

FW On The Cusp Of Recess This Will Likely Not Make Much Of A
(UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

See what we can get on this pronto.
Thanks,

[REDACTED]
[REDACTED]
MG, USA
Director Ops, Readiness, Mobilization
HQDA G3/5/7
Office: 703-695-0526 DSN 225
Red Switch: [REDACTED]
Blackberry: [REDACTED]

-----Original Message-----

From: [REDACTED] LTG MIL USA HQDA DCS G-3/5/7
[mailto:[REDACTED]@us.army.mil]
Sent: Friday, July 31, 2009 17:49
To: [REDACTED] LTG MIL USA DCS G-2
Cc: [REDACTED] SES CIV USA DCS G-2; [REDACTED] SES CIV USA DCS G-2;
[REDACTED] SES CIV USA OCLL; [REDACTED] MG MIL USA DCS G-
[REDACTED] SES CIV USA HQDA DCS G-3/5/7; [REDACTED] COL MIL USA
HQDA DCS G-3/5/7
Subject: RE: On The Cusp Of Recess This will Likely Not Make Much of A splash
(UNCLASSIFIED)

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[REDACTED]
THIS ONE CAUGHT ME OFF GUARD THIS MORNING. I WAS NOT TRACKING THIS ISSUE.
I HAVE [REDACTED] RUNNING THIS DOWN. I AM SURE IT IS A LAW ENFORCEMENT ISSUE. V/R [REDACTED]

-----Original Message-----

From: [REDACTED] LTG MIL USA DCS G-2
Sent: Friday, July 31, 2009 4:37 PM
To: [REDACTED] LTG MIL USA HQDA DCS G-3/5/7
Cc: [REDACTED] SES CIV USA DCS G-2; [REDACTED] SES CIV USA DCS G-2;
[REDACTED] SES CIV USA OCLL
Subject: FW: On The Cusp Of Recess This will Likely Not Make Much of A splash
(U)

Classification: FOR OFFICIAL USE ONLY

[REDACTED]

VR
[REDACTED]

-----Original Message-----

From: [REDACTED] SIS OSD OUSDI [mailto:[REDACTED]@osd.mil]
Sent: Friday, July 31, 2009 4:25 PM
To: [REDACTED] DISES OSD OUSDI
Cc: [REDACTED] COL OSD OUSDI; [REDACTED] Air DISL OSD OUSDI;
[REDACTED] LtCol OSD PA; [REDACTED] SES CIV USA SECARMY: [REDACTED]

b(6), b(7)(C), b(7)(E)

FW On The Cusp Of Recess This Will Likely Not Make Much Of A
LTG MIL USA DCS G-2
Subject: RE: On The Cusp Of Recess This Will Likely Not Make Much Of A splash
(U)

UNCLASSIFIED

Great thoughts -- keep thinking but take care. VR, [REDACTED]

-----Original Message-----

From: [REDACTED] DISES OSD OUSDI
Sent: Friday, July 31, 2009 12:26 PM
To: [REDACTED] SIS OSD OUSDI
Subject: RE: On The Cusp Of Recess This Will Likely Not Make Much Of A splash
(U)

Sir,

By now you should know [REDACTED]

Vr

----- Original Message -----

From: [REDACTED] SIS OSD OUSDI
To: [REDACTED] DISL OSD OUSDI; [REDACTED] DISES OSD OUSDI; [REDACTED]
[REDACTED] LTG MIL USA DCS G-2
Cc: [REDACTED] DISES OSD OUSDI
Sent: Fri Jul 31 12:09:42 2009
Subject: FW: On The Cusp Of Recess This Will Likely Not Make Much Of A splash
(U)

UNCLASSIFIED

This is FYI to you. It was raised at Gen [REDACTED] SSM this am. He simply asked that we monitor it for now.

VR, [REDACTED]

-----Original Message-----

From: [REDACTED] LtCol OSD PA
Sent: Friday, July 31, 2009 7:52 AM
To: [REDACTED] DISES OSD OUSDI; [REDACTED] CIV, OSD OUSDI
Cc: [REDACTED] HON, OSD USDI; [REDACTED] DISES OSD OUSDI;
[REDACTED] CIV OSD OUSDI; [REDACTED] SIS OSD OUSDI; [REDACTED]
MS, DoD OGC; [REDACTED] CTR OSD OUSDI; [REDACTED] C., MS, DoD OGC;
OGC; [REDACTED] MR, DoD OGC; [REDACTED] Mr, DoD
[REDACTED] CIV OSD OUSDI; [REDACTED] MS OSD OUSDI;
[REDACTED] DISL OSD OUSDI; [REDACTED] TR, OSD
[REDACTED] Mr OSD OUSDI; [REDACTED] LTCOL OSD PA
[REDACTED] MS CIV OSD OUSDI; [REDACTED], OSD OUSDI;
[REDACTED] ai OSD OUSDI; [REDACTED] LtCol OSD IA; [REDACTED] S.R. DISL OSD
[REDACTED] CTR OSD OUSDI; [REDACTED] CIV OSD OUSDI;
[REDACTED] S OSD OUSDI; [REDACTED] BrigGen USAF OSD OUSDI; [REDACTED] CIV
OSD OUSDI; [REDACTED] CIV, OSD OUSDI; [REDACTED] Col OSD OUSDI; [REDACTED]

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b(6), b(7)(C), b(7)(E)

000200

FW On The Cusp Of Recess This Will Likely Not Make Much Of A
Mr DISL OSD OUSDI
Subject: RE: On The Cusp Of Recess This Will Likely Not Make Much Of A splash
(U)

Sirs,

More FYSA: Found out this morning that the Olympia, WA, newspaper (The Olympian) had a similar front-page story yesterday that mentions Army is investigating. That story might be where the CQ blog got their lead. There were no other queries on this yesterday, and I'll let you know if there's any other media interest today.

