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THE CITY CLUB OF CLEVELAND: “AMERICAN PRINCIPLES AS POTENT WEAPONS AND POTENTIAL CASUALTIES IN THE GLOBAL WAR ON TERROR”

Remarks as prepared for delivery by Inspector General Joseph E. Schmitz of the Department of Defense, Cleveland Ohio, Friday, June 25, 2004.

(Introduction of Inspector General by Kevin Donahue, The City Club of Cleveland Vice President and President-elect)

Thank you, Mr. Donahue, I am delighted to be here at The City Club of Cleveland, an internationally recognized forum of free speech, and a strong proponent of enlightened citizen participation in government. I am honored to have the privilege of speaking to you about something in which I believe strongly, and that is the role of Inspectors General in promoting integrity and efficiency in government generally, and how I in particular serve Secretary Rumsfeld, the Department of Defense, and the People of this great nation as “part of the solution” in our ongoing global war on terror.

Twenty-two years and a week ago, in the midst of the Cold War, President Ronald Reagan described our enduring contribution to mankind as three principles steeped in the legal tradition of England: “individual responsibility, representative government, and the rule of law under God.”¹

Today I would like to share with you an Inspector General’s perspective on how these enduring American principles ought to give us hope in Afghanistan and Iraq, and for ultimately prevailing in the global war on terror. The most obvious – but often overlooked – reason for hope is that notwithstanding the terrorist attacks of September 11, 2001, and everything else that has been happening around the world since then, our families still enjoy the “Blessings of Liberty” for which our forefathers pledged their sacred honor, fought and won a Revolutionary War, and then established for our benefit the most brilliant constitutional framework for constraining governmental abuses of power ever known to man.²

¹ Ronald Reagan, “Speech to the House of Commons,” June 18, 1982 (<http://www.fordham.edu/halsall/mod/1982reagan1.html>).

² See U.S. Constitution, Preamble (“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”).

A few weeks ago, The Inspector General of the U.S. Army, Lieutenant General P.T. Mikolashek (a native son of Akron and a dyed-in-the-wool fan of the Cleveland Browns and Indians) admonished a graduating class of about 60 new Army Inspectors General, many of whom are now deployed in the global war on terror: “There is no guarantee we will celebrate the 4th of July next year.” Think about it. I agreed with the three-star Army General, and reminded the same class of new Inspectors General of the sacred oath of office we all take to support and defense the Constitution of the United States against all enemies, foreign and domestic.³

How many of you today believe that we are currently engaged in a war for our very survival? Our terrorist enemies certainly believe that they are engaged in a war with us to the death. The terrorists proclaim this objective openly, and often.

We Americans typically receive a daily barrage of contradictory news reports about what our war efforts are all about. But how often do we hear a discussion of the benefits to us of an open and free society in Iraq? Or of how our recent successful conclusion of the 40 year Cold War liberated the 15 countries behind the Iron Curtain? Or about the hopes and dreams of the young people of Iraq, by that I mean those below the age of 15. Our young soldiers know this history and believe in their hearts that they are helping fellow humans overcome the limitations placed on their families by decades of totalitarian governments.

How often do we hear news about the courageous and honorable results our uniformed men and women are achieving around the world -- in order for you and me to continue enjoying the blessings of liberty to which we as Americans are accustomed?

The most important result of our war efforts, we should never forget, is that since September 11, 2001, we have not had another major terrorist attack at home.

My job as Inspector General of the Department of Defense is to serve as an “independent extension of the eyes, ears, and conscience” of my Commander, Secretary of Defense Donald Rumsfeld.⁴ It is my statutory duty objectively -- the Army calls it

³ See 5 U.S.C. § 3331 (“An individual . . . elected or appointed to an office of honor or profit in the civil service or uniformed services, shall take the following Oath: ‘I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.’”).

⁴ See Army Regulation 20-1, Inspector General Activities and Procedures 5 (Department of the Army, 2002).

doggedly -- to pursue the truth, and to present my findings to Secretary Rumsfeld, to the Congress, and ultimately to the American People, as plainly as I see it.⁵

Let me tell you what I saw in Iraq and in Afghanistan last week. Let me tell you about the 29 new Iraqi Inspectors General who are risking their lives to be champions of integrity and engines of positive change within a society that has been corrupt for two generations. Let me tell you about the U.S.-Afghan joint patrol that was ambushed last Thursday, presumably by Al Qaeda, and about the U.S. Army soldier who earned a Purple Heart Medal while beating back the enemy in an ensuing fire fight. Let me tell you about the Army doctors and the Army Chaplain I met two days ago at Walter Reed Army Medical Center in Washington D.C., who as we speak are giving this courageous American soldier, the son of an Iowa farmer and father of five young boys, the hope that he will some day regain at least partial use of the arm he almost lost last Thursday in the mountains of Southeast Afghanistan.

