

# A Deluge of Bad Advice and Statistics

By Colonel Daniel Smith, USA (Ret.) | June 29, 2004

The cliché about bad news—“it never rains but it pours”—was in full view the week of June 20. And the forecast is for more of the same for the foreseeable future.

The proverbial torrents in question were the documents and statistics made public by the Bush administration as it tried to regain the initiative in all things relating to Iraq and the “war on terror.” News media calculated the White House alone had released a two-inch thick stack of papers, with other documents coming from the Justice Department and the Pentagon.

For weeks, the White House and the Pentagon had been fighting perceptions—stemming from revelations of abuse of prisoners at Abu Ghraib—

that they were intent on circumventing if not outright shredding international treaties and domestic U.S. statutes regarding interrogation techniques. But leaks to the media of parts of various documents, plus the publication of a meticulous Defense Department memo parsing the language of the Geneva

Conventions, the Convention Against Torture, the Constitution, U.S. Army publications on interrogation techniques, and U.S. law, kept the issue on page one.

The issue came to a head when Attorney-General John Ashcroft, appearing before the Senate Judiciary Committee on June 8, flatly refused to provide a copy of two memoranda originated by his department’s Office of Legal Counsel. A subsequent proposal by Democrats on the Senate Armed Forces Committee to issue a subpoena for 23 documents

was blocked by Republicans, who drew up a list of “talking points” that included charges that “an out-of-control media and widespread hysteria” had compelled the administration “to reveal secret interrogation techniques just to prove our men and women in uniform aren’t torturers and murders” (*Washington Post*, June 24, 2004). Additional talking points claimed that revealing the techniques allowed would enable opponents to train to withstand their use and urged that Members “remember who [U.S.] enemies

are.” But the White House judged that the controvercontrover controversy would not abate as long as it continued to withhold documents.

## The Legal Evidence

In all, twelve letters and memoranda plus one report were posted on various media websites on June 22 (See Box 1). Six of these originated in the Justice Department, one was a letter signed by President Bush, and six—including an

85-page report—originated in the Pentagon. There was also a one-page press briefing paper listing allowed interrogation techniques for Guantanamo Bay detainees. These documents revealed none of the reported ambivalence of the highest ranking military lawyers about the new rules pertaining to permitted and prohibited methods of interrogating detainees, whether prisoners of war or “unlawful combatants.” But among the papers released were only three of the 23 requested by Senators, and none dealt with techniques used by the CIA.

---

A subsequent proposal by Democrats on the Senate Armed Forces Committee to issue a subpoena for 23 documents was blocked by Republicans, who drew up a list of “talking points” that included charges that “an out-of-control media and widespread hysteria” had compelled the administration “to reveal secret interrogation techniques just to prove our men and women in uniform aren’t torturers and murders.”

---



Foreign Policy In Focus (FPiF)

www.fpiif.org  
A Think Tank Without Walls

## BOX 1: THE LIST OF DOCUMENTS MADE PUBLIC

- a January 22, 2002 memo from Department of Justice (DoJ) Assistant Attorney General Jay Bybee to White House Counsel Alberto Gonzales and Department of Defense (DoD) General Counsel William Haynes. The memo held that Afghanistan was a “failed state,” that this status was grounds for the President to “suspend” U.S. obligations to Afghanistan under international treaties—including Geneva Conventions;
- a February 1, 2002 letter from Attorney General John Ashcroft to President Bush outlining two options justifying the position that the Geneva Conventions did not apply to either Taliban or al Qaeda fighters in U.S. custody. One option was deemed to offer more conclusive “protection” against interventions by U.S. courts;
- a February 7, 2002 DoJ memo (Bybee) to White House Counsel Gonzales stating that the President could issue a “determination” that captured Taliban were not entitled to prisoner-of-war status;
- a February 7, 2002 memo from the President in which he claims the right to withhold Geneva Convention guarantees from captured Afghan fighters but decides not to apply his decision “at this time;”
- a February 26, 2002 DoJ memo (Bybee) to DoD (Haynes) concerning applicability of constitutional protections in a court of law to prisoners’ statements made during interrogation;
- an August 1, 2002 DoJ memo (Bybee) to White House Counsel Gonzales advising that interrogation methods employed against al Qaeda captives would not contravene the Convention against Torture and were not subject to the jurisdiction of the International Criminal Court;
- an August 1, 2002 DoJ memo (Bybee) to White House Counsel Gonzales asserting that under certain conditions, torture of suspected terrorists could be “legally defended” found that torturing terrorism suspects might be legally defensible. (It is worth noting that when these documents were made public on June 22, 2004, the Department of Justice disavowed this memo);
- a December 2, 2002 DoD memo (Haynes), approved by Secretary of Defense (SECDEF) Donald Rumsfeld specifying interrogation methods that could be employed against detainees at Guantanamo Bay;
- a January 15, 2003 DoD memo (Rumsfeld) to the Commander, U.S. Southern Command, rescinding the December 2, 2002 memo’s standing approval to employ some interrogation methods at Guantanamo, but permitting special requests to use more coercive techniques for specific prisoners if the request is meticulously justified;
- a January 15, 2003 DoD memo (Rumsfeld) to General Counsel Haynes directing him to assemble a working group review all policies relating to interrogations;
- a January 17, 2003 DoD memo (Haynes) to the USAF General Counsel appointing her as chair of the working group requested by Rumsfeld;
- an April 4, 2003 DoD report by the working group, including recommendations on what methods to allow;
- an April 16, 2003 DoD memo (Rumsfeld) to Commander, U.S. Southern Command reaffirming interrogation methods approved for routine use at Guantanamo and methods whose use required his specific assent;
- an undated one-page list of interrogation techniques approved and employed at Guantanamo provided to media on June 22, 2004.

