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Senate Armed Services Committee Hearing: The Origins of Aggressive Interrogation Techniques

Part I of the Committee's Inquiry into the Treatment of Detainees in U.S. Custody

Documents referenced in Senator Levin's opening statement [PDF]

Today's hearing will focus on the origins of aggressive interrogation techniques used against detainees in U.S. custody. We have three panels of witnesses today and I want to thank them for their willingness to voluntarily appear before the Committee.

Intelligence saves lives. Knowing where an insurgent has buried an IED can keep a vehicle carrying Marines in Iraq from being blown up. Knowing that an al Qaeda associate visited an internet café in Kabul could be the key piece of information that unravels a terrorist plot targeting our embassy. Intelligence saves lives.

But how do we get the people who know the information to share it with us? Does degrading them or treating them harshly increase the chances that they'll be willing to help? Just a couple of weeks ago I visited our troops in Afghanistan. While I was there I spoke to a senior intelligence officer who told me that treating detainees harshly is actually an impediment – a “roadblock” to use that officer's word – to getting intelligence from them.

Here's why, he said – al Qaeda and Taliban terrorists are taught to expect Americans to abuse them. They're recruited based on false propaganda that says the United States is out to destroy Islam. Treating detainees harshly only reinforces their distorted view and increases their resistance to cooperate. The abuse at Abu Ghraib was a potent recruiting tool for al Qaeda and handed al Qaeda a propaganda weapon they could use to peddle their violent ideology.

So, how did it come about that American military personnel stripped detainees naked, put them in stress positions, used dogs to scare them, put leashes around their necks to humiliate them, hooded them, deprived them of sleep, and blasted music at them. Were these actions the result of “a few bad apples” acting on their own? It would be a lot easier to accept if it were. But that's not the case. The truth is that senior officials in the United States government sought information on aggressive techniques, twisted the law to create the appearance of their legality, and authorized their use against detainees. In the process, they damaged our ability to collect intelligence that could save lives.

Today's hearing will explore part of the story: how it came about that techniques, called SERE resistance training techniques, which are used to teach American soldiers to resist abusive interrogations by enemies that refuse to follow the Geneva Conventions, were

turned on their head and sanctioned by Department of Defense officials for use offensively against detainees. Those techniques included use of stress positions, keeping detainees naked, use of dogs, and hooding during interrogations.

Background on Survival Evasion Resistance and Escape (SERE) Training

Some brief background on SERE, which stands for Survival Evasion Resistance and Escape training. The U.S. military has five SERE schools to teach certain military personnel – whose missions create a high risk that they might be captured – the skills needed to survive in hostile enemy territory, evade capture, and escape should they be captured. The resistance portion of SERE training exposes students to physical and psychological pressures designed to simulate abusive conditions to which they might be subject if taken prisoner by enemies that may abuse them. The Joint Personnel Recovery Agency – JPRA – is the DoD agency that oversees SERE training. JPRA's instructor guide states that a purpose of using physical pressures in the training is "stress inoculation," building soldiers' immunities so that should they be captured and subject to harsh treatment, they will be better prepared to resist. The techniques used in SERE resistance training can include things like stripping students of their clothing, placing them in stress positions, putting hoods over their heads, disrupting their sleep, treating them like animals, subjecting them to loud music and flashing lights, and exposing them to extreme temperatures. It can also include face and body slaps and until recently, for some sailors who attended the Navy's SERE school, it included waterboarding – mock drowning.

The SERE schools obviously take extreme care to avoid injuring our own soldiers. Troops are medically screened to make sure they're fit for the SERE course. Prior to the training, each student's physical limitations are carefully documented to reduce the chance that the SERE training and the use of SERE techniques will cause injury. There are explicit limitations on the duration and intensity of physical pressures. For example, when waterboarding was permitted at the Navy SERE school, the instructor manual stated that a maximum of two pints of water could be used on a student who was being waterboarded and, if a cloth was used to cover a student's face, it could stay in place a maximum of 20 seconds.

SERE resistance training techniques are legitimate and important training tools. They prepare our forces who might fall into the hands of an abusive enemy to survive by getting them ready for what might confront them.

