

That in fact it did occur but it didn't happen until the January-February timeframe rather than the earlier timeframe.

[U] In your view, Sir, should a single person have been overall in charge at that time? Was that something doctrinally that they should have done?

[U] It is not doctrine and of course that's another one of the issues that we had identified. That the doctrine is silent as to who has responsibilities with regard to detainee operations. My opinion is that we should doctrinally address that issue and it is a shortcoming. And to this day we do not have a doctrinal answer. In other words, when General Miller leaves, you know, when he rotates out of Iraq, what's what the next solution? Show me a doctrine where his position exists. It does not exist in doctrine.

[U] All right, Sir. So in your view, Sir, did the method by which CJTF-7 control detainee operations prior to Geoff Miller's arrival violate any Army standard or doctrine? Perhaps not since there was no doctrine?

[U] There wasn't. There was no violation of Army doctrine in that regard I am aware of.

[U] Then given that there was no doctrine, apparently not any Army standard regarding detainee operations in the CJTF environment, what do you think General Sanchez should have done? Should he have recognized that he had a shortfall there? What are your thoughts on that, Sir?

[U] Yeah, I believe that there should have been an earlier recognition of the problems that existed. That the issues that came up at Abu Ghraib had some predecessors to it. This was not the first time that issues relative to detainee operations had arisen at the CJTF-7 level. It was known that these were issues. There were in my opinion enough issues early on. Earlier on during this process it was identified that it should have been recognized earlier and should have received more focused attention earlier than it did. It's easy now to second-guess and I'm not—I understand all of the pressures and the war fighting issues that he was facing, which is why I think we were very careful not to be—at least we tried not to be—too criticizing in our opinions because you've got to go back to the fact that the CJTF-7 operation was, in my opinion, a pick-up team. We put that together. 'We' the United States put that together in a very short time period and it was never fully staffed and never fully organized and we eventually recognized the shortfalls of doing it that way, which now why we now have a Four Star Command there.

[U] Q . Right.

[U] A. With the Operational Three Star Command under that. This is only one of the reasons why we did this, but to place all the burden on General Sanchez I do not believe it is fair. I believe that it goes higher than General Sanchez. That 'we' as a country under resourced and under appreciated what we were going to be facing when we arrived in Iraq. And we were optimistic, in our opinion of the amount of resistance we were going to face. And when it turned into an insurgency we didn't react fast enough but even if we had reacted with lightning speed it still would have been too late. Which you know we should have been more pessimistic in our initial analysis of what Phase IV of the operation was going to present to us.

[U] Q. So let me ask you the tough question here, Sir, and you've sort of laid it out already but was General Sanchez's or for that matter General Wojdakowski failure to initially recognize that there was a lack of clear command and control in detainee operations at the CJTF-7 level. Was his failure to recognize this in your view in anyway improper or negligent?

[U] A. No.

[U] Q. —obviously in these circumstances?

[U] A. No, I think that it wasn't improper. It wasn't negligent. It was a fact that occurred. But given the view of the entire situation, the fact that this was an under resourced operation that it changed very quickly from a combat operation to an insurgency and they were left with a force that was not put together to fight an insurgency. They were reacting to the situation as they saw it. I don't believe it's negligence.

[U] Q. Okay, Sir, going back to General Miller, Tom Miller.

[U] A. Yes.

[U] Q. As when he raised his hand at some point saying that he was in charge. Do you recall during your look whether General Karpinski received any guidance concerning detention operations from General Miller?

[U] A. I don't ever remember—I interviewed General Karpinski for seven and a half hours. She never to my recollection mentioned General Tom Miller.

[U] Q. Right.

[U] A. Mentioned frequently General Geoff Miller.

[U] Q. Right.

[U] A. And his visits but never mentioned Tom Miller.

[U] Q. Right.

[U] A. So if there was an interaction there, it wasn't very significant.

[U] Q. Okay.

[U] A. Most of her interactions were with General Wojdakowski. And she did tell me about a lot of her interactions and General Wojdakowski told me about a lot of interactions with General Karpinski.

[U] Q. Right. Okay, Sir. And then Colonel [b)(6)-2 & (b)(7)(C)-2] I believe was the PMO at the time. Any indication that she received much guidance from him?

[U] A. No.

[U] Q. Or the same thing?

[U] A. The same thing. No—no indications that she received much guidance from him, and I did not interview that Colonel.

[U] Q. I noted that.

[U] A. But you know the information that I can recall was that he was not a very involved player in detainee operations. He was doing the other traditional Provost Marshal stuff and I believe that Command looked to General Karpinski to be the detainee operations person.

[U] Q. All right, Sir. Another finding that was in your report was leaders failed to take steps to effectively manage pressure placed upon JIDC personnel. Sir, do you recall to which leaders specifically failed to take steps to effectively manage that pressure?

[U] A. Yeah, there I'm talking about the 205th and the JIDC management. So we're talking about Colonel Pappas, we're talking about Lieutenant Colonel Jordan; talking about Captain [b)(6)-2 & (b)(7)(C)-2] We're talking about Major [b)(6)-2 & (b)(7)(C)-2] and there's another Major who was also an operations officer—

[U] Q. [b)(6)-2 & (b)(7)(C)-2]

[U] A. Huh? [b)(6)-2 & (b)(7)(C)-2] No, [b)(6)-2 & (b)(7)(C)-2] was on the—

[U] Q. The 800th?

[U] A. No, he was on the staff of Colonel Pappas. But he wasn't involved with—well to some extent involved but he was running the operations for the whole Brigade.

[U] Q. [REDACTED]

[U] A. [REDACTED] That was the one, yeah.

[U] Q. One of those common names?

[U] A. That's right. That's right. It was Major [REDACTED] that I was referring to. So that's the leadership that we were—that I was referring to when I made those comments.

[U] Q. So you weren't referring to General Sanchez or Fast or Wojdakowski?

[U] A. No, because it wasn't their jobs to protect those Soldiers at that level from that pressure. It was in my opinion the job of that unit and that unit Command structure.

[U] Q. Given that, Sir, in your view, what pressures did General Sanchez, if any, place on the intelligence community---

[U] A. Oh significant and he testified to General Jones that he did that. I mean General Sanchez was rightly frustrated by the situation. I mean, the situation quickly turned into a insurgency and we didn't have an adequate amount of information to find out who the insurgents were or where they operating, how they were operating, all the things that we need out of a unit, Human Intelligence structure, which of course we don't have a very robust unit intelligence structure. The Army took down most of that in the 1990s.

[U] Q. Okay, Sir.

[U] A. So we had limited assets to get him the information he needed but he was expressing those frustrations and putting that degree of pressure on Colonel Pappas and the other members of the 205th and his entire intelligence community. I don't think that was misplaced. I don't think it was wrong to do that. That's what 'we' in the Intel Community should and do expect from our Commanders. It's how that pressure is managed that's the important issue.

[U] Q. And you placed the responsibility for that management at Colonel Pappas' level and then down at that point?

[U] A. Yes.

[U] Q. All right, Sir. Another finding that you made, there was neither a defined procedure nor specific responsibility within CJTF-7 for dealing with ICRC visits, Red Cross visits. ICRC recommendations were ignored by MI/MP/ and CJTF-7 personnel. Sir, can you tell us who specifically were the MI/MP and CJTF-7 personnel that ignored these ICRC recommendations?

[U] A. Well I can tell you every one that saw the ICRC recommendations.

[U] Q. Okay. If you could give us a list of them.

[U] A. And ignored them. So Colonel Pappas—

[U] Q. Okay.

[] A. Lieutenant Colonel Jordan. I'm not sure that Captain [] saw them but she knew about them. General Karpinski. I don't know the members of General Karpinski's staff but there were people on her staff that saw them.

[U] Q. And her lawyer I believe saw them?

[] A. Her lawyer saw them and the Staff Judge Advocate Office at the CJTF-7 saw them. All the way up to Colonel—

[U] Q. Warren?

[U] A. Colonel Warren who was the CJTF-7, , Staff Judge Advocate.

[U] Q. Sir, in your view whose responsibility was it to establish such procedures and responsibility for dealing with ICRC visits?

[U] A. Again there is no clear doctrine as to who should. What staff element would have primacy. My personal opinion is that the Staff Judge Advocate should have primacy on establishing how do we deal with the International Committee of the Red Cross and their visits and how should they be handled. But that's just my opinion. You can't go to doctrine and find a specific responsibility for that.

[U] Q. All right, Sir, did you come across any evidence that General Fast or General Wojdakowski or General Sanchez were aware of the ICRC visits?

[U] A. I know that General Fast definitely was not until after the fact, because I specifically remember my conversations with her on that subject. I also know that General Sanchez did not know because Colonel Warren told me he didn't bring him—he did not bring these issues to his attention. And I'm sorry what was the other name that you asked about?

[U] Q. Wojdakowski, Sir. Major General Wojdakowski.

[U] A. I can't answer that. I don't remember whether General Wojdakowski knew or didn't know so I don't know.

[U] Q. Sir, did you come across anyone on the CJ-2 staff that was made aware of the ICRC? I mean you mentioned Colonel Pappas, you mentioned Colonel Jordan. They were in the 205th.

[U] A. Yeah.

[U] Q. Colonel Jordan of course was murky. Did anyone on the CJ-2 staff, Colonel [b)(6)-2 & (b)(7)(C)-2] perhaps or—

[U] A. No. I do not remember. That—I know that General Fast didn't know about it. Whether or not [b)(6)-2 & (b)(7)(C)-2] did because he then became her Deputy when she showed up. I don't know whether he saw them or he didn't see them.

[U] Q. You don't recall that, Sir. Sir, do you recall with whom General Karpinski's response to the ICRC report was staffed? I know that the Major, the Australian Major, on the SJA staff was the primary drafter of the response. Do you recall who he routed that through?

[U] A. Well, I know that Colonel Warren knew about the response.

[U] Q. Right.

[U] A. I'm not sure at what stage he saw the response but at some point, he saw the response. I don't know if he saw the final draft or what, but I know that he at some point in time saw some part of the response. I do not know who else besides the Australian Major, Colonel Warren, and would have been whoever the SJA person was on Karpinski's staff.

[U] Q. Lieutenant Colonel [b)(6)-2 & (b)(7)(C)-2] maybe was his name?

[U] A. I believe he was mentioned by Colonel—by General Karpinski to me as being a person she had a discussion with.

[U] Q. Yes. All right, Sir. We discussed the folks that ignored the ICRC recommendations. To what do you attribute this? Why did they ignore them?

[U] A. It was so unbelievable, as many people told me that they were laughable and in fact they did receive a lot—, you know, humorous comments about them. When it was read by people no one could believe that they were true. The stories that were in there which ultimately did turn out to be true, no one that saw them that had direct knowledge about what was going on in that specific cell block could believe that American Soldiers would have been doing that—especially the woman's underwear issue because it was well known, especially at Abu Ghraib, that the clothing was unobtainable. That they were really jumping through hoops to get any type of clothing for the detainees at Abu Ghraib at that period in time. And so for this statement to say not only were they wearing—forced to wear underwear but they were forced to wear women's underwear. It was like well how could you get women's underwear. We can't even get regular clothes let alone women's underwear. But as it turned out, it was true but nobody believed it. Because it just was an unbelievable story.

[U] Q. And as a result, the allegations were not investigated by anyone?

[U] A. Correct.

[U] Q. And, Sir, was this failure to investigate—who would you place blame on? Who do you think should have investigated?

[U] A. I believe that we should—we, all of us that are involved with the International Committee of the Red Cross should give them more credence than we have traditionally given them. They are an independent fact-finding neutral party. So when they are presenting to us allegations, even if we believe those allegations to be false, I believe that we have a duty to look into them. It would be the same thing as what we do with the IG. I mean I know the IG looks into all allegations no matter how outrageous they would seem at first.

[U] Q. Right.

[U] A. We should have that same attitude towards the International Committee of the Red Cross.

[U] Q. And to the best of your knowledge the Army, does not have a standard that would indicate such?

[U] A. Correct, in fact, I would say the prevailing attitude is of the Red Cross. It's, those guys are always looking at the opposition side in protecting the human rights. And things that we are leery or—well, not leery but that we believe are questionable when they present them to us. Because they look upon as advocates for

the adversaries more than independent neutral parties.

[U] Q. Right. So, Sir, were any of the people involved in either seeing the ICRC report or involved in drafting its response, were any of these folks in your view in any way negligent for either failing to report it to higher or for not looking into the allegations further, even though technically we don't have an Army standard that says you have to?

[U] A. My definition of negligent is where a reasonably prudent person would do in like or similar circumstances. I do not believe that they violated that standard because when you looked at them without any independent knowledge of the truth as it came out, it would be reasonable to say how could that ever happen.

[U] Q. But in retrospect you would now say they should be investigated regardless of how outrageous because in fact they were credible.

[U] A. Because in fact they were credible. Right.

[U] Q. Yes, Sir. Okay.

[U] A. Yeah. But I can't criticize them for not believing it.

[U] Q. Right. All right, Sir. On to the next finding, Sir. Interrogation technique memo did not adequately set forth the limits on interrogation techniques. Misinterpretation of CJTF-7 policy memo led to some of the abuses at Abu Ghraib but did not contribute to the violent or sexual abuses. And of course, I am referring to the 14 September 2003 memo and the 12 October 2003 memo that General Sanchez signed.

[U] A. Yes.

[U] Q. , Sir, in your view did the CJTF-7 interrogation policies contribute to any of these abuses, and if so, was it direct or indirect?

[U] A. Well let's be—if I can, I want to be—make sure we're clear on which abuses we're referring to here.

[U] Q. Yes, Sir, let's start with that.

[U] A. Okay, there's no way that any documents that were produced by anybody contributed to the sexual or physical abuses that occurred at Abu Ghraib.

[U] Q. Okay.

[U] A. Those were clearly violations of laws and regulations that those that participated in them knew that what they were doing were wrong and knew what they were doing violated Army laws and regulations. That's based on my investigation and that's what I believe.

[U] Q. Yes, Sir.

[U] A. That's one category. The other category or the other abuses, the non-sexual and non-violent abuses that occurred—

[U] Q. Can you give some example, Sir?

[U] A. Yes, such things as the use of nudity. The interrogators were using nudity as a technique in order to humiliate the detainees in order to encourage them to speak. They believed that they—the interrogators believed—they had authority to perform that specific technique and make those detainees naked as part of the interrogation process. They didn't have that authority. They were wrong when they believed they had that authority.

[U] Q. And, Sir, why did they believe they had that authority?

[U] A. You'll have to go back through that whole long string of DoD, Army and Special Operations Directives that existed dating way back to the point where the War of Terrorism began. So you need to go back originally to the first time you see nudity as an issue is the—, the Secretary of Defense Memo that was issued in December of 2002, which listed all sorts of techniques that could be used at Guantánamo, and one of those was removal of clothing. Now that was taken away six weeks later but not everybody got the memo that it was taken away. So, the mindset had been created in the interrogation world that that was an acceptable technique. And in fact we interviewed people who served at Guantánamo that told us that well removal of clothing is a technique that we have the authority to use in Guantánamo we just don't use it.

[U] Now, they were wrong. They didn't have that authority at the point in time that is in question here. But they thought that they did have that authority.

[U] Q. Because that technique was not listed as an approved technique in either of the Sanchez memos. So, I was just curious how they came to that when it wasn't. Either they had not read the policy or it wasn't explained to them or they didn't think there needed to be a policy regarding it perhaps?

[U] A. The removal of clothing began before the Sanchez policies were even issued.

