip to Iraq in January 2005, e-mail and travel itineraries supported claims that RMAs paid their own costs to Kuwait. Travelers then boarded dedicated military aircraft into Iraq, because there were (are) no U.S. authorized commercial flights into Baghdad. OASD(PA) published “invitational travel orders” for the three Iraq trips that occurred in October 2005, December 2005, and September 2006.

For the trips to Cuba, RMAs traveled from Andrews AFB, Maryland, on dedicated military aircraft to Cuba and returned to Andrews the same day. RMAs were issued “invitational travel orders.” In November 2005, the Washington Headquarters Services Office of General Counsel opined that invitational travel orders were appropriate and permissible for these PA-sponsored flights (see Appendix I).

Similarly, there was no documentary or testimonial evidence to support allegations that attendees at OASD(PA) outreach meetings were compensated or reimbursed for their personal expenses. However, participants testified that it was standard practice for OASD(PA) to provide snacks and hot and cold beverages at the briefings. In addition, the briefings on June 6, 2003, and April 18, 2006, were combined with luncheons at the Pentagon. The costs for food and beverages for these events were paid from the Official Representation Funds in accordance with DoD Directive 7250.13, “Official Representation Funds (ORF).”

Secretary of Defense Participation – The IG team reviewed published agendas for OASD(PA)-sponsored meetings that occurred from October 31, 2002, until December 21, 2006, to determine when the Secretary of Defense attended briefings and conference calls. The Secretary was scheduled to attend 11 of 16 briefings and 2 of 105 conference calls. Interviews with participating RMAs verified that the Secretary attended most of the meetings as scheduled, but he was not present for the entire session. He would generally join the meeting in progress and participate in the question-and-answer session toward the end of the meeting and provide closing remarks. The PA-staff stated that this was common practice for other outreach groups visiting the Pentagon. Moreover, the Secretary held dozens of press conferences and participated in meetings with the media—particularly during 2002 and 2003.

RMA Outreach Monitoring and Analysis – DoD Directive 5122.05, “Assistant Secretary of Defense for Public Affairs (ASD[PA]),” requires the ASD(PA) to “Establish a formal media analysis function to build greater awareness in developing new trends, alert to breaking news, analyze media coverage of DoD policies and views, and compile data on coverage of DoD policies and views.” OASD(PA) addressed this requirement partially through a contract with Omnitec Solutions, initially awarded in September 2004. The contract was designed to collect and analyze data about DoD related information presented in the media, to include commentary by RMAs. Omnitec Solutions continued to provide Web-based media analysis support through a new contract awarded in March 2006. As a result of fulfilling or surpassing requirements, the Omnitec contract was once again awarded, effective September 2007.

As outlined in the “Contract Performance Worksheet” for Omnitec Solutions, OASD(PA) officials’ expectations were:

- Greater awareness of developing trends in the media's coverage of DoD related events and policies.
- Alerts to news growing from small, localized coverage or blogs discussing national and international media coverage.
- Analysis of how coverage reflects or fails to reflect DoD stated policies or views (as expressed by its spokespeople and other representatives).
- Historical perspective on the evolution of media coverage of issues over time.
- Compilations of data (for example, number of news reports on given topics within a certain time period).
- Locating specific news articles or broadcasts and providing copies thereof.

With regard to RMAs, the statement of work stipulated that the contractor include “a compilation/analysis of coverage delivered by former DoD personnel now serving as military analysts to news organizations.”

The contractor was required to use hardware, software, and network integration provided by the Government. The online research tools included free, paid subscription, and specially designed software to automatically compile statistical data. Reports were expected to meet both one-of-a-kind requests and fill recurring needs, and ranged in length from one to multiple pages, depending on specific requirements.

Witnesses questioned the value of contract deliverables concerning the RMAs. Several OASD(PA) officials stated they were unaware that RMA appearances were tracked. One witness was aware of the effort but stated that there were no metrics for measurement. Based on witness statements there was no consensus on the utility of the Omnitec Solutions process.

RMA Relationships

RMA Relationship with OASD(PA) – The general relationship between the RMAs and OASD(PA) was consistent from October 2002 through April 2006—during the appointments of Ms. Clarke as the ASD(PA) and, subsequently, Mr. Lawrence DiRita, as the Acting ASD(PA). Mr. Dorrance Smith altered the relationship after his appointment as the ASD(PA) in April 2006.

As previously explained, Ms. Clarke energized the outreach program in 2001. She organized the outreach program to provide as much information as possible to influential people with an interest in DoD operations—particularly to the RMAs. A former Deputy Assistant Secretary for Public Affairs stated that RMAs provided “an accurate representation of what the military is doing, and [that] operations or policy or activity that we’re engaged in is accurately reported, portrayed to the American people.” In addition to having the distinction of being retired senior military officials with access to multiple sources of DoD information, the retired military analyst group is the only outreach targeted group whose members

regularly appeared on network television and contributed copy to print media outlets. OASD(PA) leveraged RMAs access to the media to inform the public on the Department's activities.

As the Acting ASD(PA) from October 2003 to April 2006, Mr. DiRita made no changes to the organization or function of OASD(PA) that significantly impacted RMA outreach.

In January 2005, the Director of DoD Press Operations, dispatched an e-mail,¹⁵ urging her superiors to cultivate a core group of "reliably friendly" RMAs "that we can count on to carry our water." The e-mail went on to recommend that this group of RMAs be placed on a "hot list" for receipt of breaking information so that they become "key go-to guys for the networks." She believed that the networks would then "weed out" less friendly RMAs. During our interview with the former Director and the recipients of the e-mail, we found no indication that any action was taken to implement the recommendations in this e-mail. Rather, the reaction was lukewarm; for example, "thanks for your thoughts." In the team's judgment, this e-mail advocated a personal view derived from an engagement with RMAs during an orientation visit to Iraq, and did not represent the OASD(PA) staff's position.

Mr. Smith was appointed as the ASD(PA) in April 2006. Mr. Smith declined our request for an interview. However, in a December 2008 e-mail response, Mr. Smith stated that in August of 2006, the Secretary of Defense directed a reassessment of the office of Public Affairs and asked for a plan that would increase responsiveness and provide information more quickly for the 24/7 media environment. In October 2006, the ASD(PA) issued a transformation memo to all OASD(PA) staff, reorganizing responsibility for public affairs outreach from the office of the Deputy Assistant Secretary of Defense for Public Liaison to a new office initially referred to as the Surrogates section, but officially titled Communications Outreach section. The director of Communications Outreach reported to Mr. Smith, a decision supporting OASD(PA) officials' testimony that RMAs and civilian defense experts became a higher priority over other outreach groups. According to OASD(PA) witnesses, Mr. Smith built a partition-like wall that physically separated various functions within the OASD(PA). Some witnesses stated the intent of the wall was to limit access to certain components of OASD(PA) by media representatives.

Mr. Smith hired new staffers for the Communications Outreach section. The new staffers previously held positions in political campaigns. They introduced the term "surrogates" to the PA dialogue.

The author of the New York Times article included the statement that "internal Pentagon documents repeatedly refer to the military analysts as 'message force multipliers' or 'surrogates.'" An earlier article, published in Harper's Magazine, also discusses a "Surrogates Operation," stating that it was the original name of the Communications Outreach section.¹⁶ Both the Harper's article and OASD(PA) witnesses suggested that the term was applied to the RMA outreach activity because the new staff members for the

¹⁵ E-mail message from Director of DoD Press Operations dated January 14, 2008, 1925 [hours].

¹⁶ Ken Silverstein, "How the Pentagon's 'Surrogates Operation' Feeds Stories to Administration-Friendly Media and Pundits," Harper's Magazine, July 2007.

Communications Outreach section had been hired from political campaign jobs. Surrogates in political campaigns are commonly used to support the candidate's message or attack the opposition.

OASD(PA) officials who worked in public affairs prior to 2006 testified that they were unfamiliar with the term and did not think it was appropriate. Calling RMAs surrogates in this context was inaccurate. As explained by one of the former OASD(PA) officials, the character of RMA briefings or conference calls did not change during this period, and "despite all the power that people seem to think the Department of Defense has, we couldn't get somebody on TV if we wanted to. The networks would have to choose to put them on."

The appointment of Mr. Smith coincided with a group of eight retired U.S. Army and Marine Corps generals who denounced the Pentagon's planning for the war in Iraq and called for Secretary of Defense Donald Rumsfeld's resignation or dismissal. The press referred to this dissension as the "Generals' Revolt." In an interview with one of the eight officers, the witness stated that following their negative comments, there was a "concerted effort to criticize voices of dissent." However, a former senior OASD(PA) official stated that many retired general officers, including RMAs, were eager to counter the challenges against the Secretary.

Following the resignation of Mr. Smith in October 2007, Mr. Robert Hastings, the Acting ASD(PA), reorganized the communications outreach function back under the Deputy Assistant Secretary of Defense for Public Liaison as shown in Figure 3. Due to the New York Times article and subsequent controversy, Mr. Hastings suspended RMA activities pending an internal review, which was then superseded by this IG review.

RMA Relationship with News Networks – Former network news management officials stated that they considered RMAs, with their own Pentagon contacts and access, as a supplement to coverage provided by professional correspondents. Specifically, network management officials said they employed RMAs to:

- provide expertise and analysis on military operations based on their knowledge and experience,
- explain the tactics and strategies being presented in order that non-experts could understand them, and
- ensure accuracy in the use of news organizations graphics and presentation materials.

The New York Times article described RMAs as "members of a familiar fraternity... whose long service has equipped them to give authoritative and unfettered judgments..." The congressional letters requesting this review refer to RMAs as independent or impartial. This was not the perception of the media representatives interviewed. They all understood the RMAs "have affiliations and close colleagues." None of the network representatives that we spoke to considered RMAs to be journalists or have the independence of a credentialed journalist.

According to documents and witness statements, the contractual relationship between the networks and RMAs varied from no-fee appearances to exclusive use contracts. The financial arrangements were the responsibility of the business and legal departments of the news organizations. Using RMAs either as consultants or commentators was solely a decision of the network. Network news department representatives interviewed agreed that in hindsight the networks could have improved the vetting process for RMAs (see Appendix J).

RMA Relationship with Defense Contractors – We researched contractor affiliations and consulting relationships for 70 RMAs who participated in OASD(PA) outreach during FY 2003 through FY 2007. Although the exposure to unique DoD information could potentially provide the recipient with advantage, the IG team did not identify any specific instance of advantage gained as a result of participation in outreach activities (see Appendix K). The information available was insufficient to conclusively state that no RMA gained competitive advantage. We did receive testimony to the contrary. In one case an RMA stated that his company won a contract after he stopped attending events, and another stated he lost a bid while actively participating.

As a result of information found, RMAs were classified into four groups:

- Analysts with identifiable defense contractor affiliations (20 of 70, 29 percent). The 20 RMAs identified were linked to corporations, companies, foundations, boards of directors, or some type of business that received DoD contracts during Fiscal Years 2003 to 2007.
- Analysts not affiliated with DoD contractors (43 of 70, 61 percent). The 43 analysts in this group were authors, professors, lecturers, and served on charity foundations, advisory boards, councils, and law firms with no identified defense clients at the time of their participation in outreach activities.
- Analysts lacking sufficient information to determine affiliation (2 of 70, 3 percent). The IG team was unable to find sufficient information on two RMAs to determine whether they were affiliated with DoD contractors.
- Analysts not specifically linked to DoD contracts, but consulted for firms on defense related topics (5 of 70, 7 percent). Of these five analysts, two were linked to a law firm and three to a business that did not compete for DoD contracts, but who did provide consulting services on defense related topics.

Witness Statement Summaries

The IG team took sworn testimony on the roles and functions of the OASD(PA) management of the RMA outreach from 8 OASD(PA) senior management officials, 11 OASD(PA) staff representatives, and 7 RMAs. The interrogatory focused on the allegations made in the article and the concerns spelled out in letters from members of Congress. In general, witness testimonies did not substantiate the allegations.

1. Allegation – RMAs were provided special access and received better, different, or unique information that was not available to other media professionals.

Discussion – Witnesses stated that RMAs received the same information released through press briefings and other official media. One former OASD(PA) senior official stated that OASD(PA) was more responsive to requests from RMAs than those from other media or outreach groups. The witness believed that increased responsiveness resulted from RMAs interest and their ability to rapidly deliver information through the media.

However, all witnesses indicated that there was a difference in interaction and conduct between RMA briefings and other media sessions. RMAs incorporated their experience and knowledge of military issues into the questions they posed, resulting in discussions of greater depth during the “Question and Answer” session that followed the respective briefings.

2. Allegation – Most of the RMAs had ties to military contractors and OASD(PA) failed to vet RMAs to ensure that participation in the outreach program did not provide contractors with competitive advantage.

Discussion – OASD(PA) senior officials stated that OASD(PA) used an informal vetting process from 2002 to 2004. The process required an examination of the business dealings of all outreach groups including RMAs, and included an approval chain outside the OASD(PA). Eight of eleven OASD(PA) staff interviewed did not support the contention, commenting that they were unaware of efforts to vet RMAs for potential conflicts of interest. The majority of OASD(PA) officials stated that DoD is not responsible to vet RMAs because the RMAs do not work for DoD.

All seven RMAs testified that they were aware that some RMAs were associated with firms doing business with DoD. They also said they knew of no instance of RMAs who used the outreach meetings to secure an advantage in obtaining or maintaining contracts.

3. Allegation – DoD improperly paid commercial airfares for RMAs to travel to Iraq and Cuba.

Discussion – A key OASD(PA) senior official responsible for coordinating trips indicated that all itineraries were vetted with DoD legal and the ethics officials prior to travel. Another OASD(PA) senior official stated that all outreach group participants traveling on the January 2005 trip to Iraq did so on invitational travel orders and agreed to pay for their own round trip plane tickets and hotel accommodations when transiting Kuwait. Five OASD(PA) staff representatives provided similar testimony, adding that RMAs were treated like any other outreach group under invitational travel orders.

Five RMAs interviewed stated they participated in OASD(PA)-sponsored trips. Four of the five RMAs stated that they paid their own round-trip commercial airfare and other expenses to Kuwait and then were provided military air transportation in and out of Iraq. One RMA, a retired noncommissioned officer, stated that he believed that the Government paid all of his

expenses, but he was unsure. The RMAs who traveled to Cuba stated that military airlift was used for the one-day trips, which included journalists and leaders of veterans' groups.

4. Allegation – RMAs were excluded from briefings or removed from the RMA list for providing commentary unfavorable to the war effort.

Discussion – Seven of the eleven OASD(PA) staff representatives interviewed stated they were not aware of the exclusion of any RMAs in response to critical questioning at briefings or negative on-air commentary. All eleven staffers stated that they were aware of RMAs who made critical commentary, but those RMAs remained active in the program. One OASD(PA) senior official testified that General McCaffrey was excluded from briefings following on-air commentary critical to the execution of the Iraq war. The official did not know who directed the removal, but stated other OASD(PA) officials opposed this action. A review of briefing attendees indicated that General McCaffrey did not attend any briefings subsequent to April 2003.

Lt Col Cowen indicated that he was “fired” from the program. However, he stated that “I think somebody above the PAO—I don’t think the PAO fired me.” He further indicated that he believed the cause was prior personal disagreements with a senior military officer, and further believed that it was the military officer, not anyone in OASD(PA), who asked that he not attend.

5. Allegation – OASD(PA) used RMAs as surrogates to deliver propaganda messages to the American public.

Discussion – All OASD(PA) witnesses testified that the RMA outreach was not a secret or covert effort. All OASD(PA) senior officials denied any formal attempt to mold public opinion through outreach activities. Eight of eleven OASD(PA) staff representatives found the allegation offensive and stated an organized effort would not have worked with RMAs. All seven RMAs testified that they were familiar with the characteristics of propaganda and that the outreach program was not an effort to influence public opinion. Five of the seven added that they relied on other sources of information within the Pentagon to cross-check information.

Most OASD(PA) witnesses were aware that the term “surrogates” was used to describe certain outreach groups including RMAs. OASD(PA) staff representatives testified that political appointees first used the term. The staff representatives disagreed with its use to describe outreach groups.

6. Allegation – RMAs were expected to, and did, repeat OASD(PA)-provided talking points.

Discussion – Witnesses testified that talking points summarized DoD positions on topics that were presented during briefings and conference calls. All seven RMAs interviewed stated that they were provided talking points and other summarized information from OASD(PA), but they did not feel pressured to use them in their work. OASD(PA) senior management officials stated they had no expectation that RMAs would repeat provided information. All OASD(PA) witnesses claimed it was unlikely that RMAs would allow themselves to be manipulated or risk their reputations by blindly repeating the briefing materials.

