



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720
Ser DNS-36KM/22U113525
June 13, 2022

Sent via email to: john@greenewald.com

Mr. John Greenewald
The Black Vault
27305 W. Live Oak Road
Suite 1203
Castaic, CA 91384

Dear Mr. Greenewald:

This is in reference to your Freedom of Information Act (FOIA)/Privacy Act (PA) request dated November 25, 2019. Your request was received in our office on the same day and assigned case number DON-NAVY-2020-002206.

In the course of processing your FOIA request this office contacted the Secretary of the Navy's office (SECNAV) to conduct a search for applicable records. Accordingly, that office searched their local files for records relating to "All emails sent to/from (bcc'd or cc'd) Secretary of the Navy Richard V. Spencer, which contain the following keyword:"GALLAGHER"".

The SECNAV office has identified 1 record totaling 163 pages that is responsive to your request. Upon review of these records, it has been determined that they contain instances of deliberative process privileged material, are predecisional in nature, and/or contain working versions of documents, and are thus exempt from disclosure under 5 U.S.C. § 552(b)(5). These records were originated by or in concert with the SECNAV, containing drafts and/or proposals of documents not in their final form, and, therefore, are exempt from disclosure.

It has also determined that they contain instances of personally identifiable information (PII), such as the names, dates of birth, and social security numbers of individuals. These instances of PII are exempt from disclosure under 5 U.S.C. § 552(b)(6), since release of this information would result in a clearly unwarranted invasion of their personal privacy. The remainder of the document is released to you.

These records could also interfere with an open investigation or criminal proceeding. Specific harm from

disclosure could result from the dissemination of said information and are thus exempt from disclosure under 5 U.S.C. § 552 (b) (7) (A). The remainder of the record is released to you.

It has been determined that this information is exempt from disclosure under 5 U.S.C. § 552(b) (7) (C), since the records were compiled for law enforcement purposes and release of this information could reasonably be expected to constitute an unwarranted invasion of personal privacy. The remainder of the records are released to you.

You have the right to an appeal within 90 calendar days from the date of this letter. Please provide the appellate authority (see below) the following:

- a. A letter requesting an appeal that explains what you are appealing with any supporting arguments or reasons you think may be worthy of consideration;
- b. A copy of your initial request;
- c. A copy of the letter of denial.

Also, please provide me a copy of your appeal letter at:

usn.ncr.dns.mbx.don-foia-pa@us.navy.mil

There are two ways to file an appeal: through FOIAonline or by mail.

(1) Through FOIAonline. This will work only if you set up an account on FOIAonline before you make the request that you would like to appeal. To set up an account, go to FOIAonline (this is a website that will appear as the top hit if you search the internet for "FOIAonline"), click "Create Account" (a link located within the blue banner at the top in the upper right corner), enter your data into the field that subsequently appears, and click "Save" (at the bottom left of the screen). With your account thereby created, you will have the power to file an appeal on FOIAonline to any request you file on FOIAonline thereafter. To do so, locate your request (enter a keyword or the request tracking number in the "Search for" field on the "Search" tab), click on it, then the "Create Appeal" tab in the left-hand column. Complete the subsequent field, click "Save," and FOIAonline will submit your appeal.

(2) By mail. Address your appeal to:

The Judge Advocate General (Code 14)
1322 Patterson Avenue SE, Suite 3000

Washington Navy Yard, DC 20374-5066

[Note: the preceding address is the default address. Alternatively, it may be sent to the Department of the Navy General Counsel if appropriate (the Office of the General Counsel generally handles issues outside of those of the uniformed service). That address is as follows:

Department of the Navy,
Office of the General Counsel
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

For this determination, you have the right to seek dispute resolution services from either the DoD Navy Component FOIA Public Liaison, Mr. Chris Julka, at: Christopher.a.julka@navy.mil, via phone: (703) 697-0031; or by contacting the Office of Government Information Services at: (<https://ogis.archives.gov/>), (202) 741-5770, ogis@nara.gov.

Questions regarding the action this office has taken to process your request may be directed to our FOIA Service Center at (202) 685-0412 or via email at donfoia-pa@navy.mil.

Sincerely,



G. Cason
Deputy Director,
DON FOIA/PA Program Office

This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

The Black Vault



The Black Vault is the largest online Freedom of Information Act (FOIA)
document clearinghouse in the world. The research efforts here are
responsible for the declassification of hundreds of thousands of pages
released by the U.S. Government & Military.

Discover the Truth at: <http://www.theblackvault.com>

Mr. Secretary,

Please find proposed 5Ws for SECDEF regarding the Trident Warfare designator removal review process.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

Mr. Secretary,

As discussed, following information provided:

Who:

Four Navy SEALs (SO1 Gallagher, LCDR (b) (6), LT (b) (6) and LT (b) (6))

What: Commander, Naval Special Warfare Command, RADM Collin Green intends to notify these personnel that their eligibility to continue to wear the Trident Warfare Pin will be formally reviewed.

When:

Intend to notify by close of Business Friday, November 1st 2019. However, this is on hold until given clearance to proceed.

Where:

San Diego, California

Why:

- . The actions of these personnel during their 2017 Iraq deployment call into question whether they possess the sound judgment, reliability, and professional and personal conduct to warrant continued wearing of the Trident.

- o SO1 Gallagher was found guilty at a court martial for wrongfully posing for unofficial pictures with a human casualty.

- o The other personnel are suspected of either posing in the photo or failing to properly address law of armed conflict violations, based on formal statements and testimony supporting the Gallagher trial.

- . There have been 58 SEAL Trident and Special Warfare Combatant-craft Crewman (SWCC) pin removals since February 2016, most commonly for loss of faith and confidence, based on tactical deficiencies or misconduct (as in this case).

- . This action is administrative in nature, and not considered punitive action under the Uniform Code of Military Justice.

Sir, please find below the draft release. We're also drafting RTQ's with more detail. Also spinning up the Hill notifications. All on hold pending OK from you. Calling now.

"As directed by the President the Navy is moving SOC Eddie Gallagher out of pre-trial confinement to a less restrictive confinement, which is similar to house-arrest on a military base."

VR/ John

Mr. Secretary,

Sir, I hope dinner and the trip are going well. Some final notes for the day:

1) Admiral Stavridis returned your call. We set up a short call for 0900 tomorrow morning.

2) It looks like OSD level nominations are moving forward smoothly. OSD plan is to have WH deliver A/SD Esper's nomination on Monday. OSD hopes to slow down the WH on the delivery of Mr. Norquist's nomination to go sometime immediately after Senate action on Dr. Esper's package. I reinforced with Eric during our sync session that the DoN would like to avoid having you serve as the A/DSD during the August recess. The lightbulb went off and they understand. Eric is optimistic that Mr. Norquist's nomination will move quickly, so if it arrives the week after next, consideration for confirmation could happen prior to 2 August. I hope to have better insight at the end of the day tomorrow.

3) I have the Gallagher hot wash from VADM Hannink. I found his approach easy to follow. He poses a series of questions and provides detailed answers. He has also incorporated some prosecution trial exhibits to explain the prosecutions arguments for a guilty verdict.

Subject to your questions, Sir.

Very Respectfully,

Odie

Harold R Van Opdorp | SECNAV Chief of Staff | Office of the Secretary of the

Navy | Office: (b) (6) | Email: (b) (6)

<mailto:(b) (6)>

Mr. Secretary,

Sir, just a few things to update you on to end the day.

1) Gallagher update -Judge has just released his rulings on the defense's motions to dismiss for prosecutorial misconduct and unlawful command influence (UCI).

- Judge found that CDR Czaplak's (Trial Counsel - prosecutor) participation in the NCIS operation violated the accused's rights under the 4th Amendment to be free from unreasonable search and seizure and interfered with the accused's rights to counsel under the 6th Amendment. However, he further found that the disqualification of CDR Czaplak and the continuance he has granted to 17 June are sufficient to remedy those violations of the accused's constitutional rights.

- Regarding "apparent" UCI - no one individual creates apparent UCI, it's the overall effect of the investigative activities. "NCIS intrusion placed an intolerable strain on the public's perception of the military justice system" that would cause "members of the public to harbor significant doubt as to the fairness of the proceeding." As a remedy for this violation, the Judge took the penalty of life without the possibility of parole off the table.

2) Mali Cases update - Special Court-Martial ICO SSgt (b) (6) [REDACTED]
sentence: 4 yrs confinement, Bad Conduct Discharge, Reduction to E-1. Two other Mali cases (one Navy, one Marine) are preferred. No dates yet on Art. 32.

3) Rep McCarthy drafted the provision (10 U.S.C. 2916) to ensure 50% of the revenue generated by the China Lake Geothermal Plant goes directly to support China Lake energy projects. (b) (5) [REDACTED]

[REDACTED]
[REDACTED] You have an office call previously scheduled with Rep McCarthy next Wednesday 12 June where this will likely come up.

4) From OGC: For your situational awareness, after a US emergency motion to stay the Preliminary Injunction on border wall construction, the 9th circuit kept the preliminary injunction but did set forth an accelerated schedule for oral argument.

5) CNO'S Statement on the interaction with the Russian ship: "The behavior by the Captain of the Russian destroyer in the Philippine Sea was irresponsible and reckless. This unwise maneuver, combined with the unsafe maneuvers by the Russian aircraft in the eastern Mediterranean earlier this

week, make it clear that these dangerous actions by Russian military forces across the globe do not match what the world expects from a responsible and trustworthy world power. The U.S. Navy will not be deterred from supporting the free and open use of the seas and skies where international law clearly allows all to operate."

6) General and Mrs. (b) (6) are hosting a farewell dinner for General and Mrs. (b) (6) on Saturday, 22 June at ACMC's quarters that you and Mrs. (b) (6) are invited to.

Subject to your questions, Sir.

Have a great weekend!

Very Respectfully,

Odie

Harold R Van Opdorp | SECNAV Chief of Staff | Office of the Secretary of the

Navy | Office: (b) (6) | Email: (b) (6)

<mailto:(b) (6)>

Mr. Secretary,

I hope you are enjoying Corn Dogs and Funnel Cakes in Apalachicola!

For Friday, here is the current plan:

0800 - 0830 Meet with CNO one-vis-one.

0900 - 0930 Meet with (b) (6) Dr. (b) (6) and me to hammer out any issues or concerns prior to including John Kirby and Paul Kennedy at 0930

0930 - until complete Meet with your 0900 group , John Kirby, and Paul Kennedy.

The rest of the day is set aside to get caught up and take what the day may bring. Everything is tracking and confirmed for the Evening Parade, including your brief remarks. The Commandant is entertaining moving the Reception into Crawford Hall because of possible high temperatures.

For the End of the Day:

- APQ's and RFIs are on track for on-time delivery to our office by 0830 Friday morning. We have the four questions from last night answered. We are waiting on some final APQ answers. The Department's requirement was only 45, but the entire package consisted of 380+.

- Louise Vitale and Tom Frankfurt (ASN, RD&A attorney) talked to (b) (6) of the DBB today. He expressed his concerns regarding the issue and wants to assist. The three set up a meeting for 11 July that I will try to attend. Additionally, Mr. (b) (6) recommended that we reach out to Ms. Lisa Hershman from OSD CMO and ask her to task the DBB to look into the data rights issue on behalf of the department.

- VADM Hannick and his team are turning on the Gallagher Hot Wash. He owes you a report by midday, Tuesday. Additionally, Gallagher's sentence came in. It looks like the court will reduce him to E-6 and he received the maximum sentence of four months confinement, but was given credit for time served. We are waiting to confirm if there was a punitive fine associated with the sentence. He has 14 days to appeal his sentence.

Subject to your question, Sir.

Have a great Fourth of July.

Very Respectfully,

Odie

Harold R Van Opdorp | SECNAV Chief of Staff | Office of the Secretary of the

Navy | Office: (b) (6) | Email: (b) (6)

<mailto:(b) (6)>

(b) (6)

From: Richardson, John M ADM USN CNO (USA)
Sent: Friday, May 31, 2019 2:41 AM
To: Spencer, Richard V HON SECNAV
Cc: Moran, William F ADM USN VCNO (US)
Subject: FW: SOC GALLAGHER RELEASED FROM PRE-TRIAL RESTRICTION

Sir, More SA on Gallagher.