[U] Q. Okay.

[U] A. And removal of clothing was also a technique that I know was used in Afghanistan.

[U] Q. Right.

[U] A. And it was used by Special Operations I believe and I know that it was used by Army, Military Intelligence/ Military Police personnel in Afghanistan. And some of the Soldiers who were at Abu Ghraib were also in Afghanistan. So, they brought that technique with them to Afghanistan. I mean—I'm sorry to Iraq.

[U] Q. To Iraq.

[U] A. Now, the other issue is isolation. No one understood—, I don't want to say no one, the word 'isolation' was not clearly understood by all of those that were using it. So, the fact that we could use isolation, those that were granting that authority from the General Sanchez level on down had in their mind what isolation meant. It meant something totally different to the Soldiers that were actually employing it. So, whereas I believe that what was in the minds of those that were issuing the authority on isolation they were believing that you were just keeping people separate from the rest of the population. Well that's really segregation. That's not isolation. But what was actually being done at Abu Ghraib was they were placing people in their cells naked and they were—those cells they were placing them in, in many instances were unlit. No light whatsoever. And they were like a refrigerator in the wintertime and an oven in the summertime because they had no outside form of ventilation. And you actually had to go outside the building to get to this place they called the 'hole', and were literally placing people into it. So, what they thought was just isolation was actually abuse because it's—actually in some instances, it was torturous. Because they were putting a naked person into an oven or a naked person into a refrigerator. That qualifies in my opinion as torture. Not just abuse.

[U] Q. Yes, Sir. Okay, Sir. Sir, who prepared and had staff responsibility for the CJTF-7 policies?

[U] A. The interrogation policies?

[U] Q. Yes, Sir.

[U] A. The overall responsibilities rested with Colonel Warren and his staff. They took the primacy for putting that together.

[U] Q. All right, Sir, apparently General Fast was out of the country at the time the 14 September 03 memo was staffed. [REDACTED]

[REDACTED] In your view, did she as the CJ-2 have any doctrinal responsibility for the policy development?

[U] A. Nothing that I'm aware of in doctrine that says that the C-2 has responsibility over interrogation techniques. The doctrine needs to be overhauled. I mean what the Army teaches is you do what's in the FM, and I believe that should be policy. The policy needs to be we do nothing more than what we train. So, if we don't train it in Huachuca, we don't do it anywhere.

[U] Q. Yes.

[U] A. So, for anyone to have authority to go beyond the Field Manual, which means go beyond the training, I think that is a level of authority that no commander should have.

[U] Q. Yes, Sir, okay. Do you have any evidence of whether General Fast reviewed the policy memo upon her return?

[U] A. I don't. I do not know the answer to that question, no.

[U] Q. Do you know whether or not the policy memos were staffed with the CJ-2? And just to back up I'm aware that the lawyer for the 205th MI was involved in the drafting of the policy, as were other lawyers on Colonel Warren's staff. But I am trying to identify who, if anyone, in the C-2 was involved in the preparation of that policy. [REDACTED] or Colonel [REDACTED] or any of the people—

[U] A. No, I'd be very—I do not believe Colonel [REDACTED] or Colonel [REDACTED] saw it. It perhaps might have been seen or passed through Captain [REDACTED] who was the staff officer in CJTF-7 C-2 area. Who was overseeing the interrogation operations, but he was a Captain. He's a Major now. My suspicion and I do know that the document went through that office. My suspicion is that's what happened. It went through that office. That Captain now Major [REDACTED] probably said the legal issue well beyond my expertise. I don't know a whole heck of a lot about interrogation practices, procedures, which he didn't. And I suspect he did not give that much more than just okay. Probably ready it and

[U] Q. Was he the C-2 X, Sir?

[U] A. He was—I do not believe—he might have been in the C-2 X shop but I really don't—

[U] Q. You can't remember—

[U] A. I really don't remember. I did interview Captain b(6)-2
b(7)(C)-2

[U] Q. You do recall the name?

[U] A. Yes.

[U] Q. But don't have any evidence that General Fast reviewed the policy or weighed in on the policy? I'm just trying to pin down what her involvement was with those.

[U] A. I do not know if she ever actually read the policy when she came back off of sick leave or not.

[U] Q. All right, Sir, how about General Wojdakowski?

[U] A. I'd doubt that he ever did but I don't. I didn't ask him.

[U] Q. All right, Sir. Do you recall, Sir, who in the CJ-3 the policy memos were staffed with?

[U] A. No.

[U] Q. Okay. And do you know why CENTCOM disapproved the 14 September 03 memo or disapproved parts of it? Because you may recall they rescinded that memo and came out with the 12 October. Do you recall what CENTCOM'S issues were?

[U] A. I don't remember specifically. They—my recollection was that they believed it was too broad and gave too much latitude, included too many techniques that CENTCOM was not comfortable with. So, they wanted it to be more restrictive, but specifically in which areas they felt uncomfortable or what they thought I don't remember that.

[U] Q. All right, Sir. And was it your understanding that the 14 September memo was disseminated with the intent that it be put into effect at the same time it was sent back to CENTCOM to reflect their approval?

[U]A. My recollection was they—it was unclear. All right? That in fact it went out with the CJTF-7 expectation that it was going out but that people that were to receive it - basically Abu Ghraib - would know that it hadn't yet received CENTCOM approval, but the reality was there was no guidance whatsoever at Abu Ghraib at point in time.

[U] Q. Right.

[U] A. So, they seized on whatever they had. So they started using what they had and that should have been the reasonable expectation of the CG and the CJTF-7 staff.

[U] Q. Do you think that was a mistake, Sir?

[U] A. Yes. I believe the whole issue relative to the handling of the guidance and interrogation techniques and how it was formulated. The whole thing needs to be overhauled. The whole thing was confusing to the Soldier, confusing to everyone along the line. People had memos that were draft memos. At Abu Ghraib they did not have the two that you're referring to, they had the earlier draft copies.

[U] Q. The 10th of September?

[U] A. Right. So some of them were operating from the draft copies. Somewhat they thought were the approved copies, then it gets changed in October and when did everybody get that is a question mark, that you know, originally they had the ^{(b)(2)-4} [REDACTED] memo that basically—they were using, you know, and submitted as their Abu Ghraib recommendation as to what should be adopted. So this whole thing about this policy left a lot to be desired.

[U] Q. Sir, who on the CJF-7 staff do you believe had responsibility to make sure the policy was staffed and disseminated properly?

[U] A. Well, I believe that the burden of the interrogation policies should be the C-2 staff's responsibility. I believe that the Staff Judge Advocate needs to be heavily involved with that to make sure that it complies with all laws and regulations. But I believe the interrogation policies should be the responsibility of the C-2 staff.

[U] Q. And apparently, it was not based on what we've talked about?

[U] A. Correct from my investigation I agree with that statement. It wasn't looked upon as being a C-2 issue.

[U] Q. All right, Sir. Do you think General Fast should have reviewed the policy and take a more active more in its staffing and dissemination and development?

[U] A. Given the benefit of hindsight, yes.

[U] Q. Right.

[U] A. But at that point in time, was not an issue that was even on her radar screen. She had just come into country, in the month before. It was in August I believe she came into the country. She had been doing that assessment for the Secretary of Defense on the whole lay down of the intelligence picture there in Iraq. Doing all the requirements of setting up the new fusion center, which didn't exist before she got there. She was grappling with very, very—and I remember because I was at the Intelligence and Security Command at that time. She was grappling with huge numbers of issues. Very complex issues. Trying to put together an infrastructure that did not exist. This was just one issue that was not even raised to her attention as an issue at that point in time.

[U] Q. Right. All right, Sir. Sir, you said that the policies were very confusing. In what way should they have been clarified in your view?

[U] A. Well, first of all, I don't believe that we should have policies that are different from what we teach and what are in the FMs.

[U] Q. Okay.

[U] A. So there should be a total consistency between what is taught at Huachuca and at the other Intelligence Schools, and what we do in the field. In any combatant command. And the only authorities that should exist within the combatant command for interrogation procedures are whatever is taught in the schools. And so there shouldn't even be a need for a policy. The policy should say, comply with all laws, regulations, Geneva Convention, and use the techniques you learned in the schools. As part of that that I found and that should be as simple as that.

[U] Q. And the total —

[U] A. Total consistency.

[U] Q. —policy letters contained techniques that were not in the FM. Do you believe that that contributed to the confusion or even indirectly to some of the non-violent abuses?

[U] A. Yes, and some of the violent abuses, because you would—although there wasn't the hitting, the kicking, and the physical abuses, some of the things that existed like the things we talked about with the stripping. I think I would personally consider that violent in that it violates the person.

[U] Q. Okay, Sir. So then, just to restate, the policy should have stuck with doctrine and should not have gone beyond that because it's not taught at Fort Huachuca. So there's—

[U] A. Yes. We should you know put ourselves in the shoes of the Spec Four or the Sergeant E5 that was asked to do these things. What is sleep deprivation? How do you actually do that? What is dietary control? How do you actually do that? We're passing all those judgments to the lowest ranking individuals in the chain and putting huge burdens on them as to when do they go too far?

[U] Q. Right.

[U] A. And when don't they? Isolate this detainee. Well what does that mean? They were doing it as they thought they should be doing it. The fact that it was a violation of the Geneva Convention and abusive really didn't occur to them.

[U] Q. Sir, should, in your view, General Sanchez have recognized this at the time he signed the policies and put them into effect?

[U] A. I don't believe that you know when we have a Three Star General who is fighting insurgency and he's got it with an inadequate level of staff that we could really expect him to think through that level. I think that's not a failure on General Sanchez—that's not a failure of command. That's a failure of 'the system' to think through and be prepared for these types of realities. Army doctrine is not the responsibility of the Commander on the ground.

[U] Q. Right. Okay, Sir. So, in your view was General Sanchez either negligent or culpably inefficient in the way the CJTF-7 policies were developed? In other words, did he get sufficient legal reviews; was it properly staffed?

[U] A. He got legal reviews. I don't think the legal reviews were sufficient, but he got legal reviews. He was relying on his Staff Judge Advocate. And not only did he get legal reviews, remember this was approved by CENTCOM. So, CENTCOM got legal reviews and it still didn't work.

[U] Q. Right.

[U] A. So you know it's not—it's not just Sanchez here. I mean where is CENTCOM in all of this? Why aren't they clearing up these confusions? They have another whole group of lawyers, and other staff officers. Of course I did the report for CENTCOM but if we want to use that logic, that reasoning to hold General Sanchez accountable then General Abizaid is just as accountable as is others. DoD would therefore be as accountable.

[U] Q. All right, Sir.

[U] A. Under that logic.

[U] Q. Right. So would you say anyone on the CJTF-7 staff was negligent or inefficient in this regard concerning the way the policies were developed and ultimately approved?

[U] A. I believe that the Staff Judge Advocate Office should have been more careful in their development of this. I can't be totally—critical of them because they were under the same strain that everybody was. They were understaffed; under resourced; they were using young—all they had was young inexperienced attorneys and in this particular instance some of this work was done by not even an American attorney but an Australian attorney. Now, I'm not casting dispersions on Australia, but it's a different country.

[U] Q. Right.

[U] A. They don't comply with our regulations, Army regulations or laws. So I believe it's an issue that goes broader than just the SJA Staff. But I have quite a bit of experience dealing with legal issues and lawyers and my expectation is that the SJA staff probably could have done a more thorough job even given the circumstances, than what was done in this instance.

[U] Q. So, in your view was there anything that General Sanchez could have done differently, given the circumstances concerning the policy?

[U] A. Well, I believe that given the previous instances that had become the issues that he probably at an early stage should have been more alert. Focusing on those issues.

[U] Q. All right, Sir, and those issues that were cited in the report includes the instances at Camp Cropper, the ICRC visits, some of the CID cases that had already come to light?

[U] A. Yes. The Bucca, the Camp Bucca—

[U] Q. Camp Bucca, right.

[U] A. —issues. Yes, and I think all of those taken together should have focused in sooner than he did.

[U] Q. Was his failure to recognize this in your view, negligent on his part?

[U] A. No, I don't consider it negligent. I consider it an issue that he perhaps could have recognized sooner. It's very difficult for me to say. That didn't comply with the standard of care that any other Three Star would have given this under the same facts and circumstances that he found himself.

[U] Q. Yes, Sir. Okay. And finally, Sir, for my last question on the policies, were the policies themselves in anyway improper, in that the techniques violated an Army standard or law? And we've already talked about how some of the techniques were outside of doctrine.

[U] A. No, the policies themselves, were not outside of law or regulation as you specifically read them.

[U] Q. Okay, did any of the techniques violate the Geneva Convention in your view to include those techniques that required General Sanchez's approval?

[U] A. Yes, I believe that the—and this is one of the ones that weren't thought through. Remembering in all of the documents that were produced they all said that these have to be complied, it doesn't relieve you of compliance with the Geneva Convention.

[U] Q. Right.

[U] A. But that transferred the decisions as to when it did and when it didn't down to the Soldier. When I thought you know in some instances that the Staff Judge Advocate could have thought those issues more thoroughly. As an example, use of dogs. They should have been specifically and absolutely prohibited. The fact that there was a question about whether or not they could or couldn't be used should have been taken out of those documents entirely. They should have — specifically- dogs are authorized in the interrogation booth. Because if you use dogs in the interrogation booth, what good would they have done unless they were used in order to physically intimidate somebody? And a physical intimidation is a violation of the Geneva Convention. And if you're not going to physically intimidate somebody with a dog why use them in the first place? So there even the thought of using them doesn't make any sense to me. So they should have been totally excluded and that's just one example to answer your question.

[U] Q. Okay, Sir. The next finding, Sir, the JIDC was created in a very short time with parts and pieces of various units. It lacked unit integrity and this lack was a fatal flaw. Sir, do you recall who in CJTF-7 was responsible for developing the JIDC? Who was kind of the lead agent on that?

[U] A. Well who actually came up with the original idea—

[U] Q. Idea—

[U] A. —by JIDC, JIDC is actually in doctrine. So, you can actually go to doctrine and find that in a operation such as CJTF-7. That there is a Joint

Interrogation Debriefing Center is mentioned. It should be used for the interrogation debriefing of prisoners and detainees. The problem is that's about all it says. So it doesn't specify as to how should that be manned. How should the manning be determined? Where does the manning come from? So, you create this thing in doctrine known as the JIDC. Yet, you don't staff it. So whose—where do the bodies come from? Where do the Soldiers, Sailors, Marines, and Airmen; where do they come from? Where do the civilians come from? You know out of whole cloth. So there is no doctrine beyond the fact that it just states that the JIDC should exist. And that I believe is, is the initial four.

[U] Q. Okay. And do you recall which officer actually suggested setting it up? Was that part of General Miller's visit when he came over or was it General Fast idea or—

[U] A. I believe it was— yeah, I think it was a general consensus that 'we' needed to set this up so that—, Colonel Pappas was involved with that discussion. Colonel (b)(7)-2, (b)(7)(C)-2 Not General Fast because General Fast wasn't there yet.

[U] Q. Okay.

[U] A. General Sanchez was involved with discussion. They were influenced by the General Miller visit as to what to do. They were actually thinking in this concept before General Miller showed up. But then when General Miller showed up it sort of cemented the case that they needed to stand one of these things up in order to have a place to interrogate all those prisoners because they were overwhelmed by the numbers of detainees versus the numbers of people they had to interrogate those detainees. We just didn't have enough interrogators anywhere.

[U] Q. Yes, Sir.