But first, allow me to explain a bit more about what an Inspector General is in the context of marching orders from our Commander-in-Chief to all of us, both civilian and military, who are engaged in the global war on terror, and that is that we must always do not only what is legal, but what is right.⁶

When the Continental Congress created the Office of the Inspector General of the Army in 1777, the functions of the office were to:

- “Review the troops;
- See that officers and soldiers were instructed in exercise maneuvers, established by the Board of War;
- Ensure that discipline was strictly observed; and
- Ensure that officers commanded properly and treated soldiers with justice.”⁷

The techniques of Inspectors General and our scope have changed a great deal since those days, but these basic principles have not.

The man George Washington chose to help instill these principles into the fledgling American militia was Baron Friedrich Wilhelm Von Steuben of Prussia, who after serving as George Washington’s IG throughout the Revolutionary War became an American citizen. A monument in honor of Inspector General Von Steuben’s

⁵ See Department of the Army, The Inspections Guide, p. 4-3-20. See also; Defense Criminal Investigation Service, Special Agents Manual, Chapter 3 (“Investigation is a detailed objective inquiry to ascertain the truth about an event, situation, or individual.”).

⁶ See G.W. Bush, “Memorandum For The Members of the Senior Executive Service,” November 19, 2001. (First, we must always maintain the highest ethical standards. In addition to asking, “what is legal,” we must also ask, “what is right.”)

⁷ Journals of the Continental Congress, 1774-1789, Saturday, December 13, 1777, at p. 1024 (<http://memory.loc.gov/ammem/amlaw/lwjclink.html>).

achievements stands today in Lafayette Park, across from the White House in Washington D.C., which monument bears the inscription, “He gave military training and discipline to the citizen soldiers who achieved the independence of the United States.”⁸

At the dawn of the previous century, another American president -- a native son of Ohio – and the Great Grandfather of a past President of The City Club of Cleveland [Rick Taft] -- described the lessons learned from the first effective American Inspector General.

President William Howard Taft, at the 1910 von Steuben statue dedication in Washington D.C., made the following observation:

“The effect of Steuben’s instruction in the American Army teaches us a lesson that is well for us to keep in mind, and that is that no people, no matter how warlike in spirit and ambition, in natural courage and self-confidence, can be made at once, by uniform and guns, a military force. Until they learn drill and discipline, they are a mob, and the theory that they can be made into an army overnight has cost this nation billions of dollars and thousands of lives.”⁹

No American today should ever doubt that we hold ourselves accountable to the rule of law under God.

Here lies the fundamental difference between us and the terrorists.

It all comes down to this—we pride ourselves on our strict adherence to the rule of law under God -- which does not mean that whoever is in power wins.

The terrorists make no apologies for their evil acts; they do not hold accountable those among them who act outside the law; and they refuse to recognize the very standards of behavior that distinguish civilization from barbarism.

We, on the other hand, punish those among us who violate the law – and are disappointed with ourselves when those among fail to meet our high aspirational standards.

As President Bush so compellingly argued in his speech to the United Nations last September, in some instances we must follow a rule of law that “stands above the laws of

⁸ “Unveiling of the Statue of Baron Von Steuben, Washington, DC, December 7, 1910,” compiled by George H. Carter and printed under the Direction of the Joint Committee on Printing, flyleaf photograph of monument (1911).

⁹ William Howard Taft, “Address of the President of the United States” reproduced in “Unveiling of the Statue of Baron Von Steuben, Washington, DC, December 7, 1910,” *supra*, at p. 50.

man and of nations.”¹⁰ This concept of the rule of law is the very foundation of our constitutional way of life. It is the reason why America still shines for the entire world as the proverbial beacon on a hill.

If we ever get to the point when Americans seriously doubt whether or not we will hold ourselves accountable to the rule of law -- from the most junior Army private to the Commander-in-Chief -- then we will have lost the war on terror.

But we have not arrived at that point.

