

As he prepared the agency's testimony for congressional committees investigating Watergate in May 1973, William E. Colby, then a senior CIA official, struggled with how much to reveal, according to one memo. What investigators wanted to know, one colleague warned after reviewing Colby's draft, was: "Did the CIA cooperate wittingly in [illegal] activities. . . . Or did it only respond supinely to higher authority even though it had some reason for suspecting illegal conduct?"

The colleague advised against a "minimal factual response" in favor of "candor." Colby, who became CIA director in September 1973, later turned the entire "family jewels" file over to Congress, an act some agency veterans still consider a betrayal.

Current CIA Director Michael V. Hayden said yesterday that the papers include "reminders of some things the CIA should not have done." He told agency staff members that the internal reforms and increased oversight after the Watergate disclosures gave the CIA "a far stronger place in our democratic system."

★ Hayden became CIA director last summer in the midst of new allegations that the intelligence community crossed legal lines by torturing terrorism suspects at secret prisons and by conducting warrantless surveillance involving Americans. His decision to release the "family jewels," responding to a 1992 Freedom of Information Act request, was meant to convince critics that the agency embraces openness when possible.

Some documents resonate with recent intelligence controversies. Several dealt with the agency's domestic spying on anti-Vietnam War groups during the Johnson and Nixon years. One described an operation, begun under President Richard M. Nixon in late 1972, to track telephone calls between people stateside and overseas, and foreign calls routed through the United States.

The documents provided few new details of CIA operations, most of which were revealed long ago, either by Congress or the media. Rather than being a comprehensive accounting of a quarter-century of agency history, they were a haphazard collection of internal memos, communications with Congress and press clippings. Many contained deletions, and a number of pages were blank.

Most revealing were the memos written in response to a May 1973 appeal by then-Director James R. Schlesinger to "report to me immediately on any activities now going on, or that have gone on in the past, which might be construed to be outside the legislative charter of this Agency."

The responses, sent by division heads, low-level bureaucrats and retired operatives, included lengthy explanations of illegal surveillance and pithy recollections of long-ago black operations.

A one-paragraph memo recounts planning for a "project involving the assassination of Patrice Lumumba, then premier of the Republic of Congo. According to [name deleted],

poison was to have been the vehicle . . ." A Belgian commission later attributed Lumumba's 1961 death to local rivals who had imprisoned him.

In 1972, Colby offered a carefully worded disclaimer in response to a letter from Lloyd Shearer of Parade magazine, who asked about direct CIA involvement in assassinations. "I can say, under oath if need be, that the CIA has never carried out a political assassination, nor has it induced, employed or suggested one which occurred."

In October 1967, President Lyndon B. Johnson requested an interagency survey of possible foreign connections to U.S. groups opposed to the Vietnam War and worldwide student movements with communist links. Then-Director Richard M. Helms tasked the agency to do it, and the main input came from "sensitive intercepts" produced by the National Security Agency, according to another memo.

Agency officials became nervous years later because CIA reports on this issue included material on the homegrown radical group Students for a Democratic Society, known as SDS. Under its charter, the CIA is not allowed to conduct domestic intelligence-gathering.

The memos also recount more mundane concerns. After Nixon's May 1970 speech defending an incursion into Cambodia during the Vietnam War, the White House received thousands of letters, and directed that the CIA fund replies. The agency's costs totaled \$33,655 for printing and postage for replies sent out to Nixon supporters. Negative letters were handed to the State Department for reply.

## WASHINGTON POST

Washington Post  
July 3, 2007  
Pg. 11

### **Eerie Souvenirs From The Vietnam War**

By Michelle Boorstein, Washington Post Staff Writer

Certain things are immediately apparent about the six human skulls lined up on the metal cabinet in a back room of Walter Reed Army Medical Center.

First, there is the graffiti scrawled across them, abrasive as wartime expressions can be: "Today's pigs are tomorrow's bacon" on one, "Stay high stay alive" on another, trippy thick stripes of bright blue, red and yellow on a third. Two eye sockets are filled with red candle wax, as though the skull had been used to light up a soldier's lonely night decades ago.

"I feel that the anti-Republican tide was too strong to fight," said James E. Hyland, a Republican House candidate who lost in Fairfax County. "I personally knocked on thousands of doors . . . but it was difficult to overcome a Democratic tide like this."

Hyland, who lost to District 32 incumbent Stephen C. Shannon, said he suspected that problems on the other side of the Potomac River hurt Republican chances. "We're close to Washington . . . so we're closer to national trends," he said.

Democrats agreed, saying voters in the region were strongly motivated to send a message of dissatisfaction with President Bush and the direction of the country -- a point made repeatedly at Kaine rallies in the final days of his race against Republicans Jerry W. Kilgore and Sen. H. Russell Potts Jr., who ran as an independent.

"Obviously, the president's ratings hurt Kilgore seriously," said Mary A. "Mame" Reiley, who runs Warner's political action committee. "People like the message of Tim Kaine."

Political observers said the vote totals were a reflection of a changing Northern Virginia, where thousands of new residents are tilting the political landscape to the left.

Kaine's success in the exurbs, it was suggested, could be explained by his proposal to tighten restrictions on development.

But local voters said yesterday that Kilgore's campaign was as much a factor as anything Kaine did.

Calvin Spratley, an insurance salesman in Fairfax County, said he has backed Republicans in recent elections. But he said he was turned off by Kilgore's campaign, and, as a fan of Warner's, he was swayed by the governor's endorsement of Kaine.

"On a lot of the ads, [Kilgore] was more attack than substance," Spratley said at a Herndon precinct.

Loudoun voters Jorge Sanchez, 42, and his wife, Marleny Palacios, 38, said they used to vote Republican pretty reliably -- until this year. Kilgore's strong stance on illegal immigration bothered the two, each of whom immigrated to the United States from El Salvador more than 20 years ago.

"They tried to use scare tactics. We have bigger problems than immigration," Sanchez said at a precinct in Leesburg. "Right now, the biggest problem we have is the economy and the war we have. The biggest problem is not people trying to work for a living."

Republicans were able to hold several area House seats, including District 42, where incumbent David B. Albo fought back a challenge from Gregory A. Werkheiser.

[washingtonpost.com](http://washingtonpost.com)

## **GOP Leaders Urge Probe in Prisons Leak**

TRANSCOM GHOST DOCS 203

By Jonathan Weisman  
Washington Post Staff Writer  
Wednesday, November 9, 2005; A01

Congress's top Republican leaders yesterday demanded an immediate joint House and Senate investigation into the disclosure of classified information to The Washington Post that detailed a web of secret prisons being used to house and interrogate terrorism suspects.

★ The Post's article, published on Nov. 2, has led to new questions about the treatment of detainees and the CIA's use of "black sites" in Eastern Europe and elsewhere. The issue dogged President Bush on his recent trip to Latin America and has created consternation in Eastern Europe.

"If accurate, such an egregious disclosure could have long-term and far-reaching damaging and dangerous consequences, and will imperil our efforts to protect the American people and our homeland from terrorist attacks," Senate Majority Leader Bill Frist (R-Tenn.) and House Speaker J. Dennis Hastert (R-Ill.) wrote in a letter to the chairmen of the House and Senate intelligence committees.

The letter requests that the committees "immediately initiate" a bicameral investigation. It also instructs the committees to refer to the Justice Department any information it uncovers that might constitute a violation of the law.

The CIA General Counsel's Office has also notified the Justice Department that a release of classified information took place in connection with the Post report, a senior administration official said yesterday. Such referrals are made at the rate of three to four per week, according to intelligence officials. But the notice is also the first step in a process that could lead to a criminal investigation, as happened in the Valerie Plame case.

The CIA will be required to fill out an 11-point questionnaire outlining the damage done by the release, how the information has been protected and the individuals or groups with knowledge of the information. Justice prosecutors will then determine whether they believe a criminal investigation is warranted.

A spokesman for The Post declined to comment on the letter from the congressional leaders. The article, by staff writer Dana Priest, said the CIA has operated a covert prison system that at times included sites in eight countries, including democracies in Eastern Europe. It cited as sources unnamed current and former intelligence officials and diplomats from three continents.

The Post did not publish the names of the Eastern European countries involved, at the request of senior U.S. officials. The article said the officials argued that the disclosure might disrupt counterterrorism efforts in those countries and elsewhere, and could make them targets of terrorist retaliation.

Congress has conducted fewer than a half-dozen bicameral investigations, reserving the process for the most pressing issues, such as the conduct of the U.S. Civil War and the illegal arms sales to Iran in the 1980s that were used to finance rebels in Nicaragua. The most recent House-Senate investigation came in 2002, when the intelligence committees looked into the Sept. 11, 2001, terrorist attacks.

★ Lawmakers from both parties immediately expressed misgivings about the request. Democrats pounced on it, suggesting that if the GOP leaders believe the disclosure of information on secret prisons deserves to be investigated, so does the leak of inaccurate intelligence on Saddam Hussein's weapons of mass destruction and White House officials identifying Plame as a covert CIA operative.

"There is plenty to investigate about the Bush administration's use and misuse of intelligence," said House Minority Leader Nancy Pelosi (D-Calif.). "The American people deserve the truth."

Rep. Christopher Shays (R-Conn.) said investigating the source of the prison article would be acceptable, as long as Congress also investigates the secret prisons themselves.

"If you want to investigate everything and not be selective, that would make sense," he said.

Sen. Lindsey O. Graham (R-S.C.) said: "Talk about not seeing the forest for the trees. The real story is those jails."

More generally, Republicans suggested it is unwise to pick a fight with the media over an issue that exposes so many political vulnerabilities for their party.

The emergence of the congressional leaders' letter came as a surprise to House intelligence committee Chairman Peter Hoekstra (R-Mich.) and Senate intelligence committee Chairman Pat Roberts (R-Kan.), both of whom said they learned of the request from the media. Roberts said that his committee "stands ready to be of service" but that he had "not received any marching orders from the leadership."

The marching orders laid out by Frist and Hastert are detailed and are requested in urgent language. Those orders include verifying that the information supplied to The Post was accurate and classified, identifying who leaked the information and under what authority, and detailing "the actual and potential damage done to the national security of the United States and our partners in the Global War on Terrorism."

"The leaking of classified information by employees of the United States government appears to have increased in recent years, establishing a dangerous trend that, if not addressed swiftly and firmly, likely will worsen," the letter states.

White House spokesman Scott McClellan declined to say whether the president endorsed the probe, saying the decision belonged to the congressional leaders. But he did not offer any discouragement.

"The leaking of classified information is a serious matter and ought to be taken seriously," he told reporters.

Democratic leaders expressed their own concern about national security leaks, but in their case the emphasis was on the alleged release of Plame's name by indicted former White House aide I. Lewis "Scooter" Libby. Senate Minority Leader Harry M. Reid (Nev.), Pelosi and other Democrats sent two letters to Bush, urging him to declare publicly that he will not pardon Libby. Without such a declaration, Reid said, Libby will have no incentive to cooperate with Special Counsel Patrick J. Fitzgerald.

*Staff writers Dan Eggen and Walter Pincus contributed to this report.*

[washingtonpost.com](http://www.washingtonpost.com)

## **Voters Reject Schwarzenegger Initiatives**

By MICHAEL R. BLOOD  
The Associated Press  
Wednesday, November 9, 2005; 6:58 AM

LOS ANGELES -- In a stinging rebuke from voters who elected him two years ago, Gov. Arnold Schwarzenegger's efforts to reshape state government were rejected during a special election that darkened his prospects for a second term.

The Republican governor and former Hollywood actor, who likes to say he can sell anything, on Tuesday saw all four of his signature ballot proposals rejected.

The election pitted the once-dominant Republican governor against two of California's powerhouse political forces -- public employee unions and Democrats who control the Legislature.

The unions spent millions of dollars to beat Schwarzenegger's propositions to limit the use of their member dues for political purposes, cap state spending, redraw legislative districts and restrict public school teacher tenure.

It was a sobering evening for a man once considered among the most popular politicians in America. The contest represented the biggest test yet of a faltering Schwarzenegger's leadership.

Voters overwhelmingly defeated Proposition 76, the governor's centerpiece proposal to slow the growth of state spending. Proposition 77, which would have redrawn legislative and congressional districts, was knocked down by a similar margin.

friend of Corzine's and five-time winner on the game show "Jeopardy!," also winning considerable support. Republicans have coalesced behind state Sen. Tom Kean Jr. as their 2006 Senate nominee.

Sen. Charles E. Schumer (N.Y.), chairman of the Democratic Senatorial Campaign Committee expressed confidence his party will hold Corzine's seat. "A [Corzine] victory by 11 points and the fact we will have a strong incumbent is a pretty good stepping-off point for keeping the Senate seat in 2006," Schumer said.

*Cillizza is a staff writer for washingtonpost.com. His online political column appears daily at [www.washingtonpost.com/thefix](http://www.washingtonpost.com/thefix).*

[washingtonpost.com](http://washingtonpost.com)

## **Tough Times for the 'Sissy Six'**

By Dana Milbank  
Wednesday, November 9, 2005; A02

It's in vogue on Capitol Hill these days to belong to a club. Senators negotiating a compromise over judicial nominees call themselves the "Gang of 14." When congressional leaders go to the White House, they are "the Big Five."

Then there are the half-dozen senators negotiating this week over a new intelligence committee probe: "The Sissy Six."

This unfortunate sobriquet, divulged by a committee staffer to reporters yesterday, comes from the Senate Select Committee on Intelligence acronym, SSCI. As it happens, the Sissy Six are under pressure to demonstrate that they don't deserve the name.

In recent days, three contentious political issues have presented themselves to Chairman Pat Roberts (R-Kan.) and his committee members -- and each one will require a muscular response if the committee is to preserve its reputation.

There's the public quarrel over an agenda for the committee's probe into officials' alleged distortions of intelligence before the Iraq war; facing a Monday deadline, the six sat for more than two hours yesterday but came to no agreement.

Next, there's the flap over the administration's opposition to legislation banning torture; Roberts and one of his committee lieutenants, Sen. Christopher S. Bond (R-Mo.), found themselves on the short end of a 90 to 9 Senate vote to outlaw mistreatment of terrorism prisoners.

Now comes a new controversy: demands by House Speaker J. Dennis Hastert (Ill.) and Senate Majority Leader Bill Frist (Tenn.) that the intelligence committees probe a Washington Post story on secret CIA prisons for terrorists. Frist did not inform Roberts before going public with a letter addressed to Roberts and his House counterpart.



"I heard about it on CNN," the chairman told reporters after lunch. Noticing that his questioners were quoting from the letter, Roberts said: "I've not received that. . . . If you have the letter, I'd like to see it."

The Democratic members of the Sissy Six -- Jay D. Rockefeller IV (W.Va), Carl M. Levin (Mich.) and Dianne Feinstein (Calif.) -- filed through the frosted-glass doors of the intelligence committee office just after 10 a.m. Two Republican members -- Bond and Trent Lott (Miss.) -- followed, but Roberts kept them waiting until 10:15.

"What's all this?" Roberts asked of the cameras and reporters assembled outside the secret meeting. He predicted that news of the meeting would not land on Page One. He was correct.

The six did not agree on the key disputes: how long a probe would take, which administration officials would be interviewed, and how to handle the activities of former undersecretary of defense Douglas J. Feith's office. They punted the questions to a meeting of the full committee scheduled for this morning. And, by all accounts, it was tense.

Bond ducked out mid-meeting, reporting, sardonically, that they were "having a lot of fun." The national intelligence director, John D. Negroponte, paid the senators an unannounced visit -- then departed within a minute, as aides insisted the drop-by was coincidental. Lott emerged twice, joking both times that everything would be wrapped up shortly.

"You said that last time," NBC's Ken Strickland noted on the second occasion.

Lott laughed, then confessed: "They're in there trying to figure out what to say to y'all."

They didn't come up with much. Feinstein and Levin left wearing grim expressions and refusing to comment. Roberts, plainly irritated, announced even before reaching the microphones that "there wasn't any" big news.

Roberts angrily opposed the Democrats' theatrics last week when the minority party forced a closed session of the Senate to restore attention to the intelligence probe. Still seething, he reported that the six "had a very frank and candid discussion" -- diplomatic code for tense and fruitless -- and added that the committee would act "in a bipartisan manner to the degree we can achieve that."

Rockefeller reached out for a handshake. Roberts seemed baffled by the gesture and, after a painful pause, took the ranking Democrat's hand. Before Rockefeller could make his statement, Roberts turned and walked away. "There's no question that there are several areas where there are substantial disagreements," Rockefeller allowed.

For Roberts, the day did not improve during the afternoon. While the chairman lunched with fellow GOP senators, White House press secretary Scott McClellan, besieged at his



briefing by questions about the torture policy, lost his cool. He told one reporter she was "showboating for the cameras" and another that she didn't "want the American people to hear what the facts are."

Emerging from lunch in the Capitol, Roberts, quickly surrounded by reporters asking similar questions, explained that although the United States shouldn't torture, prisoners should think otherwise. "It's the fear of the unknown that really allows us to get the answers that we need," he said.

Defending the military's treatment of prisoners at Guantanamo Bay, he added: "There are more senators and congressmen with ethics cases pending than there are problems with interrogation right now in Gitmo."

That argument might not earn him favor with his colleagues. But these are not the words of a sissy.

EDITORIAL:

[washingtonpost.com](http://www.washingtonpost.com)

## Mr. Kaine's Victory

Wednesday, November 9, 2005; A30

LT. GOV. TIMOTHY M. Kaine's triumph in Virginia's gubernatorial race is a watershed — the victory of a Southern Democrat who prevailed despite his principled opposition to the death penalty and his refusal to rule out new taxes.

Certainly his campaign was helped by the Bush administration's stumbles and setbacks this fall and the Republicans' resulting malaise. It was also Mr. Kaine's good fortune that the popularity of his principal Democratic ally, Gov. Mark R. Warner, peaked just as Republican fortunes dipped. But Mr. Kaine, by running a relatively positive campaign, also managed to convey his integrity, decency and intelligence -- as well as his faith as an observant Catholic -- while fending off fierce, and at times cynical, attacks by his chief opponent, former attorney general Jerry W. Kilgore.

As a candidate, Mr. Kaine's signal failing was to finesse the most serious challenge facing the state over the next four years: transportation. As governor, he is likely to confront an early test on the issue. It's been nearly 20 years since a Virginia governor took serious steps to address the state's stressed road and rail network, and the pressing need for fresh revenue may well define Mr. Kaine's term in office. If he hews to his campaign platform, in which he insisted that transportation funds be "locked up" by a constitutional amendment whose passage would take most of his four-year term, then he will have deferred, not dealt with, a mounting crisis.

If Mr. Kaine genuinely seeks a long-term strategy to keep traffic flowing on the state's roads, he will need to move beyond the campaign's go-slow rhetoric and seize the moment -- probably in the General Assembly session that begins in January, just as he

The Democratic terms that did not win enough support yesterday are less stringent than the ones in previous measures. For example, the current bill would have set a goal, instead of a deadline, for withdrawal. But, with a veto threat looming, the bill did not attract any new Republican supporters.

## NEW YORK TIMES

November 17, 2007

# Brothers, Bad Blood and the Blackwater Tangle

By SCOTT SHANE

Page 1

BALTIMORE, Nov. 16 — They were smart, scrappy brothers who rose from modest circumstances in Baltimore to become lacrosse stars at Princeton, succeed in business and land big government jobs.

Now the Krongard brothers — who have carried childhood nicknames, Buzzy and Cookie, through long careers — are tied up in the tangled story of Blackwater, the security contractor accused in the deaths of at least 17 Iraqis while guarding a State Department convoy in Baghdad.

The shorthand version boils their involvement down to that Washington catchall conflict of interest. The full story appears more complicated, less about cozy nepotism than about family estrangement.

But the concern about a conflict resulted Friday in the resignation of Alvin B. Krongard — Buzzy — from the Blackwater advisory board he had just joined. The company said he hoped to defuse accusations that his ties to the company were causing Howard J. Krongard — Cookie — the State Department inspector general, to go easy on Blackwater.

Alvin Krongard, 71, who left a \$4 million-a-year job in investment banking to serve in top posts at the Central Intelligence Agency from 1998 to 2004, played what he describes as a routine role as an intermediary in helping Blackwater get its first big security contract from the agency for guards in Afghanistan in 2002.

A martial arts enthusiast and former Marine who has regaled friends with tales of punching a great white shark while scuba diving, Mr. Krongard said he later became friendly with the company's founder, Erik D. Prince. They have hunted near Blackwater's North Carolina training ground and at Mr. Krongard's hunting club in Maryland.

# TRANSCOM GHOST DOCS 210

Meanwhile, Howard Krongard, 66, a former general counsel at the accounting firm of Deloitte & Touche who took the State Department job in 2005, was grilled this week by House Democrats. They accused Mr. Krongard (who does not use his nickname professionally, as his brother does) of alienating his staff and improperly interfering in investigations, including a Justice Department inquiry into allegations of weapons smuggling by Blackwater employees.

Hence Representative Henry A. Waxman's disclosure at a hearing Wednesday, the latest in a string of revelations the California Democrat has used to torment the Bush administration.

"We have now learned that Mr. Krongard's brother, Buzzy Krongard, serves on Blackwater's advisory board," Mr. Waxman declared, saying the inspector general had "concealed this apparent conflict of interest."

Howard Krongard grew indignant, saying his brother had no ties to Blackwater.

"When these ugly rumors started recently, I specifically asked him," he said. "I do not believe it is true that he is a member of the advisory board."

Then came a break, and Howard phoned his older brother. Buzzy told Howard he had just returned from his first Blackwater advisory board meeting in Williamsburg, Va.

A chagrined Howard Krongard returned to the witness stand. "I want to state on the record right now that I hereby recuse myself from any matters having to do with Blackwater," he said.

Howard Krongard has also disqualified himself from an inquiry into the construction of the American Embassy in Baghdad, and subordinates have lambasted him for what they called abusive and erratic conduct. John A. DeDonna, Howard's assistant for investigations until August, said in an interview that he believed top State Department officials had influenced the inspector general to back away from tough investigations, including that of Blackwater, which diplomats depend on for protection in Iraq under a \$1.2 billion contract.

At the hearing, Howard Krongard, who did not respond to a request for an interview for this article, described himself as an apolitical auditing lawyer whose reforms have met resistance from subordinates who resent supervision. "I want to say in the strongest terms that I have never impeded any investigation," he told the House Oversight and Government Reform Committee.

From a distance, events might suggest that Mr. Prince chose to recruit Buzzy Krongard to curry favor with Howard Krongard and blunt any inquiry into Blackwater. But if that was Mr. Prince's strategy, his intelligence was gravely flawed, according to people who know the family.

The Krongard brothers barely speak, friends say. In fact, Howard appears to be estranged from several family members, including his son Kenneth, whom he sued last year over a home loan. And Buzzy Krongard has said that when Howard called him a few weeks ago as he prepared his testimony, it was their first conversation in months.

Even their accounts of that brief call are at odds: Buzzy says that he told Howard he was joining the Blackwater advisory board, and that Howard said that was not a good idea. Howard testified that they had no such discussion.

Still, Buzzy Krongard said in an interview, "Whatever issues I have with my brother, I don't question his integrity." Given their estrangement, any attempt to reach Howard through him would have backfired, he said. "Based on our recent relationship," he said, "the effect would be the other way around."

Buzzy Krongard spoke in his 15,000-square-foot Georgian mansion, Torch Hill, north of Baltimore, where family photos were propped atop an antique piano and memorabilia of his lacrosse days covered half a den wall.

The two brothers grew up in a middle-class West Baltimore neighborhood, sons of a partner in a uniform-manufacturing business. Buzzy's nickname was bestowed by an aunt who thought he resembled a comics character by that name; a few years later, when his grandmother wanted to buy him a war bond, she had to ask his parents his formal name. Howard got his nickname from knocking on doors and asking for cookies, his brother said.

They went to public school and on to Princeton, and their athletic exploits — Buzzy as a midfielder, Cookie as a goalie — landed both men in the National Lacrosse Hall of Fame in Baltimore.

"Most people around here started to play lacrosse at 7 or 8," said Ralph N. Willis, 76, another Hall of Famer from Baltimore and Princeton. "Buzzy and I used to play with those old wooden sticks."

After rising to the helm of Alex. Brown & Sons, the venerable Baltimore investment banking firm, Buzzy Krongard oversaw its acquisition by Bankers Trust in 1997 and left the next year for the C.I.A., as a counselor to George J. Tenet, then the director of central intelligence. He became executive director, the No. 3 post, in 2001 and helped design the agency's secret detention program after the Sept. 11 attacks.

Mr. Krongard said he visited Blackwater's training facilities for C.I.A. officers but did not meet Mr. Prince until early 2002, shortly after a visit to the agency's quarters at a hotel in Kabul, Afghanistan. Mr. Krongard said he told the Blackwater chief, who was making the rounds at the C.I.A.'s headquarters in Virginia to drum up business, of his worries about the reliability of Afghan perimeter guards.

"I just thought, 'Here's a guy who says he can get highly skilled special operations types over there in a hurry to help with security,'" Mr. Krongard recalled. He said he connected Mr. Prince with the proper C.I.A. officials to discuss a contract but neither then nor later exerted pressure on the company's behalf.

Buzzy Krongard vigorously defends Blackwater's record in Iraq. "It's very easy to second-guess them when you're sitting back in an air-conditioned office," he said. After Mr. Krongard's resignation from the Blackwater board was announced late Friday, Mr. Prince expressed his dismay at the politically charged maelstrom around the company.

"It's a real shame in this country when honorable men and private companies are presumed guilty based on politicized allegations, even while investigations are under way," Mr. Prince said.

But Mr. Waxman seems disinclined to back down. He announced Friday that in light of the discrepancy between the brothers' statements, he plans to call both to a hearing after Thanksgiving to sort it out.

"The information from Buzzy Krongard," Mr. Waxman wrote to other committee members, "raises serious questions about the veracity of Howard Krongard's testimony before the committee."

## NEW YORK TIMES

November 17, 2007

### Sunni Group Says U.S. Killed Its Members

By CARA BUCKLEY

Page A6

BAGHDAD, Nov. 16 — A tribal group tapped by American forces to root out extremists here said Friday that more than four dozen of its members were killed during United States air and ground strikes north of the capital this week. But the United States military insisted that the attacks had been aimed instead at Al Qaeda and had killed 25 insurgents.

"We had some people on the ground who identified these individuals as bad guys, basically," said Lt. Justin Cole, a spokesman for the coalition forces. "That's why we engaged. And there is really no change in our posture since then."

The attacks were mounted late Tuesday near Taji, a restive town 15 miles north of Baghdad, after American forces said they saw armed men in the area and detected "hostile intent." Helicopters and airplanes strafed buildings, and ground troops later

comment.

A Special Forces officer aimed higher, saying that "Rumsfeld needs to go, as does Wolfowitz."

Asked about such antagonism, Wolfowitz said, "I wish they'd have the -- whatever it takes -- to come tell me to my face."

He said that by contrast, he had been "struck at how many fairly senior officers have come to me" to tell him that he and Rumsfeld have made the right decisions concerning the Army.

HYPERLINK "<http://www.washingtonpost.com/>"  
washingtonpost.com

### **A Prison on the Brink Usual Military Checks and Balances Went Missing**

By Scott Higham, Josh White and Christian Davenport

Washington Post Staff Writers

Sunday, May 9, 2004; Page A01

First of three articles

For U.S. military police officers in Baghdad, the Abu Ghraib prison was particularly hellish. Insurgents were firing mortar shells and rocket-propelled grenades over the walls. The prisoners were prone to riot. There was no PX, no mess hall, no recreation facilities to escape the heat and dust. About 450 MPs were supervising close to 7,000 inmates, many of them crowded into cells, many more kept in tents hastily arranged on dirt fields within the razor-wired walls of the compound. Around the perimeter, GIs kept wary eyes on Iraqi guards of questionable loyalty.

Precisely how many prisoners were being held at Abu Ghraib was anyone's guess. Roll calls were spotty. Escapes were commonplace. Prison logs were replete with flippant and unprofessional remarks. MPs were occasionally out of uniform, and some were out of control. Discipline was breaking down. So was the chain of command.

Abu Ghraib was on the brink.

"Most of the time, I felt like my life was in danger," said Sgt. William Savage Jr., a Florida corrections officer sent to Abu Ghraib as a reservist with a military police company. "I always thought something was going to happen."

Few could imagine what was about to happen at Abu Ghraib. The photographs featuring piles of naked Iraqis seem as though they were taken from a pornographic magazine, not from the digital cameras carried by American servicemen and women. But an examination of military investigative reports and interviews with soldiers and officers in Iraq at the time reveal that there were early warnings, and that a combination of conditions inside Abu Ghraib produced a culture of licentious behavior and abuse. Confusion was high. Morale was low. The checks and balances established to hold soldiers accountable during the vagaries of war were virtually non-existent.

By the fall of 2003, rumors of abuse began to circulate. Sgt. Blas Hidalgo heard them

while working the guard towers of Abu Ghraib. He dismissed the talk as made-up military gossip.

"It sounded too crazy," he told The Washington Post in a recent interview.

'Unnerving as Hell'

The problems at Abu Ghraib, which have unleashed an international scandal and shaken the Bush administration, were foreshadowed by experiences at two earlier prison camps set up by U.S. forces after the invasion in March 2003.

As U.S. troops marched north, Camp Bucca in southern Iraq, near Basra, quickly became the largest facility for Iraqi prisoners. For two months, military commanders sent thousands of prisoners to the makeshift camp. Soon the camp held more than 7,000 prisoners.

At Bucca, there were troubling signs in a military police unit that would later be at the center of what took place at Abu Ghraib.

On May 12, four soldiers from the 320th Military Police Battalion, based in Ashley, Pa., were charged with beating prisoners after transporting them to Camp Bucca. MPs from a different unit reported the incident, saying the legs of prisoners were held apart while soldiers kicked them in the groin.

Around that time, President Bush had announced the end of major combat operations, and spirits in many military police units were high. It appeared that many MP units would be headed home. By the end of May, the several thousand members of the 800th Military Police Brigade, which included the 320th Battalion, were told that they would instead be managing the Iraqi prison system.

For many of the MPs, it was a crushing blow.