[U] A. So they figured well let's put them all together in one central place.

[U] Q. And you indicated that the lack of unit integrity was the fatal flaw. What made you characterize this as a fatal flaw?

[U] A. Because we build units for reasons. For very good reasons. Be the Military Intelligence units, whatever kind of unit, builds teamwork and it builds the reliance on the strengths and weaknesses of individuals to build a better team. Non-commissioned Officers have a critical role in any unit and Non-commissioned Officers are relied upon because they know the strengths and weaknesses of their Soldiers. They also are relied upon for the oversight of those Soldiers, so they watch those Soldiers and lead those Soldiers through the day-to-day activities. Officers are generally not involved with the day-to-day activities of the Soldiers. When you are just putting people together, individuals together, from all over the Army as we did with the JIDC,

you lose that familiarity that the unit has. You lose the ability for the NCOs to make the determinations as to who has the ability to do which jobs. Who needs to be watched? Who doesn't need to be watched? How much influence does one Soldier have over another? Who's trained well; who isn't trained well? Who really knows their job; who doesn't know their job? NCOs do all of that. That couldn't happen at Abu Ghraib because nobody knew anybody. People were just sent there to do 'a job', it wasn't a unit. They created their own organization as best they could given the circumstances, but they never trained together. It's common and we hear it all the time in the Army you train as you fight. Well these people never trained together. They didn't know each other.

[] Q. Right.

[U] A. So how do we expect them to fight together?

[U] Q. Given the shortage of personnel and other resources that you cited in your report, Sir, what else could CJTF-7 have done?

[U] A. They should have asked for a unit. Send me a unit. Send a Military Intelligence trained unit. Don't send me parts and pieces. I want a battalion and I want a company whatever the right number is. Two companies. Whatever the requirements. The right requirements are, but send me a unit and let me give the unit the mission to do this.

[U] Q. And whose responsibility, Sir, would it have been to ask for that unit?

[U] A. I believe that the person that should have brought to General Sanchez's attention would have been Colonel Pappas. He's the one that should have identified that as a requirement, and—

[U] Q. Do you have any idea why he didn't or did he and it was just not acted upon?

[U] A. I believe that his solution was that he was going to get enough assets from the Army to perform his mission, so he put out a request for forces, to the Army which the Army responded to by sending him Soldiers from MI units all over the world to fill his void. I don't think that was the right way to do it. I think a more effective method would have been for Colonel Pappas to turn to one of his battalions. Remember he had nine battalions assigned to him.

[U] Q. Yes, Sir.

[U] A. To turn to one of his battalions and said this is now your job. Figure this out. You're the one that has responsibility for this. The battalion already

has its staff elements, its NCOs that know each other. And leave it to that battalion to build the structure that they needed. But you could have had that battalion staff available for the leadership that would have been required.

[U] Q. So, you would place this responsibility for ensuring unit integrity of the JIDC on Colonel Pappas?

[U] A. In this instance.

[U] Q. Yes, Sir.

[U] A. Now broader than that we as a Nation if we need JIDCs then we should state so and staff them. And say where specifically we're supposed to get the bodies for these. We create all these joint organizations and then pay for them out of hide because nobody wants to increase end strength. Well then, we shouldn't create these additional things.

[U] Q. All right, Sir. Okay, Sir, moving on to the next finding, Major General Geoffrey Miller, it says, did not introduce harsh techniques into Abu Ghraib interrogation operations. In the follow-on, JTF GTMO Training Team had a positive impact on the operational management of the JIDC. However, the report also found a disconnect between the strategic orientation of the JTF GTMO Team and Abu Ghraib orientation on tactical operations. Can you comment, Sir, on the difference between the strategic and tactical orientations?

[U] A. Yeah, at GTMO their focus was on the detainees that had been captured in Afghanistan. Their perspective was to develop strategic long term information from those detainees. Their tactical information had long since perished.

[U] Q. Right.

[U] A. It had been a long time since they had any tactical operational intelligence of any value. Generally, operational intelligence value perishes within 72-hours or so. The further you get away from 72-hours, the less valuable information you're going to get from a detainee. That's of operational use. You know we talk about 'actionable intelligence'?

[U] Q. Right.

[U] A. Well, actionable intelligence is perishable. So where is the Army's cache? You know where is the leadership of the insurgency? Where were they living? What's their address? That stuff perishes very quickly. Especially in an insurgency. So, you need to get that stuff very quickly and that should have been the focus and was the focus at Abu Ghraib. Whereas in GTMO it was well, what was the

methodologies used to recruit you? Where did they recruit you? Where did they train you? Much more long-term strategic information.

[U] Q. So, they came in with a different focus then?

[U] A. And their experience was different because they were use to focusing on that long-term stuff.

[U] Q. Right. Yeah.

[U] A. And they came in with that mindset whereas the people at Abu Ghraib were trying to respond to the Division Commanders.

[U] Q. Right.

[U] A. That says where's the next ambush site? Where are they getting all these IEDs from? , you know who's the leadership in this village? Much more tactically oriented as we should be in an insurgency.

[U] Q. Okay, Sir, was this different focus then between the two different groups, how did that contribute, if at all, to the abuse that ultimately occurred? Did it have to do with the different interrogation techniques that may be used depending on your focus? And I'm not trying to put words into your mouth—

[U] A. No. No, It really did not impact the abuses at all. This was just an inefficiency that existed that we addressed in our investigation and in our report. But it had no impact on the abuses. Now the GTMO Team did have an impact on the abuses but not in regards to what we just spoke about.

[U] Q. And can you elaborate on that, Sir? That kind of flows---

[U] A. Yes, there was the GTMO Team that came to assist Abu Ghraib and to learn the Tiger Team method that General Miller successfully used in Guantánamo Bay. And members of that team from GTMO, or one member in particular, actually observed and reported that abuse or those instances. There were two instances of abuse to his supervisor.

[U] Q. And that was Specialist [redacted] reporting to Chief [redacted] [redacted] [redacted]

[U] A. That's correct. And, and for whatever reason Chief [redacted] [redacted] doesn't recall either of those incidents and did not therefore take them any higher and didn't do anything about the abuses that reported to him. And Specialist [redacted] [redacted] we found to be a very credible witness and Chief [redacted] [redacted] agreed that if he says he reported them to me I—he was confident that it was reported to him. He just plain for

whatever reason doesn't remember those instances. But I believe that the fact that the Guantánamo Team was present during interrogations, that were abusive, and that no action was taken—, that that in essence condoned those procedures, because here we have the experts from GTMO. They see this stuff going on and—

[U] Q. Nothing happens.

[U] A. Nothing happens.

[U] Q. All right, Sir. I understand that now. Did Chief [REDACTED] or Specialist [REDACTED] have any responsibility to report their observations of these abuses that we just talked about to General Miller back in GTMO?

[U] A. No, not—

[U] Q. Because they were OPCON as I understand it to the 800th at that point.

[U] A. They were—well not to the 800th. They were OPCOM to the 205th.

[U] Q. To the 205th, yes, Sir. Right.

[U] A. And they had a responsibility, especially [REDACTED] I think. I think [REDACTED] fulfilled his responsibility because he told [REDACTED] who was his supervisor and the supervisor according to [REDACTED] said he'll take care of it. He was going to talk to Colonel Pappas about it. So I think [REDACTED] did fulfill his responsibilities.

[U] Q. Right.

[U] A. The shortcomings were on Chief [REDACTED] performance. But that reporting chain at that point would have been to Colonel Pappas. And that was definitely a shortcoming. But no, he did not have, the responsibility to therefore report it to Miller. Miller wasn't there. He wasn't OPCOM to Miller. Since he doesn't remember it, he couldn't have told Miller about it anyway, but—so.

[U] Q. Right, and you have no evidence that General Geoffrey Miller was ever made aware?

[U] A. I specifically asked Miller that question. And General Miller told me no, [REDACTED] never had any such conversation with him. And [REDACTED] said no I never told Miller because I never told anybody because I don't remember being told.

[U] Q. Okay, Sir. Do you think General Miller bears any responsibility at all for this failure to report abuse?

[U] A. No,

[U] Q. As indicated by [REDACTED]

[U] A. No. No. I mean [REDACTED] is I forget if he's a CW3 or a CW4—

[U] Q. Right.

[U] A. As we're sitting here today I cannot imagine what the heck happened in that incident. He—from what I have observed, what General Miller told me, and what others told me about [REDACTED] upstanding, you know. Subject matter expert—, how he could not have reported something like this and not even remember it is beyond me. I cannot understand it as we sit here today.

[U] Q. Yes, Sir, in one of his statements he indicated that he was sick at some point. But—

[U] A. He was ill at the-- but even being ill I can't understand it.

[U] Q. Right.

[U] A. But yes, both [REDACTED] and he, and he did go on sick call the next day after this occurred, but still, I still can't understand how he couldn't have reported it.

[U] Q. Okay. You already discussed how in your view that the JTF GTMO Team quote unquote "validated" the use of unacceptable interrogation techniques by being present when such techniques were being used and nothing happened. So therefore, the folks at Abu Ghraib believed that they were okay. Is that a correct summation?

[U] A. Yes, that's my supposition.

[U] Q. Yes, Sir.

[U] A. Yes.

[U] Q. Yes, Sir. Okay. And finally, Sir, this is kind of an overarching question. In your opinion as a senior leader, did the actions of any senior leader noted in your investigation constitute a failure to take appropriate action, a dereliction of duty, or potentially criminal misconduct?

[U] A. No.

[U] Q. Okay, Sir, is there anything that, we failed to ask you that you would like to add?

[U] A. No.

[U] Q. Okay, Sir, well in that case if you've got nothing else to add I'll go ahead and do the formal read-out and let you get back to work.

[U] A. Okay. Great.

[U] Q. First before we get into that, Sir, based on the questions that I've asked you, is there someone else that you think we should talk to and why? I've already mentioned that we'll talk to General Jones tomorrow. Are there key folks that you have interviewed that you would recommend that we re-interview based on the results of our questions?

[U] A. And the focus of your investigation again is what? The senior officials?

[U] Q. The senior officials. Yes, Sir.

[U] A. General Jones obviously, I think is a key individual. You know I had a whole team of investigators. You certainly have access to all their names. If there are any fact issues that you think need further clarification on, certainly feel that you could review that list and speak with any of those.

[U] Q. Okay, Sir.

[U] A. But I don't think any of them that would have the degree of knowledge that I had relative to the subjects you talked about.

[U] Q. Yes, Sir.

[U] A. Because they didn't focus on senior leaders. So basically, I was the one that dealt with those issues.

[U] (b)(7)(C)-2 Okay. All right, Sir. Great. We are required to protect the confidentiality of IG inquiries and the rights, privacy, and reputations of all people involved in them. We ask people not to discuss or reveal matters under inquiry. Accordingly, we ask that you not discuss this matter with anyone except your attorney, if you choose to consult one, without permission of the Investigating Officers.

Your testimony is part of an official Inspector General record. Earlier, I advised you that while access is normally restricted to persons who clearly need the information to perform their official duties, your testimony may be released outside official channels. Individual members of the public who do not have an official need to know may request a copy of this record, to include your testimony. If there is such a request, do you consent to the release of your testimony outside official channels?

[U] MG FAY: Yes.

[U] (b)(6)-2 & (b)(7)(C)-2: Sir, do you have any questions?

[U] MG FAY: No, I do not. Thank you.

[U] (b)(6)-2 & (b)(7)(C)-2: All right, Sir, the time is 1415 and the tape-recorded portion of this interview is concluded.

Testimony of **MAJOR GENERAL GEORGE R. FAY**
Was transcribed and certified by (b)(6)-2 & (b)(7)(C)-2
Certified Court Reporter, Department of the Army Inspector
General Agency, Washington, D.C.

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RECYCLED PAPER MADE FROM 20% POST CONSUMER CONTENT

Testimony of **LIEUTENANT GENERAL ANTHONY R. JONES**
Was taken on 14 October, 2004 at Fort Monroe, Virginia,
Between the hours of 1600 and 1745

By **(b)(6)-2 & (b)(7)(C)-2** and Colone **(b)(6)-2 & (b)(7)(C)-2**
Department of the Army Inspector General Agency, Crystal City,
Virginia,

[U] **(b)(6)-2 & (b)(7)(C)-2**: The time is 1600. This tape-recorded interview is being conducted on 14 September, 2004----

[U] COL. **(b)(6)-2 & (b)(7)(C)-2** October.

[U] **(b)(6)-2 & (b)(7)(C)-2** What did I say? September. 14 October, 2004 at Fort Monroe, Virginia.

[U] Persons present are the witness Lieutenant General Jones and the Inquiry Officers Colonel **(b)(6)-2 & (b)(7)(C)-2** and **(b)(6)-2 & (b)(7)(C)-2**

[U] This inquiry is directed by the Inspector General of the Army concerning allegations against senior officials.

[U] An Inspector General is an impartial fact-finder for the Directing Authority. Testimony taken by an IG and reports based upon that testimony may be used for official purposes. Access is normally restricted to persons who clearly need the information to perform their official duties. In some cases, disclosure to other persons may be required by law or regulation or may directed by proper authority.

[U] Upon completion of this interview, I will ask you whether you consent to the release of your testimony if requested by members of the public pursuant to the Freedom of Information Act. Since I will ask you to provide your Social Security Number to help identify you as the person testifying I've previously provided you with an explanation of the Privacy Act.

[U] Do you understand it, Sir?

[U] LTG JONES: I do.

[U] **(b)(6)-2 & (b)(7)(C)-2** You are not suspected of any criminal offense and are not the subject of any unfavorable information. Before we continue I want to remind you of the importance of presenting truthful testimony. It is a violation of Federal Law to knowingly make a false statement under oath.

[U] (b)(6)-2 & (b)(7)(C)-2: Do you have any questions before we begin, Sir?

[U] LTG JONES: No, I don't..

[U] (b)(6)-4 & (b)(7)(C)-4: Sir, please raise your right hand so I may administer the oath.

[U] [Major General Anthony R. Jones was sworn and testified under oath as follows:]

BY (b)(6)-2 & (b)(7)(C)-2

[U] Q. You may lower your hand, Sir. For the record, please your name?

[U] A. Lieutenant General Anthony R. Jones .

[U] Q. Your rank and component?

[U] A. Lieutenant General, united States Army.

[U] Q. Your current position and organization?

[U] A. Deputy Commanding General and Chief of Staff, Headquarters, Training and Doctrine Command.

[U] Q. Your Social Security Number and this is voluntary, Sir.

[U] A. (b)(6)-4 & (b)(7)(C)-4

[U] Q. An address either home or office. Home is fine.

[U] A. (b)(6)-4 & (b)(7)(C)-4

[U] Q. All right and a phone number either home or office.

[U] A. (b)(6)-2 & (b)(7)(C)-2

[U] Q. All right, Sir, thank you. We'll go ahead and get into the questions now. Sir, what I am going to do is go through some of the findings that were published in your report and then ask a few clarifying questions about them. I'll read the finding and then we'll talk about it.

[U] The first finding is: There is sufficient evidence to reasonably believe that the personnel on the CJTF-7 staff, principally in the OSJA and

CJ2X, had knowledge of potential abuses and misconduct in violation of the Geneva Convention at Abu Ghraib. This knowledge was not presented to the CJTF-7 leadership.

[U] Sir, do you recall who specifically in the Office of the Staff Judge Advocate and in the CJ2X had this knowledge of potential abuses? Do you recall them by name?