All of these documents can be accessed online at <http://www.washingtonpost.com/wp-dyn/articles/A62516-2004Jun22.html>.

### Patterns of Terrorism Report

But the revelations concerning standards of conduct in interrogations was but one part of the week’s bad news. Almost lost in this torrent of interrogation-related papers was the State Department’s re-issue of

a corrected *Patterns of Global Terrorism 2003* report. The original version, which was released April 29, indicated a drop in total terror incidents and overall casualties. The revised report showed an increase in the number of 2003 incidents from even a revised

---

2002 baseline, a larger increase in “significant” incidents, and a sharp rise in the numbers injured in terror attacks.

As with many statistical reports, the numbers in “Patterns” reflect choices of what will be included and what excluded. Because the report’s real subject is international terror—defined as incidents involving different nationalities as opposed to a global survey of all incidents labeled as terror-motivated—incidents are not counted when perpetrator and victim(s) are of the same nationality and the violence takes place in their country. Moreover, civilian casualties—so-called “collateral damage”—resulting from military action are not counted—e.g., Iraqi and Afghan civilians killed and wounded in their countries during U.S. and coalition operations or Palestinian casualties from Israeli military strikes.

Secretary of State Colin Powell and Ambassador Cofer Black, State’s counterterrorism coordinator, said that “technical and human errors” accounted for the mistakes in the original report. They both dismissed suggestions that totals were manipulated to give the impression that the “war on terror” was succeeding, which could be a political plus for the administration.

In this case, unlike the interrogation controversy, some Democrats agreed that the errors were inadvertent; others were less sure, and no one was comforted by the thought that the Terrorist Threat Integration Center, the government’s central clearing house for terrorist information, botched the original report.

### Other Trends in Iraq

As the media focused on these issues, few seemed to take much interest in other significant statistics and trends relating to Iraq. A brief overview based on reports from Department of Defense, Army, Marine Corps, and U.S. Central Command briefings and data includes the following:

- With recent additions of U.S. and British troops, coalition forces in Iraq now total approximately 163,000 (141,000 U.S. and 22,000 from other countries). There are also an estimated 20,000 foreign, non-military armed security personnel. With five days left before the return of “full sovereignty”

to Iraqis, the legal status of these forces remains unsettled.

- Of a total force numbering 1,049,000 personnel, the Army has 311,000 troops (29.6 percent) deployed in 120 countries. (The breakdown of the total force is: 495,000 active duty, 343,000 Army National Guard, and 211,000 Army Reserves. In addition, there are 118,000 in the Individual Ready Reserve, a source of experienced reservists who have not completed their service obligation but are not assigned to a reserve unit for periodic drills.)
- Of the 311,000 deployed abroad, approximately 120,000 (38 percent) are in Iraq participating in Operation Iraqi Freedom. An additional 30,000 are in Kuwait or other countries supporting operations in Iraq. (There are approximately 21,000 U.S. Marines in Iraq with an increase to 26,000 planned for August.)
- In terms of “units of action”—the latest euphemism for combat brigades—27 of the current 34 active duty formations (79 percent) are deployed.
- U.S. Central Command is considering whether to request assignment of three to five additional brigades—as many as 25,000 troops—to augment the current force.
- Another source of personnel to bring units up to authorized strength is the Individual Ready Reserve. Approximately 2,300 members of the Individual Ready Reserve (IRR) are participating in the Iraqi effort. Reportedly, most volunteered, but the Pentagon may tap as many as 6,500 more with special skills such as military police, intelligence, language, and civil affairs.
- Total National Guard and Reserves (including IRR) on active duty around the world are 168,000, of whom 144,000 (85.7 percent) are Army.
- U.S. fatalities from June 1 to June 25 totaled 35, with 10 deaths recorded during the week of June 20. Deputy Secretary of Defense Paul Wolfowitz conceded in testimony before the House Armed Services Committee on June 22 that his department had not expected the tenacity displayed by the Iraqi insurgents, a most significant factor in

---

the current plans calling for high U.S. force levels in Iraq “for years to come.”