"Morale suffered, and over the next few months there did not appear to have been any attempt by the Command to mitigate this morale problem," Maj. Gen. Antonio M. Taguba would later conclude in his 53-page report examining the abuses at Abu Ghraib. Located on the outskirts of Baghdad, Abu Ghraib, a symbol of torture and repression under Saddam Hussein, had been looted. It was decrepit and falling apart. While renovations were underway, the military came up with a temporary alternative: Camp Cropper, a collection of tents and small buildings at the Baghdad airport.

Cropper was originally designed to hold 200 captives. But with street crime on the rise and the insurgency in Baghdad becoming bolder, Cropper was teeming with prisoners by the summer of 2003. On some days, more than 1,000 prisoners were in the camp.

It became a dangerous place that smelled of sewage and sweat. Flies infested the camp. Those who have been there describe it as an outdoor cesspool where detainees stockpiled their feces to throw at MPs. The prisoners also turned the dust beneath their feet into weapons by pouring their water rations and fashioning hardened dirt clods.

"It was worse than you can imagine on days when there was no breeze," said one MP assigned to the camp who requested anonymity because he signed a "nondisclosure" agreement before leaving Iraq. "If there was a hell, I can imagine that's what it smelled like."

The poor conditions had consequences.

"Abu wasn't running, none of the satellite prisons were running, so we had nowhere to send these guys," said one military officer assigned to the camp who has been ordered not to discuss Cropper. ". . . Anytime it got real hot, there were riots."

The uprisings rattled even the most seasoned of soldiers. Detainees would cut themselves

on the concertina wire that surrounded the camp and try to smear their blood on MPs. They rushed the wire and threw rocks they had stored up.

"It was unnerving as hell," the officer said.

On June 9, the detainees rioted after one of the prisoners hit an MP. The prisoner was subdued, and one of the MPs took off his camouflage shirt and "flexed his muscles to the detainees, which further escalated the riot," according to the military report.

Rocks started to fly. One soldier was hit in the head. Another was struck by a tent pole. A prisoner pulled an MP through the concertina wire.

"This thing was out of control," the officer said.

The MPs were overwhelmed, and guards opened fire. Five prisoners were wounded. An investigation into the incident concluded that the shooting was justified, and no soldiers were punished. Still, the incident symbolized a severe lack of training, said another officer familiar with the incident.

Officers said they complained about the conditions at Camp Cropper, but no one seemed to listen. They said they were told that the military was preparing to open Abu Ghraib as quickly as possible.

"The challenge was trying to find a place to take them," one officer said.

#### Setting the Conditions

For 18 months, Maj. Gen. Geoffrey D. Miller had run the detainee operation at the U.S. Navy base in Guantanamo Bay, Cuba. On Aug. 31, he and a team of inspectors arrived in Baghdad to examine prison operations in Iraq. They visited Camp Cropper and the refurbished Abu Ghraib prison, which had opened Aug. 4.

Miller recommended that Cropper be closed. He made another recommendation: that MPs and military intelligence officers work closely to gather information from the prisoners at Abu Ghraib.

At Guantanamo, where suspected al Qaeda terrorists and Taliban fighters are kept and interrogated, Miller said, he found that separating MPs, who serve as jailers, from intelligence officers, who conduct interrogations, was counterproductive. He viewed MPs as key players in the process because they could serve as the ears and eyes of military intelligence officers on the cellblocks. Miller recommended that the new commander in charge of the 800th MP Brigade, Brig. Gen. Janis L. Karpinski, consolidate the two functions, permitting MPs to set "conditions for the successful interrogation and exploitation" of the prisoners.

One month after Miller's team left Iraq on Sept. 9, another inspection team arrived in Iraq. This one was headed by Maj. Gen. Donald J. Ryder, the provost marshal in charge of Army military police. Ryder arrived in Baghdad on Oct. 13, two weeks after Camp Cropper was closed.

Ryder conducted a "comprehensive review of the entire detainee and corrections system in Iraq." He found flawed operating procedures, improper restraint techniques, a lack of training, an inadequate prisoner classification system, understrength units and a ratio of guards to prisoners designed for "compliant" prisoners of war and not criminals or high-risk-security detainees.

But Ryder also found "there were no military police units purposely applying inappropriate confinement practices."

At Abu Ghraib, the guard-to-prisoner ratio was about one to 15, with one battalion guarding 7,000. Army doctrine calls for one battalion per 4,000 enemy soldiers. In



civilian prisons, one guard per three inmates is considered ideal.


In his report submitted on Nov. 6, Ryder recommended that military police not "participate in military intelligence supervised interrogation sessions." He concluded that allowing MPs to "actively set favorable conditions for subsequent interviews runs counter to the smooth operation of a detention facility."

But even as Ryder was writing his report, Abu Ghraib was descending into chaos and worse.

Taguba's report detailed numerous lapses:

Standard operating procedures and copies of the Geneva Conventions were not distributed to the guards handling the prisoners. No one knew for sure how many prisoners were being kept at Abu Ghraib. It took MPs four days to document transfers of detainees within the prison, making it nearly impossible to determine who was where at any given time. Roll calls were supposed to be conducted twice a day. Instead, they were conducted twice a week.

When MPs did count prisoners, there was no standard method. Sometimes MPs lined up detainees in rows of 10 and counted them in bulk. Other times, the soldiers moved prisoners to one end of a cellblock, ordered them to walk and counted them as they passed by.

Sometimes, "Other Government Agencies," a common expression for the CIA, would bring prisoners to Abu Ghraib. MPs were kept in the dark about the prisoners' identities and the reasons behind their captures. On at least one occasion, MPs moved these captives around the Abu Ghraib complex to keep them away from inspectors with the International Committee of the Red Cross. MPs called the prisoners "ghost detainees."  Military investigators called that practice an apparent "violation of international law." Prisoners learned to exploit the chaos. Military investigators said they discovered one report that documented at least 27 escapes from the facility. Karpinski said 32 had escaped. No one knew for sure because oversight was so poor.

"It is highly likely that there were several more unreported cases of escape that were probably 'written off' as administrative errors or otherwise undocumented," military investigators later wrote.

After escapes, follow-up and accountability were lacking. Investigations into escapes were "rubber-stamped" and approved by Karpinski, but there was no evidence that any of the general's orders for changes were followed, Taguba found.

If the recommendations had been followed, investigators concluded, "many of the subsequent escapes, accountability lapses and cases of abuse may have been prevented."

**Not Trained to Be Guards**

The real trouble started after Oct. 15, when the 372nd Military Police Company, a segment of the 320th Battalion based in Cresaptown, Md., took over Abu Ghraib from a military police company based in Henderson, Nev. The 372nd soldiers, reservists from small-town America, were not trained to be prison guards. An MP officer from another unit at Abu Ghraib said he was struck by their unprofessionalism.

"It was lots of things, from the way they wore the uniforms to the way they interacted with each other," said the officer, who spoke on the condition of anonymity. ". . . They didn't carry themselves like soldiers."

And their ranks were thinly stretched. Savage, the Florida corrections officer, said soldiers were far outnumbered by the prisoners, most of whom were common criminals.

For the guards, the sense of a siege was ongoing. At night, the soldiers on the towers squeezed off hundreds of rounds into the darkness in response to the incoming mortar and small-arms fire.

The 372nd company commander was Donald J. Reese, 39, a salesman from New Stanton, Pa. His unit was given perhaps the most sensitive mission: control of Tier 1A, where "high priority" detainees were held for interrogation by civilian and military intelligence officers. The 203 cells of Tiers 1A and 1B were in a two-story cinderblock building known as the "hard site" at Abu Ghraib, so called to distinguish it from the many tent compounds on the prison grounds. 1B held "high risk" or trouble-making detainees. With little experience in corrections to fall back on, the unit deferred to MPs who had civilian prison backgrounds.

"Detainee care appears to have been made up as the operations developed with reliance on, and guidance from, junior members of the unit who had civilian corrections experience," Taguba later found.

Those members included Staff Sgt. Ivan L. "Chip" Frederick II, 37, who had worked as a correctional officer at Buckingham Correctional Center in Virginia, and Spec. Charles A. Graner Jr., 35, a divorced father of two who worked as a prison guard in Greene County, Pa. Frederick was the top enlisted man in charge of 1A, where he and Graner worked closely with intelligence officers, their colleagues said.

The officer in charge of the prison was Lt. Col. Jerry L. Phillabaum, a reservist who commanded the 320th Military Police Battalion. Taguba found that Phillabaum was "an extremely ineffective commander and leader" who did little after the Camp Bucca beating incident five months earlier to put his soldiers on notice about proper detainee treatment.

Phillabaum's boss was Karpinski, the reservist general in charge of the 800th Military Police Brigade. She rarely visited Abu Ghraib, Taguba's report found. Karpinski was based at the Baghdad airport.

Karpinski, a corporate management consultant from Hilton Head, S.C., was called to active duty in June. She said she tried to regularly visit each of the detention facilities under her command. But she scaled back as the insurgency stepped up attacks. She was responsible for 3,400 soldiers at 16 facilities, including Abu Ghraib.

Soon after the 372nd arrived at Abu Ghraib, it became clear that there was a problem at the top of the prison's chain of command: Karpinski sent Phillabaum, a 1976 West Point graduate, to Kuwait for two weeks to "give him some relief from the pressure he was experiencing," the report states. Phillabaum later told The Post he was gone from Oct. 18 to Oct. 31.

Also during this period, military intelligence made a focused push on interrogations in Tiers 1A and 1B, Karpinski would later say.

"The MI said -- they specifically came to me in the September-October time frame, and said, 'Man, could you talk to those prison guys and ask if we could have those cells?' " she later told The Post. "They explained why. I said, 'I will go down and campaign for you because I understand.' "

Taguba's report and interview with MPs and their attorneys reveal what happened next. Spec. Sabrina D. Harman, 26, of Alexandria told Taguba's investigators that Graner and Frederick were responsible for getting "these people to talk." She told The Post that military intelligence officers "made the rules as they went."

Sgt. Javal S. Davis, 26, also with the 372nd, supported that account.

"In Wing 1A we were told that they had different rules," Davis, a college dropout from New Jersey, told investigators. He said intelligence officers frequently said things such as "loosen this guy up" and "make sure he has a bad night." Davis said he was told: "Good job. They're breaking down real fast."

Davis said Graner told him agents and military intelligence refused.

But Mr. Bush and Mr. Blair see Iraq as a fight to deliver the Middle East from Al Qaeda's poisonous ideology by opening up Arab society and linking it to the West. They point to the 2,300 schools rehabilitated, the \$32 billion pledged for reconstruction, the higher-than-expected oil revenues in recent months and the relative strength of the new currency. A withdrawal on their watch, even a phased one, looks unlikely.

Their goal, however, has never looked more elusive. Abu Ghraib is not My Lai. Nothing like the infamous massacre of Vietnamese civilians took place in the Iraqi prison. But it is assuming something of the mantle of that tragedy - a vivid stain on America's conscience. How the United States can recover the moral authority with which much of the world still yearns to vest it will depend on its choices over the next few weeks. The battle for Iraq now begins again, for the third time, and on tougher terms than ever.

Citation:

HYPERLINK "<http://www.nytimes.com/2004/05/09/weekinreview/09roge.html>"  
<http://www.nytimes.com/2004/05/09/weekinreview/09roge.html>

May 9, 2004

## **THE MILITARY**

### **In Abuse, a Portrayal of Ill-Prepared, Overwhelmed G.I.'s**

By DOUGLAS JEHL and ERIC SCHMITT

WASHINGTON, May 8 — The orders that sent most of the 320th Military Police Battalion to Iraq came on Feb. 5, 2003, as part of the tide of two-week-a-year soldiers being called up from the National Guard and the Army Reserve in preparation for war. In theory, the battalion's specialty was guarding enemy prisoners of war, a task that was expected to be a major logistical problem. In fact, an Army report said few of the 1,000 reservists of the 320th had been trained to do that, and fewer still knew how to run a prison. They were deployed so quickly from the mid-Atlantic region that there was no time to get new lessons.

"You're a person who works at McDonald's one day; the next day you're standing in front of hundreds of prisoners, and half are saying they're sick and half are saying they're hungry," remembered Sgt. First Class Paul Shaffer, 35, a metalworker from Pennsylvania. "We were hit with so much so fast, I don't think we were prepared."

The battalion — including insurance agents, checkout clerks, sales people and others — ultimately would follow a grim trajectory into the episodes of prisoner abuse that have shocked the nation. The soldiers found themselves in charge of Abu Ghraib prison in Iraq at a time when the increasing rage of the anti-American insurgency, along with the desperation of American commanders to glean intelligence, magnified the pressures on the unit. This account of the troubled battalion is based on interviews with soldiers, their

"Everybody in the State Department and the foreign services spends their entire day meeting with international figures who look at the U.S. and say: 'We don't believe in your leadership, we question your goals,' " said Jon Alterman, director of the Middle East Studies program at the Center for Strategic and International Studies, a Washington think tank. "All the things that the State Department is trying to do become harder and harder." One ray of hope, Alterman said, is that while some U.S. enemies are gloating over Washington's humiliation, "deep down, there is a sense that if we don't have U.S. leadership ... who's driving the train?"

Citation:

HYPERLINK "<http://www.latimes.com/news/nationworld/iraq/la-fg-diplo10may10,1,6361897.story?coll=la-home-headlines>"  
<http://www.latimes.com/news/nationworld/iraq/la-fg-diplo10may10,1,6361897.story?coll=la-home-headlines>

## CHRISTIAN SCIENCE MONITOR

Daily Update:

**A 'clear ... systemic failure'**

**New photos, videos, and Red Cross report show Iraqi prisoner abuse was widespread.**

by

HYPERLINK "<http://www.csmonitor.com/cgi-bin/encryptmail.pl?ID=D4EFEDA0D2E5E7E1EEA0ADA0E2F9ECE9EEE5>"

Tom Regan

| [csmonitor.com](http://csmonitor.com)

The United States military has told Congress it will see

HYPERLINK "[http://www.freep.com/news/statewire/sw97519\\_20040509.htm](http://www.freep.com/news/statewire/sw97519_20040509.htm)" \t "\_new"

other graphic photos and videos

of violent abuse of Iraqi prisoners this week, as the Abu Ghraib prison scandal spreads into its third week of constant media coverage. And a previously confidential Red Cross report published by the Wall Street Journal Monday shows that the abuse in the prison system

HYPERLINK "<http://msnbc.msn.com/id/4944094/>" \t "\_new"

spread far beyond six individuals

HYPERLINK

"[http://seattlepi.nwsourc.com/national/apmideast\\_story.asp?category=1107&slug=Red%20Cross%20Excerpts](http://seattlepi.nwsourc.com/national/apmideast_story.asp?category=1107&slug=Red%20Cross%20Excerpts)" \t "\_new"

cites abuses

-- "tantamount to torture" -- including brutality, hooding, humiliation and threats of

# TRANSCOM GHOST DOCS 220

"imminent execution."

Also an investigation by Newsweek shows how widespread that abuse is across the US military prison system – and not just in Iraq – and that many in the US military are

HYPERLINK "<http://www.msnbc.msn.com/id/4934436/>" \t "\_new"

trying to pass the buck

when it comes to who was responsible for the abuse.

Republican Senator Chuck Hagel of Nebraska said Sunday that the US is "

HYPERLINK "<http://www.cbsnews.com/stories/2004/05/09/iraq/main616398.shtml>" \t "\_new"

right on the edge

" in Iraq.

"What is our policy? What are we doing? What is the possibility of us winning? That's all still in question," said Mr. Hagel, a member of the Senate Foreign Relations Committee. "I think it's still in question whether Secretary of Defense Rumsfeld and, quite frankly, General [Richard] Myers, [the chairman of the Joint Chiefs of Staff,] can command the respect and the trust and the confidence of the military of the American people to lead this country."

The Washington Post reports that deep divisions have arisen at the top of the US military over the Iraq issue, with many top generals now believing that while the US is winning battles in Iraq,

HYPERLINK "<http://www.washingtonpost.com/wp-dyn/articles/A11227-2004May8.html>" \t "\_new"

it is losing the war

A senior general at the Pentagon said he believes the United States is already on the road to defeat. "It is doubtful we can go on much longer like this," he said. "The American people may not stand for it -- and they should not." Asked who was to blame, this general pointed directly at Rumsfeld and Deputy Defense Secretary Paul D. Wolfowitz. "I do not believe we had a clearly defined war strategy, end state and exit strategy before we commenced our invasion," he said. "Had someone like Colin Powell been the chairman [of the Joint Chiefs of Staff], he would not have agreed to send troops without a clear exit strategy. The current OSD [Office of the Secretary of Defense] refused to listen or adhere to military advice."

Senator Lindsey Graham (R) of South Carolina also said that the abuse in Iraq was not limited to the actions of a few. Sen. Graham, a former chief prosecutor for the Air Force, said Sunday on NBC's "Meet the Press" that "it's clear to me that

HYPERLINK "<http://msnbc.msn.com/id/4938258/>" \t "\_new"

we had system failure

" within the military and that "we just don't want a bunch of privates and sergeants to be the scapegoats here."

The prison scandal also threatens to engulf the US General Geoffrey Miller, who has just been appointed the head of prisons in Iraq. Britain's Mail on Sunday, and Newsweek, both carry reports that much of the abuse at the Iraqi prisons started

HYPERLINK "<http://www.msnbc.msn.com/id/4934436/>" \t "\_new"

after a visit

there late last summer by Gen. Miller, then in charge at Camp X-Ray in Guantanamo Bay.

The Washington Post reports that as the insurgency grew in Iraq last summer and fall, the need for intelligence also grew. Miller was brought in by Lt. Gen. Ricardo Sanchez, the Coalition commander in Iraq, and his top intel officer, Maj. Gen. Barbara Fasto, to find ways to

HYPERLINK "<http://www.washingtonpost.com/wp-dyn/articles/A13065-2004May9.html>" \t "\_new"

improve the flow of intelligence from detainees.

"He came up there and told me he was going to 'Gitmoize' the detention operation," turning it into a hub of interrogation, said Brig. Gen. Janis L. Karpinski, then commander of the military prison system in Iraq. "But the difference is, in Guantanamo Bay there isn't a war going on outside the wall."

The Mail on Sunday reports that the orders to "soften up" Iraqi detainees Abu Ghraib jail came from the

HYPERLINK

"[http://www.theaustralian.news.com.au/common/story\\_page/0,5744,9519057%255E401,00.html](http://www.theaustralian.news.com.au/common/story_page/0,5744,9519057%255E401,00.html)" \t "\_new"

highest level of the US defense administration

, right up to Secretary of Defense Donald Rumsfeld.

Miller defended his tactics at the prison and denied that his suggestions might have contributed to mistreatment of prisoners by overzealous military police. "I stand by those recommendations," General Miller said on Saturday. "Those recommendations were based on a system that provided humane detention, excellent interrogation, all within the bounds of the . . . Geneva Conventions."

But as the Los Angeles Times reported over the weekend,

HYPERLINK "<http://www.msnbc.msn.com/id/4894001/>" \t "\_new"

an internal army investigation

of the abuse compiled by Major-General Antonio Taguba has challenged Miller's approach, particularly the use of military police to "soften" up prisoners for interrogation. Military law forbids the use of military police for this role. The Sydney Morning Herald reports, however, that for the reservist military police units at Abu Ghraib abusing prisoners seemed almost routine, "

HYPERLINK "<http://www.smh.com.au/articles/2004/05/10/1084041307261.html>" \t "\_new"

a fact of army life

the soldiers felt no need to hide." One of the reservists charged with abuse claimed last week that it was her job to "

HYPERLINK "<http://scotlandonsunday.scotsman.com/index.cfm?id=530112004>" \t "\_new"

make it hell

" for the prisoners and that she didn't read a copy of the Geneva conventions until two weeks after she was charged.

The Guardian also reported last week that US military police moved unregistered Iraqi prisoners, known as "ghost detainees", around an army-run jail at Abu Ghraib,



HYPERLINK "<http://www.guardian.co.uk/Iraq/Story/0,2763,1209681,00.html>" \t "\_new"

in order to hide them  
from the Red Cross.

The Washington Post reported Sunday that the abuse scandal means the US "faces the prospect of a

HYPERLINK "<http://www.washingtonpost.com/wp-dyn/articles/A7139-2004May6.html>" \t "\_new"

severe and enduring backlash

not just in the Middle East but also among strategic allies."

The White House is so gloomy about the repercussions that senior adviser Karl Rove suggested this week that the consequences of the graphic photographs documenting the US abuse of Iraqi detainees are so enormous that it will take decades for the United States to recover, according to a Bush adviser.

Martin Schram of the Naples (Florida) Daily Times writes that the abuse scandal has handed Osama bin Laden

HYPERLINK

"[http://www.naplesnews.com/npdn/pe\\_columnists/article/0,2071,NPDN\\_14960\\_2860037,00.html](http://www.naplesnews.com/npdn/pe_columnists/article/0,2071,NPDN_14960_2860037,00.html)" \t "\_new"

his greatest victory

ever over the US military. International Affairs columnist Fareed Zakaria, writing in Newsweek, says that while people like Rumsfeld have said that they "accept responsibility" for what happened, it never seems to go

HYPERLINK "<http://msnbc.msn.com/id/4933882/>" \t "\_new"

beyond just saying the words

— no one ever does seem to take responsibility.

After the greatest terrorist attack against America, no one was asked to resign, and the White House didn't even want to launch a serious investigation into it. The 9/11

Commission was created after months of refusals because some of the victims' families pursued it aggressively and simply didn't give up. After the fiasco over Iraqi weapons of mass destruction, not one person was even reassigned. The only people who have been fired or cashiered in this administration are men like Gen. Eric Shinseki, Paul O'Neill and Larry Lindsey, who spoke inconvenient truths.

As bad as the situation may seem right now, Rumsfeld signaled Friday in his testimony to Congress that even more damaging

HYPERLINK

"<http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2004/05/09/wtort09.xml&sheet=/news/2004/05/09/ixnewstop.html>" \t "\_new"

new photos and videos

would be released soon. Military officials say that the new photos include US soldiers beating an Iraqi prisoner nearly to death; having sex with a female Iraqi prisoner; "acting inappropriately with a dead body"; and a video allegedly showing Iraqi guards raping young boys. Seymour Hersh of The New Yorker also released photos that showed a naked, handcuffed prisoner

HYPERLINK "[http://www.newyorker.com/fact/content/?040517fa\\_fact2](http://www.newyorker.com/fact/content/?040517fa_fact2)" \t "\_new"

about to be attacked

by military dogs.

Mr. Hersh said the magazine also has photos of after the attack that show the man with a large wound caused by the dogs, and that the US soldiers in the pictures are a

HYPERLINK

"<http://www.globeandmail.com/servlet/story/RTGAM.20040510.wxabuse0510/BNSStory/International/>" \t "\_new"

completely different group

than the seven reservists already charged with mistreating prisoners. Columnist Jenny McCartney of The Telegraph of London says the new photos prove that the problem wasn't "an interrogation centre with a couple of rogue soldiers in it: it was a

HYPERLINK

"<http://www.telegraph.co.uk/opinion/main.jhtml?xml=/opinion/2004/05/09/do0905.xml&sSheet=/news/2004/05/09/ixnewstop.html>" \t "\_new"

sadistic free-for-all  
of the basest kind."

On Monday, the White House

HYPERLINK

"<http://www.reuters.com/newsArticle.jhtml?type=politicsNews&storyID=5091905>" \t "\_new"

restated its support

for Rumsfeld, as the president visited the Pentagon. ABS-CBNNews of the Philippines reports that "hushed whispering" out of the Pentagon indicate that Mjr. Gen. Taguba did such a thorough job in his 53-page report, and so upset the Pentagon, that he may have "

HYPERLINK "<http://www.abs->

[cbnnews.com/NewsStory.aspx?section=Opinion&OID=50574](http://www.abs-cbnnews.com/NewsStory.aspx?section=Opinion&OID=50574)" \t "\_new"

written a death warrant to his career

"

And as one of the first reservists charged in the abuse scandal is about to be

HYPERLINK "<http://www.washingtonpost.com/wp-dyn/articles/A14098-2004May10.html>" \t "\_new"

tried in a court martial

, Newsday reports that Specialist Joe Darby, the man who first brought the photos of prisoner abuse to the military's attention in January of 2004, is now so hated in the town in Maryland where he and other reservists in one of the military police unit came from, that people there are saying

HYPERLINK "<http://www.newsday.com/news/nationworld/nation/ny-prison0509,0,3023002.story?coll=ny-homepage-big-pix>" \t "\_new"

his life may be in danger

. "Darby's going to be shunned," said Tanya Vargas, a former weekend reservist with the 372nd. "He's going to be blackballed. His life is in jeopardy, because he's a snitch. I hope they have protection for him."

Citation:

HYPERLINK "<http://www.csmonitor.com/2004/0510/dailyUpdate.html>"

<http://www.csmonitor.com/2004/0510/dailyUpdate.html>



When England was mobilized and dispatched to Iraq last year, the lawyers said, she was given four weeks of generalized training, then ordered to work as a guard at Abu Ghraib. "The section of Abu Ghraib to which [England was] assigned was controlled by the Central Intelligence Agency," Zapor said.

England came home from Iraq this spring and is now at Fort Bragg, N.C. The lawyers confirmed that England, who is unmarried, is five months pregnant. Zapor said her client has been "scapegoated and vilified" at Fort Bragg. "She has been asking for legal advice since January," the lawyer said. "She tried to obtain counsel around Fort Bragg. None of her calls were returned."

England's family then contacted Giorgio Ra'Shadd of Denver, and he put together the Colorado legal team now representing the soldier. Ra'Shadd went to Fort Bragg on Monday to meet his client and talk to prosecutors about the case. If convicted of the charges against her -- including three counts of assault, involving battery -- England could face 15 1/2 years in a military prison. Her attorneys said she is not guilty on all charges.

HYPERLINK "<http://www.washingtonpost.com/>"  
washingtonpost.com

### **Secret World of U.S. Interrogation Long History of Tactics in Overseas Prisons Is Coming to Light**

By Dana Priest and Joe Stephens

Washington Post Staff Writers

Tuesday, May 11, 2004; Page A01

Last of three articles

In Afghanistan, the CIA's secret U.S. interrogation center in Kabul is known as "The Pit," named for its despairing conditions. In Iraq, the most important prisoners are kept in a huge hangar near the runway at Baghdad International Airport, say U.S. government officials, counterterrorism experts and others. In Qatar, U.S. forces have been ferrying some Iraqi prisoners to a remote jail on the gigantic U.S. air base in the desert.

The Abu Ghraib prison in Iraq, where a unit of U.S. soldiers abused prisoners, is just the largest and suddenly most notorious in a worldwide constellation of detention centers -- many of them secret and all off-limits to public scrutiny -- that the U.S. military and CIA have operated in the name of counterterrorism or counterinsurgency operations since the Sept. 11, 2001, attacks.

These prisons and jails are sometimes as small as shipping containers and as large as the sprawling Guantanamo Bay complex in Cuba. They are part of an elaborate CIA and military infrastructure whose purpose is to hold suspected terrorists or insurgents for interrogation and safekeeping while avoiding U.S. or international court systems, where proceedings and evidence against the accused would be aired in public. Some are even held by foreign governments at the informal request of the United States.

"The number of people who have been detained in the Arab world for the sake of

America is much more than in Guantanamo Bay. Really, thousands," said Najeeb Nuaimi, a former justice minister of Qatar who is representing the families of dozens of prisoners.

The largely hidden array includes three systems that only rarely overlap: the Pentagon-run network of prisons, jails and holding facilities in Iraq, Afghanistan, Guantanamo and elsewhere; small and secret CIA-run facilities where top al Qaeda and other figures are kept; and interrogation rooms of foreign intelligence services -- some with documented records of torture -- to which the U.S. government delivers or "renders" mid- or low-level terrorism suspects for questioning.

All told, more than 9,000 people are held by U.S. authorities overseas, according to Pentagon figures and estimates by intelligence experts, the vast majority under military control. The detainees have no conventional legal rights: no access to a lawyer; no chance for an impartial hearing; and, at least in the case of prisoners held in cellblock 1A at Abu Ghraib, no apparent guarantee of humane treatment accorded prisoners of war under the Geneva Conventions or civilians in U.S. jails.

Although some of those held by the military in Iraq, Afghanistan and Guantanamo have had visits by the International Committee of the Red Cross, some of the CIA's detainees have, in effect, disappeared, according to interviews with former and current national security officials and to the Army's report of abuses at Abu Ghraib.

★ The CIA's "ghost detainees," as they were called by members of the 800th MP Brigade, were routinely held by the soldier-guards at Abu Ghraib "without accounting for them, knowing their identities, or even the reason for their detention," the report says. These phantom captives were "moved around within the facility to hide them" from Red Cross teams, a tactic that was "deceptive, contrary to Army doctrine, and in violation of international law."

CIA employees are under investigation by the Justice Department and the CIA inspector general's office in connection with the death of three captives in the past six months, two who died while under interrogation in Iraq, and a third who was being questioned by a CIA contract interrogator in Afghanistan. A CIA spokesman said the hiding of detainees was inappropriate. He declined to comment further.

None of the arrangements that permit U.S. personnel to kidnap, transport, interrogate and hold foreigners are ad hoc or unauthorized, including the so-called renditions. "People tend to regard it as an extra-judicial kidnapping; it's not," former CIA officer Peter Probst said. "There is a long history of this. It has been done for decades. It's absolutely legal."

In fact, every aspect of this new universe -- including maintenance of covert airlines to fly prisoners from place to place, interrogation rules and the legal justification for holding foreigners without due process afforded most U.S. citizens -- has been developed by military or CIA lawyers, vetted by Justice Department's office of legal counsel and, depending on the particular issue, approved by White House general counsel's office or the president himself.

In some cases, such as determining whether a U.S. citizen should be designated an enemy combatant who can be held without charges, the president makes the final decision, said Alberto R. Gonzales, counsel to the president, in a Feb. 24 speech to the American Bar Association's Standing Committee on Law and National Security.

Critics of this kind of detention and treatment, Gonzales said, "assumed that there was little or no analysis -- legal or otherwise -- behind the decision to detain a particular

person as enemy combatant."

On the contrary, the administration has applied the law of war, he said. "Under these rules, captured enemy combatants, whether soldiers or saboteurs, may be detained for the duration of hostilities."