Strict controls are also in place during SERE resistance training to reduce the risk of psychological harm to students. Psychologists are present throughout SERE training to intervene should the need arise and to talk to students during and after the training to help them cope with associated stress.

Those who play the part of interrogators in the SERE school drama are not real interrogators – nor are they qualified to be. As the Deputy Commander for the Joint Forces Command put it "the expertise of JPRA lies in training personnel how to respond and resist interrogations – not in how to conduct interrogations." That distinction is a fundamental one.

Some might say that if our personnel go through it in SERE school, what's wrong with doing it to detainees. Well, our personnel are students and can call off the training at any

time. SERE techniques are based on abusive tactics used by our enemies. If we use those same techniques offensively against detainees, it says to the world that they have America's stamp of approval. That puts our troops at greater risk of being abused if they're captured. It also weakens our moral authority and harms our efforts to attract allies to our side in the fight against terrorism.

Department of Defense General Counsel's Office Contacts JPRA

So, how did SERE techniques come to be considered by DoD for detainee interrogations. In July 2002, Richard Shiffrin, a Deputy General Counsel in the Department of Defense and a witness at today's hearing, called Lieutenant Colonel Daniel Baumgartner, also a witness today and then the Chief of Staff at JPRA – the agency that oversees the SERE training – and asked for information on SERE techniques.

In response to Mr. Shiffrin's request, Lt. Col. Baumgartner drafted a two-page memo, (TAB 1) and compiled several documents, including excerpts from SERE instructor lesson plans, that he attached to his memo saying JPRA would "continue to offer exploitation assistance to those government organizations charged with the mission of gleaning intelligence from enemy detainees." The memo was hand delivered to the General Counsel's office on July 25, 2002. Again, it is critical to remember here; these techniques are not used in SERE school to obtain intelligence, they are to prepare our soldiers to resist abusive interrogations.

The next day, Lt. Col. Baumgartner drafted a second memo (TAB 2), which included three attachments. One of those attachments (TAB 3) listed physical and psychological pressures used in SERE resistance training including sensory deprivation, sleep disruption, stress positions, waterboarding, and slapping. It also made reference to a section of the JPRA instructor manual that talks about "coercive pressures" like keeping the lights at all times, and treating a person like an animal. Another attachment (TAB 4), written by Dr. Ogrisseg, also a witness today, assessed the long-term psychological effects of SERE resistance training on students and the effects of the waterboard.

This morning, the Committee will have the chance to ask Mr. Shiffrin, Lt. Col. Baumgartner, and Dr. Ogrisseg about these matters.

Office of Legal Counsel (OLC) Issues Legal Guidance for Interrogations

On August 1, 2002, a week after Lt. Col. Baumgartner sent his memos to the DoD General Counsel, the Department of Justice's Office of Legal Counsel (OLC) issued two legal opinions. One (TAB 5), commonly known as the first Bybee memo, was addressed to then-White House Counsel Alberto Gonzales and provided OLC's opinion on standards of conduct in interrogation required under the federal torture statute. That memo concluded:

[F]or an act to constitute torture as defined in [the federal torture statute], it must inflict pain that is difficult to endure. Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death. For purely mental pain or suffering to amount to torture under [the federal torture statute], it must result in significant psychological harm of significant duration, e.g., lasting for months or even years.

The other OLC opinion, issued the same day and known commonly as the second Bybee memo, responded to a CIA request, and addressed the legality of specific interrogation tactics.

While the interrogation tactics reviewed by the OLC in the second Bybee memo remain classified, General Hayden, in public testimony before the Senate Intelligence Committee in February of this year, said that the waterboard was one of the techniques that the CIA used with detainees. Steven Bradbury, the current Assistant Attorney General of the OLC, testified before the House Judiciary Committee earlier this year that the "CIA's use of the waterboarding procedure was adapted from the SERE training program."

JPRA Conducts Training for Guantanamo Bay Personnel

During the time the DoD General Counsel's office was seeking information from JPRA, JPRA staff, responding to a request from Guantanamo, were finalizing plans to conduct training for interrogation staff from U.S. Southern Command's Joint Task Force 170 at GTMO. During the week of September 16, 2002, a group from GTMO, including interrogators and behavioral scientists, travelled to Fort Bragg, North Carolina, and attended training conducted by instructors from the JPRA SERE school. None of the three JPRA personnel who provided the training was a trained interrogator.

