

FDCH TRANSCRIPTS

Congressional Hearings

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House Armed Services Committee Holds Hearing on Treatment of Iraqi Prisoners

LIST OF SPEAKERS

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HUNTER:

The committee will come to order.

We're here today for a simple reason. Last year, several members of the United States military disgraced the uniform. By abusing enemy detainees, a handful of miscreants broke our laws, embarrassed our country and created an international incident.

Unlike Saddam who practiced such abuse and much worse as a matter of state policy, the United States does not tolerate that kind of behavior. The military will bring the guilty to justice, just as surely as Saddam could not escape accountability for his crimes.

I know that, because I know this secretary and the leadership team that he and the president have created for the Department of Defense. We're engaged in a complex and global war on terror and are operating against terrorists in two major theaters. We need to judge the department's leadership on its performance in that war, not on its public relations skills or the frequency with which a few egos on Capitol Hill get bruised.

And in that area, the secretary and his colleagues have consistently demonstrated excellent management skills and superior military judgment.

Today, some people with 20-20 hindsight ask why the secretary didn't drop everything to personally investigate the abuses when they were first reported in January. That's bad and irresponsible advice.

It's immensely more important that the secretary of defense focus on defeating our enemies, particularly when investigators in Iraq were already conducting a massive, comprehensive and swift investigation that has already resulted in six people being charged with criminal offenses under the Code of Military Justice.

HUNTER:

Simply put, the wheels of military justice are already moving and we all know they turn much faster than our civilian courts.

Even as we condemn the brutal acts of a few, we must remember that their behavior is isolated. The vast majority of American soldiers are serving their country honorably, professionally and, in many cases, heroically.

Take, for example, Gunnery Sergeant Jeffrey Bohr, Jr., United States Marine Corps. While those abuses were taking place by a handful of people in that prison, Sergeant Bohr, Gunnery Sergeant Bohr, while serving in Company A, 1st Battalion, 5th Marine Regiment, in the 1st Marine Division, volunteered to join an armor resupply convoy with its two soft skin vehicles.

According to the Navy, while moving through narrow streets toward the objective, the convoy took intense small arms and rocket-propelled grenade fire. Through his movement, Gunnery Sergeant Bohr delivered accurate, effective fire on the enemy while encouraging his Marines and supplying critical information to his company commander.

The upshot was that Gunnery Sergeant Bohr protected his wounded Marines, laying down suppressive fire until he, himself, was mortally wounded by enemy fire.

I offer that citation, and the citation for the Silver Star which was posthumously awarded to Gunnery Sergeant Bohr, not because it's isolated, but because that kind of heroism was and is widespread among the 135,000 Americans serving honorably in Iraq.

And I wanted to just make sure in this wave of publicity that has attended this massive focus on the six individuals who so far have been identified as having possibly committed criminal acts that the vast majority of honorable and courageous soldiers fighting in that theater are not getting the attention and not getting the publicity that these few are. And I think it's important for us to keep this in perspective.

HUNTER:

In fact, over 300,000 people have served in the theater since the war started last year and altogether they have earned more than 3,767 Purple Hearts, four distinguished Service Crosses, 127 Silver Stars and 16,000 Bronze Stars.

But there's more to our soldiers than just courage in battle. Today's military is also the most humane force in the history of the world. It's in Iraq to defeat tyranny, not to occupy another country. And it's rebuilding that country while fighting terrorists.

Already in Iraq, the coalition has completed over 20,000 reconstruction projects, restored electricity production, higher than pre-war levels, rebuilt an oil industry that will help Iraqis build a better future and increased public health spending by a factor of 30.

In every one of those areas, the men and women of our armed forces have had a major, major hand.

Now, some people want to ignore these facts and focus solely on the immoral and illegal acts of a few. That's exactly what our enemies want -- to portray the United States as a great Satan and to tar all of our soldiers with the reprehensible actions of a very few people.

Some tried to do that in Vietnam. We must not let it happen today. To focus solely on the abuses while downplaying the incredible accomplishments would be to create an injustice against our people who are serving honorably with the distinction and professionalism we've all come to expect from them.

We're all outraged by what happened. I'm sure that nobody in this room is angrier than our witnesses.

But, gentlemen, we look forward to hearing how the Department of Defense is ensuring that the guilty parties are identified and brought to justice.

I have every confidence in your commitment to that outcome and your continued leadership of our war effort. The American people could not ask for a better team.

And, Mr. Secretary, while we've been concentrating on these actions and this criminal investigation and prosecution of some six individuals, I am reminded that you have some 2.5 million individuals that you must -- you have oversight over.

