



LEGISLATIVE  
AFFAIRS

ASSISTANT SECRETARY OF DEFENSE  
WASHINGTON, DC 20301-1300

RECEIVED  
SENATE ARMED SERVICES  
OFFICE

11 MAY 10 PM 2:37

The Honorable Carl Levin  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

MAY 9 2011

Dear Mr. Chairman:

The Department supports section 2(a) of S. 242, "Guardians of Freedom Act of 2011", directing the Chief, National Guard Bureau (CNGB) to serve as an advocate and liaison for the National Guard of each state, the Commonwealth of Puerto Rico, the District of Columbia, and the territories of Guam and the U.S. Virgin Islands. This would reinforce his time-honored role as the channel of communications between the state National Guards and the Department.

The Department of Defense opposes section 2(b) which proposes including the CNGB as a member of the Joint Chiefs of Staff (JCS). Since the position was elevated to a four-star rank in 2009, the CNGB has attended JCS meetings and contributed valuable perspectives regarding the National Guard, particularly its critical, non-federalized homeland defense mission and forces. This is congruent with the 2008 National Defense Authorization Act, whereby the CNGB can fulfill a statutory role and responsibilities as the principal advisor to the Secretary of Defense through the Chairman on these unique matters.

However, the JCS, comprised of the Service Chiefs, organize, train, and equip forces, including their Reserve Components, to present an integrated Joint Force to the Combatant Commanders. While the National Guard provides crucial elements of that Joint Force and executes Army and Air Force roles and missions, the CNGB's responsibilities are administrative in nature. As such, adding the CNGB to the JCS would introduce inconsistencies among its members and create the unhelpful impression that the National Guard is a separate Military Service.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this letter for the consideration of the committee.

Sincerely,

  
Elizabeth King

cc:

The Honorable John McCain  
Ranking Member

**NOMINATION OF GEN MARTIN E. DEMPSEY,  
USA, FOR REAPPOINTMENT TO THE GRADE  
OF GENERAL AND TO BE CHAIRMAN OF  
THE JOINT CHIEFS OF STAFF**

**TUESDAY, JULY 26, 2011**

**U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC.**

The committee met, pursuant to notice, at 9:34 a.m. in room SD-106, Dirksen Senate Office Building, Senator Carl Levin (chairman), presiding.

Committee members present: Senators Levin, Lieberman, Reed, Akaka, Webb, Udall, Hagan, Begich, Manchin, Shaheen, Gillibrand, Blumenthal, McCain, Sessions, Chambliss, Wicker, Brown, Portman, Ayotte, Collins, and Graham.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Jessica L. Kingston, research assistant; Gerald J. Leeling, counsel; Peter K. Levine, general counsel; William G.P. Monahan, counsel; Michael J. Noblet, professional staff member; Russell L. Shaffer, counsel; William K. Sutey, professional staff member.

Minority staff members present: David M. Morriss, minority staff director; Adam J. Barker, professional staff member; Paul C. Hutton IV, professional staff member; Daniel A. Lerner, professional staff member; Lucian Niemeyer, professional staff member; Michael J. Sistik, research assistant; Diana G. Tabler, professional staff member; and Richard F. Walsh, minority counsel.

Staff assistants present: Jennifer R. Knowles and Christine G. Lang.

Committee members' assistants present: Christopher Griffin, assistant to Senator Lieberman; Carolyn Chuhta, assistant to Senator Reed; Nick Ikeda, assistant to Senator Akaka; Ann Premer, assistant to Senator Nelson; Gordon I. Peterson, assistant to Senator Webb; Casey Howard, assistant to Senator Udall; Lindsay Kavanaugh, assistant to Senator Begich; Joanne McLaughlin, assistant to Senator Manchin; Chad Kreikemeier, assistant to Senator Shaheen; Elena Broitman, assistant to Senator Gillibrand; and Ethan Saxon, assistant to Senator Blumenthal; Anthony J. Lazarski, assistant to Senator Inhofe; Lenwood Landrum, assistant to Senator Sessions; Clyde Taylor IV, assistant to Senator Chambliss; Joseph Lai, assistant to Senator Wicker; Charles Prosch, assistant to Senator Brown; Brent Bombach, assistant to

I think we have to understand how agile we need to be and whether our current policies and locations allow us to do it.

The other issue that plays as well is recidivism. That is to say, when we have these individuals in custody, return them to their nations, do they just simply return back to the fight?

So this is another one of those issues where I, because I haven't been involved with it, I haven't studied it to the extent I need to to engage you as articulately as I should, but I will.