CIA Provides Advice to U.S. Southern Command's JTF-170 on Interrogations

On September 25, 2002, just days after GTMO staff returned from that training, a delegation of senior Administration lawyers, including Jim Haynes, General Counsel to the Department of Defense, John Rizzo, acting CIA General Counsel, David Addington, Counsel to the Vice President, and Michael Chertoff head of the Criminal Division at the Department of Justice, visited GTMO. An after action report (TAB 6) produced by a military lawyer after the visit noted that one purpose of the trip was to receive briefings on "intel techniques."

On October 2, 2002, a week after John Rizzo, the acting CIA General Counsel visited GTMO, a second senior CIA lawyer, Jonathan Fredman, who was chief counsel to the CIA's CounterTerrorism Center, went to GTMO, attended a meeting of GTMO staff and discussed a memo proposing the use of aggressive interrogation techniques. That memo had been drafted by a psychologist and psychiatrist from GTMO who, a couple of weeks earlier, had attended the training given at Fort Bragg by instructors from the JPRA SERE school.

While the memo remains classified, minutes from the meeting where it was discussed are not. Those minutes (TAB 7) clearly show that the focus of the discussion was aggressive techniques for use against detainees.

When the GTMO Chief of Staff suggested at the meeting that GTMO "can't do sleep deprivation," LTC Beaver, GTMO's senior lawyer, responded "Yes we can – with approval." LTC Beaver added that GTMO "may need to curb the harsher operations while [International Committee of the Red Cross] is around."

Mr. Fredman, the senior CIA lawyer, suggested it's "very effective to identify [detainee] phobias and use them" and described for the group the so-called "wet towel" technique, which we know as waterboarding. Mr. Fredman said "it can feel like you're drowning. The

lymphatic system will react as if you're suffocating, but your body will not cease to function."

And Mr. Fredman presented the following disturbing perspective of our legal obligations under anti-torture laws, saying "It is basically subject to perception. If the detainee dies you're doing it wrong."

If the detainee dies, you're doing it wrong. How on earth did we get to the point where a senior United States Government lawyer would say that whether or not an interrogation technique is torture is "subject to perception" and that "if the detainee dies you're doing it wrong." What was GTMO's senior JAG officer, LTC Beaver's response? "We will need documentation to protect us."

Nine days after that October 2, 2002, meeting, General Dunlavey, the Commander of Joint Task Force 170 at GTMO, sent a memo to U.S. Southern Command (TAB 8) requesting authority to use interrogation techniques which the memo divided into three categories of progressively more aggressive techniques. Category I was the least aggressive. Category II was more so and included the use of stress positions, exploitation of detainee fears (such as fear of dogs), removal of clothing, hooding, deprivation of light and sound. Category III techniques included techniques like the so-called wet towel treatment, or "waterboard," that were the most aggressive. A legal analysis (TAB 8) by GTMO's Staff Judge Advocate, LTC Diane Beaver justifying the legality of the techniques, was sent with the request.

On October 25, 2002, General James Hill, the SOUTHCOM Commander forwarded General Dunlavey's request to the Chairman of the Joint Chiefs of Staff (TAB 9). Days later, the Joint Staff solicited the views of the military services on the GTMO request.

Military Lawyers Weigh in Against GTMO Request

The military services reacted strongly against using many of the techniques in the GTMO request. In early November 2002, in a series of memos, the services identified serious legal concerns with the techniques and they called urgently for additional analysis.

- The Air Force (TAB 10) cited "serious concerns regarding the legality of many of the proposed techniques" and stated that "the techniques described may be subject to challenge as failing to meet the requirements outlined in the military order to treat detainees humanely..." The Air Force also called for an in depth legal review of the request.
- The Chief Legal Advisor to the Criminal Investigative Task Force at GTMO wrote (TAB 11) that Category III techniques and certain Category II techniques "may subject service members to punitive articles of the UCMJ [Uniform Code of Military Justice]," called "the utility and legality of applying certain techniques" in the request "questionable," and stated that he could not "advocate any action, interrogation or otherwise, that is predicated upon the principle that all is well if the ends justify the means and others are not aware of how we conduct our business."
- The Chief of the Army's International and Operational Law Division wrote (TAB 12) that techniques like stress positions, deprivation of light and auditory stimuli, and

use of phobias to induce stress “crosses the line of ‘humane’ treatment,” would “likely be considered maltreatment” under the UCMJ, and “may violate the torture statute.” The Army labeled the request “legally insufficient” and called for additional review.

