

**DEFENSE LEGAL SERVICES AGENCY (DLSA)**  
**Operation and Maintenance, Defense Wide**  
**FY 2011 Overseas Contingency Operations Request**  
**Overseas Contingency Operation(s): Operation Enduring Freedom or Operation Iraqi Freedom**

**Operation and Maintenance, Defense-Wide Summary (\$ in thousands)**  
**Budget Activity (BA) 04: Administrative and Service-Wide Activities**

- I. Description of Operations Financed:** The Defense Legal Service Agency (DLSA) maintains two separate efforts involving detainees at Guantanamo Bay, Cuba (GTMO).

Office of Military Commissions (OMC) was established by the Secretary of Defense on March 21, 2002, under the Defense Legal Service Agency (DLSA) to handle the trials of enemy combatants who violate the laws of war. The commission is comprised of both military and civilian personnel, who work in four sections: 1) the appointing authority (similar to a convening authority), which includes the Office of the Legal Advisor; 2) the prosecution office, 3) the defense office and, 4) the Review Panel (judges who consider appeals).

The Military Commissions Act (MCA) was enacted in response to the Supreme Court requirement for legislation to continue the OMC process. Several major terrorists have been transferred to GTMO whose trials began under the MCA statutory framework in FY 2009. Tribunals are now in progress, including a number of cases referred for trial or in various stages of collateral constitutional litigation.

The process was placed on hold by Executive Order on January 22, 2009. Since that time, the prosecution has requested continuances in each pending case. The administration is still considering whether OMC should continue tribunals, whether jurisdiction should be transferred to Department of Justice (DOJ), or whether alternative dispositions should be considered. Closing the physical facilities at GTMO will not end the necessity to deal with the detainees, and decisions must be made to address the appropriate forum to prosecute detainees. DLSA will either resume prosecutions or will be expected to contribute to a joint Department of Defense (DoD)/DOJ effort. There are no other logical prosecutorial entities available to take on these responsibilities. Funding requirements are expected to continue unabated.

The OMC incurs normal government activity operating expenses, including salaries and benefits, travel, rental of office space and equipment, communications, and the cost of supplies and equipment. Continued supplemental funding is essential for OMC to accomplish its mission.

The Habeas Corpus Group (HC) is separate and distinct from the tribunal process. In this process, DoD is engaged in Federal litigation regarding detainees. Over 200 detainees have filed Habeas Corpus cases in the Federal District Courts in Washington, DC. In the Boumediene Supreme Court decision, the US Supreme Court affirmed the rights of the detainees to have these cases heard. The District Courts have established a rigorous trial schedule which requires two types of funding. First, the litigation effort requires the hiring of 85 attorneys and 25 paralegal/administrative/support personnel. These personnel will be housed in rental space in the National Capital Region (NCR) which has stringent security requirements. Ancillary requirements for these DLSA temporary employees include information technology (IT) support; courier, security and translation services; office equipment, and rental expenses. Second, the Federal District Court ordered that habeas petitioners' counsel have space and facilities set aside for their use which includes 24/7 security guards, equipment, IT support, rental expenses, and translation services. Given that most of the materials considered in these litigations are classified, additional funding is needed for contracts, rental expenses, translation expenses, and security expenses as well as temporary duty travel expenses to allow the Intelligence Community to fulfill requirements to declassify vast volumes of documents and information in order that it may be presented in court settings.

**II. Financial Summary (\$ in Thousand)**

<b>CBS No.</b>	<b>CBS Title</b>	<b>FY 2009 Cost of War</b>	<b>FY 2010 Enacted</b>	<b>FY 2010 Supplemental</b>	<b>FY 2010 Total</b>	<b>FY 2011 Total</b>
1.0	Personnel	\$12,505	\$16,351		\$16,351	\$20,242
2.0	Personnel Support	\$3,446	\$3,272		\$3,272	\$3,324
3.0	Operating Support	\$55,937	\$95,377		\$95,377	\$96,903
	<b>SAG Totals</b>	<b>\$71,888</b>	<b>\$115,000</b>		<b>\$115,000</b>	<b>\$120,469</b>

		<b>FY 2009 Cost of War</b>	<b>FY 2010 Enacted</b>	<b>FY 2010 Supplemental</b>	<b>FY 2010 Total</b>	<b>FY 2011 Request</b>
	<b>A. <u>Subactivity Group</u></b>					
<b><u>CBS No.</u></b>	<b><u>CBS Title</u></b>					
1.2	OMC Civilian Personnel	\$11,327	\$11,650		\$11,650	\$11,883
1.2	HC Civilian Personnel	\$1,178	\$4,701		\$4,701	\$8,359
1.2	Civilian Personnel Total	\$12,505	\$16,351		\$16,351	\$20,242

**Narrative Justitfication:**

**OMC:** Funding is used to support 195 military personnel and 60 temporary full-time civilians at GTMO. The majority of personnel work in four sections: the appointing authority which includes the Office of the Legal Advisor, the prosecution office, the defense office, and the Review Panel (judges who consider appeals).

**HC:** Personnel support costs for HC include 85 attorneys and 25 other personnel.

**Impact if not funded:** DLSA will be unable to provide legal services for the continuation of prosecutions and the holding of detainees.

	<b>A. <u>Subactivity Group</u></b>					
<b><u>CBS No.</u></b>	<b><u>CBS Title</u></b>					
2.0	OMC Temporary Duty/Additional Duty	\$2,534	\$2,309		\$2,309	\$2,330
2.0	HC Temporary Duty/Additional Duty	\$912	\$963		\$963	\$994
2.0	Temporary Duty/Additional Duty Total	\$3,446	\$3,272		\$3,272	\$3,324

**Narrative Justification:**

**OMC:** Funding provides personnel support costs in support of GTMO operations. These funds cover temporary duty (TDY) costs for the OMC personnel to meet with their detainee clients and to participate in commission hearings. Travel is required to GTMO and a satellite office.

**HC:** TDY costs cover HC personnel. These people travel to the same locations as OMC personnel above.

FY 2009 Cost of War	FY 2010 Enacted	FY 2010 Supplemental	FY 2010 Total	FY 2011 Request
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**Impact if not funded:** DLSA will be unable to provide legal services for the continuation of prosecutions and the holding of detainees.

<b>A. <u>Subactivity Group</u></b>						
<b><u>CBS No.</u></b>	<b><u>CBS Title</u></b>					
3.0	OMC Operating Support Cost	\$20,674	\$26,041		\$26,041	\$26,041
3.0	HC Operating Support Cost	\$35,263	\$69,336		\$69,336	\$69,336
3.0	0 Operating Support Cost	\$55,937	\$95,377		\$95,377	\$95,377

**Narrative Justification:**

**OMC:** These costs include supplies, rent, furniture, design and construction cost, training, contract support, reimbursement to U.S. Marshall’s Service, Inforamtion Technology (IT) support, telecommunications, and security. Funding also provides for an interpretation and translation contract.

**HC:** These costs include supplies, rent, furniture, design and construction, training, contract support, IT support, telecommunications, and security. Funding also provides for translation and declassification of documents relating to habeas cases.

**Impact if not funded:** DLSA will be unable to provide legal services for the continuation of prosecutions and the holding of detainees.

<b>Total</b>	<b>\$71,888</b>	<b>\$115,000</b>		<b>115,000</b>	<b>\$120,469</b>
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