We are not even close.

The outrage that virtually all Americans felt at the recently publicized instances of prison abuse in Iraq is a strong indicator that we still place the very highest value on the rule of law and the standards of decency that distinguish us from the terrorists.

We are still, by the grace of God, the beacon of hope to the world.

As the Inspector General, sometimes I have to get out among the troops. In a word, I have to inspect. Earlier this month I traveled to Abu Ghraib prison to see for myself how we interrogate detainees. I then traveled to another detainee collection point in Afghanistan to learn more about the rules, standards, and procedures we use to collect intelligence and otherwise to deal with the known and potential terrorists we capture in the course of our ongoing military operations.

The more time I spend with our forward-deployed troops, listening to their stories and watching them perform their duties, the more I understand why the terrorist hate us so much.

Beyond any doubt, we owe our American men and women now serving overseas a debt of gratitude.

I cannot begin to tell you what an awesome and honorable job American troops are doing in both Iraq and Afghanistan. They are making incredible sacrifices, and making them gladly -- generally with a brave and humble spirit -- in order to provide hope for nations who have been under the control of tyrants for generations and, more importantly, to protect you and me from another terrorist attack against our own children and grandchildren on American soil.

¹⁰ George W. Bush, “President Bush Addresses United Nations General Assembly,” September 23, 2003 (www.whitehouse.gov/news/releases/2003/09/20030923-4.html).

Yet to a great extent the efforts and achievements of our soldiers, sailors, airmen, and marines around the world are unsung, overshadowed by a constant flow of bad news and allegations of wrongdoing.

As Inspector General, I can report to you here today, and to the nation, that our American troops in Afghanistan and in Iraq are doing us proud. Of course, there are exceptions to the rule; but for the most part the troops I observed are worthy of the legacy of valor associated with the veterans of Valley Forge, Gettysburg, Normandy, Chosin, or Saigon [the Tet Offensive], to name a few.

The question we should be asking is, “Are we, as civilian members of a free society, worthy of those great American patriots who have spilled -- and are today spilling -- their blood for you and for me?”

I will leave that question to your own personal reflection. I will tell you, however, having just lived with and among our troops in both Iraq and Afghanistan, these sons and daughters of everyday Americans want you simply to know that they are there, in harms way, working around the clock to do their duty. Simply stated, they are risking their lives to capture or to kill manifestly evil terrorists who, given the opportunity, would -- and will -- kill each of us here today, and our children, with a hatred that most of us cannot begin to fathom.

This is one of the most important, but also one of the most overlooked stories about the war on terror. The few systemic breakdowns, and the reprehensible actions of a few of our own people -- who are even now being brought to justice -- should not overshadow the sacrifices and accomplishments of the thousands of courageous Americans who continue to serve honorably in the best tradition of the United States Armed Forces.

The men and women of our Armed Forces today do not doubt the enduring principles that make America great – the same principles President Reagan mentioned in the midst of the Cold War: “individual responsibility, representative government, and the rule of law under God.”¹¹ Our troops see what they are doing as not only giving hope to peoples around the world who have been oppressed for generations, but more importantly, as protecting and defending our loved ones and our constitutional way of life back here in America.

Our troops know that we are not in Iraq and Afghanistan to conquer and destroy, but ultimately to liberate and to rebuild. And, to win and keep the hearts and souls of the Afghan and Iraqi people – so that their sons, daughters, and grandchildren are not terrorizing ours -- on our soil -- in the generations to come.

¹¹Ronald Reagan, *supra*.

If properly supported from the home front, our troops in Iraq and Afghanistan, along with our coalition allies, will achieve that goal: the rule of law as we know it will ultimately prevail.

As a practical matter, what does this mean to you and me?

For me, as the Inspector General of the Department of Defense, it means that I must religiously safeguard the process by which we hold people accountable.

One of the founding principles of our constitutional way of life is that we treat criminal defendants as innocent until proven guilty. The Constitution itself mandates that “No person shall be . . . deprived of life, liberty, or property, without the due process of law.”¹²

When my staff investigates allegations of criminal wrongdoing, we are guided by a tradition of law that respects human dignity – unlike our enemies whose atrocities we are still in the process of uncovering.

For you, the practical challenges of the ongoing war on terror mean that there may be times when you have to be patient and refrain from rushing to judgment on incomplete information as we execute not only our operational war plans but also “the due process of law,”¹³ respecting all the time that even those among us who appear to have betrayed our core values -- and there inevitable will be some of those -- are presumed innocent until proven guilty.