The RMAs stated that they considered OASD(PA)-provided talking points, which they believed to be official DoD policy and factual. RMAs added that the talking points memoranda represented just one source of information. Every witness stated that information provided through briefings and talking points memoranda were attributable to a DoD official.

7. Allegation – White House officials interfered with, and exerted undue influence on OASD Public Affairs.

Discussion – All of the OASD(PA) witnesses testified that the White House was not involved in RMA outreach activities. OASD(PA) staff representatives said they understood that political appointees owed loyalty to the person appointing them. OASD(PA) senior officials stated that several appointees hired at the end of 2006 had worked for the White House or on the president's election campaigns. Two OASD(PA) senior officials expressed concern that this resulted in outreach activities becoming "politicized." However, neither official indicated knowledge of direct White House involvement.

8. Allegation – OASD(PA) hired an outside media analysis firm—Omnitec Solutions—to monitor RMA analyses.

Discussion – OASD(PA) senior officials varied in their knowledge of the Omnitec contract, with two of eight stating they were not aware of the existence of the contract. One OASD(PA) senior official stated the contract lacked formal metrics and the data provided were not used to take action. OASD(PA) staff representatives aware of the contract testified they monitored all news related to DoD, including RMA analyses. The seven RMAs interviewed claimed that they did not know Omnitec and OASD(PA) was monitoring their commentary or analyses prior to publication of the New York Times article in April 2008.

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Chapter 3—Conclusions

The key issue in this examination is whether OASD(PA) outreach activities involving retired military analysts (RMAs) were conducted for “publicity or propaganda purposes not authorized by Congress,”¹⁷ thus, raising the possibility of violating prohibitions on using appropriated funds for such purposes. In our review, the evidence in this case was insufficient to conclude that those outreach activities, beginning in October 2002 and extending through April 2008, violated statutory prohibitions on publicity or propaganda. However, we acknowledge that Section 1056 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 requires the Comptroller General of the United States to render a definitive legal opinion to the Congress on the matter.

In examining this issue, we sought to apply definitions and standards that have been established for improper publicity activities or propaganda to the evidence concerning the outreach activity. We examined over 12,000 pages of documents and conducted over 30 interviews. With respect to applicable standards, Congress provides no definition for propaganda. Consequently, we are dependent on historic rulings by controlling legal authorities to evaluate the DoD outreach program in terms of the congressional prohibitions on publicity or propaganda. In that regard, the Comptroller General has interpreted the publicity and propaganda riders to prohibit three types of agency disseminations:

- the activities involve self-aggrandizement or puffery of the agency, its personnel, or activities;
- the activities are purely partisan in nature (i.e., intended to aid a political party or candidate; or
- the activities are covert, that is, the communications do not reveal to the target audience the government’s role in sponsoring the material.¹⁸

GAO applies the publicity or propaganda prohibition on a case-by-case basis, considering the content of any communication in the context of an agency’s statutory authority and the particular facts and circumstances. GAO has determined that the use of appropriated funds for public affairs activities was not a violation of the publicity or propaganda prohibition even when those activities involved promotional materials that had notable factual omissions and other weaknesses, like overstating benefits of a federal program (B-302710, May 19, 2004). In the cases GAO has examined, while GAO has expressed concerns over omissions and lack of comprehensive information, it did not find the content in its cases to be so partisan in nature or palpably erroneous so as to violate the prohibition on publicity and propaganda.

¹⁷ Section 8001 of Public Laws 107-117, 107-248, 108-287, 109-148, 109-289, and 110-116, Department of Defense Appropriations Acts for fiscal years 2002 through 2008.

¹⁸ The Department of Justice Office of Legal Counsel and GAO offered conflicting opinions concerning the disclosure requirements of “prepackaged news stories.” Congressional legislation clarified the issue in 2005, but was limited to “prepackaged news stories.” See Appendix D for additional details.

We found insufficient evidence to conclude that the briefings and talking points provided to RMAs, while supportive of DoD operations, rose to the level of puffery or otherwise sought the self-aggrandizement of the agency, its personnel, or activities. The preponderance of evidence from those involved in the RMA outreach initiative supports a conclusion that its purpose was to inform the RMAs so that they would be better prepared to speak publicly on DoD combat operations overseas and related matters. In particular, OASD(PA) witnesses emphasized the need to ensure RMAs were fully informed.

They stated that the officials from different DoD offices who briefed RMAs were not coached or censured; and that OASD(PA) did not manage or enhance briefing materials. Briefing officials were selected based on their subject matter knowledge of topics of interest at the time. They were given little guidance on the tone or substance of their brief other than to address a particular topic; they were not required to submit their presentations in advance for editing by OASD(PA); and they typically engaged in a rigorous question and answer session following the briefing.

Further, we found no indication that partisanship was operative during the interchanges with RMAs and found no evidence that OASD(PA) personnel sought to somehow avoid portraying DoD as a source for the information provided. Rather, the briefings were open and transparent. Although RMAs were asked not to reveal the names of DoD briefers, we found no evidence that RMAs were asked or expected to conceal the source of information received from Pentagon sources. “Talking points” provided to RMAs were guides to the presentation and were clearly indicated as DoD products.

Having concluded thus, we considered the broader issue of whether the RMA outreach activities were designed to misinform the public, unduly influence public opinion, or otherwise constitute an improper effort to build public support for DoD activities. Related to these concerns are allegations that DoD selectively recruited and channeled complicit retired military officers into media commentary opportunities, that OASD(PA) rewarded favorable commentators with increased access/information while penalizing critics, and that Pentagon information was misleading, biased, or inordinately self-serving. In short, did OASD(PA) attempt to assemble a contingent of influential “surrogates” who could be depended on to publicly tout DoD handling of operations and programs?

We found insufficient evidence to conclude that OASD(PA) conceived of or undertook the type of disciplined public relations effort that is suggested by the foregoing question. In support of this position, we set forth the following factors:

- We found no documentation that described or outlined policy/procedures/responsibilities for the RMA outreach activity as it operated at the Pentagon. Typically, we would have expected to uncover such documentation—or at least find standard operating procedures to institutionalize and formalize such a significant program. However, witness testimony and e-mail traffic indicated the effort was handled without established procedural guidance, but simply followed long standing OASD(PA) techniques for DoD outreach operations.

- There was no evidence of an active recruitment effort—either to identify, recruit, or train retired military officers as part of a comprehensive plan to place them into media positions. Nor did outreach efforts focus on a select group of particularly influential or prominent RMAs. Rather, testimony from a variety of witnesses indicates that names of those to be invited to periodic Pentagon briefings were compiled in an informal, almost casual manner by members of the OASD(PA) staff. The invitation list grew as media outlets increased their use of RMAs.
- We confirmed only one instance where an RMA was disinvited from Pentagon outreach briefings because of his unfavorable comments on DoD activities. In sworn testimony, a senior DoD official told us that General Barry R. McCaffrey, U.S. Army, Retired, was excluded from future briefings because he provided an “unfavorable perspective on the war” in television commentary.
- Numerous witnesses emphasized that RMAs were distinguished military officers with considerable experience in combat operations and DoD activities who could recognize skewed information and were not easily influenced. Hence, an effort to manage/manipulate information would risk exposure. In this regard, testimony indicated that briefers were often subjected to rigorous and critical questioning by the RMAs, who were not inclined to accept information without challenge.
- We consider DoD efforts to track RMA commentary and take action to ensure that it reflected accurate information consistent with DoD policy. In that regard, DoD Directive 5122.05 requires that OASD(PA) “Establish a formal media analysis function to . . . analyze media coverage of DoD policies and views, and compile data on coverage of DoD policies and views.”

The GAO guidance discussed above indicates that it is a legitimate exercise of an agency’s authority to inform the public of government policies, including justifying its policies to the public and rebutting attacks against those policies. That some of the materials contain notable factual omissions will not render it impermissible publicity or propaganda under the appropriations prohibition.¹⁹

As a network vice-president with 40 years of media experience told us, “Everyone understands that the Pentagon gives out information that is not harmful to its interests. It can’t be expected to put out information that is harmful. I consider that fair.”

Finally, extensive searches found no instance where RMAs with corporate affiliations used information or contacts obtained as a result of the OASD(PA) outreach program to achieve an advantage for their company in competing for DoD contracts. Of the 70 RMAs that we examined, we found that 20 (29 percent) had some type of corporate association. We examined publicly available contracting information involving RMA-affiliated companies to identify any pattern of contract award or contract type that might indicate an irregularity. We were unable to isolate such a pattern and concluded that further investigative work into this

¹⁹ GAO-04-261SP, “Principles of Federal Appropriations Law: Third Edition – Volume I,” January 2004, pp. 4-197 to 4-203, as modified by Annual Update of the Third Edition, GAO-08-450SP, pp. 4-16 to 4-20.

matter was not warranted. In that regard, we emphasize that no specific allegation of contracting impropriety involving an RMA ever arose. Rather, media reports simply established a link between an RMA and a DoD contractor, without demonstrating, or providing any evidence, that the link led to a contract award or conferred an advantage in competing for DoD business. Inferences suggesting this type of link were speculative, at best.

We consider unlikely the possibility that an RMA obtained some type of competitive advantage for a DoD contractor simply by participating in the briefings arranged as part of the Pentagon outreach program. With rare exception, information was unclassified and available for release in the public domain. It was provided openly to numerous outreach communities, not selectively to the RMAs. In our view, any “inside information” that RMAs might obtain would reasonably have been provided to them as a result of their senior rank or continuing liaison with former military associates, rather than through OASD(PA). Similarly, any influence in the DoD acquisition process that RMAs might seek to exercise on behalf of private entities would largely depend on their expertise, entree conveyed by rank, standing in the DoD community, and continuing associations—not on the information or access obtained during a periodic OASD(PA) outreach meeting.

Appendix A – New York Times Article, “Behind TV Analysts, Pentagon’s Hidden Hand

April 20, 2008

MESSAGE MACHINE

Behind TV Analysts, Pentagon’s Hidden Hand

By DAVID BARSTOW

Corrections Appended

In the summer of 2005, the Bush administration confronted a fresh wave of criticism over Guantánamo Bay. The detention center had just been branded “the gulag of our times” by Amnesty International, there were new allegations of abuse from United Nations human rights experts and calls were mounting for its closure.

The administration’s communications experts responded swiftly. Early one Friday morning, they put a group of retired military officers on one of the jets normally used by Vice President Dick Cheney and flew them to Cuba for a carefully orchestrated tour of Guantánamo.

To the public, these men are members of a familiar fraternity, presented tens of thousands of times on television and radio as “military analysts” whose long service has equipped them to give authoritative and unfettered judgments about the most pressing issues of the post-Sept. 11 world.

Hidden behind that appearance of objectivity, though, is a Pentagon information apparatus that has used those analysts in a campaign to generate favorable news coverage of the administration’s wartime performance, an examination by The New York Times has found.

The effort, which began with the buildup to the Iraq war and continues to this day, has sought to exploit ideological and military allegiances, and also a powerful financial dynamic: Most of the analysts have ties to military contractors vested in the very war policies they are asked to assess on air.

Those business relationships are hardly ever disclosed to the viewers, and sometimes not even to the networks themselves. But collectively, the men on the plane and several dozen other military analysts represent more than 150 military contractors either as lobbyists, senior executives, board members or consultants. The companies include defense heavyweights, but also scores of smaller companies, all part of a vast assemblage of contractors scrambling for hundreds of billions in military business generated by the administration’s war on terror. It is a furious competition, one in which inside information and easy access to senior officials are highly prized.

Records and interviews show how the Bush administration has used its control over access and information in an effort to transform the analysts into a kind of media Trojan horse — an instrument intended to shape terrorism coverage from inside the major TV and radio networks.

Analysts have been wooed in hundreds of private briefings with senior military leaders, including officials with significant influence over contracting and budget matters, records show. They have been taken on tours

of Iraq and given access to classified intelligence. They have been briefed by officials from the White House, State Department and Justice Department, including Mr. Cheney, Alberto R. Gonzales and Stephen J. Hadley.

In turn, members of this group have echoed administration talking points, sometimes even when they suspected the information was false or inflated. Some analysts acknowledge they suppressed doubts because they feared jeopardizing their access.

A few expressed regret for participating in what they regarded as an effort to dupe the American public with propaganda dressed as independent military analysis.

"It was them saying, 'We need to stick our hands up your back and move your mouth for you,' " Robert S. Bevelacqua, a retired Green Beret and former Fox News analyst, said.

Kenneth Allard, a former NBC military analyst who has taught information warfare at the National Defense University, said the campaign amounted to a sophisticated information operation. "This was a coherent, active policy," he said.

As conditions in Iraq deteriorated, Mr. Allard recalled, he saw a yawning gap between what analysts were told in private briefings and what subsequent inquiries and books later revealed.

"Night and day," Mr. Allard said, "I felt we'd been hosed."

The Pentagon defended its relationship with military analysts, saying they had been given only factual information about the war. "The intent and purpose of this is nothing other than an earnest attempt to inform the American people," Bryan Whitman, a Pentagon spokesman, said.

It was, Mr. Whitman added, "a bit incredible" to think retired military officers could be "wound up" and turned into "puppets of the Defense Department."

Many analysts strongly denied that they had either been co-opted or had allowed outside business interests to affect their on-air comments, and some have used their platforms to criticize the conduct of the war. Several, like Jeffrey D. McCausland, a CBS military analyst and defense industry lobbyist, said they kept their networks informed of their outside work and recused themselves from coverage that touched on business interests.

"I'm not here representing the administration," Dr. McCausland said.

Some network officials, meanwhile, acknowledged only a limited understanding of their analysts' interactions with the administration. They said that while they were sensitive to potential conflicts of interest, they did not hold their analysts to the same ethical standards as their news employees regarding outside financial interests. The onus is on their analysts to disclose conflicts, they said. And whatever the contributions of military analysts, they also noted the many network journalists who have covered the war for years in all its complexity.

Five years into the Iraq war, most details of the architecture and execution of the Pentagon's campaign have never been disclosed. But The Times successfully sued the Defense Department to gain access to 8,000 pages

of e-mail messages, transcripts and records describing years of private briefings, trips to Iraq and Guantánamo and an extensive Pentagon talking points operation.

These records reveal a symbiotic relationship where the usual dividing lines between government and journalism have been obliterated.

Internal Pentagon documents repeatedly refer to the military analysts as “message force multipliers” or “surrogates” who could be counted on to deliver administration “themes and messages” to millions of Americans “in the form of their own opinions.”

Though many analysts are paid network consultants, making \$500 to \$1,000 per appearance, in Pentagon meetings they sometimes spoke as if they were operating behind enemy lines, interviews and transcripts show. Some offered the Pentagon tips on how to outmaneuver the networks, or as one analyst put it to Donald H. Rumsfeld, then the defense secretary, “the Chris Matthews and the Wolf Blitzers of the world.” Some warned of planned stories or sent the Pentagon copies of their correspondence with network news executives. Many — although certainly not all — faithfully echoed talking points intended to counter critics.

“Good work,” Thomas G. McInerney, a retired Air Force general, consultant and Fox News analyst, wrote to the Pentagon after receiving fresh talking points in late 2006. “We will use it.”

Again and again, records show, the administration has enlisted analysts as a rapid reaction force to rebut what it viewed as critical news coverage, some of it by the networks’ own Pentagon correspondents. For example, when news articles revealed that troops in Iraq were dying because of inadequate body armor, a senior Pentagon official wrote to his colleagues: “I think our analysts — properly armed — can push back in that arena.”

The documents released by the Pentagon do not show any quid pro quo between commentary and contracts. But some analysts said they had used the special access as a marketing and networking opportunity or as a window into future business possibilities.

John C. Garrett is a retired Marine colonel and unpaid analyst for Fox News TV and radio. He is also a lobbyist at Patton Boggs who helps firms win Pentagon contracts, including in Iraq. In promotional materials, he states that as a military analyst he “is privy to weekly access and briefings with the secretary of defense, chairman of the Joint Chiefs of Staff and other high level policy makers in the administration.” One client told investors that Mr. Garrett’s special access and decades of experience helped him “to know in advance — and in detail — how best to meet the needs” of the Defense Department and other agencies.

In interviews Mr. Garrett said there was an inevitable overlap between his dual roles. He said he had gotten “information you just otherwise would not get,” from the briefings and three Pentagon-sponsored trips to Iraq. He also acknowledged using this access and information to identify opportunities for clients. “You can’t help but look for that,” he said, adding, “If you know a capability that would fill a niche or need, you try to fill it. “That’s good for everybody.”

At the same time, in e-mail messages to the Pentagon, Mr. Garrett displayed an eagerness to be supportive with his television and radio commentary. “Please let me know if you have any specific points you want covered or that you would prefer to downplay,” he wrote in January 2007, before President Bush went on TV

to describe the surge strategy in Iraq.