Senator AYOTTE. Well, I appreciate it. I just want to highlight I think a couple of examples where we're—the case of Warsame, who is a member of Al-Qaeda in the Arabian Peninsula and Al-Shabab, who was kept on a ship for 2 months for interrogation and then brought to the United States. I think we basically, as Admiral Winnefeld said, for now we're making do, and I don't think that making do is good enough, particularly since we're not going to be able to keep every single individual on a ship. That is a short-term type of fix.

So I would hope that you would look at this as a very important security issue. As you mentioned, the recidivism rate, 25 percent of those that have been released from Guantanamo have gotten back in the fight against us.

In that vein, I wanted to ask you—my time is almost up, but just about a particular case, to ask you to look into. That is Ali Dakduk, who is someone that myself and 18 other Senators, many of whom serve on this committee, he is an individual that was being held in Iraq and is also accused of collaborating with Iranian agents and Shiite militias to kill American troops. He was going to—we received a report that he was going to be released back to the Iraqis. People are very concerned. The 19 Senators that signed that letter, we're concerned that releasing it back to the Iraqis is like releasing him back into the theater.

So this is again another case I would ask you to look carefully at, because it is one that demonstrates again why we need a detention facility that ensures the security of these individuals so that they don't just go back to other countries that will just release them and then we'll be fighting them again.

General DEMPSEY. Thank you, Senator.

Senator AYOTTE. Thank you, General.

Chairman LEVIN. Thank you, Senator Ayotte.

Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

Thank you, General and Dini, very much for your kind hospitality. We appreciated it very much the other day, stopping by unannounced, and you're very kind.

Sir, with that, I would concur with Senator Lieberman that you're a sound person and I think things will be very well. I'd like to ask a few questions.

One is following up on Senator Ayotte. She asked about the Guard. I know there's been discussions and concerns about would the Guard ever have a post on the Joint Chiefs of Staff or be of equal footing on that. I know you've been a little bit receptive in thinking about that, and I didn't know what you thought impediments might prevent that from happening or if there's a possibility.

General DEMPSEY. I would describe my current position as being open-minded, Senator, but concerned. I'll express concern on two fronts. One is, of course, I just finished, rather inelegantly perhaps, describing how close we are, speaking again for the Army, but the need for the Guard. I just don't know what that would do to the relationship if we had now two four-stars overseeing the same force, because we aspire to be one force.

The other one is more pragmatic, and that is what gives me my authority as the Chief is the budget. If it weren't for the budget, no one would even pay attention to me. But they pay attention to me because I have to deliver something for the Nation using the resources I'm given. So I'm held accountable for delivering it.

I don't know what that would mean to a—and all the service chiefs, by the way, are in that same situation. They derive their authority both from the title, but also from the fact that they manage their Service's budget. If we have a National Guard four-star on the Joint Chiefs, he's not accountable because he doesn't have anything with which to deliver capability, and so I'd have to understand how that would be sorted out.

Senator MANCHIN. The other is concerning financial responsibility, but also the situation that we have, and I think that Senator Brown touched on, the \$10 million a day that was reported leaving Kabul in suitcases and never got to where it was—which is about \$3.6 billion a year, and not able to have a handle on that.

I think you've seen or you've been hearing about our debt discussions that we've had. Both Democrats and Republicans have anticipated a trillion dollars or more in savings if the war—if it's not spent on the war, another \$400 billion in savings on interest that you would be spending on the trillion. That doesn't make a lot of sense to me because we were never anticipated to be there that long. So someone anticipated that we were going to spend that much and now they're taking it as a savings.

Can you give me your thoughts on that? Does it make sense to you at all that we would be saving something we shouldn't have been spending and now they're all counting it and booking it?

General DEMPSEY. Senator, if you would allow me, I would take personal pleasure in telling you I'm not in an economist nor a lawyer, and so I can't go anywhere near that question. But I will say that we have done a great deal of work to try to figure out how to get on top of this issue of spending in Iraq and Afghanistan, and I'd be happy at some point to come and chat with you about that.

Senator MANCHIN. Do you have an idea basically of how you can secure the corruption that's going on. As we know, Afghanistan—and I think you know my personal feeling is that we should get out as quickly as we possibly can. It's not going to get any better, and they'll steal as much as they can get their hands on, and they've proven it every chance they've had. But how we can stop this type, this blatant type of thievery.

General DEMPSEY. Yes, sir. We do have some programs. I sent probably our best brigadier general over about a year ago, Brigadier General H.R. McMaster, to stand up an anti-corruption task force and campaign. It's made some progress. In fact, I ought to have him come back and chat with you about what he's accomplished.