For all of us, the evolving challenges of this asymmetric war mean that we must keep faith in the integrity of our constitutional system and in the ultimate accountability of those placed in positions of power in our government to “we the people.”

More fundamentally, we cannot expect to carry out the rule of law if we do not hold ourselves to a very high moral standard.

In 1798, John Adams admonished that, “Our Constitution was made only for a religious and moral people. It is wholly inadequate for the government of any other.”¹⁴

¹² See U.S. Constitution, amendment V.

¹³ *Id.*

¹⁴ J. Adams, Oct. 11, 1798, Letter "to the Officers of the First Brigade of the Third Division of the Militia of Massachusetts," in THE WORKS OF JOHN ADAMS -- SECOND PRESIDENT OF THE UNITED STATES, Vol. IX, p. 229 (C.F. Adams, ed. 1854); see James H. Hutson, RELIGION AND THE FOUNDING OF THE AMERICAN REPUBLIC, pp. 57-58 (Library of Congress 1998).

Simply stated, in order for us to continue supporting and defending our Constitution through military operations we must always stay true to our moral compass. To reiterate the overall guidance of our Commander-in-Chief, we must do not only what is legal, but what is right as well.

Part of doing what is right is to respect and appreciate those whose sacrifices, past and present, ensure our physical safety and protect our “Blessings of Liberty.” We as Americans need to let our troops know that we honor and support them, and appreciate the sacrifices they are making for all of us.

Operation Enduring Freedom in Afghanistan, for many Americans, has too quickly become a forgotten war. But it is very real to the wife and children of the Army Sergeant I had the honor to meet on a military flight from Afghanistan to Germany last week.

Before going into his reconstructive surgery yesterday, the Sergeant told me that I could share his story with you today – on condition that I disclose neither his name nor his unit.

The Sergeant is a 36-year-old son of an Iowa farmer. He is happily married to beautiful wife (whom I met Walter Reed Wednesday) and has five young sons ranging in age from twelve to two.

Last Thursday, the sergeant was part of a joint U.S. Army-Afghan security team on patrol in the mountainous region of Southeast Afghanistan, checking out reports of buried improvised explosive devices -- the same type of terrorist devices that are killing our troops in Iraq. Having completed their patrol, the joint team had just camped down for dinner and was in the process of cleaning their equipment when they came under heavy mortar attack, presumably by Al Qaeda trained forces.

The joint U.S.-Afghan force gave chase to the enemy, and by all accounts inflicted major casualties. Unfortunately, the firefight also left six of our own Afghan security forces dead and 14 others wounded, including the Sergeant, who suffered a 7.62 mm direct hit to his left arm, shattered the humerus bone and otherwise threatening his life.

The Sergeant called me Tuesday from Walter Reed, where I visited him the next day as he was being readied for reconstructive surgery. I am pleased to say that his spirits were high and his wife was at his side.

Lest you think this and other acts of bravery are in vain, I would point out that in the past two years the Afghan people have ratified a Constitution – and as a Constitutional Law expert and former Adjunct Professor, I can tell you it’s an impressive Afghan Constitution. The people of the new constitutional Republic of Afghanistan will

soon hold their first open elections -- in which Afghan women will participate for the first time.

And we are not doing this alone. There are twenty seven nations involved at various levels in Afghanistan to assist in the rebuilding of infrastructure – roads and schools – as well as providing humanitarian assistance.

One soldier I met in Afghanistan last week answered the question as to whether we are “accomplishing anything” with the following statement:

“I can’t tell you how to measure that, but I can tell you that there are children here today who are learning how to read and write in a school that we helped build a year ago.”

In a country where less than twenty percent of the population has achieved basic literacy, that is an amazing start.

We are admittedly in a much different stage of operations in Iraq, and at this point it is a perilous one. It is not only a tense and dangerous time for our troops, but also for the brave Iraqis who are trying to build a just and stable government under the rule of law. In this endeavor, they are up against unprincipled opponents who obey no laws and adhere to no principles.

In Baghdad last week, I had the honor to meet with the Inspectors General of the 29 new Iraqi ministries. These courageous professionals are struggling to root out the results of two generations of corruption, and to establish some semblance of integrity, along with basic law and order. They fear not only for the success of their endeavors but for their lives, and for the lives of their family members.