Conversely, the administration has demonstrated that there is a price for sustained criticism, many analysts said. "You'll lose all access," Dr. McCausland said.

With a majority of Americans calling the war a mistake despite all administration attempts to sway public opinion, the Pentagon has focused in the last couple of years on cultivating in particular military analysts frequently seen and heard in conservative news outlets, records and interviews show.

Some of these analysts were on the mission to Cuba on June 24, 2005 — the first of six such Guantánamo trips — which was designed to mobilize analysts against the growing perception of Guantánamo as an international symbol of inhumane treatment. On the flight to Cuba, for much of the day at Guantánamo and on the flight home that night, Pentagon officials briefed the 10 or so analysts on their key messages — how much had been spent improving the facility, the abuse endured by guards, the extensive rights afforded detainees.

The results came quickly. The analysts went on TV and radio, decrying Amnesty International, criticizing calls to close the facility and asserting that all detainees were treated humanely.

"The impressions that you're getting from the media and from the various pronouncements being made by people who have not been here in my opinion are totally false," Donald W. Shepperd, a retired Air Force general, reported live on CNN by phone from Guantánamo that same afternoon.

The next morning, Montgomery Meigs, a retired Army general and NBC analyst, appeared on "Today." "There's been over \$100 million of new construction," he reported. "The place is very professionally run."

Within days, transcripts of the analysts' appearances were circulated to senior White House and Pentagon officials, cited as evidence of progress in the battle for hearts and minds at home.

Charting the Campaign

By early 2002, detailed planning for a possible Iraq invasion was under way, yet an obstacle loomed. Many Americans, polls showed, were uneasy about invading a country with no clear connection to the Sept. 11 attacks. Pentagon and White House officials believed the military analysts could play a crucial role in helping overcome this resistance.

Torie Clarke, the former public relations executive who oversaw the Pentagon's dealings with the analysts as assistant secretary of defense for public affairs, had come to her job with distinct ideas about achieving what she called "information dominance." In a spin-saturated news culture, she argued, opinion is swayed most by voices perceived as authoritative and utterly independent.

And so even before Sept. 11, she built a system within the Pentagon to recruit "key influentials" — movers and shakers from all walks who with the proper ministrations might be counted on to generate support for Mr. Rumsfeld's priorities.

In the months after Sept. 11, as every network rushed to retain its own all-star squad of retired military officers, Ms. Clarke and her staff sensed a new opportunity. To Ms. Clarke's team, the military analysts were

the ultimate “key influential” — authoritative, most of them decorated war heroes, all reaching mass audiences.

The analysts, they noticed, often got more airtime than network reporters, and they were not merely explaining the capabilities of Apache helicopters. They were framing how viewers ought to interpret events. What is more, while the analysts were in the news media, they were not of the news media. They were military men, many of them ideologically in sync with the administration’s neoconservative brain trust, many of them important players in a military industry anticipating large budget increases to pay for an Iraq war.

Even analysts with no defense industry ties, and no fondness for the administration, were reluctant to be critical of military leaders, many of whom were friends. “It is very hard for me to criticize the United States Army,” said William L. Nash, a retired Army general and ABC analyst. “It is my life.”

Other administrations had made sporadic, small-scale attempts to build relationships with the occasional military analyst. But these were trifling compared with what Ms. Clarke’s team had in mind. Don Meyer, an aide to Ms. Clarke, said a strategic decision was made in 2002 to make the analysts the main focus of the public relations push to construct a case for war. Journalists were secondary. “We didn’t want to rely on them to be our primary vehicle to get information out,” Mr. Meyer said.

The Pentagon’s regular press office would be kept separate from the military analysts. The analysts would instead be catered to by a small group of political appointees, with the point person being Brent T. Krueger, another senior aide to Ms. Clarke. The decision recalled other administration tactics that subverted traditional journalism. Federal agencies, for example, have paid columnists to write favorably about the administration. They have distributed to local TV stations hundreds of fake news segments with fawning accounts of administration accomplishments. The Pentagon itself has made covert payments to Iraqi newspapers to publish coalition propaganda.

Rather than complain about the “media filter,” each of these techniques simply converted the filter into an amplifier. This time, Mr. Krueger said, the military analysts would in effect be “writing the op-ed” for the war.

Assembling the Team

From the start, interviews show, the White House took a keen interest in which analysts had been identified by the Pentagon, requesting lists of potential recruits, and suggesting names. Ms. Clarke’s team wrote summaries describing their backgrounds, business affiliations and where they stood on the war.

“Rumsfeld ultimately cleared off on all invitees,” said Mr. Krueger, who left the Pentagon in 2004. (Through a spokesman, Mr. Rumsfeld declined to comment for this article.)

Over time, the Pentagon recruited more than 75 retired officers, although some participated only briefly or sporadically. The largest contingent was affiliated with Fox News, followed by NBC and CNN, the other networks with 24-hour cable outlets. But analysts from CBS and ABC were included, too. Some recruits, though not on any network payroll, were influential in other ways — either because they were sought out by radio hosts, or because they often published op-ed articles or were quoted in magazines, Web sites and newspapers. At least nine of them have written op-ed articles for The Times.

The group was heavily represented by men involved in the business of helping companies win military contracts. Several held senior positions with contractors that gave them direct responsibility for winning new Pentagon business. James Marks, a retired Army general and analyst for CNN from 2004 to 2007, pursued military and intelligence contracts as a senior executive with McNeil Technologies. Still others held board positions with military firms that gave them responsibility for government business. General McInerney, the Fox analyst, for example, sits on the boards of several military contractors, including Nortel Government Solutions, a supplier of communication networks.

Several were defense industry lobbyists, such as Dr. McCausland, who works at Buchanan Ingersoll & Rooney, a major lobbying firm where he is director of a national security team that represents several military contractors. "We offer clients access to key decision makers," Dr. McCausland's team promised on the firm's Web site.

Dr. McCausland was not the only analyst making this pledge. Another was Joseph W. Ralston, a retired Air Force general. Soon after signing on with CBS, General Ralston was named vice chairman of the Cohen Group, a consulting firm headed by a former defense secretary, William Cohen, himself now a "world affairs" analyst for CNN. "The Cohen Group knows that getting to 'yes' in the aerospace and defense market — whether in the United States or abroad — requires that companies have a thorough, up-to-date understanding of the thinking of government decision makers," the company tells prospective clients on its Web site.

There were also ideological ties.

Two of NBC's most prominent analysts, Barry R. McCaffrey and the late Wayne A. Downing, were on the advisory board of the Committee for the Liberation of Iraq, an advocacy group created with White House encouragement in 2002 to help make the case for ousting Saddam Hussein. Both men also had their own consulting firms and sat on the boards of major military contractors.

Many also shared with Mr. Bush's national security team a belief that pessimistic war coverage broke the nation's will to win in Vietnam, and there was a mutual resolve not to let that happen with this war.

This was a major theme, for example, with Paul E. Valley, a Fox News analyst from 2001 to 2007. A retired Army general who had specialized in psychological warfare, Mr. Valley co-authored a paper in 1980 that accused American news organizations of failing to defend the nation from "enemy" propaganda during Vietnam.

"We lost the war — not because we were outfought, but because we were out Psyoped," he wrote. He urged a radically new approach to psychological operations in future wars — taking aim at not just foreign adversaries but domestic audiences, too. He called his approach "MindWar" — using network TV and radio to "strengthen our national will to victory."

The Selling of the War

From their earliest sessions with the military analysts, Mr. Rumsfeld and his aides spoke as if they were all part of the same team.

In interviews, participants described a powerfully seductive environment — the uniformed escorts to Mr. Rumsfeld's private conference room, the best government china laid out, the embossed name cards, the blizzard of PowerPoints, the solicitations of advice and counsel, the appeals to duty and country, the warm thank you notes from the secretary himself.

"Oh, you have no idea," Mr. Allard said, describing the effect. "You're back. They listen to you. They listen to what you say on TV." It was, he said, "psyops on steroids" — a nuanced exercise in influence through flattery and proximity. "It's not like it's, 'We'll pay you \$500 to get our story out,' " he said. "It's more subtle."

The access came with a condition. Participants were instructed not to quote their briefers directly or otherwise describe their contacts with the Pentagon.

In the fall and winter leading up to the invasion, the Pentagon armed its analysts with talking points portraying Iraq as an urgent threat. The basic case became a familiar mantra: Iraq possessed chemical and biological weapons, was developing nuclear weapons, and might one day slip some to Al Qaeda; an invasion would be a relatively quick and inexpensive "war of liberation."

At the Pentagon, members of Ms. Clarke's staff marveled at the way the analysts seamlessly incorporated material from talking points and briefings as if it was their own.

"You could see that they were messaging," Mr. Krueger said. "You could see they were taking verbatim what the secretary was saying or what the technical specialists were saying. And they were saying it over and over and over." Some days, he added, "We were able to click on every single station and every one of our folks were up there delivering our message. You'd look at them and say, 'This is working.' "

On April 12, 2003, with major combat almost over, Mr. Rumsfeld drafted a memorandum to Ms. Clarke. "Let's think about having some of the folks who did such a good job as talking heads in after this thing is over," he wrote.

By summer, though, the first signs of the insurgency had emerged. Reports from journalists based in Baghdad were increasingly suffused with the imagery of mayhem.

The Pentagon did not have to search far for a counterweight.

It was time, an internal Pentagon strategy memorandum urged, to "re-energize surrogates and message-force multipliers," starting with the military analysts.

The memorandum led to a proposal to take analysts on a tour of Iraq in September 2003, timed to help overcome the sticker shock from Mr. Bush's request for \$87 billion in emergency war financing.

The group included four analysts from Fox News, one each from CNN and ABC, and several research-group luminaries whose opinion articles appear regularly in the nation's op-ed pages.

The trip invitation promised a look at "the real situation on the ground in Iraq."

The situation, as described in scores of books, was deteriorating. L. Paul Bremer III, then the American viceroy in Iraq, wrote in his memoir, "My Year in Iraq," that he had privately warned the White House that

the United States had “about half the number of soldiers we needed here.”

“We’re up against a growing and sophisticated threat,” Mr. Bremer recalled telling the president during a private White House dinner.

That dinner took place on Sept. 24, while the analysts were touring Iraq.

Yet these harsh realities were elided, or flatly contradicted, during the official presentations for the analysts, records show. The itinerary, scripted to the minute, featured brief visits to a model school, a few refurbished government buildings, a center for women’s rights, a mass grave and even the gardens of Babylon.

Mostly the analysts attended briefings. These sessions, records show, spooled out an alternative narrative, depicting an Iraq bursting with political and economic energy, its security forces blossoming. On the crucial question of troop levels, the briefings echoed the White House line: No reinforcements were needed. The “growing and sophisticated threat” described by Mr. Bremer was instead depicted as degraded, isolated and on the run.

“We’re winning,” a briefing document proclaimed.

One trip participant, General Nash of ABC, said some briefings were so clearly “artificial” that he joked to another group member that they were on “the George Romney memorial trip to Iraq,” a reference to Mr. Romney’s infamous claim that American officials had “brainwashed” him into supporting the Vietnam War during a tour there in 1965, while he was governor of Michigan.

But if the trip pounded the message of progress, it also represented a business opportunity: direct access to the most senior civilian and military leaders in Iraq and Kuwait, including many with a say in how the president’s \$87 billion would be spent. It also was a chance to gather inside information about the most pressing needs confronting the American mission: the acute shortages of “up-armored” Humvees; the billions to be spent building military bases; the urgent need for interpreters; and the ambitious plans to train Iraq’s security forces.

Information and access of this nature had undeniable value for trip participants like William V. Cowan and Carlton A. Sherwood.

Mr. Cowan, a Fox analyst and retired Marine colonel, was the chief executive of a new military firm, the wvc3 Group. Mr. Sherwood was its executive vice president. At the time, the company was seeking contracts worth tens of millions to supply body armor and counterintelligence services in Iraq. In addition, wvc3 Group had a written agreement to use its influence and connections to help tribal leaders in Al Anbar Province win reconstruction contracts from the coalition.

“Those sheiks wanted access to the C.P.A.,” Mr. Cowan recalled in an interview, referring to the Coalition Provisional Authority.

Mr. Cowan said he pleaded their cause during the trip. “I tried to push hard with some of Bremer’s people to engage these people of Al Anbar,” he said.

Back in Washington, Pentagon officials kept a nervous eye on how the trip translated on the airwaves.

Uncomfortable facts had bubbled up during the trip. One briefer, for example, mentioned that the Army was resorting to packing inadequately armored Humvees with sandbags and Kevlar blankets. Descriptions of the Iraqi security forces were withering. “They can’t shoot, but then again, they don’t,” one officer told them, according to one participant’s notes.

“I saw immediately in 2003 that things were going south,” General Valley, one of the Fox analysts on the trip, recalled in an interview with The Times.

The Pentagon, though, need not have worried.

“You can’t believe the progress,” General Valley told Alan Colmes of Fox News upon his return. He predicted the insurgency would be “down to a few numbers” within months.

“We could not be more excited, more pleased,” Mr. Cowan told Greta Van Susteren of Fox News. There was barely a word about armor shortages or corrupt Iraqi security forces. And on the key strategic question of the moment — whether to send more troops — the analysts were unanimous.

“I am so much against adding more troops,” General Shepperd said on CNN.

Access and Influence

Inside the Pentagon and at the White House, the trip was viewed as a masterpiece in the management of perceptions, not least because it gave fuel to complaints that “mainstream” journalists were ignoring the good news in Iraq.

“We’re hitting a home run on this trip,” a senior Pentagon official wrote in an e-mail message to **Richard B. Myers** and **Peter Pace**, then chairman and vice chairman of the Joint Chiefs of Staff.

Its success only intensified the Pentagon’s campaign. The pace of briefings accelerated. More trips were organized. Eventually the effort involved officials from Washington to Baghdad to Kabul to Guantánamo and back to Tampa, Fla., the headquarters of United States Central Command.

The scale reflected strong support from the top. When officials in Iraq were slow to organize another trip for analysts, a Pentagon official fired off an e-mail message warning that the trips “have the highest levels of visibility” at the White House and urging them to get moving before Lawrence Di Rita, one of Mr. Rumsfeld’s closest aides, “picks up the phone and starts calling the 4-stars.”

Mr. Di Rita, no longer at the Defense Department, said in an interview that a “conscious decision” was made to rely on the military analysts to counteract “the increasingly negative view of the war” coming from journalists in Iraq. The analysts, he said, generally had “a more supportive view” of the administration and the war, and the combination of their TV platforms and military cachet made them ideal for rebutting critical coverage of issues like troop morale, treatment of detainees, inadequate equipment or poorly trained Iraqi security forces. “On those issues, they were more likely to be seen as credible spokesmen,” he said.

For analysts with military industry ties, the attention brought access to a widening circle of influential officials beyond the contacts they had accumulated over the course of their careers.

Charles T. Nash, a Fox military analyst and retired Navy captain, is a consultant who helps small companies break into the military market. Suddenly, he had entree to a host of senior military leaders, many of whom he had never met. It was, he said, like being embedded with the Pentagon leadership. "You start to recognize what's most important to them," he said, adding, "There's nothing like seeing stuff firsthand."

Some Pentagon officials said they were well aware that some analysts viewed their special access as a business advantage. "Of course we realized that," Mr. Krueger said. "We weren't naïve about that."

They also understood the financial relationship between the networks and their analysts. Many analysts were being paid by the "hit," the number of times they appeared on TV. The more an analyst could boast of fresh inside information from high-level Pentagon "sources," the more hits he could expect. The more hits, the greater his potential influence in the military marketplace, where several analysts prominently advertised their network roles.

"They have taken lobbying and the search for contracts to a far higher level," Mr. Krueger said. "This has been highly honed."

Mr. Di Rita, though, said it never occurred to him that analysts might use their access to curry favor. Nor, he said, did the Pentagon try to exploit this dynamic. "That's not something that ever crossed my mind," he said. In any event, he argued, the analysts and the networks were the ones responsible for any ethical complications. "We assume they know where the lines are," he said.

The analysts met personally with Mr. Rumsfeld at least 18 times, records show, but that was just the beginning. They had dozens more sessions with the most senior members of his brain trust and access to officials responsible for managing the billions being spent in Iraq. Other groups of "key influentials" had meetings, but not nearly as often as the analysts.

An internal memorandum in 2005 helped explain why. The memorandum, written by a Pentagon official who had accompanied analysts to Iraq, said that based on her observations during the trip, the analysts "are having a greater impact" on network coverage of the military. "They have now become the go-to guys not only on breaking stories, but they influence the views on issues," she wrote.

Other branches of the administration also began to make use of the analysts. Mr. Gonzales, then the attorney general, met with them soon after news leaked that the government was wiretapping terrorism suspects in the United States without warrants, Pentagon records show. When David H. Petraeus was appointed the commanding general in Iraq in January 2007, one of his early acts was to meet with the analysts.

