

Department of Defense Office of Inspector General

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TEXT OF THE UNCLASSIFIED EXECUTIVE SUMMARY OF THE EVALUATION OF THE ARMY INVESTIGATION OF CHAPLAIN (CPT) JAMES J. YEE

1. INTRODUCTION AND SUMMARY

(U) We initiated this evaluation to address concerns expressed by several members of Congress over the investigation, pretrial confinement, and judicial proceedings involving Chaplain (Captain) James J. Yee, U.S. Army, formerly assigned as a Muslim Chaplain at Joint Task Force (JTF) Naval Station, Guantanamo Bay, Cuba. On April 23, 2004, Senators Carl Levin and Edward Kennedy, Members of the Senate Armed Services Committee, wrote the Secretary of Defense, and on June 4, 2004, Representatives Michael M. Honda, Ike Skelton, Vic Snyder, and Adam Smith, wrote the Department of Defense (DoD) Inspector General. At the time of Chaplain Yee's apprehension and pretrial confinement, press articles suggested Chaplain Yee may have been targeted because he was a Muslim. Based on requests from Congress and the concern Chaplain Yee may have been targeted because of his religious affiliation, we focused our evaluation to address the following specific issues:

- Did the initiation of the investigation, apprehension, pretrial confinement and treatment of Chaplain Yee follow applicable standards?
- Did Army officials follow the Uniform Code of Military Justice (UCMJ), the Rules for Courts Martial (RCM), and Army Regulations in the prosecution and administration of non-judicial punishment of Chaplain Yee?
- Did DoD press releases concerning Chaplain Yee conform to established guidelines?

Our review concluded that DoD officials acted properly in initiating a Counterintelligence (CI) investigation of Chaplain Yee and later in apprehending him after a search by Bureau of Customs and Border Protection, Department of Homeland Security (Customs) personnel and military authorities revealed he

possessed suspected classified information.¹ Further, we found that DoD officials acted in good faith and within applicable standards in ordering Chaplain Yee's initial and continued pretrial confinement and Chaplain Yee was not targeted because of his religious affiliation.

We concluded that Chaplain Yee's treatment by brig personnel during his period of pretrial confinement from September 10, 2003 until November 25, 2003 was not abusive and complied with applicable regulations.

We concluded that except in one instance, responsible officials complied with applicable statutory and regulatory guidance as it relates to judicial and non-judicial proceedings against Chaplain Yee. General (GEN) James T. Hill, the Commander, U.S. Southern Command (SOUTHCOM), exceeded his authority under the Manual for Courts Martial (MCM) and Army regulations when he dismissed Chaplain Yee's Article 15. The action removed the unfavorable information from Chaplain Yee's official record as if the proceedings never occurred. Since GEN Hill's action benefited Chaplain Yee, we do not recommend corrective action.

Finally, we determined official DoD media releases complied with established policy; however, Lieutenant Colonel (LTC) Bill Costello, SOUTHCOM Deputy Public Affairs Officer wrote a Letter to the Editor that violated DoD policy.

We recommend LTC Costello's commander consider whether further action is appropriate concerning LTC Costello's letter to the editor.

¹ A formal classification review, completed on May 19, 2004, determined that Chaplain Yee possessed 54 documents containing Secret information at the time of his apprehension at Jacksonville Naval Air Station, FL.