At first I was not sure what to say to these courageous but scared Iraqi champions of integrity, other than to commend them for their bravery and personal commitment. As I looked around the room, I was struck by the similarity between the situation they now face and what America’s founding fathers were up against. As most of you know from your American history courses, many of the signers of the Declaration of Independence paid dearly for their courageous actions.

Think about it – when the signers of our Declaration of Independence met to contemplate the formation of our new nation, few if any foreign governments thought we would succeed. We were, after all, up against the toughest military force in the world at the time. Only a few brave and dedicated visionaries had the faith to step forward and assist our founding fathers.

One of those few was Baron von Steuben, the first effective American Inspector General whom I mentioned earlier. With training and discipline, some help and encouragement from foreign nations, and through more than a few setbacks along the way, our founding fathers ultimately prevailed -- and we live their dream today.

We have that same opportunity now to assist the Iraqi and Afghan people today, and the implications for us here in America are profound. We must stay the course and stand behind our troops. For my part, I have deployed my very best "Von Steubens" on the ground in Iraq to help train their new Inspectors General as champions of integrity and engines of positive change in each of the new Iraqi ministries.

I will close my remarks today by reiterating the importance of Americans understanding why we are fighting the global war on terror, which cannot be understood without first understanding the profound differences between us and the terrorists. The differences come back to the very same enduring American principles that justified our fighting and ultimately winning the Cold War: "individual responsibility, representative government, and the rule of law under God."¹⁵

Throughout my travels in Afghanistan and Iraq, I saw American soldiers doing what we "Yanks" have always done, being affable liberators, befriending the local people when they can, and chafing at the lack of contact when prevented from doing so by threats of violence from a shadowy and cowardly enemy.

As we left Baghdad by Black Hawk helicopter, I watched as a young American soldier across from me repeatedly waved at Iraqi civilians below us, whether in an urban setting or in the middle of open farmland, in an unmistakable gesture of international friendship. I thought at first this was a bit naive, since we had been shot at from the ground on the way into Baghdad that same day. However, I soon realized that these friendly gestures by one American soldier were being returned by the Iraqis on the ground, with apparent sincerity and in some case overt enthusiasm. In that, I found much hope.

A century ago, President Teddy Roosevelt said this about national power and national greatness:

"The main source of national power and national greatness is found in the average citizenship of the nation. Therefore it behooves us to do our best to see that the standard of the average citizen is kept high, and the average cannot be kept high unless the standard of the leaders is very much higher."¹⁶

¹⁵ Ronald Reagan, *supra*.

¹⁶ T. Roosevelt, *Citizenship in a Republic* (delivered April 23, 1910), reprinted in *AMERICAN IDEALS: THE STRENUOUS LIFE, REALIZABLE IDEALS* 509 (Charles Scribner's Sons, New York 1926).

It is essentially the same admonition that Secretary Rumsfeld urged upon the President's Cabinet and upon the nation on September 14, 2001:

“We pray this day, Heavenly Father, the prayer our nation learned at another time of righteous struggle and noble cause-America's enduring prayer: Not that God will be on our side, but always, O Lord, that America will be on Your side.”¹⁷

If we want to remain one nation, under the rule of law and under God, we must always hold ourselves to a higher standard.

Thank you very much. I would be glad to entertain questions.

¹⁷ Donald Rumsfeld, “Prayer at Cabinet Meeting” (September 14, 2001).
(<http://www.dodig.osd.mil/iginformation/prayer.pdf>).

DEPARTMENT OF DEFENSE
OFFICE OF THE INSPECTOR GENERAL

QUESTION AND ANSWER PORTION OF
SPEECH GIVEN BY
INSPECTOR GENERAL JOSEPH SCHMITZ
AT THE CITY CLUB
FRIDAY, JUNE 25, 2004

TAPE TRANSCRIPTION

Q Mr. Schmitz, to use some of your expressions; under what rule of law did the handling of prisoners take place in Iraq? And to use one of your adjectives, it seemed to me to be manifestly cruel.

MR. SCHMITZ: The handling of prisoners in Iraq are bound by two different rules of law that are man-made rules, and those are: the rules for interrogation, and the rules that apply to the MPs for the normal maintenance of good order and discipline within a detainee facility.

The rules themselves are pre-scribed, they're all spelled out, what you can and can't do. Some of the rules are -- I trust you can appreciate -- classified -- because if the rules get out, the people we're trying to get intelligence information from will be able to train to avoid our techniques.