VR/ John

Sent from my iPhone

From: (b) (6) CAPT USSOCOM NAVSOC NSWC (b) (6)
Date: Thursday, May 30, 2019, 21:40
To: Richardson, John M ADM USN CNO (USA) <(b) (6)>, Clarke, Richard D GEN USSOCOM SOCOCM CDR <(b) (6)>
Cc: Moran, William F ADM USN VCNO (US) <(b) (6)>, Slife, James C Lt Gen USAF USSOCOM SOCOCM SOVC <(b) (6)>, Szymanski, Timothy G RADM <(b) (6)>, Linder, James B MG USSOCOM SOCOCM SOCS <(b) (6)>, Jackson, Mary M VADM USN CNIC WASHINGTON DC (US) <(b) (6)>, Bolivar, Bette RDML CNRSW, N0 <(b) (6)>, Loeblein, James T RADM USN OLA WASHINGTON DC (USA) <(b) (6)>, (b) (6) CAPT USN CNO (US) (b) (6), (b) (6) CAPT USN COMNAVREG SW SAN CA (US) (b) (6), (b) (6) CAPT USN NAVBASE SAN DIEGO CA (USA) (b) (6), (b) (6) COL USSOCOM SOCOCM HQ (b) (6), (b) (6) CAPT USN CNO (US) (b) (6), (b) (6) Col USSOCOM SOCOCM SOJA (b) (6), (b) (6), (b) (6) CAPT USN VCNO (USA) (b) (6), (b) (6), (b) (6) CAPT USN CHINFO WASHINGTON DC (USA) (b) (6), (b) (6) CAPT COMNAVSPECWARCOM CA, NB Coronado (b) (6), (b) (6) CDR COMNAVSPECWARCOM CA (b) (6), (b) (6) Col USSOCOM HQSOCOCM SOLA (b) (6), (b) (6) CDR USSOCOM SOCOCM SOLA DC (b) (6), (b) (6), Schoenbeck, Thomas J SES USSOCOM NAVSOC NSWC <(b) (6)>, (b) (6) CAPT USSOCOM NAVSOC NSWC <(b) (6)> (b) (6) CAPT USSOCOM NAVSOC NSWG1 (b) (6)
Subject: SOC GALLAGHER RELEASED FROM PRE-TRIAL RESTRICTION

CNO, GEN Clarke,

Sent on behalf of RADM Green.

BLUF: This evening the military judge ordered SOC Gallagher released from pre-trial restriction during a motion hearing. Based on that order, NSWG-1 CDRE is rescinding his order restricting SOC Gallagher.

During today's hearing, the military judge heard evidence on the defense's motion to disqualify members of the prosecution team pertaining to the NCIS leak investigation. The motion hearing will continue tomorrow at 1200 PST. No other rulings were made by the judge today.

The military judge's stated reasons for his decision regarding terminating restriction was: 1. Trial delay due to litigation pertaining to the NCIS leak investigation, and 2. Assist the defense's preparation for potential start of trial on 10 June 2019.

One other note for your awareness, an NCIS witness stated defense counsel for SOC Gallagher, defense counsel for LT (b) (6) attorney for other SEALs, and Carl Prine from Navy Times were subjects of a criminal investigation. I bring this to your attention that

this statement, in addition to the judge's ruling today, will generate media attention.

NSWC staff will continue to coordinate with your staffs.

Standing by,

V/r

(b)

CAPT (b) (6)
Chief of Staff
Naval Special Warfare Command
VOIP: (b) (6)
SVOIP: (b) (6)
Cell: (b) (6)

Mr. Secretary and CNO - I wanted to bring this tweet and pic to your attention. Rep. Hunter has been closely following SOC Gallagher's case in San Diego.

Rep. Hunter just tweeted the attached photo showing him walking into the brig that SOC Gallagher is being held. The tweet tags POTUS.

We will continue to monitor any additional statements or tweets that may result from this.

VR/ Greg

Sir,

A note from Professor Desch at Notre Dame. Impeccable timing.

Very Respectfully,

Odie

Sent with BlackBerry Work

(www.blackberry.com)

From: Michael Desch (b) (6)

Date: Sunday, Nov 24, 2019, 16:37

To: VanOpdorp, Harold SES SECNAV

(b) (6)

Subject: [Non-DoD Source] For Secretary Spencer

Dear Mr. Secretary --

I write first with a belated note of thanks for your visit to the joint NDISC/NROTC event last Monday.

I thought the turnout was great and the student questions, especially from the mids, were outstanding.

(b) (6)

[Redacted]

[Redacted]

[Redacted]

(b) (6)

Thank you for your continuing service to our country, especially when it is really hard as in this case.

Yours,

Mike Desch

--

Michael C. Desch

Packey J. Dee Professor of International Relations,

Department of Political Science

Brian and Jeannelle Brady Family Director of the Notre Dame International Security Center,

2026 Jenkins Nanovic Halls

Notre Dame, IN 46556

[o] (b) (6)

[fax] (b) (6)

[mobile] (b) (6)

[web] <http://www.nd.edu/~mdesch/>

(b) (6)

"A certain grasp of military affairs is vital for those in charge of general policy."

Carl von Clausewitz, On War, Book 8, Chapter 6.

"If every prospective writer on international affairs in the last twenty years had taken a compulsory course in elementary strategy, reams of nonsense would have remained unwritten." E.H. Carr, *The Twenty Year Crisis*, 111.

I haven't had update since below... will ask for one, thanks.

EmilyGrace Mate

Chief of Staff

Office of the Secretary of the Navy

Office: (b) (6)

Email: (b) (6)

From: Hannink, John G VADM NLSC, JAG

Sent: Thursday, November 15, 2018 11:26:22 AM

To: Traver, Andrew SES NCIS, Code 00; Modly, Thomas HON Under Secretary of the Navy; Moran, William F ADM, OPNAV, VCNO

Cc: Mate, EmilyGrace SES SECNAV, FO

Subject: RE: GALLAGHER Article 32

Andy - I can review what took place here in light of our courtroom security instruction, and engage with you on that aspect.

V/r, John

-----Original Message-----

From: Traver, Andrew CIV NCIS, SES Director <(b) (6)>

Sent: Thursday, November 15, 2018 8:04 AM

To: Modly, Thomas HON Under Secretary of the Navy <(b) (6)>; Moran, William F ADM, OPNAV, VCNO <(b) (6)>

Cc: Hannink, John G VADM NLSC, JAG <(b) (6)>; Mate, EmilyGrace SES SECNAV, FO <(b) (6)>

Subject: GALLAGHER Article 32

Mr. Modly/VCNO: Good morning. FYSA, here are the highlights from the first day of NSW CPO GALLAGHER's LOAC Article 32 -

- Following his initial testimony in the morning, (b) (6), (b) (7)(C) underwent three hours of cross-examination in the afternoon. (b) (7)(B), (b) (7)(A)

- It does not appear that (b) (6), (b) (7)(C) will be testifying any further at the hearing. The defense called two witnesses to testify (b) (7)(B)

- Security inside the court and outside was provided by our agents; however, we were informed by the Security Specialist that AJAG had apparently not agreed (per the JAGMAN) and they objected to our agents being armed in the courtroom (clearly not recognizing that our agents are armed as a normal course of business). Again, no armed presence was provided by RLSO, only NCIS. We will need to resolve this with RLSO in order to have our agents testify in the future.

- The prosecution related to the court (with news reporters attending) that they would not refer to the involved SEALs by name because several were deployed and doing so would create OPSEC concerns.

(b) (7)(B), (b) (7)(A)

Thank you.

V/R,

Andy

Andrew Traver

Director, NCIS

(b) (6) (O)

(b) (6) (C)

Mr. Secretary,

JAG sent this to your public account. Update on SO1 Gallagher below.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

From: Hannink, John G VADM USN NAVY JAG WASH DC (USA) <(b) (6)>

Sent: Wednesday, November 13, 2019 9:38 AM

To: Spencer, Richard V HON SECNAV <(b) (6)>

Cc: Ressing, Garrett L SES USN OGC WASHINGTON DC (USA) <(b) (6)>; VanOpdorp, Harold SES SECNAV <(b) (6)>; (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) <(b) (6)>; Hannink, John G VADM USN NAVY JAG WASH DC (USA) <(b) (6)>

Subject: GALLAGHER Update

Mr. Secretary –

As noted below, today the President is expected to direct, in writing, that SO1 Gallagher be promoted to E-7. We don't know the final wording of the President's memo. (b) (5)

[Redacted]

[Redacted]

Our assessment:

(b) (7) [Redacted]

[Redacted]

We will keep you updated as we learn more.

V/r, John

John Hannink

VADM, JAGC, USN

Judge Advocate General of the Navy

From: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) <(b) (6)>

Sent: Tuesday, November 12, 2019 7:18 PM

To: Hannink, John G VADM USN NAVY JAG WASH DC (USA) <(b) (6)>; Ressing, Garrett L
SES USN OGC WASHINGTON DC (USA) <(b) (6)>

Cc: (b) (6) CAPT USN OGC WASH DC (USA) <(b) (6)>; (b) (6) CAPT
USN NAVY JAG WASH DC (USA) <(b) (6)>

Subject: FW: GALAGHER Update

Admiral, Mr. Ressing,

Please see below, SecNav is looking for options as soon as possible. I told him you were all working the possible options and that we would get something to him in the morning.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

<x-apple-data-detectors://1/0> Washington, DC 20350

Comm: <tel:(b) (6)>

Mobile: <tel:(b) (6)>

VOSIP: <tel:(b) (6)>

Tandberg: (b) (6) >

NIPR: (b) (6)

SIPR: (b) (6) >

From: Spencer, Richard V HON SECNAV <(b) (6)>
<mailto:(b) (6)> >

Date: Tuesday, Nov 12, 2019, 5:43 PM

To: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) <(b) (6)>
<mailto:(b) (6)> >

Cc: VanOpdorp, Harold SES SECNAV (b) (6)
<mailto:(b) (6)> >

Subject: RE: GALAGHER Update

CAPT

I will need all options as soon as possible.

Thank you.

RS

Sent with BlackBerry Work

(www.blackberry.com)

From: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)
<mailto:(b) (6)>>

Date: Tuesday, Nov 12, 2019, 5:34 PM

To: Spencer, Richard V HON SECNAV (b) (6)
(b) (6) >

Cc: VanOpdorp, Harold SES SECNAV (b) (6)
<mailto:(b) (6)>

Subject: GALAGHER Update

Mr. Secretary,

Mr. Rassing and VADM Hannink just met with OSD GC to discuss expected presidential actions tomorrow. The following is expected:

- Petty Officer Gallagher, POTUS will direct promotion to E-7 via a letter to you.
- 1ST LT (b) (6) POTUS will commute the rest of his jail time.
- Maj (b) (6), POTUS will order all charges dropped.

Once official announcement is made tomorrow, we will work with the lawyers and Navy to provide you all available options to execute the order.

Pending any questions sir.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

FYSA...given today's call

EmilyGrace Mate

Chief of Staff

Office of the Secretary of the Navy

Office: (b) (6)

Mobile: (b) (6)

Email: (b) (6)

-----Original Message-----

From: Traver, Andrew CIV NCIS, SES Director (b) (6)

Sent: Friday, March 29, 2019 11:19 AM

To: Modly, Thomas HON Under Secretary of the Navy <(b) (6)>; Moran, William F
ADM USN VCNO (US) <(b) (6)>; Hannink, John G VADM USN NAVY JAG WASH DC
(USA) <(b) (6)>; Mate, Emily Grace (EmilyGrace) SES USN (USA)
<(b) (6)>

Subject: GALLAGHER Case Update

Mr. Modly/VCNO/VADM Hannink/Ms. Mate: Good morning. FYSA-on 27MAR an article was published on the Navy Times website stating that NCIS email messages and search warrant documents concerning the analysis of cellular phones related to the GALLAGHER LOAC investigation had been leaked to the Navy Times. From the Navy Times - "Search warrant documents and email messages from Naval Criminal Investigative Service agents leaked to Navy Times reveal the seizure of cellphones and electronic communications beginning in early February, allegedly to prove that Gallagher urged fellow SEALs at the Naval Special Warfare Development Group - or DEVGRU - to obstruct justice or retaliate against junior sailors who ratted him out for war crimes.

The documents and emails appear to support a theory put forward by Gallagher's defense attorneys that military prosecutors are going after what they call a "Mean Girls" clique of special operators. They suspect prosecutors are trying to prove collusion between Gallagher and other SEAL leaders at California's Naval Base Coronado and members of the color-coded DEVGRU squadrons in Virginia.

Investigators appeared to want to perform forensic examinations of the phones or otherwise track the communications to see if SEAL Team 7's Gallagher conversed with peers at DEVGRU about retaliating against witnesses in the NCIS probe."

(b) (7)(A)

Thanks.

