



UNITED STATES CENTRAL COMMAND
OFFICE OF THE CHIEF OF STAFF
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MACDILL AIR FORCE BASE, FLORIDA 33621-5101

17 March 2011

MEMORANDUM FOR RECORD

SUBJECT: Public release and Redactions, JAGMAN Report of Investigation (RoI)
Regarding the Disappearance and Deaths of HT2 Justin J. McNeley and CS2
Jerod P. Newlove.

1. This memo addresses the subject RoI. This memo does not address the separate references and enclosures listed at the beginning of his RoI. The United States Forces - Afghanistan (USFOR-A) staff is still conducting a classified information review of those separate references and enclosures with a view towards their public release.

2. My staff reviewed the RoI to provide as much information as possible to the next of kin of these fallen Sailors. Our processing was made with a view towards the RoI's eventual public release in accordance with the Freedom of Information Act (FOIA). The FOIA requires that an "Initial Denial Authority" (IDA) approve any withholding of information contained within a U.S. Government record. I am the IDA for the United States Central Command.

3. The FOIA and other U.S. law, as well as Department of Defense (DoD) rules, require that we withhold or "white out" certain information (a process known as "redaction") before we can provide copies of the RoI to persons outside DoD. My staff has now properly redacted the RoI for eventual public release in accordance with the FOIA.

a. The redacted version of the RoI is UNCLASSIFIED and we will publically release at the appropriate time using our U.S. Central Command "FOIA Reading Room" found on the internet at (<http://www.centcom.mil/en/freedom-of-information-act.html>).

b. In consideration of HT2 McNeley's and CS2 Newlove's primary next of kin, no other public release is authorized of the UNCLASSIFIED redacted RoI until after all next of kin have received and had an opportunity to review it first.

4. The next of kin deserve - and as directed by DoD Instruction 1300.18 are entitled - to receive as much information as possible about the deaths of HT2 McNeley and CS2 Newlove. We therefore limited the redactions made to the RoI. Even so, law and regulation required us to make some redactions.

a. Some material remains properly "classified" and we must withhold it in order to prevent damage to the national security. Every instance of withholding or redaction has a

“white out” space with a FOIA “(b) (1)” marking. The “(b) (1)” references that portion of the FOIA that specifically exempts properly classified material from public disclosure.

b. We are withholding certain “personal privacy” information from public release. This includes personal names, addresses, telephone numbers, social security numbers, etc., that are protected by various federal laws and regulations. We did this wherever a “white out” space along with a FOIA “(b) (6)” reference appears.

c. Another Federal law protects the personal information and identities of certain members of the DoD. This is done to shield them from the increased risk of terrorist attack they may face if their association with the DoD were to be broadly disseminated. Our withholding of this personal information is indicated by a “white out” space along and a FOIA “(b) (3)” marking.

d. Federal law and regulation also generally protects purely “intra-agency and/or inter-agency records” from public disclosure. This includes information that is supposed to remain within “government channels” and outside the public domain.

(1) This information is protected to promote a fuller and freer exchange of information, opinion, advice, and ideas within the U.S. Government. The FOIA also protects information redacted on these grounds since such information is also protected from disclosure during any civil lawsuits brought against the U.S. Government.

(2) A “white out” space along with a FOIA “(b) (5)” marking shows where we withheld this type of information. This redaction, however, is not used to withhold facts (as opposed to advice or opinion) from disclosure outside of the DoD.

e. Finally, we redacted some information that relates to the “internal personnel rules and practices” of a federal agency. Such matters can include an agency’s internal rules, procedures, and guidelines or other information of a trivial nature -- for example, internal phone numbers or e-mail addresses -- that, by itself, does little to explain the workings of the federal government. A “white out” space and a FOIA “(b) (2)” marking shows where we withheld this type of information.

5. The Office of the Staff Judge Advocate is our headquarters’ primary point of contact for this memo as well as the RoI and associated material generally. Its chief of

(b)(6), can be reached at either DSN (b)(6) or (b)(6) or via e-mail at (b)(6).



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