Because most of the directives and guidelines on these issues are classified, former and current military and intelligence officials who described them to The Washington Post would do so only on the condition that they not be identified.

Along with other CIA and military efforts to disrupt terrorist plots and break up al Qaeda's financial networks, administration officials argue that the interrogations are a key component of their global counterterrorism strategy and counterinsurgency operations in Iraq. As the CIA's deputy director, John McLaughlin, recently told the commission investigating the Sept. 11 attacks: "The country, with all its capabilities, is now much more orchestrated into an offensive mix that is relentless."

#### Military Jails and Prisons

Abu Ghraib -- where photographs were taken that have enraged the Arab world and rocked U.S. political and military leadership -- held 6,000 to 7,000 detainees at the time of the documented abuse. Today, it and other sites in Iraq hold more than 8,000 prisoners, U.S. and coalition officials said. They range from those believed to have played key roles in the insurgency to some who are held on suspicion of petty crimes.

Until the current scandal cast some hazy light, little has been publicly known about the Iraq detention sites, their locations and who was being held there. That has been a source of continuing frustration for international monitoring groups such as New York-based Human Rights Watch, which has repeatedly sought to visit the facilities. Even the military's investigative report on abuses at Abu Ghraib remains classified, despite having become public through leaks.

Far better known has been the Defense Department's facility at Guantanamo Bay. The open-air camps there house about 600 detainees, flown in from around the world over the past two years. Secrecy there remains tight, with detainees and most of the facilities off-limits to visitors.

The U.S. Supreme Court is deciding whether detainees held there, whom the Pentagon has declared "enemy combatants" in the war against terrorism, should have access to U.S. courts.

Last week, the U.S. military acknowledged that two Guantanamo Bay guards had been disciplined in connection with use of excessive force against detainees. And U.S. defense officials confirmed the existence of a list of approved interrogation techniques, dating to April 2003, that included reversing sleep patterns, exposing prisoners to hot and cold, and "sensory assault," including use of bright lights and loud music.

The treatment of prisoners in Afghanistan has received less public attention.

The U.S. military holds 300 or so people at Bagram, north of the capital of Kabul, and in Kandahar, Jalalabad and Asadabad. Human Rights Watch estimates that at least 700 people had been released from those sites, most of them held a few weeks or less. Special Forces units also have holding centers at their firebases, including at Gardez and Khost. In December 2002, two Afghans died in U.S. custody in Afghanistan. The U.S. military classified both as homicides. Another Afghan died in June 2003 at a detention site near Asadabad.

"Afghans detained at Bagram airbase in 2002 have described being held in detention for

weeks, continuously shackled, intentionally kept awake for extended periods of time, and forced to kneel or stand in painful positions for extended periods," said a report in March by Human Rights Watch. "Some say they were kicked and beaten when arrested, or later as part of efforts to keep them awake. Some say they were doused with freezing water in the winter."

#### CIA Detention

Before the U.S. military was imprisoning and interrogating people in Afghanistan and Iraq, the CIA was scooping up suspected al Qaeda leaders in such far-off places as Pakistan, Yemen and Sudan. Today, the CIA probably holds two to three dozen captives around the world, according to knowledgeable current and former officials. Among them are al Qaeda leaders Khalid Sheik Mohammed and Ramzi Binalshibh in Pakistan and Abu Zubaida. The CIA is also in charge of interrogating Saddam Hussein, who is believed to be in Baghdad.

The location of CIA interrogation centers is so sensitive that even the four leaders of the House and Senate intelligence committees, who are briefed on all covert operations, do not know them, congressional sources said. These members are given periodic reports about the captives, but several members said they do not receive information about conditions under which prisoners are held, and members have not insisted on this information. The CIA has told Congress that it does not engage in torture as a tactic of interrogation.

"There's a black hole on certain information such as location, condition under which they are held," said one congressional official who asked not to be identified. "They are told it's too sensitive."

In Afghanistan, the CIA used to conduct some interrogations in a cluster of metal shipping containers at Bagram air base protected by three layers of concertina wire. It is unclear whether that center is still open, but the CIA's main interrogation center now appears to be in Kabul, at a location nicknamed "The Pit" by agency and Special Forces operators.

"Prisoner abuse is nothing new," said one military officer who has been working closely with CIA interrogators in Afghanistan. A dozen former and current national security officials interviewed by The Washington Post in 2002, including several who had witnessed interrogations, defended the use of stressful interrogation tactics and the use of violence against detainees as just and necessary.

The CIA general counsel's office developed a new set of interrogation rules of engagement after the Sept. 11 attacks. It was vetted by the Justice Department and approved by the National Security Council's general counsel, according to U.S. intelligence officials and other U.S. officials familiar with the process. "There are very specific guidelines that are thoroughly vetted," said one U.S. official who helps oversee the process. "Everyone is on board. It's legal."

The rules call for field operators to seek approval from Washington to use "enhanced measures" -- methods that could cause temporary physical or mental pain.

U.S. intelligence officials say the CIA, contrary to the glamorized view from movies and novels, had no real interrogation specialists on hand to deal with the number of valuable suspects it captured after Sept. 11. The agency relied on analysts, psychologists and profilers. "Two and a half years later," one CIA veteran said, "we have put together a very professional, controlled, deliberate and legally rationalized approach to dealing with

the Abu Zubaidas of the world."

U.S. intelligence officials say their strongest suit is not harsh interrogation techniques, but time and patience.

#### 'Renditions'

Much larger than the group of prisoners held by the CIA are those who have been captured and transported around the world by the CIA and other agencies of the U.S. government for interrogation by foreign intelligence services. This transnational transfer of people is a key tactic in U.S. counterterrorism operations on five continents, one that often raises the ire of foreign publics when individual cases come to light.

For example, on Jan. 17, 2002, a few hours before Bosnia's Human Rights Chamber was to order the release of five Algerians and a Yemeni for lack of evidence, Bosnian police handed them over to U.S. authorities, who flew them to Guantanamo Bay.

The Bosnian government, faced with public outcry, said it would compensate the families of the men, who were suspected of making threats to the U.S. and British embassies in Bosnia.

The same month, in Indonesia, Muhammad Saad Iqbal Madni, suspected of helping Richard C. Reid, the Briton charged with trying to detonate explosives in his shoe on an American Airlines flight, was detained by Indonesian intelligence agents based on information the CIA provided them. On Jan. 11, without a court hearing or a lawyer, he was hustled aboard an unmarked U.S.-registered Gulfstream V jet parked at a military airport in Jakarta and flown to Egypt.

It was no coincidence Madni ended up in Egypt. Egypt, Morocco, Jordan and Saudi Arabia are well-known destinations for suspected terrorists.

"A lot of people they [the U.S.] are taking to Jordan, third-country nationals," a senior Saudi official said. "They can do anything they want with them, and the U.S. can say, 'We don't have them.'"

In the past year, an unusual country joined that list of destinations: Syria.

Last year U.S. immigration authorities, with the approval of then-acting Attorney General Larry Thompson, authorized the expedited removal of Maher Arar to Syria, a country the U.S. government has long condemned as a chronic human rights abuser. Maher, a Syrian-born Canadian citizen, was detained at JFK International Airport in New York as he was transferring to the final leg of his flight home to Canada.

U.S. authorities say Arar has links to al Qaeda. Not wanting to return him to Canada for fear he would not be adequately followed, immigration officials took him, in chains and shackles, to a New Jersey airfield, where he was "placed on a small private jet, and flown to Washington D.C.," according to a lawsuit filed recently against the U.S. government. He was flown to Jordan, interrogated and beaten by Jordanian authorities who then turned him over to Syria, according to the lawsuit.

Arar said that for the 10 months he was in prison, he was beaten, tortured and kept in a shallow grave. After much pressure from the Canadian government and human rights activists, he was freed and has returned to Canada.

CIA Director George J. Tenet, testifying earlier this year before the commission investigating the Sept. 11 attacks, said the agency participated in more than 70 renditions in the years before the attacks. In 1999 and 2000 alone, congressional testimony shows, the CIA and FBI participated in two dozen renditions.

Christopher Kojm, a former State Department intelligence official and a staff member of

the commission, explained the rendition procedure at a recent hearing: "If a terrorist suspect is outside of the United States, the CIA helps to catch and send him to the United States or a third country," he testified. "Though the FBI is often part of the process, the CIA is usually the main player, building and defining the relationships with the foreign government intelligence agencies and internal security services."

The Saudis currently are detaining and interrogating about 800 terrorism suspects, said a senior Saudi official. Their fate is largely controlled by Saudi-based joint intelligence task forces, whose members include officers from the CIA, FBI and other U.S. law enforcement agencies.

The Saudi official said his country does not participate in renditions and today holds no more than one or two people at the request of the United States. Yet much can hinge on terminology.

In some interrogations, for example, specialists from the United States and Saudi Arabia develop questions and an interrogation strategy before questioning begins, according to one person knowledgeable about the process. During interrogation, U.S. task force members watch through a two-way mirror, he said.

"Technically, the questioning is done by a Saudi citizen. But, for all practical purposes, it is done live," he said. The United States and Saudis "are not 'cooperating' anymore; we're doing it together."

He said the CIA sometimes prefers Saudi interrogation sites and other places in the Arab world because their interrogators speak a detainee's language and can exploit his religion and customs.

"As hard as it is to believe, you can't physically abuse prisoners in Saudi Arabia," the Saudi official said. "You can't beat them; you can't electrocute them."

Instead, he said, the Saudis bring radical imams to the sessions to build a rapport with detainees, who are later passed on to more moderate imams. Working in tandem with relatives of the detainees, the clerics try to convince the subjects over days or weeks that terrorism violates tenets of the Koran and could bar them from heaven.

"According to our guys, almost all of them turn," the Saudi official said. "It's like deprogramming them. There is absolutely no need to put them through stress. It's more of a therapy."

The Saudis don't want or need to be directed by American intelligence specialists, who have difficulty understanding Arab culture and tribal relations, he said. "We know where they grew up," he said of the detainees. "We know their families. We know the furniture in their home."

Research editor Margot Williams contributed to this report.

and the travesty at Abu Ghraib may be to set back the course of the Modern Era for years, even a generation or more.

With emotions so raw and expectations unquenched, I am now anxious about what will fill the vacuum. Disillusioned by what they see as the failure of the world's superpower to provide protections, Muslim societies in search of change may turn inward for sustenance and direction. There are few alternatives. Their own governments -- several of them America's allies -- have banned, imprisoned or exiled genuine opposition.

And that may not only widen the gap with the West, it could also spur an intense clash of civilizations, a prospect I had until very recently rejected. With the shared quest for empowerment, I thought it could be avoided.

But what I fear most is that frustration over Iraq and disgust with Abu Ghraib will give common cause and a rallying cry to far-flung Muslim societies. Until now, al Qaeda -- with its global reach -- has been the exception. Most Islamic groups have had local causes and operated at home or very nearby. And they've always been a distinct minority.

The worst-case scenario is that the Cold War of the 20th century is followed in the early 21st century by a very warm one, with no front lines, unpredictable offensives and a type of weaponry from which we're not yet sure how to protect ourselves. This time the majority could become involved, either by empathizing, sympathizing or actively participating in a cause they see as righting a wrong against them.

The unintended consequence of the Iraq experience could well produce a third generation of militants -- a cadre that didn't fight against the Soviets in Afghanistan in the 1980s or train in bin Laden's camps in the 1990s -- who will launch a conflict whose tactics, targets and goals will be even more amorphous. Their conflict will be more than an intensified or expanded war on terrorism. And, I fear, we'll be groping for a long time to figure out how to counter it -- and how to get back to finishing that final chapter of the Modern Era.

Author's e-mail:

HYPERLINK "mailto:wright@washpost.com"  
wright@washpost.com

Robin Wright covers U.S. foreign policy for The Post. She has reported on the Middle East for the past 30 years.

## NEW YORK TIMES

May 17, 2004

**Some Iraqis Held Outside Purview of U.S. Command**

By DOUGLAS JEHL

PRIVATE

PRIVATE "TYPE=PICT;ALT=W"

INCLUDEPICTURE \d "http://graphics7.nytimes.com/images/dropcap/w.gif"

ASHINGTON, May 16 — About 100 high-ranking Iraqi prisoners held for months at a time in spartan conditions on the outskirts of Baghdad International Airport are being detained under a special chain of command, under conditions not subject to approval by

the top American commander in Iraq, according to military officials.

The unusual lines of authority in the detainees' handling are part of a tangled network of authority over prisoners in Iraq, in which the military police, military intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, various military commanders and the Pentagon itself have all played a role. Congressional investigators who are looking into the scandal over the abuse of Iraqi prisoners say those arrangements have made it difficult to determine where the final authority lies.

At least as of February, many of the 100 or so prisoners categorized by American officials as "high value detainees" because of the special intelligence they are believed to possess, had been held since June 2003 for nearly 23 hours a day in strict solitary confinement in small concrete cells without sunlight, according to a report by the International Committee of the Red Cross.

While not tantamount to the sexual humiliation and other abuses inflicted on Iraqi detainees at Abu Ghraib prison, the conditions have been described by the Red Cross as a violation of the Geneva Conventions, the international treaty that the Bush administration has said it regards as "fully applicable" to all prisoners held by the United States in Iraq. Under arrangements in effect since October, military officials said at a Pentagon briefing on Friday, explicit authorization from the American commander, Lt. Gen. Ricardo S. Sanchez, has been required in each of about 25 cases in which prisoners have been subjected to isolation for longer than 30 days. But on Sunday, a senior military officer said that statement did not apply to the prisoners being held at the airport, because "we were not the authority" for the high-value detainees.

The officer referred questions about the high-value Iraqi prisoners to the United States Central Command, in Tampa, Fla., where a spokesman said he could not answer them on Sunday.

Defense Department officials said the principal responsibility for the high-value prisoners and their treatment belonged to the Iraq Survey Group, which is headed by Maj. Gen. Keith Dayton of the Defense Intelligence Agency.

The 1,400-person Iraq Survey Group was formed last June, principally to take charge of the hunt for Iraq's illicit weapons, although its mandate has also included gathering information about Iraqi war crimes. The survey group falls under the overall authority of the Central Intelligence Agency, under George J. Tenet, for matters related to the illicit weapons hunt. But on other matters it reports to the Central Command, under Gen. John P. Abizaid.

The so-called high-value Iraqi detainees said by military officials to be held at Camp Cropper on the airport's outskirts do not include Saddam Hussein, who was not captured until December and is being held by the Federal Bureau of Investigation elsewhere in Iraq, American government officials have said. These officials say Mr. Hussein has also been held in isolation.

The group does, however, include Tariq Aziz, a top Hussein aide, and other former senior officials depicted on a deck of cards created by the Pentagon to represent a 55-member most wanted list.

The designation of a "high value detainee" was described by military officials as subjective, assigned to prisoners based on an assessment of the intelligence information they might have about matters like illicit weapons, the anti-American insurgency or the conduct of Mr. Hussein's government.



In the report that it completed in February, the Red Cross committee said it had written to American officials last October recommending an end to the isolation imposed on the high-value prisoners. "The internment of persons in solitary confinement for months at a time in cells devoid of daylight for nearly 23 hours a day is more severe than the forms of internment provided for" under the Geneva Conventions, the Red Cross said in the report. But there has been no indication that the United States has called a halt to the procedure. On Friday, military officials in Washington who announced that harsher forms of treatment would no longer be available to interrogators and guards in Iraq also said that General Sanchez, the commander in Iraq, was leaving open the option of continuing to authorize the isolation of prisoners.

The question of whether harsh treatment of the detainees was authorized by senior Pentagon officials is among the main topics of the Congressional inquiries into prison abuse. An article by Seymour Hersh in the May 24 issue of *The New Yorker* says the tone for the abuse reflected secret directives from the Pentagon that were initially intended to give Special Operations troops and intelligence operatives a freer hand in pursuing Al Qaeda members.

In a statement on Saturday, the Pentagon described that article as "outlandish" and "filled with error."

"No responsible official of the Department of Defense approved any program that could conceivably have been intended to result in such abuses as witnessed in the recent photos and videos," it said.

However, Senator John W. Warner, Republican of Virginia and chairman of the Senate Armed Services Committee, said in a commencement address on Sunday that in light of the allegations, his committee would look "up and down and sideways in the chain of command and get to the bottom of this," said a spokesman for the senator.

Senator Lindsey Graham, Republican of South Carolina, appearing on the CBS News program "Face the Nation," said, "The question is: do we have an out-of-control prison or an out-of-control system?"

In response to questions, Senator Graham, Senator Warner and other lawmakers who spoke publicly on Sunday said they had not yet been able to determine whether *The New Yorker* account was accurate.

Senator Carl Levin of Michigan, the top Democrat on the Armed Services Committee, said that if *The New Yorker* article was accurate, "it raises this issue a whole new level." "The question," he said, "is whether there was this kind of a secret program, which authorized this additional level of abuse."

A report in this week's *Newsweek* quotes a memo written Jan. 25, 2002, by Alberto R. Gonzales, the White House counsel, to Secretary of State Colin L. Powell saying that "this new paradigm of terrorism renders obsolete" the "strict limitation on questioning of enemy prisoners" spelled out in the Geneva accords.

Asked about it on the NBC News program "Meet the Press," Mr. Powell said he could not recall the specific memo but said he had always argued that the Bush administration should comply with the provisions of the Geneva accords — "either by the letter, if it's appropriate to those individuals in our custody that they are really directly under the Geneva Convention, or if they're illegal noncombatants and not directly under the convention, we should treat them nevertheless in a humane manner in accordance with what is expected of by international law and the Geneva Convention."

To date, military and intelligence officials have declined to describe the conditions under which the senior Iraqi officials have been held in Iraq.

Mr. Hussein had been in the custody of the Central Intelligence Agency in the early weeks after his capture in December, intelligence officials have said, but has been transferred to the F.B.I. in anticipation of his being transferred in turn to the Iraqi authorities to stand trial in Iraq, probably next year.

All of the American-run detention centers in Iraq, including the Abu Ghraib prison and the high-value detention site at Camp Cropper, are run by the military and guarded by the military police, military and Congressional officials said. In general, the military has been assigned the leading role in the questioning of Iraqi detainees, to the extent that military intelligence officials are supposed to sit in even on interrogations conducted by C.I.A. officers, a senior intelligence official said.

But the exact role played by officers from the C.I.A. and D.I.A. is not clear, and neither is the role played by members of the covert task forces run by the military that have taken the lead in the hunt for weapons in Iraq and for Mr. Hussein.

The task forces, which include C.I.A. officers and elite Special Operations troops including members of the Army's Delta Force and Navy Seals, have been given different names over time. But one of them, Task Force 121, played a leading role in the capture of Mr. Hussein, and a successor unit is still operating in both Iraq and Afghanistan.

Intelligence officials have acknowledged that the C.I.A. played a role in interrogating about two dozen prisoners at Abu Ghraib, and that one prisoner died there during questioning in November, in a case that is being investigated by the agency's inspector general as a possible criminal homicide.

They also say that C.I.A. interrogators have questioned prisoners held at the site at the airport, and they have acknowledged that agency employees for a time enlisted military guards at Abu Ghraib to try to hide "ghost detainees" from the Red Cross.

That latter practice — intended "to keep the capture of a small number of terrorists quiet for some time" — was discontinued in January, a senior intelligence official said on Sunday.

In practice, however, Bush administration officials have also acknowledged that some of the overall direction has come from senior civilians at the Pentagon, including Stephen Cambone, the under secretary of defense for intelligence, military officials said.

In testimony last week before Congress, Mr. Cambone acknowledged that it was he, among others, who encouraged Maj. Gen. Geoffrey Miller, who was then running the American prison at Guantánamo Bay, Cuba, to head a delegation that traveled to Iraq last summer to seek recommendations on improving the interrogation process there.

Mr. Cambone has said that he was never briefed about that trip by General Miller himself, but received only a secondhand briefing from his own top deputy, Lt. Gen. William G. Boykin, the deputy under secretary of defense for intelligence.

Mr. Cambone has said the trip resulted in some important organizational changes, including the establishment under General Sanchez of a new "fusion cell" aimed at integrating intelligence information from a wide variety of sources.

Over breakfast with reporters last November, before the problems at Abu Ghraib had begun to surface, Mr. Cambone referred broadly to a trip made to Iraq last August by a delegation that he said "included people from the C.I.A." that made recommendations for "an increased level of intelligence support."

"They came back with a list of somewhere close to 80 or 90 recommendations on some of the changes and adjustments that needed to be made," Mr. Cambone said of the group. "Some were small: make sure you have the proper software down at a certain level of command and so forth. Others were rather larger."  
Sheryl Gay Stolberg contributed reporting from Washington for this article.

Citation:

HYPERLINK

<http://www.nytimes.com/2004/05/17/international/middleeast/17ABUS.html>

<http://www.nytimes.com/2004/05/17/international/middleeast/17ABUS.html>

HYPERLINK "<http://www.washingtonpost.com/>"

washingtonpost.com

Knowledge of Abusive Tactics May Go Higher

By R. Jeffrey Smith

Washington Post Staff Writer

Sunday, May 16, 2004; Page A01

Army intelligence officers suspected that a Syrian and admitted jihadist who was detained at Abu Ghraib prison outside Baghdad knew about the illegal flow of money, arms and foreign fighters into Iraq. But he was smug, the officers said, and refused to talk. So last November, they devised a special plan for his interrogation, going beyond what Army rules normally allowed.

An Army colonel in charge of intelligence-gathering at the prison, spelling out the plan in a classified cable to the top U.S. military officer in Iraq, said interrogators would use a method known as "fear up harsh," which military documents said meant "significantly increasing the fear level in a security detainee." The aim was to make the 31-year-old Syrian think his only hope in life was to talk, undermining his confidence in what they termed "the Allah factor."

According to the plan, interrogators needed the assistance of military police supervising his detention at the prison, who ordinarily play no role in interrogations under Army regulations. First, the interrogators were to throw chairs and tables in the man's presence at the prison and "invade his personal space."

Then the police were to put a hood on his head and take him to an isolated cell through a gantlet of barking guard dogs; there, the police were to strip-search him and interrupt his sleep for three days with interrogations, barking and loud music, according to Army documents. The plan was sent to Lt. Gen. Ricardo Sanchez.

A spokesman for Sanchez declined to comment yesterday, and so it remains uncertain whether the plan was one of 25 requests for unusually tough interrogations that Army officials in Washington have said he approved between October and the present. All involved prolonged isolation of detainees, the officials said on Friday, adding that Sanchez last week issued an order barring requests for approval of particularly severe questioning tactics.

But the fact that a plan for such intense and highly organized pressure was proposed by Col. Thomas M. Pappas -- a senior military intelligence officer in Iraq who took his job at the insistence of a general dispatched from the Pentagon -- suggests a wider circle of involvement in aggressive and potentially abusive interrogations of Iraqi detainees, encompassing officers higher up the chain of command, than the Army has previously

TRANSCOM GHOST DOCS 235

A senior Bush administration official said Thursday that the techniques used against Mr. Kahtani remained well within the bounds of "humane" interrogation techniques pledged by the Bush administration and included "auditory stimulation" such as loud music, deprivation of light, segregation from other detainees and extended periods of interrogation.

Mr. Kahtani's denial of entry into the United States had been described in detail to the commission investigating the Sept. 11 hijackings. The Saudi national had arrived in Orlando on Aug. 4, 2001, on a one-way flight from London and Dubai carrying \$2,800 in cash. The Customs inspector who met Mr. Kahtani, José Melendez Perez, said in testimony to the commission that Mr. Kahtani had become agitated when questioned about his travel plans.

Mr. Melendez Perez said that when told he was being deported, Mr. Kahtani turned and said in English something "to the effect of, 'I'll be back.' "

Later, authorities determined that Mohamed Atta, the operational leader of the Sept. 11 plot, was at the Orlando airport on the day that Mr. Kahtani arrived.

Investigators deduced from records of phone calls made by Mr. Atta at the airport to Saudi Arabia that he was probably phoning confederates to determine why Mr. Kahtani had failed to show up.

The more aggressive techniques used on Mr. Kahtani were halted between January 2003 and April 2003, when the working group came up with a set of interrogation techniques that were approved "by consensus," according to one Pentagon official.

A military lawyer who briefed reporters said that the final set of guidelines for interrogation had met with approval from the uniformed legal community.

Congressional officials said those techniques were described Thursday to senior Pentagon and military officials in a classified Capitol Hill hearing to describe the process of interrogations at Guantánamo.

Citation:

HYPERLINK <http://www.nytimes.com/2004/05/21/politics/21GITM.html>  
<http://www.nytimes.com/2004/05/21/politics/21GITM.html>

**May 21, 2004**

## **GENEVA CONVENTIONS**

### **Justice Memos Explained How to Skip Prisoner Rights**

By NEIL A. LEWIS

PRIVATE

PRIVATE "TYPE=PICT;ALT=W"

INCLUDEPICTURE \d "http://graphics7.nytimes.com/images/dropcap/w.gif"

ASHINGTON, May 20 — A series of Justice Department memorandums written in late 2001 and the first few months of 2002 were crucial in building a legal framework for United States officials to avoid complying with international laws and treaties on handling prisoners, lawyers and former officials say.

The confidential memorandums, several of which were written or co-written by John C. Yoo, a University of California law professor who was serving in the department,

**TRANSCOM GHOST DOCS 236**

provided arguments to keep United States officials from being charged with war crimes for the way prisoners were detained and interrogated. They were endorsed by top lawyers in the White House, the Pentagon and the vice president's office but drew dissents from the State Department.

The memorandums provide legal arguments to support administration officials' assertions that the Geneva Conventions did not apply to detainees from the Afghanistan war. They also suggested how officials could inoculate themselves from liability by claiming that abused prisoners were in some other nation's custody.

The methods of detention and interrogation used in the Afghanistan conflict, in which the United States operated outside the Geneva Conventions, is at the heart of an investigation into prisoner abuse in Iraq in recent months. Human rights lawyers have said that in showing disrespect for international law in the Afghanistan conflict, the stage was set for harsh treatment in Iraq.

One of the memorandums written by Mr. Yoo along with Robert J. Delahunty, another Justice Department lawyer, was prepared on Jan. 9, 2002, four months after the terrorist attacks in New York and Washington. The 42-page memorandum, entitled, "Application of treaties and laws to Al Qaeda and Taliban detainees," provided several legal arguments for avoiding the jurisdiction of the Geneva Conventions.

A lawyer and a former government official who saw the memorandum said it anticipated the possibility that United States officials could be charged with war crimes, defined as grave breaches of the Geneva Conventions. The document said a way to avoid that is to declare that the conventions do not apply.

The memorandum, addressed to William J. Haynes, the Pentagon's general counsel, said that

HYPERLINK

"<http://www.nytimes.com/top/news/washington/campaign2004/candidates/georgewbush/index.html?inline=nyt-per-pol>"

President Bush

could argue that the Taliban government in Afghanistan was a "failed state" and therefore its soldiers were not entitled to protections accorded in the conventions. If Mr. Bush did not want to do that, the memorandum gave other grounds, like asserting that the Taliban was a terrorist group. It also noted that the president could just say that he was suspending the Geneva Conventions for a particular conflict.

Prof. Detlev Vagts, an authority on international law and treaties at Harvard Law School, said the arguments in the memorandums as described to him "sound like an effort to find loopholes that could be used to avoid responsibility."

One former government official who was involved in drafting some of the memorandums said that the lawyers did not make recommendations but only provided a range of all the options available to the White House.

On Jan. 25, 2002, Alberto R. Gonzales, the White House counsel, in a memorandum to President Bush, said that the Justice Department's advice was sound and that Mr. Bush should declare the Taliban as well as Al Qaeda outside the coverage of the Geneva Conventions. That would keep American officials from being exposed to the federal War Crimes Act, a 1996 law, which, as Mr. Gonzales noted, carries the death penalty.

The Gonzales memorandum to Mr. Bush said that accepting the recommendations of the Justice Department would preserve flexibility in the global war against terrorism. "The

nature of the new war places a high premium on other factors such as the ability to quickly obtain information from captured terrorists and their sponsors in order to avoid further atrocities against American civilians," said the memorandum, obtained this week by The New York Times. The details of the memorandum were first reported by Newsweek.

Mr. Gonzales wrote that the war against terrorism, "in my judgment renders obsolete Geneva's strict limitations on questioning of enemy prisoners."

Mr. Gonzales also says in the memorandum that another benefit of declaring the conventions inapplicable would be that United States officials could not be prosecuted for war crimes in the future by prosecutors and independent counsels who might see the fighting in a different light.

He observed, however, that the disadvantages included "widespread condemnation among our allies" and that other countries would also try to avoid jurisdiction of the Geneva Conventions. It also meant that the United States might have difficulty in invoking the conventions in protecting its own personnel who might be captured by an enemy.

Another memorandum from the Justice Department advises officials to create a situation in which they could plausibly claim that abused prisoners were never in United States custody.

That memorandum, whose existence was acknowledged by two former officials, noted that it would be hard to ward off an allegation of torture or inhuman treatment if the prisoner had been transferred to another country from American custody. International law prohibits the "rendition" of prisoners to countries if the possibility of mistreatment can be anticipated.

The former officials said that memorandum was explicit in advising that if someone were involved in interrogating detainees in a manner that could cross the line into torture or other prohibited treatment, that person could claim immunity only if he or she contended that the prisoner was never in United States custody.

The Gonzales memorandum provoked a response from Secretary of State Colin L. Powell on Jan. 26 in which he strongly suggested that the advantages of applying the Geneva Conventions far outweighed their rejection. He said bluntly that declaring the conventions inapplicable would "reverse over a century of U.S. policy and practice in supporting the Geneva Conventions and undermine the protections of the laws of war for our troops." He also said he would "undermine public support among critical allies." Douglas Jehl contributed reporting for this article.