HUNTER:

You have forces around the world on every continent. You have two major wars, which you have just completed the biggest redeployment of forces I believe since World War II.

You have reformed and reshaped the 750,000 manned civil service department of the United States. And you have a \$400 billion-plus defense budget that you are currently working with us on to try to make sure that the people in uniform have the very best in equipment.

You have a very big job. You have the biggest piece of the discretionary budget of the United States, and in my opinion, you're doing a very good job at managing our military and the war on terror.

So we look forward to your testimony.

I know this is a difficult time, a painful time and a difficult issue. But I think we're going to work through it.

And out of this, this week, and the work that you've been doing over the last several weeks, and that this Congress and this Armed Services Committee, of which I'm very proud, have been working on and putting this new budget together, we're going to move forward in the next several months and make great strides both in Iraq, in Afghanistan and in the war on terror.

So we look forward to your statements, and I'd like to now turn to my colleague, my great partner on this committee, the gentleman from Missouri, Mr. Skelton, for any remarks he'd like to make.

SKELTON:

Mr. Chairman, thank you, and thank you, gentlemen, for appearing before us.

We have some very difficult questions because this is a very serious and a very disturbing matter.

SKELTON:

And Mr. Chairman, let me thank you for holding this hearing.

I also want to express my strong conviction that this must be the first of many hearings on this subject. These appalling revelations have done incalculable damage to our nation's reputation and to our military, and one hearing, however important as it is, will not suffice.

For that reason, I believe strongly and I say here at the outset that we must hold an independent congressional investigation into these abuses and into the command atmosphere that permitted them to occur.

Mr. Secretary, I've read your testimony and I'm pleased that you'll be appointing senior former officers to look into the sufficiency of the current ongoing investigations. But this is not enough.

Congress, having not been informed, must now be involved. Oversight of the Department of Defense, the military, is this committee's most important role. We must find out what happened and how far up it goes. To do this, we need staff investigations. We need to get out into the field. Second-hand information is not sufficient.

Mr. Chairman, I have never before been sadder or more disappointed. Each of us and every American have been horrified by the images we've seen and the stories we've heard in the last week from the Abu Ghraib Prison in Baghdad.

The individuals who committed these shameful acts forgot that they were soldiers. They also forgot that the middle name of the American soldier is honor. We deplore and condemn the abuse of those in the custody of the United States in Iraq.

I'm reminded of my conversation with the late historian Stephen Ambrose at a small breakfast in my office a few years ago.

When asked what makes America so great and so unique, he said that while Russia had a hearty work force and great natural resources, they did not have a George Washington, a John Adams, a Thomas Jefferson, or a James Madison, or the values they established.

The actions taken by the soldiers at Abu Ghraib do not reflect the values of Americans, and the Iraqi people must understand that.

SKELTON:

If they don't, this instance could well become the tipping point for our entire effort to bring security and reconstruction to Iraq. If we lose the trust of the Iraqi people, if we lose their hearts and minds, we cannot bring anything else effectively.

We must win back this trust. The safety of our troops, Iraq's future depends on it.

Abu Ghraib, once a chamber of horrors under Saddam Hussein, has become a chamber of indignities under the American military. It must be bulldozed to the ground to symbolize a break with the past and a new beginning with the Iraqi people. Many more steps are needed, but we must start with this symbol.

We must also bring all responsible to justice. I support General Schoomaker's and the appropriate military authority's efforts to complete thorough investigations and to bring anyone who committed crimes to justice. This must apply regardless of who committed the crimes -- military personnel, personnel of other government agencies, or private contractors. The Iraqi people must see us take swift, strong, fair actions.

We must also address the command and other systemic deficiencies that contributed to the abuse. And I believe that we will need some independent congressional investigation on that.

But I have to say that there's another trust that sadly has been lost, and that's between the Department of Defense and we in Congress. The investigation into this matter has been ongoing since January.

Now, neither this committee nor myself -- and I don't believe Mr. Hunter -- was informed despite numerous meetings. And I don't consider a passing reference in a Central Command press release, which I never saw, to be adequate notification of a matter that has such serious implications for our efforts in Iraq or our role in the world.

Mr. Secretary was here last Wednesday briefing us on the situation in Iraq and that very day, that was the day the story aired on "60 Minutes II," and nothing was said.

I believe in the words of President John Kennedy, that an error does not become a mistake until you refuse to correct it. Without debate, without criticism, no administration and no country can succeed, and no republic can survive.