V/R,

Andy

Andrew Traver

Director, NCIS

(b) (6) (O)

(b) (6) (C)

NOTICE: This E-mail is from the Naval Criminal Investigative Service and may contain information that is Law Enforcement Sensitive {LES} or Privacy Act Sensitive to be used for official purposes only and is intended only for the person(s) named in the above distribution. Do not release outside of DoD channels without prior authorization from the sender. If you are not the addressee, or a person authorized to deliver the document to the addressee, you are hereby notified that any review, disclosure, or dissemination, copying, or other action based on the content of this communication is not authorized. If you receive this transmission in error, please notify the sender immediately. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

Sir confirm this is what you want correct?

EmilyGrace Mate

Chief of Staff

Office of the Secretary of the Navy

Office: (b) (6)

Mobile: (b) (6)

Email: (b) (6)

From: Richardson, John M ADM USN CNO (USA) (b) (6)

Date: Friday, Mar 29, 2019, 2:16 PM

To: Spencer, Richard V HON SECNAV (b) (6)

Cc: Mate, Emily Grace (EmilyGrace) SES USN (USA) (b) (6), Moran, William F ADM USN VCNO (US) (b) (6), Hannink, John G VADM USN NAVY JAG WASH DC (USA) (b) (6)

Subject: SOC Gallagher

Mr. Secretary

As a follow up from our phone conversation, SOC Gallagher is in the appropriate level of pre-trial confinement, with the least restrictions possible.

No request for medical treatment, legal counsel or visits with family have been denied during this period of confinement.

Specific points below for your consideration and other discussions.

VR/ John

- SOC Gallagher is in pretrial confinement at the Naval Consolidated Brig Miramar pending general court-martial.

- o Charges were referred to general court-martial following a preliminary hearing. The hearing was conducted by a Navy judge advocate military justice expert with over 20 years of litigation experience.

- o The preliminary hearing report, including charging recommendations, was reviewed by Commander, Naval Special Warfare Group ONE. (b) (5), Naval Special Warfare Group ONE forwarded the charges to Navy Region Southwest recommending trial by general court-martial.

- o Charges are: Article 118 (murder); Article 80 (attempted murder); Article 128 (aggravated assault with a dangerous weapon); and Article 134 (obstruction of justice). Trial is scheduled to begin 28 May 2019.

- SOC Gallagher was ordered into pretrial confinement on 11 September 2019 by Commander, Naval Special Warfare Group ONE. Pretrial confinement was based on probable cause that SOC Gallagher had engaged and would continue to engage in witness interference.

- o On 17 Sep, the pretrial confinement order was reviewed by an independent magistrate. At his request, SOC Gallagher was represented by a civilian defense counsel for the hearing. The magistrate determined that there was probable cause to determine that witness interference would continue and that no less severe form of restraint was adequate to ensure a fair trial.

- o On 4 Jan 19, the Military Judge completed a second review of the pretrial confinement order. The Military Judge agreed with the findings of the magistrate and pretrial confinement was continued.

- Naval Consolidated Brig Miramar is accredited by the American Correctional Association (ACA) and meets or exceeds all ACA standards.

- Specific information regarding SOC Gallagher's pretrial confinement:

- o SOC Gallagher is housed in an individual cell.

- o SOC Gallagher's berthing is divided between pretrial and post-trial personnel.

- o SOC Gallagher wears his Navy Working Uniform with rank and insignia.

- o SOC Gallagher eats his meals in the brig dining facility. The brig dining facility uses the same rotating menu and portion size as installations in the local area.

In pretrial confinement, SOC Gallagher is permitted to go through the line first and pretrial confinement personnel are allowed seating at a separate table from post-trial prisoners.

- o SOC Gallagher is permitted to make personal phone calls during the day.
- o SOC Gallagher is able to access a gym with aerobic equipment and weights during the afternoon and evenings.
- o SOC Gallagher is permitted to be outside for no less than one hour per day.
- o SOC Gallagher is permitted free access to reading material, including access to a library at the brig facility.
- o SOC Gallagher has access to satellite television (up to 14 channels, including ESPN, National Geographic) for several hours per day.

· SOC Gallagher has never had a medical visit request denied.

- o He has had a total of 10 medical visits within the brig facility.
- o He has had a total of 15 medical visits requiring temporary release outside the brig facility.
- o The Brig Medical Officer has made four phone consultations to specialists on SOC Gallagher's behalf.

· SOC Gallagher has never had a legal visit request denied.

- o He has had a total of 36 legal visits within the brig facility. This includes special requests for counsel to meet on weekends.
- o He has had a total of 20 legal visits requiring temporary release outside the brig facility.

· SOC Gallagher has never had a personal visitor denied when the visitor was able to comply with the regulations of the brig facility.

- o He has had a total of 25 visits with immediate family. This includes a special request for extended visiting hours.
- o He has had multiple visits from command representatives of Naval Special Warfare Group ONE.
- o There have been instances of military members asserting they were command representatives who were denied access. These military members were not on the Naval Special Warfare Group ONE command approved list for access, and Naval Special Warfare Group ONE confirmed they were not authorized command representatives.

· On 15 Feb, Congressman Duncan Hunter's staff members were denied access. The staff members requested a visit on less than 24 hours notice, creating a conflict with a previously scheduled legal

visit. SOC Gallagher was allowed to make the election of which appointment to keep and which to reschedule. SOC Gallagher elected to keep his legal appointment and reschedule the meeting with the staff members.

EmilyGrace Mate

Chief of Staff

Office of the Secretary of the Navy

Office: (b) (6)

Mobile: (b) (6)

Email: (b) (6)

From: Richardson, John M ADM USN CNO (USA) (b) (6)

Date: Friday, Mar 29, 2019, 2:16 PM

To: Spencer, Richard V HON SECNAV (b) (6)

Cc: Mate, Emily Grace (EmilyGrace) SES USN (USA) (b) (6), Moran, William F ADM USN VCNO (US) (b) (6), Hannink, John G VADM USN NAVY JAG WASH DC (USA) (b) (6)

Subject: SOC Gallagher

Mr. Secretary

As a follow up from our phone conversation, SOC Gallagher is in the appropriate level of pre-trial confinement, with the least restrictions possible.

No request for medical treatment, legal counsel or visits with family have been denied during this period of confinement.

Specific points below for your consideration and other discussions.

VR/ John

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visit. SOC Gallagher was allowed to make the election of which appointment to keep and which to reschedule. SOC Gallagher elected to keep his legal appointment and reschedule the meeting with the staff members.

Sir,

Below is the plan for the SEAL's Trident Removal Process and proceedings.

Subject to your questions, Sir.

Very Respectfully,

Odie

Sent with BlackBerry Work

(www.blackberry.com)

From: (b) (6) CAPT USN VCNO (USA) <(b) (6)>

Date: Tuesday, Nov 19, 2019, 19:02

To: VanOpdorp, Harold SES SECNAV

Subject: Trident Removal Process

COS – For your use with SECDEF and onto the White House. Heading down to discuss and standing by for your questions or concerns. VR (b) (6)

Context:

From CY11 to CY19 there were 111 SEAL Trident and 46 Navy Special Warfare Combatant-Craft Crewman (SWCC) pins removed, totaling 157.

These pins were removed for reasons including loss of confidence or judgment, drug and/or alcohol use, performance issues, misconduct, loss of a security clearance, medical issues, or voluntarily requesting removal.

There were at least 56 disciplinary cases, of which 21 personnel had their pins removed prior to Non-Judicial Punishment (NJP), Court Martial (CM) or Civil Trial (CT). 35 personnel had their pins removed after NJP/CM/CT.

Process Forward:

RADM Green intends to convene a board for SOC Gallagher IAW MILPERSMAN 1221-021
(<https://www.public.navy.mil/bupers-npc/reference/milpersman/1000/1200Classification/Documents/1221-021.pdf>)

and MILPERSMAN 1220-300

(<https://www.public.navy.mil/bupers-npc/reference/milpersman/1000/1200Classification/Documents/1220-300%20.pdf>)

A Trident Review Board (TRB) is not mandatory for enlisted SEALS (i.e. SOC Gallagher). However, RADM Green intends to convene a TRB, with the opportunity for a personal appearance by SOC Gallagher.

The composition of the TRB will be 1 x O5 SEAL and 4 x E9 SEALS. The TRB will then provide their recommendation (retains or loses Trident) to RADM Green for a final decision.

Wed, 20 Nov: RADM Green intends to issue a letter to SOC Gallagher stating his intent.

Wed, 4 Dec: SOC Gallagher is provided an opportunity to make a personal appearance before the TRB.

Fri, 6 Dec: TRB provides written recommendation to RADM Green.

Mon, 9 Dec: If RADM Green chooses to remove the Trident, he will provide SOC Gallagher notice and an opportunity to respond, as it would be an adverse matter forwarded to Navy Personnel Command for inclusion into his official service record, IAW MILPERSMAN 1616-040
(<https://www.public.navy.mil/bupers-npc/reference/milpersman/1000/1600Performance/Documents/1616-040.pdf>).

Fri, 13 Dec: Suspense date for SOC Gallagher's response.

Mon, 16 Dec: Submission of any recommendation by RADM Green to Navy Personnel Command, who conducts the removal action.

Important Notes:

SOC Gallagher will be provided his letter at the same time as three SEAL Officers, who will go through a similar process (LT (b) (6) LT (b) (6) and LCDR (b) (6) Boards are required for SEAL officers.

SOC Gallagher's retirement will be delayed until the completion of this Administrative effort. SOC Gallagher's End of Active Obligated Service (EAOS; final date of active duty enlistment) is 27 Dec. All administrative actions will be complete by this date.

SOC Gallagher's characterization of service will be determined by Navy Personnel Command in accordance with MILPERSMAN 1910-166 (<https://www.public.navy.mil/bupers-npc/reference/milpersman/1000/1900Separation/Documents/1910-166.pdf>)

CAPT (b) (6)

EA to the Vice Chief of Naval Operations

O: (b) (6)

C: (b) (6)

(b) (6)

Secretary Spencer/Undersecretary Modly: Good afternoon. Here, FYSA, are the latest developments in the GALLAGHER case/trial:

As a result of the 22MAY motions hearing, a new jury trial date for the GALLAGHER case will be set on 29MAY (anticipated to be in June). Additionally, the Judge ordered the identification of anyone who approved the use of the audit capability, that an NCIS Cyber SME be made available for interview by a defense cyber SME regarding the audit capability, the composition of a letter from NCIS San Diego identifying any members of the defense team that are subjects of the investigation (there are none) and the content of any intercepted communications (there are none).

During the motions hearing, the defense continued to make allegations about government misconduct in relation to the leak investigation, accusing the lead prosecutor of lying to the Judge and insinuating that the lead prosecutor may be facing disciplinary action from the NY State Bar Association. There was a discussion about conflicts of interest involving the Judge, the prosecution and the defense counsels. Much of the hearing involved arguing a motion for discovery that contained more than twenty specific requests. Hence, the Judge issued a verbal order directing NCIS/RLSO SW to provide responses to questions posed by the defense relative to the use of the audit capability employed by NCIS in the investigation into violations of the Judge's protective orders. The questions posed contained inflammatory language (monitoring, intercepts, intrusion, etc.) and inaccurate descriptions of activity conducted by NCIS. The NCIS responses clarified key points and specifically highlighted that the audit capability used does not meet the definition of consensual or non-consensual monitoring/intercepts. The responses also definitively stated that the use of the audit capability did not constitute a search based on legal guidance provided to NCIS, and therefore did not require NCIS to follow the process necessary to obtain search authorization. Ultimately, the decision to employ the audit capability on emails sent to defense by the prosecutor was made by the Special Agent in Charge of NCIS San Diego after coordination with legal entities, to include an AUSA, NCIS legal and the military Judge presiding over the GALLAGHER investigation.

The last motion considered was the defense's request the Judge vacate the two protective orders against releasing information that are in place. The defense argued that the leaks thus far have benefited the government and the defense was limited because it could not defend GALLAGHER in public because of the protective orders. The Judge made it clear that the filings and his ruling were the only things protected. The Judge indicated that the facts behind the filings could be discussed and released to the public. The Judge subsequently left the two protective orders in place.

NCIS was not called to testify at this hearing.

Some other noteworthy allegations made by defense that went unchallenged were:

1. That NCIS used "intelligence assets and functions in order to illegally spy on US citizens" in violation of EO 12333 (entirely false).

2. NCIS "case shopped" the leak case to DOJ. According to the defense, DOJ declined the NCIS leak investigation; NCIS then went to a local AUSA, who had recently been demoted (allegedly for making derogatory comments about President Trump) to get approval for the leak investigation.

The next hearing will take place on Wednesday, 29MAY, in order to consider a defense motion requesting that the Judge and the prosecution be recused from the case. A new jury trial date will also be set at that time. Thanks. Have a nice Memorial Day weekend. Semper Fi, Semper Fortis.