But I have seen the rules, I have seen the Army regulation that essentially spells out what you can and can't do. And then I would come back -- and I would say -- they're a good set of rules. It is in many ways, the rule of law. Do people abuse the rules? Of course. James Madison said, "If men were angels we wouldn't need laws." And as good as our MPs and intelligence professionals are they're not angels. People will inevitably color outside the lines on any rules. But the important thing is that we do have those rules.

And the only other thing I would add to the answer is what I said about what our Commander in Chief has said.

We need always to remember to follow what is legal, but also to do what is right. There are some norms of behavior that you don't need to have a piece of paper to tell you this is wrong and right. And even if it were technically within the legal

-- the four corners of a rule or an Army regulation -- there are certain things that have happened that just flatly were wrong. And I've seen pictures that aren't public yet, and there were wrong thing happening. And we are holding those people accountable; and that's the main difference, as I'm suggesting, between us, and our enemy.

Did I answer your question, Sir?

Q Yes. I would like to know what you're doing as far as following up with a punishment?

MR. SCHMITZ: Actually, I was just reviewing the charge sheets against three of our soldiers on the way -- on the airplane here. And I was noticing that in a couple of them there seem to be some oversights. And I sent an e-mail from my Blackberry to my Deputy saying, "Hey, take a look at this and see if we're doing it right."

Does that answer your question?

Q In our excitement while dismantling the Taliban, we collected many suspect detainees; what is the future of these prisoners and detainees at Guantanamo Bay and at other places around the world? Are they serving life sentences?

MR. SCHMITZ: I asked that very question last week in Afghanistan. The answer is that some of them, some of

them might be. What we are trying to do with those detainees, sooner or later, is to turn them over to an Afghanistan Government entity. We're literally talking about building a new prison facility for the Afghans to deal with individual human beings that, if let out, would inevitably go back and try to kill your grandchildren and my children and all the other, you know, people we're trying to protect.

There are some very, very dangerous individuals over there and I'm just guessing some of them will -- once we turn them over to the Afghans they'll probably stay in prison for the rest of their lives.

Now, there are a number of them that will be released. In fact, there were some released, literally, the day I was over there. We have a process in place, a board that meets, I think, once a week, to review the release of certain detainees. And that process, I'm pleased to say, is working. Is it working as fast as the International Red Cross would hope? Probably not. But it's a process in place, and it's working. And I'm hopeful that with my involvement maybe it will work better.

Does that answer your question, Sir?

Q Yes, thanks.

Q Thank you, Mr. Schmitz. You've talked about the history of the Inspector General, your office, and how it has always been functioning, but I remember -- when you go back to the Vietnam War, where once again we had a series of pictures of the Me Lei massacre that shocked the world -- and

it seems to me that out of that there was very little punishment, and certainly not of any higher-ups, above the level of lieutenant, and I wonder, what will be different about the inspection of the prison atrocities in Iraq from what has happened in the past?

MR. SCHMITZ: That's a very good question. In fact, my office as a civilian inspector general, which is described as a four-star equivalent office, it was not created until 1982. We have always had the Army Inspector General function going back to Von Steuben.

The Navy has not always had that function - just if you think about -- you just don't have the luxury of having inspectors general when you're out in the middle of an ocean.

The Air Force assumed the Army's tradition. So, we've always -- during the Vietnam War we had Army, Navy and Air Force inspectors general. I think we had Marines during the Vietnam War too.

The reason why Congress set up the office, the civilian offices of inspectors general, for all U.S. departments, has to do with precisely the underlying assumption, or the foundation of your question, sir. There was a sense among Congress that when it got to very high levels of our departments -- and literally it came out of Watergate -- the idea was that Congress wanted to do something extra to ensure the integrity of the Executive Branch.

And Congress passed the Inspector General Act, initially

in 1978, at which time it did not apply to the Department of Defense. But then Congress amended the Act in 1982, precisely so that there is an officer at my level that can, for instance, interview the Secretary of Defense, or anybody at that level; because the three-star IGs for the services are, only three-stars. And some of the decisions and some of the issues that need to be investigated go up to the four-star or higher level. It doesn't mean that there are four-star or higher people that are guilty, it's just some of the allegations go all the way up to the top and that's what my office is uniquely empowered to do.

And they didn't have that during Vietnam.