- The Navy response (TAB 13) recommended a “more detailed interagency legal and policy review” of the request.
- And the Marine Corps (TAB 14) expressed strong reservations, stating that “several of the Category II and III techniques arguably violate federal law, and would expose our service members to possible prosecution.” The Marine Corps said the request was not “legally sufficient,” and like the other services, called for “a more thorough legal and policy review.”

While it has been known for some time that military lawyers voiced strong objections to interrogation techniques in early 2003 during the DoD Detainee Working Group process, these November 2002 warnings from the military services – expressed *before* the Secretary of Defense authorized the use of aggressive techniques – were not publicly known before now.

When the Joint Staff received the military services’ concerns, RADM Jane Dalton, then-Legal Advisor to the Chairman of the Joint Chiefs of Staff, began her own legal review of the proposed interrogation techniques, but that review was never completed. Today we’ll have the opportunity to ask RADM Dalton about that.

Secretary of Defense Approves GTMO Request

Notwithstanding concerns raised by the military services, Department of Defense General Counsel Jim Haynes sent a memo (TAB 15) to Secretary of Defense Donald Rumsfeld on November 27, 2002, recommending that he approve all but three of the eighteen techniques in the GTMO request. Techniques like stress positions, removal of clothing, use of phobias (such as fear of dogs), and deprivation of light and auditory stimuli were all recommended for approval.

Five days later, on December 2, 2002, Secretary Rumsfeld signed Mr. Haynes’s recommendation, adding the handwritten note “I stand for 8-10 hours a day. Why is standing limited to 4 hours?” When Secretary Rumsfeld approved the use of the use of abusive techniques against detainees, he unleashed a virus which ultimately infected interrogation operations conducted by the U.S. military in Afghanistan and Iraq.

Heated Discussions at GTMO about SERE and Khatani Interrogation

Discussions about “reverse engineering” SERE techniques for use in interrogations at GTMO had already prompted strong objections by the Department of Defense’s Criminal Investigative Task Force (CITF) at GTMO. CITF Deputy Commander Mark Fallon said that SERE techniques were “developed to better prepare U.S. military personnel to resist interrogations and not as a means of obtaining reliable information” and that “CITF was troubled with the rationale that techniques used to harden resistance to interrogations would be the basis for the utilization of techniques to obtain information.”

The dispute over the use of aggressive techniques came to a head with the military’s plan

for interrogating Mohammed al-Khatani. Both CITF and FBI strongly opposed the military's plan and CITF took their concerns up the Army Chain of Command and even to the DoD General Counsel's office; but over CITF's objections, the military's plan was approved. The Khatani interrogation began on November 23, 2002, just over a week before the Secretary signed the Haynes memo.

SOUTHCOM Commander General James Hill described the Khatani interrogation in a June 3, 2004 press briefing. He said: "The staff at Guantanamo working with behavioral scientists, having gone up to our SERE school and developed a list of techniques which our lawyers decided and looked at, said were OK." General Hill said "we began to use a few of those techniques . . . on this individual . . ."

Key documents relating to Khatani's interrogation remain classified. Published accounts, however, indicate that Khatani was deprived of adequate sleep for weeks on end, stripped naked, subjected to loud music, a dog was used to scare him, and a leash was placed around his neck as he was forced to perform dog tricks.

On May 13, 2008, the Pentagon announced in a written statement that the Convening Authority for military commissions had "dismissed without prejudice the sworn charges against Mohamed al Khatani." The statement does not indicate the role his treatment played in that decision.