[] A. First of all in the SJA, Colonel Warren and his people, due to the fact that the investigations and the reports- ICRC that they saw, had sufficient evidence to determine that there were— abuses going on.

[] Q. Uh, huh.

[] A. In Colonel Warren's statement I think he concludes one of the things that he failed to do was to inform the Commander. The C2X people were people who habitually went to Abu Ghraib. I concluded by association and the numerous trips they did to working with the interrogators, that there were abuses on-going. They should have gained knowledge of them and reported accordingly. I didn't get further down into that, but I concluded that after reading the numerous witness statements and the interface that they had with the prison systems.

[] Q. Okay, Sir. Did you have any indication that General Fast as the CJ2 was one of the folks that was aware of these potential abuses?

[] A. No, I didn't. I had indications that when she was aware, then she reported to Sanchez. Again I found that— in her position and what she did, based on the environment she was in, she was so tied up during that period of when she came in the country through January with establishing the intelligence operations and trying to pull the Coalition and the Agencies-interagency-together, that she didn't focus on interior—on the interrogations.

[] Q. Uh, huh.

[] A. I know some people find that hard to believe, but she spent more than 50% of her time supporting CPA.

[] Q. Yes, Sir.

[] A. And, and she did yeoman work in trying to get— the intelligence and the priority of the intelligence requirements out and make it seamless from tactical to strategic. Establish the communications, with little or no resources.

[] Q. Right.

[] A. And, and I think that's somewhat true of most of the staff. I think their focus was not down—I think it was towards the CPA and fighting the counter insurgency.

[] Q. Yes, Sir.

[] A. That's basically, what I found.

[] Q. Sir, you mentioned that when General Fast was apprised of abuses that she reported it immediately. Which circumstances were those?

[] A. One of the first ones I saw was the 4 November case where the—it was also classified as 'Ghost Detainee' where they—the detainee was brought to Abu Ghraib by OGA personnel, early morning hours. Subsequently died there at Abu Ghraib. That was reported to her by Pappas by phone. She reported to Sanchez. Sanchez directed her to contact the Chief of Station and to ensure an investigation is being done, and that's what she did. The CID—and not only the Agency then started an investigation, but also did-- the CID because of their death.

[] Q. Is there any other instances, Sir, that you're aware of?

[] A. There was another case I believe it— at Cropper.

[] Q. Uh, huh.

[] A. I don't know the specific details reported. And in that case, she also reported it and that was passed up to CENTCOM because the Iraqi Survey Group did not come under the CJFT-7. So that was reported back up to CENTCOM to investigate and was subsequently investigated.

[] Q. Okay.

[] A. That's two specific I know of in that timeframe.

[] Q. Yes, Sir. Okay. Okay, you cleared up the question that I had. And specifically the knowledge of potential abuse and misconduct that they had, you mentioned the ICRC report and the allegations that were in that report of the nudity and the women's underwear and that kind of thing. Was there other misconduct that they were aware of that you believed that they had?

[] A. If— when you look at the magnitude of incidents in these reports—have you see the list of CID investigations?

[] Q. Yes, Sir, all of them.

[] A. If you go back and look at that, and the compilation of all those incidents at Bucca, Cropper, Abu Ghraib, point of the spear, the relative magnitude of those would tell a person that probably we've got more than— more than a disciplined Army should have.

[] Q. Uh, huh.

[] A. And that was my basis of saying there were sufficient indications of warning due to the magnitude. The one instance where the—you know there is a Ghost Detainee thing where they finally found the three Saudis in Abu Ghraib. Well that's not normal. And, so it tells you that, it-it begs the question who's paying attention. For that number of abuses and the number of investigations on-going. You know there is also other deaths that happened. And how they were reported. Got to come up through somewhat the JAG channels. And I can't believe that that was accepted as a norm.

[] Q. Uh, huh.

[] A. And so to me I—I know there has to be something that led to the Sanchez memos of October and December about the treatment of civilians with dignity and respect. I know there was a lot of focus on the loss of US Soldiers and who was killing them and who—and what the support base was and so forth. And that's kind of troublesome. Now you also have to put that into context. There was a lot of pressure at the time to find Saddam Hussein. So, the two sons were killed in July up in—up north. But then up to about six weeks before Saddam Hussein was captured plus the advent of Ramadan coming in there which expected increased attacks on US Forces and so forth, kind of focused their attention on that and then immediately after the capture of Saddam Hussein, then there was a lot of work done to take the information they found and actually resulted taking down 50% of his support base. So that's where their focus was at the same time all of this was going on at Abu Ghraib, October-November. So, but having said that, I think that the magnitude and the conditions at Abu Ghraib starting to improve later in the fall. And if that was to be the central location which all prisoners were filtered through, it begs a lot of the questions, are we doing it right.

[] Q. Yes, Sir.

[] A. And that's where was very little leadership there and direction. But I think there's people and I think in those two particular offices of the staff— maybe not at the senior staff level, but the people within those staffs had to see the reports. They may not have had the experience or maybe by the fact like in the SJA you had the UK guy, Australian guy, and they have a different perspective than a US person. But that led me to believe after reading all the statements, that— there was probably information there that they knew. Either accepted it as being the norm or they actually knew that something was gonna happen and they'd discipline the commander.

[] Q. Yes, Sir, was General Sanchez aware of the CID cases and—

[] A. I don't know. I know he was in certain cases. You know of the deaths to ensure that they were being investigated. And then I—and two, I don't know if in case—he was reviewing—a number of cases outstanding and so forth that based on the number of deaths that were in custody.

[] Q. Right.

[] A. Because there were several.

[] Q. Yeah. Yes, Sir, okay. And, Sir, you indicated in the finding that this knowledge was not presented to the CJTF-7 leadership. What evidence caused you to come to that conclusion?

[] A. Mostly Colonel Warren's statement. He said he didn't tell the Commander.

[] Q. Okay, you're in particular referring to Colonel Warren's statement. Okay.

[] A. That and the fact that I interviewed Fast she didn't know about it.

[] Q. Okay, Sir.

[] A. So obviously, people weren't telling her.

[] Q. All right, Sir. The next finding was interrogation technique memos did not adequately set forth the limits on interrogation techniques. Misinterpretation of CJTF-7 policy memos led to some of the abuses at Abu Ghraib but did not contribute to the violent or sexual abuses. Sir, just to clarify, specifically to which abuses do you refer?

[] A. When you take the number of abuses, categorized forty-four, clearly some of those were direct misconduct.

[] Q. Right.

[] A. Knowingly doing things which are criminal. And pure indiscipline. There were others of which, we feel that some of the Soldiers may have thought they were within the legal bounds based on the population of detainees that they could do. And in particular I think when you ask as General Fay did. One question he asked them about nudity. He went through the sequence of logic of, you know, is not this in violation of Geneva Convention. And the response was well I guess it is. And so you know why did you do that? So here—was a misunderstanding based on the proliferation of either by word of mouth or techniques being used and/or the acceptance within the environment created at Abu Ghraib or with the lack of leadership stepping up and saying that is wrong, you cannot do that. That—that was being used by the interrogators and/or others as a common practice.

[] Q. Uh, huh.

[] A. And, I fault leadership as much as I do--leaving the judgment—leaving the interpretation of interrogation techniques to junior Soldiers— to perform that way.

[] (b)(6)-2 & (b)(7)(C)-2 Yes, Sir.

BY COL. (b)(6)-2 & (b)(7)(C)-2

[] Q. Sir, when you used the term "faulting leadership" is there someone particular that comes into mind or do you define that generally to the entire chain of command in this process?

[] A. No, I'm talking Brigade and below.

[] Q. Brigade and below. All right, Sir.

[] A. Here's what happened. In terms of the MPs they had the 320th in Phillabaum. Because they had—they set up in each detention facility a MP Battalion. A MP Battalion is supposed to be able to handle four thousand detainees. And that was the plan going in. They were ready to set up somewhere, I think, somewhere between thirteen or fourteen different detainee centers. So the MPs coming in, they had sufficient resources to manage those. In the end they didn't obviously set up that many detention facilities. But in this particular case, the mission was

assigned to the 320th because they were moved in there to do that. The leadership there broke down because they didn't—obviously with the conditions that were there, they didn't get an improvement, they didn't have—ensure proper oversight. Day and night they didn't check things. That is one thing.

[] And in the intelligence arena, you know Colonel (b)(6)-2, (b)(7)(C)-2 sent Jordan down there to establish the JIDC. Be in charge of interrogation and debriefing. He didn't take charge. He become kind of the Mayor of Abu Ghraib. And become the buddy and friends of the different factions. And then you had multiple units to include the 519th providing interrogators to go down there and assist. Nobody in charge of them. No First Sergeant. No Company Commander. Nobody to fall in on and say okay this is where you're gonna live. This is what you're gonna do. Checking the procedures. So nobody stepped up and took charge. Probably only through the graces of Captain (b)(6)-2, (b)(7)(C)-2 did somebody start to put some organization to it. But even her she was a Staff Officer. Not in charge of anybody. So in the normal chain of things, there was no decision to put—a MI unit chain of command in there to check and oversee what they were doing. If that was the centralized place. And I think that was a bad decision.

[] And it just continued to morph until 19 November when Sanchez with his frustrations with security as a whole put Pappas in charge for force protection and/or running the—the base camps. Probably not his forte but if you look at it in terms of being a Colonel, and having a staff and people to do that, okay. Phillabaum was definitely weak. The NCO leadership never stepped up. In any case either MPs or MI. So we had a—we had a situation there of nobody in charge and it becomes clear as you look at it nobody took charge. Okay? And that led to an environment of—of, a permissive environment which allowed some of the personnel who lacked discipline to become the influences of what was going on inside the compound. And then the people like England and so forth who—who very—I guess—even though she had relationships before they ever got there with Graner and them, they had—they had—those who did not have the moral fortitude to step up and do what's right—went along with the crowd. And no leadership stepped in. Standardized procedures. Standardized ideas—standardized the operation. Made sure there's accountability. Made sure the interrogations were done right. I mean a perfect example is the MPs decided not to escort the prisoners to the interrogations. Well how could that happen? You know? They just decided not to do it because they were short resources. So who's in charge? Nobody.

[] COL. (b)(6)-2 & (b)(7)(C)-2 Okay, Sir. Thanks.

BY (b)(6) & (b)(7)(C)-2

[] Q. Sir, in your view, were any of the techniques that were authorized in these interrogation policy memos a violation of the Geneva Convention?

[] A. I think in and of themselves if—if, they probably could have been worked without violation. But I think the—it depends on how you interpret the Geneva Convention as to—I'm trying to remember the words. Because there's particular safeguards for requesting different—techniques to be used. None of which were requested. Except isolation. I think, but—, what it did was open the door to—to the—perception that additional interrogations could have been used other than what's been doctrinally and what's been in their training. Because I think Sanchez thought that when he put the safeguards on there, he still had—somewhat control of what interrogations would be used. I don't think it was right because obviously if you think through it, you've got the junior Soldiers again exposed to interrogation techniques they've not been trained in. They're not sure how to use them. Concurrently there's no training to talk about—talk them through those things. So we exposed them to another set of TTP so to speak. That's— they only—only knew probably through word of mouth and through their own imagination and interpretation how to use those.

[] Q. Yes, Sir.

[] A. So I think in itself, the interrogation memos were not required.

[] Q. Yes, Sir.

[] A. So when he, Sanchez, was advised in signing—and provide that memo, what I would have done if I was his legal, I would have said you will abide by the— what's in 34-52.

[] Q. Any idea, Sir, why he asked for- inter—these policies to be developed, or why he directed that they be developed?

[] A. I think it's similar to what—the discussions going on in all theaters.

[] Q. Uh, huh.

[] A. Clearly everybody knew that the populations still— were covered by the Geneva Convention. And there should be nothing done to those which is defamatory and/or against their cultural norms, and they

should be treated, you know, with some level due of continued respect. Obviously Miller saw that they probably needed some—some guidance in terms of interrogation techniques, that happened when he came in and advised. The memo came out about a month later after his visit, at least a couple of weeks. You know as we heard this morning that those were being worked beforehand. In the spring timeframe as to what's going on there were a lot of requests for what were the limits of authority in different theaters now that we've declared different populations as non-combatants. And so that brought up a lot of questions of what if you had detainees in those populations— does the Geneva Convention apply or not? And then I don't think that was ever clear. I think in GTMO and Afghanistan they felt the Geneva Convention did not apply.

[] Eh, so— as these people like the 519th came from Afghanistan, as the people came in , or through word of mouth and computers and e-mails and so forth different techniques that work in different places. I think then they felt that maybe we also have— an opportunity to use additional techniques. And I think it was a matter of clarification what can we do and what's the limits of our authority with our populations. And that prompted—then the SJA people to come up, use the 16th April SECDEF Memo as a—as a reference and then apply it to Afghanistan. So they thought they could apply that but say safeguards are here and Geneva Convention still applies. Taking what the SECDEF did as—as kind of commander's intent and interpret it for their theater. And I think that was bad counseling.

[] Q. Yes, Sir.

[] A. I think it was also bad counsel that the SECDEF even signed that. Because those things come out—get out pretty quickly.

[] Q. Yes, Sir.

[] A. We saw in Bagram when we visited Afghanistan in the prison there—

[] Q. Uh, huh.

[] A. In a briefing, they were showing the chain of custody and how things work in the prison, and proper medical checks, and so forth. But they—they referenced off to the side in compliance with SECDEF April memorandum.

[] Q. Uh, huh.

[] A. Now, if you remember, that doesn't have anything to do with Afghanistan.

[] Q. Right.

[] A. That was at GTMO. So now, they also had it. So we ask them why do you have that there, that doesn't even apply to you. Okay? That's how things were moving. The information was moving through out the theaters.

[] Q. Sir---

[] A. And this was just a couple of nights ago, when we were there.

[] Q. Oh, that's great. Sir, it appears that the majority of the effort on the policy letters was in fact a SJA effort on the part of the lawyers at the 205th as well as the lawyers on Colonel Warren's staff. Were the policies staffed with General Fast or anyone in the C2?

[] A. I did not. But I think they were at the lower levels. You know Fast wasn't there at the time those were created and I—and I think it was seen as a SJA responsibility to ensure compliance with the Geneva Convention.

[] Q. Sir, in your view should it have been staffed more thoroughly with the C2?

[] A. Yes.

[] Q. And in particular, do you think General Fast should have a say in it somewhere?

[] A. I think so.

[] Q. And why do you think that?

[] A. Of course, she wasn't there.

[] Q. Right.

[] A. That's the problem. And then— so it was somewhat an incomplete staff action led by the SJA folks to get something out.

[] Q. Uh, huh.

[] A. In the second iteration then obviously after they published the first one, then they— you know sent it to CENTCOM and said this is what we're doing. That's when it caused—wait time out. And it caused them to change and republish, in October the second memo. What was confusing with that as I said earlier the first memo that came applied to different populations: Security detainees, civilians, criminals, and so on and so forth.

[] Q. Right.

[] A. Whereas the second memo came out and addressed—addressing only security detainees which those of military value were a subset.

[] (b)(6)-2 & (b)(7)(C)-2: Sir, do you have any questions?

BY COL (b)(6)-2 & (b)(7)(C)-2

[] Q. Sir, given General Fast as the C2 had some doctrinal responsibilities in development of policy and General Miller the C3, was assigned as the staff proponent for detention operation, do you think they had some obligation to make sure they were involved in that process; or is your assessment that they simply by-passed, or other places and didn't have an opportunity to get involved?