Citation:

HYPERLINK <http://www.nytimes.com/2004/05/21/politics/21MEMO.html>

<http://www.nytimes.com/2004/05/21/politics/21MEMO.html>

CHICAGO TRIBUNE

HYPERLINK "<http://www.chicagotribune.com/news/nationworld/chi-0405200268may20,1,4739238.story?coll=chi-newsnationworld-hed>"

[http://www.chicagotribune.com/news/nationworld/chi-](http://www.chicagotribune.com/news/nationworld/chi-0405200268may20,1,4739238.story?coll=chi-newsnationworld-hed)

[0405200268may20,1,4739238.story?coll=chi-newsnationworld-hed](http://www.chicagotribune.com/news/nationworld/chi-0405200268may20,1,4739238.story?coll=chi-newsnationworld-hed)

<http://www.latimes.com/news/nationworld/iraq/la-fg-abuse18may18,1,4789041.story?coll=la-home-headlines>

## CHRISTIAN SCIENCE MONITOR

Daily Update

17 May 2004

**Military lawyers advised Pentagon two years ago to protect prisoners but JAGs say Pentagon political appointees had a harsher agenda.**

by

HYPERLINK "/cgi-bin/encryptmail.pl?ID=D4EFEDA0D2E5E7E1EEA0ADA0E2F9ECE9EE5"

Tom Regan

| csmonitor.com

ABC News reports that lawyers from the military's

HYPERLINK "http://www.kwtx.com/home/headlines/693254.html"

Judge Advocate General's Corps

, or JAG, had been advising the Pentagon for two years before the Iraqi prisoner abuse scandal at Abu Ghraib prison

HYPERLINK "http://abcnews.go.com/sections/WNT/US/JAG\_detainees\_040515-1.html"

to ensure protection for prisoners

. But the military lawyers say that political appointees in the Defense Department ignored their warnings, thus setting the stage for the abuse scandal that has

HYPERLINK "http://www.dailytimes.com.pk/default.asp?page=story\_17-5-2004\_pg4\_3"

undermined the US's standing

in the Middle East, and much of the rest of the world:

"If we — 'we' being the uniformed lawyers — had been listened to, and what we said put into practice, then these abuses would not have occurred," said Rear Admiral Don Guter (ret.), the Navy Judge Advocate General from 2000 to 2002.

ABC quotes several JAG sources as saying that the Pentagon had formed a "Tiger Team" of Army JAG officers after 9/11 to help create rules for military tribunals, but it was soon disbanded and taken over by political appointees. The JAG officers attributed the move to their insistence on greater rights and protections for the prisoners than what the Pentagon's political appointees wanted to give. The JAG officers said in particular they have been "marginalized" by Douglas Feith, undersecretary of defense for policy, and William Haynes II, the Pentagon's general counsel, who has been nominated for a judgeship on the United States Court of Appeals for the Fourth Circuit. Mr. Feith, however, told ABC that there were no tensions with the JAG officers.

The military lawyers were so upset, Joe Conason of Salon reported last week, that eight senior JAG officers took the unprecedented step of

HYPERLINK "http://www.memphisflyer.com/content.asp?ArticleID=6&ID=5863"

arranging an off-the-record meeting

# TRANSCOM GHOST DOCS 239

with Scott Horton, chairman of the New York City bar association's Committee on International Human Rights Law. The meeting, held a little more than a year ago, was not long on details, Mr. Horton told Newsday, but it was soon apparent that the officers were deeply concerned about

HYPERLINK "<http://www.newsday.com/news/nationworld/ny-gen0516,0,3707944.story?coll=ny-top-headlines>"

the movement away from the Geneva Conventions that was being orchestrated inside the Pentagon.

HYPERLINK "<http://www.genevaconventions.org/>"

The Geneva Conventions

are a set of guidelines agreed to by most of the world's nations that sets standards of protections for prisoners of war, and for civilians during times of war.

"They were very specific in saying there is a policy coming from the top creating an atmosphere of legal ambiguity surrounding the interrogation process that serves no legitimate function and carries grave risks," Horton recalls. "They made it very clear they wanted the bar to raise its voice about this."

Fox News reports that with the news about the military lawyers concerns and the allegations in this week's New Yorker about Secretary of Defense Donald Rumsfeld

HYPERLINK "</2004/0514/dailyUpdate051604.html>"

giving the approval

for new, harsher techniques to be used during interrogations, the story about Abu Ghraib was broadened and shifted to whether or not

HYPERLINK "<http://www.foxnews.com/story/0,2933,120072,00.html>"

the new legal foundations created

by the Bush administration opened the door for US troops and military intelligence to use physical coercion and sexual humiliation against Iraqi prisoners. Newsweek reports that after 9/11, President George Bush, Mr. Rumsfeld, and US Attorney General John Ashcroft signed off on a "

HYPERLINK "<http://www.msnbc.msn.com/id/4989422/>"

on a secret system of detention and interrogation

" designed to prevent another 9/11.

It was an approach that they adopted to sidestep the historical safeguards of the Geneva Conventions, which protect the rights of detainees and prisoners of war. In doing so, they overrode the objections of Secretary of State Colin Powell and America's top military lawyers—and they left underlings to sweat the details of what actually happened to prisoners in these lawless places. While no one deliberately authorized outright torture, these techniques entailed a systematic softening up of prisoners through isolation, privations, insults, threats and humiliation—methods that the Red Cross concluded were "tantamount to torture."

The White House has long insisted that Taliban and Al Qaeda prisoners are not covered by the Geneva Conventions because they are "enemy combatants," although

HYPERLINK "<http://www.msnbc.msn.com/id/4989436/>"

Mr. Powell and his staff

were "horrified" by the suggested changes to prisoners protections and tried without success to negate them. Newsweek reports that the post 9/11 plan signed off on by Mr. Bush



HYPERLINK "<http://www.msnbc.msn.com/id/4855930/>"

gave the CIA permission

to set up secret detention facilities outside the US. The White House then negotiated novel "status of forces agreements" with foreign governments for the secret sites. These agreements "gave immunity not merely to US government personnel but also to private contractors."

The situation changed in the summer of 2003, Newsweek reports, when Rumsfeld, desperate to find a way to get more information out of detainees in Iraq, OK'ed the use of the new "interrogation" techniques in Iraq, although the war was

HYPERLINK "<http://www.msnbc.msn.com/id/4989438/>"

clearly covered

by the protections of the Geneva Conventions. Rumsfeld allegedly authorized his deputy Stephen Cambone, the under secretary of defense for intelligence, to send

HYPERLINK "<http://www.sundayherald.com/42067>"

Gen. Geoffrey Miller

, then commander of the US detention facility at Guantanamo Bay, Cuba to Iraq to implement the "system" he had used to get information from detainees at Gitmo. Mr. Cambone used his assistant, Gen.

HYPERLINK

"[http://www.sptimes.com/2004/05/17/Worldandnation/Religious\\_remarks\\_hou.shtml](http://www.sptimes.com/2004/05/17/Worldandnation/Religious_remarks_hou.shtml)"

Gen. William (Jerry) Boykin

, to arrange the trip with Gen. Miller. Miller's trip seems to have set in motion the conditions that lead to the abuse at the prison, according to the Newsweek report.

What also seems to be emerging is a more detailed timeline of when allegations of the abuse and torture of prisoners were first reported by the media or other organizations.

In December of 2002 the Washington Post wrote about the use of "stress and duress" techniques on prisoners by US forces. "If you don't violate someone's human rights some of the time, you probably aren't doing your job," one Pentagon official told the Post.

Citing eyewitnesses, the paper reported, "captives are often 'softened up' by MPs and US Army Special Forces troops who beat them up." Then in January of 2003, the Economist

ran a story that reports had emerged that "American intelligence agents have been

HYPERLINK "[http://www.economist.com/displaystory.cfm?story\\_id=1522792](http://www.economist.com/displaystory.cfm?story_id=1522792)"

torturing terrorist suspects

, or engaging in practices pretty close to torture."

If, in their efforts to defeat Al Qaeda, American officials are moving towards a policy of using torture on a systematic basis, or conspiring with other countries to do so by handing over suspects to them for interrogation in the full knowledge that torture will be used, this would be a remarkable and ominous reversal of policy.

Editor and Publisher reports that The Associated Press ran a series of stories in November of 2003 (almost completely ignored by other mainstream media) that

HYPERLINK

"[http://www.mediainfo.com/eandp/columns/pressingissues\\_display.jsp?vnu\\_content\\_id=1000510856](http://www.mediainfo.com/eandp/columns/pressingissues_display.jsp?vnu_content_id=1000510856)"

quoted several former Iraqi detainees

who said they had been tortured while they were in Abu Ghraib. Charles J. Hanley, the AP correspondent who wrote the story, said it didn't have any "traction" with his media

colleagues because it didn't come from a government "handout."

He [Hanley] is still amazed that apparently no one else was looking into the allegations, and no major newspaper picked up on his reporting after it appeared. Why? "That's something you'd have to ask editors at major newspapers," he said. "But there does seem to be a very strong prejudice toward investing US official statements with credibility while disregarding statements from almost any other source — and in this current situation, Iraqi sources."

The Associated Press also reported Sunday that some members of Congress were made aware as far back as February that there was a problem at Abu Ghraib. AP says the family of one accused soldier wrote to 14 members of Congress that "

HYPERLINK "<http://www.guardian.co.uk/world/latest/story/0,1280,-4098081,00.html>" something went wrong

" involving "mistreatment of POWs" at the prison.

So with all these stories about US interrogations tactics allegedly drifting over into torture, and with specific reports about abuse at Abu Ghraib as far back as November of last year, what was it that made the difference this time? Eric Umansky writes in USA Today that

HYPERLINK "[http://www.usatoday.com/news/opinion/editorials/2004-05-16-umansky\\_x.htm](http://www.usatoday.com/news/opinion/editorials/2004-05-16-umansky_x.htm)"

it was the photos

Maybe not all of the Abu Ghraib photos should be immediately published. There are negative consequences in doing so. But let's not keep fooling ourselves about the positive consequences of disclosure. The photos — not the details about them — are what forced us, finally, to pay attention.

Experts are split on the usefulness of "torturing" prisoners for information. Harvard law professor and author Alan M. Dershowitz, who supports the use of torture in some situations, says that while torture should continue, it should be "leaders, not servicemen and women" who

HYPERLINK "<http://www.washingtonpost.com/wp-dyn/articles/A15861-2004May10.html>"

decide when to use it

"If someone asked me to draft the statute, I would say, 'Try buying them off, then use threats, then truth serum, and then if you came to a last recourse, nonlethal pain, a sterilized needle under the nail to produce excruciating pain,' " he said. "You would need a judge signing off on that. By making it open, we wouldn't be able to hide behind the hypocrisy."

But Darius Rejali, an associate professor of political science at Reed College in Portland, Oregon and author of "Torture and Modernity," says his studies show that torture is ineffective as a tool for gathering information. "My position is there is no empirical evidence to suggest that this works, at least in the way that people claim that it does in the war against terrorism," Mr. Rejali says. And in an article for the Seattle Times he says that the "

HYPERLINK

"[http://seattletimes.nwsourc.com/html/opinion/2001928172\\_torture14.html](http://seattletimes.nwsourc.com/html/opinion/2001928172_torture14.html)"

interrogation techniques

" learned by US soliders today will not just be used against enemies in the war on terror. Torture like this doesn't just happen "over there." Torture like this casts a shadow back here for years afterwards. Soldiers trained in stealth torture take these techniques back into civilian life as policemen and private security personnel. It takes years to uncover the subsequent damage. The American style of electric torture in Vietnam appeared in Arkansas prisons in the 1960s and Chicago squad rooms in the 1970s and 1980s. Likewise, the excruciating water tortures American soldiers used for interrogation during the Spanish American War appeared in American policing in the next two decades. For those who suffered from these tortures, it was small comfort that President Theodore Roosevelt felt it was a "mild torture," or that it was hard to see that anyone "was seriously damaged," or that, on Memorial Day 1902, the president regretted the "few acts of cruelty" American troops had performed.

Finally, Secretary of State Colin Powell

HYPERLINK

"[http://www.deepikaglobal.com/ENG4\\_sub.asp?ccode=ENG4&newscode=53405](http://www.deepikaglobal.com/ENG4_sub.asp?ccode=ENG4&newscode=53405)"

apologized to Iraqi prisoners

Sunday, the day after he told a group of Arab leaders meeting in Jordan that the US would see that those who had perpetrated the abuses at Abu Ghraib would be brought to justice. But he also chastised Arab leaders at that meeting for

HYPERLINK

"[http://www.boston.com/news/nation/articles/2004/05/17/arabs\\_scolded\\_on\\_beheading\\_reaction/](http://www.boston.com/news/nation/articles/2004/05/17/arabs_scolded_on_beheading_reaction/)"

not expressing more outrage

over the recent videotaped beheading of an American civilian in Iraq.

Citation:

HYPERLINK <http://www.csmonitor.com/2004/0517/dailyUpdate.html>

<http://www.csmonitor.com/2004/0517/dailyUpdate.html>

HYPERLINK "<http://www.washingtonpost.com/>"

washingtonpost.com

Sistani Demands Exit of Najaf Combatants

Top Shiite Cleric Rebuffs Rival's Call to Arms

By Daniel Williams and Scott Wilson

Washington Post Foreign Service

Wednesday, May 19, 2004; Page A17

BAGHDAD, May 18 -- Iraq's supreme Shiite religious leader, Grand Ayatollah Ali Sistani, demanded Tuesday that all armed forces leave the holy city of Najaf and called on fellow Shiites not to join in a bloody uprising there against U.S. forces. It was his first public effort to end a weeks-old rebellion mounted by the radical cleric Moqtada Sadr. Sistani was apparently responding to a call to arms issued earlier in the day by Sadr, whose Mahdi Army militia has largely controlled Najaf for weeks. Sistani's words are often heeded by Shiites, although his call Tuesday was not a religious order, or fatwa. Sadr had invited all Iraqis to come to the southern city and support his uprising, which U.S. troops are struggling to contain. The revolt is one of several serious security issues that U.S. officials face before the scheduled transfer of limited authority to an Iraqi

purporting to show Iraqi prisoners being abused by British forces, the Defense Ministry said. It said the arrest was part of its probe into the origin of the photos and that no charges were filed.

The photos appeared in Britain's Daily Mirror. The tabloid printed a front-page apology Saturday after announcing that its top editor would step down.

HYPERLINK "<http://www.washingtonpost.com/>"  
washingtonpost.com

### **Seymour Hersh, At the Front Lines On War Scandals**

By Howard Kurtz  
Washington Post Staff Writer  
Wednesday, May 19, 2004; Page C01

Is Seymour Hersh becoming . . . respectable?

Thirty-five years after breaking the news of the My Lai massacre, the tenacious, hot-tempered reporter is winning praise for his disclosures about U.S. soldiers abusing Iraqi prisoners. He's on the tube touting his findings with Bob Schieffer, George Stephanopoulos, Wolf Blitzer, Bill O'Reilly. He's just won a National Magazine Award. "If there's a journalistic equivalent to Viagra, he's on it," gushes Newsweek.

A Pentagon spokesman is ripping him for "outlandish" and "conspiratorial" reporting, but the media establishment is embracing the Cleveland Park resident as never before.

"He is doing what he is built to do and is obsessed with doing," says New Yorker Editor David Remnick, who has been up late crashing Hersh's pieces into the magazine. "He's just boiling with energy."

Remnick says he enjoys editing Hersh because "anyone that passionate about what they're doing is gold to me. . . . Even if the phone is hung up abruptly or someone shouts at someone, it's forgotten five minutes later."

Hersh, 67, is of the story-is-more-important-than-me school and declined to be interviewed. "Oh my God, this is all so tedious," he told a Washington Post reporter who asked about his background in 2001. "What the hell does it have to do with anything I write?"

There is a trust-me aspect to Hersh's reporting, given his heavy reliance on unnamed sources. His latest piece quotes a "senior CIA official," "former high-level intelligence official," "military analyst," "government consultant" and "Pentagon consultant."

"I know every source that's not named," Remnick says. "The [fact] checkers talk with those sources. Would he and I want people to be on the record? Of course. It's a trade-off we sometimes have to make."

It was Hersh who helped force the Abu Ghraib prison scandal out in the open. While "60 Minutes II" beat him by a hair, the CBS program went ahead -- after delaying at the Pentagon's request -- upon hearing that Hersh was close to publishing. Hersh disclosed the report by Maj. Gen. Antonio Taguba on "sadistic, blatant, and wanton criminal abuses" at the prison, and obtained the disturbing photo of dogs being used to threaten a cowering, naked Iraqi.

He followed up last weekend with a report that Defense Secretary Donald Rumsfeld had

★

approved the expansion of a secret program allowing harsh interrogation of detainees that Hersh contends led to the abuses at Abu Ghraib.

Pentagon spokesman Lawrence DiRita says Hersh "threw a lot of crap against the wall and he expects someone to peel off what's real. It's a tapestry of nonsense. To some degree he became the story." DiRita declined to discuss whether Rumsfeld had authorized tougher interrogation tactics, and Remnick dismissed the comment.

Hersh has a pugilistic quality that seems to invite such attacks. A onetime volunteer for Eugene McCarthy's antiwar campaign, he doesn't pretend to be a neutral observer.

Appearing with two senators Sunday on "Face the Nation," Hersh challenged them: "If you convene a serious hearing and I assure you some senior officers will come and -- if you give them enough protection -- and tell you things that will really knock your socks off. So go for it."

And on "Late Edition," Hersh didn't hesitate to invoke a Nazi parallel: "You're seeing two attack dogs, German shepherds, snarling, it's a scene from, you know, Third Reich, you name it."

Hersh's stock has risen and fallen over the years as he has gotten into scrapes with some of the capital's most influential power brokers. But he keeps bouncing back.

Though Hersh won a Pulitzer Prize for his story about U.S. soldiers killing civilians in Vietnam -- he sold it to a tiny news service after national magazines had turned it down -- he has always seemed an outsider. While he spent much of the 1970s at the New York Times, where he scored some Watergate scoops and broke a huge story about CIA domestic spying, it was never a comfortable fit.

In 1983 Hersh made another big splash with a tough book about Henry Kissinger that tarnished the former secretary of state even as critics accused the author of pushing his evidence too far.

His lowest point came in 1997, when Hersh acknowledged he had been peddled some phony JFK documents. Though the bogus papers never made it into his book "The Dark Side of Camelot," Hersh was pilloried, and criticized as well for including so much salacious sexual material about Jack Kennedy.

In 2000 Hersh got into a huge public fight with former Gulf War Gen. Barry McCaffrey, charging that his division had destroyed a retreating Iraqi unit. Even before the piece ran, McCaffrey, insisting that the Iraqis were still fighting, accused Hersh of conducting "defamatory" interviews out of "personal malice." One McCaffrey supporter, retired Col. Ken Koetz, maintained that Hersh had said, "I really want to bury this guy." Hersh denied making such a comment.

When Hersh charged last year that administration defense adviser Richard Perle was inappropriately mixing business and politics in his dealings with two Saudi figures, Perle likened him to a "terrorist." Perle threatened to sue Hersh, but never did.

"A lot of Washington journalists act like hedge-trimmers or pruning shears," says Time defense correspondent Mark Thompson. "Sy is a noisy, smoke-spewing chain saw -- and a relentless stump-grinder, to boot."

Bill Kovach, who once edited Hersh as the Times's Washington bureau chief, says that "he's maintained a kind of groundfire of anger at abuses of power unlike any I've ever seen."

And how does Hersh unearth his information? "He's relentless," Kovach says. "He's rapid-fire. He asks two or three questions at a time. He just keeps going and going until

he gets where he wants to go. He religiously tracks these sources, he talks to them all the time."

#### The Bib Brouhaha

The Baltimore Sun has barred reporter Pat Meisol from writing about state government. The reason: She gave a baby bib to Maryland Gov. Robert Ehrlich and his wife, Kendel, after their son was born, and her name turned up on a 22-page list of presents at the gubernatorial mansion.

A childish overreaction? "I'm pretty outraged," the feature writer says. "I've been really loyal to this newspaper and I think they treated me unfairly. Buying a bib for the baby is a business expense -- no different from taking someone out for dinner or a drink. . . . I'm spending hundreds of dollars on dinners with some of these guys in Annapolis."

The bib cost \$22.

Managing Editor Anthony Barbieri says that unlike the "institutional" expense of entertaining a source, "my feeling is a gift is a personal expression of affection for a public official." While Meisol is "perfectly capable of writing an absolutely objective story" about the Ehrlichs, "we need to be extraordinarily careful" about perceptions. But Meisol says it's all about "maintaining relationships" with people like Kendel Ehrlich. "I'm not a friend of hers."

Also on the gift list was Sun editorial writer Karen Hosler, who told her paper she had been "thoughtless" in joining in her husband's gift of tree-planting in the baby's honor. The paper says Hosler, who was avoiding state politics because of a friendship with the Ehrlichs, now can't write anything related to Maryland issues.

#### NEW YORK TIMES

May 19, 2004

Officer Says Army Tried to Curb Red Cross Visits to Prison in Iraq

By DOUGLAS JEHL and ERIC SCHMITT

PRIVATE

PRIVATE "TYPE=PICT;ALT=W"

INCLUDEPICTURE \d "http://graphics7.nytimes.com/images/dropcap/w.gif"

ASHINGTON, May 18 — Army officials in Iraq responded late last year to a Red Cross report of abuses at Abu Ghraib prison by trying to curtail the international agency's spot inspections of the prison, a senior Army officer who served in Iraq said Tuesday.

After the International Committee of the Red Cross observed abuses in one cellblock on two unannounced inspections in October and complained in writing on Nov. 6, the military responded that inspectors should make appointments before visiting the cellblock. That area was the site of the worst abuses.

The Red Cross report in November was the earliest formal evidence known to have been presented to the military's headquarters in Baghdad before January, when photographs of the abuses came to the attention of criminal investigators and prompted a broad investigation. But the senior Army officer said the military did not start any criminal investigation before it replied to the Red Cross on Dec. 24.

The Red Cross report was made after its inspectors witnessed or heard about such practices as holding Iraqi prisoners naked in dark concrete cells for several days at a time and forcing them to wear women's underwear on their heads while being paraded and

the Shiites.

"You are talking about a long, long process," Mr. Diamond said. "I don't see that we have the will or the stomach for it anymore."

Warzer Jaff contributed reporting from Falluja and Sulaimaniya for this article. Page A1

**May 25, 2004**

## **ABUSE**

### **C.I.A. Bid to Keep Some Detainees Off Abu Ghraib Roll Worries Officials**

By DOUGLAS JEHL and ERIC SCHMITT

WASHINGTON, May 24 — The Central Intelligence Agency's practice of keeping some detainees in Abu Ghraib prison off the official rosters so concerned a top Army officer and a civilian official there that they reached a written agreement early this year to stop. An undated copy of the memorandum was obtained by The New York Times. It was described as an agreement between the Army intelligence unit assigned to the prison and "external agencies," a euphemism for the C.I.A., to halt practices that bypassed both military rules and international standards.

Maj. Gen. Antonio M. Taguba, the Army officer who first investigated the prison abuses, concluded in his classified report that the practice of allowing what he called "ghost detainees" at the prison was "deceptive, contrary to Army Doctrine, and in violation of international law." He complained that military guards were being enlisted to hide the prisoners from the Red Cross.

The memorandum provides the clearest indication to date that military officials were troubled by the practice even before General Taguba wrote his report.

A senior intelligence official said last week that the practice was intended "to keep the capture of a small number of terrorists quiet for some time," but was discontinued in January.

In an e-mail message on Monday, Brig. Gen. Mark Kimmitt, the top military spokesman in Iraq, declined to comment on the undated memorandum. To do so, he said, "might compromise the fairness, integrity and impartiality of ongoing investigations."

Also on Monday, the leader of the Army Reserve suspended Brig. Gen. Janis L. Karpinski, the commander of the 800th Military Police Brigade, pending a review of the misconduct involving members of her unit while she was commander at Abu Ghraib prison. Seven enlisted soldiers who have already been charged with crimes in connection with the abuse of Iraqi prisoners there were under her command.

Lt. Gen. Ricardo S. Sanchez, the top American commander in Iraq, issued a letter of admonishment to General Karpinski in January. Officially, the leader of Army Reserve, Lt. Gen. James R. Helmly, temporarily reassigned General Karpinski to the Army Readiness Command at Fort Jackson, S.C. But in effect, General Karpinski now joins a handful of officers who have been subjected to the additional step of a suspension in connection with the incident.

General Karpinski was quoted in The New York Times on Monday as saying that General Sanchez had rejected her recommendation in January that the American military make a public, Arabic-language address on radio or television to the Iraqi people to alert

**TRANSCOM GHOST DOCS 247**

them to the abuses at Abu Ghraib.

A senior Army official denied there was any connection between General Karpinski's comments and her reassignment. He said the timing of the action coincided with General Karpinski leaving active duty and resuming reservist status.

"Makes me wonder what's next," General Karpinski said about her suspension, in an e-mail message to The Times on Monday.

Accounts from intelligence officials seem to indicate that the practice of keeping detainees off official prison rosters was widespread.

In one of several cases in which an Iraqi prisoner died at Abu Ghraib in connection with interrogations, a hooded man identified only by his last name, Jamadi, slumped over dead on Nov. 20 as he was being questioned by a C.I.A. officer and translator, intelligence officials said. The incident is being investigated by the C.I.A.'s inspector general, and military officials have said that the man, whose body was later packed in ice and photographed at Abu Ghraib, had never been assigned a prisoner number, an indication that he had never been included on any official roster at the prison.

The memorandum criticizing the practice of keeping prisoners off the roster was signed by Col. Thomas M. Pappas, commander of the 205th Military Intelligence Brigade, and a James Bond, who is identified as "SOS, Agent in Charge." Military and intelligence officials said that they did not know of a Mr. Bond who had been assigned to Abu Ghraib, and that it was possible that the name was an alias.

An intelligence official said Monday that he could not confirm the authenticity of the document, and that neither "SOS" or "Agent in Charge" was terminology that the C.I.A. or any other American intelligence agency would use. A military official said he believed that the document was authentic and was issued on or about Jan. 12, two days before abuses at Abu Ghraib involving military police were brought to the attention of Army investigators.

In presenting the military's complaints, the memorandum asserts that "inappropriate detainees" had been housed in an isolation unit at Abu Ghraib "without the approval" of the military's Joint Interrogation and Debriefing Center there, which oversaw that cellblock.

A second "memorandum for the record" obtained by The Times is dated Jan. 12 and signed by Maj. Matt Price, who is identified as the operations officer in charge of the Joint Interrogation and Debriefing Center. It declares that "only detainees approved by J.I.D.C. ops will be housed in block 1A/1B" and that "access to blocks 1A/1B will be controlled by an access roster."

The two cellblocks were the sites of the worst known cases of prisoner abuse, which were committed by policemen from the 372nd Military Police Company. Questioning of prisoners housed in the cellblock was the responsibility of the joint interrogation center, a military unit directed by Lt. Col. Steven Jordan and reported to Colonel Pappas.

An American military policeman said in sworn testimony early last month that the man had been brought to Abu Ghraib by "O.G.A.," initials for other government agency, or the C.I.A., with a sandbag over his head. Military guards took the prisoner to a shower room at the prison, which was used as a temporary interrogation center, according to the account by Specialist Jason A. Kenner of the 372nd Military Police Company.

"He went into the shower for interrogation and about an hour later he died on them," said Specialist Kenner, whose account left unclear whether the detainee was examined by a



doctor or given any military treatment before he died.

"When we put on his orange jumpsuit to take him to the tier, we were told not to take the sandbag off at all," Specialist Kenner said. "After he passed, the sandbag was removed, and I saw that he was severely beaten on his face. At the time, they would interrogate people in the shower rooms. He was shackled to the wall."

"Later that day," Specialist Kenner added, "they decided to put him on ice."

On Capitol Hill on Monday, the Senate Armed Services Committee said the Army had promised to deliver about 2,000 pages of supporting documents missing from copies of General Taguba's report that was sent to Congress earlier this month.

Pentagon aides have described the omission as an administrative oversight. But Senate officials said the missing documents included about 200 pages from Colonel Pappas's sworn statement, including a document titled, "Draft Update for Secretary of Defense."  
Page A13

#### EDITORIAL:

May 25, 2004

#### The President's Speech

If President Bush had been talking a year ago, after the fall of Baghdad, his speech at the Army War College last night might have sounded like a plan for moving forward. He was able to point to a new United Nations resolution being developed in consultation with American allies, not imposed in defiance of them, and to a timetable for moving Iraq toward elected self-government. He talked in general terms of expanding international involvement and stabilizing Iraq. But Mr. Bush was not starting fresh. He spoke after nearly 14 months of policy failures, none of them acknowledged by the president, which have left Iraq increasingly violent and drained Washington's credibility with the Iraqi people and the international community. They have been waiting for Mr. Bush to make a clean break with those policies. He did not do that last night. The speech reflected the fact that Mr. Bush has been backtracking lately, but he did not come close to charting the new course he needs to take. His "five steps" toward Iraqi independence were merely a recitation of the tasks ahead.

Mr. Bush plans a series of addresses on Iraq before June 30. It was impossible not to wonder last night why he had waited until the security situation in Iraq had become disastrous, until Americans had begun losing faith in his leadership and, indeed, until just 37 days before a crucial new phase begins the transition to Iraqi sovereignty.

It's regrettable that this president is never going to admit any shortcomings, much less failure. That's an aspect of Mr. Bush's character that we have to live with. But we cannot live without a serious plan for doing more than just getting through the June 30 transition and then muddling along until the November elections in the United States. Mr. Bush has yet to come up with a realistic way to internationalize the military operation and to get Iraq's political groups beyond their current game of jockeying for power and into a real process of drafting a workable constitution.

The draft of the United Nations resolution that circulated yesterday was disappointingly sketchy on these points. It contains the phrases of international support — like references to a "multinational" military force — without committing the Security Council to do

U.S. News & World Report  
November 13, 2006

## Playing Defense: Part 2

# Remaking U.S. Intelligence

## *FIRST LINE OF DEFENSE: Inside the efforts to remake U.S. intelligence*

By David E. Kaplan and Kevin Whitelaw

### **Part I: Introduction**

Its backers dubbed it the "big idea." CIA Director Michael Hayden says it was "pass/fail" for the nation's espionage agencies. For years, America's allies had complained about the one-way flow of information with U.S. intelligence. Now, things were going to be different, according to the nation's first director of national intelligence. Founded in April 2005, the DNI was to be the change agent in the Washington intelligence game, the outfit that would fix the spy agencies caught flat-footed by the 9/11 attacks and embarrassed by their failure to accurately diagnose the weapons threat from Saddam Hussein's Iraq.

