

Advance Questions for Mr. Lawrence T. Di Rita
Nominee for Assistant Secretary of Defense for Public Affairs

Defense Reforms

More than a decade has passed since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the Special Operations reforms.

Do you support full implementation of these defense reforms?

Yes.

What is your view of the extent to which these defense reforms have been implemented?

Goldwater-Nichols is the law of the land and applies across a wide range of Department activities. My impression is that implementation is extensive, ongoing, and under continued review and assessment.

What do you consider to be the most important aspects of these defense reforms?

The following paragraph summarizes the most important aspects, as I understand the act.

The goals of the Congress in enacting these defense reforms, as reflected in section 3 of the Goldwater-Nichols Department of Defense Reorganization Act, can be summarized as strengthening civilian control over the military; improving military advice; placing clear responsibility on the combatant commanders for the accomplishment of their missions; ensuring the authority of the combatant commanders is commensurate with their responsibility; increasing attention to the formulation of strategy and to contingency planning; providing for more efficient use of defense resources; enhancing the effectiveness of military operations; and improving the management and administration of the Department of Defense.

Do you agree with these goals?

Yes.

Do you believe that legislative proposals to amend Goldwater-Nichols may be appropriate? If so, what areas do you believe it might be appropriate to address in these proposals?

I have not given the matter much consideration. It is important to regularly assess the manner in which the department is organized. During the period in which I have served this Administration thus far, when organizational proposals have surfaced, there has been significant consultation with the Congress. That certainly would be the case with any future proposals.

Relationships

If confirmed, what would your working relationship be with:

The Secretary of Defense:

Daily interaction in order to remain abreast of the Secretary's insights, priorities, and decisions, and to offer my advice to him across the range of issues facing the department. Will assist the Secretary manage the department's communications requirements to the Congress, the general public, and – most importantly – within the department to civilian and military personnel.

The Deputy Secretary of Defense:

If confirmed, my relationship with the Deputy Secretary would be much the same as my relationship with the Secretary of Defense.

The Under Secretaries of Defense:

Regular interaction to assist them communicate matters for which their components are responsible.

The Assistant Secretary of Defense for Legislative Affairs:

Critical daily interaction. I view communications with the Congress as an important priority to ensure the Congress is kept informed of important national security and defense-related matters.

The DoD General Counsel:

Regular interaction to ensure that our communications activities are consistent with regulation and statute. Also, the global war on terror imposes a responsibility upon us to communicate to the Congress and the broader public the many unique legal aspects of this conflict.

The Service Secretaries:

The service secretaries have a most important role in the department's internal communication responsibilities. They also interact regularly with members of Congress and their staffs. If confirmed, I would work closely with them, and in close consultation with their public affairs chiefs, to help them discharge this responsibility and to help ensure consistency and proper frequency of message.

The Joint Chiefs of Staff:

As with the service secretaries, if confirmed I would expect to work with the Chiefs to help communicate with our forces. In addition, I would look forward to working with the Chiefs to assist them in communicating the department's messages to the Congress and the public, as appropriate.

Senior Uniformed Officers Responsible for Public Affairs, including the Army's Chief of Public Affairs, Navy's Chief of Naval Information; Marine Corps' Director of Public Affairs; and Air Force's Director of Public Affairs:

Please see my responses to the previous two questions. If confirmed, I would expect to be working closely and on a regular basis with the service public affairs chiefs.

Duties

DoD Directive 5122.5 describes the responsibilities and functions of the Assistant Secretary of Defense for Public Affairs (ASD (PA)).

What is your understanding of the duties and functions of the ASD (PA)?

I understand the responsibilities of the position as outlined in the directive. In this position, if confirmed, I would serve as the principal staff assistant and advisor to the Secretary and Deputy Secretary of Defense for DoD news media relations, public information, internal information, community relations, public affairs and visual information training, and audiovisual matters.

Assuming you are confirmed, what changes, if any, in the duties and functions of ASD (PA) do you expect that the Secretary of Defense would prescribe for you?

I do not anticipate changes in the duties and functions of the position as described in the directive.

What background and experience do you possess that you believe qualifies you to perform these duties?

My years as a military officer give me a deep understanding of just how important it is that senior leaders of the department communicate well and regularly with our armed forces.

Several years serving as a staff member in the United States Senate taught me the importance of regular executive branch communications with the legislative branch.

While serving as a senior staff assistant to a United States Senator, I also developed sensitivity to the importance of regular interaction with the media while

Finally, my service in the Department for the past nearly three years has given me a breadth and depth of exposure to the department that should help in my responsibilities to communicate the department's priorities credibly, in a timely fashion, and accurately.