SKELTON:

Mr. Chairman, these mistakes must be corrected for the sake of this nation, for our standing in the world and for success in Iraq, which all of us want.

Mr. Secretary, I look forward to your statement as well as the other gentlemen.

Thank you.

HUNTER:

Mr. Secretary, again, thanks for being with us today. The floor is yours, sir.

RUMSFELD:

Thank you, Mr. Chairman, for your statement, members of the committee, Congressman Cunningham.

I would request that my full statement be put in the record.

HUNTER:

Without objection.

In fact, all statements will be accepted for the record.

RUMSFELD:

In recent days there's been a good deal of discussion about who bears the responsibility for the terrible activities that took place at Abu Ghraib Prison. These events occurred on my watch.

As secretary of defense, I am accountable for them and I take full responsibility for them.

It's my obligation to evaluate what happened to make sure that those who have committed wrongdoing are brought to justice and to make changes as needed to see that it doesn't happen again.

I feel terrible about what happened to these Iraqi detainees. They're human beings, they were in U.S. custody. Our country had an obligation to treat them right, to treat them as human beings. We didn't do that. That was wrong.

So to those Iraqis who were mistreated by the members of the U.S. armed forces, I offer my deepest apology. It was inconsistent with the values of our nation, it was un-American.

Further, I deeply regret the damage that's been done, first to the reputation of the honorable men and women in the armed forces who are courageously and professionally and responsibly defending our freedom across the globe. They are truly wonderful human beings, and their families and their loved ones can be enormously proud.

RUMSFELD:

Second, to the president, the Congress and the American people, I wish we had been able to convey to them the gravity of this matter before we saw it in the media.

And finally, to the reputation of our country. The photographic depictions of U.S. military personnel that the public has seen have offended and outraged everyone in the Department of Defense. If you could have seen the anguished faces and expressions on those in the department upon seeing those photos you would know how strongly and deeply we feel.

We take this very seriously. It's important for the American people and the world to know that while these terrible acts were perpetuated --perpetrated by a small number of the military, they were also brought to light by the honorable and very responsible actions of other military personnel.

This was not some sort of a news media discovery. There are many who did their duty professionally and we should mention that as well.

First, Specialist Joseph Darby, who alerted the appropriate authorities that abuses were occurring. Second, those in the military chain of command who acted promptly upon

learning of those activities by initiating a series of investigations, criminal and administrative, to assure that the abuses had stopped and to assure that the responsible chain of command was relieved and replaced.

Having said that, all the facts that may be of interest are not yet in hand. In addition to the Taguba report, there are other investigations under way and we'll be discussing them today.

RUMSFELD:

Because all the facts are not in hand, there will be corrections and clarifications to the record as more information is learned. From the witnesses here you will be told the sequence of events and investigations that have taken place since the activities first came to light.

I want to inform you of the measures under way to improve our performance for the future.

Before I do that, let me say that each of us at this table is either in the chain of command or in positions of senior responsibility in the department. This means that anything we say publicly could have an impact on the legal proceedings against those accused of wrongdoing in this matter. So please understand that if some of our responses to questions are measured, it is to ensure that pending cases are not jeopardized by seeming to exert command influence and that the rights of any accused are properly protected.

Now let me tell you the measures we're taking to deal with this issue.

First, to ensure that we have a handle on the scope of the catastrophe, I'll be today announcing today the appointment of several former senior officials who are being asked to examine the pace, the breadth, the scope, the thoroughness of the existing investigations and to determine whether additional studies, investigations may be needed.

They're being asked to report their findings within 45 days of taking up their duties. I'm confident that these distinguished individuals will provide a full and fair assessment of what has been done thus far and recommend whether further steps may be appropriate.

Second, we need to review our habits and procedures. One of the things we've tried to do since September 11th is to get the department to adjust its procedures to fit a time of war and to fit the information age, the 21st century.

For the past three years, we've looked for areas where adjustments were needed and regrettably, we have now found still another area.

RUMSFELD:

Let me be clear: I failed to recognize how important it was to elevate a matter of such gravity to the highest levels, including the president and the leaders in Congress.

Third, I am seeking a way to provide appropriate compensation to those detainees who suffered such grievous and brutal abuse and cruelty at the hands of a few members of the U.S. military. It's the right thing to do.

I wish we had known more, sooner, and been able to tell you more sooner, but we didn't.

Today, we have a full discussion of those terrible acts, but first, let's take a step back, for a moment. Within the constraints imposed on those of us in the chain of command, I want to say a few additional words.