Change had to start somewhere, and in the DNI's view, there was no better place than SIPRNET. The Pentagon's workhorse computer network is jam-packed with real-time operational information from the CIA and other spy agencies. U.S. allies had long coveted SIPRNET access, but past efforts to share the information with them had foundered on the usual intelligence bugbear: "security concerns." Not this time, vowed DNI officials. They had a key assist: Hayden, a four-star Air Force general, had just arrived at the CIA after a brief stint as the deputy DNI. As the agency's new boss, he could have sought to curry favor with its espionage mandarins and balked at sharing SIPRNET's secrets. But his time at the DNI and, before that, as the head of the global eavesdropping National Security Agency allowed him a broader view. "If that didn't happen," Hayden says, referring to the opening up of siprnet, "then I think everyone would have doubted our seriousness about information sharing."

Hayden made the call: The CIA would play ball. As a result, in a bloody summer that saw sectarian death squads wreaking havoc in Iraq and terrorists in Britain plotting to hijack nearly a dozen airplanes, America's closest allies suddenly had a powerful new tool to use against terrorists. For the first time, Australian, British, and Canadian officials had immediate access to video feeds from unmanned Predator drones over Afghanistan and other real-time intelligence that allowed them to better coordinate search-and-rescue operations in Iraq. The allies were ecstatic; on a DNI executive's recent visit to Australia, espionage officials there practically fell over each other trying to thank the man.

Today, even with the SIPRNET chapter and other early successes, the DNI's effort to transform the nation's sprawling intelligence community is still in its early days. Veteran diplomat John Negroponte moved into the DNI's office with a sweeping reform mandate from Congress but missing some key tools he might need to accomplish the task. In the legislation that created the DNI, lawmakers failed to give the office full authority over the 16 agencies that make up the whole comprises its parts, always, we can say the 16 agencies that the intel community comprises if you prefer—the intelligence community.

**Front lines.** Despite some criticism that Negroponte and his staff have moved too slowly, *U.S. News* found that the DNI has embarked on an impressive array of reform efforts. Some, like pushing through a first-ever communitywide security badge, have had an immediate impact. Others, more ambitious, will take years to succeed—or fail. If they succeed, however, they will result in nothing less than the most

# TRANSCOM GHOST DOCS 250

sweeping reform of the intelligence community since its creation nearly 60 years ago.

For this report, *U.S. News* was granted extraordinary access to nearly two dozen of the most senior intelligence officials in the government, including Negroponte and the chiefs of the CIA, military intelligence, and the National Counterterrorism Center. In addition, the magazine interviewed dozens of former officials, congressional sources, and outside experts and reviewed hundreds of pages of documents. The results offer an unusual inside look at how, five years after 9/11, America's frontline defense against terrorism and rogue states is faring.

From its first cramped quarters in the White House's New Executive Office Building, the fledgling DNI staff began by simply taking stock. Negroponte and his staff—most, veterans of other U.S. intelligence agencies—lacked some very basic information about the size and scope of their new empire. The intelligence community numbers nearly 100,000 people, but nobody had ever succeeded in taking a complete inventory of its resources. What were all those analysts working on? Who was keeping track of them? And what about the spies on the ground? Who was making sure they were focusing on the right targets? The questions were endless; the answers, in many cases, disturbing. A DNI survey turned up 17,000 intelligence analysts in various corners of the government—that was 1,500 more than anyone knew about.

Even before the 9/11 attacks, the nation's budget for intelligence activity of all kinds had grown sharply, and no one had succeeded in reining in all the spending. In just eight years, Washington's intelligence budget more than doubled, making it one of the fastest-growing parts of the government. Officials insist on keeping the exact figure secret, but *U.S. News* has learned that the annual budget (excluding that for tactical military intelligence) soared from \$15.5 billion in 1998 to \$44.4 billion last year—an increase of 139 percent, after adjusting for inflation. With 16 agencies, hundreds of offices, and scores of different E-mail systems, DNI managers had to figure out how to make their authority felt across the patchwork-quilt intelligence bureaucracy. "How do you communicate down from where we sit?" asks DNI Chief of Staff David Shedd, a former CIA case officer. "It is a huge challenge."

And it's unlikely to be met anytime soon. To date, most of the nascent reform efforts don't seem to have penetrated deeply into the intelligence agencies' rank and file, where many remain skeptical about the DNI's chances for success. Intelligence veterans have seen would-be reformers come and go before, and many may just be waiting for the DNI to go the way of its predecessors. Since 1991, no fewer than 16 federal studies and commissions have called for major reform of the U.S. intelligence community, but for the past half century, its basic structure has remained essentially unchanged. Many of the reforms were attempted under CIA Director George Tenet, who, like other CIA chiefs before the advent of the DNI, also held the role of coordinating the community as the director of central intelligence. Joan Dempsey knows how tough the DNI's job will be. Until 2003, Dempsey worked as Tenet's deputy director in charge of "community management." Her reform efforts were largely stymied by the bureaucracy. Today, Dempsey wants to see the DNI leadership push hard for change. "We haven't started transformation in the intelligence community yet," she says. "We're still nibbling around the edges."

The offices of the DNI are now in more expansive, if temporary, quarters on the Potomac River, at Bolling Air Force Base, in Washington, D.C. Behind steel doors marked "Restricted Area," Negroponte and his top aides believe they have an unprecedented opportunity to drive real reform. "You've got a group of leaders in the community who, to a very large degree, are playing as a community," says Mary Margaret Graham, a veteran of the CIA's Clandestine Service who is the deputy DNI for collection. "In the early days there was...there wasn't much give and take. Now there is an extraordinary amount at the senior levels of the community."

## TRANSCOM GHOST DOCS 251

## Part II: The Money

The problem is the ambiguity of the DNI's authority. At least 85 percent of the nation's intelligence budget is administered by the Pentagon, which runs the National Security Agency, the National Reconnaissance Office (which builds satellites), and the Defense Intelligence Agency. The DNI has been given the authority to "determine" the intelligence budget, but its exact powers are untested.

Many observers have been waiting for a showdown between the DNI and the Pentagon over one of its massive procurement programs, which are notoriously late and billions of dollars over budget. "They haven't yet taken a two-by-four to anybody's head and said, 'Go do this,'" says one prominent reformer who works closely with the DNI. Officials at the DNI acknowledge those expectations. "There were people who were just looking for high noon on the Memorial Bridge between John Negroponte and Don Rumsfeld—you know, .45s at 20 paces," says Patrick Kennedy, the deputy DNI for management. "We've resolved every issue to date in a way that I think has not surrendered one iota of the DNI's rights and authorities and, in fact, [has] advanced them." One factor that helps: Many top DNI officials are respected military brass who know how to work with the Pentagon.

An early test of the DNI's authority involved a \$25 billion satellite system called Future Imagery Architecture. Run by the National Reconnaissance Office, fia was meant to be the foundation for the next generation of America's space-based surveillance efforts. Instead, it was a managerial nightmare—five years behind schedule and billions over budget. Poor quality control and technical problems raised questions about whether the system would ever work properly. With aging U.S. spy satellites needing replacement and FIA sucking money from other projects, the DNI moved decisively, canceling half the classified project—the part that dealt with telescopelike electrical lenses.

The move took Negroponte's personal intervention—and support from the White House. "It was killed, dead, buried, stake in the heart," says Kennedy, who oversees the budget. "We have an alternate [system] that will deliver the capability that we've needed cheaper, better, faster." The move ruffled feathers, but DNI officials believe it sent the right message on runaway programs. "The DNI demonstrated that it will take those on," says Lt. Gen. Ronald Burgess, the DNI's acting deputy director. "Everybody certainly isn't going to be happy."

The real test for the DNI will come next year, with preparation of the 2008 budget, the first budget the office is developing from scratch. To prepare for it, the DNI and the Pentagon are surveying the vast array of technical capabilities, from surveillance and eavesdropping to top-secret sensors that detect heat signals, radiation, and other kinds of emissions. *U.S. News* has learned that there are some two dozen intelligence programs that each cost over \$500 million a year. Despite the big budgets, officials have already identified some key gaps, particularly in locating terrorists and detecting underground activities relating to weapons of mass destruction. "I think the toughest beast remains getting good, reliable information about the hardest targets," Negroponte says, "whether it's North Korea or Iran or counterproliferation or counterterrorism."

At stake is nothing less than the future of U.S. intelligence capabilities. Officials face some tough funding trade-offs—for example, relying less heavily on what insiders call "big buses," or billion-dollar satellites that take years to build, and more on unmanned aerial vehicles, or drones, for surveillance. In particular, the DNI must decide whether to invest in another big \$20 billion satellite system known as Space Radar, which, if successful, could detect objects in virtually all weather conditions at any time of day or night. Another source of concern is the nsa, which is in the throes of a 10-year, \$5 billion modernization effort. So loosely managed have the agency's programs been that in 2003, Congress gave the Pentagon authority to sign NSA contracts.

# TRANSCOM GHOST DOCS 252

### Part III: The Spies

One constant struggle is over how to deploy the community's precious "collection" assets. Satellites can cover only limited areas. An even scarcer resource is HUMINT, or human intelligence—spies. It has been difficult to increase the number of CIA case officers much beyond about 1,200, sources say. "The challenge, of course, is that the resources that you have in today's world are heavily tilted at Iraq, Afghanistan, and the war on terrorism," says the DNI's Graham. When war broke out between Israel and the Hezbollah militia in Lebanon this summer, for instance, DNI officials worried over whether they needed to shift already scarce human spies and satellites to cover the conflict.

To better marshal resources, the DNI appointed six "mission managers" to assess and try to fill intelligence gaps on the hardest targets, including one for Iran, one for North Korea, and one for Cuba and Venezuela. In the days after North Korea's recent nuclear test, the DNI put mission manager and CIA veteran Joseph DeTrani at the center of the developing crisis. Along with issuing a twice-daily intelligence summary, DeTrani served as a "traffic cop," coordinating analysis, briefing the White House, and tasking spies on what to target, says a senior intelligence official.

In the wake of the intelligence failures on 9/11 and Iraq's banned weapons programs, the CIA, FBI, and Pentagon intelligence agencies have been under pressure to raise their standards of tradecraft. The DNI's answer was to rename the CIA's storied Directorate of Operations the National Clandestine Service and expand its role in defining and monitoring spying standards across the intelligence community. At the same time, officials pushed for the creation of the new National Security Bureau at the FBI, to help integrate the law enforcement agency more fully into the intelligence community and enable it to better detect and counter domestic threats. One result: FBI agents are currently taking the months-long CIA case officer tradecraft course at the "Farm," the CIA's top-secret training campus—where they are taught skills like detecting surveillance and recruiting clandestine sources. A fifth of the current entry-level training class at the Farm is today, in fact, made up of trainees from agencies other than the CIA.

But the new National Clandestine Service has its critics, who say that little has changed beyond the nameplate on the door. "The CIA is a player-coach when it comes to coordinating human operations," says a congressional staffer who works on intelligence issues. "When the CIA comes to your door to coordinate these issues, there is a lot of distrust and suspicion." CIA officials counter that they are working on a set of common standards for the community, on everything from the training curriculum to ensuring the quality of informants—one big reason for the faulty prewar intelligence on Iraq. DNI officials are also considering a controversial effort to create a registry of all the most sensitive clandestine sources in order to prevent overlap by different agencies.

Other concerns center on reports that the Pentagon is pushing into the CIA's traditional realm of overseas spying. Hayden strongly rejects any talk of ambiguity. "I'm the national HUMINT manager," he says, stressing that his role is to coordinate, evaluate, and "deconflict" human spying operations. "If you were collecting information from human beings for foreign intelligence purposes, you just slipped into the box that the national HUMINT manager governs." Hayden says the Pentagon has been working cooperatively with him. Stephen Cambone, the under secretary of defense for intelligence, agrees that after a year's hard work by both sides, the CIA's and Pentagon's spy programs are finding ways to coordinate better. "The battlefield is a crowded, chaotic place," Cambone says. "We did not want to have people falling over each other, competing for sources."

Recruiting poses another challenge. In the midst of a massive drive to shore up the ranks of spies, it is still difficult for the intelligence community to recruit—and get security clearances for—first-generation Americans who speak foreign languages and can better blend into the cultures of important target countries. Because it's tough to do background checks on people who have family in Damascus or

## TRANSCOM GHOST DOCS 253

Tehran, security officers have found it easier to just screen them out. "We haven't got the right kind of people," admits Mark Ewing, a senior DNI official.

#### Part IV: The Computers

Perhaps the most transformational work the DNI staff is doing involves the effort to retool the creaky electronic infrastructure of the intelligence community. The effort is aimed at essentially rewiring all the community's separate and unique computerized networks, so that systems can talk to systems and analysts to analysts. The task is huge: Roughly a third of the intelligence community's 100,000-strong workforce is involved in providing information technology support of some kind, officials say; that workforce is bigger than the IT departments of even the nation's largest corporations. All the computer systems must be secure, handling everything from the CIA's most sensitive overseas cables to the masses of digital imagery and electronic intercepts from satellites. There are literally thousands of individual systems, most of them developed largely for specific tasks over the past 30 years. The result is a dysfunctional web of unwieldy, often duplicative networks, with different rules for access to files, databases, E-mail, and the Internet.

Rewiring the system is the job of the DNI's chief information officer, retired Air Force Gen. Dale Meyerrose. A 30-year intelligence veteran, Meyerrose ran it for NORAD—the North American Aerospace Defense Command—where he earned a reputation for bucking the bureaucracy to get things done. At the DNI office, Meyerrose has focused his efforts on revamping the community's security protocols—the bedrock standards that, while protecting sensitive data, are also among the biggest obstacles to communication and sharing intelligence. To find the best way forward, Meyerrose took a novel tack: He opened up discussion of the nation's most sensitive computer networks to outsiders. Over the objections of some, Meyerrose brought together 700 experts from across the government, industry, and academia to a conference on how to put together a state-of-the-art security infrastructure that could be built upon for years. "We don't have the corner on the market on technology and technology brains," says Meyerrose, who argues that the DNI is merely looking for the best ideas, not giving away secrets. "Even today, I have people within the government who say, 'You're treading on thin ice here.' OK, so I'm treading on thin ice. But we're pressing ahead. We're going to completely take a new approach." A new plan is expected by early next year.

Meyerrose's office was the prime mover in the effort to open up the Pentagon's SIPRNET to U.S. allies. He has also helped pry open Intelink, a closed Internet system that contains millions of intelligence documents and hundreds of databases, ranging from top secret to unclassified. In the past five months, Intelink users have grown from 40,000 to over a million, and it can now link to some 4 million computers around the globe.

Still, there are growing pains. In the spring, Meyerrose was asked by officials to set up an electronic network to plan for an avian flu pandemic, to run at both the classified and unclassified level. Within a week, Meyerrose's people had put up the classified system on Intelink, but it took eight weeks to launch the unclassified one. The problem: When intelligence agencies have unclassified information, they tend to reflexively stamp it ORCON—Originator Controlled—meaning that no other agency can access it without explicit permission. It's the kind of information hoarding that drives intelligence reformers up the wall. Because of ORCON, says Meyerrose, "95 percent of the information put on the unclassified portal was inaccessible by any other organization." Once the DNI insisted the information be released, the avian flu network grew 10-fold in just four weeks, to 38,000 users. "It had nothing to do with technology," says Meyerrose. "Setting up the portals only took a few hours."

Eradicating orcon remains a top priority for the DNI's reformers. "In my home agency, orcon is somewhere between Genesis and Revelation—dutiful religious dogma," says Chief of Staff Shedd.

## TRANSCOM GHOST DOCS 254

"ORCON is slapped on virtually everything." But tackling ORCON is just part of the DNI's information-sharing effort. Within weeks, the White House is expected to approve over 30 DNI recommendations on how to improve the flow of intelligence. Many of the measures are designed to speed terrorism data to local and state authorities. Key to the effort is welding the nation's 42 regional intelligence hubs—called "fusion" centers—into a national network. The proposals also are intended to end a running feud between the FBI and the Department of Homeland Security over who has the lead role in sharing intelligence information on terrorism with local officials.

None of this will be easy. For years, security concerns have been among the biggest impediments to change. But some security concerns border on paranoia, reformers say, and have complicated one of the DNI's most far-reaching reform efforts—a requirement that intelligence officials serve outside their home agencies before they can be promoted. One of the biggest obstacles to this "joint duty" is security clearances, which are regulated by individual agencies. In practice, this has meant that even a 20-year veteran of the National Security Agency with the highest clearances might have to wait as long as a year for new clearances after being transferred to the CIA.

Early on, the DNI required spy agencies to accept each other's clearances. But problems remain. CIA Director Hayden recalls the effort to create a 24-hour DNI watch center last year, where he brought in several senior analysts from around the community. They had the highest-level clearances, but CIA security officials said it would still take four months to clear them to use the CIA's classified network. Hayden was told that even a high-ranking CIA official he'd tapped for the center needed a new clearance—because the analyst would be using a different computer server. ("I had to excuse people from the room so I could unscrew the general from the ceiling," recalls one of Hayden's aides.) After Hayden raised questions, the analysts were cleared in 24 hours.

#### **Part V: The Analysts**

Some of the toughest intelligence jobs are at home, making sense of all the eavesdropping information, satellite imagery, and stolen secrets. The intelligence community's analysts are still smarting after getting wrong nearly every aspect of Iraq's weapons programs before the war. To prevent "groupthink" and other failures, the DNI is moving to open up the analytic process to new ideas and new people. Its deputy director for analysis, former State Department intelligence chief Thomas Fingar, is pushing the biggest outreach program by U.S. intelligence in 40 years, hoping to draw upon expertise in the business and academic worlds. A year ago, the DNI established an Open Source Center at the CIA, designed to broaden the flow of ideas to analysts who rely so heavily on classified material that they sometimes fail to see the big picture or consider alternative views. DNI officials are also calling for more Red Teams—groups of critical, out-of-the-box thinkers who challenge conventional wisdom. One clear change, they say, can be seen in the President's Daily Brief, the top secret report given to the president each morning. Once prepared by the CIA, it is now compiled by the DNI and makes broader use of items not only from across the government but from public sources (although more than 85 percent still comes from the CIA, officials say). Another big change: creation of the National Counterterrorism Center, under the DNI, which brings together some 200 terrorism specialists from across the community.

Some reforms are so obvious that it seems surprising they weren't made earlier. Fingar's staff is creating a National Digital Intelligence Library, a central repository that for the first time will hold all newly completed intelligence reports. Other problems are more intimidating, such as the torrent of information swamping analysts. "In the Cold War, we struggled to get data," says John McLaughlin, a former deputy CIA director. "Today, the problem is that there is too much data—more than we can handle." So voluminous is the flow that experts say more than 30 percent of the imagery collected by U.S. spy agencies goes unexamined. Even the flow of "finished" intelligence can be overwhelming. Fingar estimates that the community produces some 50,000 analytical reports a year, many of them redundant

**TRANSCOM GHOST DOCS 255**

and unread. "There can't conceivably be a market for 50,000 pieces of finished intelligence," Fingar has said.

A more controversial task will be protecting the community's analytical judgments from political manipulation—a charge leveled repeatedly against the Bush administration in its attempts to justify the Iraq war. "That's the elephant in the room," says a longtime reformer. The DNI has established an analytic ombudsman, but she has almost no staff. The lack of resources has prompted criticism from some on Capitol Hill who have called for the DNI to do its own "audits" to ensure the integrity of reports on key issues.

### Part VI: The Scientists

Among the DNI's more unlikely reformers is Eric Haseltine, its associate director for science and technology. Before joining the intelligence world, Haseltine headed research and development at Walt Disney Imagineering, where he managed the company's Virtual Reality Studio and oversaw key technology projects. After three years at the NSA, Haseltine arrived at the DNI convinced that the community's R&D efforts—once noted for innovation and speed—had grown bureaucratic and sluggish and too focused on big-budget projects that were obsolete before they were completed. "If we only do ho-hum stuff," asks Haseltine, "are we really going to surprise anybody? Are we going to be surprised? Can we be as agile as some of our enemies?"

Haseltine launched a survey of all R&D projects, zeroing in on outfits rarely in the news, like the NSA's Disruptive Technology Office and the CIA's Intelligence Technology Innovation Center. "There is some astonishing work going on," he says. Haseltine then began to push innovative programs into development and now has 57 proposals from various agencies for cutting-edge technology tools that can be rapidly deployed. Most are for the war on terrorism. Haseltine is reluctant to give away too much, but he hints at what's on the drawing boards: computer modeling of underground nuclear sites, new techniques to detect and defuse roadside bombs, and behavior modeling that anticipates evasive patterns by insurgents. Perhaps most intriguing is sensing technology that, he says, goes "right up to the edge of what physics allows" and may soon revolutionize the hunt for terrorists. Even more far out is longer-range work on *Star Trek*-like sensors that can remotely detect human beings by their DNA.

Another project generating excitement within the intelligence community is Argus, which began at the CIA as an experimental warning system for biological weapons attacks. Even natural outbreaks of disease can spread for weeks before they're identified by healthcare systems. Instead of waiting for reports from local doctors and hospitals, Argus uses software that treats the Earth's communications almost like a giant EKG, looking for certain kinds of spikes in global information networks. Search programs zero in on key words on the Internet and in news media that might indicate an epidemic, such as heavy rates of absenteeism, runs on pharmaceutical drugs, and migration away from villages and towns. When Haseltine found Argus at the CIA, the project's funding was in danger. Fascinated, Haseltine quickly provided the needed money.

Today, Argus is being used by the National Institutes of Health and the U.N.'s World Health Organization to check for outbreaks of all kinds, from sars to avian flu. "Argus has allowed us to take a giant leap forward," says Kimothy Smith, who runs the biosurveillance unit at DHS. In the intelligence community, its use continues to expand. Argus, says one source, is now used to detect "anything that disrupts the social fabric."

### Part VII: The Future

# TRANSCOM GHOST DOCS 256



Every morning at 8:00, DNI chief Negroponte walks into the Oval Office and briefs President Bush on the latest intelligence. "I believe what I can bring to the community is a sense of what our most important customer is interested in," Negroponte says. But the president is more than just a customer; his political backing will be essential to the success of the DNI's reform efforts. Bush was initially reluctant to support the creation of the DNI office, which was pushed by Congress, and the depth of his commitment remains untested.

Negroponte and his top aides will need all the help they can get. Sooner, rather than later, the DNI's relationship with the Pentagon will be tested. Congress may lose patience if reforms don't take hold quickly. "You can't just hide behind these Washington clichés that this is a work in progress," says Rep. Mac Thornberry, the Texas Republican who chairs a House intelligence subcommittee, which in July issued a report calling for the DNI to be more aggressive. "I don't think Negroponte has taken full advantage of his authorities."

The reforms could also be derailed by allegations that some of the nation's spying efforts have gone too far. Already, the complaints about warrantless eavesdropping and abuse in secret cia prisons have complicated the DNI's job.

As the nation's top intelligence official, can John Negroponte keep America safe? The veteran diplomat knows better than just about anyone what a tall order that is. But he and his staff have made a promising start—and, remarkably, encountered an apparent willingness to embark on the necessary reforms. "I expected resistance finding a parking place. I expected knives and daggers coming at me," says Meyerrose, the IT chief. "What I found instead were a lot of people with pent-up frustration that said we need some change." In an era of so many lethal and rapidly shifting threats, much will depend on whether that change comes fast enough.

### A Man Who's Not Getting Much Sleep

John Negroponte, a former U.S. ambassador to the United Nations and to Iraq, has been the director of national intelligence for 18 months. He recently sat down with *U.S. News*. Excerpts:

**On what keeps him up at night:** It's the threats you don't know about. There have been a number of important plots disrupted, so that's good. I do believe that if you do the balance sheet since 9/11, we are today more vigilant, we're better prepared, our intelligence has improved. But is there activity out there that we just simply don't know about? With more of these homegrown terrorist activities, the risk of that kind of activity growing is there.

**On the war of ideas against terrorists:** You've got to deal with the people who are going to set off the bombs and shoot guns. But you also have to look at the root causes. That is a longer-term proposition, and it doesn't only involve us. The longer war on terrorism is going to depend, in large measure, on progress that these societies themselves make in dealing with those issues at home.

**On his leadership style:** Well, it's collegial. I think it's a bit more like a coach with a team. I certainly don't think applying a two-by-four to these 16 different agencies is the way to go, particularly since some of them belong to other departments. I have certain authorities and not others. Probably the most important authority I've got is the preparation of the budget. If we use the two-by-four, I'm not a believer in advertising. I don't shrink from exercising my authority in a very forthright way if I have to.

**On North Korea as a rational actor:** Rational in the sense that it seems to be their objective to be recognized as a nuclear power. I think they see that as somehow enhancing their leverage with the

# TRANSCOM GHOST DOCS 257

international community. Whereas in fact, one of the consequences of them conducting a test is that it could have very destabilizing consequences in the very neighborhood in which they live.

**On reports Iran is funneling explosives into Iraq:** The intelligence community believes that explosively formed projectiles and technology for that are being supplied by Iran to some of the extremist Shia elements in Iraq. I don't think we have much doubt about that. There seem to be some similarities between these roadside bombs that they're providing that are particularly lethal and the ones that the Hezbollah has used in Lebanon.

#### **About this series**

*Reporters David E. Kaplan and Kevin Whitelaw spent months investigating what's been called the most sweeping effort to reform the U.S. intelligence community in nearly 60 years, interviewing nearly two dozen of its most senior officials. In addition, they talked to dozens of outside experts and critics, former intel officials, and sources on Capitol Hill, and reviewed hundreds of pages of documents.*

TRANSCOM GHOST DOCS 258

'Freddy, CID is here and they want to talk to you.' "

Frederick was told to dress and surrender his weapons. He wrote in his statement that he "questioned some of the things that I saw." But "the answer I got was this is how Military Intelligence (MI) wants it done."

Over the next three weeks, investigators would interview 50 people, including several 372nd MPs and 13 detainees.

Harman and Davis gave statements to investigators. They, along with five other MPs -- Frederick, Graner, Sivits, England and Spec. Megan M. Ambuhl, 29 -- were eventually charged in the abuse incidents and face courts-martial.

The military told the media that about the investigation in a one-paragraph news release on Jan. 16. But no details were provided -- and the release attracted little attention.

On Jan. 31, Taguba was assigned to investigate the officers involved. In March, he recommended that Karpinski and Phillabaum be relieved of their commands and given reprimands for various command failures. He recommended the same for Col. Thomas M. Pappas, commander of the 205th Military Intelligence Brigade and his liaison officer, Lt. Col. Steven L. Jordan.

Taguba said Reese, the commander of the 372nd soldiers, should also be relieved and reprimanded. In all, administrative actions were recommended against seven officers, three sergeants and two employees of a private contractor, CACI International. Steven Stephanowicz, an interrogator, and translator John Israel both worked with military intelligence officers. The contractors are receiving intense scrutiny on Capitol Hill, where lawmakers learned last week that 37 civilian interrogators worked with the military in Iraq.

Six of the seven criminally charged soldiers are now stationed in Camp Victory, a U.S. base near the Baghdad airport, where they are awaiting their fate.

Back in Washington, top officials are trying to minimize the damage to their careers. On Thursday, President Bush issued an apology from the Rose Garden. The next day, Defense Secretary Donald H. Rumsfeld appeared before legislators and apologized.

He told the lawmakers to brace themselves for more photographs, videos and disclosures of abuse.

"It's not a pretty picture," Rumsfeld said.

Staff writer Jackie Spinner, correspondent Sewell Chan in Baghdad and research editor Margot Williams contributed to this report.

HYPERLINK "<http://www.washingtonpost.com/>"

**washingtonpost.com**

### **Pentagon Approved Tougher Interrogations**

By Dana Priest and Joe Stephens

Washington Post Staff Writers

Sunday, May 9, 2004; Page A01

In April 2003, the Defense Department approved interrogation techniques for use at the Guantanamo Bay prison that permit reversing the normal sleep patterns of detainees and exposing them to heat, cold and "sensory assault," including loud music and bright lights,

according to defense officials.

The classified list of about 20 techniques was approved at the highest levels of the Pentagon and the Justice Department, and represents the first publicly known documentation of an official policy permitting interrogators to use physically and psychologically stressful methods during questioning.

The use of any of these techniques requires the approval of senior Pentagon officials -- and in some cases, of the defense secretary. Interrogators must justify that the harshest treatment is "militarily necessary," according to the document, as cited by one official. Once approved, the harsher treatment must be accompanied by "appropriate medical monitoring."

"We wanted to find a legal way to jack up the pressure," said one lawyer who helped write the guidelines. "We wanted a little more freedom than in a U.S. prison, but not torture."

Bryan Whitman, a Pentagon spokesman, said: "These procedures are tightly controlled, limited in duration and scope, used infrequently and approved on a case-by-case basis. These are people who are unlawful combatants, picked up on the battlefield and may contribute to our intelligence-gathering about events that killed 3,000 people."

Defense and intelligence officials said similar guidelines have been approved for use on "high-value detainees" in Iraq -- those suspected of terrorism or of having knowledge of insurgency operations. Separate CIA guidelines exist for agency-run detention centers. It could not be learned whether similar guidelines were in effect at the U.S.-run Abu Ghraib prison outside Baghdad, which has been the focus of controversy in recent days. But lawmakers have said they want to know whether the misconduct reported at Abu Ghraib -- which included sexual humiliation -- was an aberration or whether it reflected an aggressive policy taken to inhumane extremes. ★

Since the Sept. 11, 2001, attacks, the U.S. military and the CIA have detained thousands of foreign nationals at the prison at Guantanamo Bay in Cuba, as well as at facilities in Iraq and elsewhere, as part of an effort to crack down on suspected terrorists and to quell the insurgency in Iraq. The Pentagon guidelines for Guantanamo were designed to give interrogators the authority to prompt uncooperative detainees to provide information, though experts on interrogation say information submitted under such conditions is often unreliable.

The United States has stated publicly that it does not engage in torture or cruel and inhumane treatment of prisoners. Defense officials said yesterday that the techniques on the list are consistent with international law and contain appropriate safeguards such as legal and medical monitoring. "The high-level approval is done with forethought by people in responsibility, and layers removed from the people actually doing these things, so you can have an objective approach," said one senior defense official familiar with the guidelines.