Major Challenges

In your view, what are the major challenges confronting the next ASD (PA)?

We must continue to communicate internally, to the Congress, and to the public the President's priorities in the global war on terror, to ensure the lessons of 9/11 remain front and center. We also face the challenge of communicating the U.S. goals, objectives, and activities in Afghanistan and Iraq, as those newly liberated countries continue their transition to sovereignty and self-rule.

The significant U.S. military presence in both countries rightly focuses attention on U.S. and coalition activities, and the department has the responsibility, together with other departments and agencies of government, to properly communicate those activities.

If confirmed, what plans do you have for addressing these challenges?

If confirmed, I expect to build upon the work being done to communicate across the range of issues described above. The department conducts an aggressive program of communication and public outreach, and that must continue and evolve to match our changing circumstances.

I also intend, if confirmed, to place particular emphasis upon internal communications. I view our forces, their families, and the career civil servants who support them as our first, most important audience.

Responsibilities

If confirmed as the ASD (PA), what would you view as your principal responsibilities to the Secretary of Defense?

My principal responsibilities if confirmed would be to assure the Secretary that the department is doing all it can to tell the story of the men and women serving all of us by defending our country.

Department of Defense Directive 5122.5 provides that the Assistant Secretary of Defense for Public Affairs shall “ensure a free flow of news and information to the news media, the general public, the internal audiences of the Department of Defense, and the other applicable fora, limited only by national security constraints...and valid statutory mandates or exemptions.”

What guidelines would you use, if confirmed, to determine what information can and cannot be released to the news media and the public?

The Department publishes Principles of Information, which are included as an enclosure to DoD Directive 5122.5. If confirmed, I would work to ensure that judgments we make regarding the dissemination of information are based upon the principles outlined.

The ASD (PA) has responsibility for the security review of Department of Defense materials for publication and release, including testimony before Congressional committees.

If confirmed, what policy would you intend to follow in carrying out these responsibilities?

Coordination of congressional testimony is in the purview of the Assistant Secretary for Legislative Affairs and the department's Security Review Office. If confirmed, I would of course coordinate when necessary to ensure the communications aspects of such materials are properly considered prior to release.

Again, consistent with the principles of information and appropriate security/sensitivity/classification considerations, if confirmed I would work to help ensure that we provide such information in a timely and accurate fashion.

Aside from restrictions related to classified and sensitive-source materials, if confirmed, what restrictions, if any, would you apply in approving material prepared for release by DoD officials?

As a general matter, the first principle of information is that it is "DoD policy to make available timely and accurate information so that the public, the Congress, and the news media may assess and understand the facts about national security and defense strategy."

There will be times when judgment is applied to a particular piece or class of information that warrants additional consideration on the basis of source, sensitivity of ongoing operations, the need to verify facts, and other factors. Judgments of this nature must be applied all the time, but the principle remains the same: accurate and fast.

What steps would you take, if confirmed, to ensure that required security reviews do not result in late submission of written testimony?

Although the ASD (PA) does not hold particular responsibility for this matter, it is important that required security reviews be accomplished. I believe this responsibility can be discharged without undue delay in the submission of testimony and other information.

If confirmed, I would work with department officials to help ensure that they provide written testimony and follow-up information for the record in a timely and accurate fashion. This is a principal responsibility of the Assistant Secretary for Legislative Affairs, but I would work with that official and others to assist as needed in this matter.

Posting of Information by the DoD IG

On December 5, 2003, the DoD IG issued a memorandum discussing IG data which would be posted on the DoD IG web site. The memorandum stated that “information of questionable value to the general public,” “information not specifically approved for public release,” and “information for which worldwide dissemination poses an unacceptable risk to national security or threatens the safety and privacy of the men and women of the armed forces” would not be posted on the IG’s web site. The policy contained in this memo has been criticized as creating new categories of protected information that do not exist in law and announcing, in effect, a new policy of non-disclosure.

What role, if any, did you as Acting ASD (PA) have in the formulation of the categories of information cited by the DoD IG in his memo of December 5th?

To the best of my knowledge and recollection, I had no role in the formulation of the DoD IG memo.

How do you interpret these categories of information vis-a-vis existing requirements for release under the FOIA and the principles of information set forth in DoD Directive 5122.5?

As I read the DoD IG memo, and I have not discussed the intent of the memo with the IG, he is attempting to provide policy with respect to information on the DoD IG website during the period in which the applicable DoD IG instruction undergoes a review and update as necessary. I do not view it as an intent or desire to create a new class or new classes of restricted information.