- Two days later, General George Casey, nominated as the new ground force commander in Iraq, echoed Wolfowitz. And as if to add an exclamation point, on June 24, nearly 100 Iraqis were killed and more than 300 wounded in a series of coordinated attacks and bombings by insurgents.

The level and sophistication of insurgent operations virtually guarantees that troop levels will remain high—some observers suggest U.S. forces alone could reach 165,000. It is also apparent that moves to return to the Marine Corps standard of six month deployments from the current seven months rotation for Iraq are on hold. Similarly, the Army will retain its 12 month unit rotation schedule as well as the application of stop-loss procedures to keep force numbers up.

There is one ray of sunshine—relatively speaking—to which the administration can point. The 35 U.S. dead in June is down from the 80 killed in May and the 135 killed in April. Unfortunately, the month isn't over.

---

*Dan Smith <dan@fnc.org> is a military affairs analyst for Foreign Policy in Focus (online at [www.fpif.org](http://www.fpif.org)), a retired U.S. army colonel, and a senior fellow on Military Affairs at the Friends Committee on National Legislation.*

## FOR MORE ANALYSIS FROM FOREIGN POLICY IN FOCUS SEE:

*Pentagon Report Argues Torture is Legal in War on Terror*  
By Jim Lobe (June 10, 2004)

<http://www.fpif.org/commentary/2004/0406torturelegal.html>

*Charging on in Iraq—But Which Way?*

By Colonel Daniel Smith, USA (Ret.) (June 7, 2004)

<http://www.fpif.org/commentary/2004/0406charging.html>

*The Defense of “Command Influence”*

By Colonel Daniel Smith, USA (Ret.) (May 18, 2004)

<http://www.fpif.org/commentary/2004/0405comminf.html>

*How Long a War?*

By Colonel Daniel Smith, USA (Ret.) (May 13, 2004)

<http://www.fpif.org/commentary/2004/0405byrdwar.html>

*Of Rumor and Reality*

By Colonel Daniel Smith, USA (Ret.) (April 30, 2004)

<http://www.fpif.org/commentary/2004/0404rumorreality.html>

*The Psychology of War: Iraq and Vietnam*

By Colonel Daniel Smith, USA (Ret.) (April 7, 2004)

<http://www.fpif.org/commentary/2004/0404iraq-vietnam.html>

*Rendering an Account on Iraq*

By Colonel Daniel Smith, USA (Ret.) (March 18, 2004)

<http://www.fpif.org/commentary/2004/0403iraq-ann.html>

*Why So Many Were So Wrong for So Long*

By Col. Daniel Smith, USA (Ret.) (February 5, 2004)

<http://www.fpif.org/commentary/2004/0402wrong.html>

*Fighting By the Rules, Not Against Them*

By Col. Dan Smith, (Ret.) (December 18, 2003)

<http://www.fpif.org/commentary/2003/0312rules.html>

---

Published by Foreign Policy In Focus (FPF), a joint project of the Interhemispheric Resource Center (IRC, online at [www.irc-online.org](http://www.irc-online.org)) and the Institute for Policy Studies (IPS, online at [www.ips-dc.org](http://www.ips-dc.org)). ©2004. All rights reserved.

## Foreign Policy In Focus

“A Think Tank Without Walls”

Established in 1996, Foreign Policy In Focus is a network of policy analysts, advocates, and activists committed to “making the United States a more responsible global leader and global partner.” For more information, visit [www.fpif.org](http://www.fpif.org).

### Recommended citation:

Colonel Daniel Smith, USA (Ret.), “A Deluge of Bad Advice and Statistics,” (Silver City, NM & Washington, DC: Foreign Policy In Focus, June 29, 2004).

### Web location:

<http://www.fpif.org/papers/0406deluge.html>

### Production Information:

Writer: Colonel Daniel Smith, USA (Ret.)

Editor: John Gershman, IRC

Layout: Chellee Chase-Saiz, IRC

p. 4

---

[www.fpif.org](http://www.fpif.org)

A Think Tank Without Walls