V/R,

Andy

Andrew Traver

Director, NCIS

(b) (6) (O)

(b) (6) (C)

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(b) (6)

From: Traver, Andrew CIV NCIS, SES Director (b) (6) >
Sent: Friday, May 24, 2019 2:11 PM
To: Spencer, Richard V HON SECNAV; Modly, Thomas HON Under Secretary of the Navy
Cc: VanOpdorp, Harold SES SECNAV; Love, Robert E SES (USA)
Subject: GALLAGHER Trial Update

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V/R,
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Director, NCIS

(b) (6)

(b) (6)

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Mr. Secretary –

As noted below, today the President is expected to direct, in writing, that SO1 Gallagher be promoted to E-7. We don't know the final wording of the President's memo. (b) (5)

Our assessment:

(b) (5)

We will keep you updated as we learn more.

V/r, John

John Hannink

VADM, JAGC, USN

Judge Advocate General of the Navy

From: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) <(b) (6)>

Sent: Tuesday, November 12, 2019 7:18 PM

To: Hannink, John G VADM USN NAVY JAG WASH DC (USA) <(b) (6)>; Ressing, Garrett L SES USN OGC WASHINGTON DC (USA) <(b) (6)>

Cc: (b) (6) CAPT USN OGC WASH DC (USA) <(b) (6)>; (b) (6) CAPT

USN NAVY JAG WASH DC (USA) <(b) (6)>

Subject: FW: GALAGHER Update

Admiral, Mr. Ressing,

Please see below, SecNav is looking for options as soon as possible. I told him you were all working the possible options and that we would get something to him in the morning.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

[Washington, DC 20350](#)

Comm: (b) (6)

Mobile: (b) (6)

VOSIP (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

From: Spencer, Richard V HON SECNAV <(b) (6)>

Date: Tuesday, Nov 12, 2019, 5:43 PM

To: Velez, Dennis CAPT USN SECNAV WASHINGTON DC (USA) <(b) (6)>

Cc: VanOpdorp, Harold SES SECNAV <(b) (6)>

Subject: RE: GALAGHER Update

CAPT

I will need all options as soon as possible.

Thank you.

RS

Sent with BlackBerry Work
(www.blackberry.com)

From: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) <(b) (6)>
Date: Tuesday, Nov 12, 2019, 5:34 PM
To: Spencer, Richard V HON SECNAV <(b) (6)>
Cc: VanOpdorp, Harold SES SECNAV <(b) (6)>
Subject: GALAGHER Update

Mr. Secretary,

Mr. Rassing and VADM Hannink just met with OSD GC to discuss expected presidential actions tomorrow. The following is expected:

- Petty Officer Gallagher, POTUS will direct promotion to E-7 via a letter to you.
- 1ST LT (b) (6), POTUS will commute the rest of his jail time.
- Maj (b) (6), POTUS will order all charges dropped.

Once official announcement is made tomorrow, we will work with the lawyers and Navy to provide you all available options to execute the order.

Pending any questions sir.

Vr,

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Captain (b) (6)

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1000 Navy Pentagon, Rm 4E686

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[REDACTED]

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<x-apple-data-detectors://1/0> Washington, DC 20350

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- Petty Officer Gallagher, POTUS will direct promotion to E-7 via a letter to you.

- 1ST LT (b) (6), POTUS will commute the rest of his jail time.

- Maj (b) (6), POTUS will order all charges dropped.

Once official announcement is made tomorrow, we will work with the lawyers and Navy to provide you all available options to execute the order.

Pending any questions sir.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

SECNAV,

We are hearing from CNO that White House will not issue an order to stop the review process. I would like to confirm that is your understanding as well. VADM Hannink and I have been asked to meet with PDGC DOD this morning so we will walk downstairs and talk to Mr. (b) (6)

The attached legal article discusses the hypothetical “What if President Trump Orders Secretary of Defense Mattis to Do Something Deeply Unwise.” (b) (5)

<https://www.lawfareblog.com/what-if-president-trump-orders-secretary-defense-mattis-do-something-deeply-unwise>

“(There is a tricky question as to whether Secretary Mattis, as a retired military officer entitled to pay, is subject to the UCMJ under Article 2(a)(4) and thus bound by its duties and subject to court martial for not obeying a lawful order of the Commander-in-Chief. We do not pursue this matter further because whether he is subject to the UCMJ or not, Trump could fire him for disobeying an order in any event.)”

“To say that the Secretary of Defense and his subordinates have a legal duty to comply with presidential orders is not to say that they should do so. It just means that the law of the chain of command requires them to, and they have to be prepared to accept the consequences of defiance. For the Secretary of Defense, that means—if he thinks appropriate—resigning in protest, resisting until fired, informing

congressional leaders (in or out of public), or quietly coordinating with the Vice President and others for presidential removal under the 25th Amendment. And whatever the Secretary's choice, it provides no legal protection to the combatant commanders should they also resist. This might seem like a frustratingly limited set of options."

v/r

(b) (6)

Mr. Secretary –

As noted below, today the President is expected to direct, in writing, that SO1 Gallagher be promoted to E-7. We don't know the final wording of the President's memo. (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We will keep you updated as we learn more.

V/r, John

John Hannink

VADM, JAGC, USN

Judge Advocate General of the Navy

From: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)

Sent: Tuesday, November 12, 2019 7:18 PM

To: Hannink, John G VADM USN NAVY JAG WASH DC (USA) (b) (6); Ressing, Garrett L
SES USN OGC WASHINGTON DC (USA) (b) (6)

Cc: (b) (6) CAPT USN OGC WASH DC (USA) (b) (6); (b) (6) CAPT
USN NAVY JAG WASH DC (USA) (b) (6)

Subject: FW: GALAGHER Update

Admiral, Mr. Ressing,

Please see below, SecNav is looking for options as soon as possible. I told him you were all working the possible options and that we would get something to him in the morning.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

<x-apple-data-detectors://1/0> Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

From: Spencer, Richard V HON SECNAV (b) (6)
(b) (6)

Date: Tuesday, Nov 12, 2019, 5:43 PM

To: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)
(b) (6)

Cc: VanOpdorp, Harold SES SECNAV (b) (6)
(b) (6)

Subject: RE: GALAGHER Update

CAPT

I will need all options as soon as possible.

Thank you.

RS

Sent with BlackBerry Work

(www.blackberry.com)

From: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)
(b) (6)

Date: Tuesday, Nov 12, 2019, 5:34 PM

To: Spencer, Richard V HON SECNAV (b) (6)
(b) (6)

Cc: VanOpdorp, Harold SES SECNAV (b) (6)
(b) (6)

Subject: GALAGHER Update

Mr. Secretary,

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(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

Mr. Secretary and CNO,

NAVSEA RELIEF -- Vice Adm. Moore (NAVSEA) relieved Rear Adm. Stephen Williamson (SEA 04) TODAY. CHINFO, OLA and NAVSEA coordinated Congressional and media notification. Expect articles TONIGHT.

JSM/NTSB -- NTSB investigation into JSM collision scheduled for release MONDAY. CHINFO will coordinate all media response with DoJ due to pending litigation.

VFA 151 AVIATOR -- Responded to queries TODAY from Military.com (Harkins) and USNI (LaGrone) on the VFA 151 aircraft crash WEDNESDAY. Name of pilot released TODAY via Navy.mil. Statement attached and at:
https://www.navy.mil/submit/display.asp?story_id=110450

MAP SEASON TWO -- NAVADMIN announcement YESTERDAY for 2019 Meritorious Advancement Program Season Two. MAP Season Two updated with lessons learned, including removal of controlled rates. Article attached and at:
https://www.navy.mil/submit/display.asp?story_id=110433

CARAT/EMBARK -- CTF 73 coordinating media embark (CNN Indonesia and Net TV) SUNDAY for scheduled P-8 flight during CARAT Indonesia.

MIGHTY WAVES -- USS Donald Cook (DDG 75) participating in media availability MONDAY during Mighty Waves exercise in Israel.

CHINFO WEEKLY MEDIA ANALYSIS

Dominant topics (both traditional media and Twitter):

- 1) Rescinded awards ... Gallagher prosecution team member NAMs ... President Trump's 31 JUL tweet
- 2) Tensions with China ... USS Antietam (CG 54) Taiwan Strait transit 24 JUL
- 3) F/A-18E crash
- 4) SEALs ... Rear Adm. Green letter to SEAL leaders ... dominated by CNN's original reporting

Of Note ... P-CNO Confirmation Hearing

-Media reporting mainly from trade press, local Hampton Roads outlets, and DC political press

-Reporting included discussion USS Gerald R. Ford challenges... importance of readiness and advanced technology... SEALs... Iran

MEDIA OUTREACH -- Highlights from the American Connections programs:

+Highlights from Wailuku Man Keeps Navy's Newest Helicopters Flying (Maui Now, Maui, Hawaii). Link to article:

<https://mauinow.com/2019/07/29/wailuku-man-keeps-navys-newest-helicopters-flying/#>

+Montgomery Native D'Andre Fields Serves Aboard One of Navy's Most Versatile Combat Warships (The Elmore Autauga News, Montgomery, Ala.). Link to article:

<https://www.myriverregion.com/post/montgomery-native-d-andre-fields-serves-a-board-one-of-navy-s-most-versatile-combat-warships>

+Navy: Gales Ferry sailor participates in community project in Ghana (The Bulletin, Norwich, Conn.). Link to article:

<https://www.norwichbulletin.com/news/20190726/navy-gales-ferry-sailor-participates-in-community-project-in-ghana#>

V/r,

Charlie

RDML Charlie Brown

Chief of Information

Navy Office of Information

Navy Pentagon, (b) (6)

(b) (6)

OSD WEEK AHEAD

Saturday, August 3

-- SD travel (Australia)

-- Navy commissioning ceremony for its newest

Freedom-variant littoral combat ship, the future USS Billings (LCS 15), Key

West, FL - 10 a.m.

Sunday, August 4

-- SD travel (AUSMINs)

Monday, August 5

-- SD travel (New Zealand)

Tuesday, August 6

-- SD travel (en route Japan)

-- SMDC/ARSTRAT LTG Dickinson (9:30 a.m.), NORTHCOM Gen. O'Shaughnessy (10:45 a.m.) speak @ 22nd Annual Space and Missile Defense Symposium, Huntsville, AL

Wednesday, August 7

-- SD travel (Japan)

-- DISA Vice Dir. Jason Martin joins "Strategies for Mitigating Cyber Risk" panel @ the Cybersecurity Summit: Weaving Security into the Fabric of the Federal Enterprise, Washington, D.C. - 8:50 a.m.

-- Air Force Maj. Gen. Krumm, Maj. Gen. Fantini join panel discussion on next generation air superiority @ AFA Mitchell Hour, Washington, D.C. - 9:30 a.m.

-- USD(R&E) Griffin speaks @ 22nd Annual Space and Missile Defense Symposium, Huntsville, AL

Thursday, August 8

-- SD travel (Mongolia)

-- Army Futures Command Gen. Murray keynote (8:45 a.m.); MDA Dir. VADM Hill (10:45 a.m.) speak @ 22nd Annual Space and Missile Defense Symposium, Huntsville, AL

Friday, August 9

-- SD travel (ROK, return to JB Andrews)

Mr. Secretary and CNO,

CASUALTIES IN C5F AOR -- USNI queried this afternoon on three recent casualties in C5F AOR to include Vice Adm. Stearney and a Royal Navy officer. Statements provided by C5F were previously approved and released, acknowledging the ongoing investigations of the deaths. C5F referred USNI News to Royal Navy for statement on Royal Navy casualty. Link to article (also attached):

<https://news.usni.org/2019/01/03/u-s-u-k-sailors-died-days-death-former-5th-fleet-co-stearney>

SOC GALLAGHER ARRAIGNMENT -- The arraignment hearing for SOC Gallagher on charges related to the alleged assault and murder of an ISIS member in 2017 is scheduled for TOMORROW in San Diego. Media expected to attend include NBC 7, Fox 5, ABC 10, Task & Purpose and San Diego Union Tribune.

SIRIUS XM INTERVIEW/SUBMARINE FORCE MUSEUM -- Submarine Force Museum participated in a live interview with SIRIUS XM Radio Host Dave Nemo TODAY in Groton for the feature "Destination Detour." Topics discussed included specifics on the museum and USS Nautilus.

Vr,

(b) (6)

CAPT (b) (6)

Acting Chief of Information

Navy Office of Information

Navy Pentagon- (b) (6)

(b) (6)

Mr. Secretary and CNO,

DISCUSSION ON SEXUAL ASSAULT -- SECNAV, we plan to post an update TODAY on multiple social media platforms on the "National Discussion on Sexual Assault and Sexual Harassment at America's Colleges and Universities," scheduled 4-5 APR.

