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Memorandum for the Record

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PLACE: H405 CAPITOL
FOR: HPSCI
SUBJECT: IRAQ DETAINEES

ATTENDEES:

ASSOCIATION

NAME

ROLE

CHIEF/NE

[Redacted]

BRIEFER

D/OCA

MOSKOWITZ, STANLEY

SUPPORT

DC/NE

[Redacted]

BRIEFER

DCI/OCA

SUPPORT

DO/NE

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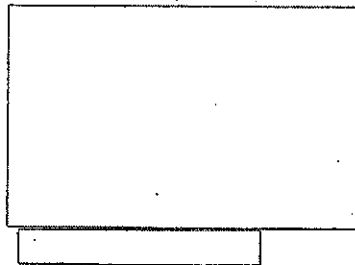
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Executive Summary:

In this closed briefing, U.S. military representatives were called by HPSCI to brief members on its detainee operations in Iraq, in reaction the widespread media coverage and controversy over alleged abuses of detainees there, especially at Abu Ghraib prison in Baghdad. CIA was invited by HPSCI to attend the briefing, and did so as backbenchers, responding to only a couple of questions posed by members as outlined below. The lead representatives for the military were Lieutenant General Keith Alexander, G2, Major General Don Ryder, Army Provost Marshall and Commander, Criminal Investigation Command, and Major General Michael Marchand, Deputy Judge Advocate General of the Army.

Summary Text:

(U) (Note: Information set forth herein is not a verbatim transcript of statements made at the briefing. Rather, it is a good faith effort to set down for the record information that was conveyed at the briefing.)

(U) Representative Jane Harman opened the briefing by commenting that she found the published photos of activities at Abu Ghraib prison to be deplorable. Ms. Harman also said that she was distressed that HPSCI had not been informed of the matter until the day before. In doing so she noted that the DCI had the day before made clear that as far as could be determined the CIA was not involved in any of the activities being reported about Abu Ghraib in the open media. Ms Harman further expressed her desire to "have it all," i.e. all information on what happened at Abu Ghraib, and her determination that even those at the highest levels as appropriate must be held accountable.

(U) General Alexander read a prepared statement (a copy of General Alexander's statement provided to SSCI the day before on 5 May 2004, which is substantially the same as his statement at this briefing, is attached) and in reply asserted that the U.S. Army thinks that what happened to detainees at Abu Ghraib is totally reprehensible, and not condoned by the Army.

(U) The remainder of the briefing was largely constituted of questions and answers, as outlined below:

(U) Goss: We and other committees should have been briefed earlier on this; there is therefore an aspect to this of being ambushed. We try to be transparent about our concerns, and we expect to receive the same from you in return. This committee's principal interest is intelligence, and the use of interrogation as a tool to obtain intelligence. It is not clear if the mistreatment of detainees was gratuitous, or if sanctioned but unacceptable.

(U) Marchand: We are guided by AR 15-6. Typically, a report of misconduct would be reported up the chain of command; this kind of an investigation does not automatically go up to the Secretary.

(U) Goss: What is of relevance here is the alleged incidents--we should have been advised.

(U) Alexander: In response to allegations in the Taguba report that military intelligence personnel were involved, we did a "procedure 15"--on the CID side, there are no charges or substantiation of charges against military intelligence personnel.

(U) Ryder: There is however "titled" or credible information that they were involved.

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(U) Goss: Let's get back to my basic question. Were the abuses part of interrogator activity?

(U) Ryder: There is no evidence or indication that anyone in intel directed it. These acts appear to have been committed by undisciplined soldiers who lost their values and did not understand what they were doing on a midnight shift.

(U) Goss: Do you think it was gratuitous?

(U) Ryder: Yes.

(U) Goss: If these activities were sanctioned or tolerated that would be of huge importance. That is very important to know because then corrections would be needed. Intelligence is a tool that we need. We know that there have been isolated instances. Do we have widespread problems?

(U) Ryder: Any case is inappropriate.

(U) Goss: Are there dozens of such cases?

(U) Ryder: There is a total of 35 known cases. From December 2002 to today, 25 deaths, 10 others are soldier misconduct. Of the 25 deaths, 14 are undetermined or natural causes. One is justified manslaughter, with a soldier following ROE. There are two ongoing homicide investigations. Ten other cases of physical abuse, and two cases of sexual assault against females.

(U) Goss: In these cases, were interrogations underway?

(U) Alexander: In two cases, interrogator personnel in Afghanistan may be involved, based on "titled" information--no charges have been filed yet.

(U) Goss: Were these cases of gratuitous acts, or part of assigned procedures on interrogation?

(U) Ryder: In eight cases there may have been abuses during interrogation.

(U) Goss: If these actions were sanctioned, that will be important.

(U) Harman: This is a 10 in the Richter Scale. This is totally unsatisfactory and I am disgusted. It is not satisfactory to tell me about rules and procedures. We need to know a lot more. The Taguba Report said interrogators asked the guards to set up favorable conditions for interrogations. General Miller from Guantanamo went to Baghdad in August 2003 and did a report--did he report any abuses?