But Kenneth Roth, executive director of Human Rights Watch, said the tactics outlined in the U.S. document amount to cruel and inhumane treatment. "The courts have ruled most of these techniques illegal," he said. "If it's illegal here under the U.S. Constitution, it's illegal abroad. . . . This isn't even close."

According to two defense officials, prisoners could be made to disrobe for interrogation if they were alone in their cells. But Col. David McWilliams, a spokesman for the U.S. Southern Command, said stripping prisoners was not part of the permitted interrogation

techniques. "We have no protocol that allows us to disrobe a detainee whatsoever," he said. Prisoners may be disrobed in order to clean them and administer medical treatment, he said.

Several officials interviewed for this article, including two lawyers who helped formulate the guidelines, declined to be identified because the subject matter is so sensitive.

With the proper permission, the guidelines allow detainees to be subjected to psychological techniques meant to open them up, disorient or put them under stress. These include "invoking feelings of futility" and using female interrogators to question male detainees.

Some prisoners could be made to stand for four hours at a time. Questioning a prisoner without clothes is permitted if he is alone in his cell. Ruled out were techniques such as physical contact -- even poking a finger in the chest -- and the "washboard technique" of smothering a detainee with towels to threaten suffocation. Placing electrodes on detainees' bodies "wasn't even evaluated -- it was such a no-go," said one of the officials involved in drawing up the list.

During the Pentagon debates, one participant drew on his memory of a scene from the movie "The Untouchables," in which a police officer played by actor Sean Connery bent the rules to persuade mobsters that they should provide evidence against Mafia kingpin Al Capone. Much like the officer, the participant suggested, interrogators could shoot a dead body in front of a detainee, then suggest to him that is what they did to people who refused to talk.

Pentagon lawyers declared the technique out of bounds, and it was discarded.

The guidelines were the product of three months of discussion between military lawyers, medical personnel and psychologists, and followed several incidents of abuse of prisoners at Guantanamo.

In late 2002, Maj. Gen. Geoffrey D. Miller, until recently commander of the detention operation at Guantanamo Bay, asked the Pentagon for more explicit rules for interrogation, four people involved in the process said.

"They don't want to be in the situation where we are making things up as we go along," said one lawyer involved in the sessions.

"We wanted to outline under what circumstances we could make them feel uncomfortable, a little distressed," another lawyer involved said. During the discussions, "the political people [at the Pentagon] were inclined toward aggressive techniques," the official said. Military lawyers, in contrast, were more conservative in their approach, mindful of how they would want U.S. military personnel held as prisoners to be treated by foreign powers, the official said.

Mark Jacobson, a former Defense Department official who worked on detainee issues while at the Pentagon, said that at Guantanamo and the Bagram facility in Afghanistan, military interrogators have never used torture or extreme stress techniques. "It's the fear of being tortured that might get someone to talk, not the torture," Jacobson said. "We were so strict."

Interrogation teams routinely draw up detailed plans, which list all techniques they hope to use. These plans are passed to superior officers for discussion and pre-approval, Jacobson said.

"I actually think we are not aggressive enough" at times in interrogation techniques, he said. "I think we are too timid."

In a March 11 interview at his office at the Guantanamo Navy base -- one of his last interviews before leaving to take over detention facilities in Iraq -- Miller said that his interrogators treated prisoners humanely and that the operation had yielded important intelligence.

On Thursday, the U.S. military acknowledged that two Guantanamo Bay guards had been disciplined in cases involving the use of excessive force against detainees. Detainees released from the facility have given disparate accounts of their stay there, some praising the food and free schooling, others claiming that guards roughed them up.

Two Afghans died in U.S. custody in Afghanistan in December 2002. Both deaths were classified as homicides by the U.S. military. Another Afghan died in June 2003, at a detention site near Asadabad, in Kunar province.

HYPERLINK "<http://www.washingtonpost.com/>"

washingtonpost.com

### The Images Are Getting Darker

By Michael Getler

Sunday, May 9, 2004; Page B06

The war in Iraq is now 14 months old. But it seems that it is only in the past month or so that a line has been crossed. The images being presented to newspaper readers and television viewers more recently seem to capture the horrors and human costs of war more starkly, and they are stirring stronger emotions. It is as though, rather suddenly, the gloves have come off, and the war seems less sanitized, more personally intrusive. That is undoubtedly due, in part, to the high U.S. death toll in April, and the continuing battles in parts of the country. And it is probably also fed by intensifying election-year politics and partisanship. But it may now be the images, even more than words, that are pushing the conflict into new territory.

There were always pictures of U.S. troops in combat and many of Iraqi casualties, but relatively few of U.S. casualties. Then last month there were gruesome front-page pictures of four American security contractors whose bodies had been mutilated, burned and hung from a bridge. In another front-page image, a Marine carried a comrade in a body bag. And on another day The Post published a rare photograph of several flag-draped coffins in the cargo bay of a military transport at Dover Air Force Base in Delaware, a scene that the administration had ruled off-limits. There was a special edition of ABC-TV's "Nightline" in which the names of more than 700 dead Americans were read by anchor Ted Koppel. And now, there have been several days of pictures of what Army Maj. Gen. Antonio M. Taguba has described as "sadistic, blatant, and wanton criminal abuses" of Iraqi prisoners by U.S. military police and others. This story was first reported by CBS's "60 Minutes II" on April 28 and about the same time by reporter Seymour M. Hersh in the New Yorker magazine.

Each of these moments -- including the "Nightline" telecast, which was commented upon critically by Post TV columnist Lisa de Moraes on April 28 in a way that drew rebukes from some readers -- has produced sharp reader reaction. But none prompted more response than the recent string of prisoner abuse pictures, including one on Thursday's front page showing a prisoner being held on a dog leash by an Army private. That photo

the conventions were followed in Iraq or whether they were systematically violated, as the Red Cross and many war crimes lawyers in and outside the U.S. military have concluded. Mr. Rumsfeld brushed off those conclusions. "Geneva doesn't say what you do when you get up in the morning," he declared. "Some will say . . . it is mental torture to do something that is inconvenient in a certain way for a detainee, like standing up for a long period . . . someone else might say [it] is not in any way abusive or harmful." Now Mr. Pace and Mr. Wolfowitz have said the techniques approved by Mr. Sanchez would be illegal if used on Americans; Mr. Rumsfeld and Mr. Myers say they are fine as applied to Iraqis. But there are not separate Geneva Conventions for Americans and for the rest of the world. We learned this week that the Pentagon approved the use of hooding, stress positions, sleep deprivation, intimidation by dogs and prolonged solitary confinement as legal under the Geneva Conventions. By defending that policy, Mr. Rumsfeld is further harming America's reputation while sanctioning the use of similar techniques on captured Americans around the world. Instead of defending their use, the administration should be disavowing them and rededicating itself to international law.

## **USA TODAY**

**Friday, 14 May, 2004**

### **U.S. missed chances to stop abuses**

By Dave Moniz, USA TODAY  
Page 4A

WASHINGTON — Pentagon and White House officials missed numerous opportunities to head off abuses at Iraq's Abu Ghraib prison, according to interviews, testimony and public documents that have emerged since the scandal erupted last month.

From red flags raised months ago by prison guards at other facilities in Iraq to letters from lawmakers and non-government groups, the Pentagon and the Bush administration received a variety of complaints many months before the abuses began last fall.

Seven Army soldiers face criminal charges and seven others have been reprimanded in connection with abuse at Abu Ghraib in October, November and December of last year. The scandal, which has spawned six military investigations into misconduct, has damaged American credibility around the world and threatens to undermine the war effort in Iraq.

The missed warnings include reports by the International Committee of the Red Cross and at least one letter from a U.S. senator, concerns raised by military law specialists and commanders, and letters and phone calls from the relatives of U.S. troops serving at other prisons in Iraq.

•Last May, eight high-ranking military lawyers voiced concerns to Pentagon officials and

the New York State Bar Association that new interrogation policies developed after the Sept. 11 attacks could lead to prisoner abuses. Scott Horton, former head of the New York Bar's committee on international law, said Thursday that the Army and Navy lawyers told him the new interrogation rules were "frightening" and might "reverse 50 years of a proud tradition of compliance with the Geneva Conventions." Horton said the lawyers came to him because they had been locked out of policy debates while the secret rules were being drafted. "It was a five-alarm fire," Horton said.

- Family members of guards at the Camp Bucca prison in southern Iraq told CBS' 60 Minutes II that they called Secretary of Defense Donald Rumsfeld's office repeatedly last year and wrote letters to the White House complaining of conditions at the prison.

- Numerous high-ranking U.S. officials, including Rumsfeld, visited Abu Ghraib last year before the abuses. Although an Army investigation has noted that guards had failed to follow basic procedures — including requirements that the Geneva Conventions' rules for the treatment of prisoners be displayed throughout the prison in English and Arabic — none of the visitors raised questions.

Other military officers began voicing fears about U.S. policies for handling prisoners earlier.

Walter Schumm, a retired Army Reserve colonel who once commanded a military police battalion, warned in an article that the U.S. military was headed for a catastrophe. In an essay published in 1998 in the influential journal *Military Review*, Schumm wrote that most military officers know very little about legal requirements for handling prisoners. Schumm went on to write that most MPs designated to handle enemy prisoners of war were reservists with fewer than 50 days of training per year. In a passage that seemed to foreshadow problems at Abu Ghraib, Schumm wrote, "It only takes one improperly trained soldier among a thousand to commit an offense against the Geneva Conventions that would cause our nation considerable embarrassment."

In the past 12 months, independent groups that monitor treatment of prisoners, including the International Committee of the Red Cross, Amnesty International and the American Civil Liberties Union, complained about the treatment of prisoners in Iraq. The Red Cross characterized problems as more widespread than just at Abu Ghraib. Last June, Sen. Patrick Leahy, D-Vt., wrote letters to the White House, the CIA and the Pentagon complaining about the treatment of prisoners in Afghanistan and "other locations outside the United States." ★

Leahy wrote that prisoners were being subjected to beatings, lengthy sleep- and food-deprivation, and "stress and duress" techniques. Pentagon and CIA officials wrote back to say the United States was not torturing prisoners.

HYPERLINK "<http://www.washingtonpost.com/>"  
washingtonpost.com  
New Limits On Tactics At Prisons



"I just think we've got to reform our structures, our authorities and our thinking to deal with the way the world is moving," Gen. Abizaid says. "You just can't let these places deteriorate ... unless you are willing to accept what they bring you -- terrorism and crime."

LOS ANGELES TIMES

## The Enemies in Their Midst

### Europe Confronts Suspected Terrorists Home-Grown and Inspired Abroad

By Sebastian Rotella  
Times Staff Writer

September 5, 2006

LONDON — The evolution of terrorism in Europe in the five years since the Sept. 11 attacks can be told as a tale of two threats.

The first spread consternation worldwide when it was revealed in London last month. The alleged plot to blow up transatlantic airliners in midair raised again the specter of Britain's "home-grown" problem: militants with British passports and the accompanying resources and Western ways, as well as links to lethal networks in Pakistan.

The second threat unfolded more quietly in Paris. The suspects arrested beginning last year were largely French, but their inspiration came from a North African network that had allied itself with groups in Iraq to forge a strategy for jihad beyond the war zone. The new target: Europe.

In the years since a group of Arab university students hatched a cell in Hamburg, Germany, that changed the world, Europe remains the front line for a post-Sept. 11 generation of extremists. Major attacks struck transport systems in Madrid and London. Amsterdam suffered a high-profile murder. Vast Muslim immigrant communities, primarily Pakistani here and North African on the European mainland, became a prime recruitment pool, with a staging area within striking distance of the United States.

The cases in London and Paris had elements typical of the fast-changing landscape of extremism: Big plans for massacres in the heart of the West. Ambiguity about the imminence of attacks and the nature of networks. And a dangerous nexus of battle-hardened foreign groups with militants born or bred in Europe.

In the years when Al Qaeda leader Osama bin Laden oversaw a multiethnic complex of training camps, the disparate networks intertwined in Afghanistan. Today, British extremists find inspiration and expertise in Pakistan, the suspected hide-out of the remnants of Al Qaeda, European anti-terrorism chiefs say. Extremists elsewhere in Europe gravitate toward hotbeds in North Africa and Iraq.

TRANSCOM GHOST DOCS 265

Open borders, tolerant laws and social alienation combine to create a space for radical activity in Europe that does not exist in the U.S. Muslim community or even in some Muslim countries. The rise of the enemy within makes European leaders even more uncomfortable with the American-coined phrase "war on terror."

"We work very well with the United States in counter-terrorism," said Jean-Louis Bruguiere, France's top anti-terrorism judge. "They are our closest partners. The U.S. approach in one way is fundamentally different than the European approach. The U.S. method, though there has been progress, is still based very much on a military concept of the threat.

"In Afghanistan, where French and American troops fight side by side, that's appropriate. But how can military means do the job when the enemy is not yet identified, well integrated into the social fabric and plotting behind your back?"

With an anti-terrorism apparatus based on aggressive domestic spying and extensive judicial power, Bruguiere and other French security chiefs lead a regional alliance trying to overcome differences in law enforcement cultures. It benefits from partnerships with nations such as Algeria and Morocco.



Despite criticism in Europe of the U.S. detention camp at Guantanamo Bay, Cuba, and secret U.S. "renditions" of foreign suspects, European police acknowledge that they work closely with North African security services whose methods can be brutal but effective.

So the menace should not be overstated: Most European extremist cells are dismantled well before the attack stage. Moreover, the killing of Abu Musab Zarqawi, the Jordanian-born leader of Al Qaeda in Iraq, by the U.S. military this year hurt nascent efforts to build an anti-Western federation spanning Europe, North Africa and the Middle East, said Stefano Dambroso, an Italian former anti-terrorism prosecutor.

But hundreds, if not thousands, of "graduates" of the Afghan camps and jihadi combat theaters are potential new bosses. And Dambroso, now a judicial attache to international organizations, worries about the speed with which threats transform. He cited the recent case in which Lebanese suspects in Germany allegedly planted suitcase bombs on trains, an attempt seemingly inspired by Al Qaeda ideology and the recent Israel-Hezbollah conflict in Lebanon.

"There is an extremely fast evolution of things, and you can't underestimate the impact in Europe of things happening outside Europe," Dambroso said. "A lot of people aspire to replace Al Qaeda. There are new leaders we don't know about who seem always more ambitious. You have lots of guys who went to Iraq who were trained concretely. Before that they never had an opportunity to fight; now they are back in Europe and they know how to operate."

As for the old leaders of Al Qaeda, it's not clear to what extent they still call the shots

from refuges in the Pakistani-Afghan border area. The direct influence of Bin Laden and his deputy, Ayman Zawahiri, has been curtailed by life on the run. Few post-Sept. 11 plots can be traced to them, investigators say.

"I think Al Qaeda central, the original leaders, are hunted men and devote much energy to avoiding capture," Bruguiere said. "They have been reduced in some cases mainly to propaganda and communication. But I think they still have an operational role as well."

Zawahiri's videotaped claim of responsibility for last year's London transit bombings seems opportunistic and after-the-fact, a British counter-terrorism official said. Nonetheless, this year's alleged airline plot and previous cases here reveal a strong Pakistani connection, whether to Al Qaeda or networks that Dambrosio calls "the sons of Al Qaeda."

The British official said: "It might not matter that much whether Al Qaeda central is involved. I don't think there's clarity or structure that the plotters in the various cases are going back to the same network or individuals in Pakistan. But there's so much there in Pakistan."

Pakistan abounds with Al Qaeda-connected or influenced ideologues, groups and training camps that are sometimes permitted or backed by the Pakistani government security forces, officials say. In Britain, meanwhile, second- and third-generation young people from Pakistani immigrant families have roots here giving them ease of travel and access to sources of funding such as bank loans, front companies or welfare scams. The Internet and the proliferation of ideologues here drive radicalization at home, but recent history shows that the path to violence invariably requires foreign support.

All that explains why Pakistani-British militants are the most dangerous of the moment, the British official said.

"With North Africans, many seem to become involved in terrorism through crime, whereas Brit-Paks are going straight to terrorism," the official said. "They are considerably more inspired, more pure. The scope is much greater. It's *the* threat. It's way ahead of everything else in terms of complexity. And it multiplies a thousandfold when they disappear back to Pakistan."

In a pattern resembling previous cells aided by planners and trainers in Pakistan, at least seven suspects in the alleged airline plot traveled there, officials say. A group at the heart of the suspected conspiracy was formed by "an experience at a training camp" in Pakistan, a British law enforcement official said.

The suspects communicated with operatives in Pakistan up until their arrest, officials said. There are also signs of travel to and contacts with South Africa that may be related to financing, officials say.

British officials say they have identified a suspected leader in London. They say a man in

his mid-20s oversaw the preparation of explosive devices and filming of six "martyrdom" videos in a so-called safe house: a second-floor apartment on Forest Road in Walthamstow, a heavily Pakistani, middle-class area on the eastern edge of the capital.

Investigators believe that the 11 suspects charged with conspiracy to murder also include bomb-makers and half a dozen would-be suicide bombers, officials said. Four suspects are charged with lesser offenses, and five more remain in custody and under investigation.

The suspected plan to use materials for liquid explosives smuggled in sports drinks containers for bombings over the Atlantic recalls a 1995 hijacking plot targeting airliners over the Pacific. The earlier plan was developed in Manila by Khalid Shaikh Mohammed, the Kuwaiti Pakistani godfather of the Sept. 11 attacks, and Ramzi Ahmed Yousef, who is serving a life sentence for his role in the 1993 World Trade Center bombing. But this time, the project may have been developed on Forest Road.

The possibility that a British mastermind aspired to match the carnage of the Sept. 11 attacks has profound implications as the anniversary approaches, officials said.

"It has the same audaciousness," the British official said.

But it raises doubts, too. British and European officials said in recent days that the suspected plotters did not target as many planes as first described publicly. Officials estimate a maximum of six planes as opposed to nine or 10. The group was under audio and video surveillance and had not chosen a date for the attacks, which were at least weeks away, officials said. Some European anti-terrorism officials suggest the initial British accounts were alarmist.

Other questions concern Rashid Rauf, a Birmingham, England, businessman living in Pakistan. His arrest there caused the suspects here to film a martyrdom video, which in turn triggered the police decision to round up the group last month, the British counter-terrorism official said. Pakistani authorities describe him as a key figure who has confessed to meeting with an Al Qaeda leader about the plot.

British officials, in contrast, say Rauf communicated frequently with the London group, but his role is unclear. One official said Rauf did not appear to be a mastermind. European anti-terrorism officials worry that information from Pakistan tends to be clouded by political manipulation and unsavory tactics.

Rauf confessed after four days of interrogation, which raises the specter that he was tortured, said a European anti-terrorism official with information about the case.

"After four days of interrogation, I think he would say pretty much what they wanted," the European official said. "I am a little bit skeptical."

Although the same problem haunts cooperation with North African and Arab security

agents, intelligence from North Africa helped police in Paris detect a major threat developing about a year ago. It emerged from the fury in Iraq, a land of jihad that is revitalizing and reshaping networks such as Algeria's Salafist Group for Call and Combat, known by the French initials GSPC. The GSPC, a longtime Al Qaeda ally, spent the late 1990s embroiled in Algeria's bloody civil conflict. It expanded throughout the Maghreb countries, north into Europe and south into the Sahel region of countries including Mali and Niger. With the advent of war in Iraq, combat-hardened Algerians were a large component of the jihadists flocking to join the insurgency along with inexperienced Europeans, who tended to be thrown into the fray.

"At the start of war there are very radicalized extremists, and it's kind of the era of cannon fodder in which Zarqawi and other organizations absorbed these people and sent them on suicide operations," Bruguiere said. "Later, in 2005, while the situation is degrading in Iraq, some of these people are recuperated by the Zarqawi movement, and groups like it, to be trained for terror operations in Europe."

The Algerian network began working with Zarqawi and others to develop a regionwide version of Al Qaeda that would unite groups in Morocco, Mali, Libya and elsewhere and create "a zone of destabilization" across northern Africa, French and Italian investigators said.

"The strategy changes," a senior Italian police official said. "The GSPC loses its nationalist Algerian focus, embraces the anti-Western ideas of Al Qaeda. They set up new training camps on the border of Algeria and Mali that disappear whenever someone looks for them. And they form a big structure in Syria, in Aleppo and Damascus, that sends some foreign fighters who come to Syria into Iraq, and others back to Europe."

Leaders forged the alliance partly with traveling emissaries and e-mails, including one intercepted by the CIA in late 2004, officials say. But it was also a fluid process that is typical of Islamic extremism and has intensified as Al Qaeda's networks have been damaged and dispersed, they say. The "emirs" set a general strategy guiding the initiatives of the cells, which are often spontaneously formed and largely autonomous.

In exchange for fighters and logistics, Zarqawi and like-minded bosses in the Iraq region decided to provide manpower and training — in Iraq, Syria, Lebanon — to help the GSPC attack France, a dire foe because of its support for the Algerian government. The Jordanian began singling out Algeria and France in propaganda statements and terrorist operations.

As Iraq grew increasingly chaotic last year, insurgent chiefs had more wannabe foreign fighters than they could handle, investigators said.

"In 2005, the flow of jihadis to Syria was unmanageable," the senior Italian police official said. "There were too many, and too many were untrained. The structure in Syria decided that they only wanted serious people with combat experience, especially from the Algerian army. The others are sent to Algeria to the camps to train. Because the GSPC

wants to hit Europe."

The new alliance produced brazen schemes to bomb targets in France: the Paris subway, the Orly airport, the headquarters of the DST anti-terrorism agency, even a Parisian restaurant frequented by DST agents.

Starting with the capture of a boss in Algeria last September and continuing into the spring, security forces launched periodic raids north and south of the Mediterranean. The operations revealed that new cells inherited projects from dismantled groups and tried again.

The suspects were a cross-section of extremism today. French police arrested accused ringleaders Safe Bourada, 35, and Ouassini Cherifi, 31. Both are from Algerian immigrant families and grew up in tough suburbs of Paris. Both did time on previous terrorism charges.

Bourada was involved in a mid-1990s bombing campaign in France. Cherifi, who has a university math degree and had worked as a chief receptionist at a luxury hotel, was convicted in 2002 of providing fraudulent documents to a suspected Al Qaeda cell.

Their new-generation soldiers ranged from radicalized hoodlums, who raised a war chest by robbing armored cars and extorting from prostitutes, to fierce converts trained in bomb-making in Lebanon. Like militants across Europe, they were swept up in a wave of radicalization that is faster and wider than ever.

In December, French police found a stash of weapons and explosives in the garage of a housing project in the gray slums north of Paris. One plan called for simultaneous attacks during Bastille Day celebrations July 14, investigators said. In April, Moroccan police captured a Tunisian based in Milan and seven suspected henchmen accused of preparing to bomb a cathedral in Bologna, Italy, because it displays a painting of Muhammad in Dante's Inferno.

Nonetheless, the network did not come close to striking, officials say. Information from North Africa may have been manipulated, they say. The fog of the battlefield obscures the true dangers and even the face of the enemy.

"For me, using the term GSPC can be problematic," Dambrosio said. "I think it encompasses many things, many groups, it has stimulated and motivated a lot of different radicals. But in this world, it's difficult to talk about the networks as if they were very organized."

Five years from Ground Zero, the threats on this side of the Atlantic are fragmented and elusive. But they have moved uncomfortably close for Europeans and, as a result, for Americans as well.

European-born terrorists "are willing to attack their homeland," a U.S. law enforcement

official said. "Something's happening in their melting pot. And the fear with these guys is that they are just an e-ticket away from getting to the U.S."

\*

[rotella@latimes.com](mailto:rotella@latimes.com)

Citation: <http://www.latimes.com/news/nationworld/world/la-fg-euroterror5sep05.1.7330116.story?coll=la-headlines-world>

## WASHINGTON POST

### **Individuals, Small Groups Cited as Terrorist Threats**

U.S. Strategy Calls Democracy a Weapon

By Karen DeYoung  
Washington Post Staff Writer  
Wednesday, September 6, 2006; A04

A new counterterrorism strategy released yesterday by the White House describes al-Qaeda as a significantly degraded organization, but outlines potent threats from smaller networks and individuals motivated by al-Qaeda ideology, a lack of freedom and "twisted" propaganda about U.S. policy in the Middle East.

The National Strategy for Combating Terrorism reflects the intelligence community's latest analysis of the evolving nature of the threats from widely dispersed Islamic extremists who are often isolated and linked by little more than the Internet. It describes President Bush's "freedom agenda" of promoting democracy as the leading long-term weapon against them.

Attacking terrorist organizations, controlling weapons of mass destruction and protecting the homeland remain U.S. priorities, the document says. But the strategy places new emphasis on the need for training experts in languages and Islamic culture, for enhanced partnerships abroad and with the American Muslim community, and for better information-sharing among domestic counterterrorism agencies.

What today's extremists have in common, it says, is "that they exploit Islam and use terrorism for ideological ends." But "although al-Qaeda functions as the movement's vanguard . . . the movement is not controlled by any single individual, group or state."

The document's release came as Bush delivered one of a series of preelection speeches on national security and terrorism. But his address, in contrast to the strategy document,

The fugitive group leader said experts in the fields of "chemistry, physics, electronics, media and all other sciences -- especially nuclear scientists and explosives experts" should join his group's holy war against the West.

"We are in dire need of you," said the speaker, who identified himself as Abu Hamza al-Muhajer -- also known as Abu Ayyub al-Masri. "The field of jihad can satisfy your scientific ambitions, and the large American bases are good places to test your unconventional weapons, whether biological or dirty, as they call them."

The 20-minute audio was posted on a Web site that frequently airs al-Qaeda messages. The voice could not be independently identified, but it was thought to be Muhajer's. He is believed to have succeeded Abu Musab al-Zarqawi, who was killed in a U.S. airstrike north of Baghdad in June, as head of the al-Qaeda-linked organization.

Thursday's message focused attention on Sheik Omar Abdel Rahman, 68, an Egyptian cleric who was convicted in 1995 of seditious conspiracy for his advisory role in a plot to assassinate Egypt's president and blow up five New York City landmarks.

"I appeal to every holy warrior in the land of Iraq to exert all efforts in this holy month so that God may enable us to capture some of the Western dogs to swap them with our sheik and get him out of his dark prison," said Muhajer, who is also Egyptian.

He also said more than 4,000 foreign militants have been killed in Iraq since the U.S.-led invasion in 2003 -- the first known statement from the insurgents about their death toll.

It was unclear why Muhajer would advertise the loss of the group's foreign fighters, but martyrdom is revered among Islamic fundamentalists and could be used as a recruiting tool. Analysts said the announcement was probably a boast aimed at drumming up support.

"It's showing the level of dedication to their cause, the level of sacrifice jihadists are making," said Ben N. Venzke, director of the Alexandria-based IntelCenter, which monitors terrorism communications.

#### WASHINGTON POST

### **Belgium Rules Sifting of Bank Data Illegal**

Prime Minister Says SWIFT Group Wrongly Cooperated With U.S. Anti-Terrorism Effort

By John Ward Anderson  
Washington Post Foreign Service  
Friday, September 29, 2006; A14



PARIS, Sept. 29 -- A secret U.S. program to monitor millions of international financial transactions for terrorist links violated Belgian and European law and will have to be changed, the Belgian government said Thursday.

The decision, announced by Prime Minister Guy Verhofstadt, came as the country's Data Privacy Commission released a 20-page report finding that the Belgium-based Society for Worldwide Interbank Financial Telecommunication, or SWIFT, had improperly turned over data from millions of global financial transactions to U.S. anti-terrorism investigators.

"It has to be seen as a gross miscalculation by SWIFT that it has, for years, secretly and systematically transferred massive amounts of personal data for surveillance without effective and clear legal basis and independent controls in line with Belgian and European law," the report says.

Leonard H. Schrank, SWIFT's chief executive, said in a telephone interview that the cooperative "believes we complied with everything and respected to the fullest extent possible the privacy law in Belgium. But the trouble is data privacy laws in Europe are quite difficult to follow. They're not drafted for national security issues."

SWIFT said in a statement that it had relinquished data to the U.S. Treasury Department only after it had been "subject to valid and compulsory subpoenas" from U.S. authorities.

The Belgian ruling is the latest in a string of European complaints about how the United States is conducting global operations against terrorism. European governments, politicians, human rights groups and citizens have also criticized the treatment of inmates at the U.S. prison at Guantanamo Bay, Cuba, the operation of secret prisons by the CIA -- including some reportedly in Europe -- and the CIA's extrajudicial transfers of terror suspects.

Europeans tend to support strong efforts against terrorist groups -- many of their countries have terror cells within their borders, and two, Britain and Spain, have suffered major attacks on their transit systems. But many Europeans believe that U.S. policies go too far and fuel radicalism in the Muslim world.

Belgian authorities announced no plans for legal action against SWIFT, which conveys funds among 7,800 banks in 206 countries and territories. Verhofstadt called the anti-terrorist monitoring "an absolute necessity" and said U.S. and European negotiators should find a way to bring it into compliance with European law.

Asked about the Belgian ruling, U.S. Treasury spokeswoman Molly Millerwise said in an e-mail that the department was "mindful of privacy concerns and for that very reason implemented significant safeguards" for what the department calls the Terrorist Finance Tracking Program.

"The U.S. Treasury Department welcomes the suggestion of the Belgian government to engage in greater dialogue at an EU level on how to make the [tracking program] a more cooperative effort. The dialogue is already underway with our European counterparts; such cooperation can only further our common goals," Millerwise said.

Schrank added, "The message today is that there is a recommendation at long last that says, let's get the E.U. and the U.S. sitting down to get a framework for dealing with national intelligence and counterterrorism and the concerns of data privacy. Border security and data privacy are drawn different in every country, and the politicians have to draw the line."

None of the network's banks had made a privacy complaint in connection with the program, he said. "No one that I am aware of has been harmed in any way. . . . Thousands of lives have been saved" as a result of the program, he said. "Let's not forget that."

The Bush administration has called its secret international banking surveillance program a vital tool in uncovering terrorist networks. When newspapers first reported the program's existence in June, President Bush called the disclosure "disgraceful."

