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DEPARTMENT OF DEFENSE
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APR - 8 2011

MEMORANDUM FOR THE INSPECTOR GENERAL, DEPARTMENT OF THE ARMY

SUBJECT: Review of Army Inspector General Agency Report of Investigation (Case 10-024)

We recently completed an oversight review of this case. Based on the evidence in your report and the evidence gathered in our review, we disagree with your conclusions in your case that attribute certain derogatory statements to [REDACTED]

and [REDACTED]

Background

On June 22, 2010, *Rolling Stone* magazine published on its internet website an article titled "The Runaway General" that profiled General (GEN) Stanley A. McChrystal, U.S. Army, Commander of the International Security Assistance Forces and U.S. Forces-Afghanistan, and his staff. As a result of the publication, GEN McChrystal was recalled to Washington, DC where he resigned his command.

On July 1, 2010, the Vice Chief of Staff, Army, directed you to determine the facts and circumstances surrounding the conduct and comments of members of the U.S. Army during their service as staff to, or in support of, Commander, U.S. Forces-Afghanistan, as reported in the *Rolling Stone* magazine article, "The Runaway General."

On August 7, 2010, your office published a report concerning its investigation. The investigation included the conclusion that "The preponderance of testimonial evidence indicated that the derogatory statements were attributable to a [REDACTED]

[REDACTED], [and] [REDACTED]" Your report went on to state that your investigation "did not refute or substantiate that [these individuals] made the statement[s], however the preponderance of the evidence indicated [they] did." Your office did not, however, interview these individuals before reaching this conclusion.

Scope and Standards

After reviewing your report as part of our oversight responsibilities, we determined that additional investigative work was required. We also reviewed the article in question, and determined there were 10 sections of the article that described conduct which warranted review to determine if the conduct might have violated DoD standards. Our review focused on the comments and conduct described in those sections of the article, including some sections not addressed in your report.

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In the course of our review, we re-interviewed six witnesses your investigators had interviewed and conducted interviews of nine additional eyewitnesses, some of whom were not under Army jurisdiction. We also reviewed appropriate documentary evidence including transcripts of interviews, emails, and travel documentation contained in your report. We considered the following standards which might apply to the comments and conduct in question:

- Title 10, United States Code, Section 3583, "Requirement of exemplary conduct"
- Uniform Code of Military Justice (UCMJ), Article 88, "Contempt toward officials"
- UCMJ, Article 133, "Conduct unbecoming an officer and a gentleman"
- DoD 5500.7-R, *Joint Ethics Regulation*
- Army Regulation (AR) 600-20, *Army Command Policy*, dated March 18, 2008
- AR 600-100, *Army Leadership*, dated March 27, 2007

We offered GEN McChrystal the opportunity to provide sworn testimony, which he declined, having already testified to Army investigators. We considered his testimony to your investigators in our review. At the end of our review, we invited GEN McChrystal to comment on the issues we reviewed. He again declined.

Through the offices of Mr. Eric Bates, Executive Editor of *Rolling Stone* magazine, we also offered Mr. Michael Hastings, the author of the article, the opportunity to meet with us to improve our understanding of the article's context. Messrs. Bates and Hastings both declined our offer and directed us to their previous public statements regarding the article. However, Mr. Bates did provide some clarifying information as noted in appropriate sections below.

Conclusions

Our review reached two overarching conclusions based on a preponderance of the evidence we were able to consider:

1. The evidence was insufficient to substantiate a violation of applicable DoD standards with respect to any of the incidents on which we focused.
2. Not all of the events at issue occurred as reported in the article. In some instances, we found no witness who acknowledged making or hearing the comments as reported. In other instances, we confirmed that the general substance of an incident at issue occurred, but not in the exact context described in the article.

None of the matters we reviewed warrant further investigation. We make no recommendations in this matter.

With regard to specific excerpts from the article, we concluded the following:

Pre-dinner behavior in the control room: The incident, described in the article as GEN McChrystal making the "middle finger" gesture toward his Executive Officer, could not be

independently verified through sworn witness testimony. Your report did not specifically address this section of the article.

Given the context -- in the control room preparing for an official function, in a conversation between professional colleagues with a long-standing professional and personal relationship -- the gesture, if made, would not have been a failure by GEN McChrystal to treat his Executive Officer with dignity or respect nor could it reasonably be characterized, taking all circumstances into consideration, as violating any standard.