CHINA VISIT -- CNO, we're tracking your visit to China SUNDAY. We will amplify coverage and content across Navy websites and social media.

NAVEUR/NAVAF FLTCM -- NAVEUR/NAVAF released statement TODAY announcing the selection of Force Master Chief Derrick Walters as the new Fleet Master Chief. He will be the first Navy SEAL to achieve the rank of fleet master chief. Link to article (also attached):
<https://www.stripes.com/news/navy-seal-taking-reins-as-fleet-master-chief-will-be-a-first-1.563992>

LCS PROGRAM UPDATE -- SURFOR will respond TODAY to USNI (Eckstein) queries regarding current status of the LCS program and plans for scheduled 2019 deployments. Response coordinated through NAVSEA/CHINFO. YESTERDAY, Rear Adm. Boxall (N96) provided LCS warfare requirements updates from the OPNAV perspective. Article to publish THIS WEEKEND.

LCS 13 COMMISSIONING -- The future USS Wichita (LCS 13) will be commissioned in Jacksonville TOMORROW. U.S. Sen. Jerry Moran of Kansas will deliver the principal address. Kate Lehrer, author and wife of Wichita native Jim Lehrer, the former anchor of "The MacNeil-Lehrer News Hour" on PBS, is the ship's sponsor. The commissioning ceremony will be livestreamed at <https://go.usa.gov/xEb7z>.

ARLINGTON/MEDIA DAY -- A media day is scheduled MONDAY aboard USS Arlington (LPD 24) during the ship's visit to Malta.

SETTLEMENT/NAVY TIMES -- Navy Times (Ziezulewicz) queried TODAY stating he had a copy of the ACX Crystal and USS Fitzgerald collision settlement and asked for comment. Referred reporter to DoJ. Link to article (also attached): <https://www.navytimes.com/news/your-navy/2019/01/11/ship-owners-to-pay-us-government-for-fitzgerald-collision/>

WEEKLY MEDIA ANALYSIS -- Reporting in traditional media and on Twitter focused on: tensions with China as illustrated by USS McCampbell's (DDG 85) freedom of navigation operation (FONOP) and China's response; the imprisonment of Michael White in Iran, reported to be a Navy veteran; and legal

proceedings against Special Operations Chief Edward Gallagher, accused of murdering an ISIS fighter in Iraq. Other topics prominent in traditional media included Secretary of State Pompeo's visit to the Middle East and other regional political developments, which mentioned Bahrain is home to C5F; upcoming oversight hearings of former Secretary of the Interior Zinke, which mentioned his prior Navy service; indictment of former GTMO commander on obstruction of justice; and false accusations of doping leveled against Carl Grove, an accomplished 90-year-old cyclist, which mentioned his prior Navy service. Other topics prominent on Twitter included USS Fort McHenry's (LSD 43) transit into the Black Sea; failure of a Senate bill to provide benefits to Blue Water Navy Vietnam War veterans suffering from Agent Orange effects; and the partial U.S. government shutdown, which included critical comments by Navy veterans. Report attached.

NYSE CLOSING BELL -- Navy Recruiting District New York Sailors are scheduled to ring the closing bell at the NYSE MONDAY, recognizing their work in inspiring and recruiting the next generation of America's Navy.

MEDIA OUTREACH -- Highlights from the American Connections Media Outreach Program:

+Wichita-area natives serving command roles aboard USS Wichita

<https://www.kwch.com/content/news/Wichita-area-natives-serving-command-roles-aboard-USS-Wichita-503866271.html>

+Douglasville Native Serves aboard a Floating Airport at Sea

<https://newsandviewsusa.com/douglasville-native-serves-aboard-a-floating-airport-at-sea/#respond>

+Bristol Native Earns Praise For Role In Navy

<http://levittownnow.com/2019/01/05/bristol-native-earns-praise-for-role-in-navy/>

Vr,

(b) (6)

CAPT (b) (6), USN, APR

Deputy Chief of Information

Navy Office of Information

Navy Pentagon- (b) (6)

(b) (6)

(b) (6)

OSD WEEK AHEAD

Saturday , Jan. 12

-- Navy commissioning ceremony for its newest Freedom-variant littoral combat ship, the future USS Wichita (LCS 13), Naval Station Mayport, FL - 10 a.m.

Monday, Jan. 14

-- GTMO pre-trial hearing for Abd al Hadi al Iraqi concludes

Tuesday, Jan. 15

-- CJCS OCONUS travel (through Jan. 18)

-- Army Materiel Cmd deputy LTG Daly speaks @ AUSA Redstone-Huntsville chapter annual breakfast, Alabama - 1 p.m.

-- VCNO Adm. Moran keynote address @ Surface Navy Association 31st National Symposium, Hyatt Regency Crystal City, Arlington, VA - 4 p.m.

-- SECARMY Esper press conference @ Redstone Arsenal, Alabama

-- DDR&E (AC) Mr. Faist speaks @ Directed Energy Test & Evaluation (DE T&E) Conference, Albuquerque, NM

Wednesday, Jan. 16

-- CSA Gen. Milley speaks @ AUSA Institute of Land Warfare breakfast, Crystal Gateway Marriott, Arlington, VA - 7 a.m.

-- A/SD Shanahan enhanced honor cordon and meeting (pooled press topper) in honor of Japan MOD Takeshi Iwaya - 2 p.m.

-- SACEUR Gen. Scaparrotti joint presser @ NATO Military Committee Chiefs of Staff meeting, Brussels, Belgium

Thursday, Jan. 17

-- Fleet Forces Command Adm. Grady keynote address @ Surface Navy Association 31st National Symposium, Hyatt Regency Crystal City, Arlington, VA - 8:45 a.m.

-- Army Deputy Chief of Staff LTG Piggee (G4) speaks @ Martin Luther King Jr. observance, Fort Myer, VA - 12 p.m.

Friday, Jan. 18

-- U/SECAF Donovan speaks @ AFA Mitchell Hour, Arlington, VA

-- Defense Innovation Board quarterly public meeting @ Georgetown Univ., Washington, D.C. - 2:30 p.m. (streamed live on DVIDS)

(b) (6)

From: Spencer, Richard V HON SECNAV
Sent: Friday, August 2, 2019 2:21 PM
To: 'Lopez, Omar CIV NCIS, SES Director'
Cc: Modly, Thomas HON Under Secretary of the Navy
Subject: RE: Corrective Actions in Chief Gallagher Investigation
Signed By: (b) (6)

Omar:

Great, the timing is good. I look forward to reading the brief and taking a meeting with you to follow up.

See you tonight,

RS

Richard V. Spencer
Secretary of the Navy
1000 Navy Pentagon
Washington, DC 20350-1000

(b) (6)

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Sent: Friday, August 2, 2019 2:14 PM
To: Spencer, Richard V HON SECNAV (b) (6)
Cc: Modly, Thomas HON Under Secretary of the Navy (b) (6)
Subject: Corrective Actions in Chief Gallagher Investigation

Secretary Spencer,

(b) (5)

We are looking hard at this one to ensure we keep pressing forward with urgency in our mission, but will take corrective actions and change policy to ensure we are doing things right.

Hope to see you tonight at the Marine Corps event.

VR/Omar

Sent with BlackBerry Work
(www.blackberry.com)

(b) (6)

From: Lopez, Omar CIV NCIS, SES Director (b) (6)
Sent: Friday, August 2, 2019 5:43 PM
To: Spencer, Richard V HON SECNAV
Cc: Modly, Thomas HON Under Secretary of the Navy
Subject: RE: Corrective Actions in Chief Gallagher Investigation

Yes sir. By the way, on another SEAL/Marine Raider case we are working (b) (5) (), we just got word news outlets are running a story on one of my agents being romantically involved with a source in the case in 2017. That agent was removed and disciplined. Subsequent guilty pleas by two defendants were not impacted. The case is still pending Article 32 on the remaining defendants. Just FYI, as these stories tend to grow legs and I wanted to give you a heads up.

VR/Omar

Sent with BlackBerry Work
(www.blackberry.com)

From: Spencer, Richard V HON SECNAV (b) (6)
Date: Friday, Aug 02, 2019, 2:21 PM
To: Lopez, Omar CIV NCIS, SES Director (b) (6)
Cc: Modly, Thomas HON Under Secretary of the Navy (b) (6)
Subject: RE: Corrective Actions in Chief Gallagher Investigation

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1000 Navy Pentagon
Washington, DC 20350-1000
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Sent with BlackBerry Work
(www.blackberry.com)

(b) (6)

From: Modly, Thomas HON Under Secretary of the Navy
Sent: Friday, May 24, 2019 2:23 PM
To: Traver, Andrew L SES USN (USA); Spencer, Richard V HON SECNAV
Cc: VanOpdorp, Harold SES SECNAV; Love, Robert E SES (USA)
Subject: RE: GALLAGHER Trial Update

Thanks, Andy. R., Tom

Sent with BlackBerry Work
(www.blackberry.com)

From: Traver, Andrew CIV NCIS, SES Director (b) (6)
Date: Friday, May 24, 2019, 2:09 PM
To: Spencer, Richard V HON SECNAV (b) (6), Modly, Thomas HON Under Secretary of the Navy (b) (6)
Cc: VanOpdorp, Harold SES SECNAV (b) (6), Love, Robert E SES (USA) (b) (6)
Subject: GALLAGHER Trial Update

Secretary Spencer/Undersecretary Modly: Good afternoon. Here, FYSA, are the latest developments in the GALLAGHER case/trial:

As a result of the 22MAY motions hearing, a new jury trial date for the GALLAGHER case will be set on 29MAY (anticipated to be in June). Additionally, the Judge ordered the identification of anyone who approved the use of the audit capability, that an NCIS Cyber SME be made available for interview by a defense cyber SME regarding the audit capability, the composition of a letter from NCIS San Diego identifying any members of the defense team that are subjects of the investigation (there are none) and the content of any intercepted communications (there are none).

During the motions hearing, the defense continued to make allegations about government misconduct in relation to the leak investigation, accusing the lead prosecutor of lying to the Judge and insinuating that the lead prosecutor may be facing disciplinary action from the NY State Bar Association. There was a discussion about conflicts of interest involving the Judge, the prosecution and the defense counsels. Much of the hearing involved arguing a motion for discovery that contained more than twenty specific requests. Hence, the Judge issued a verbal order directing NCIS/RLSO SW to provide responses to questions posed by the defense relative to the use of the audit capability employed by NCIS in the investigation into violations of the Judge's protective orders. The questions posed contained inflammatory language (monitoring, intercepts, intrusion, etc.) and inaccurate descriptions of activity conducted by NCIS. The NCIS responses clarified key points and specifically highlighted that the audit capability used does not meet the definition of consensual or non-consensual monitoring/intercepts. The responses also definitively stated that the use of the audit capability did not constitute a search based on legal guidance provided to NCIS, and therefore did not require NCIS to follow the process necessary to obtain search authorization. Ultimately, the decision to employ the audit capability on emails sent to defense by the prosecutor was made by the Special Agent in Charge of NCIS San Diego after coordination with legal entities, to include an AUSA, NCIS legal and the military Judge presiding over the GALLAGHER investigation.

The last motion considered was the defense's request the Judge vacate the two protective orders against releasing information that are in place. The defense argued that the leaks thus far have benefited the government and the defense was limited because it could not defend GALLAGHER in public because of the protective orders. The Judge made it clear that the filings and his ruling were the only things protected. The Judge indicated that the facts behind the filings could be discussed and released to the public. The Judge subsequently left the two protective orders in place.

NCIS was not called to testify at this hearing.

Some other noteworthy allegations made by defense that went unchallenged were:

1. That NCIS used "intelligence assets and functions in order to illegally spy on US citizens" in violation of EO 12333 (entirely

false).

2. NCIS “case shopped” the leak case to DOJ. According to the defense, DOJ declined the NCIS leak investigation; NCIS then went to a local AUSA, who had recently been demoted (allegedly for making derogatory comments about President Trump) to get approval for the leak investigation.

The next hearing will take place on Wednesday, 29MAY, in order to consider a defense motion requesting that the Judge and the prosecution be recused from the case. A new jury trial date will also be set at that time. Thanks. Have a nice Memorial Day weekend. Semper Fi, Semper Fortis.