Regardless of the intent, though, it is important that matters with respect to information policy within the department be coordinated with the Office of the Assistant Secretary for Public Affairs. It is possible that the IG staff coordinated with the staff in the OASD (PA), but I am unaware if that is the case.

If confirmed, what responsibility, if any, would you have under the DoD IG's policy for determining what information falls under the categories for non-disclosure cited in the memorandum?

If confirmed, my responsibility with respect to communications policy of the department is spelled out in DoD Directive 5122.5, and I would expect to discharge my responsibilities accordingly. I do not believe the DoD IG memo supersedes the principles of information established in DoD Directive 5122.5, nor do I believe that is the intent of the IG in promulgating his memo. If confirmed, I would work with the IG and other component heads to ensure compliance with the principles of information cited in the directive.

News Analysis and News Clipping Service

The ASD (PA) has responsibility for overseeing the provision of news analysis and the news clipping services (including the *Early Bird*, the *Supplement*, and the *Radio-TV Dialog*) for the Office of the Secretary of Defense, the Joint Staff, and the headquarters of the military departments.

What policy would you follow, if confirmed, in providing news analysis and in determining which news media reports should be disseminated throughout the Pentagon?

These services are first and foremost management tools to assist the senior leadership of the department discharge their responsibilities. If confirmed, I expect to emphasize the importance that these tools focus on timely, fact-based information. I would also look to ensure that such information that is not otherwise widely available be included in the various clipping services.

There are broad guidelines established to ensure that these products include timely, accurate information, but judgment is applied at various levels within the Office of the ASD(PA) to ensure the products are useful to senior decision-makers in the department.

European-Pacific Stars and Stripes

***Stars and Stripes* is an independent news organization, but it is also authorized and funded in part by DoD. Representatives of the Society of Professional Journalists recently have asserted that OSD and the American Forces Information Service (AFIS) have attempted to improperly use command influence in shaping the editorial content of the *Stars and Stripes* newspapers and web site.**

In your opinion, what is the appropriate journalistic role of the *Stars and Stripes* newspapers and internet-based outlets?

The *Stars and Stripes* is an important vehicle to help provide broad-based news and information to our forces. I believe the paper has a particular responsibility to focus on forward-deployed forces that do not have good access to other sources of news and information.

I am unaware of any attempts in OSD to shape the editorial content of the *Stars and Stripes*.

What is your understanding of the role and responsibilities of the ASD (PA) and the Director of AFIS with regard to the operation of and reporting in the *Stars and Stripes* newspapers?

The Director of AFIS has certain management oversight responsibility for *Stars and Stripes*, and the ASD (PA) exercises authority, direction, and control over the Director of AFIS. If confirmed, I would help ensure that the paper operates within its budget and provides quality news and information to our forces, with principal focus on those forces forward deployed who do not have access to a wide variety of other news and information sources.

Based on your experience in OSD, are the *Stars and Stripes* newspapers and internet reporting editorially independent? If so, what are your views about the appropriate level, if any, of OSD and AFIS oversight over the content of *Stars and Stripes* newspapers?

DoD Directive 5122.11 outlines the editorial operations of *Stars and Stripes*. In accordance with the DoD Directive, “as a Government organization, the Stars and Stripes news staff may not take an independent editorial position.” When publishing editorials and other opinion pieces, I understand the editors attempt to provide a broadly representative range of views over time.

The DoD Directive does allow the *Star and Stripes* editor to “establish a standard code of personal and professional ethics and general editorial principles...” My impression based on casual observation and reporting is that the paper is independent, and is perceived as such by military commanders.

In October of 2003, *Stars and Stripes* newspapers featured a story entitled “*Ground Truth: Conditions, Contrasts and Morale in Iraq.*” This story included the results of a survey of individual soldiers on such topics as personal and unit morale, concern of chain of command about living conditions, adequacy of training, and understanding of soldiers’ mission.

What is your opinion of the content of the foregoing articles and, in particular, the survey that was reported on in the October 15, 2003, edition of *Stars and Stripes*?

It is my understanding that *Stars and Stripes* editors and reporters periodically develop questionnaires such as the one reported in the October 15, 2003 edition. The morale, living conditions, and training of U.S. forces is a responsibility that the entire chain of command within the Department of Defense takes seriously. The senior uniformed and civilian leaders of the department have taken a number of steps to address these issues and ensure we treat our people right.

It is helpful to receive information on these matters from a wide variety of sources, including such surveys as the one used by the *Stars and Stripes*.