"We knew we had extraordinary access," said Timur J. Eads, a retired Army lieutenant colonel and Fox analyst who is vice president of government relations for Blackbird Technologies, a fast-growing military contractor.

Like several other analysts, Mr. Eads said he had at times held his tongue on television for fear that "some four-star could call up and say, 'Kill that contract.'" For example, he believed Pentagon officials misled the analysts about the progress of Iraq's security forces. "I know a snow job when I see one," he said. He did not share this on TV.

“Human nature,” he explained, though he noted other instances when he was critical.

Some analysts said that even before the war started, they privately had questions about the justification for the invasion, but were careful not to express them on air.

Mr. Bevelacqua, then a Fox analyst, was among those invited to a briefing in early 2003 about Iraq’s purported stockpiles of illicit weapons. He recalled asking the briefer whether the United States had “smoking gun” proof.

“We don’t have any hard evidence,” Mr. Bevelacqua recalled the briefer replying. He said he and other analysts were alarmed by this concession. “We are looking at ourselves saying, ‘What are we doing?’ ”

Another analyst, Robert L. Maginnis, a retired Army lieutenant colonel who works in the Pentagon for a military contractor, attended the same briefing and recalled feeling “very disappointed” after being shown satellite photographs purporting to show bunkers associated with a hidden weapons program. Mr. Maginnis said he concluded that the analysts were being “manipulated” to convey a false sense of certainty about the evidence of the weapons. Yet he and Mr. Bevelacqua and the other analysts who attended the briefing did not share any misgivings with the American public.

Mr. Bevelacqua and another Fox analyst, Mr. Cowan, had formed the wvc3 Group, and hoped to win military and national security contracts.

“There’s no way I was going to go down that road and get completely torn apart,” Mr. Bevelacqua said. “You’re talking about fighting a huge machine.”

Some e-mail messages between the Pentagon and the analysts reveal an implicit trade of privileged access for favorable coverage. Robert H. Scales Jr., a retired Army general and analyst for Fox News and **National Public Radio** whose consulting company advises several military firms on weapons and tactics used in Iraq, wanted the Pentagon to approve high-level briefings for him inside Iraq in 2006.

“Recall the stuff I did after my last visit,” he wrote. “I will do the same this time.”

Pentagon Keeps Tabs

As it happened, the analysts’ news media appearances were being closely monitored. The Pentagon paid a private contractor, Omnitec Solutions, hundreds of thousands of dollars to scour databases for any trace of the analysts, be it a segment on “The O’Reilly Factor” or an interview with The Daily Inter Lake in Montana, circulation 20,000.

Omnitec evaluated their appearances using the same tools as corporate branding experts. One report, assessing the impact of several trips to Iraq in 2005, offered example after example of analysts echoing Pentagon themes on all the networks.

“Commentary from all three Iraq trips was extremely positive over all,” the report concluded.

In interviews, several analysts reacted with dismay when told they were described as reliable “surrogates” in Pentagon documents. And some asserted that their Pentagon sessions were, as David L. Grange, a retired

Army general and CNN analyst put it, “just upfront information,” while others pointed out, accurately, that they did not always agree with the administration or each other. “None of us drink the Kool-Aid,” General Scales said.

Likewise, several also denied using their special access for business gain. “Not related at all,” General Shepperd said, pointing out that many in the Pentagon held CNN “in the lowest esteem.”

Still, even the mildest of criticism could draw a challenge. Several analysts told of fielding telephone calls from displeased defense officials only minutes after being on the air.

On Aug. 3, 2005, 14 marines died in Iraq. That day, Mr. Cowan, who said he had grown increasingly uncomfortable with the “twisted version of reality” being pushed on analysts in briefings, called the Pentagon to give “a heads-up” that some of his comments on Fox “may not all be friendly,” Pentagon records show. Mr. Rumsfeld’s senior aides quickly arranged a private briefing for him, yet when he told Bill O’Reilly that the United States was “not on a good glide path right now” in Iraq, the repercussions were swift.

Mr. Cowan said he was “precipitously fired from the analysts group” for this appearance. The Pentagon, he wrote in an e-mail message, “simply didn’t like the fact that I wasn’t carrying their water.” The next day James T. Conway, then director of operations for the Joint Chiefs, presided over another conference call with analysts. He urged them, a transcript shows, not to let the marines’ deaths further erode support for the war.

“The strategic target remains our population,” General Conway said. “We can lose people day in and day out, but they’re never going to beat our military. What they can and will do if they can is strip away our support. And you guys can help us not let that happen.”

“General, I just made that point on the air,” an analyst replied.

“Let’s work it together, guys,” General Conway urged.

The Generals’ Revolt

The full dimensions of this mutual embrace were perhaps never clearer than in April 2006, after several of Mr. Rumsfeld’s former generals — none of them network military analysts — went public with devastating critiques of his wartime performance. Some called for his resignation.

On Friday, April 14, with what came to be called the “Generals’ Revolt” dominating headlines, Mr. Rumsfeld instructed aides to summon military analysts to a meeting with him early the next week, records show. When an aide urged a short delay to “give our big guys on the West Coast a little more time to buy a ticket and get here,” Mr. Rumsfeld’s office insisted that “the boss” wanted the meeting fast “for impact on the current story.”

That same day, Pentagon officials helped two Fox analysts, General McInerney and General Vallely, write an opinion article for The Wall Street Journal defending Mr. Rumsfeld.

“Starting to write it now,” General Vallely wrote to the Pentagon that afternoon. “Any input for the article,” he added a little later, “will be much appreciated.” Mr. Rumsfeld’s office quickly forwarded talking points and statistics to rebut the notion of a spreading revolt.

"Valley is going to use the numbers," a Pentagon official reported that afternoon.

The standard secrecy notwithstanding, plans for this session leaked, producing a front-page story in The Times that Sunday. In damage-control mode, Pentagon officials scrambled to present the meeting as routine and directed that communications with analysts be kept "very formal," records show. "This is very, very sensitive now," a Pentagon official warned subordinates.

On Tuesday, April 18, some 17 analysts assembled at the Pentagon with Mr. Rumsfeld and General Pace, then the chairman of the Joint Chiefs.

A transcript of that session, never before disclosed, shows a shared determination to marginalize war critics and revive public support for the war.

"I'm an old intel guy," said one analyst. (The transcript omits speakers' names.) "And I can sum all of this up, unfortunately, with one word. That is Psyops. Now most people may hear that and they think, 'Oh my God, they're trying to brainwash.'"

"What are you, some kind of a nut?" Mr. Rumsfeld cut in, drawing laughter. "You don't believe in the Constitution?"

There was little discussion about the actual criticism pouring forth from Mr. Rumsfeld's former generals. Analysts argued that opposition to the war was rooted in perceptions fed by the news media, not reality. The administration's overall war strategy, they counseled, was "brilliant" and "very successful."

"Frankly," one participant said, "from a military point of view, the penalty, 2,400 brave Americans whom we lost, 3,000 in an hour and 15 minutes, is relative."

An analyst said at another point: "This is a wider war. And whether we have democracy in Iraq or not, it doesn't mean a tinker's damn if we end up with the result we want, which is a regime over there that's not a threat to us."

"Yeah," Mr. Rumsfeld said, taking notes.

But winning or not, they bluntly warned, the administration was in grave political danger so long as most Americans viewed Iraq as a lost cause. "America hates a loser," one analyst said.

Much of the session was devoted to ways that Mr. Rumsfeld could reverse the "political tide." One analyst urged Mr. Rumsfeld to "just crush these people," and assured him that "most of the gentlemen at the table" would enthusiastically support him if he did.

"You are the leader," the analyst told Mr. Rumsfeld. "You are our guy."

At another point, an analyst made a suggestion: "In one of your speeches you ought to say, 'Everybody stop for a minute and imagine an Iraq ruled by Zarqawi.' And then you just go down the list and say, 'All right, we've got oil, money, sovereignty, access to the geographic center of gravity of the Middle East, blah, blah, blah.' If you can just paint a mental picture for Joe America to say, 'Oh my God, I can't imagine a world like that.'"

Even as they assured Mr. Rumsfeld that they stood ready to help in this public relations offensive, the analysts sought guidance on what they should cite as the next “milestone” that would, as one analyst put it, “keep the American people focused on the idea that we’re moving forward to a positive end.” They placed particular emphasis on the growing confrontation with Iran.

“When you said ‘long war,’ you changed the psyche of the American people to expect this to be a generational event,” an analyst said. “And again, I’m not trying to tell you how to do your job...”

“Get in line,” Mr. Rumsfeld interjected.

The meeting ended and Mr. Rumsfeld, appearing pleased and relaxed, took the entire group into a small study and showed off treasured keepsakes from his life, several analysts recalled.

Soon after, analysts hit the airwaves. The Omnitec monitoring reports, circulated to more than 80 officials, confirmed that analysts repeated many of the Pentagon’s talking points: that Mr. Rumsfeld consulted “frequently and sufficiently” with his generals; that he was not “overly concerned” with the criticisms; that the meeting focused “on more important topics at hand,” including the next milestone in Iraq, the formation of a new government.

Days later, Mr. Rumsfeld wrote a memorandum distilling their collective guidance into bullet points. Two were underlined:

“Focus on the Global War on Terror — not simply Iraq. The wider war — the long war.”

“Link Iraq to Iran. Iran is the concern. If we fail in Iraq or Afghanistan, it will help Iran.”

But if Mr. Rumsfeld found the session instructive, at least one participant, General Nash, the ABC analyst, was repulsed.

“I walked away from that session having total disrespect for my fellow commentators, with perhaps one or two exceptions,” he said.

View From the Networks

Two weeks ago General Petraeus took time out from testifying before Congress about Iraq for a conference call with military analysts.

Mr. Garrett, the Fox analyst and Patton Boggs lobbyist, said he told General Petraeus during the call to “keep up the great work.”

“Hey,” Mr. Garrett said in an interview, “anything we can do to help.”

For the moment, though, because of heavy election coverage and general war fatigue, military analysts are not getting nearly as much TV time, and the networks have trimmed their rosters of analysts. The conference call with General Petraeus, for example, produced little in the way of immediate coverage.

Still, almost weekly the Pentagon continues to conduct briefings with selected military analysts. Many

analysts said network officials were only dimly aware of these interactions. The networks, they said, have little grasp of how often they meet with senior officials, or what is discussed.

"I don't think NBC was even aware we were participating," said Rick Francona, a longtime military analyst for the network.

Some networks publish biographies on their Web sites that describe their analysts' military backgrounds and, in some cases, give at least limited information about their business ties. But many analysts also said the networks asked few questions about their outside business interests, the nature of their work or the potential for that work to create conflicts of interest. "None of that ever happened," said Mr. Allard, an NBC analyst until 2006.

"The worst conflict of interest was no interest."

Mr. Allard and other analysts said their network handlers also raised no objections when the Defense Department began paying their commercial airfare for Pentagon-sponsored trips to Iraq — a clear ethical violation for most news organizations.

CBS News declined to comment on what it knew about its military analysts' business affiliations or what steps it took to guard against potential conflicts.

NBC News also declined to discuss its procedures for hiring and monitoring military analysts. The network issued a short statement: "We have clear policies in place to assure that the people who appear on our air have been appropriately vetted and that nothing in their profile would lead to even a perception of a conflict of interest."

Jeffrey W. Schneider, a spokesman for ABC, said that while the network's military consultants were not held to the same ethical rules as its full-time journalists, they were expected to keep the network informed about any outside business entanglements. "We make it clear to them we expect them to keep us closely apprised," he said.

A spokeswoman for Fox News said executives "refused to participate" in this article.

CNN requires its military analysts to disclose in writing all outside sources of income. But like the other networks, it does not provide its military analysts with the kind of written, specific ethical guidelines it gives its full-time employees for avoiding real or apparent conflicts of interest.

Yet even where controls exist, they have sometimes proven porous.

CNN, for example, said it was unaware for nearly three years that one of its main military analysts, General Marks, was deeply involved in the business of seeking government contracts, including contracts related to Iraq.

General Marks was hired by CNN in 2004, about the time he took a management position at McNeil Technologies, where his job was to pursue military and intelligence contracts. As required, General Marks disclosed that he received income from McNeil Technologies. But the disclosure form did not require him to describe what his job entailed, and CNN acknowledges it failed to do additional vetting.

"We did not ask Mr. Marks the follow-up questions we should have," CNN said in a written statement.

In an interview, General Marks said it was no secret at CNN that his job at McNeil Technologies was about winning contracts. "I mean, that's what McNeil does," he said.

CNN, however, said it did not know the nature of McNeil's military business or what General Marks did for the company. If he was bidding on Pentagon contracts, CNN said, that should have disqualified him from being a military analyst for the network. But in the summer and fall of 2006, even as he was regularly asked to comment on conditions in Iraq, General Marks was working intensively on bidding for a \$4.6 billion contract to provide thousands of translators to United States forces in Iraq. In fact, General Marks was made president of the McNeil spin-off that won the huge contract in December 2006.

General Marks said his work on the contract did not affect his commentary on CNN. "I've got zero challenge separating myself from a business interest," he said.

But CNN said it had no idea about his role in the contract until July 2007, when it reviewed his most recent disclosure form, submitted months earlier, and finally made inquiries about his new job.

"We saw the extent of his dealings and determined at that time we should end our relationship with him," CNN said.

This article has been revised to reflect the following correction:

Correction: April 22, 2008

An article on Sunday about the Pentagon's relationship with news media military analysts misidentified the military affiliation of one analyst, John C. Garrett. He retired as a colonel from the Marines, not the Army.

This article has been revised to reflect the following correction:

Correction: April 24, 2008

The continuation of an article on Sunday about a Pentagon effort to use military analysts to generate favorable news coverage carried 10 paragraphs that were partly obscured in some editions by a chart.

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Appendix B – Announcement Memorandum and Congressional Requests



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

MAY 23 2008

MEMORANDUM FOR ACTING ASSISTANT SECRETARY OF DEFENSE FOR
PUBLIC AFFAIRS

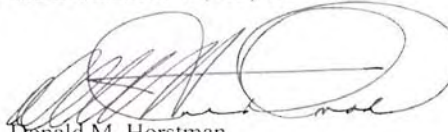
SUBJECT: Examination of Allegations Involving DoD Office of Public Affairs
Outreach Program (Project No. D2008-DIP0EF-0209.000)

We are initiating an examination of allegations that your office gave special treatment to retired military personnel who provided media commentary in favor of the administration's Global War on Terror policies and strategies. We will also review the allegation that some of those commentators were employed by Defense contractors and their special access to Pentagon leaders may have given the contractors a competitive advantage.

Members of Congress requested this examination based on an article entitled, "Behind TV Analysts, Pentagon's Hidden Hand," published in the *New York Times* on April 20, 2008.

We will examine laws and policies as stipulated in Section 8001 of DoD Appropriations Acts for fiscal years 2002 through 2008 and DoD 5500.7-R, "Joint Ethics Regulation (JER)," review other relevant documents, conduct interviews, and evaluate contributing factors. Please provide a point of contact of your staff with whom we may coordinate our activities.

Should you have any questions, please contact me or Mr. Brem Morrison, Assistant Inspector General for Inspections and Evaluations at (703) 604-9151.


Donald M. Horstman
Deputy Inspector General
for Policy and Oversight

cc: General Counsel, DoD
Legislative Affairs, DoD
Inspector General, Department of the Army
Naval Inspector General
Inspector General, Department of the Air Force
Joint Staff Public Affairs

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BOB COCKER, TENNESSEE

United States Senate

COMMITTEE ON ARMED SERVICES
WASHINGTON, DC 20510-6050

April 22, 2008

Honorable Robert M. Gates
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Mr. Secretary:

I am writing in connection with a front page story in the New York Times on Sunday, April 20, 2008, entitled "Behind TV Analysts, Pentagon's Hidden Hand."

I am deeply troubled over the allegations in the story that:

- (1) retired military personnel performing media analysis were accorded special treatment by being provided with talking points and unique access to senior civilian and military officials with the expectation (usually realized) that they would provide positive analysis from the Department's perspective;
- (2) some analysts, who were accorded special treatment, were on the payroll of Defense contractors with an interest in gaining or preserving military contracts.

While the media clearly have their own shortfalls for paying people to provide "independent" analysis when they have such real and apparent conflicts, that doesn't excuse the Department's behavior in giving both special treatment and valuable access to analysts who provide commentary in favor of DoD's strategy, while not offering similar access to some other analysts and cutting off access to others who didn't deliver as expected.

I would appreciate your promptly investigating the specific allegations in the article and advising me of your findings and any actions you intend to take.

