



UNITED STATES CENTRAL COMMAND
OFFICE OF THE CHIEF OF STAFF
7115 SOUTH BOUNDARY BOULEVARD
MACDILL AIR FORCE BASE, FLORIDA 33621-5101

28 December 2010

MEMORANDUM FOR RECORD

SUBJECT: Public release and redactions regarding AR 15-6 Report of Investigation (RoI) into the 3 October 2009 Complex Attack on COP Keating, Kamdesh District, Afghanistan

1. The subject RoI and other records associated with the attack upon COP Keating have been reviewed and redacted with a view towards eventual public release in accordance with the Freedom of Information Act (FOIA). The FOIA requires that any withholding of information included within a U.S. Government record be specifically approved by a FOIA "Initial Denial Authority" (IDA). I am the IDA for the United States Central Command.

2. The FOIA, related U.S. law, and Department of Defense (DoD) rules require that we withhold or "white out" certain information (a process known as "redaction") before copies of the RoI and the associate material can be given to persons outside the DoD. The RoI and associated material has now been properly redacted for eventual public release in accordance with the FOIA.

a. The redacted versions of the RoI and the associated material are UNCLASSIFIED records and will be publically released at the appropriate time using our "FOIA Reading Room" found on the internet at < <http://www.centcom.mil/en/freedom-of-information-act.html> >.

b. In consideration of the immediate families of the heroic Soldiers who gave their lives in the defeat of the enemy attack on COP Keating, I direct there be no broader, public release of the UNCLASSIFIED redacted RoI and associated material, or any portion thereof, until all appropriate next of kin have received advance copies and have received (or affirmatively declined) a personal briefing regarding this RoI and associated material.

3. My review of the RoI and associated material reinforces my deeply held impression of the tremendous valor, professionalism and skill shown by the Soldiers who fought that day. These heroes' families deserve (and, pursuant to DoD Instruction 1300.18, are *entitled*) to receive as much information as possible about the battle. We have sought to absolutely limit the redactions made to the RoI and associated material. Even so, law and

SUBJECT: Public release and redactions regarding AR 15-6 Report of Investigation (RoI) into the 3 October 2009 Complex Attack on COP Keating, Kamdesh District, Afghanistan

regulation requires that some still be made. Redactions were required for the following reasons:

a. Some material remains properly “classified” and must be withheld in order to prevent damage to the national security of the United States. Every instance where this done is shown by 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. A “white out” space along with a FOIA “(b)(6)” reference shows where this has been done.

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. The withholding of personal information due to this law is indicated within the RoI and its associated material by a “white out” space along with 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. It is felt this might not take place if federal employees feared their personal opinions or advice would become public knowledge. 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 such information was redacted from the RoI and associated material. This redaction, however, is not used to withhold facts (as opposed to advice or opinion) from disclosure outside of the DoD.

e. Finally, and for somewhat similar reasons, we have redacted some information that relates to the “internal matters” of a federal agency such as the DoD.

(1) Such matters can include an agency’s internal rules, procedures, and guidelines that are of both a trivial nature -- for example, internal phone numbers or e-mail

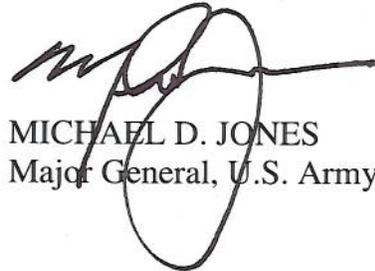
SUBJECT: Public release and redactions regarding AR 15-6 Report of Investigation (RoI) into the 3 October 2009 Complex Attack on COP Keating, Kamdesh District, Afghanistan

addresses that, by themselves, do little to explain the workings of the federal government -- or are of a more substantive nature.

(2) More substantive information should be withheld from public release to prevent harm to, or interference with, the way DoD goes about completing its activities and missions. For example, there are certain tactics, techniques and procedures (TTP) used by our military forces that we do not want to become a matter of broader record. These TTP are not classified matters of national security and some are used by allied militaries. Nevertheless, revealing these TTP could provide enemy forces with an advantage we do not want them to have.

(3) A "white out" space along with a FOIA "(b)(2)" marking shows where redactions were made to protect these both trivial and substantive DoD "internal matters."

5. The Office of the Staff Judge Advocate is the primary point of contact for this memo as well as the RoI and associated material generally. Its chief of Administrative Law, LTC Kurt Mieth, can be reached at either DSN 651-6422 / 6644 or (813) 827-6422 / 6644 or via e-mail at kurt.mieth@centcom.mil.



MICHAEL D. JONES
Major General, U.S. Army