GTMO Develops SERE SOP – Navy SERE School Trainers Visit GTMO

In the week following the Secretary's December 2, 2002, authorization, senior staff at GTMO set to work drafting a Standard Operating Procedure (SOP) specifically for the use of SERE techniques in interrogations. The first page of one draft of that SOP (TAB 16) stated that "The premise behind this is that the interrogation tactics used at U.S. military SERE schools are appropriate for use in real-world interrogations. These tactics and techniques are used at SERE school to 'break' SERE detainees. The same tactics and techniques can be used to break real detainees during interrogation." The draft described how to slap, strip, and place detainees in stress positions. It also described "hooding," "manhandling," and "walling" detainees.

When they saw the draft SOP, CITF and FBI personnel again raised a red flag. A draft of their comments on the SOP (TAB 17) said the use of aggressive techniques only "ends up fueling hostility and strengthening a detainee's will to resist." But those objections did not stop GTMO from taking the next step – training interrogators on how to use the techniques offensively.

On December 30, 2002, two instructors from the Navy SERE school arrived at GTMO (TAB 19). The following day, in a session with approximately 24 interrogation personnel, the two demonstrated how to administer stress positions, and various slaps – just like they do it in SERE school.

Around this time, General Hill, the Commander of the U.S. Southern Command spoke to General Miller and discussed the fact that a debate was occurring over the Secretary's approval of the techniques. In fact, CITF's concerns had made their way up to then-Navy General Counsel Alberto Mora and a battle over interrogation techniques was being waged at senior levels in the Pentagon.

On January 3, 2003, three days after they conducted the training, the SERE instructors met with Major General Miller. According to some who attended, General Miller stated that he did not want his interrogators using the techniques that the Navy SERE instructors had demonstrated. That conversation took place after the training had already occurred and not all the interrogators who attended the training got the message.

U.S. Navy General Counsel Objects to Interrogation Techniques

Two weeks earlier, on December 20, 2002, Alberto Mora had met with DoD General Counsel Jim Haynes. In a memo describing the meeting (TAB 18), Mr. Mora says he told Mr. Haynes that he thought interrogation techniques that had been authorized by the Secretary of Defense on December 2, 2002 "could rise to the level of torture" and asked him, "What did 'deprivation of light and auditory stimuli' mean? Could a detainee be locked in a completely dark cell? And for how long? A month? Longer? What exactly did the authority to exploit phobias permit? Could a detainee be held in a coffin? Could phobias be applied until madness set in?"

On January 9, 2003, Alberto Mora met with Jim Haynes again. According to his memo, Mora expressed frustration that the Secretary's authorization had not been revoked and told Haynes that the policies could threaten Secretary Rumsfeld's tenure and even damage the presidency.

On January 15, 2003, having gotten no word that the Secretary's authority would be withdrawn, Mora delivered a draft memo to Haynes's office stating that "the majority of the proposed category II and all of the category III techniques were violative of domestic and international legal norms in that they constituted, at the minimum, cruel and unusual treatment and, at worst, torture." In a phone call, Mora told Haynes he would be signing his memo later that day unless he heard definitively that the use of the techniques was being suspended. In a meeting that same day, Haynes returned the draft memo and told Mora that the Secretary would rescind the techniques.

Working Group Report on Detainee Interrogations

On January 15, 2003, the Secretary rescinded his December 2, 2002, authorization (TAB 20). At the same time, he directed the establishment of a "Working Group" to review interrogation techniques. What happened next has already become well known. For the next few months the judgments of senior military and civilian lawyers critical of legal arguments supporting aggressive interrogation techniques were rejected in favor of a legal opinion from Office of Legal Counsel's (OLC) John Yoo. The Yoo opinion (TAB 21), the final version of which was dated March 14, 2003, was requested by Jim Haynes, and repeated much of what the first Bybee memo had said six months earlier.

Mr. Mora, who was one of the Working Group participants, said that soon after the Working Group was established, it became evident the group's report "would contain profound mistakes in its legal analysis, in large measure because of its reliance on the flawed [Office of Legal Counsel] OLC memo." In a meeting with Yoo, Mora asked whether the law allowed the President to go so far as to order torture. Yoo responded "Yes."