Sincerely,



Carl Levin

United States Senate

WASHINGTON, DC 20510

April 28, 2008

The Honorable Robert M. Gates
Secretary of Defense
The United States Department of Defense
The Pentagon
Suite 319
Washington, D.C. 20301

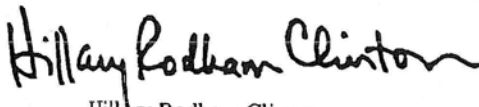
Dear Mr. Secretary:

We are writing to express our very serious concern about a press report that the Department of Defense (DOD) hid behind "an appearance of objectivity" in a concerted media campaign that raises issues of credibility and trust at the Pentagon. It suggests an extensive, coordinated effort by the DOD and the Administration – in a campaign they described as "information dominance" – to try to influence the commentary of independent television military analysts. The report contains allegations that analysts who did not speak positively about the Administration were pressured or even punished. The report also raises serious questions about the potential linkage of government contracts to favorable public commentary by military analysts.

After the real concerns raised by the information and intelligence provided by the Pentagon in the lead-up to the Iraq war, we believe that it is more incumbent on the DOD than ever to avoid any appearance of impropriety in how it portrays the Iraq war and our country's defense policy now. It is both appropriate and necessary to know to what extent the DOD may have directly or indirectly attempted to undermine the objectivity and accuracy of the military analysis presented to the American people as independent commentators, and to what extent decisions about military contracts were connected to this public relations effort.

We respectfully request that you conduct a comprehensive review of your Department's public relations effort. Further, we request a full investigation from the Inspector General as soon as possible.

Sincerely,


Hillary Rodham Clinton


Frank R. Lautenberg

cc: Claude M. Kicklighter, Inspector General, U.S. Department of Defense

OSD 05604-08



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DAVID WU
1ST DISTRICT, OREGON

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(800) 422-4003

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Congress of the United States
House of Representatives
Washington, DC 20515-3701

April 29, 2008

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FOREIGN AFFAIRS
TERRORISM, NONPROLIFERATION, AND TRADE

The Honorable Claude M. Kicklighter
Inspector General
United States Department of Defense
400 Army Navy Drive
Arlington, VA 22202

Dear Inspector General Kicklighter:

I have deep concerns about the recently reported public affairs operation at the Pentagon, which seems to blur the line between legitimate government information and propaganda.

The New York Times reported on April 20, 2008 that the Pentagon has been conducting a program in which retired senior military officials act as "message force multipliers" or "surrogates" as they propagate on major news networks the administration's talking points on the war in Iraq and on detention conditions at Guantanamo Bay. These military analysts, seen by the American public as impartial and authoritative, are granted special access to high-level Pentagon briefings and trips. Many of these analysts have lucrative ties to defense contractors, which they can better serve with access to the Pentagon.

At best, this program is a vast and organized attempt to sway public opinion in favor of administration policies. At worst, this program deliberately misleads the American public and undermines the credibility and integrity of the Pentagon, the military analysts involved, and the media organizations that employ or use them. Furthermore, this program may be a violation of existing law. I hereby request an immediate investigation into the facts and allegations raised by the April 20 news reports.

To be clear, there is nothing innately wrong with providing factual information to the public and the press. The public deserves to know about the courageous and honorable work of our men and women in uniform. What the public does not need, however, is propaganda driven by administration hands and unchecked by an irresponsible media. Our country, and the world, deserves honest answers about this Department of Defense public relations blitz.

Very truly yours,

David Wu
Member of Congress

PRINTED ON RECYCLED PAPER

Congress of the United States
House of Representatives
Washington, DC 20515

May 2, 2008

The Honorable Claude M. Kicklighter
Inspector General
U.S. Department of Defense
400 Army Navy Drive
Suite 1000
Arlington, VA 22202

Dear Inspector General Kicklighter:

We write to express our deep concern over an extremely troubling report recently published in *The New York Times* detailing a high-level, well thought out and extensive program within the Department of Defense to use military analysts to generate positive news coverage of the war in Iraq, conditions at the Guantánamo Bay detention center and other activities associated with the Global War on Terror. We believe that this unethical, and potentially illegal, propaganda campaign aimed at deliberately misleading the American public should have been disclosed long ago by your office, and not by a newspaper that needed to resort to suing the DoD for the information.

According to the report, in the earliest days of the Bush Administration, former Secretary of Defense for Public Affairs Torie Clarke began to build a network of “key influentials” that could generate support for then Secretary of Defense Donald Rumsfeld’s priorities and achieve what she called “information dominance.” In 2002, Ms. Clarke allegedly made a decision to make these “key influentials,” former military officers often with impressive military backgrounds, the main focus of the department’s public relations push to make the case to go to war. Responding to an interest from the White House, Ms. Clarke’s staff wrote summaries describing these analysts’ backgrounds, business affiliations and positions on the war.

At it’s peak, the *Times* reports that this behind the scenes network included more than 75 retired military analysts who were being briefed, often by high-level officials in a “powerfully seductive environment” (analysts reportedly met 18 times with Mr. Rumsfeld). The analysts then parroted the administration’s talking points on major television news programs and 24-hour cable news outlets, as well as over the radio and through op-ed articles or quotes in magazines, websites and newspapers. According to the article, internal Pentagon documents describe these military analysts as “message force multipliers” or “surrogates” who could be counted on to deliver administration “themes and messages” to millions of Americans “in the form of their own opinions.” Along with making the case for invading Iraq, these “themes and messages” included repudiating claims that U.S. troops were dying because of inadequate body armor,

pushing back on reports of detainee mistreatment at the Guantánamo Bay prison facility and, according to Lawrence Di Rita, a former top aide to Mr. Rumsfeld, counteracting “the increasingly negative view of the war” that came with the rise of the insurgency. The DoD is even reported to have hired a private contractor to monitor and track the public comments of their military analyst surrogates. As one of them put it, this was “psyops on steroids.”

While we are deeply disturbed by the Pentagon’s taxpayer funded propaganda campaign, we find it equally troubling that the Pentagon used high-level access to DoD contracting officials as an enticement for these analysts to report the Bush Administration’s talking points on the war in Iraq. The military analysts involved in the Pentagon network reportedly represent more than 150 military contractors competing for the hundreds of billions of dollars made available by the Global War on Terror. These analysts were granted special access to the high ranking civilian and military leaders directly involved in determining how war funding should be spent. Such access gave the companies they represent a clear competitive advantage and may have created a culture in which analysts felt they needed to serve as the mouthpiece for the administration in order to gain military contracts for the companies they represent.

Your office is directly responsible for eliminating waste, fraud and abuse at the Department of Defense. Moreover, your mission includes promoting integrity and serving the public interest. This appears to be a high-level, well orchestrated program that was put in place that we presume your office is aware of. We therefore request your response to the following questions:

- 1) When did your office first become aware of this program and did you investigate the matter? If you did open an investigation please provide us with your report. If not, please explain why?
- 2) In every fiscal year since this program’s inception, Section 8001 of the yearly Defense Appropriations bills signed into law has made clear that “No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.” Do you believe that the activities conducted through this program are in violation of that law or any other? If not, given that this program certainly cost money and was not authorized by Congress, please explain.
- 3) Do you believe that a situation in which individuals representing military contractors obtain unrivaled access to key senior officials and carry out the wishes of those officials creates an environment that is ripe for waste, fraud and abuse?
- 4) Your office includes a unit specifically charged with investigating senior officials. Along with Mr. Rumsfeld and Ms. Clarke, former Chairman of the Joint Chiefs of Staff General Peter Pace and then Director of Operations for the Joint Chiefs James T. Conway were allegedly involved in the program. High-level officials outside of DoD were also reportedly involved, including Vice President Dick Cheney, and perhaps

others inside the DoD as well. Has your office investigated any senior level DoD officials? If so, please provide your findings? If not, please explain why?

- 5) Has your office investigated whether any contract awards were compromised or tainted as a result of the special access granted to the military analysts?
- 6) We understand that in the aftermath of *The New York Times* story and facing criticism from Congress, Robert Hastings, Principal Deputy Assistant Secretary of Defense for Public Affairs determined the program should be suspended indefinitely pending an internal review. Can you please confirm whether your office is conducting this internal review and if so whether you believe the program should be permanently terminated and whether any similar programs in the future should be banned?

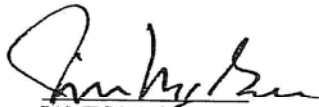
When the Department of Defense misleads the American people by having them believe that they are listening to the views of objective military analysts when in fact these individuals are simply replaying DoD talking points, the department is clearly betraying the public trust. Moreover, when these analysts are simultaneously representing defense contractors, the apparent conflict of interest can easily lead to fraud and abuse. We find this deeply troubling, and expect you will share our deep concern.


We thank you in advance for your prompt attention to this matter.

Sincerely,


ROSA L. DeLAURO
Member of Congress

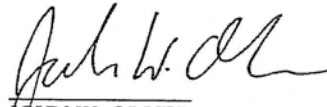

JIM McDERMOTT
Member of Congress


JAMES McGOVERN
Member of Congress



MAURICE HINCHEY
Member of Congress


EDWARD J. MARKEY
Member of Congress

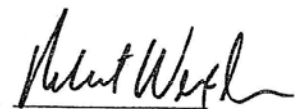

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Member of Congress


JOHN W. OLVER
Member of Congress


CHAKA FAYTAH
Member of Congress



MICHAEL HONDA
Member of Congress

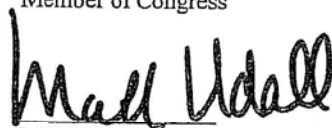

BARNEY FRANK
Member of Congress

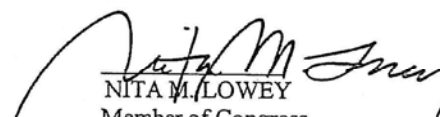

ROBERT WEXLER
Member of Congress



RAUL M. GRIJALVA
Member of Congress

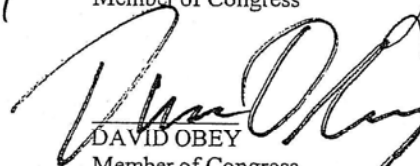

PATRICK J. KENNEDY
Member of Congress

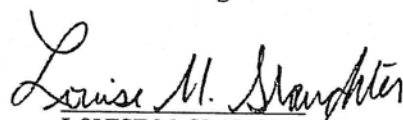

LOIS CAPPS
Member of Congress

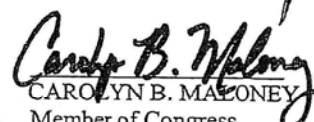

MARK UDALL
Member of Congress


NITA M. LOWEY
Member of Congress



CAROLYN C. KILPATRICK
Member of Congress

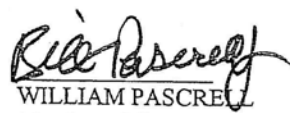

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CAROLYN B. MALONEY
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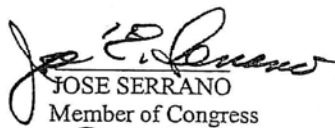

ED PASTOR
Member of Congress


JOHN YARMUTH
Member of Congress

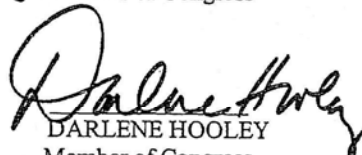

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Member of Congress


MAZIE HIRONO
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JOHN F. TIERNEY
Member of Congress


JOSE SERRANO
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Member of Congress



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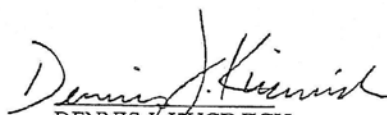

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Member of Congress

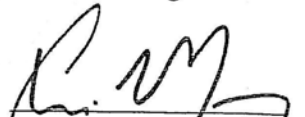

JOE COURTNEY
Member of Congress



PAUL HODES
Member of Congress


EARL BLUMENAUER
Member of Congress


JOHN B. LARSON
Member of Congress


DENNIS J. KUCINICH
Member of Congress


CHRISTOPHER S. MURPHY
Member of Congress



SUSAN A. DAVIS
Member of Congress

Appendix C – Scope and Methodology

Scope

Members of Congress requested this examination in response to the allegations discussed in the New York Times article entitled, “Behind TV Analysts, Pentagon’s Hidden Hand,” which was published on April 20, 2008. The allegations implied that (1) the Office of the Assistant Secretary of Defense for Public Affairs (OASD[PA]) gave retired military analysts (RMAs) special treatment and access to information related to the administration’s activities on the Global War on Terror and that (2) this access for the RMAs employed by Defense contractors gave those contractors a competitive advantage.

Scope Limitations – Congress asked GAO to conduct a legal review of potential violations of appropriations law. Therefore, we did not perform an in-depth review of the appropriated funds to support OASD(PA)-sponsored RMA trips to Iraq and Cuba.

Also, we did not validate the accuracy of OASD(PA) talking points or fact sheets that were regularly distributed to the press, RMAs, and to the public domain. See Appendix H for an example.

Moreover, we did not examine internal controls for the DoD public affairs program.

Two former Assistant Secretaries for Public Affairs—Ms. Victoria Clarke and Mr. Dorrance Smith—declined our requests for interviews. Mr. Lawrence DiRita, the former Acting ASD(PA), and Mr. Mark Pfeifle, former Director of the Surrogates section under Mr. Smith, also declined interview requests.

To assess whether Defense contractors benefited from their association with RMAs, we limited our research to publicly available business associations and DoD contract solicitations during Fiscal Years 2002 to 2007. We mapped RMA names to businesses and then businesses to contract actions. These search parameters may not identify all valid business relationships and RMA activities with contractors.

Methodology

Team Activity – To effectively address the allegations and project objectives, the DoD Inspector General assembled a multi-functional team that included evaluators, auditors, investigators, and legal experts. A summary of the teams actions are:

- Reviewed public laws, presidential directives, transcripts of congressional testimony, and DoD policies related to the OASD(PA) Public Affairs Outreach Program.
- Reviewed more than 12,000 pages of data to include e-mails, internal memoranda, PA communications, organizational charts, two professional publications (books), and various materials obtained from the OASD(PA).

- Contacted management officials of the major broadcast networks to determine the nature of the relationship between RMAs and news organizations. Interviews included a former network news president, former network Washington news bureau chief, and an executive producer.
- Interviewed media news professionals at various levels of responsibility to obtain their perspective of the roles of the networks, RMAs, and the OASD(PA).
- Interviewed and obtained sworn testimony from seven RMAs, 13 former and current OASD(PA) staff-level officials, and eight former and current responsible management officials.
- Interviewed three subject matter experts who presented briefings at RMA outreach meetings. Outreach briefing topics included work-up to the wars in Iraq and Afghanistan, operations in the Global War on Terror, veterans healthcare, DoD budget, and other DoD topical issues of importance.
- Interviewed the contracting officer and the contracting officer representative for the Omnitec Solutions contract—a contract that was established to analyze media coverage of DoD policies and activities.
- Conducted internet searches of 70 RMAs by rank, Service association, name, and news analyst identifiers for information or links associating RMAs with entities, professions, universities, foundations, private companies, public companies, or other organizations to identify specific business relationships.
- Researched findings using www.fedspending.org, a Web-site linking companies and parent organizations to Government contracts for FY 2002 to 2007.
- Performed a judgmental sampling of contractor parent organizations contract transactions.
- Coordinated project work with ongoing Government Accountability Office and Federal Communications Commission efforts to share information and prevent duplication.
- Contacted the reporter for the New York Times to request any information relevant to matters of issue in addition to that appearing in the news article and documentation he obtained from DoD. The reporter advised that no further information would be provided.

RMA Interview Sample – Based on analysis of attendee lists, we identified 70 RMAs who were invited, referred, or asked to participate in meetings sponsored by OASD(PA) between October 31, 2002 and December 31, 2006. We identified a total of 121 meetings, including in-person briefings and conference calls, conducted from October 31, 2002, through December 31, 2006.

Based on attendee rosters, RMAs who potentially participated in 121 conference calls and/or briefings constitute 1,494 individual attendances. Our judgmental sample included the top ten most active participants and four additional individuals based upon their background and experience. This sample also represents four of the five major broadcast television networks. The below table illustrates our sampling process.

| | # RMAs | # Attendees | % RMAs | % Attendees |
|-----------------------------|--------|-------------|--------|-------------|
| TOTAL # OF RMAs & BRIEFINGS | 70 | 1494 | 100% | 100% |
| 1ST RMA SAMPLE | 14 | 766 | 20% | 51% |
| LESS 1ST RMAs DECLINED | -8 | 454 | -11% | 30% |
| 1ST RMAs INTERVIEWED | 6 | 312 | 9% | 21% |
| ADDITIONAL RMAs SELECTED | 3 | 95 | 4% | 6% |
| SUB TOTAL | 9 | 407 | 13% | 27% |
| LESS 2ND RMAs DECLINED | -2 | 71 | -3% | 5% |
| TOTAL # RMAs INTERVIEWED | 7 | 336 | 10% | 22% |
| TOTAL # RMAs DECLINED | -10 | 525 | -14% | 35% |

Number of Retired Military Analysts (RMA) and Briefings Attended

Selection of these 14 RMA encompassed 766 attendances or 51 percent total. Eight of 14 in the original sample declined interviews. We chose three additional RMAs to be interviewed—one accepted and two declined. We, therefore, interviewed a total of seven of 17 RMAs contacted, representing 22 percent of total RMA outreach attendances between 2002 and 2006.