(U) Alexander: No abuses were reported in the Miller report. We are not shirking our responsibility. In describing rules and procedures we want to clarify reporting channels. We take these matters very seriously.

(U) Harman: Who read and reacted to the Taguba Report? Why was the reaction so slow?

(U) Marchand: On 13 January 2004 a soldier came forward. On 14 January the process started, we started to investigate the prison. Most of us were aware by 15 January. Six of the soldiers already have charges presented to them. Three have been referred to trial. That is moving pretty quickly.

(U) Harman: I remain unsatisfied with how this has been handled. We should have been briefed on the 14th.

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(U) Bereuter: There is nothing more damaging to U.S. image and interests. There has to be a better mechanism to get to top levels of attention. Sergeant Davis said nothing was ever in writing for Wings 1 A and B -- they were in MI hands. Also, there were ghost detainees hidden from the Red Cross and other agencies. This suggests it was all part of a procedure.

(U) Alexander: To date, there has been no other corroborating evidence. We are still looking for who gave those instructions.

Ryder: There is no evidence that leads to those soldiers' statements. Those soldiers were trained. They had obligations to report if they saw something.

(U) Bereuter: Why was it not immediately reported up the chain?

(U) Alexander: I can't say. Your logic is sound.

(U) Hastings: Who were the contractors responsible to?

(U) Alexander: The practice was to have two people in the room at all times, including a 97E from the 205th MI Brigade.

(U) Hastings: Can the military prosecute the contractors?

(U) Marchand: To date, no.

(U) Hastings: What is meant by "set the conditions?"

(U) Alexander: This means the rules and procedures to be followed in interrogations.

(U) Hastings: Who in OSD is responsible for formulating detainee policy?

(U) Alexander: Dr. Cambone.

(U) Hastings: In the future, you need to be mindful against just low ranking soldiers taking the heat. If we were in Japan, you Generals would be falling on your swords. At some point, seniors need to step up.

(U) Boehlert: Of the 35, anything else?

(U) Ryder: That's it.

(U) Boehlert: Can we be provided with narratives for all of the cases?

(U) Ryder: Yes.

(U) Boehlert: Did interrogations usually involve military and civilian interrogators?

(U) Alexander: Lieutenant Colonel Jordan ran interrogations. There was a number of teams. For each interrogation, there was one civilian and one military.

(U) Boehlert: Were there ROE?

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(U) Alexander: Yes.

(U) Boehlert: Is the Justice Department involved?

(U) Marchand: We are still looking at what the civilians did.

(U) Boehlert: Shouldn't Justice be there?

(U) Alexander: I'm not sure they're not.

(U) Boehlert: What have our coalition partners said?

(U) Alexander: Other facilities are run by other countries. The coalition puts out ROE. We are not a part of the British investigations.

(U) Boehlert: I hope you can sense the strong feelings here of outrage and indignation.

(U) Boswell: Words are not adequate to express--I second my colleague's comments. There are 15-20,000 contractors in Iraq. Are the contractor interrogators former military?

(U) Alexander: Yes, former 97E's. Many have served 20 or more years in the military. There are 4,200 linguists.

(U) Boswell: We may need to look at the contractor situation, colleagues.

~~(C/NF)~~ Alexander: 548 97E's are on active duty. We need to increase them to 1,800--we recognize this issue.

(U) Gibbons: This is a great disappointment. In reading the Taguba Report, it is unclear to me if we have military police or military intelligence in command. This is a big concern. There was poor training of civilian detention guards. Many failures throughout the chain of command. Can you document changes in training since these disclosures?

(C) Alexander: Some changes have occurred in the middle. General Sanchez put General Pappas in charge of the facility in November. Mobile training teams have been sent out, additional training on interrogation operations.

(U) Gibbons: What about interrogation ROE? When put in place?

(U) Alexander: Those are standard.

(U) Gibbons: So everyone knew their responsibility. Somehow there is a failure in command.

~~(C/NF)~~ Ryder: There are three kinds of MP's, all are trained how to treat people early on, in basic and advanced individual training. They knew they had the authority and obligations. There was additional training by training teams of 31E's--they went to Abu Ghraib. Soldiers there have all been retrained. What you see in the paper, it is a discipline, small unit issue.

(U) Eshoo: I am a proud Roman Catholic. The Catholic scandal has comparisons here. The Bishops have given explanations--tin symbols. How could a human being ever allow or condone what happened? Who in the chain of command spoke up directly to the top? General Alexander, how is this "blurred?" The Taguba Report said the MP's set the conditions--this sounds dark to me--what does it mean? Also, you say it is a small unit leadership issue - how? What recommendations did General Miller provide in October 2003? Can we get a copy of the Miller report? On 1

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ily, who takes over the prisoners?

(S/NF) Ryder: Regarding the small unit comment: those acts were on the watch of a staff sergeant, the lowest level of unit. The military depends upon its NCO's. They are the backbone of the Army.

(U) Eshoo: I appreciate that. But my sense is that no one was taken enough by the abuses to say "oh my God," and to understand the implications for our country.

(U) Alexander: We understand. When I was in charge of INSCOM, I was responsible. If there was an offense, there was an investigation. Here, there was an investigation.