Finally, I understand that the *Stars and Stripes* Ombudsman, in a letter to the publisher, gave the department's leadership high marks for its approach to this series.

The function and responsibilities of the *Stars and Stripes*' Ombudsman have been the subject of discussion within the AFIS and among journalists outside the Department of Defense.

Do you support an independent Ombudsman for *Stars and Stripes*?

I do. I have met with the ombudsman and corresponded in writing with him on occasion. I have found his insights quite helpful.

What guidance would you provide, if confirmed, with regard to the role, responsibilities and functions of the *Stars and Stripes* Ombudsman?

If confirmed, I expect to continue working with the *Stars and Stripes* Ombudsman. I would expect to depend upon him to provide advice and counsel on the proper functioning of the paper as we seek to ensure it fulfill its role as a provider of news and information to our forces, particularly those forward deployed with less access to other sources of news and information.

Stars and Stripes Transformation Working Group

The mission of the *Stars and Stripes* Transformation Working Group was to evaluate the current operations of *Stars and Stripes* and to develop recommendations on how the newspaper would best fulfill its mission in serving the U.S. military of the 21st Century that will be increasingly mobile, deployed at fewer large-scale overseas bases, and likely situated in new locations around the world.

What were the findings and recommendations of the *Stars and Stripes* Transformation Working Group?

The working group made a number of recommendations regarding the budget, business operations, and organization of the newspaper. I found the recommendations thought provoking and asked that the working group leader brief relevant Congressional committee staff and the *Stars and Stripes* management board.

In your opinion, what efficiencies, if any, regarding business operations, operating expenses, sources of income, and DoD funding, etc., need to be implemented to achieve more effective and efficient operations?

I have not made a detailed study of the matter. The transformation working group made several recommendations in these areas that may be helpful. There are a number of areas in which efficiencies can be explored, including the use of technology to reduce production and distribution costs, potential distribution partnerships with other distributors, increased advertising opportunities, reduced operating expenses by ceasing unnecessary or marginal operations, revenue generation through printing and production services, and other possible and appropriate business opportunities.

In my view, the management of the paper should aggressively seek every possible efficiency and revenue source prior to contemplating an increase in appropriated funds.

In the Chairman's Preface to the Transformation Working Group Final Report, it was stated that the newspaper's editorial philosophy needed review and that throughout the course of the Group's study "military leaders in the combatant commands with whom the Working Group has met have consistently raised concerns about accuracy, balance and investigative reporting in *Stars and Stripes*."

What are your views about the accuracy, balance, and investigative reporting of *Stars and Stripes*?

I have not read the paper in my present capacity closely enough to form a view. As a former overseas-stationed naval officer, I read it regularly and found that it presented a wide range of views, news, and information. The relevant DoD Instruction calls for the paper to provide a balanced source of news, information, and editorial content and my impression is that the managers of the paper attempt to do so in a professional manner.

How did the Department address these concerns?

The discussion on editorial philosophy as described in the Chairman's preface represents the views of the chairman alone, and he is entitled to them. To the best of my recollection, the chairman's preface was not briefed to the paper's management or oversight officials, or to the relevant Congressional committee staff.

The other recommendations of the working group have been made widely available, as described above. I should note that the Stars and Stripes Ombudsman received the briefing and had ample opportunity to comment. In fact, I found his comments quite helpful. To my knowledge, we have not taken any specific action with regard to any of the recommendations as yet.

In your view, what are the most appropriate means to address the concerns raised by the Chairman of the Transformation Working Group?

I preface by stating my sense that the Chairman performed a useful service to the department by leading the Transformation Working Group. It is my understanding that he was asked to perform this service by senior OSD officials, and he volunteered his service.

Subsequent to the conclusion of his report, we provided venues for him to brief the findings of the working group as described above. The management of the paper and the appropriate oversight officials in the department will consider these findings as they seek to ensure the efficient and effective operation of *Stars and Stripes* going forward.

The governing directive for *Stars and Stripes* newspapers and business operations is DoD Directive 5122.11, dated October 5, 1993, with changes through September 3, 1996.

What aspects of DoD Directive 5122.11, if any, require changes?

If confirmed, I will undertake to review the directive to determine if any changes are required. It is my understanding that the operations of the Stars and Stripes as envisioned in the directive, to be managed as two papers under the European and the Pacific Command Commanders, have been combined into a single paper under the Office of the ASD(PA). That reorganization is not reflected in the current DoD Directive, which pre-dates the reorganization.