Of the 10 who declined interviews, we obtained written information from 5, representing an additional 254 attendances, or 17 percent of the total. Three referenced letters to the editor of the New York Times, and two referenced testimonies provided to the House of Representatives Armed Services Committee.

Appendix D – Definitions

Members of Congress raised concerns that the RMA outreach was a program that potentially violated Section 8001 of the 2008 National Defense Appropriations Act, which states: “No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.” Congress included similar language in appropriations laws for over a half-century. Definitions of relevant terms are necessary to address congressional concerns.

Public information — Information of a military nature, the dissemination of which through public news media is not inconsistent with security, and the release of which is considered desirable or non-objectionable to the responsible releasing agency. (Joint Publication 1-02, Department of Defense Dictionary of Military and Associated Terms, 12 April 2001, as amended through 26 August 2008)

From the literature we determined that agencies have a responsibility to provide public information.

For example, this conclusion can be derived from a report completed for the “Commission on Organization of the Executive Branch of the Government,” known as the Hoover Commission.

An essential aspect of the department head's role is that of public spokesman for his agency. . . . Apart from his responsibility as spokesman, the department head has another obligation in a democracy—to keep the public informed about the activities of his agency. How far to go and what media to use in this effort present touchy issues of personal and administrative integrity. But of the basic obligation there can be little doubt.²⁰

GAO has found that agencies have a legitimate interest in communicating with the public and Congress regarding their functions policies and activities, and using appropriated funds to do so.²¹

Publicity — Publicity is the deliberate attempt to manage the public's perception of a subject. The subjects of publicity include people (for example, politicians and performing artists), goods and services, organizations of all kinds, and works of art or entertainment. (Joint Publication 1-02, Department of Defense Dictionary of Military and Associated Terms, 12 April 2001, as amended through 26 August 2008)

The public affairs mission to inform the public and publicize DoD activities is separate and distinct from efforts to directly influence public opinion. An example of the latter was the Office of Strategic Influence, created in October 2001 to support the War on Terrorism through

²⁰ Departmental Management in Federal Administration—A Report with Recommendations, Prepared for the U.S. Commission on Organization of the Executive Branch of the Government, January 13, 1949, p. 57.

²¹ B-302504, Mar. 10, 2004; at 7; see also, Annual Update to Third Edition, GAO-08-450SP, at pp. 4-22 to 4-25.

psychological operations in targeted countries. The office was managed by the Under Secretary of Defense for Policy and had no ties to public affairs. The office was closed in February 2002.

Propaganda — Any form of communication in support of national objectives designed to influence the opinions, emotions, attitudes, or behavior of any group in order to benefit the sponsor, either directly or indirectly.

Further defined as:

black propaganda — Propaganda that purports to emanate from a source other than the true one.

grey propaganda — Propaganda that does not specifically identify any source.

white propaganda — Propaganda disseminated and acknowledged by the sponsor or by an accredited agency thereof.²²

GAO has considered legal definitions for publicity and propaganda *in the context of the appropriations prohibition*, and has interpreted these terms to forbid a very limited number of activities. GAO “held that the ‘publicity or propaganda’ prohibition in appropriations laws forbids public relations activities that:

- involves ‘self-aggrandizement’ or ‘puffery’ of the agency, its personnel, or activities;
- is ‘purely partisan in nature’ (i.e., it is ‘designed to aid a political party or candidate’); or,
- is ‘covert propaganda’ (i.e., the communications do not reveal to the target audience the government’s role in sponsoring the material).²³

Covert propaganda is further defined as “materials such as editorials or other articles prepared by an agency or its contractors at the behest of the agency and circulated as the ostensible position of parties outside the agency.” A critical element of the violation is concealment of the agency’s role in sponsoring the material,²⁴ referring to what DoD defines as “black” or “grey” propaganda.

In a case concerning the constraints imposed by the publicity or propaganda prohibition on the disclosure requirements of prepackaged news stories, the Department of Justice’s Office of Legal Counsel concluded that “because GAO is part of the Legislative Branch, Executive Branch agencies are not bound by GAO’s legal advice.”²⁵ This adds further complexity to any

²² Joint Publication 1-02, Department of Defense Dictionary of Military and Associated Terms, 12 April 2001, as amended through 26 August 2008.

²³ GAO-04-261SP, “Principles of Federal Appropriations Law: Third Edition – Volume I,” January 2004, pp. 4-197 to 4-203, as modified by Annual Update of the Third Edition, GAO-08-450SP, pp. 4-16 to 4-20.

²⁴ GAO-04-261SP, “Principles of Federal Appropriations Law: Third Edition - Volume I,” January 2004, p. 4-202.

²⁵ Steven G. Bradbury, Principal Deputy Assistant Attorney General, Memorandum for the General Counsels of the Executive Branch, Re: Whether Appropriations May Be Used for Informational Video News Releases, March 1, 2005.

determination of violation to appropriations law. Congressional action effectively decided the specific question concerning prepackaged news stories, but only for prepackaged news stories.²⁶

Outreach – DoD includes outreach as an activity of community relations, the principal goal of which “is to increase understanding of U.S. defense posture and capabilities by increasing public exposure to, and understanding of, military personnel, facilities, equipment, and programs.”²⁷ It includes conducting programs at the Pentagon, such as tours and briefings that help explain to various international and national communities the DoD missions, operations, and requirements.

The Deputy Assistant Secretary of Defense for Public Liaison determines groups for outreach, populates and maintains lists of relevant individuals, and plans outreach activities. The RMAs were just one of many outreach groups.

²⁶ Public Law 109-13, “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, May 11, 2005. Section 6076 states that no appropriations ‘may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution unless the story includes a clear notification within the text or audio of the prepackaged new story that the prepackaged news story was prepared or funded by that executive branch agency.’”

²⁷ DoD Instruction 5410.19, “Public Affairs Community Relations Policy Implementation,” November 13, 2001.

Appendix E - Criteria

The following list summarizes statutes, executive directives, and DoD policy applicable to OASD(PA) sponsored RMA outreach.

Statutes

5 U.S.C. Section 3107, “Employment of publicity experts; restrictions,” 1913. The statute prohibits the use of appropriated funds to hire publicity experts. However, subsequent legal rulings indicated that it is not illegal for Government agencies to spend money to advocate their positions, even on controversial issues.²⁸

Smith-Mundt Act of 1948—U.S. Information and Educational Exchange Act (Public Law 402)—as amended in 1972 and 1998. The Act specifies the terms in which the United States Government can engage in public diplomacy, also known as propaganda. The Act prohibits the U.S. Government from propagandizing the American public with information and psychological operations directed at foreign audiences.

Public Law 110-417, Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, Section 1056.

Section 1056 states:

SEC. 1056. PROHIBITIONS RELATING TO PROPAGANDA.

(a) PROHIBITION.—No part of any funds authorized to be appropriated in this or any other Act shall be used by the Department of Defense for publicity or propaganda purposes within the United States not otherwise specifically authorized by law.²⁹

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the findings of their project number D2008–DIPOEF–0209.000, entitled “Examination of Allegations Involving DoD Office of Public Affairs Outreach Program”.

(c) LEGAL OPINION.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall issue a legal opinion to Congress on whether the Department of Defense violated appropriations prohibitions on publicity or propaganda activities established in Public Laws 107–117, 107–248, 108–87, 108–287, 109–148, 109–289, and 110–116, the Department of Defense Appropriations Acts for fiscal years

²⁸ GAO-04-261SP, “Principles of Federal Appropriations Law: Third Edition - Volume I,” January 2004, p. 4-197.

²⁹ This restriction has appeared consistently in appropriations laws for more than 50 years. It appeared as Section 8001 in every Defense Appropriations Act enacted during RMA outreach (FY 2002-2008).

2002 through 2008, respectively, by offering special access to prominent persons in the private sector who serve as media analysts, including briefings and information on war efforts, meetings with high level government officials, and trips to Iraq and Guantanamo Bay, Cuba.

(d) RULE OF CONSTRUCTION RELATED TO INTELLIGENCE ACTIVITIES.—Nothing in this section shall be construed to apply to any lawful and authorized intelligence activity of the United States Government.

Executive Directives

National Security Directive 77, “Management of Public Diplomacy Relative to National Security,” January 14, 1983. Among other provisions, this directive established the Public Affairs Committee as part of a new Special Planning Group under the National Security Council. The Public Affairs committee was directed to plan and coordinate “public affairs activities with respect to public affairs matters concerning national security and foreign policy events and issues with foreign and domestic dimensions . . . [and to] explain and support major foreign policy initiatives.”³⁰

Presidential Decision Directive 68 “International Public Information (IPI),” April 30, 1999. No single U.S. agency was empowered to coordinate U.S. efforts to sell its policies and counteract bad press abroad during military missions in Haiti and Kosovo. The directive expanded public diplomacy and public affairs operations to include all agencies and set out the objective of IPI “to synchronize the informational objectives, themes and messages that will be projected overseas . . . to prevent and mitigate crises and to influence foreign audiences in ways favorable to the achievement of U.S. foreign policy objectives.” PDD-68 also cautioned against using the new information operations to influence the American public, but recognized the potential for “backwash” of IPI information to the United States and so called for coordinated domestic and foreign public affairs operations to synchronize foreign policy messages.³¹

National Security Presidential Directive 16, “International Public Information (IPI),” July 16, 2002. The directive set up specific structures and procedures, as well as further legal restrictions, regarding U.S. public diplomacy and information operations.

DoD Policy

DoD Directive 4500.09E, “Transportation and Traffic Management,” September 11, 2007. Establishes applicable policy for the use of military aircraft in support of RMA outreach. Requires the Commander, U.S. Transportation Command, as the single-manager for common user transportation, to develop, publish, and maintain DoD 4515.13-R, “Air Transportation Eligibility.”

³⁰ National Security Archive, “Rumsfeld's Roadmap to Propaganda,” <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB177/index.htm>

³¹ Federation of American Scientist, Intelligence Resource Program, <http://www.fas.org/irp/offdocs/pdd/index.html>

DoD Directive 5122.5, “Assistant Secretary of Defense for Public Affairs (ASD[PA]),” September 27, 2000. Describes ASD(PA) responsibilities, functions, relationships, and authorities. DoD reissued the directive on September 8, 2008.

DoD Directive 5122.10, “American Forces Information Service (AFIS),” November 21, 2000. Reissues DoD Directive to “update the mission, responsibilities, functions, authorities, and relationships of the AFIS.”

DoD Directive 5400.13, “Joint Public Affairs Operations,” January 9, 1996, [Certified Current as of November 21, 2003]. Establishes policy and assigns responsibilities for the conduct of public affairs programs in support of joint, combined, and unilateral military operations. Appendix E

DoD Directive 5410.18, “Public Affairs Community Relations Policy,” November 20, 2001, [Certified Current as of May 30, 2007]. Establishes policy for the conduct of public affairs community relations activities and programs throughout the Department of Defense. Assigns authority, responsibilities, and delineates command relationships for community relations activities and procedures.

DoD Instruction 5410.19, “Public Affairs Community Relations Policy Implementation,” November 13, 2001. Implements policy, delineates command relationships for community relations activities and procedures, and prescribes procedures under DoD Directive 5410.18.

DoD Regulation 4515.13-R, “Air Transportation Eligibility,” November 1994, with change 3, April 13, 1998. Implements DoD policies governing the use of DoD-owned or DoD-controlled aircraft and establishes criteria for passenger and cargo movement.

Appendix F – History of RMAs

June 1980 – Ted Turner launched the Cable News Network (CNN). The concept behind CNN was to create a network capable of connecting national and international viewers with news from around the world. CNN provided 24-hour news reporting and expanded the market for commentators.

Prior to 1990 – The three major television networks—ABC, CBS, and NBC—occasionally retained the services of retired military analysts to speak on issues and operations related to the military and the Department of Defense. For example, retired military analysts were used to comment on Operations URGENT FURY (Grenada) and JUST CAUSE (Panama). During this era, retired military analysts were typically hired as consultants.³²

August 1990 – The three major television networks—ABC, CBS, and NBC—employed or occasionally hired (in a consultant capacity) retired military analysts to provide commentary about events involving Saddam Hussein and the situation in the Persian Gulf. The following lists the RMAs who were affiliated with the major television networks in August of 1990:

- ABC – Retired Admiral William Crowe, chief military analyst
- ABC – Retired Lt Gen Bernard Trainor, military analyst (contract not restricted to ABC)
- NBC – Retired Lt Gen William Odom, chief military analyst
- CBS – Retired Gen George Crist, chief military consultant
- CBS – Retired Gen Michael Dugan, military consultant

August 1990 – CNN did not have a dedicated military analyst; however, the network employed retired military officers (including Lt Gen Bernard Trainor and Maj Gen Perry Smith) as commentators for the lead-up to Operation Desert Storm.

January 1991 – CNN hired retired U.S. Air Force Major General Perry Smith to serve as the network's full-time military analyst. The network continued to use civilian analysts and continued to establish partnerships with other retired military analysts.

³² Over time, however, the news media increased their stable of retired military analysts. For example, the networks used retired military analysts routinely during the lead-up to Operation Desert Storm. The media reported on the military build-up and rising tensions between the international community and the Iraqi regime. The news networks put military analysts on the air to explain what the military did and how they did it.

At the start of Operation Desert Storm, there were fewer than 10 military analysts working for cable news networks. By March of 1999 when Allied Forces became involved in hostilities in Kosovo, there were 20 retired military analysts working for television and cable news networks. At the start of Operation Enduring Freedom in 2001, FOX, CNN, and MSNBC together employed 17 military analysts. In March 2003, at the start of the war in Iraq, the FOX news network alone employed 19 retired military analysts, and CNN employed five. MSNBC occasionally used retired military analysts but did not employ dedicated military analysts. Many of these analysts were senior ranking officers and the news networks regarded them as subject matter experts with experience, knowledge, and credibility in military matters.

March 1991 – Retired military analysts who provided regular commentary regarding the military build-up in the Persian Gulf solicited information from their ad hoc network of friends and contacts in the Pentagon. Information was inconsistent. DoD officials viewed military analysts as members of the media leading to tension between analysts and Pentagon officials. Analysts were not getting briefings from OASD(PA).

July 1996 – NBC and Microsoft join forces to form MSNBC. At its inception, MSNBC did not employ a military analyst.

October 1996 – News Corp launched the FOX News Channel—the third 24-hour cable news network. During their start up period, FOX News did not employ a full time military analyst. However, retired military analysts did occasionally appear on the network. Some analysts were retained as consultants for a pre-determined period of time while others appeared when asked without receiving any form of compensation.

June 1998 – Major General Perry Smith resigned in protest from CNN following a news special claiming that the U.S. Government used a chemical warfare agent—Sarin gas—against American military servicemen serving in Laos during the Vietnam conflict.

Between June 1998 and May 2001, there were no large-scale events involving the U.S. military action. As a result, cable and network news stations rarely used retired military analysts.

May 2001 – Ms. Victoria Clarke appointed as the Assistant Secretary of Defense for Public Affairs. Ms. Clarke brought public and private sector public relations expertise and brought changes to the DoD approach to public affairs.

September 2001 – Terrorists hijacked four commercial passenger jet airliners and coordinated suicide attacks—two crashed into the World Trade Center, one into the Pentagon, and one crashed into a field near Shanksville, Pennsylvania.

October 2001 – The ASD(PA) and Chief of Outreach Office sponsor the first two outreach briefings to senior non-government opinion makers and labor leaders.

January 2002 – All of the major cable news networks and the television networks have either hired or entered into exclusive contracts with retired military analysts.

| | |
|------------|---|
| October 26 | Opinion Elites/Government Relations Strategists |
| October 31 | Labor Leaders |

Table 3. Outreach Briefings in 2001 (Total: 2)³³

October 2002 – The ASD(PA), Ms. Victoria Clarke, announced an outreach program designed to, among other things, “proactively arm retired military analysts and civilian leaders from various industries and organizations with accurate information related to DoD activities.” Participants also received the OASD(PA)-produced talking points. These documents were routinely written, updated and, disseminated by the Department in an effort to ensure that

³³ Outreach Briefing summary tables derived from OASD(PA) e-mail communication dated April 17, 2006.

information being communicated by spokespersons throughout DoD was factual and consistent. OASD(PA) sponsors the first in-person briefing for the RMAs.