V/R,
Andy

Andrew Traver
Director, NCIS

(b) (6) (O)
(b) (6) (C)

NOTICE: This E-mail is from the Naval Criminal Investigative Service and may contain information that is Law Enforcement Sensitive {LES} or Privacy Act Sensitive to be used for official purposes only and is intended only for the person(s) named in the above distribution. Do not release outside of DoD channels without prior authorization from the sender. If you are not the addressee, or a person authorized to deliver the document to the addressee, you are hereby notified that any review, disclosure, or dissemination, copying, or other action based on the content of this communication is not authorized. If you receive this transmission in error, please notify the sender immediately. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

(b) (6)

From: Spencer, Richard V HON SECNAV
Sent: Friday, May 31, 2019 3:57 AM
To: Richardson, John M ADM USN CNO (USA)
Cc: Moran, William F ADM USN VCNO (US)
Subject: RE: SOC GALLAGHER RELEASED FROM PRE-TRIAL RESTRICTION

Would like further clarification at some point.

RS

Sent with BlackBerry Work
(www.blackberry.com)

From: Richardson, John M ADM USN CNO (USA) (b) (6)
Date: Friday, May 31, 2019, 2:41 PM
To: Spencer, Richard V HON SECNAV (b) (6)
Cc: Moran, William F ADM USN VCNO (US) (b) (6)
Subject: FW: SOC GALLAGHER RELEASED FROM PRE-TRIAL RESTRICTION

Sir, More SA on Gallagher.

VR/ John

Sent from my iPhone

From: (b) (6) CAPT USSOCOM NAVSOC NSWC (b) (6)
Date: Thursday, May 30, 2019, 21:40
To: Richardson, John M ADM USN CNO (USA) (b) (6), Clarke, Richard D GEN USSOCOM
SOCOM CDR (b) (6)
Cc: Moran, William F ADM USN VCNO (US) (b) (6), Slife, James C Lt Gen USAF USSOCOM
SOCOM SOVC (b) (6), Szymanski, Timothy G RADM (b) (6), Linder, James
B MG USSOCOM SOCOM SOCS (b) (6), Jackson, Mary M VADM USN CNIC WASHINGTON DC
(US) (b) (6), Bolivar, Bette RDML CNRSW, NO (b) (6), Loeblein, James T RADM
USN OLA WASHINGTON DC (USA) (b) (6), (b) (6) CAPT USN CNO (US)
(b) (6), (b) (6) CAPT USN COMNAVREG SW SAN CA (US) (b) (6),
(b) (6) CAPT USN NAVBASE SAN DIEGO CA (USA) (b) (6), (b) (6) COL USSOCOM
SOCOM HQ (b) (6), (b) (6) CAPT USN CNO (US)
(b) (6), (b) (6) Col USSOCOM SOCOM SOJA (b) (6), (b) (6)
(b) (6), (b) (6) CAPT USN VCNO (USA) (b) (6), (b) (6)
CAPT USN CHINFO WASHINGTON DC (USA) (b) (6), (b) (6) CAPT
COMNAVSPECWARCOM CA, NB Coronado (b) (6), (b) (6) CDR
COMNAVSPECWARCOM CA (b) (6), (b) (6) USSOCOM HQSOCOM SOLA
(b) (6), (b) (6) CDR USSOCOM SOCOM SOLA DC
(b) (6), Schoenbeck, Thomas J SES USSOCOM NAVSOC NSWC
(b) (6) (b) (6) CAPT USSOCOM NAVSOC NSWC (b) (6)
(b) (6) CAPT USSOCOM NAVSOC NSWG1 (b) (6)
Subject: SOC GALLAGHER RELEASED FROM PRE-TRIAL RESTRICTION

CNO, GEN Clarke,

Sent on behalf of RADM Green.

BLUF: This evening the military judge ordered SOC Gallagher released from pre-trial restriction during a motion hearing. Based on that order, NSWG-1 CDRE is rescinding his order restricting SOC Gallagher.

During today's hearing, the military judge heard evidence on the defense's motion to disqualify members of the prosecution team pertaining to the NCIS leak investigation. The motion hearing will continue tomorrow at 1200 PST. No other rulings were made by the judge today.

The military judge's stated reasons for his decision regarding terminating restriction was: 1. Trial delay due to litigation pertaining to the NCIS leak investigation, and 2. Assist the defense's preparation for potential start of trial on 10 June 2019.

One other note for your awareness, an NCIS witness stated defense counsel for SOC Gallagher, defense counsel for LT (b) (6) attorney for other SEALs, and Carl Prine from Navy Times were subjects of a criminal investigation. I bring this to your attention that this statement, in addition to the judge's ruling today, will generate media attention.

NSWC staff will continue to coordinate with your staffs.

Standing by,

V/r

(b)

CAPT (b) (6)
Chief of Staff
Naval Special Warfare Command
VOIP: (b) (6)
SVOIP: (b) (6)
Cell: (b) (6)

Yes sir. By the way, on another SEAL/Marine Raider case we are working ((Melgar - Green Beret was killed)), we just got word news outlets are running a story on one of my agents being romantically involved with a source in the case in 2017. That agent was removed and disciplined. Subsequent guilty pleas by two defendants were not impacted. The case is still pending Article 32 on the remaining defendants. Just FYI, as these stories tend to grow legs and I wanted to give you a heads up.

VR/Omar

Sent with BlackBerry Work

(www.blackberry.com)

From: Spencer, Richard V HON SECNAV

(b) (6)

Date: Friday, Aug 02, 2019, 2:21 PM

To: Lopez, Omar CIV NCIS, SES Director

(b) (6)

Cc: Modly, Thomas HON Under Secretary of the Navy

(b) (6)

Subject: RE: Corrective Actions in Chief Gallagher Investigation

Omar:

Great, the timing is good. I look forward to reading the brief and taking a meeting with you to follow up.

See you tonight,

RS

Richard V. Spencer

Secretary of the Navy

1000 Navy Pentagon

Washington, DC 20350-1000

(b) (6)

From: Lopez, Omar CIV NCIS, SES Director (b) (6)

Sent: Friday, August 2, 2019 2:14 PM

To: Spencer, Richard V HON SECNAV (b) (6)

Cc: Modly, Thomas HON Under Secretary of the Navy (b) (6)

Subject: Corrective Actions in Chief Gallagher Investigation

Secretary Spencer,

NCIS will be sending an Info Memo to your office concerning the our initial assessment of the Chief Gallagher investigation and subsequent prosecution. It is in parallel with the ongoing JAG Corps assessment. It reports NCIS courses of action to immediately remove the Senior Management from oversight of both investigations and identified internal deficiencies and implemented policy changes on the use of cyber tools. Further assessment by me will be taken following the CNO's recent dismissal of charges against Lieutenant Jacob Portier and additional performance and leadership assessments, policy and process changes may be warranted. We are looking at standing up (with existing resources) a HQ based unit that specifically handles LOAC cases and other cases with high visibility to ensure close coordination and synergy with DON leadership as cases develop.

We are looking hard at this one to ensure we keep pressing forward with urgency in our mission, but will take corrective actions and change policy to ensure we are doing things right.

Hope to see you tonight at the Marine Corps event.

VR/Omar

Sent with BlackBerry Work

(www.blackberry.com)

Mr. Secretary,

Copy sir. They are already moving on this. I'll get to you ASAP, but no later than tomorrow morning.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

From: Spencer, Richard V HON SECNAV (b) (6)

Date: Tuesday, Nov 12, 2019, 5:43 PM

To: Velez, Dennis CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)

Cc: VanOpdorp, Harold SES SECNAV (b) (6)

Subject: RE: GALAGHER Update

CAPT

I will need all options as soon as possible.

Thank you.

RS

Sent with BlackBerry Work

(www.blackberry.com)

From: Velez, Dennis CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)

Date: Tuesday, Nov 12, 2019, 5:34 PM

To: Spencer, Richard V HON SECNAV (b) (6)

Cc: VanOpdorp, Harold SES SECNAV (b) (6)

Subject: GALAGHER Update

Mr. Secretary,

Mr. Rassing and VADM Hannink just met with OSD GC to discuss expected presidential actions tomorrow. The following is expected:

- Petty Officer Gallagher, POTUS will direct promotion to E-7 via a letter to you.
- 1ST LT (b) (6), POTUS will commute the rest of his jail time.
- Maj (b) (6), POTUS will order all charges dropped.

Once official announcement is made tomorrow, we will work with the lawyers and Navy to provide you all available options to execute the order.

Pending any questions sir.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

Copy sir.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

From: Spencer, Richard V HON SECNAV (b) (6)

Date: Tuesday, Nov 12, 2019, 6:52 PM

To: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)

Cc: VanOpdorp, Harold SES SECNAV (b) (6)

Subject: RE: GALAGHER Update

Roger all. Also, connected with COS Chewning.

RS

Sent with BlackBerry Work

(www.blackberry.com)

From: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)

Date: Tuesday, Nov 12, 2019, 5:51 PM

To: Spencer, Richard V HON SECNAV (b) (6)

Cc: VanOpdorp, Harold SES SECNAV (b) (6)

Subject: RE: GALAGHER Update

Mr. Secretary,

Copy sir. They are already moving on this. I'll get to you ASAP, but no later than tomorrow morning.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

From: Spencer, Richard V HON SECNAV (b) (6)

Date: Tuesday, Nov 12, 2019, 5:43 PM

To: Velez, Dennis CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)

Cc: VanOpdorp, Harold SES SECNAV (b) (6)

Subject: RE: GALAGHER Update

CAPT

I will need all options as soon as possible.

Thank you.

RS

Sent with BlackBerry Work

(www.blackberry.com)

From: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)

Date: Tuesday, Nov 12, 2019, 5:34 PM

To: Spencer, Richard V HON SECNAV (b) (6)

Cc: VanOpdorp, Harold SES SECNAV (b) (6)

Subject: GALAGHER Update

Mr. Secretary,

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- Petty Officer Gallagher, POTUS will direct promotion to E-7 via a letter to you.
- 1ST LT (b) (6), POTUS will commute the rest of his jail time.
- Maj (b) (6) POTUS will order all charges dropped.

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Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

Thanks sir.

Safe travels and VR Mike

From: Spencer, Richard V HON SECNAV

(b) (6)

Date: Saturday, Nov 23, 2019, 6:50 PM

To: Gilday, Michael Martin (Mike) ADM USN CNO (USA)

(b) (6)

Cc: Burke, Robert P ADM USN VCNO (USA)

(b) (6)

, Eric Chewning

(b) (6)

, LTG Bryan Fenton

(b) (6)

, VanOpdorp, Harold SES SECNAV

(b) (6)

Subject: RE: Media Reporting - Resignation

I just reaffirmed that exact point at a press gaggle in Halifax.

Sent with BlackBerry Work

(www.blackberry.com)

From: Gilday, Michael Martin (Mike) ADM USN CNO (USA)

(b) (6)

Date: Saturday, Nov 23, 2019, 7:31 PM

To: (b) (6)

Spencer, Richard V HON SECNAV

(b) (6)

Cc: Spencer, Richard V HON SECNAV

(b) (6)

, Burke, Robert P ADM USN

VCNO (USA) (b) (6)

, Eric Chewning

(b) (6), LTG Bryan Fenton
(b) (6), VanOpdorp, Harold SES SECNAV
(b) (6)

Subject: Media Reporting - Resignation

Secretary Spencer and Chairman,

Contrary to today's media reporting, RADM Collin Green has not indicated to anyone that he would resign over the President's tweet (or formal order, if issued) directing SOC Gallagher retain his Trident.

It is just not true.

VR Mike

Thank you sir.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

From: Spencer, Richard V HON SECNAV (b) (6)

Sent: Thursday, November 14, 2019 1:32 PM

To: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)

Subject: RE: Note card-Hold close

On the cell.

RS

Sent with BlackBerry Work

(www.blackberry.com)

From: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA)

(b) (6)

Date: Thursday, Nov 14, 2019, 1:26 PM

To: Spencer, Richard V HON SECNAV (b) (6)

(b) (6)

Subject: RE: Note card-Hold close

WILCO sir and also CNO looking to talk to you. Will pass number once I get from his team, he is off site.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

From: Spencer, Richard V HON SECNAV (b) (6)

Sent: Thursday, November 14, 2019 1:25 PM

To: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)

Subject: RE: Note card-Hold close

Roger. I will call WH COS to let him know.

Please let me know when dispatched and when delivered.

Tks

Sent with BlackBerry Work

(www.blackberry.com)

From: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA)

(b) (6)

Date: Thursday, Nov 14, 2019, 1:23 PM

To: Spencer, Richard V HON SECNAV (b) (6)

(b) (6) VanOpdorp, Harold SES SECNAV

(b) (6)

Subject: RE: Note card-Hold close

Sir,

I got it for action.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

From: Spencer, Richard V HON SECNAV (b) (6)

Sent: Thursday, November 14, 2019 1:20 PM

To: VanOpdorp, Harold SES SECNAV (b) (6)

Subject: Note card-Hold close

Odie

Can you draw up a note to POTUS, on my note card stationary, The following:

Dear Mr President:

(b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respectfully

Auto pen

Can we get that hand delivered ASAP?