The program was begun without congressional or court approval shortly after the attacks of Sept. 11, 2001. With SWIFT's cooperation, U.S. investigators tapped records from the cooperative's banks, a total of millions of transactions, looking for suspicious patterns and links to terrorists.

A SWIFT spokesman said Thursday that "the status of the program is unchanged."

A European Union working group that oversees data protection is investigating SWIFT's transfers of data and is to release its report in November. After a meeting this week in Brussels, the group said it has "immediate concerns about the lack of transparency which has surrounded these arrangements."

Verhofstadt said SWIFT was "in a conflicting situation between American and European laws." But he said the cooperative "made several evaluation mistakes during the executing of the American subpoenas. From the very beginning, SWIFT should have been aware that fundamental European laws should also be respected."

The prime minister added, "Fundamental differences exist between the E.U. and the U.S.A. concerning legislations and the principles governing the treatment of personal data, mainly in the domain of the level of protection, which is higher in Europe. . . ."

"SWIFT is also clearly responsible because they made all the crucial decisions regarding data communication" to the U.S. Treasury, "behind the back of its 7,800 clients."

The report faulted SWIFT for not notifying European authorities of the program from its inception.

SWIFT said its "compliance was legal, limited, targeted, protected, audited and overseen." It added, "SWIFT also did its utmost to comply with the European data privacy principles of proportionality, purpose and oversight."

*Staff writer Dafna Linzer in New York and researcher Corinne Gavard in Paris contributed to this report.*

## WASHINGTON POST

### **Al-Qaeda's Far-Reaching New Partner**

Salafist Group Finds Limited Appeal in Its Native Algeria

By Craig Whitlock  
Washington Post Foreign Service  
Thursday, October 5, 2006; A01

PARIS -- In a video released last month on the Internet, al-Qaeda's deputy leader, Ayman al-Zawahiri, declared that he had "great news." Al-Qaeda, he reported, had joined forces with an obscure Algerian underground network and would work in tandem with the group to "crush the pillars of the crusader alliance."

The Algerian partner, the Salafist Group for Preaching and Combat, had fought the Algerian government in a barbaric civil war for almost a decade. But Zawahiri said the new alliance had different targets in mind. "Our brothers," he said, "will be a thorn in the necks of the American and French crusaders and their allies, and a dagger in the hearts of the French traitors and apostates."

Zawahiri's statement was the latest sign of how, with al-Qaeda's help, the Algerian network has rapidly transformed itself from a local group devoted solely to seizing power at home into a global threat with cells and operations far from North Africa.

Since 2003, the group known by its French initials GSPC has emerged as an umbrella for radical Islamic factions in neighboring countries, sponsoring training camps in the Sahara and supplying streams of fighters to wars in Iraq and Chechnya, according to counterterrorism officials and analysts in Europe and North Africa.

The network also has planted deep roots in Europe. In the past year, authorities have broken up cells in France, Germany, Italy, Spain and Switzerland, including one group that allegedly plotted to shoot down an Israeli airliner in Geneva.

On Sept. 1, the French Anti-Terrorist Coordination Unit issued a statement classifying the group as "one of the most serious threats currently facing France," Algeria's former colonial master. Ten days later, the assessment was given fresh urgency by Zawahiri's videotape, timed for the fifth anniversary of the Sept. 11, 2001, attacks in the United

*Jeffrey Gettleman reported from Mogadishu, and Mark Mazzetti from Washington. Mohammed Ibrahim and Yuusuf Maxamuud contributed reporting from Mogadishu.*

## CHRISTIAN SCIENCE MONITOR

Christian Science Monitor  
February 1, 2007  
Pg. 12

### **Al Qaeda 2006: Fighting In Iraq, Regrouping In Afghanistan, Enlisting In Europe**

*An assessment of some of last year's most significant gains and losses for the terrorist organization.*

By Carol Huang, Contributor to The Christian Science Monitor

In 2006, agents of Al Qaeda, as well as those inspired by its ideology, continued their attacks. Violence in Iraq intensified, and Afghanistan saw its most violent year since 2001.

Despite worsening chaos on those fronts, counterterrorist forces arrested and killed high-profile terrorists and kept the West free from attack. But these actions don't appear to have weakened the appeal of Al Qaeda's agenda. "Home-grown" militants around the world joined its jihad, as regional fighting heightened perceptions of a global war on Islam.

Here's an assessment of some of the most significant gains and losses for Al Qaeda last year:

**Afghanistan** -- Terrorism experts say that militant jihadists shifted focus to the original Al Qaeda base to utilize experience and tactics gained in Iraq -- as reflected in the increase in suicide bombings from 27 in 2005 to 139 in 2006, according to US estimates. Al Qaeda leader Osama bin Laden and his No. 2, Ayman al-Zawahiri, are widely believed to be hiding in the border region between Afghanistan and Pakistan.

**Algeria** -- Algeria's Salafist Group for Preaching and Combat declared an alliance with Al Qaeda in September.

**Britain** -- In August, authorities foiled a terrorist plot with all the hallmarks of an Al Qaeda attack. British security arrested dozens of suspects whom they allege were participating in a plan to bomb up to 10 passenger flights from England to the US.

But Europe's major problem in 2006, experts say, was "home-grown terrorism." Britain's spy chief, Eliza Manningham-Buller, warned in November that the security service MI5

was "working to contend with some 200 groupings or networks, totaling over 1,600 identified individuals."

Europe is a primary recruiting base for Al Qaeda as Muslim communities there have access to wealth and freedom of movement, says Rohan Gunaratna, author of "Inside Al Qaeda: Global Network of Terror."

Islamic militants are "busy recruiting from the Muslim diaspora," adds Paul Wilkinson, chairman of the advisory board of the Centre for the Study of Terrorism and Political Violence at the University of St. Andrews in Scotland. "It's very clear that the organization is still very much in business.... And that recruitment has been going on quite rapidly."

**Egypt** -- An April 24 attack in a Sinai resort town was not claimed by Mr. bin Laden, but the hotel bombings had many similarities to an Al Qaeda strike. The attacks were a sign that the group's tactics have gained a foothold among other radical groups.

**Indonesia** -- Hundreds of members of Jemaah Islamiyah (JI), a major terrorist group linked to Al Qaeda, were arrested, while more radical members split from the group in early 2006 to form Tanzim Qaedat al-Jihad. The biggest blow to counterterrorism efforts was the release of Abu Bakar Bashir from jail in June 2006 after he spent 26 months in prison. The radical Islamic cleric, who is said to lead JI, was cleared of conspiracy charges in December for his role in the 2002 Bali hotel bombings. "Indonesian counterterrorism law is gravely weak," says Mr. Gunaratna. "Abu Bakar Bashir is the leader of the most dangerous group in Southeast Asia. His group has killed more than 250 people."

**Iraq** -- The most violent offshoot of bin Laden's global organization, Al Qaeda in Iraq, seemed to suffer a major blow in 2006 with the killing of former chief Abu Musab al-Zarqawi in June.

But the loss of his leadership may have actually strengthened the group, says Gunaratna. "Zarqawi was a very able and ruthless man," he says, but "not a politician." His successor, Abu Ayyub al-Masri, "is following exactly the instructions of bin Laden and al-Zawahiri."

Al Qaeda in Iraq is small but vicious, says Gunaratna. It was linked to the February bombing of a Shiite shrine in Samarra -- the impact of which ratcheted up sectarian killings in 2006.

In January, the UN said that more than 34,000 Iraqi civilians were killed last year, most in Sunni-Shiite violence that Al Qaeda is bent on fomenting.

**Pakistan** -- In September 2006, President Pervez Musharraf arranged his most recent peace deal with pro-Taliban militants in Pakistan's remote Federally Administered Tribal Areas along the Afghan border. Mr. Musharraf's peace-brokering, critics warn, has

allowed the Taliban to move freely between Afghanistan and Pakistan. John Negroponte, the first director of national intelligence who is expected to be confirmed as deputy secretary of state, said that the deal is allowing Al Qaeda operatives to reorganize in the area and to cultivate "stronger operational connections and relationships that radiate outward from their leaders' secure hideout in Pakistan to affiliates throughout the Middle East, North Africa, and Europe."

**Palestinian territories** -- In March, Israel for the first time charged two Palestinians for being members of a group possibly connected to Al Qaeda. Journalist kidnappings raised concerns that the group was infiltrating the territory or inspiring copycats.

**Philippines** -- The Philippine military killed two top members of the Al Qaeda-linked militant group Abu Sayyaf. Military officials say that the killing of the group's leader, Khadaffy Janjalani, in September 2006, and his deputy Abu Sulaiman, who was killed in January 2007, have rendered the group ineffective. Still, US-trained Philippine soldiers continue to regularly engage Abu Sayyaf militants.

**Saudi Arabia** -- In February, Saudi Arabia thwarted a bombing on an oil-processing plant. Raids and gun battles throughout the country netted more than 100 suspected Al Qaeda militants, but US officials have said that the kingdom could do more to curb terrorism, including stopping the flow of militants and funds across its borders.

**Somalia** -- In June, Islamists suspected of harboring key Al Qaeda operatives overran Mogadishu and took over most of the country except Baidoa, the seat of a weak transitional government. US-backed warlords could not stop the Union of Islamic Courts, which denies charges of ties with Al Qaeda. The country saw its first suicide bombing -- which Somali officials blamed on Al Qaeda -- on Sept. 19, a failed attempt to kill the interim president. The Islamists fled in the wake of an Ethiopian and Somali offensive that began Dec. 26.

**USA** -- North America saw no Al Qaeda attacks. American security forces working around the world have seen "an awful lot of victories," says Arnaud de Borchgrave, director of the Transnational Threats Project at the Center for Strategic and International Studies in Washington. "The CIA has carte blanche to track terrorists around the world," he says. Critics say that this has led to the use of secret prisons used to interrogate Al Qaeda suspects.

On the domestic front, officials say that they thwarted attacks on Chicago's Sears Tower and New York's transit system over the summer and arrested several people in the process -- although it was unclear how serious such plans were.

**Yemen** -- Yemen prevented bomb attacks at two oil facilities on Sept. 15 that were, according to intelligence consulting firm Stratfor, probably commissioned by Al Qaeda. Twenty-three suspected Al Qaeda fighters escaped from prison in February. The government killed or captured many of them, but officials say that those remaining may help Al Qaeda in Yemen to regroup.

"A dog wouldn't use the toilet," Muhammad said. "They charged us 150 Egyptian pounds a day (\$26.30) to use a seat, even the little kids. One Egyptian said, 'Even a dead body has to pay.'" They bribed guards to bring them food and water.

The day of their flight, a Friday, they were brought to the departure hall. But an airlines security guard examined their documents and turned them away. Presumably, the visas were fake. "He looked at us as if we were evil," Saado said. "There was no respect for us. I hate the Israelis, but I hate the Egyptians more."

They were returned to the fetid waiting room, and a day later, when there was a busload, they were shipped back, first to El Arish. There they waited for days in an even more disgusting detention area, they said, until the Rafah crossing opened.

"When we finally got back to Gaza, I kissed the soil," Muhammad said, laughing at his humiliation. "We said, 'Gaza is paradise!'"

In his own quest to leave, Mr. Hussein, the cafe worker, has contacted the American Consulate in East Jerusalem. But, he said, "I can't get a permit to go to Jerusalem to make an application."

What about those who would accuse you of giving up your rights in your land?

Mr. Hussein turned away. "I don't care," he finally said. "I want to live happily."

#### WASHINGTON POST

## Alleged Architect Of 9/11 Confesses To Many Attacks

By Josh White  
Washington Post Staff Writer  
Thursday, March 15, 2007; A01

Khalid Sheik Mohammed, the alleged mastermind of the Sept. 11, 2001, attacks, confessed at a Guantanamo Bay military hearing that he planned and funded that al-Qaeda operation and said he was involved in more than two dozen other terrorist acts around the world, according to documents released by the Pentagon yesterday.

In a rambling statement delivered Saturday to a closed-door military tribunal, Mohammed declared himself an enemy of the United States and claimed some responsibility for many of the major terrorist attacks on U.S. and allied targets over more than a decade. He said that he is at war with the United States and that the deaths of innocent people are an unfortunate consequence of that conflict.

"I was responsible for the 9/11 operation, from A to Z," Mohammed told a panel of military officers through a personal representative, who read off a list of 31 terrorist acts

that were either carried out or planned but not executed. According to transcripts released by Defense Department officials last night, Mohammed later spoke in broken English and Arabic, saying, "For sure, I'm American enemies."

Mohammed took responsibility for the attacks on New York and Washington in an interrogation detailed in the Sept. 11 commission's report. But his appearance before the tribunal at Guantanamo Bay marked the first time since his March 2003 arrest that he was allowed to make an extended statement that was not delivered to interrogators.

★ His capture was followed by years of detention in secret CIA facilities, where he was held without any contact with the outside world.

The Pentagon released the transcript last night along with similar records from two other hearings for alleged terrorists. They were among a group of 14 high-value detainees transferred to Guantanamo Bay from CIA custody last September on orders from President Bush. Each detainee is entitled to such a review to determine whether he is an enemy combatant and whether he should remain in U.S. custody. The hearings may be a prelude to possible charges and, ultimately, military trials.

Mohammed presented evidence, in the form of a written statement, in which he appears to allege abuse. The tribunal president told Mohammed he had received the statement "regarding certain treatment that you claim to have received" before arriving at Guantanamo Bay.

The tribunal president also asked whether any statements he made under interrogation were "as the result of any of the treatment." Mohammed answered: "CIA peoples. Yes. At the beginning when they transferred me . . ." The rest of the sentence is redacted from the transcript.

The other hearings were for Abu Faraj al-Libi, who did not appear at his hearing, and Ramzi Binalshibh, who allegedly played a direct role in the Sept. 11 attacks. He also did not participate in the hearing.

Mohammed described himself as Osama bin Laden's operational director for the Sept. 11 attacks and as al-Qaeda's military operational commander for "all foreign operations around the world."

He claimed to have been "responsible" for the 1993 attack on the World Trade Center, Richard Reid's attempt to ignite a shoe bomb on an airliner over the Atlantic Ocean in December 2001, and the October 2002 bombing of a nightclub in Bali, Indonesia.

Mohammed also said he plotted to assassinate several former presidents, including Jimmy Carter, a scheme not previously revealed.



Mohammed described several other plots that never came about, such as attacks on buildings in California, Chicago and Washington state, and on the New York Stock Exchange.

Despite his statements, it is unclear how much involvement he could have had in the 31 separate attacks he listed. The Sept. 11 commission described Mohammed as a flamboyant operative who developed grandiose plans for attacks even as other al-Qaeda leaders urged him to focus on the Sept. 11 plot.

One of those plans revealed Mohammed as captivated by "a spectacle of destruction with KSM as the self-cast star -- the superterrorist," the commission wrote.

Mohammed contended that he and al-Qaeda are not terrorists, but are engaged in a long struggle against U.S. oppression in the Middle East. He apologizes for killing children in the Sept. 11 attacks.

"Because war, for sure, there will be victims," he said. "When I said I'm not happy that 3,000 been killed in America. I feel sorry even. I don't like to kill children and the kids."

Mohammed likened al-Qaeda's quest to Colonial America's struggles in the of America's Revolutionary War, drawing parallels between Laden and George Washington.

"So when we made any war against America, we are jackals fighting in the nights," he said, adding later that had Washington been arrested by the British, he, too, would have been considered an enemy combatant.

"As consider George Washington as hero, Muslims many of them are considering Osama bin Laden. He is doing same thing. He is just fighting. He needs his independence."

Mohammed said he wants to make a "great awakening" to force the United States to stop foreign policy "in our land."

He urged the U.S. military to release numerous detainees who were captured in Afghanistan and are now at Guantanamo, saying that many were wrongly swept up. At one point, he contended that a group of men sent to assassinate bin Laden and captured by al-Qaeda were later taken prisoner by U.S. forces in Afghanistan.

Bruce Hoffman, a professor of security studies at Georgetown University, said Mohammed sees himself as a "reluctant warrior and justified" in his actions, as many other terrorists have characterized themselves.

*Staff writer Ann Scott Tyson and staff researcher Julie Tate contributed to this report.*

NEW YORK TIMES

March 15, 2007

**Suspected Leader of 9/11 Attacks Is Said to Confess**

TRANSCOM GHOST DOCS 281

By ADAM LIPTAK

Page 1

Khalid Shaikh Mohammed, long said to be the mastermind of the Sept. 11 attacks, confessed to them at a military hearing held in Guantánamo Bay, Cuba, on Saturday, according to a transcript released by the Pentagon yesterday. He also acknowledged full or partial responsibility for more than 30 other terror attacks or plots.

"I was responsible for the 9/11 operation, from A to Z," he said.

In a rambling statement, Mr. Mohammed, a chief aide to Osama bin Laden, said his actions were part of a military campaign. "I'm not happy that 3,000 been killed in America," he said in broken English. "I feel sorry even. I don't like to kill children and the kids." [Excerpts, Page A23.]

He added, "The language of war is victims."

Though American officials had linked Mr. Mohammed to the attacks of Sept. 11, 2001, and to several others, his confession was the first time he spelled out in his own words a panoply of global terror activities, ranging from plans to bomb landmarks in New York City and London to assassination plots against former Presidents Jimmy Carter and Bill Clinton and Pope John Paul II. Some of the plots he claimed to plan, including the attempt on Mr. Carter, had not previously been publicly disclosed.

Mr. Mohammed indicated in the transcript that some of his earlier statements to C.I.A. interrogators were the result of torture. But he said that his statements at the tribunal on Saturday were not made under duress or pressure.

His actions, he said, were like those of other revolutionaries. Had the British arrested George Washington during the Revolutionary War, Mr. Mohammed said, "for sure they would consider him enemy combatant."

The hearing also summarized some of the evidence the Pentagon says supports the designation of Mr. Mohammed as an enemy combatant, including a computer hard drive containing information about the Sept. 11 hijackers, letters from Mr. bin Laden and the details of other plots. It was seized, the government says, when Mr. Mohammed was captured.

Mr. Mohammed spoke before a combatant status review tribunal that has the narrow task of determining whether President Bush had properly designated him an enemy combatant. Mr. Mohammed's confession will almost certainly be used against him if and when he is tried for war crimes by a military commission.

Parts of the transcript were redacted by the military, and there were suggestions in it that Mr. Mohammed contended he was mistreated while in the custody of the C.I.A. after his arrest in 2003. He was transferred to military custody at Guantánamo Bay last year.

By tribunal rules, Mr. Mohammed was aided by a "personal representative," not a lawyer. His attempt to call two witnesses was denied. And the tribunal indicated that it would consider classified evidence not made available to Mr. Mohammed.

Combatant status review tribunals are informal hearings created in response to a 2004 decision by the United States Supreme Court to judge whether prisoners at Guantánamo were properly designated as enemy combatants and subject to indefinite detention. Unlike the military commissions that hear war crimes charges, the combatant status review tribunals offer minimal procedural protections and are not recognizably judicial.

In the past, the hearings have been partly open to the press. But a series of recent hearings, involving some of the 14 so-called high-value detainees transferred to Guantánamo from secret C.I.A. prisons last year, were closed. In addition to the Mohammed transcript, the Pentagon yesterday also released transcripts of the hearings of Abu Faraj al-Libbi and Ramzi bin al-Shibh, top Qaeda operatives.

Mr. Libbi did not attend his hearing, and in a statement contained in the transcript he said he would refuse to do so until he could be tried according to accepted judicial principles in the United States. He said he had not been granted a lawyer and could not introduce witnesses in his defense.

"If I am classified as an enemy combatant," he said in the statement, "it is possible that the United States will deem my witnesses are enemy combatants and judicial or administration action may be taken against them. It is my opinion the detainee is in a lose-lose situation."

The tribunals in all three cases reserved judgment on the question of whether the men were indeed properly classified as enemy combatants, but there is little doubt that the president's designation will be affirmed.

The prisoners may appeal the conclusions of the tribunals to a federal appeals court in Washington. While not contesting his own guilt, Mr. Mohammed asked the United States government to "be fair with people." He said that many people who had been arrested as terrorists in the wake of 9/11 were innocent.

Mr. Mohammed's representative, an Air Force lieutenant colonel whose name was not released, read a statement on Mr. Mohammed's behalf "with the understanding he may interject or add statements if he needs to."

In the statement, Mr. Mohammed described himself as the "military operational commander for all foreign operations around the world" for Al Qaeda.

He also took responsibility for the 1993 bombing of the World Trade Center and the 2002 bombing of a nightclub in Bali.

Mr. Mohammed also outlined a vast series of plots that were not completed. Among his targets, he said, were office buildings in Chicago, Los Angeles and New York; suspension bridges in New York; the New York Stock Exchange "and other financial targets after 9/11"; the Panama Canal; British landmarks including Big Ben; buildings in Israel; American embassies in Indonesia, Australia and Japan; Israeli embassies in India, Azerbaijan, the Philippines and Australia; airliners around the world; and nuclear power plants in the United States.

He said he managed "the cell for the production of biological weapons, such as anthrax and others, and following up on dirty-bomb operations on American soil."

Mr. Mohammed also said that he had taken part in "surveying and financing for the assassination of several former American presidents, including President Carter." He added that he was responsible for an assassination plot against President Clinton in the Philippines in 1994.

But Mr. Mohammed interrupted his representative to clarify that he was not solely responsible for a 1995 attempt on the life of Pope John Paul II during a visit to the Philippines.

"I was not responsible," Mr. Mohammed said, "but share."

American officials and President Pervez Musharraf of Pakistan have said that Mr. Mohammed took part in killing Daniel Pearl, a reporter for The Wall Street Journal, in Pakistan in 2002. Though Mr. Mohammed referred to Mr. Pearl in passing in the transcript, he did not confess to the killing. He did say that he had plotted to assassinate President Musharraf.

At the end of the recitation, Mr. Mohammed was asked, "Were those your words?"

"Yes," he answered.

Later, he said: "What I wrote here, is not I'm making myself hero, when I said I was responsible for this or that. But you are military man. You know very well there are language for war."

It is not clear how many of Mr. Mohammed's expansive claims were legitimate. In 2005, the Sept. 11 commission said that Mr. Mohammed was noted for his extravagant ambitions, and, using his initials, described his vision as "theater, a spectacle of destruction with KSM as the self-cast star, the superterrorist."

Mr. Mohammed declined to speak under oath, saying his religious beliefs prohibited it. But he said he was telling the truth.

"To be or accept the tribunal as to be, I'll accept it," he said. "That I'm accepting American Constitution, American law or whatever you are doing here. That is why religiously I cannot accept anything you do."

He added: "When I not take oath does not mean I'm lying."

Mr. Mohammed, 41, is an ethnic Pakistani who grew up in Kuwait and graduated from North Carolina State Agricultural and Technical State University in 1986. He was captured on March 1, 2003, in Rawalpindi, Pakistan, and was held in the secret C.I.A. prison system, where he is believed to have been subjected to harsh interrogation.

In a long monologue that fills about four single-spaced pages of the transcript, Mr. Mohammed said his motives were military ones.

"If America they want to invade Iraq they will not send for Saddam roses or kisses, they send for a bombardment," he said. "I consider myself, for what you are doing, a religious thing as you consider us fundamentalist. So, we derive from religious leading that we consider we and George Washington doing the same thing."

He pleaded on behalf of some of his fellow detainees. "I'm asking you again to be fair with many detainees which are not enemy combatant," Mr. Mohammed said. "Because many of them have been unjustly arrested."

The unclassified part of the hearing lasted for a little more than an hour, according to the transcript.

Near the end, Mr. Mohammed summed up. "The American have human right," he said. "So, enemy combatant itself, it flexible word."

"War start from Adam when Cain killed Abel until now," he said.

*Margot Williams contributed reporting.*

LOS ANGELES TIMES

## **U.S. officials want more outreach to American Arabs, Muslims**

**Homeland Security aides note difficulty in recruiting interpreters and analysts.**

By Adam Schreck  
Times Staff Writer

March 15, 2007

TRANSCOM GHOST DOCS 285

Gen. David Petraeus), says that in fighting nontraditional foes such as al-Qaeda, it is never possible to kill or capture every fighter. The key to victory lies in cutting off the enemy's "recuperative power" by diminishing its legitimacy while increasing your own.

"To establish legitimacy," the manual says, "commanders transition security activities from combat operations to law enforcement as quickly as feasible. When insurgents are seen as criminals, they lose public support."

What did the administration gain by treating suspected terrorists as combatants? Only a justification for interrogating them for years without bringing them to trial. These abusive interrogations probably yielded some useful information; many intelligence insiders have said that they also yielded much that was misleading. The gains have surely been outweighed by what has been lost: America's moral authority and the opportunity to discredit these killers as the cowardly criminals that they are.

Imagine if Khalid Sheik Mohammed had been brought before a real court after he was captured. It wouldn't have precluded using the military to strike at al-Qaeda in its Afghan hideaways or interrogating prisoners and using intelligence to preempt attacks. It would simply have showcased American justice and values in dealing with captives.

Imagine if President Bush, instead of aping al-Qaeda's call to war, had said to bin Laden and his ilk what federal Judge William Young said to "shoe bomber" Richard Reid when he convicted him: "You are not an enemy combatant. You are a terrorist. You are not a soldier in any war. . . . To give you that reference, to call you a soldier, gives you far too much stature."

Bush's challenge after Sept. 11 was to bring men like bin Laden and Mohammed to justice without elevating them. He has done the reverse. Not a single Sept. 11 planner has been held accountable for his crimes, but they can all crow that America sees them as they see themselves: as soldiers, not criminals.

*The writer is Washington advocacy director of Human Rights Watch.*

#### WASHINGTON POST

## Al-Qaeda Suspect Says He Planned Cole Attack

By Josh White  
Washington Post Staff Writer  
Tuesday, March 20, 2007; A01

An alleged key al-Qaeda operative with close ties to Osama bin Laden told a military hearing at Guantanamo Bay, Cuba, that he organized the attack on the USS Cole that killed 17 U.S. sailors in 2000, according to Defense Department transcripts released yesterday.

Walid Muhammad bin Attash, also known as Tawfiq bin Attash, became the second high-value detainee in recent days to stand before U.S. military officers and take responsibility for major attacks against U.S. interests, barely challenging allegations against him. In a brief hearing on March 12 that was closed to the public, bin Attash also was said to have claimed responsibility for an al-Qaeda operation that led to the nearly simultaneous detonation of two truck bombs at the U.S. embassies in Kenya and Tanzania in 1998, killing more than 200 people and injuring thousands.

Joining the extensive claims of al-Qaeda leader Khalid Sheik Mohammed -- who told a tribunal at Guantanamo Bay on March 10 that he was the mastermind of the Sept. 11, 2001, attacks -- bin Attash linked himself to major attacks that came at the behest of bin Laden. U.S. intelligence officials also believe that bin Attash, who lost his right leg during a battlefield accident in 1997, helped select about two dozen operatives for special training in 1999, training that ultimately led some to participate in the suicide bombing of the Cole, the Sept. 11 attacks and other events.

Though the Pentagon transcripts cannot be independently verified, Mohammed's tribunal transcript matched the accounts of two U.S. senators who watched from an adjoining room. It is impossible to know whether the suspects were exaggerating their claims or taking responsibility because of prior abuse. Both were in secret CIA custody for years, and Mohammed has alleged mistreatment. Bin Attash, according to his transcript, did not allege wrongdoing by his captors.

Department of Justice officials named bin Attash, a Yemeni national, as an unindicted Cole co-conspirator in May 2003, about two weeks after he was captured in Pakistan. He was later secreted to a CIA prison. His brother Hassan bin Attash has been detained at Guantanamo Bay since September 2004.

U.S. authorities had long alleged Walid Muhammad bin Attash's role in al-Qaeda's training camps in Afghanistan, but his claim of responsibility for the USS Cole bombing was the first time he had asserted such close involvement in the Oct. 12, 2000, attack on the U.S. warship while it refueled in the Yemeni port of Aden. Bombers on a small boat filled with explosives waved at U.S. sailors, feigning an attempt to help the ship dock, before they detonated their vessel.

The blast tore a huge hole in the side of the Cole's steel-plated hull, killing 17 sailors and injuring dozens more.

"I participated in the buying or purchasing of the explosives," bin Attash said with the help of an interpreter, claiming many roles in the attack, such as faking travel documents for the bombers. "I put together the plan for the operation a year and a half prior to the operation. Buying the boat and recruiting the members that did the operations. Buying the explosives."

Bin Attash told the Combatant Status Review Tribunal at Guantanamo Bay that he was with bin Laden in Kandahar, Afghanistan, at the time of the Cole attack and that he was

in Karachi, Pakistan, meeting with the head of the African embassy bombing operation when those attacks took place. He said he was the link between bin Laden and the terrorism cell chief in Nairobi.

"I used to supply the cell with whatever documents they need from fake stamps to visas, whatever," bin Attash said, according to the Pentagon documents.

All Guantanamo Bay detainees are entitled to a tribunal that determines whether they are enemy combatants. A panel of three military officers will rule on bin Attash's status over the coming weeks, and military prosecutors could charge him with crimes at a future military commission.

Yesterday's release of bin Attash's transcript came just days after a civil trial against the government of Sudan. The families of the Cole victims had alleged that Sudan's support for the plotters -- allowing money, weapons and travel documents to flow through the country -- made the attacks possible. A federal judge ruled last week that Sudan was liable for the deaths of the 17 sailors but has yet to impose damages.

Mona Gunn, whose son, Seaman Cherone Gunn, 22, was killed in the Cole attack, said yesterday that she is pleased that bin Attash has taken responsibility for the bombing and that she believes he should face a death sentence.

"I think he needs to hear that he has torn 17 families apart, that 17 families continue to suffer every day as a result of losing a loved one," Gunn said. "My biggest concern now is what's the plan to get Osama bin Laden, to put an end to all of this."

Terrorism experts said the detainees may be claiming responsibility for attacks to shield al-Qaeda members who have not been captured or to increase their own standing in the jihadist community.

Paul Pillar, former deputy chief of the CIA's counterterrorist center and a professor at Georgetown University, said yesterday that bin Attash's transcript struck him as "mundane" and "about as plain and straightforward as possible."

"It shows that there are people who are genuinely guilty, and who genuinely deserve to be punished," Pillar said. "But it doesn't mean the books are closed on anything. For each of these operations we're talking about, there are a number of people who are certainly involved enough to deserve and warrant punishment."