[] A. I think the difference is—the C2 has oversight of intelligence collection policy. The execution given to the 205th Commander. The C3 had— was responsible for detainee ops overall vested with the Provost Marshal. So, when you talk about distribution, the number of camps, so and so forth, that fell in the C3 area obviously. The conditions of the—the physical security, all of those things should have been under the C3 purview. I think when the C2 asked to sit as a member of the staff, PIR, obviously the Priority Intelligence Requirement, they can—he has to make sure that the appropriate— through out the theater collection is synchronized and going on. And interrogation being one piece of that, and then getting that from the tactical to the strategic and fusing that has Fast creating a fusion center that you had and all those other things. I think—the execution of the interrogation whether it be down at battalion at point of spear or in the facilities is hard for the C2 to do. I think if you—if—if the MPs and the MI folks would have followed all normal doctrine what they've been trained to do, policy and doctrine wouldn't have been any—any problems in any case.

[] Q. But in our focus of senior official involvement where they were involved or potentially should have been involved, outside of the SJA that we have a pretty fair understanding of right now, are there other

officials, senior officials, that you think should have properly been involved in the preparation of this policy and were not?

[] A. Yeah, I think so. I—I think that policy should have been looked at not only by the JAGs it should have been C2. Should have been looked at by the Provost Marshal. Somewhat I think CENTCOM. Possibly even coordinated down to the Division level.

BY [b)(6)-2 & (b)(7)(C)-2]

[] Q. And did you have any indications, Sir, that General Fast upon her return looked at the letters, weighed in at all, offered any opinion, any doctrinal guidance?

[] A. No, I didn't. And I think it's because she relied on her subordinates to interface. Obviously [b)(6)-2 & (b)(7)(C)-2] was working pieces of it. I mean I'm not even so sure she knew who Jordan was. Quite frankly. Jordan had told her he had sent—or, [b)(6)-2 & (b)(7)(C)-2] had told me he had sent Jordan down there to be in charge of the JIDC. Or the J-I-D-C— and support that operation. And I think she said okay great. And moved on. It's hard to fathom sitting in hindsight what he did or didn't do something. You have to go back to—you know being staffed at one-third that they should be. Trying to get time to establish just the organization and procedures needed to go on.

[] And the other fault here is the State Department and the other agencies didn't step up and support the CPA. It was left to the military to do. And that really put them in a crunch. So they were you know trying to support and make the—the guidance was make the CPA successful. You know, because Bremer come in after— Lieutenant General Retired—who was before him?

[] COL. [b)(6)-2 & (b)(7)(C)-2] Garner, Sir?

[] A. Garner. Was it?

[] [b)(6)-2 & (b)(7)(C)-2] I think so.

[] A. So when Garner got—things weren't moving, weren't going right so they sent Bremer up there and— they created the CJTF-7. Garner you know he got in there and he said I don't have the people. I don't have telephones. I don't have contact with anybody. I got nobody to work for me. And—there's nothing here. So Bremer then gets appointed and gets sent there and some of the issues was let's make him successful because we're gonna turn this back over. Bremer came in with a direction to, do certain things. And so, now Sanchez will tell you he didn't work for Bremer. And if there was any conflict of what he was trying

to do, of course then he raised it to CENTCOM to Abizaid. And said you need to—this is against what we need to do, and they'd work it out. - Similarly with the inter-agency folks that were there. From G8. One team was pulled together to get things going. So there are a lot of things that had to be established because there were no— Directives, MOUs, how its all gonna work together. So they had to—they had to build from scratch. So, they had to set the foundation. Build an organization which none of them had ever been-a CJTF-7- before. They had fought the tactical fight, now they're focus is at the strategic level. And that blurring in an insurgency between tactical and strategic— was very tough. And, and a lot of them could not see the differences. And some of the things that may appeared to be tactical actually were strategic.

[] And, they were faced with that day in and day out. Several—you know it took the Chief of Staff who would have had an oversight and directed responsibilities we know of in an Army or a Corps or whatever, kind of moved—moved over to support directly and they moved what was the Corps TAC and that element from the C2, C3, over to support the CPA. They split another piece over here with the DCG to fight the war. And then you see—okay, Sanchez and his guys, what does he got? He's also got a primary staff here to try to work all these policy and all these other issues. So they're—they're—because of resourcing and the way they were set up and the missions that they were given, they torn in three different direction. And oh by the way, you know, all the Division guys and Separate Brigades went —morphed from twelve to eighteen separate Brigades. All these people are waiting for guidance, direction, and so forth. So it was really a— a challenge. And so, the primary guys across —across the subordinate staff starting to focusing up here and by default the lower level guys and—had to work all these other things. That's why I say the lower level C2x, which was created by the way, there's just a couple of those folks left, came from the V Corps things that had to built up. The residual SJA guys kind of running the show because the leadership is pretty occupied fighting the war, supporting the CPA, trying to figure out—try to get the Coalition guys to come on to establish a customs capability. You know border protection. Border Police. Training the Iraqi Army. Trying to, partner with the Iraqis that were left to work an intelligence system. Trying to figure out how to morph this so that eventually they can appoint a interim— Prime Minister or whatever to Iraq. And so that's what ate them up. And so what limited time they were able to get out and see what was happening they couldn't see it because, it wasn't there at the time. Okay. Jones is coming down to visit not a problem. So he was up there with them. You know you go back to decisions made Abu Ghraib, which sit right on the seam between two units. So who's in charge of physical security? It's not the 3rd ACR on this side or the 82nd on this side. You know, because it's a seam right there and seams in military doctrine means we have no—we don't own

that piece of dirt. We have what's outside it, but I only come around 50% of my side and fifty—and that's why—initially and then also in that period they put in it a sector which you know Abu Ghraib has a history. That's where Saddam Hussein tortured and killed all the people. No control outside. No engagement with the community through Civil Affairs or other people. Nobody focused outside the wire because I'm inside the wire. This is my piece of dirt. So it was not set up for success in the selection either. Which we also looked at.

[] So those are some of the things when— you know when Casey went in, we saw early on and he started fixing when he went in. When Abizaid went in, he said, you know, it's another thing. You gave the CJTF-7— not only JTF responsibilities but also ASCC, Army Service Component Command and ARFOR responsibilities. And it's one person and he's a Three Star. By the way, he is a brand new Three Star. He didn't complete two years in command as a Division Commander. So, it said in my report he went from commanding about a fifteen thousand person Division to a Coalition of a hundred and eighty thousand people. With all the different countries, to pull that together. It overwhelmed him. Overwhelmed the staff.

BY (b)(6)-2 & (b)(7)(C)-2

[] Q. Sir, you've fairly thoroughly laid out the context in the environment they were operating in. Given that, but at the same time giving folks duties based on their position or their rank or whatever, did General Fast's action or inaction regarding these interrogation policy memos in your view rise to the level of negligence or inefficiency?

[] A. I don't think so.

[] Q. For those reasons that you had—

[] A. No, I think General Fast in what she was able to establish was probably a hero. I think Sanchez was too. They did Herculean kinds of things just to move the—move Iraq along where it got to.

[] Q. Yes, Sir.

[] A. I mean given they had much to do, could have got into it. You know I think it— I think it was a combination where that was staffed or where it wasn't staffed—certainly the intelligence community. The other problem we've got—you know we don't have any officer experience in interrogation. It's all enlisted. All lower enlisted, sergeants, and warrant officers. And that's a thing we found that we have to start

building that expertise. And we created a C2X HUMINT course out at Huachuca that will take anywhere from sergeants all the way up to field grade officers through that course.

[] Q. Uh, huh.

[] A. To expose them to getting some of that stuff back into the Captain's Career Course and those other places. We just, you know, I could be a Major or a Lieutenant Colonel and may not know if those interrogation techniques are good or bad.

[] Q. Right.

[] A. Because I'm not trained in HUMINT.

[] Q. Yes, Sir. Sir, we know that the first interrogation policy memo was reviewed by the Legal Office at CENTCOM and they had some objections to it. Where you aware of what the objections were? Just in general.

[] A. In general they didn't—they didn't think that the—the expanded number of interrogation techniques was— necessary. Two, they had already responded in early June that we're complying with the doctrinal techniques. That's all we're using.

[] Q. Uh, huh.

[] A. And they responded back to the Joint Staff on that.

[] Q. Yes, Sir.

[] A. Saying we're following directly what's in 34-52. That was the response sent by the Deputy CENTCOM Commander. Actually sent out of MacDill surprisingly back to the Joint Staff in response. Because there's a query that went out saying what interrogation techniques are you using, you found useful, and so on and so forth.

[] Q. Right.

[] A. And they came back and said we're just using the doctrinal manual stuff.

[] Q. Yes, Sir.

[] A. So that kind of surprised me.

[] Q. Did CENTCOM conduct a legal review of the second memo, the one that was published in October or do you know?

[] A. I don't know. I don't know. I'm sure it was probably provided to them.

[] Q. Yes, Sir. Sir, was it reasonable that General Sanchez should have realized that some of the techniques in the memos may have been, for a want of a better term, 'problematic'?

[] A. I think when he read it and I talked to him, like for example, the use of dogs. His interpretation of that was muzzled dogs and not in an interrogation but presence for security was okay. So he was interpreting that that dogs were present. Not in an interrogation room but within the facility as security things. That's his interpretation of the use of dogs. Although it wasn't written that way in the first memo.

[] Q. Right.

[] A. In the second memo then I—as you bring that up, you know it's still unclear because it says, if dogs are used in interrogations they must be muzzled. So its an interpretation that in the room—the interrogation room----

[] Q. Right.

[] A. Or in the vicinity—and how he saw that.

[] Q. Yes, Sir.

[] A. And that's—I didn't ask him if he compared them and so forth. He trusted in his legal counsel and asked if it was in compliance with the Geneva Convention and they said, Roger.

[] Q. Yes, Sir.

[] A. And I think he felt the safeguards put in there were sufficient such that— they come back to me anyway if they want to do anything other than on the list there.

[] Q. Yes, Sir. Sir, the report found that the memos did not adequately set forth the limits on interrogation techniques. Can you elaborate on that? How should it have been written differently?

[] A. I think it— we found from our standpoint it didn't set forth the limits because it left an interpretation by the junior Soldiers and put them in a compromising position.

[] Q. Because it included techniques that were not listed in doctrine?

[] A. That's right, plus the safeguards were vague.

[] Q. They weren't—.

[] A. And plus in the second one it only addressed security folks.

[] Q. And what kind of misinterpretation do you think that led to?

[] A. I think it further confused some of the folks who, because of lack of leadership, were left to interpret that and question it, it left some Soldiers to interpret it—interpreting it themselves.

[] Q. Uh, huh.

[] A. And some Sergeants to interpret the intent of the commander. So it—my thoughts there was that— as you look at the three things I looked at, in terms of responsibility when you give someone a mission all right, is it—do you provide clear and concise or succinct or consistent guidance, do you—give them the resources to execute their mission? And or you directly or indirectly responsible for execution of that mission? As I look at— culpability of the person. And the one thing I fault those two memos on. Because if you look at—you know doctrine is one thing. So it's a guideline. So if you want to add emphasis to a given area, you take the doctrine and you build a standard operating procedure. Which everybody clearly establishes the standards or you emphasize—reemphasize points and terms of the policy memo and so forth. What to do and not what to do in accordance with whatever reference you're using.

[] In this case, obviously they've taken the SECDEF's memo and interpreted an intent and then, using that as a source plus other SOPs proliferated and sources falling within the intent, which they thought were the SECDEF's that could be used with safeguards. And then passing that down. So they're taking a—something that was not meant for the theater and interpreting it and pushing it down to junior level Soldiers. And so it didn't provide clear and consistent guidance. Nor do I think Pappas stepped in and did the right thing.

[] COL (b)(6)-2 & (b)(7)(C)-2: I think we have a pretty good understanding. I think my understanding right now is did you believe that he was using the intent of the SECDEF memo in trying to place some controls on that to ensure it was executed properly, but that failed in execution because they may not have been aware of it?

[] A. I think so. And I think that was the counsel. By his legal.

[] COL (b)(6)-2 & (b)(7)(C)-2 Right, Sir.

[] A. And that was then to be passed to the 205th Commander then to execute his interrogation and collection effort. Similar at the same time what was going on originally—you've talked about the C2 role, the thing that Fast did do—was prioritize information requirements. We had in the summer—she got to doing her assessment—and Miller's assessment. You know there were hundreds of intelligence requirements that are focused. And so one of the efforts that the C2 did do, and also Miller recommended that you prioritize your information requirements. What are you looking for, you know, versus everything and everybody. And that was helpful as we started getting into the fall and we started getting focused on what they were looking for from the battalion all the way up to division and then in the detention facilities. With the exception of the ISG and that relationship was—one if we don't work for you, we don't necessarily have to pass you anything. Which is also another issue.

BY (b)(6)-2 & (b)(7)(C)-2

[] Q. Yes, Sir. Sir, going on to the next finding. Lieutenant General Sanchez and Major General Wojdakowski failed to ensure proper staff oversight of detention and interrogation operations. Sir, can you tell us what specifically you feel that they failed to do to provide proper staff overnight? And if you would like you can take them one at a time.

[] A. As I said in there, in hindsight what I would have done because when you lose your Chief of Staff and now—you've got the C1 responsible for people and ensuring they've got backfills, MP shortages and other things. The C2 is setting the intelligence requirement collection priorities. You've got the C3 overall in charge of detention operations with some execution responsibilities with the Provost Marshal. You've got the C4, responsible for the support—logistics and so forth. You've got the DCG establishing priorities not only for the detention facilities but for different base camps and getting the LOGCAP in and

construction and so forth as working with the C4. And so, there's the separate Brigades under the—when Wojdakowski come up.

[] You know they could talk to him but then there's no Chief of Staff running around. So then, they have to go to individual staff sections and talk different issues. Not one person to come to. So in hindsight my perspective was—Sanchez should have made one person in charge of detention and interrogation facilities—operations for the Go To Person directly working for him. Because you had Bucca, you had Abu Ghraib, you had Cropper, you had the MEK facility, you had the holding areas of divisions. You've got a number of these things going on. Different oversight levels. Which the staff responsibilities then were separated and no Chief of Staff to help direct that. And you've got Wojdakowski over here prioritizing. And initially Abu Ghraib was a temporary facility. So he gave it very little priority. And quite frankly in the summer everybody was living in pretty shoddy conditions. But seeing it as a temporary he was not going to invest long term in LOGCAP and other things. Then Sanchez visited and he said I'm not gonna have my Soldiers living like that. Let's get some thing in there to fix it.

[] There were some equipment issues with different MP units coming in, in terms of normally different types of MP units have crew served weapons and so forth and different things. These guys moved about. Some of them had their equipment linking up with them, so they needed more mobility and crew served weapons to set up. So some of those things had to be fixed. And so—but it—it did not fall upon somebody, one person, to oversee those things and get things moving. It fell upon different—from my opinion different elements of the staff to do different things, so it did not become, without the Chief of Staff, a synchronized effort, to fix things. A lot of it was defaulted to subordinate commanders, Karpinski and Pappas, because they were Commanders; and Karpinski had the detention operation. Pappas had the interrogation/intelligence collection mission through out the theater. So, they by default, that become decentralized. Okay? And as they got visibility obviously the hindsight says I probably would have done it different and with the one person of compatible rank based on the magnitude of the effort I think I said, the direct—the Pappas's and the Karpinski's and so forth of the world to get things right. And it—otherwise it just got sporadic attention because of their focus other ways.