Sent with BlackBerry Work

(www.blackberry.com)

Sir,

CNO will call you in 20 minutes.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

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Sent: Thursday, November 14, 2019 1:32 PM

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Subject: RE: Note card-Hold close

On the cell.

RS

Sent with BlackBerry Work

(www.blackberry.com)

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(b) (6)

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(b) (6)

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WILCO sir and also CNO looking to talk to you. Will pass number once I get from his team, he is off site.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

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Sent: Thursday, November 14, 2019 1:25 PM

To: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)

Subject: RE: Note card-Hold close

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Please let me know when dispatched and when delivered.

Tks

Sent with BlackBerry Work

(www.blackberry.com)

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(b) (6)

Date: Thursday, Nov 14, 2019, 1:23 PM

To: Spencer, Richard V HON SECNAV (b) (6)

(b) (6)

, VanOpdorp, Harold SES SECNAV

(b) (6)

Subject: RE: Note card-Hold close

Sir,

I got it for action.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

From: Spencer, Richard V HON SECNAV (b) (6)

Sent: Thursday, November 14, 2019 1:20 PM

To: VanOpdorp, Harold SES SECNAV (b) (6)

Subject: Note card-Hold close

Odie

Can you draw up a note to POTUS, on my note card stationary, The following:

Dear Mr President:

(b) (5)

[Redacted content]

Respectfully

Auto pen

Can we get that hand delivered ASAP?

Sent with BlackBerry Work

(www.blackberry.com)

Sir,

Just received confirmation that the White House accepted delivery of your note just before 1500.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

From: Spencer, Richard V HON SECNAV (b) (6)

Sent: Thursday, November 14, 2019 1:24 PM

To: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA)

(b) (6)

Subject: FW: Note card-Hold close

As discussed

Sent with BlackBerry Work

(www.blackberry.com)

From: Spencer, Richard V HON SECNAV (b) (6)

(b) (6)

Date: Thursday, Nov 14, 2019, 1:19 PM

To: VanOpdorp, Harold SES SECNAV (b) (6)

(b) (6)

Subject: Note card-Hold close

Odie

Can you draw up a note to POTUS, on my note card stationary, The following:

Dear Mr President:

(b) (5)

[Redacted]

[Redacted]

[Redacted]

Respectfully

Auto pen

Can we get that hand delivered ASAP?

Sent with BlackBerry Work

(www.blackberry.com)

Sir,

I got it for action.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

From: Spencer, Richard V HON SECNAV (b) (6)

Sent: Thursday, November 14, 2019 1:20 PM

To: VanOpdorp, Harold SES SECNAV (b) (6)

Subject: Note card-Hold close

Odie

Can you draw up a note to POTUS, on my note card stationary, The following:

Dear Mr President:

(b) (5)

[Redacted]

[Redacted]

(b) (5)

Respectfully

Auto pen

Can we get that hand delivered ASAP?

Sent with BlackBerry Work

(www.blackberry.com)

Sir,

The signed note was en route to the White House via experienced courier twenty minutes ago.

Very Respectfully,

Odie

Harold R Van Opdorp | SECNAV Chief of Staff | Office of the Secretary of the

Navy | Office: (b) (6) | Email: (b) (6)

(b) (6) | SIPR Email:

(b) (6)

From: Spencer, Richard V HON SECNAV (b) (6)

Sent: Thursday, November 14, 2019 1:20 PM

To: VanOpdorp, Harold SES SECNAV (b) (6)

Subject: Note card-Hold close

Odie

Can you draw up a note to POTUS, on my note card stationary, The following:

Dear Mr President:

(b) (5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respectfully

Auto pen

Can we get that hand delivered ASAP?

Sent with BlackBerry Work

(www.blackberry.com)

Secretary Spencer,

Perhaps you can synch with the SecDef on this Monday after the Service Secretary meeting.

From: Spencer, Richard V HON SECNAV (b) (6)
Sent: Friday, November 1, 2019 12:43 PM
To: Chewning, Eric SES SD (b) (6); Fenton, Bryan P LTG USARMY
OSD OSD (USA) (b) (6)
Cc: VanOpdorp, Harold SES SECNAV (b) (6)
Subject: Removal of Navy Seal Designator

Mr. Secretary,

As discussed, following information provided:

Who:

Four Navy SEALS (SO1 Gallagher, LCDR (b) (6) LT (b) (6) and LT (b) (6)

What: Commander, Naval Special Warfare Command, RADM Collin Green intends to notify these personnel that their eligibility to continue to wear the Trident Warfare Pin will be formally reviewed.

When:

Intend to notify by close of Business Friday, November 1st 2019. However, this is on hold until given clearance to proceed.

Where:

San Diego, California

Why:

. The actions of these personnel during their 2017 Iraq deployment call into question whether they possess the sound judgment, reliability, and professional and personal conduct to warrant continued wearing of the Trident.

o SO1 Gallagher was found guilty at a court martial for wrongfully posing for unofficial pictures with a human casualty.

o The other personnel are suspected of either posing in the photo or failing to properly address law of armed conflict violations, based on formal statements and testimony supporting the Gallagher trial.

. There have been 58 SEAL Trident and Special Warfare Combatant-craft Crewman (SWCC) pin removals since February 2016, most commonly for loss of faith and confidence, based on tactical deficiencies or misconduct (as in this case).

. This action is administrative in nature, and not considered punitive action under the Uniform Code of Military Justice.

Richard V. Spencer

Secretary of the Navy

1000 Navy Pentagon

Washington, DC 20350-1000

(b) (6)

Sir,

I'll find out.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

From: Spencer, Richard V HON SECNAV (b) (6)

Date: Friday, Nov 15, 2019, 6:10 PM

To: VanOpdorp, Harold SES SECNAV (b) (6)

Cc: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)

Subject: RE: SECNAV POTUS RFI: SEAL medical clearance for deployment

What was Gallagher's "score" or assessment for the past two deployments? Interesting to know.

Sent with BlackBerry Work

(www.blackberry.com)

From: VanOpdorp, Harold SES SECNAV (b) (6)

Date: Friday, Nov 15, 2019, 5:52 PM

To: Spencer, Richard V HON SECNAV (b) (6)

Cc: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)

Subject: FW: SECNAV POTUS RFI: SEAL medical clearance for deployment

SIR,

The information from NSW on the medical screening and clearance procedures in place at NSW.

Very Respectfully,

Odie

Harold R Van Opdorp | SECNAV Chief of Staff | Office of the Secretary of the Navy | Office: (b) (6)
| Email: (b) (6) | SIPR Email: (b) (6)

>

Subject: RE: SECNAV POTUS RFI: SEAL medical clearance for deployment

Sir,

Sent on behalf of RADM Green.

BLUF: Yes, NSW has a formalized system to ensure our personnel are healthy and fit to deploy.

INFO: The following is a summary of the process we utilize to ensure our personnel are healthy and fit to deploy:

-During the 18-month Inter Deployment Training Cycle, NSW Echelon IV commands (O5-led) conduct Human Factors Councils (HFC) where leadership reviews each command member's physical, psychological, spiritual and family condition. The purpose of HFC is to reduce the potential for duty or liberty related incidents due to identifiable human factors. Trained professionals are brought in if required from Preservation of the Force and Family (POTFF), including Psychologists, Chaplains, Medical Doctors, and Military Family Life Counselors, who work with the individuals and, if required, their families.

-Pre-deployment health assessments (DD 2795) are performed 120 days prior to departure. These review current health problems, medications, alcohol consumption, suicidal/homicidal thoughts, and signals the need for additional follow-up screening.

-All personnel are then screened against Deployment Limiting Medical Conditions IAW DoDI 6490.07 and GCC-dictated Deployment Limiting Conditions. Individuals requiring medical waivers must be cleared by the GCC Surgeons Office prior to deploying.

-Binnacle lists are maintained at each Echelon IV command and the commanding officer is updated weekly on the medical status of individuals on the list.

-Upon completion of combat deployments, all personnel go through a 3-4 day Third Location Decompression (TLD) for a "check from the neck up" to screen for follow-on care. TLD allows a first look of physical, psychological, spiritual and family issues prior to reintegration with families and provides potential follow-up care.

-Finally, NSW has implemented mandatory cognitive brain health assessment, called Automated Neuropsychological Assessment Metrics (ANAM) to be completed by all NSW operators annually to baseline neurocognitive health. Like an audiogram, the initial ANAM provides a baseline of cognitive brain health that is then referenced against each subsequent annual test. Additionally, NSW has instituted blast gage monitoring during breaching and stand-off weapons training to document the effects of blast exposure to operators. This is an area we continue to research to improve the health of our operators.

V/r,

CDR (b) (6)

Naval Special Warfare Command
Executive Assistant to the Admiral

COM: (b) (6)

RED: (b) (6)

CELL: (b) (6)

SIPR: (b) (6)

NIPR: (b) (6)

From: (b) (6) CAPT USN VCNO (USA) (b) (6) Sent: Friday, November 15, 2019 5:01 AM
To: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6); (b) (6) CAPT USN CNO (USA) (b) (6); (b) (6) CAPT USN DNS (USA) (b) (6); (b) (6) CDR USN USSOCOM NSW (USA) (b) (6) Cc: (b) (6) CAPT USN DCNO N1 (USA) (b) (6); Green, Collin P RADM USN USSOCOM NSW (USA) (b) (6); (b) (6) CDR USN VCNO (USA) (b) (6); (b) (6) CDR USN VCNO (USA) (b) (6) Subject: SECNAV POTUS RFI: SEAL medical clearance for deployment

Thanks (b) (6) – Tried calling... What time do you need this by?

(b) (6) (and/or RADM Green, cc'd) – Please take a look SECNAV's questions below and reply-all with the answer. Happy to chat if you think it needs CNO/VCNO review prior to sending.

VR (b) (6)

From: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6) Sent: Friday, November 15, 2019 7:47 AM:

(b) (6),

The Secretary asked about the process to get SEALs cleared for deploying. He thinks ADM Burke mentioned a new process (formal) designed to make sure they are healthy before deploying. Do you know? He is looking for data/facts today to help with his conversation with POTUS.

For (b) (6),

He didn't talk to POTUS last night.

Vr,

(b) (6)

Captain (b) (6)

Senior Military Assistant to the Secretary of the Navy

1000 Navy Pentagon, Rm 4E686

Washington, DC 20350

Comm: (b) (6)

Mobile: (b) (6)

VOSIP: (b) (6)

Tandberg: (b) (6)

NIPR: (b) (6)

SIPR: (b) (6)

Sir,

If it exists, we will see if we can get it. There is a chance the information is restricted because of HIPA rules.

Very Respectfully,

Odie

Sent with BlackBerry Work

(www.blackberry.com)

From: Spencer, Richard V HON SECNAV (b) (6)

Date: Friday, Nov 15, 2019, 18:10

To: VanOpdorp, Harold SES SECNAV (b) (6)

Cc: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6)

Subject: RE: SECNAV POTUS RFI: SEAL medical clearance for deployment

What was Gallagher's "score" or assessment for the past two deployments? Interesting to know.

Sent with BlackBerry Work

(www.blackberry.com)

From: VanOpdorp, Harold SES SECNAV (b) (6)

Date: Friday, Nov 15, 2019, 5:52 PM

To: Spencer, Richard V HON SECNAV (b) (6)

Cc: (b) (6) USN SECNAV WASHINGTON DC (USA) (b) (6)

Subject: FW: SECNAV POTUS RFI: SEAL medical clearance for deployment

SIR,

The information from NSW on the medical screening and clearance procedures in place at NSW.

Very Respectfully,

Odie

Harold R Van Opdorp | SECNAV Chief of Staff | Office of the Secretary of the Navy | Office: (b) (6)
| Email: (b) (6) | SIPR Email: (b) (6)

>

Subject: RE: SECNAV POTUS RFI: SEAL medical clearance for deployment

Sir,

Sent on behalf of RADM Green.

BLUF: Yes, NSW has a formalized system to ensure our personnel are healthy and fit to deploy.

INFO: The following is a summary of the process we utilize to ensure our personnel are healthy and fit to deploy:

-During the 18-month Inter Deployment Training Cycle, NSW Echelon IV commands (O5-led) conduct Human Factors Councils (HFC) where leadership reviews each command member's physical, psychological, spiritual and family condition. The purpose of HFC is to reduce the potential for duty or

liberty related incidents due to identifiable human factors. Trained professionals are brought in if required from Preservation of the Force and Family (POTFF), including Psychologists, Chaplains, Medical Doctors, and Military Family Life Counselors, who work with the individuals and, if required, their families.