The August 1, 2002, Bybee memo, again, had said that to violate the federal anti-torture

statute, physical pain that resulted from an act would have to be “equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.” John Yoo’s March 14, 2003 memo stated that criminal laws, such as the federal anti-torture statute, would not even apply to certain military interrogations and that interrogators could not be prosecuted by the Justice Department for using interrogation methods that would otherwise violate the law. One CIA lawyer reportedly called the Bybee memo of August 2002 a “golden shield.” Combining it with the Yoo memo of March 2003, the Justice Department had attempted to create a shield to make it difficult or impossible to hold anyone accountable for their conduct.

Ultimately the Working Group report, finalized in April 2003, included a number of aggressive techniques that were legal according to John Yoo’s analysis. The full story of where the Working Group got those techniques remains classified. However, the list itself reflects the influence of SERE. Removal of clothing, prolonged standing, sleep deprivation, dietary manipulation, hooding, increasing anxiety through the use of a detainee’s aversions like dogs, and face and stomach slaps were all recommended. Top military lawyers and service General Counsels had objected to these techniques as the report was being drafted. Those who had objected, like Navy General Counsel Alberto Mora, were simply excluded from the process and not even told that a final report had been issued.

On April 16, 2003, less than two weeks after the Working Group completed its report, the Secretary of Defense authorized the use of 24 specific interrogation techniques for use at GTMO (TAB 23). While the authorization included such techniques as dietary manipulation, environmental manipulation, and sleep adjustment, it was silent on most of the techniques in the Working Group report.

However, the Secretary’s memo said that “If, in your view, you require additional interrogation techniques for a particular detainee, you should provide me, via the Chairman of the Joint Chiefs of Staff, a written request describing the proposed technique, recommended safeguards, and the rationale for applying it with an identified detainee.”

Just a few months later, one such request arrived at the Pentagon. The detainee was Mohamedou Ould Slahi. While several documents relating to the Slahi interrogation plan remain classified, the recent report from the Department of Justice Inspector General includes newly declassified information suggesting the plan included hooding Slahi and subjecting him to sensory deprivation and “sleep adjustment.” The Inspector General’s report says that an FBI agent who saw a draft of the interrogation plan said it was similar to Khatani’s interrogation plan. Secretary Rumsfeld approved the Slahi plan on August 13, 2003.

Influence in Afghanistan

How did SERE techniques make their way to Afghanistan and Iraq? Shortly after the Secretary approved Jim Haynes’s recommendation on December 2, 2002, the techniques – and the fact the Secretary had authorized them – became known to interrogators in Afghanistan. A copy of the Secretary’s memo was sent from GTMO to Afghanistan. The Officer in Charge of the Intelligence Section at Bagram Airfield, in Afghanistan has said that in January 2003 she saw – in Afghanistan – a power point presentation listing the aggressive techniques authorized by the Secretary on December 2, 2002.

Documents and interviews also indicate that the influence of the Secretary's approval of aggressive interrogation techniques survived their January 15, 2003 rescission.

On January 24, 2003 – nine days after Rumsfeld's rescission – the Staff Judge Advocate for CJTF-180, CENTCOM's conventional forces in Afghanistan, produced an "Interrogation techniques" memo. While that memo remains classified, the unclassified version of a report by Major General George Fay stated that the CJTF-180 memo "recommended removal of clothing – a technique that had been in the Secretary's December 2 authorization" and discussed "exploiting the Arab fear of dogs" another technique approved by the Secretary on December 2, 2002.

From Afghanistan, the techniques made their way to Iraq. According to the Department of Defense Inspector General, at the beginning of the Iraq war, the special mission unit forces in Iraq "used a January 2003 Standard Operating Procedure (SOP) which had been developed for operations in Afghanistan." According to the DoD IG, the Afghanistan SOP had been:

"influenced by the counterresistance memorandum that the Secretary of Defense approved on December 2, 2002 and incorporated techniques designed for detainees who were identified as unlawful combatants. Subsequent battlefield interrogation SOPs included techniques such as yelling, loud music, and light control, environmental manipulation, sleep deprivation/adjustment, stress positions, 20-hour interrogations, and controlled fear (muzzled dogs) . . ."

Special mission unit techniques eventually made their way into Standard Operating Procedures issued for all U.S. forces in Iraq. The Interrogation Officer in Charge at Abu Ghraib obtained a copy of the special mission unit interrogation policy and submitted it, virtually unchanged, to her chain of command as proposed policy for the conventional forces in Iraq, led at the time by Lieutenant General Ricardo Sanchez.