[] So I found that looking back once they made a decision to make a strategic collection point of that magnitude, they should have put one person as the Go to Person in charge.

[] Q. Uh, huh.

[] A. We kind of got at that for Abu Ghraib when he appointed Pappas for the—actually appointed him for Force Protection kind of reasons and the MPs still had the inside the wire security of the prisoners. The Intelligence guys still had the interrogation piece but he was looking then at the base camp security.

[] Q. Uh, huh.

[] A. Probably the genesis of that issue was putting it on the seam of two units.

[] Q. How about General Wojdakowski, Sir, and which staff did he fail to provide proper oversight for and what should he have done?

[] A. See, I think he was partisan to that because without the Chief of Staff the DCG has gotta do some things. Again in hindsight what I would have done, you had two new Brigade Commanders. They both swapped out the end of June, the first part of July. He made some—first of all he never really accepted the command relationship of the 800th, that TACON, TACON relationship. But in fact, it did not matter as much is because those people worked for him. They're separate Brigades although it went from twelve to eighteen. That formed a subset of separate Brigades worked for the DCG. So, what he had was two new commanders who were not experienced in the theater. Of which, he could not have known their level of experience. One came out of the War College and one came out of the RC ranks. They probably demanded more oversight and direction.

[] Q. Uh, huh.

[] A. Than they were given. Now on his behalf he was again trying to get the LOGCAP set up. All the logistics, which fell so far behind the rapid advance to Baghdad, the immature lines of communications and securing those lines of communications and establishing the contracts to get the supplies moved forward. Our equipment having just gone through the war needed a lot of attention, getting the parts in. So he was, you know he—he let those Commanders execute their mission in a decentralized way. Whereas I think in retrospect, he probably should have brought those two and gave them guidance that is more specific because he was in their direct chain of command.

[] So when I look at those perimeters of responsibility for execution of the mission direct or indirect, the clear and consistent guidance and resourcing to do their mission, I found that in retrospect those two units needed more attention.

[] Q. Yes, Sir.

[] A. And you had other MP Brigades and other people— because I don't think that the two commanders as they showed up at the same spot at the same time neither had the experience or leadership to execute the mission.

[] Q. And should General Wojdakowski have recognized that given the circumstances?

[] A. I think he should have.

[] Q. And—

[] A. I mean if you think about it, he had just fought the war, gone through the prep, the training, now I've got two new Commanders. Didn't go through go the fight with me. I've got a lot of things on my table. But—they were probably—one probably didn't accept any guidance or leadership. The other was probably hungry for it.

[] Q. Uh, huh.

[] A. And how he recognized that, I'd have to put myself in his head to try to figure it out, but it appeared to me that those were issues.

[] Q. Yes, Sir.

[] A. He had two new Commanders in theater.

[] Q. And the one that didn't want guidance was General Karpinski and the one that was hungry was Colonel Pappas.

[] A. Karpinski— from my experience and opinion is one who wanted the position of command but did not want to go accept the responsibilities that go with it.

[] Q. Uh, huh.

[] A. And you'll see very many times in her statements and I don't know if you've read those or not.

[] Q. I have, Sir.

[] A. You find her sometimes back in Kuwait. She left some of her staff back there. She had to be told to move her staff into Iraq.

Different times she had to be told to go check on like the MEF facility up at—you know you had those Iranian freedom fighters and so forth. And that gives you—and then Sanchez had a confrontation with her about stepping up and taking charge. You're in charge. You've got this mission. How can you let the Soldiers be like this? And so there were indications there that she was weak.

[] Q. Okay.

[] A. And it was obvious that Phillabaum was weak and she didn't do anything about that. But she—you know she sent him back for two week R&R in October. Brought a Colonel—

[] Q. (b)(6)-2, (b)(7)(C)-2

[] A. (b)(6)-2, (b)(7)(C)-2 n from Cropper who's obviously fat, dumb, and happy up there because he's got a mixture of detainees at the MP Battalion. So it's pretty easy for him. He comes in and just sets up shop for a couple of week and then brings Phillabaum back.

[] Q. Uh, huh.

[] A. Probably not the right thing to do.

[] Q. Sir—oh, go ahead.

[] A. In Pappas' case, his experience led to the lack of making a decision to making somebody in charge at Abu Ghraib. You know he had other Battalion Commanders and so he could have moved in there and set up a clear chain of command to execute that mission.

[] Q. Uh, huh.

[] A. Especially as it grew to the number of people there. Overwhelming the intelligence.

[] Q. Sir, was General Wojdakowski's failure to recognize this need for perhaps additional oversight, in your view, did that rise to the level of negligence or culpable inefficiency?

[] A. I think it was a shortcoming on his part. I don't think it was negligence.

[] Q. Uh, huh.

[] A. Primarily because of the magnitude that he was faced with. Overall faced with.

[] Q. Okay.

[] A. Your span of control if you had 12 Brigades or 18 Brigades that you had just moved up to, plus he was now running another set of the staff to fight the war. So, again it became another issue with him of the responsibility and no time to do it.

[] Q. Yes, Sir, did you run across any evidence that a request was ever sent up for another Flag Officer to come in and serve as the Chief of Staff?

[] A. Okay, well another Flag Officer came in. Oh, you mean—for the JMD you had a Two Star Marine Chief of Staff.

[] Q. Uh, huh.

[] A. That was—he came in, in August.

[] Q. Okay.

[] A. But he went over to the CPA then to run that operation.

[] Q. Right.

[] A. So he didn't run the CJTF-7 staff per se.

[] Q. Who did run the staff, Sir?

[] A. As the Chief of Staff?

[] Q. Yes, Sir.

[] A. I don't think anybody did.

[] Q. Okay.

[] A. I think, (b)(6)-(2) & (b)(7)(C)-2 who was the Chief of Staff for V Corps morphed over to support Wojdakowski, in the fighting of the war. And then he left. He would have been kind of the Deputy Chief of Staff for the Marine Two Star coming in.

[] Q. Uh, huh.

[] A. When he moved to the JMD the Marine was - actually the Chief of Staff over an Army staff. Each staff entity as it morphed to a General Officer would pretty much execute the duties. I think that's the way it fell out.

[] Q. Yes, Sir.

[] A. I think the closest thing you had to it was probably Miller as the OPS guy.

[] Q. Okay. All right. Sir, the next finding---

[] A. And that's the indications I have after looking into the thing.

[] Q. Yes, Sir. Leaders failed to take steps to effectively manage pressure placed upon JIDC personnel. Now this was a finding in the Fay Report but I was wondering if you could comment on which leaders specifically failed to take these steps to manage the pressure?

[] A. I think Fay saw that down at Pappas' level and below. The pressure was in my opinion, and as General Kern and I look at it, was not abnormal. But as it morphed down to the lower levels, the interpretation of what the commander's intent was of what is it you need to do in establishing a battle rhythm and the standardized procedures was not there. So it had become as you went from CJTF-7 staff to the 205th Brigade staff down to a multitude of interpreters they were getting a magnitude of I need to know this, this, this and this, and nobody is stepping up for them in saying—and Jordan certainly didn't. Stepping up and say this is what—these are our priorities. You find that in any professional line of command but when you got to Abu Ghraib there was nobody there.

[] Q. Okay, Sir.

[] A. And that's where the pressure point manifests itself the most.

[] Q. Is the emphasis that General Sanchez placed on the intelligence community, did you feel that was appropriate given the circumstances?

[] A. I did.

[] Q. Okay.

[] A. And it—because it goes back to — his mission was to build and support operations. He's in a war. Gone now from managing a division to a coalition of a hundred and eighty thousand. Trying to find out who are these people? What is their support base? Who are their leaders? You know where are they going to come at me next? What's their tactics and so forth and as those changed daily he was getting Soldiers killed. He put a lot of emphasis on intelligence. And rightfully so because in an insurgency intelligence becomes probably more important than operations. And, you know that's why I say Fast stepped up after assessments and said well we have our hands full. We've got have these things here and she requested back to CENTCOM to get communications since they didn't have—to get, fusion capability to appease the intelligence effort. To establish a joint interagency task force to start to pull that together and get the equipment so they could reach back to the—what do you call it? The Intelligence Exploitation Center when they had something said what are you getting back there and send me—who is this guy? What you see is happening from all the sources as they tried to fuse the intelligence. So there were a lot of other things going at the same time. Where are the weapons of mass destruction? Where is Saddam Hussein? Where are his top 54 guys or whatever, the leadership? And that was a lot of pressure but they were things that had to be done. The initial going in there view as we had it was, —the question, were there external pressures from the Pentagon, the White House, and others place upon them which permeated down to Abu Ghraib? Was not the case, and I think Abizaid was a good buffer in there too.

[] But there was nothing coming in the unit. It was all the people in CFIC and CENTCOM left after the fight. There was no real good continuity of intelligence there either, so they having to establish from the ground up almost as it became CJTF-7.

[] Q. Uh, huh.

[] A. They looked at very—a war plan in Phase III and executed it accordingly and they were looking at Republican Guard Divisions; they were looking at the leadership; the regime, a lot of things. It all kind of faded into the sunset. Into the cities and so forth. So now they had to reestablish— what they were looking for, who they were looking for, what were their sources of intelligence? And especially after you inactivated the Ba'ath Party. You know you didn't have any structure there to go to. So now you had millions of people wandering around out there and they had to try to pull it together and focus the effort. And that's what they had to do. And that was pressure of which Sanchez told the staff and Fast you've gotta get me some information. And it also went down to the divisions and the brigade get me the information, what are you seeing out

there? Because he couldn't make any decisions. So, intelligence became a priority and certainly that is normal for an insurgency.

[] Q. Sir, when we spoke to General Fay—and that particular finding came out of the Fay Report. His view was the leaders that he referred to were at the 205th. He was talking Colonel Pappas on down. And do you agree with that assessment?

[] A. I would. And I would—not only them but the lack of leadership down there—caused that to be probably more so than it was.

[] Q. Yes, Sir. All right.

[] A. That's why I say you know you put a battalion commander in there, that responsibility, then you've got somebody with a level of experience and the NCOs and a supporting staff that will take that pressure off those kids that are doing interrogations.

[] Q. Yes, Sir.

[] A. Otherwise there is a void there. So it's like dropping through—straight through.

[] Q. Yes, Sir. Sir, is it your understanding that we are running out of time? Did you have—or do you have a few more minutes?

[] A. Yeah, I've got a couple more minutes.

[] Q. Okay, Sir.

[] A. I don't know what time you had.

[] (b)(6)-2 & (b)(7)(C)-2 I thought we had an hour and a half, but—

[] COL. (b)(6)-2 & (b)(7)(C)-2 Till five o'clock.

[] LTG JONES: I thought you went to 5:30.

BY (b)(6)-2 & (b)(7)(C)-2

[] Q. Okay. Good. Sir, the next question. There was neither a defined procedure nor a specific responsibility within the CJTF-7 for dealing with ICRC visits—ICRC recommendations were ignored by MI, MP, and CJTF-7 personnel. And that was a finding in General Fay's report. And, we have a understanding that the MI, MP, and CJTF-7 personnel would have included—well certainly for MP General Karpinski

because she provided a response. CJTF personnel would have included the folks in the SJA Office. Which MI personnel do you think he was referring to? I mean was there any indication—any indication that you recall?

[] A. What as the finding again?

[] Q. There was neither a defined procedure nor specific responsibility within the CJTF-7 for dealing with ICRC visits. ICRC recommendations were ignored by MI, MP, and CJTF-7 personnel. And we're just trying to pin down who those people that ignored----

[] A. Well certainly Jordan ignored it. As you heard earlier.

[] Q. Uh, huh. Okay.

[] A. The problem with—and you heard this a while ago. The problem with the procedures with dealing with ICRC which Abazaïd also said in his testimony in May, the system is screwed up. We have no system for dealing with the ICRC in this environment as we went into it.

[] Q. Uh, huh.

[] A. So there was—I understand what was said as far as—a lawyer escorts the ICRC people. But our doctrine heretofore doesn't deal with a strategic detention facility.

[] Q. Right.

[] A. We talk about in the linear doctrine, the holding areas as you know, battalion, brigade, division and evacuation back. And so when we created a centralized detention facility, in Guantánamo and now in—Abu Ghraib we did not—address access by ICRC. We know it happens and so forth. But there is no given staff responsibility to interface with them. If you—up in Baghdad if you talk to the people, the International Red Cross person, the relationship with the CJTF-7 staff was all good and worked with them and so forth. But when you got to the lower people running around the country they work and—down to give that to the brigade level. Sometimes it didn't come up. That was later fixed. At the time as you established a facility, they didn't give specific responsibility to interface at the lower levels. Okay? And it was probably not handled well.

[] Q. Uh, huh.

[] A. And some of that is the culture of—even in the international community, we saw it in the Balkans, I appreciate what you're telling me but this is what my rules say and so forth.

[] Q. Uh, huh.

[] A. Or whatever and then the access piece is not always clear. So we probably as a Nation need to address that better and I think that's already being worked with the Secretary of Defense establishment, the Assistant Secretary for— what is it? Policy and so forth of which now deals directly with the International Red Cross and going towards setting how we as a Nation would deal with the International Red Cross.

[] Q. Yes, Sir.

[] A. But that led us to also say though, that—as you get—if you use that as another indication of warning that should trigger something with somebody on the staff. Gets out and takes a look and advises the Commander. Because where there is some smoke there may be some flames there and we didn't see the Inspector General doing anything. Going out there and checking on that. It was left to the legal review. And the comments back down, they went down and said what do you guys say, ah, it's not true. You know? Well, okay. But some of it probably was.

[] Q. Do you recall who the IG was then, Sir?

[] A. No, I don't.

[] Q. That's fine. Did you have any indication that General Fast or General Wojdakowski were aware of the ICRC reports?

[] A. Fast first saw it in December of 2003 or got— became knowledgeable of it about the same time Sanchez did.

[] Q. Okay.

[] A. I don't know if Wojdakowski did.

[] Q. Okay. But you-----

[] A. But I think it was passed back down to Karpinski to sign and respond to.

[] Q. So General Sanchez was made aware of the ICRC reports. Was that before or after the pictures came forth?

[] A. It was right before.

[] Q. And what was his reaction?

[] A. He didn't have a big reaction because you'll remember that Warren had advised him it wasn't true. It was not substantiated. Based on what his guys had told him, this couldn't be true. So based on that advice, and at the same time they had just captured Saddam Hussein so they were spinning in a different direction. So he said okay I got it.

[] Q. Okay, Sir. Was his failure to take action, did that rise to the level of negligence or culpable inefficiency?

[] A. I don't think so because so because that was—he had trust and confidence in those guys who advised him and they said it couldn't be true. Or it was not significant in terms of what they— was claimed. And so he moved on to other things.

[] Q. Yes, Sir. Okay. All right, the report talked at length about the operational environment contributing to the problem, between the V Corps transition to CJTF-7 without being fully resourced; the support to the CPA exceeded the going-in operational plans. And of course the operational plans themselves envisioned a SASO, support and permissive environment. Given that, how does this relate to the actions that were taken by senior leaders in the theater at this time? It kind goes back to this negligence and culpable inefficiency standard that I keep harping on.

[] A. Yeah.

[] Q. But in particular how does that relate to the actions of General Sanchez and General Wojdakowski and General Fast?

[] A. They were still operating off the base plan.

[] Q. Uh, huh.