November 2002 – ASD(PA) conducted a communications campaign to brief Pentagon leaders—Service Chiefs, Vice Chairman JCS, Legislative Liaison, General Council, CENTCOM officials—to obtain “buy in” for media embed effort, to include “Media Boot Camp.”³⁴

RMA Activity Synopsis for 2002 - In calendar year 2002, OASD(PA) sponsored 16 outreach briefings, one of which was an RMA briefing (6 percent of total) (See Table 4)

March 2003 – The U.S. military launched Operation Iraqi Freedom. OASD(PA) continued to conduct briefings for retired military analysts and provide responses to their e-mail and telephonic requests for information.

September 2003 – Ms. Victoria Clarke resigned as ASD(PA). Mr. Lawrence DiRita, former Special Assistant to Secretary of Defense Rumsfeld, replaced Ms. Clarke as the Acting ASD(PA). OASD(PA) continued to conduct outreach briefings to retired military analysts and other individuals and groups. Mr. DiRita led an effort to increase contacts between senior DoD officials and the media.

| | |
|--------------|--|
| January 16 | Formers |
| March 20 | Business and Finance Leaders' |
| March 25 | African American Leaders |
| April 15 | Women in Business |
| May 22 | Veterans and Military Service Organizations |
| June 21 | High Tech Industry Roundtable |
| July 30 | Formers |
| August 13 | Strategic Communicators |
| August 16 | National Security Experts |
| September 12 | Corporate Business Leaders |
| September 17 | National Hispanic Leaders' Citizen Patriot Forum |
| October 7 | JCOC 03 |
| October 18 | Good Government |
| October 31 | Retired Military Analysts/Officials |
| November 8 | Veterans and Military Service Organizations |
| December 18 | Religious Leaders |

Table 4. Outreach Briefings in 2002 (Total: 16)

RMA Activity Synopsis for 2003 - In calendar year 2003, OASD(PA) sponsored 16 outreach briefings, four of which were RMA briefings (25 percent of total) (See Table 5)

June 2004 – ASD(PA) created the “Director of Media Outreach” position, marking the beginning of an effort to establish relationships with “new media” entities such as internet bloggers and radio personalities. OASD(PA) continued to conduct briefings with outreach groups.

September 2004 – OASD(PA) signed a contract with Omnitech Solutions, Inc. to evaluate the effectiveness of the public affairs program. The 2-year contract allowed OASD(PA) to collect and analyze DoD-

| | |
|-------------|---|
| January 29 | Embassy Economic Officers |
| January 31 | Formers |
| February 12 | Retired Military Advisors and Civilian Military Experts |
| February 14 | Formers |
| March 7 | U.S. Senate Youth Program Students |
| March 25 | Formers |
| April 10 | Religious Leaders |
| April 18 | U.S. Military Academy Cadets |
| May 30 | Good Government |
| June 6 | Retired Military Analysts |
| July 18 | Key Supporters of the Guard and Reserve |
| July 31 | Formers |
| August 12 | Retired Military Analysts |
| September 4 | JCOC Alumni Meeting |
| November 24 | Retired Military Analysts |
| December 11 | Formers |

Table 5. Outreach Briefings in 2003 (Total: 16)

³⁴ U.S. News and World Report, “Dispatches from Media Boot Camp,” Mark Mazzetti, November 22, 2002.

related information in the media, including retired military analyst commentary.

RMA Activity Synopsis for 2004 - In calendar year 2004, OASD(PA) sponsored 14 outreach briefings, six of which were RMA briefings (42 percent of total) (see Table 6)

November 2005 – DoD hired a Washington D.C.-based firm to produce and publish stories favorable to Coalition Forces in Iraqi newspapers. Some military analysts declined to comment on the initiative while others flatly denounced the effort. News media reports indicated that the initiative created the impression that DoD was attempting to control information coming out of the Pentagon.

| | |
|--------------|---|
| January 15 | Washington Embassy Officials |
| February 11 | Retired Military Analysts |
| March 4 | Formers |
| March 31 | Retired Military Analysts |
| April 12 | Retired Military Analysts |
| April 23 | Good Government |
| June 10 | DC Opinion Elites |
| June 16 | Retired Military Analysts |
| June 21 | Formers |
| July 19 | Labor Leaders |
| August 3 | Retired Military Analysts |
| September 8 | Retired Military Analysts |
| September 29 | Corporate Supporters of Guard and Reserve |
| December 1 | Corporate Leaders |

Table 6. Outreach Briefings in 2004 (Total: 14)

RMA Activity Synopsis for 2005 - In calendar year 2005, OASD(PA) sponsored nine outreach briefings, three of which were RMA briefings. (33 percent of total) (see Table 7)

January 2006 – Mr. J. Dorrance Smith confirmed as the ASD(PA). He expanded the Media Operations Office from a three-person to a 10-person staff to improve outreach to radio personalities.

| | |
|-------------|---------------------------|
| February 3 | Retired Military Analysts |
| February 18 | JCOC Alumni |
| March 4 | Senate Youth Students |
| April 25 | JCOC Participants |
| June 16 | Retired Military Analysts |
| July 28 | Formers |
| August 9 | Retired Military Analysts |
| August 24 | Religious Leaders |
| October 28 | Corporate Outreach |

Table 7. Outreach Briefings in 2005 (Total: 14)

April 2006 – Known as the “General’s Revolt,” six retired generals publicly criticized the President’s handling of the Iraq war and demanded the firing of Defense Secretary Donald Rumsfeld.

October 2006 – The ASD(PA) reorganized OASD(PA), shifting management of the outreach program from the Community Relations and Public Liaison section to the new Surrogates section. The new section targeted retired military analysts.

October 2006 – ASD(PA) assigned Mr. Mark Pfeifle, former communication strategist for the 2004 George W. Bush presidential election campaign, to lead the Surrogates section. In official correspondence, Mr. Smith and Mr. Pfeifle refer to the various outreach individuals and groups as “surrogates.”

December 2006 – Dr. Robert M. Gates is sworn in as the 22nd Secretary of Defense. The ASD(PA) reassigns Mr. Mark Pfeifle as the senior communications advisor to the Secretary of Defense.

RMA Activity Synopsis for 2006 – At the time of this inquiry, detailed information regarding the frequency of outreach group briefings for 2006 and 2007 were unavailable. According to witness testimony, briefings continued to occur at rates similar to previous years.

March 2007 – Ms. Erin Healey named the Director of Communication Outreach. Her responsibilities included (1) the media embed effort, (2) radio and internet engagements, and (3) outreach to key groups and organizations including labor leaders, educators, veterans, civilian military analysts, former Secretaries, Cabinet Members, retired military analysts, and others. Ms. Healey was a former junior assistant press secretary at the White House.

July 2007 - Harper's Magazine begins publication of a series of reports regarding what authors Ken Silverstein and Bernie Becker refer to as the Department of Defense propaganda machine. The series, which ran in four installments, alleged the Bush administration actively sought to recruit and appoint individuals with favorable views of administration policies to the OSD(PA). The article further suggested a concerted effort to shape public opinion using surrogates operating from inside the DOD. The article received little mainstream press attention.

October 2007 – Mr. Smith resigns.

March 2008 – Mr. Robert Hastings appointed the Principle Deputy ASD(PA).

April 2008 – The New York Times reported that DoD devised a media campaign designed to sway public opinion by feeding information to retired military analysts.

April 2008 – Due to the NY Times article and subsequent controversy, Mr. Hastings suspended RMA activities pending an internal review, which was subsequently superseded by the IG review.

Appendix G – Summary of RMA Meetings (2002 thru 2006)

The tables below summarize available data concerning the OASD(PA)-sponsored RMA outreach in-person briefings and conference calls for the period October 2002 to December 2006. The primary data source was meeting agendas and invitee lists provided by the OASD(PA) and may not reflect actual attendance. During interviews with RMA and OASD(PA) officials, we discussed participation and what occurred during meetings but did not attempt to verify attendance for each event.

The first table lists the identified in-person briefings held in the Pentagon. According to evidence collected, the Secretary of Defense was scheduled to be present for all or part of 11 of the 16 meetings. The meetings on June 6, 2003 (item 5) and April 18, 2006 (item 15) were luncheon meetings held in the Secretary of Defense dining room in the Pentagon.

| Item | SecDef Attend | Subject Matter Expert Briefing Title | Date | RMA Attendees |
|------|---------------|---|----------|---------------|
| 1 | Y | Weapons of Mass Destruction | 10/31/02 | 13 |
| 2 | Y | Iraqi Denial & Deception for WMD & Ballistic Missile Programs | 01/10/03 | 16 |
| 3 | Y | Iraqi Post-Regime & Economics Issues | 02/12/03 | 8 |
| 4 | N | Force Medical Protection | 03/13/03 | 15 |
| 5 | Y | Range, Readiness & Preservation Initiative | 06/06/03 | 7 |
| 6 | Y | Data Unavailable | 08/12/03 | 20 |
| 7 | Y | Coalition Reconstruction Efforts in Iraq | 11/24/03 | 14 |
| 8 | N | Military Commission & Detainee Issues | 02/11/04 | 14 |
| 9 | Y | Iraq's Transition to Sovereignty | 03/31/04 | 14 |
| 10 | Y | GTMO/Interrogations | 06/16/04 | 21 |
| 11 | N | FY-06 Army Program/Priorities/Army Transformation | 02/03/05 | 6 |
| 12 | N | Data Unavailable | 06/16/05 | 9 |
| 13 | Y | Training Iraqi Forces | 08/09/05 | 12 |
| 14 | N | Mil Commission Process & Hurricane Recovery & Relief Efforts | 09/28/05 | 9 |
| 15 | Y | Update on Global Ops | 04/18/06 | 18 |
| 16 | Y | Deployment Health Report OIF & OEF | 12/12/06 | 9 |

Legend
Y Yes
N No
X Data Unavailable

The following two pages of tables list the conference calls identified as part of the RMA outreach effort. We did not identify the subject of the briefing for 18 of the conference calls. The data show that the Secretary of Defense was scheduled to participate 13 times over the 26 month period, with an additional five instances where we are unable to determine.

| Item | SecDef Attend | Subject Matter Expert Briefing Title | Date | RMA Attendees |
|------|---------------|---|----------|---------------|
| 1 | X | Data Unavailable | 03/19/03 | 18 |
| 2 | X | Data Unavailable | 03/27/03 | 19 |
| 3 | N | Iraqi Paramilitary | 04/01/03 | 24 |
| 4 | N | Urban Area | 04/04/03 | 22 |
| 5 | N | Urban Area | 04/08/03 | 17 |
| 6 | N | Data Unavailable | 04/11/03 | 16 |
| 7 | N | Data Unavailable | 04/15/03 | 13 |
| 8 | N | Iraqi Reconstruction Update | 04/18/03 | 17 |
| 9 | N | Coalition Reconstruction Efforts in Iraq | 04/25/03 | 15 |
| 10 | N | Coalition Stability Operations in Iraq | 07/10/03 | 17 |
| 11 | N | Coalition Health Care Operations in Iraq | 07/31/03 | 13 |
| 12 | N | Data Unavailable | 08/07/03 | 15 |
| 13 | N | Data Unavailable | 08/21/03 | 10 |
| 14 | N | Stability Operations | 08/28/03 | 2 |
| 15 | N | Coalition Stability Operations in Iraq & Afghanistan | 10/09/03 | 13 |
| 16 | N | Data Unavailable | 10/23/03 | 13 |
| 17 | N | Coalition Stability Operations in Iraq & Afghanistan | 11/13/03 | 7 |
| 18 | N | Iraqi Private Sector Development | 12/09/03 | 15 |
| 19 | N | CPA Reconstruction Efforts | 12/18/03 | 16 |
| 20 | N | Remarks & Discussion | 12/23/03 | 22 |
| 21 | N | Transformation Efforts/2004 Priorities | 01/22/04 | 14 |
| 22 | N | FY05 Budget Request & Taking Care of the Force | 01/29/04 | 11 |
| 23 | N | FY05 Budget Request & Taking Care of the Force | 02/02/04 | 10 |
| 24 | N | US Air Force Tanker Lease Suspension | 02/05/04 | 13 |
| 25 | N | Iraqi Private Sector Development | 02/18/04 | 10 |
| 26 | N | Army Aviation Restructuring | 02/23/04 | 15 |
| 27 | N | US Policy on Landmines: Reducing Humanitarian Risk & Saving Lives | 02/26/04 | 5 |
| 28 | N | Update on Haiti | 03/03/04 | 15 |
| 29 | N | Military Operations Iraq | 03/10/04 | 13 |
| 30 | N | Intelligence Gathering | 03/22/04 | 14 |
| 31 | N | Data Unavailable | 03/26/04 | 11 |
| 32 | N | 9-11 Commission Update | 03/30/04 | 14 |
| 33 | N | Data Unavailable | 04/07/04 | 19 |
| 34 | N | Troop Strength & Deployment Extension in Iraq | 04/15/04 | 19 |
| 35 | N | Military Commission & Detainee Issues | 04/28/04 | 6 |
| 36 | N | Military Prison Issues in Iraq | 05/05/04 | 11 |
| 37 | N | Prison Issue | 05/06/04 | X |
| 38 | N | Issue Update | 05/11/04 | 20 |
| 39 | N | Procedures for Guantanamo Detainees | 05/18/04 | 7 |
| 40 | N | Issue Update | 05/27/04 | 20 |
| 41 | N | Global Defense Posture | 05/27/04 | 16 |
| 42 | N | Detainee & GITMO Issues | 06/03/04 | 12 |
| 43 | N | Update on Iraq | 06/21/04 | 19 |
| 44 | N | Supreme Court Decision on Handling Detainees | 06/28/04 | 11 |
| 45 | N | Supreme Court Decision on Handling Detainees | 06/29/04 | 10 |
| 46 | N | New Procedures for Detainee Operations | 07/07/04 | X |
| 47 | N | Changes at DoD since 9/11 | 07/23/04 | 9 |
| 48 | N | Stress on the Force | 07/26/04 | 19 |
| 49 | N | Troop Redeployment | 08/16/04 | 22 |
| 50 | N | The Fay Report | 08/25/04 | 21 |
| 51 | N | Clarification of NY Times | 09/20/04 | 11 |
| 52 | N | Update on Syria | 09/27/04 | 16 |

Legend
Y Yes
N No
X Data Unavailable

| Item | SecDef Attend | Subject Matter Expert Briefing Title | Date | RMA Attendees |
|------|---------------|--|----------|---------------|
| 53 | N | 3 Yr. Anniversary - Afghanistan | 10/07/04 | 13 |
| 54 | N | TBD | 11/06/04 | 17 |
| 55 | N | Operational Update on Iraq | 11/20/04 | 20 |
| 56 | X | Data Unavailable | 12/01/04 | 7 |
| 57 | N | Armor Issue Iraq | 12/13/04 | 15 |
| 58 | N | Ops Update on Iraq | 12/16/04 | 15 |
| 59 | Y | Ops Update on Iraq | 12/20/04 | 8 |
| 60 | N | Body Armor & Uparmor Vehicles | 12/30/04 | X |
| 61 | N | Data Unavailable | 01/04/05 | 11 |
| 62 | X | Data Unavailable | 01/12/05 | 7 |
| 63 | N | Supplemental Budget Request | 01/25/05 | 18 |
| 64 | N | DoD Detention Operations | 03/09/05 | 15 |
| 65 | N | NDS & NMS | 03/18/05 | 14 |
| 66 | N | Operations in Iraq | 03/30/05 | 11 |
| 67 | N | Future Combat Systems Program | 04/06/05 | 5 |
| 68 | N | Data Unavailable | 04/22/05 | 12 |
| 69 | N | BRAC process and background | 05/10/05 | 10 |
| 70 | N | BRAC | 05/13/05 | 9 |
| 71 | N | Data Unavailable | 06/27/05 | 18 |
| 72 | N | Smidt-Furlow Report | 07/13/05 | 12 |
| 73 | N | China Military Power Report | 07/19/05 | 14 |
| 74 | N | Measuring Stability & Security in Iraq | 07/20/05 | 14 |
| 75 | N | Army's planned locations of Modular Brigade Combat Teams | 07/26/05 | 9 |
| 76 | Y | Data Unavailable | 07/28/05 | 16 |
| 77 | N | Task Force Sexual Harassment & Violence Military Academies | 08/25/05 | 3 |
| 78 | N | Changes to Military Commissions | 08/31/05 | 8 |
| 79 | N | Hurricane Katrina Relief Efforts | 09/07/05 | 15 |
| 80 | N | Operation Restore Rights in Tal Afar | 09/16/05 | 15 |
| 81 | N | Operations in Iraq | 09/28/05 | 11 |
| 82 | N | Ops & Training in Iraq | 10/05/05 | 8 |
| 83 | N | Road Ahead in Iraq | 10/13/05 | 15 |
| 84 | N | Iraq Operations & FOB Tikrit | 11/22/05 | 9 |
| 85 | N | IED Task Force | 12/06/05 | 13 |
| 86 | N | Iraqi Elections | 12/13/05 | 10 |
| 87 | N | Afghanistan Troop Adjustments | 12/20/05 | 7 |
| 88 | N | Afghanistan Troop Adjustments | 12/23/05 | 13 |
| 89 | X | Data Unavailable | 12/28/05 | 13 |
| 90 | N | Equip Soldier & Improvements in Body Armor | 01/12/06 | 7 |
| 91 | N | New Iraq Strategy | 01/17/06 | 9 |
| 92 | N | Military Commissions Manual | 01/18/06 | 4 |
| 93 | N | Quadrennial Defense Review | 01/25/06 | 9 |
| 94 | N | Able Danger & Testimony before HASC | 02/15/06 | 11 |
| 95 | N | Reconstruction Efforts | 02/28/06 | 7 |
| 96 | N | Training the ISF | 03/16/06 | 12 |
| 97 | N | Conference call w/ Servicemembers | 04/08/06 | 8 |
| 98 | N | Joint Intelligence Operation Centers | 04/12/06 | 10 |
| 99 | N | 2006 China Military Report | 05/22/06 | X |
| 100 | N | FY06 Recruiting | 10/06/06 | 8 |
| 101 | N | Current Operations | 10/10/06 | 17 |
| 102 | N | Situation in Baghdad | 10/20/06 | 10 |
| 103 | N | Current Operations | 11/09/06 | 11 |
| 104 | N | Progress in Iraq | 12/05/06 | 9 |
| 105 | N | Progress in Iraq | 12/08/06 | 13 |

