



DEPARTMENT OF THE NAVY  
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SECRET - Unclassified upon removal of attachments

MEMORANDUM FOR INSPECTOR GENERAL, DEPARTMENT OF THE NAVY

Subj: STATEMENT FOR THE RECORD: OFFICE OF GENERAL COUNSEL  
INVOLVEMENT IN INTERROGATION ISSUES

Ref: (a) NAVIG Memo 5021 Ser 00/017 of 18 Jun 04

This responds to your request at reference (a) for a statement that chronicles any involvement by the Department of the Navy Office of the General Counsel (OGC) or me personally in the development of the "interrogation rules of engagement" (IROE) for Operation Enduring Freedom and Operation Iraqi Freedom. The following narrative adopts a slightly broader focus. It seeks to describe any such knowledge or involvement as OGC or I had on any aspect of the interrogation techniques used or contemplated following September 11, 2001, including participation in legal analysis or discussions of such issues. In the end, it is largely an account of my personal actions or knowledge. Unless otherwise indicated, the use below of the term "OGC" includes my personal knowledge or activity as well as that of other OGC attorneys or personnel.

Before discussing the specifics of this involvement, four key factors or events warrant mention by way of background:

First, as a general rule, OGC has not had any official responsibility for or involvement in detainee interrogation practices, procedures, or doctrines, including IROE. Because the Department of the Navy (DON) does not have and has not had assigned responsibilities for detainee interrogation matters, OGC was neither consulted nor informed of such issues. Apart from the incidental events recounted here, the one exception to this occurred on January 17, 2003, when the General Counsel of the Air Force, acting pursuant to SECDEF and DOD GC direction, requested that OGC participate in an inter-Service Detainee Interrogation Working Group. When the Working Group ceased its work in late March 2003, OGC official involvement in detainee interrogation issues also stopped.

Second, my duties as General Counsel of the Navy include serving as the Reporting Senior within the DON Secretariat for