First, beyond the abuse of prisoners, there are other photos -- many other photos -- that depict incidents of physical violence towards prisoners, acts that can only be described as blatantly sadistic, cruel and inhuman. And I am advised there also are videos of these actions.

Second, there are many more photos that have not yet come to light. Congress and the American people and the rest of the world need to know this.

In addition, the photos give these incidents a vividness, indeed a horror, in the eyes of the world.

Mr. Chairman, that's why this hearing today is important. And it's why the actions we take in the days and weeks ahead are so important. Because however terrible the setback, this also is an occasion to demonstrate to the world the difference between those who believe in democracy, and in human rights, and those who believe in rule by terrorism.

RUMSFELD:

We value human life. We believe in individual freedom and in the rule of law. And for those beliefs, we send men and women in the armed forces abroad to protect that right for our own people and to give millions of others who aren't Americans the hope of future freedom.

Part of that mission, part of what we believe in is making sure that when wrongdoing or scandal do in fact occur that they're not covered up, but they're exposed, and that the guilty are brought to justice.

Mr. Chairman, I know you joined me today in saying to the world: Judge us by our actions. Watch how Americans, watch how democracy deals with wrongdoing and scandal and the pain of acknowledging and correcting our own mistakes and, indeed, our own weaknesses.

And then, after they have seen America in action, then ask those who teach resentment, who teach terrorism, who teach hatred of America, if our behavior doesn't give the lie to the falsehood and the slander that they speak about our people and our way of life.

Ask them if the resolve of Americans in crisis and difficulty, and, yes, in the heartbreak of acknowledging the evil in our midst, doesn't have meaning far beyond their hatred.

Above all, ask them if the willingness of Americans to acknowledge their own failures before humanity doesn't light the world as surely as the great ideas and beliefs that first made this nation a beacon of hope and liberty to all who strive to be free.

We know what the terrorists will do. We know that they try to exploit all that is bad and try to obscure all that is good. That's their nature, and that is the nature of those who think they can kill innocent men, women and children to gratify their own cruel will to power.

We say to the world, we will strive to do our best, as imperfect as that may be.

Thank you, Mr. Chairman. My colleagues have some comments they'd like to make.

HUNTER:

Certainly.

General Myers or Secretary Brownlee, who wants to go first?

General Myers?

MYERS:

Mr. Chairman, Congressman Skelton, I would like to express my very deep regret at being here under these circumstances. The incidents of prisoner abuse that occurred at Abu Ghraib prison are absolutely appalling. The actions of those involved are unconscionable and absolutely unacceptable.

Since Brigadier General Kimmitt's public announcement of the allegations back in January, the commanders' response to the problems highlighted in these investigations has been timely and thorough.

And just as a backdrop, we must also realize that our commanders have been handling some enormous challenges in Iraq, including the increased fighting in Fallujah and An Najaf, the temporary plus-up of troops, and the departure of the Spanish brigade, at the same time that they were dealing with the conclusion of some of these reports.

Despite these extraordinary events on the battlefield, our commanders did exactly the right thing in a timely manner. I have great confidence in them, as should the American public and every Iraqi citizen.

I've been receiving regular updates since the situation developed. I've been involved in corrective actions, and I've personally recommended specific steps.

Again, I'm confident that the commanders are doing the right things.

You know, one of the U.S. military's greatest strengths comes from the fact that we hold our service men and women accountable for their actions.

MYERS:

Our military justice system works very well. And I took an oath to support the Constitution, and with that comes the responsibility to ensure that all military members enjoy the full protections of our Constitution, to include the due process of a fair judicial system. After all, it's the respect for the rule of law that we're trying to instill in places like Afghanistan and Iraq.

And as the secretary said, we're now in the middle of a judicial process dealing with the detainee abuse, and because of my position, I have to be careful I don't say anything that can be interpreted as direction or pressure for a certain outcome in any of these cases.

Moreover, I think we have to understand that a fair judicial system takes time to work, as the chairman said. And I know you all understand that. No one is stalling or covering up information, but it's absolutely essential to protect the integrity of our system.

I have complete confidence in the military justice system. The accused will receive due process and those found guilty will receive punishments based on their offenses.

When I spoke to Dan Rather, with whom I already had a professional association, concerning the "60 Minutes II" story, I did so after talking to General Abizaid and out of concern, as was his, for the lives of our troops.

The story about the abuse was already public. But we were concerned that broadcasting the actual pictures would further inflame the tense situation that existed then in Iraq and further endanger the lives of coalition soldiers and hostages.