Legend
Y Yes
N No
X Data Unavailable

Appendix H – DoD Talking Points Example



US Department of Defense
Talking Points – Iraq Update - Sept. 30, 2003

America's Goals in Iraq

- | |
|--|
| Improve security by hunting terrorists. |
| Expand the international Coalition. |
| Transfer power and accountability to the Iraqi people. |

- A free and democratic Iraq will be a huge victory in the war on terrorism.
- The new Iraq will serve as a model for the transition from tyranny to democracy and self-reliance in the Arab world.
- The United States is not in Iraq on a nation-building mission. The mission is to help Iraqis build their own nation.
- The \$87 billion supplemental is an integrated budget request. No one part is more important than another.
- Eighty-seven billion dollars is a great deal of money. But the cost of sending the message to terrorists that the U.S. will not spend or do what it takes to win is far greater.
- The supplemental funds requested are part of the Coalition's exit strategy. The sooner Iraqis can defend themselves, the sooner Coalition troops can go home.

Progress in Iraq

- More than 8,000 individual reconstruction projects in Iraq have been completed in just three months.
- In less than five months, 56,000 Iraqis have been trained, armed and equipped to defend their country. Another 14,000 are in training now.
- Virtually all major hospitals and universities have been reopened.

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Appendix I – Memorandum for DAS for Public Affairs for Internal Communications/Public Liaison

November 23, 2005

MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS FOR INTERNAL COMMUNICATIONS/PUBLIC LIAISON

SUBJECT: Public Affairs Community Outreach Invitational Travel

Based upon Department of Defense Directive 5410.18, Public Affairs Community Relations Policy, fostering good community relations and civic outreach is in the best interest of the Department of Defense, and is part of our mission.

The principal goal of community relations is to increase understanding of DoD and U.S. defense posture and capabilities by increasing public exposure to, and understanding of, military personnel and their mission capabilities.

There are various methods available to achieve this public affairs goal, including the involvement of civilians who are capable of disseminating information to various publics about DoD activities via public speaking platforms, media outlets and other outreach venues.

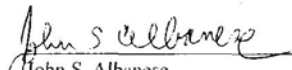
Based upon current DoD public affairs policy, and in accordance with Joint Travel Regulations requirements, it is permissible to issue invitation travel authorizations to civilians not employed by the federal government who are performing duties that are directly related to, or in conjunction with, official DoD activities. For example, invitational travel may be authorized for persons who are requested to view DoD activities in support of an official Public Affairs outreach mission. These individuals then become Public Affairs "force multipliers" by telling the DoD story to their communities and within their spheres of influence.

Prior to OSD/PA authorizing travel for such individuals, the requesting official ensures there is justification for the expense of mission funds for such participation and the expected impact on DoD's civic outreach mission.

(Note that under the JTR, different travel requirements apply for civilians who are Federally employed or who are DoD contract employees.)

This memo has been coordinated with Mr. John S. Albanese, Senior Counsel, Office of WHS General Counsel, who oversees Joint Travel Regulations issues.

Cynthia L. Minnick
Senior Assistant for Policy


John S. Albanese
Senior Counsel, WHS/OGC

Appendix J – Interviews with News Networks

We requested interviews with the official responsible for the news divisions at five networks: ABC, CBS, CNN, FOX, and NBC. All declined our request for an interview. ABC, CNN, and FOX provided formal written responses to our inquiry. NBC forwarded copies of their responses to Congresswoman DeLauro and the New York Times. CBS provided “off the record” remarks.

In general, the written responses stated that the networks relied on the RMAs for their expertise, knowledge and experience in military matters. The networks considered the RMAs as outside consultants, expecting them to be “ultimate insiders,” fully using contacts and access to ongoing events in DoD. Three networks discussed their requirement for disclosure of potential conflicts of interest. There were no negative connotations concerning the role of the OASD(PA), and one network representative pointed out that “just because the Pentagon had a public relations effort that suggested military analysts be courted, does not mean that every analyst fell for the effort.”

We interviewed three media professionals that formerly held executive positions with the networks: a former president, an executive producer, and a bureau chief. The interviews provided several unique perspectives.

- The networks retained military experts to augment their correspondents.
- RMA and anchors/network correspondents conducted extensive preparation prior to appearing on-air.
- Different venues (morning shows, Sunday morning news shows, nightly news) provide different opportunities to broadcast a message.
- The networks performed no polling or research on RMA appearances.
- RMAs were not journalists and demonstrated a “home-town bias” towards the military.
- Over time, some RMAs provided opinions on policy, going beyond commenting on military operations.

RMAs represented a unique group. Many were “credentialed” media and paid by networks without having to satisfy journalist requirements. As retired military, they received retired pay from DoD but were perceived by the American public as free to speak their mind. They were provided access to senior DoD officials and were expected to remain apolitical in a situation where politics were part of the terrain.

Appendix K – RMA Relationship with Defense Contractors and Competitive Advantage

We researched contractor affiliations and consulting relationships for 70 RMAs who participated in OASD(PA) outreach during FY 2003 through FY 2007. Although the exposure to unique DoD information could potentially provide the recipient with advantage, the IG team did not identify any specific instance of advantage gained as a result of participation in outreach activities. We uncovered insufficient information to state that no competitive advantage existed. See Appendix C for details concerning research methodology.

As a result of information found, RMAs were classified into four groups:

- analysts with identifiable DoD contractor affiliations (20 of 70 analysts)
- analysts not affiliated with DoD contractors (43 of 70),
- analysts lacking sufficient information to determine affiliation (2 of 70), and
- analysts not specifically linked to DoD contracts but consulted for firms on defense related topics (5 of 70).

Analysts With Defense Contractor Affiliations. Information indicated that 20 RMAs (29 percent) who participated in outreach activities during FY 2003 through FY 2007 had an affiliation with one or more DoD contractors. The 20 RMAs identified were linked to corporations, companies, foundations, Boards of Directors, or some type of business that received DoD contracts during the fiscal years in question.

| | Attendances | Fiscal Year | Retired Military Analyst |
|----|-------------|-----------------------|--|
| 1 | 98 | FY 03, 04, 05, 06, 07 | LTC Robert L. Maginnis, USA, Retired |
| 2 | 58 | FY 04, 05, 06, 07 | LTC Timur J. Eads, USA, Retired |
| 3 | 32 | FY 03, 04, 05, 06, 07 | LTG Frank B. Campbell, Retired |
| 4 | 27 | FY 03, 04, 05, 07 | Gen Ronald Fogleman, USAF, Retired |
| 5 | 25 | FY 03, 04, 05, 06, 07 | GEN William F. "Buck" Kernan, USA, Retired |
| 6 | 9 | FY 03, 04, 05, 07 | GEN Wayne A. Downing, USA, Retired |
| 7 | 9 | FY 03, 04 | ADM Thomas Joseph Lopez, USN, Retired |
| 8 | 9 | FY 03, 04 | Gen. Larry D. Welch, USAF, Retired |
| 9 | 9 | FY 03, 04, 05 | Gen Charles E. Wilhelm, USMC, Retired |
| 10 | 8 | FY 03, 05 | Gen. Thomas S. Moorman, JR, USAF, Retired |
| 11 | 5 | FY 03, 04, 05 | ADM Dennis C. Blair, USN, Retired |
| 12 | 4 | FY 03, 04 | GEN George Joulwan, USA, Retired |
| 13 | 2 | FY 06, 07 | Lt. Gen. Michael P. Delong, USMC, Retired |
| 14 | 1 | FY 05 | LTC David Finkelstein, USA, Retired |
| 15 | 1 | FY 03 | LTG Jay M. Garner, USA, Retired |
| 16 | 1 | FY 04 | MG James T. Jackson, USA, Retired |
| 17 | 1 | FY 07 | MG. James "Spider" Marks, USA, Retired |
| 18 | 1 | FY 03 | GEN Edward C. Meyer, USA, Retired |
| 19 | 1 | FY 04 | LTG Robert W. Noonan, JR, USA, Retired |
| 20 | 1 | FY 03 | GEN John Shalikashvili, USA, Retired |

Analysts Not Affiliated With DoD Contractors. Information indicated that 43 RMAs (61 percent) of the 70 identified as public affairs outreach participants from FY 2003 to FY 2007 had no direct affiliation with defense contractors. The analysts in this group were authors, professors, lecturers, and served on charity foundations, advisory boards, councils, and law firms with no identified defense clients at the time of their participation in outreach activities.

| | Attendances | Fiscal Year | Retired Military Analyst |
|----|-------------|-----------------------|---|
| 1 | 80 | FY 03, 04, 05, 06, 07 | LT GEN Thomas G. McInerney, USAF, Retired |
| 2 | 78 | FY 03, 04, 05, 06, 07 | COL Ken Allard, USA Retired |
| 3 | 76 | FY 03, 04, 05, 06, 07 | MG Paul E. Vallely, USA, Retired |
| 4 | 74 | FY 03, 04, 05, 06, 07 | Maj. Gen. Donald W. Shepperd, USAF, Retired |
| 5 | 71 | FY 04, 05, 06, 07 | CAPT Charles Nash, USN Retired |
| 6 | 61 | FY 04, 05, 06, 07 | Mr. Jed Babbitt, Former JAG, USAF, Former USD |
| 7 | 55 | FY 04, 05, 06, 07 | CSM Steven Greer, USA, Retired |
| 8 | 51 | FY 04, 05, 06, 07 | COL Jeff McCausland, DR., USA, Retired |
| 9 | 47 | FY 03, 04, 05, 06, 07 | GEN William Nash, USA, Retired |
| 10 | 42 | FY 04, 05, 06, 07 | Lt. Col. Rick Francona, USAF, Retired |
| 11 | 35 | FY 03, 04, 05, 06 | Gen Glen K. Otis, USA, Retired |
| 12 | 35 | FY 04, 05, 06, 07 | LTC James Jay Carafano, DR, USA, Retired |
| 13 | 34 | FY 04, 05, 06, 07 | Lt. Gen. Ervin J. Rokke, USAF, Retired |
| 14 | 33 | FY 03, 04, 05, 06, 07 | COL Jack Jacobs, USA, Retired |
| 15 | 32 | FY 03, 04, 05 | Gen Montgomery C. Meigs, USA, Retired |
| 16 | 30 | FY 03, 04, 05, 06, 07 | COL Glenn Lackey, USA, Retired |
| 17 | 28 | FY 03, 04, 05, 06, 07 | Maj. Gen. Tom Wilkerson, USMC, Retired |
| 18 | 29 | FY 03, 04, 05, 06, 07 | BG David Grange, USA, Retired |
| 19 | 26 | FY 03, 04, 05 | Gen. Joseph W. Ralston, USAF, Retired |
| 20 | 19 | FY 03, 04, 05, 07 | Maj. Gen. Perry Smith, USAF, Retired |
| 21 | 19 | FY 04, 05, 06, 07 | CAPT Martin L. Strong, USN, Retired |
| 22 | 19 | FY 05, 06, 07 | LTC Gordon Cucullu, USA, Retired |
| 23 | 17 | FY 03, 04, 05 | Col. John Warden, USAF, Retired |
| 24 | 16 | FY 04, 05 | MAJ Dana R. Dillon, USA, Retired |
| 25 | 15 | FY 04, 05, 06, 07 | MG Robert H. Scales, USA, Retired |
| 26 | 12 | FY 03 | RDML Thomas F. Marfiak, USN, Retired |
| 27 | 12 | FY 03, 04 | Lt. Gen Bernard Trainor, USMC, Retired |
| 28 | 11 | FY 03, 04 | LTG Daniel W. Christman, USA, Retired. |
| 29 | 8 | FY 06, 07 | Wayne Simmons, USN, Retired, CIA |
| 30 | 7 | FY 03, 04 | Lt. Gen. Buster Glosson, USAF, Retired |
| 31 | 7 | FY 03, 04 | ADM David E. Jeremiah, USN, Retired |
| 32 | 7 | FY 03 | GEN Barry McCaffrey, USA, Retired |
| 33 | 7 | FY 03, 07 | Mr. Bing West, USMC Retired, Former ASD |
| 34 | 6 | FY 03 | GEN Wesley Clark, USA, Retired |
| 35 | 4 | FY 04, 05 | MAJ Andy Messing, JR, USA, Retired |
| 36 | 3 | FY 05 | CDR Peter Brookes, USN, Retired |
| 37 | 2 | FY 03 | Gen. Charles A. Horner, USAF, Retired |
| 38 | 2 | FY 03, 04 | GEN Hugh Shelton, USA, Retired |
| 39 | 1 | FY 03 | Maj. Gen. George B. Harrison, USAF, Retired |
| 40 | 1 | FY 03 | ADM Charles Larson, USN, Retired |
| 41 | 1 | FY 03 | ADM Joseph Prucher, USN, Retired |
| 42 | 1 | FY 05 | Capt Robert R. Tirnberg, USMC, Retired |
| 43 | 1 | FY 07 | MG Timothy M. Haake, USAR, Retired |

Analysts Lacking Sufficient Information to Determine Affiliation. The IG team was unable to find sufficient information on two RMAs (3 percent) to determine whether they were affiliated with DoD contractors. These two analysts may have had unknown DoD contractor associations.

| | Attendances | Fiscal Year | Retired Military Analyst |
|---|-------------|-------------|-------------------------------|
| 1 | 7 | FY 04 | COL Walter P. Lang, USA, Ret. |
| 2 | 2 | FY 06, 07 | CAPT John Coyne, USN, Ret. |

Analysts Not Specifically Linked to DoD Contracts But Consulted For Firms on Defense Related Topics. Information indicated that five RMAs (7 percent) were not directly affiliated with firms holding DoD contracts but performed consulting work on Defense related topics. Of these five analysts, two were linked to a law firm and three to a business that did not compete for DoD contracts but provided consulting services.

| | Attendances | Fiscal Year | Retired Military Analyst |
|---|-------------|-------------------|---|
| 1 | 57 | FY 04, 05, 06, 07 | Col. John Garrett, USMC, Retired |
| 2 | 19 | FY 04, 05, 06, 07 | MG Michael J. Nardotti, JR., USA, Retired |
| 3 | 23 | FY 03, 04 | MAJ Robert S. Bevelacqua, USA, Retired |
| 4 | 15 | FY 03, 04, 05 | Lt. Col Bill Cowan, USMC, Retired |
| 5 | 6 | FY 04, 05 | Lt. Col. Carlton Sherwood, USMC, Retired |

Appendix L – Report Distribution

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Assistant Secretary of Defense (Public Affairs)*
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Inspector General, Department of the Army

Department of the Navy

Naval Inspector General
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Department of the Air Force

Inspector General, Department of the Air Force

Joint Staff

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Special Assistant for Public Affairs

Non-Defense Federal Organization

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Senate Subcommittee on Defense, Committee on Appropriations
Senate Committee on Homeland Security and Governmental Affairs
House Committee on Armed Services
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House Committee on Oversight and Government Reform

* Draft Report Recipient

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