-Pre-deployment health assessments (DD 2795) are performed 120 days prior to departure. These review current health problems, medications, alcohol consumption, suicidal/homicidal thoughts, and signals the need for additional follow-up screening.

-All personnel are then screened against Deployment Limiting Medical Conditions IAW DoDI 6490.07 and GCC-dictated Deployment Limiting Conditions. Individuals requiring medical waivers must be cleared by the GCC Surgeons Office prior to deploying.

-Binnacle lists are maintained at each Echelon IV command and the commanding officer is updated weekly on the medical status of individuals on the list.

-Upon completion of combat deployments, all personnel go through a 3-4 day Third Location Decompression (TLD) for a “check from the neck up” to screen for follow-on care. TLD allows a first look of physical, psychological, spiritual and family issues prior to reintegration with families and provides potential follow-up care.

-Finally, NSW has implemented mandatory cognitive brain health assessment, called Automated Neuropsychological Assessment Metrics (ANAM) to be completed by all NSW operators annually to baseline neurocognitive health. Like an audiogram, the initial ANAM provides a baseline of cognitive brain health that is then referenced against each subsequent annual test. Additionally, NSW has instituted blast gage monitoring during breaching and stand-off weapons training to document the effects of blast exposure to operators. This is an area we continue to research to improve the health of our operators.

V/r,

CDR (b) (6)

Naval Special Warfare Command

Executive Assistant to the Admiral

COM: (b) (6)

RED: (b) (6)

CELL: (b) (6)

SIPR: (b) (6)

NIPR: (b) (6)

From: (b) (6) CAPT USN VCNO (USA) (b) (6) Sent: Friday, November 15, 2019 5:01 AM
To: (b) (6) CAPT USN SECNAV WASHINGTON DC (USA) (b) (6); (b) (6) CAPT USN CNO (USA) (b) (6); (b) (6) CAPT USN DNS (USA) (b) (6); (b) (6) CDR USN USSOCOM NSW (USA) (b) (6)
Cc: (b) (6) CAPT USN DCNO N1 (USA) (b) (6); Green, Collin P RADM USN USSOCOM NSW (USA) (b) (6); (b) (6) CDR USN VCNO (USA) (b) (6); (b) (6) CDR USN VCNO (USA) (b) (6)
Subject: SECNAV POTUS RFI: SEAL medical clearance for deployment

Thanks (b) (6) – Tried calling... What time do you need this by?

(b) (6) (and/or RADM Green, cc'd) – Please take a look SECNAV's questions below and reply-all with the answer. Happy to chat if you think it needs CNO/VCNO review prior to sending.

VR (b) (6)

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SIPR: (b) (6)

You too!

EmilyGrace Mate

Chief of Staff

Office of the Secretary of the Navy

Office: (b) (6)

Mobile: (b) (6)

Email: (b) (6)

From: Spencer, Richard V HON SECNAV (b) (6)

Date: Friday, Apr 12, 2019, 5:55 PM

To: Mate, Emily Grace (EmilyGrace) SES USN (USA) (b) (6)

Subject: RE: SOC Gallagher

Perfect.

Have a good weekend.

Sent with BlackBerry Work

(www.blackberry.com)

From: Mate, Emily Grace (EmilyGrace) SES USN (USA) (b) (6)

Date: Friday, Apr 12, 2019, 5:43 PM

To: Spencer, Richard V HON SECNAV (b) (6)

Subject: FW: SOC Gallagher

Sir confirm this is what you want correct?

EmilyGrace Mate

Chief of Staff

Office of the Secretary of the Navy

Office: (b) (6)

Mobile: (b) (6)

Email: (b) (6)

From: Richardson, John M ADM USN CNO (USA) (b) (6)

Date: Friday, Mar 29, 2019, 2:16 PM

To: Spencer, Richard V HON SECNAV (b) (6)

Cc: Mate, Emily Grace (EmilyGrace) SES USN (USA) (b) (6) >, Moran, William F ADM USN VCNO (US) (b) (6), Hannink, John G VADM USN NAVY JAG WASH DC (USA) (b) (6)

Subject: SOC Gallagher

Mr. Secretary

As a follow up from our phone conversation, SOC Gallagher is in the appropriate level of pre-trial confinement, with the least restrictions possible.

No request for medical treatment, legal counsel or visits with family have been denied during this period of confinement.

Specific points below for your consideration and other discussions.

VR/ John

- SOC Gallagher is in pretrial confinement at the Naval Consolidated Brig Miramar pending general court-martial.

- o Charges were referred to general court-martial following a preliminary hearing. The hearing was conducted by a Navy judge advocate military justice expert with over 20 years of litigation experience.

- o The preliminary hearing report, including charging recommendations, was reviewed by Commander, Naval Special Warfare Group ONE. (b) (5), Naval Special Warfare Group ONE forwarded the charges to Navy Region Southwest recommending trial by general court-martial.

- o Charges are: Article 118 (murder); Article 80 (attempted murder); Article 128 (aggravated assault with a dangerous weapon); and Article 134 (obstruction of justice). Trial is scheduled to begin 28 May 2019.

- SOC Gallagher was ordered into pretrial confinement on 11 September 2019 by Commander, Naval Special Warfare Group ONE. Pretrial confinement was based on probable cause that SOC Gallagher had engaged and would continue to engage in witness interference.

- o On 17 Sep, the pretrial confinement order was reviewed by an independent magistrate. At his request, SOC Gallagher was represented by a civilian defense counsel for the hearing. The magistrate determined that there was probable cause to determine that witness interference would continue and that no less severe form of restraint was adequate to ensure a fair trial.

- o On 4 Jan 19, the Military Judge completed a second review of the pretrial confinement order. The Military Judge agreed with the findings of the magistrate and pretrial confinement was continued.

- Naval Consolidated Brig Miramar is accredited by the American Correctional Association (ACA) and meets or exceeds all ACA standards.

- Specific information regarding SOC Gallagher's pretrial confinement:

- o SOC Gallagher is housed in an individual cell.

- o SOC Gallagher's berthing is divided between pretrial and post-trial personnel.

- o SOC Gallagher wears his Navy Working Uniform with rank and insignia.

- o SOC Gallagher eats his meals in the brig dining facility. The brig dining facility uses the same rotating menu and portion size as installations in the local area.

In pretrial confinement, SOC Gallagher is permitted to go through the line first and pretrial confinement personnel are allowed seating at a separate table from post-trial prisoners.

- o SOC Gallagher is permitted to make personal phone calls during the day.
- o SOC Gallagher is able to access a gym with aerobic equipment and weights during the afternoon and evenings.
- o SOC Gallagher is permitted to be outside for no less than one hour per day.
- o SOC Gallagher is permitted free access to reading material, including access to a library at the brig facility.
- o SOC Gallagher has access to satellite television (up to 14 channels, including ESPN, National Geographic) for several hours per day.

· SOC Gallagher has never had a medical visit request denied.

- o He has had a total of 10 medical visits within the brig facility.
- o He has had a total of 15 medical visits requiring temporary release outside the brig facility.
- o The Brig Medical Officer has made four phone consultations to specialists on SOC Gallagher's behalf.

· SOC Gallagher has never had a legal visit request denied.

- o He has had a total of 36 legal visits within the brig facility. This includes special requests for counsel to meet on weekends.
- o He has had a total of 20 legal visits requiring temporary release outside the brig facility.

· SOC Gallagher has never had a personal visitor denied when the visitor was able to comply with the regulations of the brig facility.

- o He has had a total of 25 visits with immediate family. This includes a special request for extended visiting hours.
- o He has had multiple visits from command representatives of Naval Special Warfare Group ONE.
- o There have been instances of military members asserting they were command representatives who were denied access. These military members were not on the Naval Special Warfare Group ONE command approved list for access, and Naval Special Warfare Group ONE confirmed they were not authorized command representatives.

· On 15 Feb, Congressman Duncan Hunter's staff members were denied access. The staff members requested a visit on less than 24 hours notice, creating a conflict with a previously scheduled legal

visit. SOC Gallagher was allowed to make the election of which appointment to keep and which to reschedule. SOC Gallagher elected to keep his legal appointment and reschedule the meeting with the staff members.

SecSpencer,

I recommend you raise with WHCOS at dinner. Best for POTUS to not be surprised.

Sent from Mobile Device

From: "VanOpdorp, Harold SES SECNAV" <(b) (6)>

Date: Tuesday, November 19, 2019 at 7:17:40 PM

To: "Spencer, Richard V HON SECNAV" <(b) (6)>

Cc: "Chewning, Eric SES SD" <(b) (6)>

Subject: FW: Trident Removal Process

> Sir,

>

> Below is the plan for the SEAL's Trident Removal Process and proceedings.

>

> Subject to your questions, Sir.

>

> Very Respectfully,

>

> Odie

>

>

> Sent with BlackBerry Work

> (www.blackberry.com)

>

>

> From: (b) (6) CAPT USN VCNO (USA) <(b) (6)>

> Date: Tuesday, Nov 19, 2019, 19:02

> To: VanOpdorp, Harold SES SECNAV

> Subject: Trident Removal Process

>

> COS – For your use with SECDEF and onto the White House. Heading down to discuss and standing by for your questions or concerns. VR, (b) (6)

>

>

> Context:

>

> From CY11 to CY19 there were 111 SEAL Trident and 46 Navy Special Warfare Combatant-Craft Crewman (SWCC) pins removed, totaling 157.

>

>

> These pins were removed for reasons including loss of confidence or judgment, drug and/or alcohol use, performance issues, misconduct, loss of a security clearance, medical issues, or voluntarily requesting removal.

>

>

> There were at least 56 disciplinary cases, of which 21 personnel had their pins removed prior to Non-Judicial Punishment (NJP), Court Martial (CM) or Civil Trial (CT). 35 personnel had their pins removed after NJP/CM/CT.

>

>

> Process Forward:

>

> RADM Green intends to convene a board for SOC Gallagher IAW MILPERSMAN 1221-021 (<https://www.public.navy.mil/bupers-npc/reference/milpersman/1000/1200Classification/Documents/1221-021.pdf><<https://www.public.navy.mil/bupers-npc/reference/milpersman/1000/1200Classification/Documents/1221-021.pdf>>)

>

> and MILPERSMAN 1220-300

>

> (<https://www.public.navy.mil/bupers-npc/reference/milpersman/1000/1200Classification/Documents/1220-300%20.pdf><<https://www.public.navy.mil/bupers-npc/reference/milpersman/1000/1200Classification/Documents/1220-300%20.pdf>>)

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> The composition of the TRB will be 1 x O5 SEAL and 4 x E9 SEALs. The TRB will then provide their recommendation (retains or loses Trident) to RADM Green for a final decision.

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040.pdf<<https://www.public.navy.mil/bupers-npc/reference/milpersman/1000/1600Performance/Documents/1616-040.pdf>>).

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>

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> SOC Gallagher's characterization of service will be determined by Navy Personnel Command in accordance with MILPERSMAN 1910-166 (<https://www.public.navy.mil/bupers-npc/reference/milpersman/1000/1900Separation/Documents/1910-166.pdf><<https://www.public.navy.mil/bupers-npc/reference/milpersman/1000/1900Separation/Documents/1910-166.pdf>>)

>

>

> CAPT (b) (6)

>

> EA to the Vice Chief of Naval Operations

>

> O: (b) (6)

>

> C: (b) (6)

>

> (b) (6)

>

>

Thank you.

From: Spencer, Richard V HON SECNAV <(b) (6)>

Sent: Tuesday, November 19, 2019 9:56 PM

To: Chewning, Eric SES SD <(b) (6)>; VanOpdorp, Harold SES SECNAV
<(b) (6)>

Subject: RE: Trident Removal Process

Message has been presented to POTUS COS in detail. Working on supporting plan.

Sent with BlackBerry Work

(www.blackberry.com)

From: Chewning, Eric SES SD <(b) (6)> <mailto:(b) (6)>

Date: Tuesday, Nov 19, 2019, 7:32 PM

To: VanOpdorp, Harold SES SECNAV <(b) (6)>
<mailto:(b) (6)>, Spencer, Richard V HON SECNAV
<(b) (6)> <mailto:(b) (6)>

Subject: Re: Trident Removal Process

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(<https://www.public.navy.mil/bupers-npc/reference/milpersman/1000/1200Classification/Documents/1221-021.pdf>)

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Important Notes:

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CAPT (b) (6)

EA to the Vice Chief of Naval Operations

O: (b) (6)

C: (b) (6)

(b) (6)

Also, I made sure the boss is aware.

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EA to the Vice Chief of Naval Operations

O: (b) (6)

C: (b) (6)

(b) (6)