*Staff researcher Julie Tate contributed to this report.*

## WALL STREET JOURNAL

OPINION:

# TRANSCOM GHOST DOCS 288



## KSM's Confession

By Edward Jay Epstein

Last week Khalid Sheikh Mohammed (KSM) admitted to having been responsible for planning no fewer than 28 acts of terrorism, including the horrific September 11 attacks, from "A to Z." The sensational confession, made during a military hearing at Guantanamo Bay, raises a number of serious questions -- most pointedly about the decision of the 9/11 Commission to rely on the CIA for information about this terrorist leader, who was captured in 2003.

Although the 9/11 Commission identified KSM as a key witness in the World Trade Center and Pentagon, it never was allowed to question him or his CIA interrogators. Instead, the staff received briefings from a CIA "project manager" -- who was himself briefed by other CIA case officers on what KSM had putatively revealed during his interrogation. As the 9/11 Commission chairmen noted, this was "third-hand" information; but it allowed the CIA to fill in critical gaps in the commission's investigation. Now KSM's claims throw this reliance on the CIA into question.

Consider the Feb. 26, 1993, attack on the north tower of the World Trade Center. A 1,500 pound truck bomb was exploded by Islamist terrorists, intending to topple the building. Over 1,000 people were injured, and eventually five of the perpetrators, including the bomb-builder, Ramzi Yousef, were caught and sentenced to life imprisonment.

Yousef is a relative of KSM, and was involved with him in a subsequent plot to blow up U.S. airliners. Nevertheless, the 9/11 Commission concluded that KSM had played at most a "cameo role" in the 1993 attack, limited to providing Yousef with \$600 and having a few phone conversations with him. And it based this conclusion largely on the CIA briefings of what KSM had said during his interrogation.

According to the CIA, for example, KSM had maintained that "Yousef never divulged to him the target of the attack." The 1993 WTC bombing, therefore, appeared unrelated to the 9/11 attack -- and so the 9/11 Commission had no need to investigate it, or the conspirators involved in it.

In his confession, however, KSM says that *he* was responsible for the WTC bombing. If so, both it and 9/11 are the work of the same mastermind -- and the planning, financing and support network that KSM used in the 1993 attack may be relevant to the 9/11 attack. Of especial interest are the escape routes used by Abdul Rahman Yasin and Ramzi Yousef, both of whom helped prepare the bomb and then fled America.

Yasin (who is not even mentioned in the 9/11 report) came to the U.S. from Iraq in 1992, at about the same time as Yousef, and then returned to Iraq via Jordan. Despite being indicted for the World Trade Center bombing, and put on the FBI's list of the most-wanted terrorist fugitives with a \$5 million price on his head (increased to \$25 million after 9/11), Iraqi authorities allowed Yasin to remain in Baghdad for 10 years (In 2003, after the U.S. invasion, he disappeared.)

His co-conspirator Yousef, who entered the U.S. under an alias on an Iraqi passport (switching passports to his Pakistani identity), escaped after the 1993 WTC bombing to Pakistan, where, after being involved in another bombing plot with KSM, he was arrested and is currently in a U.S. prison. But if indeed KSM had been behind the 1993 bombing - and the 9/11 Commission had not been told the opposite by the CIA -- the question of what support KSM had in recruiting the conspirators and organizing the escape routes of the bomb makers would have become a far more pressing investigative issue for the commission.

Of course, KSM's credibility is a very big "if." He might have lied in his confession about his role in the 1993 WTC bombing; he might have lied to his CIA captors (which itself would say something about the effectiveness of their aggressive interrogation); or, in selecting bits and pieces out of their full context, the CIA project officer may have accidentally mis-briefed the 9/11 Commission staff.

But at the root of the problem is the failure of the commission itself to question KSM. This was not for lack of trying. The commission chairmen fully recognized the need to gain access to the author of 9/11, and took note that their staff was becoming "frustrated" at their inability to get information from KSM and other detainees. On Dec. 22, 2003 -- with less than seven months remaining before they had to deliver their report -- they brought the problem up with George Tenet, then CIA director. He told them, point blank, "You are not going to get access to these detainees."

★ The commission considered using its subpoena power, but was advised by its general counsel that since KSM was being held in a secret prison on foreign soil, it was unlikely that any court would enforce a subpoena. The commission also decided against taking the issue public, believing it could not win in a battle with the administration, at least in the time it had left. So, lacking any viable alternatives, it allowed the CIA to control the information it needed from KSM and other detainees.

The result is that basic issues concerning KSM's interrogation -- and the dozens of crucial citations in the 9/11 Report -- are now in such doubt that 9/11 Commissioner Bob Kerrey suggested last Sunday, in his Daily News column, that KSM be put on trial in New York, where presumably he could be properly cross-examined. While that remedy may be far-fetched, some resolution of this investigative failure is necessary.

*Mr. Epstein is writing a book on the 9/11 Commission.*

## U.S. Strike in Somalia Targets Al-Qaeda Figure

By Karen DeYoung  
Washington Post Staff Writer  
Tuesday, January 9, 2007; A01

A U.S. Air Force AC-130 gunship attacked suspected al-Qaeda members in southern Somalia on Sunday, and U.S. sources said the operation may have hit a senior terrorist figure.

The strike took place near the Kenyan border, according to a senior officer at the Pentagon. Other sources said it was launched at night from the U.S. military facility in neighboring Djibouti. It was based on joint military-CIA intelligence and on information provided by Ethiopian and Kenyan military forces operating in the border area.

It was the first acknowledged U.S. military action inside Somalia since 1994, when President Bill Clinton withdrew U.S. troops after a failed operation in Mogadishu that led to the deaths of 18 Army Rangers and Delta Force special operations soldiers.

Sources said last night that initial reports indicated the attack had been successful, although information was still scanty.

"You had some figures on the move in a relatively unpopulated part of the country," said one source confirming the attack, who, like several others, would discuss the operation only on the condition of anonymity. "It was a confluence of information and circumstances," he said. The attack was first reported by CBS News.

One target of the strike, sources said, was Abu Talha al-Sudani, a Sudanese who is married to a Somali woman and has lived in Somalia since 1993 -- the year of the attack against U.S. troops that was chronicled in the book and movie "Black Hawk Down." In a 2001 U.S. court case against Osama bin Laden, Sudani was described by a leading witness as an explosives expert who was close to the al-Qaeda leader.

More recently, Sudani was identified by U.S. intelligence as a close associate of Gouled Hassan Dourad, head of a Mogadishu-based network that operated in support of al-Qaeda in Somalia. Dourad is one of 14 "high-value" prisoners transferred last September from CIA "black sites" to the U.S. military base at Guantanamo Bay, Cuba.

The Office of the Director of National Intelligence then disclosed that Dourad "worked for the East African al-Qaeda cell led by . . . al-Sudani" and carried out at least one mission for him, related to a plan to bomb the U.S. military base in Djibouti.

Others have identified Sudani as the financier for Fazul Abdullah Mohammed and Saleh Ali Saleh Nabhan, believed responsible for the 1998 bombing of U.S. embassies in Kenya and Tanzania. All are among the senior al-Qaeda operatives the Bush administration has charged were sheltered by Somali Islamic fundamentalists controlling Mogadishu, the country's capital. They are believed to have fled late last month when Ethiopian troops drove the fundamentalists out of the capital and toward the Kenyan border.

[In an interview early Tuesday, Abdirizak Hassan, chief of staff for Prime Minister Ali Mohamed Gedi, confirmed the strike. Hassan said he heard from American officials that Fazul Abdullah Mohammed had been killed, although U.S. officials said he had not been in their immediate sights. "Among the targets was Fazul," he said, "and we understand that Fazul is no more."

Hassan also said Somali officials authorized the strike. "We gave permission for actions that are more than airstrikes," Hassan said. "Whatever it means to rout these people out, we have given them permission."]

The Bush administration has been leading an international diplomatic effort to stabilize Somalia, including organizing an African peacekeeping force. It has called on leaders of Somalia's new transitional government to negotiate a power-sharing arrangement with moderate members of the Islamic leadership who are not seen as terrorist facilitators and who are supported by a significant segment of Somali clans.

Neither effort has met with much success. African countries have been reluctant to offer troops and the new Somali leaders have resisted negotiations.

Sources would not confirm that U.S. forces are operating on the ground along the border between Somalia and Kenya, although one emphasized that "we are working very, very closely" with Kenyan forces.

The aircraft carrier USS Eisenhower was deployed in the Indian Ocean to provide air cover for the operation and, if needed, to evacuate downed airmen and other casualties. It joined several Navy ships from the Fifth Fleet, based in Bahrain, that have been patrolling the area to prevent al-Qaeda members from fleeing Somalia by sea, a Navy spokesman said. Approximately 1,500 U.S. personnel, including Special Operations forces, are assigned to the Djibouti-based Combined Joint Task Force-Horn of Africa.

The AC-130 gunship is a heavily armed aircraft, with four cannons and a six-barrel Gatling gun capable of firing 1,800 rounds a minute. But its most striking weapon is a computer-operated 105mm howitzer that juts sideways from the middle of the aircraft. An offensive behemoth that is relatively defenseless against counterattack, it is flown only at night.

The Bush administration has long claimed the right to launch discrete military attacks in other countries when terrorist targets have been identified.

A strike by a U.S. Predator drone was ordered by the CIA last January in response to intelligence placing Ayman al-Zawahiri, the second-ranking al-Qaeda leader and bin Laden's chief deputy, at a compound near the Afghanistan border in Pakistan. The attack killed a reported 17 people, including six women and six children, but not Zawahiri, who apparently was not at the compound at the time.

*Staff writers Thomas E. Ricks and Robin Wright, correspondent Stephanie McCrummen in Nairobi and staff researchers Julie Tate and Madonna Lebling contributed to this report.*

## NEW YORK TIMES

January 9, 2007

# U.S. Airstrike Aims at Qaeda Cell in Somalia

By DAVID S. CLOUD

Page A3

WASHINGTON, Jan. 8 — A United States Air Force gunship carried out a strike Sunday night against suspected operatives of Al Qaeda in southern Somalia, a senior Pentagon official said Monday night.

The attack by an AC-130 gunship, which is operated by the Special Forces Command, is believed to have produced multiple casualties, the official said. It was not known Monday night whether the casualties included members of a Qaeda cell that American officials have long suspected was hiding in Somalia.

Special Forces units operating from an American base in Djibouti are conducting a hunt for Qaeda operatives who have been forced to flee Mogadishu, the Somali capital, since Islamic militants were driven from there by an Ethiopian military offensive last month.

The American attack was first reported by CBS News.

The Special Forces attack is the first military action in Somalia that Pentagon officials have acknowledged since American troops departed the lawless country in the wake of the infamous "Black Hawk Down" episode in 1993, when 18 American soldiers were killed in street fighting in Mogadishu.

American officials have long suspected that a handful of Qaeda suspects responsible for the 1998 embassy bombings in Kenya and Tanzania have been hiding inside Somalia, a country that has not had a central government since 1991.

The search for the terrorist suspects has driven American policy toward Somalia for several years.

and collect pictures as evidence of the improper conditions.

Robin Harman said when her daughter told her what she was doing, she ordered her to stop. "We got into an argument about it at 4 a.m.," Robin Harman said. "Sabrina said she had to prove this. I told her to bring the pictures home, hide them and stay out of it."

Sabrina Harman brought the photographs home to Virginia in mid-November during a two-week leave. An Army investigator showed up on Jan. 16 and took a CD of photos and Harman's laptop computer, her roommate said.

In February, the Army moved Harman to Camp Victory, a base of trailers and tents near Baghdad's airport. Her weapon was confiscated, but she is not in confinement. She spends her days sweeping streets and planting flowers, her family said.

Robin Harman said her daughter had dreamed of following her father into a career as a homicide detective. Now she does not want to have anything to do with law enforcement, Robin Harman said.

"She just moved out two years ago," Robin Harman said. "She has no clue what people are really like. She thinks everyone is good."

HYPERLINK "<http://www.washingtonpost.com/>"  
washingtonpost.com

Pentagon Was Warned of Abuse Months Ago  
U.S. Officials, Rights Groups Sought Changes

By Peter Slevin and Robin Wright

Washington Post Staff Writers

Saturday, May 8, 2004; Page A12

Months before Defense Secretary Donald H. Rumsfeld publicly acknowledged the abuse of Iraqi prisoners by American soldiers, top U.S. officials and several international human rights organizations repeatedly warned the Defense Department to halt the mistreatment of detainees.

From U.S. administrator L. Paul Bremer and Secretary of State Colin L. Powell to investigators for the International Committee of the Red Cross, a broad array of officials pressed the Pentagon to improve conditions or face a likely Iraqi backlash, officials from the government and the organizations said yesterday.

Amnesty International sounded an alarm at a Baghdad news conference in May 2003, only one month after the Iraqi capital fell to U.S.-led troops. Three months later, Bremer pressed the military to improve conditions and later made the issue a regular talking point in discussions with Rumsfeld, Vice President Cheney and national security adviser Condoleezza Rice, said U.S. officials familiar with the discussions, speaking on the condition of anonymity.

The Red Cross delivered repeated warnings during the same period, its president said yesterday. The organization dispatched investigators to 14 detention centers in Iraq and delivered graphic reports about U.S. mistreatment, including evidence of humiliation, physical abuse and excessive force.

Rumsfeld, the figure at the epicenter of the crisis, defended his record yesterday under six hours of sharp congressional questioning. He said he saw photographs of mistreatment at Abu Ghraib prison only on Thursday, but asserted that his department had taken appropriate steps to improve conditions and oversight of the jails.

U.S. commanders, Rumsfeld said, handled evidence of abuse by troops at Abu Ghraib "dam well."

Amid calls for Rumsfeld's resignation by a number of Democrats and news organizations, questions are being focused on who in the uniformed military and the civilian leadership of the Bush administration knew about the abuse and what was done to stop it.

Rep. John M. Spratt Jr. (D-S.C.) told Rumsfeld and Air Force Gen. Richard B. Myers, chairman of the Joint Chiefs of Staff, that he doubts the scenes of persecution photographed at Abu Ghraib "were totally isolated actions."

"I think you'll agree with me that it's not going to be enough just to make scapegoats of six or seven enlisted personnel," Spratt said. "You've got to go up and down the chain of command and outside the chain of command . . . to find out who knew of these practices, condoned these practices, encouraged and gave rise to these practices."

Even before the Iraq war began in March 2003, human rights organizations had begun to focus on harsh U.S. treatment of prisoners detained for secret interrogation in holding camps in such places as Bagram, Afghanistan, and Guantanamo, Cuba. When U.S. troops began arresting thousands of Iraqis, international monitors were watching.

Amnesty International said yesterday that its officials warned U.S. and British occupation authorities about mistreatment of detainees as early as May 2003. The next month, the organization wrote Bremer after interviewing former detainees to criticize methods that spokesman Alistair Hodgett said "appear to facilitate cruel, inhuman or degrading treatment."

In July, Amnesty held another news conference on the issue and met with officials of the occupation authority's legal counsel, Hodgett said. "We've raised it continuously since then," he said.

In August, Bremer became alarmed about the treatment of detainees and prison conditions. After interceding in one detainee's case, he urged the U.S. military in Iraq and top Bush administration officials to improve conditions and avoid potential fallout, according to U.S. officials.

The most comprehensive evaluation of Iraqi jails was conducted by the Red Cross, which began dispatching staff members by March 31, less than two weeks after the war started.

In the next six months, the Geneva-based organization paid 29 visits to 14 detention centers, delivering oral and written reports to U.S. officials in Iraq after each visit.

ICRC officials made "repeated requests" to the U.S.-led occupation authority to correct abuses, the organization's president, Jakob Kellenberger, said yesterday. He said officials presented "serious concerns" to occupation authorities, reminding them of obligations under the Geneva Conventions and international treaties.

"These findings clearly underline the necessity for the authorities concerned to strike a balance between the legitimate security concerns of states and the protection of human dignity," Kellenberger said in a written statement.

U.S. military police, along with legal and medical specialists, studied the detention system in Iraq between Oct. 13 and Nov. 6. They found shortages of manpower and training, and called for immediate action to address human rights deficits.

In Washington, meanwhile, the State Department -- fenced out of major influence over postwar Iraq by a January 2003 presidential directive -- was increasingly troubled last autumn by lengthy detentions and allegations of mistreatment.

Powell raised the detainee issue frequently in meetings of the Bush national security team, aides reported. They said he often felt like a lone voice.

"Powell was kept up to date by our people and the Red Cross that there were serious

problems and ongoing concerns, which he raised with his counterparts and colleagues," a senior State Department official said.

On Jan. 13, Army Spec. Joseph M. Darby, who was assigned to Abu Ghraib, informed his superiors about abuses there. Lt. Gen. Ricardo Sanchez, the commanding officer of U.S. troops in Iraq, launched a criminal investigation the next day. Rumsfeld was notified, and the Pentagon disclosed the inquiry on Jan. 16.

That month, the Abu Ghraib photographs were described to Rumsfeld and the top military brass, Myers testified yesterday. He said they discussed the content, including forced nudity and mock sexual acts.

From the beginning, the Pentagon tried to prevent public disclosure.

"There were a lot of people that knew inside our building," Myers said. "The people that had been working with the media knew there were photos out there and the media was trying to get their hands on them from January."

On Jan. 31, the Defense Department assigned Maj. Gen. Antonio M. Taguba to investigate. Two days later, he visited Abu Ghraib.

In late January or early February, Rumsfeld testified, President Bush was informed of the investigation as an "information item."

The Red Cross delivered a devastating final report to the U.S.-led coalition in Iraq in late February. State Department officials who had heard some details and had pressed the Red Cross to release the report more widely arranged to receive a copy through a back channel and circulated it widely in Washington.

State Department spokesman Richard Boucher acknowledged that the Red Cross had delivered recommendations to U.S. officials in Baghdad before releasing the report more widely in February. By then, he said, a U.S. investigation of the Abu Ghraib abuses was well underway, "and that resulted in a very thorough and honest report done inside the U.S. government by March."

On March 3, Taguba's preliminary findings were presented to Lt. Gen. David McKiernan, commander of U.S. ground forces in Iraq. Later that month, the Army's Criminal Investigation Division charged six soldiers with crimes including indecent acts and conspiracy.

Bremer delivered a speech to Iraqis on April 23 that addressed a growing Iraqi backlash over detentions. He pledged that new cases would be reviewed by an attorney within three days and that a review of all cases would be expedited.

Five days later, over the objections of Myers, the photographs of abuse at Abu Ghraib by members of the 372nd Military Police Company were broadcast by CBS television. The search for who knew what, and when, began.

NEW YORK TIMES

OPINION:

May 8, 2004

OP-ED COLUMNIST

Crisis of Confidence

By DAVID BROOKS

It's pretty clear we're passing through another pivot point in American foreign policy. A year ago, we were the dominant nation in a unipolar world. Today, we're a shellshocked hegemon.

TRANSCOM GHOST DOCS 296



job. They're breaking down real fast."

Davis said Graner told him agents and military intelligence refused.

But Mr. Bush and Mr. Blair see Iraq as a fight to deliver the Middle East from Al Qaeda's poisonous ideology by opening up Arab society and linking it to the West. They point to the 2,300 schools rehabilitated, the \$32 billion pledged for reconstruction, the higher-than-expected oil revenues in recent months and the relative strength of the new currency. A withdrawal on their watch, even a phased one, looks unlikely.

Their goal, however, has never looked more elusive. Abu Ghraib is not My Lai. Nothing like the infamous massacre of Vietnamese civilians took place in the Iraqi prison. But it is assuming something of the mantle of that tragedy - a vivid stain on America's conscience. How the United States can recover the moral authority with which much of the world still yearns to vest it will depend on its choices over the next few weeks. The battle for Iraq now begins again, for the third time, and on tougher terms than ever.

Citation:

HYPERLINK "<http://www.nytimes.com/2004/05/09/weekinreview/09roge.html>"

<http://www.nytimes.com/2004/05/09/weekinreview/09roge.html>

May 9, 2004

#### THE MILITARY

**In Abuse, a Portrayal of Ill-Prepared, Overwhelmed G.I.'s**

By DOUGLAS JEHL and ERIC SCHMITT

WASHINGTON, May 8 — The orders that sent most of the 320th Military Police Battalion to Iraq came on Feb. 5, 2003, as part of the tide of two-week-a-year soldiers being called up from the National Guard and the Army Reserve in preparation for war. In theory, the battalion's specialty was guarding enemy prisoners of war, a task that was expected to be a major logistical problem. In fact, an Army report said few of the 1,000 reservists of the 320th had been trained to do that, and fewer still knew how to run a prison. They were deployed so quickly from the mid-Atlantic region that there was no time to get new lessons.

"You're a person who works at McDonald's one day; the next day you're standing in front of hundreds of prisoners, and half are saying they're sick and half are saying they're hungry," remembered Sgt. First Class Paul Shaffer, 35, a metalworker from Pennsylvania. "We were hit with so much so fast, I don't think we were prepared."

The battalion — including insurance agents, checkout clerks, sales people and others — ultimately would follow a grim trajectory into the episodes of prisoner abuse that have shocked the nation. The soldiers found themselves in charge of Abu Ghraib prison in Iraq at a time when the increasing rage of the anti-American insurgency, along with the desperation of American commanders to glean intelligence, magnified the pressures on the unit. This account of the troubled battalion is based on interviews with soldiers, their relatives, military commanders and Army reports.

Within days of the American invasion of Iraq, the 320th was in Kuwait, and the unit moved swiftly into southern Iraq, first to a prisoner of war camp overseen by British troops and then to a sprawling barbed-wire American camp in the desert. Known as Camp Bucca, the American camp was home to a legion of Iraqi prisoners.

"We were supposed to be the experts on this, but all we knew is what we learned in our summer camp," said Scott McKenzie, 38, of Clearwater, Pa., a sergeant first class who has since been discharged from the service. "We never learned how to deal with a riot,

what to do when we were being assaulted."

On May 12, Mr. McKenzie, who worked in civilian life as a guard in a boot-camp style detention center, was escorting some Iraqi prisoners at Camp Bucca when just such a riot broke out, in what became the first incident of prisoner abuse involving the unit. At least one detainee was held down while Mr. McKenzie and two other soldiers badly beat and kicked him, according to testimony presented in a court-martial. This was done at the urging of a superior, Master Sgt. Lisa Girman, according to the testimony.

"We called it just another night in the desert," Mr. McKenzie recalled last week. He insisted that he had used no more than "the minimum force necessary to regain control of the prisoners" and that the event was "no big deal."

Mr. McKenzie, Ms. Girman and another soldier were found guilty of mistreating Iraqi detainees, and they accepted a less-than-honorable discharge in a plea bargain. A fourth soldier in the unit also was granted a less-than-honorable discharge separately. But the incident prompted no effort by the soldiers' commanders to make sure the abuse was not repeated, according to an Army investigation by Maj. Gen. Antonio M. Taguba into the maltreatment of prisoners. The inaction was a lapse in leadership that reflected the eventual near total-breakdown of discipline in the unit.

Many members of the 320th had expected their mission to wind down once Iraqi prisoners were freed, after the declaration on May 1, 2003, that major combat operations had ended. Instead, to their considerable disappointment, the soldiers learned that they would be sent on to longer missions.

Some elements of the battalion were still coming in, including the 372nd Military Police Company, based in Cresaptown, Md., which arrived in May 2003. At first the 180-member company was assigned to work with marines in the southern town of Hilla. With a specialty in law enforcement, the company was ordered to help train a reconstituted Iraqi police force in Hilla.

Under Lt. Col. Jerry L. Phillabaum, most of the battalion was directed to a different destination.

With the P.O.W. facilities at Camp Bucca, the Baghdad airport and other sites still crowded, and the processing of prisoners taking time, the Army was looking for more permanent detention quarters.

Just as the occupation authorities turned to Saddam Hussein's old palaces to house the new Coalition Provisional Authority and other American headquarters around the country, they chose as the new American prison Mr. Hussein's old one at Abu Ghraib, even though it had a history of executions and torture that made the prison one of the most feared symbols of the old government.

Mr. Hussein had emptied Abu Ghraib of its occupants in October 2002, in a gesture aimed at winning popular support and possibly at stirring trouble for any American occupation. As late as June 2003, its gates were still adorned with his portrait.

Once the Army decided to reopen the 280-acre site, it did so swiftly, renovating cells, painting the walls and sweeping up broken glass and other debris left from months of looting. In July, much of the 320th Battalion was sent to Abu Ghraib. The reservists were turned into wardens of what was to become the world's largest prison run by the United States Army.

The New Wardens

A Rebellion Begins, and a Prison Reopens

At the outset of the American occupation, Abu Ghraib held only about 2,000 Iraqi prisoners, most housed in tents erected under the scorching summer sun outside the prison itself.

The inmate population grew quickly, as prisoners arrested after the war emerged as a far bigger challenge than those taken in the war.

"We were real short-handed," said Sergeant Shaffer, the metal worker from Pennsylvania, who described cases in which no more than six guards on a single shift would be in charge of 700 Iraqi prisoners. "On my compound, we were doing 16-hour days. It was a very high-stress environment."

There were also clear clashes of culture, as soldiers who had little knowledge of the Middle East found themselves frustrated by the poor conditions, the prospect of a yearlong deployment and a lack of compliance among the Iraqi prisoners.

"They don't want to listen," Sergeant Shaffer said. "We'd say we want you to line up at 9 o'clock; they'd say, 'If you want us to line up at 9 o'clock, we want something in return.' It doesn't work that way."

Among the prison's new inmates, many were criminals, some of the same ones freed by Mr. Hussein. When they joined in the looting, lawlessness and other crimes, the Americans rearrested them.

But a more worrisome category of prisoners emerged from the widening insurgency in Iraq, as played out in the shootings, bombings and other attacks against American soldiers. More and more of those prisoners were filling the makeshift jails.

In addition to Abu Ghraib, they included Camp Bucca in the south; Camp Cropper, a high-value prisoner center near the Baghdad airport; and Camp Ashraf, a former camp for the Iranian opposition group Mujahedeen Khalq, which was being used to detain its members. The facilities were overseen by the 800th Military Police Brigade, with headquarters in Uniondale, N.Y., the 320th Battalion and the much smaller 372nd Military Police Company from Maryland.

Various Army divisions and other military units also maintained detention facilities around the country where they could hold prisoners for as long as 14 days before transferring them to other sites.

At Abu Ghraib, the prison was divided into three main subcamps. One, Camp Ganci, consisted of eight blocks of tents, each sealed off with razor wire and containing about 400 inmates in rows and rows of Army-issue canvas tents. Each tent held 25 inmates or more.

Camp Vigilant, another tent camp, was divided into four units with about 100 inmates each and was set aside for prisoners believed to have the most intelligence value.

Finally, there was the "hard site," the old prison itself, divided into seven blocks.

Eventually, six were run by the Coalition Provisional Authority, for the detention of Iraqi prisoners to be tried in Iraqi courts. The seventh cellblock under American control, was divided into two parts, 1-A, set aside for "high risk" prisoners, and 1-B, on the second floor, for female prisoners.

Together, the two parts had 103 cells, running down each wall, with a long corridor down the middle. Each cell — about 6 by 10 feet — had a bunk bed and a hole in the floor for a toilet. The cells were designed to hold 206 people.

From the initial 2,000 prisoners, the population skyrocketed toward 7,000 prisoners by September as thousands more "security detainees" were rounded up by soldiers on

suspicion of involvement in attacks on American troops.

In Baghdad, a three-person team headed by Maj. Gen. Barbara Fast, the top American intelligence officer in Iraq, was in charge of reviewing the status of the security detainees as a prelude to their release. But far more Iraqis were being arrested than freed; the average stay in the prison was approaching four to six months. The 320th Battalion was stretched thin; working in temperatures that regularly exceeded 120 degrees only added to the strain.

Meanwhile, security conditions around the prison were worsening, with small-arms fire, rocket-propelled grenades and mortar fire coming into the compound almost every night. Colonel Phillabaum, the battalion commander, said that he and other officers dubbed the neighborhood around the prison "Little Mogadishu," after the Somali capital that in 1993 became a death trap for American soldiers. "The people just hated us," he said.

#### A Troubled Unit

##### Overcrowding and Prison Riots

By late in the summer of 2003, concerns about overcrowding, disciplinary problems and disturbances at American-run prisons in Iraq had reached the highest level of the military's headquarters in Baghdad. At Abu Ghraib in June, a riot broke out and eight detainees were shot, leaving one dead. Similar incidents occurred elsewhere.

But even more concern was focused on the mounting insurgency, and how little American intelligence had been gathered about it, even though thousands of Iraqis had been taken into custody. Mr. Hussein's two sons, Uday and Qusay, were dead, killed by American soldiers in July, but the former Iraqi leader was still on the run. Major bombings in August of the United Nations headquarters and at other sites added to the level of anxiety.

While military police were in charge of American prisons in Iraq, military intelligence units were in charge of interrogations. But changes were in the works.

Brig. Gen. Janis Karpinski, a business consultant and longtime reservist who had arrived in Iraq in late June to take over the 800th Military Police Brigade. "The numbers were increasing at rapid rates," she recalled in one of several television interviews this week. "They were tagged as security detainees and they could not simply be released," she said. "They had to be interrogated, held, reviewed, and then ultimately released. I know that the interrogation, the interrogators, were under tremendous pressure."

In mid-August, a team of civilian interrogators led by Steven Stefanowicz, a former Navy petty officer and an employee of a Virginia company called CACI, began work at Abu Ghraib under a classified one-year military contract. The contract was part of a broader effort by the military to enlist Arabic linguists and other civilians in the work of questioning Iraqi detainees. CACI sent 27 interrogators to Abu Ghraib, Pentagon officials have said. Their job was to conduct interrogations in conjunction with military police and military intelligence units, according to a company memorandum.

Later that month, at the behest of senior Pentagon officials, Maj. Gen. Geoffrey D. Miller, the two-star Army general overseeing the American detention center at Guantánamo Bay, Cuba, was sent to Iraq. He was to review the American-led effort "to rapidly exploit internees for actionable intelligence," according to the Army report by General Taguba.

Among General Miller's classified recommendations, submitted after a tour that ended Sept. 9, were that the guards at Abu Ghraib and other facilities "be actively engaged in