Does that answer your question, sir?

Q Well --

MR. SCHMITZ: What did I miss?

Q Well, the punishment was not, in Vietnam, commensurate with the offense; that was my question.

MR. SCHMITZ: And those were courts martial, the results of courts martial? I get involved in an oversight role in courts martial, but usually my office -- it's really a command function. The courts martial are set up by the commanders, and to be perfectly honest I don't have the resources and I don't have the background -- my staff which are very, very good at what they do -- most of them are civilians -- the people that are handling the courts martial, now as they did during the Vietnam War, are military people.

And we have to have the trust and confidence in not only the

soldiers that are out dying for us, but we have to have the trust and confidence that the senior people that are setting up the courts martial, that are drafting the charge sheets that are holding these people accountable, are doing a good job.

Now, as I mentioned earlier, are they perfect? Of course not. And I am in a position, as I just literally did this morning on the plane, of taking a look at these things and exercising oversight, and stepping in when I can and want to. But I too, have a statutory obligation to cooperate and to coordinate with those military IGs and with the heads of the military criminal investigative organizations, the Army CID, the Navy NCIS, and the Air Force OSI. I have a statutory duty not to duplicate what they're doing, but to work with them in an oversight role to try to make their system work better and that's what I try to do.

Q The flavor of your speech has kind of troubled me because I always believed that the Constitution is a secular document and I thought government is supposed to be a secular organization. I find that the church/state separation has been blurred by this Administration. Does the Inspector General get into that picture?

MR. SCHMITZ: As a matter of fact, that's a very good question. When we initially had some allegations that some of our military chaplain endorsing agencies were infiltrated by terrorist organizations, the Members of Congress came to me and asked me to look into that. And

there were some in the Pentagon that shared your perspective, Sir, generally about the separation of church and state, and specifically about whether the DoD Inspector General had any business looking into chaplain affairs.

But there is no chaplain exception to the IG Act. And those were very, very serious allegations. They're obviously sensitive and they get into something that we Americans feel very, very strong about, and that is that we don't want our national government telling us what religion we have to practice.

But we have chaplains, and we've always had chaplains; in the Congress, in the military -- and these chaplains -- I met one two days ago that was doing great work trying to raise the spirits of our soldiers that had almost died a few weeks ago. And nobody questions the value of those chaplains to our war efforts. Nobody questions that. I think there are some people, frankly, who do question it, but there is no serious question as to whether or not it is a legitimate expenditure of American taxpayers' dollars -- to be paying chaplains to cater to our soldiers and sailors, airmen and marines that are out risking their lives for you and me.

It's a sensitive issue. I happen to be a Constitutional expert. I am fully aware that we have to be careful not to cross the line. But the fact of the matter is that in the U.S. Military, in the efforts of fighting the war on terror, we have men of the cloth that are out there

helping us in that effort. And if you want to call that a violation of the separation of the church and state you can do that. There aren't very many other people that question the value of that.

Did I answer your question, Sir?

Q That wasn't the tenor that I had. I thought I was talking about (inaudible).

MR. SCHMITZ: Well, you talked about the separation of church and state; but we have chaplains in our military. Human beings are spiritual animals. This is a basic need of human beings. The chaplains are not out trying to convert people to their particular denomination. But the fact is that we in America are profoundly religious. And it doesn't mean we're profoundly Lutheran, or Episcopalian, or Roman Catholic. The American people, unlike other people around the world, are profoundly religious. That's a historical and a current fact.

So for us to pretend, somehow, that we shouldn't be acknowledging the existence of Almighty God is just -- it ignores reality, Sir. I'm sorry to have to say that. But that's how I see it.

Q Is CHAMPUS part of your responsibility, Sir?

MR. SCHMITZ: I have auditors that are in the business of auditing military health issues, and CHAMPUS is part of that. Is that the CHAMPUS you're talking about?

Q Yeah. With the overload of people now active from different geographical locations all around the country

CHAMPUS is being reviewed.

MR. SCHMITZ: Is that a question, Sir?

Q Are you going to do something about it? Is your department responsible for doing something about it?

MR. SCHMITZ: My auditors, inspectors and investigators are responsible for overseeing, investigating and inspecting all the operations of the Department of Defense. CHAMPUS is still part of the Department of Defense and we actively get engaged in investigating alleged wrongdoings involving CHAMPUS and contractors associated with CHAMPUS. And we do that. That's a regular part of my organization.