We found that, while it is possible that the incident occurred as described in the article, none of the witnesses who recalled the pre-dinner conversation recalled seeing GEN McChrystal make the gesture.

Staff comments about a dinner event: Witness testimony led us to conclude that the comment made by a staff member that a dinner event was "fucking gay," or words to that effect, was made, but we could not identify the speaker. Witnesses testified the comment was not directed toward any French official, or toward the French government or military. Accordingly, we conclude that the comment could not reasonably be characterized as violating any standard and further efforts to identify the speaker are not warranted.

Comments about Vice President Biden: The article describes GEN McChrystal, during a meeting in the control room to prepare for a speech, asking, "Are you asking about Vice President Biden? Who's that?" to which a "top advisor" responded, "Biden? Did you say: Bite me?"

We confirm that GEN McChrystal and his staff, in an effort to ensure that GEN McChrystal's replies would not be mischaracterized, discussed potential questions GEN McChrystal might receive following a speech in Paris. Some staff members referred to these potentially problematic questions as "Biden questions," because GEN McChrystal's response to questions following a speech at the International Institute for Strategic Studies in London was characterized in the press as being dismissive of the counter-terrorism approach to the war in Afghanistan favored by Vice President Biden. Multiple witnesses testified that GEN McChrystal and his staff sought to avoid making any comments that could be construed as divergent from Administration policies.

We consider credible a witness' recollection that GEN McChrystal said, "Are you asking about Vice President Biden? Who's that?" and that a follow-on comment or rejoinder of some sort referring to Vice President Biden was made. Witness testimony led us to conclude that someone in the room made a rejoinder about Vice President Biden to GEN McChrystal's comment, and that the rejoinder may have included the words "bite me." Witnesses described a hectic control room environment in which the comment regarding Vice President Biden may not have been heard by all participants. GEN McChrystal testified to Army investigators that he did not remember the comment and that the first time he saw the comment was in the article. Several other witnesses testified they did not hear the comment. We were unable to establish the exact words used or the speaker.

We note that Mr. Bates, Executive Editor of *Rolling Stone* magazine, asserted in his email to us that the "bite me" comment took place "in the presence of a high-ranking Navy PAO [Public Affairs Officer] and a civilian press adviser." We were unable to fully reconcile his assertion with the sworn testimony of those individuals. Mr. Bates' assertion that the comment was made by a "top advisor to GEN McChrystal" led us to re-interview [REDACTED] who was present at the speech preparation session and fit Mr. Bates' description as a "top advisor." [REDACTED] again testified that he did not make the comment.

Comments concerning President Obama: The article quotes "sources familiar" with a meeting between the President and his senior military officers, after which GEN McChrystal thought the President looked "uncomfortable and intimidated" by the roomful of military brass. Regarding their first one-on-one meeting, the article quotes "an advisor" stating that GEN McChrystal was "pretty disappointed" that President Obama was not more engaged and did not know more about him. Your report did not specifically address this section of the article.

We were not able to independently confirm the existence of these statements or their sources. We interviewed witnesses we determined might have been in a position to hear those types of comments; none of those witnesses had any knowledge of the comments. We note that the article does not attribute the quotes to GEN McChrystal. These comments, as reported, represent hearsay. Witness testimony led us to conclude that GEN McChrystal did not share his private interactions with President Obama with anyone except, perhaps, his closest staff. Witnesses further explained that GEN McChrystal considered the content of his discussions with the President sacrosanct.

Use of the term "Team America": The article describes US Forces-Afghanistan staff as referring to themselves as "Team America" and exhibiting a disdain for authority. Your report did not specifically address this section of the article.

We could not confirm the accuracy of the excerpt from the article regarding the term "Team America." We found insufficient evidence to conclude that GEN McChrystal's staff referred to themselves as "Team America" or that they exhibited a disdain for authority as asserted in the article. Our analysis of witness testimony led us to conclude that the term was known to some members of the staff but was not used by them in the manner portrayed in the article. We found that others might have used the term, especially early in GEN McChrystal's tenure, to describe a new, primarily American, staff that changed the way business was conducted in ISAF.

Conduct at Kitty O'Shea's: The article describes the staff as being drunk and disorderly at Kitty O'Shea's, an Irish bar in Paris. Your report did not specifically address this section of the article.