There may be other areas requiring review and possible updating of the DoD Directive. For example, we may seek methods to allow *Stars and Stripes* to deliver content worldwide. The current directive limits the focus to personnel overseas. *Stars and Stripes* often contains important military information and it is worth considering whether there is a way to expand the service to forces stationed within the United States.

I am mindful of the potential sensitivities of this notion, but those sensitivities should be balanced against the objective of communicating to our forces and their families as broadly and effectively as possible, and also the prospects for increased efficiencies and reduced operating costs for the paper.

We might also consider how the paper is funded, especially in contingency locations. The directive puts the responsibility of supplying the paper on the Combatant Commands. This may or may not be the optimal solution but it bears some review to ensure that we have chosen the best approach to ensure the broadest distribution of the paper to forward deployed forces.

Press Coverage of Combat Operations

In the past ten years, press coverage of combat operations has increased. This increased coverage culminated during Operation Iraqi Freedom in authorization by the Department of “embedded” reporters.

What is your assessment of the practice of “embedding” reporters in Operation Iraqi Freedom?

My impression is that the embedding process was a worthwhile program. It provided the opportunity for the public to receive much better insight into the skill, courage, and professionalism of our forces than may otherwise have been possible had the embedding program not existed. It also gave a large number of journalists a much better understanding of the same thing, and that can only help ensure more accurate defense-related journalism in the future.

What were the most significant “lessons learned” from this practice?

I have not conducted any analysis of the program sufficiently to draw broad lessons. My observation, bolstered by a large number of anecdotal reports, leads me to believe that the program was effective. The department continues to encourage embedding for journalists covering the post-major conflict period in Iraq.

One area needing analysis is the question of whether it was more difficult for our forces to manage interactions with non-embedded journalists during the conflict. I have heard anecdotal reports on this issue but not systematic study has been done that I am aware of.

What steps would you take, if confirmed, to ensure that the next of kin of combat casualties are informed of death or injuries by Service representatives prior to release of identifying information by either the Department or reporters?

This is an important priority always, and it takes constant oversight to help ensure we do it right. As always, our first and most important communications audience is our forces and their families and, if confirmed, that will be one of my operating precepts.

Freedom of Information Act

If confirmed, what would your role and responsibilities be with regard to the Freedom of Information Act?

If confirmed, I would do my part to ensure that information sought under the act be released -- as appropriate based upon classification or other factors contemplated in the act -- as expeditiously and completely as possible.

If confirmed, what responsibilities would you have under the Privacy Act and how would you fulfill those responsibilities?

Public officials across government have an obligation to respect and protect the privacy of individuals. The need to provide information to the public quickly and accurately in accordance with the principles of information must always take into account with the importance we must attach to not invading the privacy of individuals as a result of disclosing that information.

If confirmed, I will work to ensure that the department's communications and public affairs personnel understand their obligations and that training is available to ensure that.

American Forces Information Service

What long term goals should the Department support for AFIS?

As noted earlier in my responses, internal communications is the most important communication priority we have. The American Forces Information Services is the means by which we manage most of our internal communications responsibilities. If confirmed, I will seek every media avenue the department has to ensure we are speaking clearly, timely, and accurately with our forces – including our reserve component forces – and the families that support them.

There are also opportunities to use technology, including distant learning capabilities, to improve and expand the Public Affairs training we conduct in the department. If confirmed, I will work with the management of AFIS on this and other important training priorities.

If confirmed, would you support expanding or increasing AFIS services under the FY 2005 future years defense plan?

If confirmed, I will examine all of the capabilities we have to provide news and information to our military at home and overseas and, balancing that against other priorities within my area of responsibility, do what I can to ensure we are doing the best we can in this important area of internal communications.

One area of emphasis must be to improve the timeliness and accuracy of information provided to the reserve component and their families. There is much we can do with improved technology to expand services to meet this challenge

Congressional Oversight

In order to exercise its legislative and oversight responsibilities, it is important that this Committee and other appropriate committees of the Congress are able to receive testimony, briefings, and other communications of information.

Do you agree, if confirmed for this high position, to appear before this Committee and other appropriate committees of the Congress?

Yes.

Do you agree, when asked, to give your personal views, even if those views differ from the Administration in power?

Yes.

Do you agree, if confirmed, to appear before this Committee, or designated members of this Committee, and provide information, subject to appropriate and necessary security protection, with respect to your responsibilities as the Assistant Secretary of Defense for Public Affairs?

Yes.

Do you agree to ensure that testimony, briefings and other communications of information are provided to this Committee and its staff and other appropriate Committees?

Yes.