Q Sir, it seems to me that about a year or more ago our President was on board of a ship and announced that it was the end of the war. After that the Army occupation has suffered many, many deaths and wounds. My question is: Are these people that are killing our soldiers nowadays -- are they doing it out of patriotism, are they doing it out of anger about the occupation, or are they doing it because they hate America? Would you please answer that?

MR. SCHMITZ: Well, that's a -- it's a hard question. I'll answer it as best I can because I was just there and I -- you know, we have people -- three soldiers died in the PX at the air base in Iraq within hours of me taking off from that base. And my best understanding is these are pretty much rouge terrorists that are using grenades, rocket-propelled grenades, whenever they can, just

to unsettle what we are trying to do over there.

And you know, you walk around -- and I walked through downtown Baghdad, and my special agents who were providing security for me were very nervous because, you know, any time you turn around one of these people might be, you know, igniting an explosive device, or shooting, or both at you.

I don't think there is any one answer because I don't think the forces, the enemies, are a unified force. Let me give you a concrete example, and this is not classified, although you probably don't read about this in the papers. The forces that we are up against in Afghanistan -- and Afghanistan is even, you know, sort of one step further ahead of what you mentioned in terms of the President landing on the aircraft carrier and saying the war is over, that, as I recall, was Iraq -- am I right, Captain?

Q Yes, Sir.

MR. SCHMITZ: We didn't have the same type of declaration when we succeeded in replacing the Taliban Government in Afghanistan with what has evolved into the Karzai Government, but we still have three enemies that are shooting live bullets and killing our troops in Afghanistan; one is Al Qaeda, one is the Taliban and the third is known as an acronym and I think it is HIG, H-I-G, which, as best as I learned last week in Kabul, is -- they're more or less Afghan citizens that are loyal to one of the warlords, they're not Al Qaeda, they're not Taliban, but they are -- they are local

folks that would like to see their warlord, who is neither Al Qaeda nor Taliban, as the President of a unified Afghanistan.

So, the question is -- I mean, if you ask the question: Do these people hate America? The people there are supporting the HIG. That enemy -- it's hard to say that those folks hate America -- they just -- they're foot soldiers for a local warlord and they're just trying to basically get their warlord in power.

Regarding the Taliban, on the other hand, and Al Qaeda, I think those people genuinely hate Americans, just for everything we stand for.

Q I was asking about Iraq also.

MR. SCHMITZ: I know. But the issue within Iraq -- let me come back to that -- I started out in Iraq and I went up to Afghanistan just to make a point. We don't see the unified force in Iraq as well. In fact, it's hard even for us at this stage of the hostilities there to be as clear as we are in Afghanistan as to who exactly the enemy is.

You know, we hear about Iranian influence, and we hear about Al Qaeda influence, we hear about other influences, but it's just -- it's the wild East in Iraq right now -- just to get from the palace compound out to Abu Ghraib we had to have a convoy of five armored Humvees. And these guys -- they're not doing it for show -- they're doing it because that road -- the 30-minute drive from the palace in downtown Baghdad to Abu Ghraib is a very, very dangerous place.

And we don't know -- we don't know exactly who or what the enemy is doing there because all they're doing is they're burying these improvised explosive devices on the side of the road and they're stuffing them into dead carcasses of horses and they're just literally trying to destabilize our efforts over there. And we don't know who their commanders are. That's one of the challenges we're up against over there.

But what I'm here to tell you is that there are a number of very courageous Iraqi citizens that are trying to do what they can, small step by small step, to restore some semblance of civilization to the Iraqi people. And that's what we're trying to do. And if we don't succeed in that effort the same people that we don't know what's motivating right now -- the same people that are killing our troops right now, they're going to continue killing us and, God forbid, they're going to be over here in America killing us on our soil if we don't take it to them over there. It's a very, very troubling situation over there. And we're doing what we can.

And I as I said earlier, you know, we ought not let the bad news coming out of Abu Ghraib eclipse the fact that we've got some great American sons and daughters of regular Americans, farmers and whatever, and they're over there doing great work for you and for me. And at some point, are you going to have absolute assurances? I mean, I guess the point is I don't think there is an absolute black and white answer to your question, Sir. I'm giving you the best answer I can

give having just been there. And I hope I'm responsive. But the nature of what we're up against does not allow for any black and white answer to those questions.

(Applause.)