[] A. The base plan obviously was given to them by CENTCOM as a subordinate element. So—I think the—not as much with Sanchez and his team trying to execute the mission given to them—when the CENTCOM Staff and CFLCCC went away, there was no reevaluation of the campaign plan. Or the assumptions went into it. I think that's fault more of CENTCOM than it is Sanchez. Now he—what they did, was they used FRAGOs to adjust and so they did take—obviously, this is not a true change made, they rewrote—mission orders using—still using the

sequence of fragmentation orders, which was kind of normal because they still had the CJTF-7 staff there. So—and quite frankly they didn't have time or the resources to sit down and rewrite the campaign plan. So they did the best they could with what they had to work with.

[] Q. Uh, huh.

[] A. Subsequent to that now that you've got a Four Star in there and separated—the kind of Title 10 ASCC responsibilities from the warfighting responsibilities, because you've got MEFs now executing the war fight in the subordinate units and direct oversight and now you've taken the burden of doing that away from them and giving that to Casey and working with the Coalition in doing that. So that was probably the right thing to do. So that changed. Abizaid recognized quite quickly you know. He stopped—last summer he stopped losing people because now you gotta redeploy all these people. We've got a fight on our hands. So it was recognized and he started taking some action. He said I need a Four Star in there. I need two Headquarters. I need somebody in charge of detention and interrogation operations and so fixes then become pretty clear. He saw some of the same things we saw as we started looking at it. And he implemented them. So that's good. And I think you see the results today and the progress than they were from Abu Ghraib to—the division of responsibilities. And the level of responsibilities again a Four Star with experience.

[] (b)(6)-2 & (b)(7)(C)-2 Sir, did you want to ask any overarching questions before we—we're sort running out of time.

[] COL. (b)(6)-2 & (b)(7)(C)-2 I have a few , Sir.

BY COL. (b)(6)-2 & (b)(7)(C)-2

[] Q. Could you give us a sense of CFLCC's involvement down in Kuwait? I mean we have—we have Karpinski's brigade which is TACON to CJTF-7 but owned by the—I believe the 377th TSC in Kuwait at that time under ARCENT General Taguba and General McKiernan. I understand the—the confusion, or not the confusion, but the support difficulties, the TACON relationship established. That's pretty clear in the report. Are there any specific responsibilities that the Commander of the 377th had as General Karpinski's direct boss or CFLCC that contributed to some of these failures?

[] A. Yeah. If you read the order, and I don't know if you have or not. The relationship—well when you established CJTF-7, CFLCC disbanded. So CFLCC the Combined Forces Land Component Commander went away. Okay? But CJTF-7 becomes the supported

Commander in the Iraqi Theater of Operations. That also was true for ISG which I didn't recognize. There was the Theater Support Command and the relationship as the plan was, the detention facilities were never planned to be the magnitude they were and so they retained that TACON responsibility—because eventually there would be a term employment to hand back over to the Iraqis. And so okay I'm done with that. Envisioned to be no more than about six hundred people—detainees—after the end of hostilities. And that Brigadier General Hill also said that in the May timeframe. Other than the MEK guys up to about three thousand in one compound. And so it was never envisioned to that magnitude. So what they wanted to do was retain—the 800th intact so that when it went theater they wouldn't take their assets and move them here to Kuwait, which they could if they're being intrusive if they're TACON. So they kind of re-held that TACON relationship based on the previous plan. And for a lot of the other forces, the SOF forces the TACON relationship, keep the Commander informed, execute your mission, worked out okay. But with this Commander who reluctantly moved her staff up there, still saw—envisioned that—responsibility for the detention facilities but still working for the 377th, so she used that kind of both ways. In turn she says, CJTF-7 you gotta support me. I need this, this, and this and so forth. But in reality her support base by a TACON relationship is the 377th. Because the logistics support of units that are TACON still rely upon the parent unit. That didn't happen. And then the 377th changed out commanders and so forth. They didn't see any role in supporting the 800th. They—that's a CJ—that's in theater. So that's where the confusion and it really convoluted relationships that came into being.

[] And I asked Sanchez about that. I said, you know you had so much problems here, why didn't you go back up for change in relationships? He said, well I didn't see it to be a need because I've a General Officer, they've got a mission to do. I expect her to do it. And—I didn't have any other problems with other people who were TACON to me. But in this case Karpinski played both sides against the middle. You know, ran around the country. Whatever she wanted to do. Because I think that's why she kept going back to Kuwait, to keep that relationship going. And then it really manifests itself at the end with who does my efficiency report.

[] Q. Would it be fair to characterize General Sanchez's perception of this problem with General Karpinski then as a leadership problem with his Commander versus a Command relationship with the TACON versus OPCON?

[] A. I think so. Accepting ownership of the mission and doing the things she has to do to execute that mission. I don't think she ever accepted ownership.

[] Q. One of the reports we read basically stated that there were failures on the part of CFLCC—in planning for insurgency. From the information you've given us today they were clearly out of that picture in about the June 2003 timeframe.

[] A. They diverted back to Doha for the responsibility for Kuwait and Saudi Arabia and/or of the RSO.

[] Q. So in that instance they had no planning responsibility for anything going on in Iraq post about the June 2003 timeframe?

[] A. It was something like 14 June I think. You gotta remember the relationships between those two staffs soured a little bit. Because V Corps guys, seemed they were left holding the bag. No resources. No—now—now I'm the CJTF-7 and nobody is giving me the resources. In the meantime some of those guys who were at Doha left. You know? If you look about the CFLCC staff they were pretty well equipped. You had J.D. Thurman there. You had a lot of good horses to help McKiernan be the CFLCC Commander over Wallace and/or the MEF, the Marine guys. And so they were staffed accordingly to do that. When they diverted and went back to Doha a lot of those people left. At the same time the guys in Qatar said our mission is kind of done now. We're into a stability and support operation. We're out of here. All those Air Force guys and other people. So—the appearance was the only people you had left was Abizaid and McKiernan and Sanchez and his staff. Everybody else could come new.

[] COL. (b)(6)-2 & (b)(7)(C)-2 do you have any other questions?

[] (b)(6)-2 & (b)(7)(C)-2 Just one last quick question, Sir, and it has to do with Major General Geoffrey Miller's visit.

BY (b)(6)-2 & (b)(7)(C)-2

[] Q. In the September timeframe.

[] A. Yes.

[] Q. When he came over and the finding in the report was that his visit, his team, did not introduce any harsh techniques into the theater.

[] A. Uh, huh.

[] Q. But that some of his team members—inadvertently validated some techniques that may be in violation of the Geneva Convention. Specifically use of nudity, and the presence of dogs. Did you see any failure on Major General Geoff Miller's part to ensure that that inadvertent validation of interrogation techniques, that that not happen? Did he have any role?

[] A. No. In fact I think it was done only—it wasn't—and I think Fay's report found somebody from the GTMO team was not reporting.

[] Q. Right.

[] A. And I don't know if it was during Miller's visit or right after that, they also sent some—a team from GTMO over to assist in training and doing things and that's when that subsequent members by some members that he sent over a team to assist and that's when that particular person saw the nudity and so forth and didn't do anything about it. And by not doing anything about it, he condoned it.

[] Q. Yes, Sir.

[] A. That's Fay's position.

[] Q. In fact that team as I understand it was OPCON to the 205th before the duration of their time?

[] A. For some--yeah, for when they were there. I don't know--remember how they were there. That's when--what happened was about October or so, that was a result of, the end of September-October the population increasing. Fast actually went back--and staffed through CENTCOM saying we need more interrogators. And that's where you got the guys out of California, INSCOM provided teams; provided a few teams out of GTMO, came in there about October timeframe. Different groups to help beef up the interrogation. Different periods of time they were there at some point.

[] Q. Okay.

[] A. And that's when the Interrogators were about fourteen or sixteen and they grew to about forty or so. Still way less than we needed. And up at Cropper you got you know a bunch of them, of which (b)(2)-3 & (b)(5)-1 would not release to support.

[] Q. Right. That was the ISG folks?

[] A. Yes.

[] (b)(6)-2 & (b)(7)(C)-2 Yes, Sir.

[] COL. (b)(6)-2 & (b)(7)(C)-2 Sir, as we conclude the interview, I'd like to ask you one final question and kind of round things up. Again I appreciate your time today. You've been extremely forthcoming and very helpful to our efforts and to the Army.

[] LTG JONES: No problem.

[] COL. (b)(6)-2 & (b)(7)(C)-2 Thank you for that.

[] LTC JONES: Trying to remember it all but more I tried to forget.

[] COL. (b)(6)-2 & (b)(7)(C)-2 Sir, you described a complex, violent and horrid environment where CJTF-7 Soldiers, units, and leaders prosecuted a counter-insurgency operation and performed above all expectations. As part of that your investigation laid out numerous facts and made findings pertaining to activities regarding alleged detainee abuse. Sir, in your opinion as a senior leader, did the actions of any senior leader we discussed today or others you may know of, in your investigation, constitute a failure to take appropriate action, a dereliction of duty, or potentially criminal misconduct?

[] A. Not above the Brigade. With the exception of--I'm--I was looking at the Chain of Command, focus. Now if some of the staff in terms--okay, and I looked at and elaborated what Barb Fast and Sanchez--but this is an intelligence issue. In my opinion, although great officers I think there was--Colonel Warren--probably was negligent in terms of keeping the Commander informed based on what I saw and the counsel he provided. A tough thing to say based on what they were doing, what they were trying to do, but I think he--his Staff gave him bad advice and I think he accepted it, and his level of experience having been in-country, and his knowledge of the Geneva Convention and things could have led him down a different road.

[] I think there's bad decisions and bad acceptance of the missions and how they executed the mission by both Pappas and Karpinski. But I feel that the senior leadership that was the chain of command albeit responsible as we see in the Army for things that happen and do not happen, in terms of what they're responsible for in hindsight they could have done some other things, but I think they did tremendous work based on what they were tasked to do.

[] COL. (b)(6)-2 & (b)(7)(C)-2 Thank you, Sir.

BY (b)(6)-2 & (b)(7)(C)-2

[] Q. All right, Sir, do you have anything else you wish to add?

[] A. I think the comment we just talked about having visited there and been in Afghanistan, I think we owe a debt and gratitude to a lot of Soldiers who are doing the right thing. Even in Abu Ghraib there were NCOs on the dayshift who were doing the right thing. There were Soldiers within the 320th MP Battalion--they all worked right there in Ward 1a, 2a, and 1b and 2b. There were others there that were doing great work. Trying to do what was right. I think the incidents of misconduct should be taken as that and let justice do its right course for those people that revealed that they have done clearly criminal acts in what they did. I think our Army has learned about this. I think we'll move forward. We've already implemented a lot of changes that will make things better. But I think we as a Nation have got to wrestle with some of the issues out of this. It's not solely Army. It's how we get into theater and a culture such as this and how we learn from it, and, how we grow leaders to adapt to it. And, we have to look at our leaderships in all components in what we prepare them to do as they get into an environment like this. But, you know I think our values are still sacred. I think our focus on leadership and getting competent and confident leaders is still critical. Presence of leaders at critical points and times is still important and I think that marked discipline is doing what's right when nobody is there. And that clearly didn't happen at Abu Ghraib.

[] I think there was some--decisions in hindsight which could have been done better. But when you put it in perspective-- and the counsel that the leadership is receiving, I think they had to make some tough calls and they made the tough calls and that's the way it is. And we move on. The two things that bothered me the most, we didn't set this unit and these leaders up for success and we're part to blame. Because we dealt them a situation of which their level of experience-- their level of resourcing was inadequate for us as a Nation to put them in harm's way. And not give them appropriate resources that they needed. And that's a travesty. And so the fall out of all that is people are trying to point fingers. What people did or didn't do is we have to look at ourselves because we're part of this also. We as a Army. We as a Nation, a joint community, didn't step up and help them when we should have and that's terrible.

[] (b)(6)-2 & (b)(7)(C)-2 Yes, Sir.

[] LTG JONES: And we can't forget the impact that this has had on Soldiers, families, not only the General Officers that are still left out there hanging to dry, but look at all the other folks of different echelons. Those kids I talked about in the 320th-- some of the others in the 519th-- the 800th MP Brigade-- they talked about taking the flag down because we kind of stood in the Brigade because it's got a rich history and people have served in that, so this has impacted a lot of people and the unit-- I think the coin now in Abu Ghraib and those who are serving there have something that said, something about recovering their honor.

[] (b)(6)-2 & (b)(7)(C)-2 Yes.

[] LTG JONES: That says something.

[] (b)(6)-2 & (b)(7)(C)-2 Who else do you think that we should talk to and why?

[] LTG JONES: I'd talk to General Kern.

[] (b)(6)-2 & (b)(7)(C)-2 Yes, Sir.

[] LTG JONES: Who was the appointing authority. He'll give you--again now you've heard General Fay's insight focused Brigade and below and really did a tremendous job for about six or seven months. I came into this June the 25th and lasted three or four months. General Kern came a week or two before I did, and I think his perspective as a senior leader would also be good. We've also traveled--he's been there several times. Before this ever--this event, visiting Logistics people and seeing the Soldiers and he has a good feel for the environment. He also has a good feel for that-- CJTF-7 CFLCC relationship and how all that took--CFLCC then becomes ARFOR and become responsible for in the RSOI and move it forward. As we--as that split because he lived it. As part of being the AMC Commander. I think General Alexander would be a good one to talk to. He's looked at a lot of perspectives from the Intel and he was also very helpful knowing the intelligence architecture was not there. He was very helpful trying to establish that. I don't know if you're going to or not-- it may be worth your while to talk to Fast and Wojdakowski. I don't know how much time you've got. To see if I got it wrong.

[] (b)(6)-2 & (b)(7)(C)-2 Okay.

[] LTG JONES: I relied upon--we had a hundred and seventy something interviews. So my guidance was not to go back and reinterview everybody. I had sufficient information so I relied on the sworn statements of a lot of people. And then focused on the bigger picture, the CJTF-7. If

you go to talk to Wojdakowski--and you may be able to pick up these people if they come back for AUSA.

[] (b)(6)-2 & (b)(7)(C)-2 Right.

[] LTG JONES: And I don't know whether you will or not. Another player may be Colonel (b)(6)-2 & (b)(7)(C)-2 who is the Deputy C2 who's working a lot of other things. If you get a chance I'd talk to Miller.

[] (b)(6)-2 & (b)(7)(C)-2 Geoffrey or Thomas?

[] LTG JONES: Geoffrey Miller.

[] (b)(6)-2 & (b)(7)(C)-2 Okay.

[] LTC JONES: To get his perspective. Because there is some confusion of what he recommended and did it permeate but-- you'll get a clarification of his perspective there which I think tracks. That's probably--two good people to talk to. Maybe Bremer. Although he's kind of outside. Mister Bremer. Does he help about the level of support he was getting or didn't get from the other agencies that would reinforce the level that the CJTF-7 had been supporting the establishment--and obviously if you talk to Mister Allawi he'd tell you the importance of people like Fast and others were to him. Just trying to get things done. Odierno was over there too. He pushed a lot of the detainees to Abu Ghraib. And I don't know if he contributed or not. To tell you what he saw and what he was reporting. And I would almost suggest that if you get a chance talk to Rick Sanchez. He's pretty open about it. You've probably seen the statements I got from him.

[] (b)(6)-2 & (b)(7)(C)-2 His testimony.

[] LTG JONES: In fact I drew a lot of my--I spent several hours with him on different occasions and he was straight with me. We've known each other a long time. You know it's hard to do. But you'll get a feel from the things by talking to him that he was tasked to do with no resources.