Witness testimony established that GEN McChrystal, his wife, other members of GEN McChrystal's staff, and some of their wives gathered at Kitty O'Shea's on the night of the McChrystals' wedding anniversary. Our analysis of witness testimony led us to conclude that

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the behavior of GEN McChrystal and his staff at Kitty O'Shea's, while celebratory, was not drunken, disorderly, disgraceful, or offensive. Their conduct did not violate any DoD standards.

Comments about National Security Adviser James L. Jones, Jr., General (Gen), U.S. Marine Corps, Retired: The article quotes an "aide" to GEN McChrystal as calling Gen Jones a "clown."

We were unable to verify that this comment was made and, if it was made, by whom. Although Mr. Bates advised us that the comment was made during an interview monitored by a press advisor, the three key media advisors to GEN McChrystal, including those who would have monitored on-the-record interviews, denied hearing the comment or being aware of the comment until reading the article. Mr. Bates' assertion that the "clown" comment was made by one of GEN McChrystal's "closest and most senior advisors," led us to re-interview [REDACTED] who fit that description. [REDACTED] testified that he did not make the comment.

Comments regarding politicians, like Senators John McCain and John Kerry: The article quoted an "aide" as saying that politicians, like Senators McCain and Kerry, who "turn up [in Afghanistan], have a meeting with [Afghan President] Karzai, criticize him at the airport press conference, then get back for the Sunday talk shows" are "not very helpful."

We conclude that a civilian press advisor was the source of part of this comment but that he did not specify Senators McCain and Kerry as being unhelpful. He made the comment in the context of the difficulty of explaining Western political processes and realities to Afghans. We could not determine the source of the reference to Senators McCain and Kerry, but note from the placement of the quotation marks that it was not attributed to the source as a direct quote. We determined that the comment violated no standard. Further, the language used and the opinions expressed were not contemptuous.

Comments about the late Ambassador Richard Holbrooke: The article quotes a "member of the general's team" relating that GEN McChrystal said that Ambassador Holbrooke was like a "wounded animal." The article also described GEN McChrystal expressing exasperation upon receiving an email on his BlackBerry from Ambassador Holbrooke and an aide referring to the email joking, "Make sure you don't get any of that on your leg." Your report did not specifically address this section of the article.

We could not confirm the accuracy of the excerpt from the article regarding the late Ambassador Holbrooke. No staff member acknowledged making or hearing the "wounded animal" comment and senior aides indicated that the comment did not reflect the nature of the relationship between GEN McChrystal and Ambassador Holbrooke.

Three witnesses recalled GEN McChrystal receiving an email on a BlackBerry while in Paris. One witness testified that GEN McChrystal "said something with a BlackBerry in his hand," but testified that he did not remember the comment as being derogatory. He added that he did not remember any response to GEN McChrystal's comment. A second witness testified that he recalled the exchange, and stated he was "pretty sure" that a third witness made the

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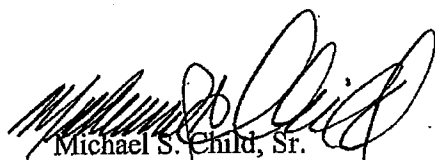
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“don’t get any of that on your leg” comment, but added “I don’t know exactly why I think that.” The third witness testified that, while he remembered GEN McChrystal receiving an email from Ambassador Holbrooke on his BlackBerry while in the control room, he did not remember hearing and denied making the “don’t get any of that on your leg” comment.

Comments about President Karzai: The article quotes one of GEN McChrystal’s “top advisors” as lamenting the fact President Karzai has been “locked up in his palace the past year.” The article also states President Karzai has actively undermined GEN McChrystal’s “desire to put him [President Karzai] in charge.”

We could not establish the source of the comment, but conclude that the perception of President Karzai being “locked up in his palace” was a common public perception that was shared by some members of the U.S. Forces-Afghanistan staff. Witness testimony led us to conclude that the security situation in Afghanistan made travel difficult and dangerous for President Karzai and accounted for him remaining generally in the relative security of the palace. We also conclude from testimony that GEN McChrystal and his staff emphasized building a relationship with President Karzai and establishing conditions for him to visit his countrymen. The fact that travel was dangerous for President Karzai was common knowledge and not disrespectful of President Karzai. Finally, we note that the portion of the article dealing with President Karzai undermining GEN McChrystal’s desire to put President Karzai in charge is not a quote attributed to GEN McChrystal or his staff, but rather an assertion by the author.

Please contact me or Mr. Anthony D. Jones, Director, Investigations of Senior Officials, should you have any questions regarding our review.



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for Administrative Investigations