

# RUMMY'S DUMP

Donald Rumsfeld, channeling Julian Assange, has now made the database of documents accompanying his book available.

As Spencer notes, making these documents available is largely self-serving; a way for Rummy to point to early moments of reflection that were followed by later moments of rash stupidity or lies.

To put it uncharitably: when you've got a rep for being less-than-honest and unwilling to debate, you might as well let the documents speak for themselves.

So take, for instance, one that Rumsfeld's promoting on his website. It's a September 9, 2002 summary from the Joint Staff's top intelligence official confessing that U.S. assessments of Saddam Hussein's weapons of mass destruction "rely heavily on analytic assumptions and judgment rather than hard evidence." Rumsfeld told the chairman of the Joint Chiefs of Staff to "take a look" at the memo, because "what we don't know about WMD... is big."

Aha! Rumsfeld was a voice for moderation on the Iraq WMD all along! He looks pretty good for bravely disclosing that, right? Not when you remember that *after* he received that summary, he continued to portray the evidence against Iraq as ironclad, up to and after the invasion. ("We know where [the WMD] are. They're in the area around Tikrit and Baghdad and east, west, south and north somewhat.")

Spencer points to similar examples relating to Afghanistan and interrogation.

But there are some fascinating documents in here. As Marc Ambinder noted yesterday, there's

Rummy's memo to General Myers and Stephen Cambone supporting George Tenet's recommendation that John Brennan head the Terrorist Threat Integration Center; in that position Brennan oversaw targeting for Cheney's illegal wiretap program. But in news relevant to today, the memo also emphasizes Brennan's experience as CIA's Chief of Station in Cairo.

Then there's this memo from retired General Wayne Downing to Rummy recommending some changes to Special Operations. Among other things, this memo recommends that special operations report directly to the Secretary of Defense:

To flatten the chain of command, JSOC should report directly to the SD for the immediate future. There is precedent for this new approach to the combat employment of SOF that will better position DoD for the future fight. JSOC reported directly to the CJCS prior to Goldwater-Nichols legislation and the Nunn-Cohen Amendment.

Sy Hersh explained some of the implications of Bush reversing Goldwater-Nichols so as to give civilians direct oversight of JSOC in a 2008 article.

[T]he 1986 Defense Reorganization Act, known as Goldwater-Nichols, [] defined the chain of command: from the President to the Secretary of Defense, through the chairman of the Joint Chiefs of Staff, and on to the various combatant commanders, who were put in charge of all aspects of military operations, including joint training and logistics. That authority, the act stated, was not to be shared with other echelons of command. But the Bush Administration, as part of its global war on terror, instituted new policies that undercut regional commanders-in-chief; for example, it gave Special Operations teams, at military commands around the

world, the highest priority in terms of securing support and equipment. The degradation of the traditional chain of command in the past few years has been a point of tension between the White House and the uniformed military.

"The coherence of military strategy is being eroded because of undue civilian influence and direction of nonconventional military operations," [ret. General Jack] Sheehan said. "If you have small groups planning and conducting military operations outside the knowledge and control of the combatant commander, by default you can't have a coherent military strategy. You end up with a disaster, like the reconstruction efforts in Iraq."

The memo gives hints of other issues that would later be points of contention wrt JSOC. For example, it describes the activities JSOC will need to undertake:

The future GWOT fight will be conducted principally using indirect and clandestine ways and means. It will require sustained [unconventional warfare], [foreign internal defense] and operational preparation of the environment (OPE) in multiple countries. Building and leveraging partner capacity will be a core element of strategy, and the employment of surrogates will be a key method for accomplishing many GWOT missions.

As we would see, JSOC and Cheney would make broad claims for activities included under "preparation of the environment" as a means to evade congressional oversight. As that same Hersh article explained, preparing the environment was the buzzword DOD used to avoid briefing Congress on ops.

There is a growing realization among some legislators that the Bush Administration, in recent years, has conflated what is an intelligence operation and what is a military one in order to avoid fully informing Congress about what it is doing. "This is a big deal," the person familiar with the Finding said. "The C.I.A. needed the Finding to do its traditional stuff, but the Finding does not apply to JSOC. The President signed an Executive Order after September 11th giving the Pentagon license to do things that it had never been able to do before without notifying Congress. The claim was that the military was 'preparing the battle space,' and by using that term they were able to circumvent congressional oversight. Everything is justified in terms of fighting the global war on terror." He added, "The Administration has been fuzzing the lines; there used to be a shade of gray"—between operations that had to be briefed to the senior congressional leadership and those which did not—"but now it's a shade of mush."

Note, too, that last year, the Armed Services Committees expressed concern about (on the Senate side) DOD using special ops' ability to provide support to "surrogates" being used to justify long-term engagements in countries other than Iraq and Afghanistan and (on the House side) involving contractors. When asked whether he would share information to alleviate these concerns with intelligence committees at his confirmation hearing last year, DNI James Clapper said he wasn't obligated to, again hiding information on ops under the veil of DOD legal authorities.

Closely related is Downing's complaint that the difference between Title 10 and Title 50 authorities impede flexibility.

Operations [redacted] outside of Iraq and Afghanistan are complicated by Title 10 vs. Title 50 authorities, and inability to flexibly detail personnel.

Title 10 activities fall under DOD war-making authority and less stringent Armed Services Committee oversight; Title 50 fall under CIA covert op authority with the required Findings to be shared with Intelligence Committees.

Now, none of this is new—we're had ongoing reporting on how both the Bush and Obama Administrations have used the legal distinction between DOD war-making and IC clandestine ops to operated with limited oversight. But it is interesting seeing Downing lay some of that framework back in 2005.