On September 14, 2003, Lieutenant General Sanchez issued the first Combined Joint Task Force 7 interrogation SOP. That SOP authorized interrogators in Iraq to use stress positions, environmental manipulation, sleep management, and military working dogs to exploit detainees' fears in interrogations.

In the report of his investigation into Abu Ghraib, Major General George Fay said that interrogation techniques developed for GTMO became "confused" and were implemented at Abu Ghraib. Major General Fay said that removal of clothing, while not included in CJTF-7's SOP, was "imported" to Abu Ghraib, could be "traced through Afghanistan and GTMO," and contributed to an environment at Abu Ghraib that appeared "to condone depravity and degradation rather than humane treatment of detainees." Following a September 9, 2004 Committee hearing on his report, I asked Major General Fay whether the policy approved by the Secretary of Defense on December 2, 2002 contributed to the use of aggressive interrogation techniques at Abu Ghraib, and he responded "Yes."

JPRA Support to the Special Mission Unit Task Force In Iraq

Not only did SERE resistance training techniques make their way to Iraq, but instructors from the JPRA SERE school followed. The Department of Defense Inspector General

reported that in September 2003, at the request of the Commander of the Special Mission Unit Task Force, JPRA deployed a team to Iraq to provide assistance to interrogation operations. During that trip, SERE instructors were authorized to participate in the interrogation of detainees in U.S. military custody. Accounts of that trip will be explored at a later time.

I will be sending a letter to the Department of Defense asking that those accounts and other documents relating to JPRA's interrogation-related activities be declassified.

JFCOM Statement on JPRA Roles and Responsibilities

Major General James Soligan, the Chief of Staff of the U.S. Joint Forces Command (JFCOM), which is the Joint Personnel Recovery Agency's higher headquarters (TAB 24), issued a memorandum referencing JPRA's support to interrogation operations. Soligan wrote that:

“Recent requests from OSD and the Combatant Commands have solicited JPRA support based on knowledge and information gained through the debriefing of former U.S. POWs and detainees and their application to U.S. Strategic debriefing and interrogation techniques. These requests, which can be characterized as ‘offensive’ support, go beyond the chartered responsibilities of JPRA... The use of resistance to interrogation knowledge for ‘offensive’ purposes lies outside the roles and responsibilities of JPRA.”

Lieutenant General Robert Wagner, the Deputy Commander of JFCOM, has likewise said that (TAB 25) “Relative to interrogation capability, the expertise of JPRA lies in training personnel how to respond and resist interrogations – not in how to conduct interrogations... requests for JPRA ‘interrogation support’ were both inconsistent with the unit’s charter and might create conditions which tasked JPRA to engage in offensive operational activities outside of JPRA’s defensive mission.”

The Department of Defense Inspector General report completed in August 2006 said techniques in Iraq and Afghanistan had derived, in part from JPRA and SERE.

Closing

Many have questioned why we should care about the rights of detainees. On May 10, 2007, General David Petraeus answered that question in a letter to his troops. General Petraeus wrote:

“Our values and the laws governing warfare teach us to respect human dignity, maintain our integrity, and do what is right. Adherence to our values distinguishes us from our enemy. This fight depends on securing the population, which must understand that we – not our enemies – occupy the moral high ground.

I fully appreciate the emotions that one experiences in Iraq. I also know firsthand the bonds between members of the ‘brotherhood of the close fight.’ Seeing a fellow trooper killed by a barbaric enemy can spark frustration, anger, and a desire for immediate revenge. As hard as it might be, however,

we must not let these emotions lead us – or our comrades in arms – to commit hasty, illegal actions. In the event that we witness or hear of such actions, we must not let our bonds prevent us from speaking up. Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary.

We are, indeed, warriors. We train to kill our enemies. We are engaged in combat, we must pursue the enemy relentlessly, and we must be violent at times. What sets us apart from our enemies in this fight, however, is how we behave. In everything we do, we must observe the standards and values that dictate that we treat noncombatants and detainees with dignity and respect. While we are warriors, we are also all human beings.”