(U) Marchand: I believe I heard General Pace at the press conference with the Secretary of Defense say he heard about it on 15 January.

(S/NF) Alexander: On "setting conditions," by that we mean the procedures and incentives used with detainees in interrogations. You have them listed on paper (note: copy not obtained). There is a symbiotic relationship between MP's and intelligence in these situations that is important.

(C/NF) Ryder: On 1 July, the Iraqis will take over the penal system. We will continue to handle the security detainees.

(U) Cunningham: Other scandals. The pages here in Congress. Enron. The Catholic Church. In all these cases, the focus isn't on the good but on the bad. There is a stain on the U.S. as a result of this and that is what has us so upset. Leadership is at the point of contact. Here, they seem to have lost attention to detail. Bureaucracies tend to prevent immediate action. There are exceptions to the chain of command. When I was a wing commander in the military, I told my people to go to me directly and speedily in certain cases. They included sexual harassment. Racial prejudice. Spouse and child abuse. Drug abuse. In other words, any issues that could prove critical to the reputation of the unit, the service or our country. Twice, I shut down my squadron to address such issues. We are upset by the failure here to notify.

(U) Harman: Hear, hear!

(U) Holt: [REDACTED]

(S/NF) [REDACTED]

(U) Holt: The military has many types of contractors. What is the chain of command for these people? Does everybody who associates with prisoners have training? Can we see the training manuals? Are your investigations of deaths different [REDACTED]

(S/NF) [REDACTED] We work closely together. In the case of one of the deaths, the military has primacy and we are assisting the investigation. In this case, some Agency personnel had exposure to the deceased.

(U) Holt: Are CIA personnel involved in military investigations and vice versa?

(C) Ryder:

(U) Holt: Same for CIA?

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(U) I believe so. The same nexus of coordination for all.

(U) Hoekstra: Who can talk to us about all of the other allegations? Mr. Chairman I recommend we get them here.

(U) Alexander: General Faye is looking at all of those allegations now.

(U) Hoekstra: Are all of these investigations alleging MI involvement - are you following up?

(C/NF) Alexander: Yes.

(C/NF) Ryder: Some have invoked their rights.

(U) Ruppertsburger: Are the videos more explicit?

(U) Ryder: I have not seen them - they are being transported as evidence.

(U) Ruppertsburger: Have you seen General Miller's report?

(U) Alexander: I saw it. I'm not sure it went to the Secretary of Defense. It went to General Sanchez, theater, OSD and Dr. Cambone.

(U) Ruppertsburger: Were any CIA officers involved in directing MP abuses?

(U) Alexander: Not to my knowledge.

(C/NF) Ruppertsburger:

(U) Alexander: I have no knowledge of that.

(U) Ruppertsburger: All of this was at the small unit level, all reservists?

(U) Ryder: Yes, all reserve. Their mission was this job.

(U) Ruppertsburger: My office was contacted by constituents on this matter in January. I forwarded the information and then heard nothing. Do you have any recommendations on how to fix the PR problem?

(U) Alexander: I'd like to take that for the record.

(U) Ruppertsburger: When can you have a response?

(U) Alexander: Monday or Tuesday of next week.

(U) Marchand: No soldier anywhere could believe that those actions represent the norm. Nevertheless, we will do more training.

(U) Alexander: There is no defense of the indefensible.

(U) Hastings: Can we get the Miller Report?

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(U) Collins: From the time you received the report, how long was it before orders were issued?

(U) Alexander: The next day.

(U) Collins: What was the window of activities?

(C/NF) Ryder: Mid or end of September 2003 to early December 2003, it appears.

(U) Collins: So this was just after Miller's visit, which resulted in pressure to step things up. What was the date to step things up? The date of Saddam's capture?

(C/NF) 10 December 2003.

(U) Collins: What is emotional hate?

(C/NF) Marchand: This is when interrogators act that way to influence prisoners.

(U) Collins: What were the new results of these stepped up procedures?

(U) Alexander: I don't know.

(U) Goss: So what we have here are allegations made by some that the MI told them to do it. Is that about it?

(U) Alexander: Yes.

(U) Goss: Do we have necessary professional training for interrogators in the Army?

(U) Alexander: I believe that we do have the training and procedures in place.

(C/NF) Goss: Guantanamo was under the glass, and turned into a success story. General Miller went to upgrade professionalism--orders went out after he came back. Is anyone policing the abuses? We will be looking further into this.

(U) Harman: This has been a useful briefing. Representative Cunningham gets a gold star for the way he expressed it. Moral outrage seems to have been missing. There was an obligation to notify this committee that was breached. We were in Baghdad a month after the pictures were obtained--nobody out there said anything.

(U) Holt: The fact that we were not notified says that it was not seen as important. How can we distinguish between the contributions of Guantanamo and Abu Ghraib? I went to Fort Dix to see interrogator training there and was impressed. Should there be greater use of video surveillance?

(C/NF) Alexander: Great idea. We use it at Guantanamo.

Liaison Officer
Office of Congressional Affairs

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Follow-up Action Items:

Additional Information:

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