[] (b)(6)-2 & (b)(7)(C)-2 Yes, Sir.

[] LTG JONES: And where his attention was and put in perspective and then that would give you also a feel of how much his staff was working 24-7 just to meet the demands of--that the insurgency was placing on him.

[] (b)(6)-2 & (b)(7)(C)-2 Okay, Sir.

[] LTG JONES: Other than that I think you probably--

[] (b)(6)-2 & (b)(7)(C)-2 Well it's a good start, Sir.

[] LTG JONES: Well do you want me--how much time do you have?

[] (b)(6)-2 & (b)(7)(C)-2 We will take as much time as it takes, Sir. We are not normally given deadlines we try to do as thorough and as objective of a job as we can.

[] LTG JONES: Well if I would focus it, I'd try to get to Kern, Sanchez, Alexander and Wojdakowski.

[] (b)(6)-2 & (b)(7)(C)-2 All right, Sir.

[] LTG JONES: And possibly Fast if you haven't talked to her.

[] (b)(6)-2 & (b)(7)(C)-2 Okay.

[] LTG JONES: Because I think she would give you some good insight. She's been-- said statements to myself, Fay--Church and I think Schlesinger talked to Sanchez. I don't know if he talked to Fast. It's clear to me that he probably didn't, making the conclusion that he did. But Alexander can also give you some insights on what the problems.

[] (b)(6)-2 & (b)(7)(C)-2 Yes, Sir.

[] LTG JONES: And Geoff Miller if you get a chance.

[] (b)(6)-2 & (b)(7)(C)-2 Okay, anything else, Sir, before I go into the read-out?

[] LTG JONES: Did you talk to Taguba?

[] (b)(6)-2 & (b)(7)(C)-2 Not yet, Sir.

[] LTC JONES: I'd talk to Taguba also.

[] (b)(6)-2 & (b)(7)(C)-2 All right.

[] LTC JONES: Because he did the MP Brigade.

[] (b)(6)-2 & (b)(7)(C)-2 Right. Right.

[] LTC JONES: And so some of the things that are periphery to us, we read his report. We read Mikolashek's report. We've read all the reports except Church's. Also that--, Taguba gave us some insights from what he did also from the detention standpoint.

[] [b)(6)-2 & (b)(7)(C)-2] Right. We've read his report.

[] LTC JONES: Yeah, because you see the imbalance of decisions there on-- would probably you know could have shored up with the increase of the detainees at Abu Ghraib if you'd taken some of the MP assets from other some other where.

[] [b)(6)-2 & (b)(7)(C)-2] Yes, Sir.

[] LTC JONES: Refocus them. That didn't happen.

[] [b)(6)-2 & (b)(7)(C)-2] Yes, Sir. Okay. Great. Thank you, Sir.

[] LTC JONES: Uh, huh.

[] [b)(6)-2 & (b)(7)(C)-2] I'll go ahead and start the read-out then.

[] LTC JONES: Okay.

[] [b)(6)-2 & (b)(7)(C)-2] We are required to protect the confidentiality of IG inquiries and the rights, privacy, and reputations of all people involved in them. We ask people not to discuss or reveal matters under inquiry. Accordingly, we ask that you not discuss this matter with anyone except your attorney, if you choose to consult one, without permission of the Investigating Officers.

[] Your testimony is part of an official Inspector General record. Earlier, I advised you that while access is normally restricted to persons who clearly need the information to perform their official duties, your testimony may be released outside official channels. Individual members of the public who do not have an official need to know may request a copy of this record, to include your testimony under the Freedom of Information Act. If there is such a request, do you consent to the release of your testimony outside official channels?

[] LTG JONES: Testimony yes. Social Security Number and my address no.

[] [b)(6)-2 & (b)(7)(C)-2] That is normally redacted, Sir.

[] LTG JONES: Because that's--we get more credit cards coming in that we want now.

[] (b)(6)-2 & (b)(7)(C)-2 Right. Okay, Sir. Do you have any questions?

[] LTG JONES: No, I hope I've answered your--what you needed.

[] (b)(6)-2 & (b)(7)(C)-2 Yes, Sir.

[] LTG JONES: And you know if you need me--to see me again just holler.

[] (b)(6)-2 & (b)(7)(C)-2 All right, Sir, will do.

[] LTG JONES: I'll be glad to do it. I've lived this now for three or four months and--, I think we did a reputable job in trying to get--based on the time that we had to try to figure out-- ascertain the facts and now we just gotta move on.

[] (b)(6)-2 & (b)(7)(C)-2 Yes, Sir. All right, Sir, the time is 1745 and the tape-recorded portion of this interview is concluded.

Testimony of **LIEUTENANT GENERAL ANTHONY R. JONES**
Was transcribed and certified by (b)(6)-2 & (b)(7)(C)-2
Certified Court Reporter, Department of the Army Inspector
General Agency, Washington, D.C.

D7

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Interview of Colonel [REDACTED] Director, School
 [REDACTED] Fort Leavenworth, Kansas -
 taken between Presidential Towers, Crystal City, Virginia,
 and Fort Leavenworth, Kansas, on 22 October 2004 between
 0919 and 1603 hours, Colonel [REDACTED] and Colonel
 [REDACTED]

Persons present are the witness, Colonel [REDACTED] and
 the investigating officers, Colonels [REDACTED] and
 [REDACTED]

This investigation was directed by the Inspector
 General of the Army concerning allegations of impropriety
 against senior officials assigned to the Department of the
 Army.

An Inspector General is an impartial fact-finder
 for the directing authority. Testimony taken by an IG and
 reports based upon that testimony may be used for official
 purposes. Access is normally restricted to persons who
 clearly need the information to perform their official
 duties. In some cases disclosure to other persons may be
 required by law or regulation or may be directed by proper
 authority.

Upon completion of this interview I will ask you
 whether you consent to the release of your testimony if
 requested by members of the public pursuant to the Freedom
 of Information Act. Since I will ask you to provide your
 social security account number to help identify you as the
 person testifying, you have been previously provided with
 an explanation of the Privacy Act. Do you understand it?

COL [REDACTED] Yes.

COL [REDACTED] You are not suspected of any
 criminal offense and are not the subject of any unfavorable
 information. Before we continue I want to remind of you
 the importance of presenting truthful testimony. It is a
 violation of Federal law to knowingly make a false
 statement under oath. Do you have any questions before we
 begin?

COL [REDACTED] No.

COL [REDACTED] Please raise your right hand so
 that I may administer the oath.

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[The witness complied, was sworn, and testified as follows:]

Q. For the record, please state your full name.

A. My name is [REDACTED]

Q. Social security number if you want to provide it?

A. My social security number is [REDACTED]

Q. Your rank and grade?

A. My rank and grade is Colonel/O-6.

Q. Position and title?

A. I currently have the position of [REDACTED] Fort Leavenworth, Kansas.

Q. Address?

A. [REDACTED] Fort Leavenworth, Kansas 66027.

Q. And a phone number?

A. Phone number is [REDACTED] The defense switch network prefix is 585.

Q. Okay great, thanks [REDACTED] I'm going to turn it back over to [REDACTED]

[COLONEL [REDACTED]]

Q. Okay there, Colonel [REDACTED] could you please describe your duties and responsibilities when you were assigned to 3d U.S. Army?

A. I was assigned to 3d United States Army Coalition Force Land Component Command in July of 2002 and I was assigned as the Assistant Chief of Staff, C-5/Plans. As such I was responsible for directing the development of the supporting ground major operations plan from the CFLCC in support of the Central Command Campaign Plan 1003V.

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Q. When did you leave 3d Army?

A. I departed 3d U.S. Army as best I can recall now on the 12th of July 2003, shortly after I returned from the theater of operations.

Q. Okay. What we're going to talk about today is some of the command and control relationships and how CFLCC and how all those organizations work together during various points in time; pre-conflict, conflict and then what I'll call the sudo-post-conflict. Let's talk about the pre-conflict phases kind of starting when you arrived in July '02. Could you describe for us the C-2 relationships between ARCENT, CENTCOM, Forces Command and V Corps as they related to 3d Army during that period?

A. Okay. 3d U.S. Army served three distinct roles for Central Command. We were 3d U.S. Army. We were the Army Service Component Command and we were the Army Forces -- or the R-4 Headquarters for the Operation and as 3d Army we were also the land component command; three distinct functions, same staff. Our relationship, when I first arrived with the Forces Command was as 3d U.S. Army as a major subordinate command of 3d U.S. Army, we were under their -- we were assigned to Forces Command. We were under the Combatant Command of Central Command and performed the functions of, as I said, Army Service Component Command, R-4, and CFLCC for Central Command.

Q. Okay was CFLCC a 1003V designation or was that a traditional -- I don't know -- it may not be the right word -- a traditional designation inherent with being assigned to that organization?

A. No, the function of the Land Component Command was a deliberate decision taken by the regional combatant commander. Prior to my arrival, 3d U.S. Army was operating as the land component command for Central Command for operations in Afghanistan prior to operations beginning in Iraq.

Q. Okay. So -- and you kind of stated this already, one staff -- ARCENT staff, if you will, with multitude of roles and responsibilities where does V Corps come into play or when does V Corps come into play initially in this ramp up, if you will, towards Operation Iraqi Freedom?

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A. V Corps -- well as best I can recall, V Corps was under the operational control of 3d Army as CFLCC when the Corps Headquarters arrived in theater. Prior to its arrival in theater, in the theater of operation and by that I mean when it arrived in Kuwait -- prior to that, V U.S. -- the relationship between V Corps and CFLCC was direct liaison authorized as they were -- as they, V Corps, or it, V Corps was apportioned to Central Command and 3d U.S. Army under previously existing war plans for contingencies in the region in Southwest Asia.

Q. Okay so when did V Corps then arrive and become operational, if you will, under CFLCC?

A. January 2003 although they had a small element that remained in country of Kuwait. Prior to that, the Corps Commander arrived to stay in January, pardon me, of 2003.

Q. Okay, now bear with me if you will as I try to put this in perspective here. I want to talk about a distinction between ARCENT and CFLCC.

A. Okay.

Q. Is there a distinction between the two?

A. There is only in doctrine and in doctrinal roles. We were one in the same headquarters and one in the same staff.

Q. How did those doctrinal roles differ?

A. As ARCENT, 3d U.S. Army was responsible for what is called the doctrine administrative control or ADCON of all Army forces in the theater mainly providing combat support and combat service support functions for all Army forces and Army support to other services as was outlined in standing memorandas of understanding and standing directives within the Central Command that are an outgrowth of the Army's Title 10 responsibilities. For example, as ARCENT we were responsible for -- as the Army force we're responsible for providing all veterinary support to Army units and other services in theater just as an example, as the ARCENT role.

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Q. Okay, did those doctrinal responsibilities change or were moved to, say, Forces Command, when you became, - I'll call it, a war fighting headquarters?

A. No. All those responsibilities remained with 3d U.S. Army in its multiple roles when operations actually began. We retained the role of the CFLCC, the Land Component Commander as a war fighting headquarters and as ARCENT or as the Army Service Component Command responsible for sustaining all Army forces and providing all Army support to other services.

Q. I guess I'm going to ask the next question; were you resources to adequately and properly perform both missions or was it not significant?

A. I will say, yes we were and of course that is -- my only caveat is that as always, relied upon the ingenuity of both individual soldiers and officers.

Q. Okay. Let's go on a tangent for just a little bit but directly related to this; how would typical requests like RFF, Requests For Forces, and those type of things move through the chain-of-command? For example, you're getting ready to move and to become on the ground in January of '03. You're identifying subordinate tasks and recognizing the need for additional resources and so are your units that are now subordinate to you such as V Corps. How did those RFFs move and what was the lines of authority/responsibility for those to be worked?

A. The request for forces process came about, to my understanding, as a -- directly from the Office of the Secretary of Defense. I was informed by friends that instead of taking one decision to execute a time phased force deployment list developed for time phased force deployment data, that the people within the Office of the Secretary of Defense wanted to exert more control over the flow of forces into theater. Therefore we would continue with a request for forces process. So all of the forces that were apportioned to us had to be packaged, if I may use that word and presented as requests for forces. The process began with my headquarters for Army ground forces. It was the responsibility of MARCENT to package and send forward Marine forces although we had a role in that since once the Marines became on the ground they were under our tactical control as the land component command.

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As far as Army forces; between my headquarters and V U.S. Corps and the various divisional planners, it would go back through the time phased force deployment data, then we would in essence task organize divisions or regiments for other force packages in terms of combat, combat support, and combat service support forces. We would cross-check what was needed with the tasks that we expected the division or that force package to accomplish for us. We applied all of our best experience in education and logic to the development of each force package. When we at the CFLCC were in our role now as the ARCENT, developed the RFFs for all Army forces, officially that information left our headquarters to Central Command from Central Command that RFF went to Joint Forces Command. From Joint Forces Command it would go up to the joint staff and down to the service components underneath the Combatant Command of Joint Forces Command, specifically, U.S. Army Forces Command. Now we also, of course, sent our requests directly to Forces Command in an effort to keep them informed because there was a great deal of planner-to-planner cross talk as this process continued throughout operations so forces command would never be surprised and that was what you would expect. We also informally kept the members of the Army staff informed so there would be no surprise there but the official flow of the request for forces would go from the Army Component at Central Command, ARCENT, 3d U.S. Army; to Central Command; to Joint Forces Command; from Joint Forces Command as a total staff package, to the Joint Staff into the Office of the Secretary of Defense and where in the Office of the Secretary of Defense, himself, approved every single RFF.

Q. Got it. Let's move forward. Let's talk about the OP plan, your OP plan specifically and here's where I'm a little bit concerned and if you think I'm drifting too close to stuff that may be on the end here, shut me up.

A. Sure.

Q. We talked about the phases of the operation.

A. Okay.

Q. Clearly Phase III of the plan was major combat operations. There were conditions that basically -- where you would identify when transitions would occur between

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phases and I'm looking specifically between Phase III and Phase IV where we would transition from fighting to something other than fighting, I'll call that. Can you describe, as best you can from memory, how your Op plan saw this action occurring and what would be the key triggers to move from three to four?

A. I'd be very happy to tell you that because there was -- we had marvelous professional discussions about this between the Land Component Command staff and the Central Command staff. In the Central Command campaign plan the phases were named: Phase I, preparation; Phase II; shaping operations; Phase III, decisive maneuvers; and Phase IV, regime removal and transition. At the Land Component Command and if you've read General Franks' book, by the way, that phasing construct was called the 5, 11, 16, 125 phasing construct.

Q. Okay.

A. They associated 5 and 11 with Phase I, 16 with Phase II, 125 with Phase III, unknown with Phase IV that's why I know this is pretty much unclassified because if it's in General Franks' book I've got to assume that if it stands open to the public, then it's open to you and I as well.

Q. Sounds good.

A. Now that was the construct that was presented to the Secretary of Defense and to the present; 5, 11, 16, 125 and we did not vary from that although we all knew that once operations began, of course, as everyone likes to say; no plan can look with certainly beyond initial contact with the enemy main body. We knew things would change. From our view as the Land Component Command, we saw the phases quite differently. Phase I; we agreed that was I think the theater of conditions. The conditions that we were looking for actually were in place and set prior to the president taking the decision to begin operations. Those were the entire 3d United States Infantry Division established in theater. The First Marine Division along with forces to make up the First Marine Expeditionary Force established in theater. The V U.S. Corps Headquarters established in theater and other forces moving as a part of the preparatory phase. There was pipelines that were built in country; bag farms for fuel reserves established. There were the