VR
[REDACTED]

Olympia (WA) Olympian
July 30, 2009
Pg. 1

Army Spying Could Violate Federal Law

Fort Lewis civilian infiltrated group

By [REDACTED] The Olympian

A Yale Law School faculty member and military law expert said he is disturbed by allegations that Fort Lewis employed a civilian who spied on an Olympia-based anti-war organization.

[REDACTED] a former judge advocate for the Coast Guard and the president of the National Institute of Military Justice, said such a practice appeared to violate the Posse Comitatus Act, a federal law that prohibits the use of the Army for conventional law enforcement activities against civilians.

Last week, members of Olympia Port Militarization Resistance presented evidence that [REDACTED] a civilian employee of Fort Lewis Force Protection, infiltrated the group using an assumed name and conducted surveillance of its members for about two years.

OlyPMR member [REDACTED] said that after the information came to light [REDACTED] admitted that he was spying on members using the name [REDACTED]. As [REDACTED] was one of five administrators of OlyPMR's listserv e-mail list, giving him names, addresses, phone numbers and e-mail addresses of all members.

OlyPMR opposes the Iraq war. Members have conducted protests at Washington ports, aiming to block Fort Lewis from transporting Stryker vehicles and other military equipment used in the war to and from public ports. OlyPMR member [REDACTED] has said that [REDACTED] was privy to members' observation strategies and operations before the group conducted protests at local ports.

[REDACTED] said OlyPMR is committed to nonviolence and has never threatened or tried to harm soldiers.

Fort Lewis spokesman [REDACTED] said that the base has appointed an officer to conduct an inquiry into the OlyPMR's allegation that [REDACTED] spied on it and other organizations, including anarchist groups in Tacoma.

This week, OlyPMR shared an e-mail identifying [REDACTED] as a member of Fort Lewis Force Protection that was obtained as part of a public-records request from the city of Olympia. OlyPMR members then obtained [REDACTED] address in Spanaway by checking a database of registered voters. PMR members conducted surveillance to verify that [REDACTED] and [REDACTED] were the same person.

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[REDACTED] has confirmed that [REDACTED] is a civilian employed with Fort Lewis Force Protection.

[REDACTED] said he would like to know more about what [REDACTED] superiors authorized him to do.

"What you've told me is enough to think that there's a domestic spying program at Fort Lewis," he said. "And if there is, that's a big deal."

[REDACTED] said he's glad the Army is conducting an investigation.

"I hope it's a thorough one," he said. "If the facts are as they seem to be, I hope that someone gets their knuckles rapped."

He added, "I think that someone's going to get sued over this."

Another legal expert, Stanford Law School lecturer [REDACTED] said there are exceptions to the Posse Comitatus Act that allow the secretary of defense to authorize the Army to pass on information to local law enforcement agencies when it is gathered through normal military training and operations. [REDACTED] said that does not sound like what happened in Olympia. [REDACTED] an expert in national security law, added that for the military to use "an employee as a covert operative ... is probably over the line."

"The basic rule is the military's not supposed to be engaged in law enforcement activities," he said.

[REDACTED] said he doubts that someone high up in the Army chain of command would authorize spying on OlyPMR. When told about OlyPMR's activities, he said it sounded as though the group "is not actively imperiling national security" in a manner that would justify violating Posse Comitatus.

An official at the Department of Defense Office of Inspector General referred questions from The Olympian to the Pentagon. Retired Lt. Col.

[REDACTED] an Army spokesman at the Pentagon, responded in an e-mail.

"We're aware that there is an investigation in progress," he wrote. "It is, however, inappropriate and premature to comment beyond what Fort Lewis has already provided on the matter."

On Tuesday, [REDACTED] e-mailed The Olympian a definition of Fort Lewis Force Protection.

"The Fort Lewis Force Protection Division, under the Directorate of Emergency Services, consists of both military and civilian employees whose focus is on supporting law enforcement and security operations to ensure the safety and security of Fort Lewis, soldiers, family members, the workforce and those personnel accessing the installation," the e-mail reads. [REDACTED] said he could not reveal the number of employees in the Force Protection Division.

Tuesday's e-mail continues, "In support of that focus, the Force Protection Division executes Force Protection (FP), Anti-terrorism (AT), and Criminal Intelligence collection, processing, analysis, reporting and dissemination."

In a separate e-mail Monday, [REDACTED] stated that Fort Lewis cannot discuss [REDACTED] specific duties with force protection because he "performs sensitive law enforcement work with the installation law enforcement community."