Again, it's useful to remember the context here. It was the heaviest fighting since the end of major combat, some 90 hostages taken. Very delicate situations we were trying to control in An Najaf, Al Kut, Nasiriyah and Fallujah.



Since the story of the photograph was already public, I felt we were on good ground asking him to hold off airing the actual photos. As we are now seeing, the photos are having a very real and a very emotional worldwide impact.

MYERS:

This situation, as has been said, is nothing less than tragic. The Iraqi people are trying to build a free and an open society. And I regret that they saw such a flagrant violation of the very principles that are the cornerstone of such a society.

I'm also terribly saddened that the hundreds of thousands of servicemen and women who are serving or who have served so honorably in Iraq and Afghanistan and elsewhere have had their reputation, or our reputations, tarnished and their accomplishments diminished by those few who don't uphold our military's values.

I know our servicemen and women are all suffering unfairly with a collective sense of shame over what happened.

But their credibility will be restored, day by day, as they interact with the Iraqi people. And I'm confident that our dedicated servicemen and women will continue to prove worthy of the trust and respect of this nation and for that matter the world.

We continue to be very proud of them, and as always, I thank you on their behalf for your steadfast support.

Now let me refer to a chart over here which will help explain why I'm so confident in our military chain of command. I'll do this quickly, but it's important to get the facts on the table.

The commander, CJTF-7, you may not be able to read it, but the first part on top, those further away -- but the commander of CJTF-7, General Sanchez back in August said, "I want to look at our detention operations and our interrogation operations." And he had the provost marshal of the Army appointed to do that investigation.

And while that was going on, at the insistence of some of the folks here at the table, Major General Miller who was then assigned to Guantanamo and responsible for detainee operations there and interrogations, we asked him to go over and look at this as well, primarily concerned that we were getting the intelligence -- that we were doing the interrogations right, that we got the intelligence analyzed properly and into the field and into the hands of those where it could make a difference, either in saving lives or in wrapping up the enemy.

You can see his look-see lasted about 10 days.

Then General Ryder in November submits his report. He talked about the facilities needing some upgrading, meeting minimal standards, but needing upgrading; that we need CPA involvement because we have to have a court system in Iraq that can handle these detainees -- the civilian internees, the criminals -- so they can be treated in an Iraqi court; and we need standardization of our practices and so forth.

MYERS:

Actions were taken by General Sanchez on all of that.

Somewhere between October and December, this abuse occurred. On 13 January, it was reported by the individual that the secretary talked about.

One day later, the Army Criminal Investigative Division initiates a criminal investigation into these allegations.

On 16 January, that's when General Kimmitt went to the public -- I don't know how many people saw that report, but he pretty much said what it was: we've got reports of abuse, there supposedly are pictures, and gave a general description of that abuse, a very general description.

On 18 January, based on what the CID -- the Army police, essentially -- had found, the battalion leadership was suspended; the battalion that was responsible for the folks at Abu Ghraib.

On 19 January, having had some of the reports out of the Army CID, General Sanchez says we need an investigative officer to look at all our detention facilities under the command of the 800th M.P. Brigade. That turns out to be the Taguba report; you can see that he was appointed there on the 31st of January.

At the same time, General Sanchez asked his inspector general to look at all detention facilities in Iraq, be they divisional facilities that were temporary in nature, whether they were coalition facilities, to look at them all.

Taguba did his work. At that time, as we started to learn some of what was coming out of the Taguba report, we in Washington, and through Secretary Brownlee, asked the Army, or the Army asked their I.G., to look at doing a broader assessment across the theater about all detention ops and about all interrogations from A to Z, and that investigation is ongoing.

MYERS:

On 12 March, at the outbrief, this was an interim outbrief to General Sanchez -- when he learned of the issue between the military police and the detainees and possible military intelligence involvement and their behavior, he asked for another investigation to start.

And that was appointed -- you'll see down there on 15 April, where Major General Fay -- I think he's a deputy Army G-2 -- was asked to look at the military intelligence piece of this to see if there was undue influence on the military police and to see how they were doing their job. That investigation is under way, and I think it's several weeks from completion if it stays on track.

The Taguba outbrief on 12 March was to get General Sanchez briefed. Then they went to General McKiernan at 3rd Army, or the combined forces land component commander, it says CFLCC there four lines up from the bottom of the chart -- who was responsible for the investigation. And we have to remember that the Taguba investigation, the 15-6 investigation can result in administrative actions against personnel who are found to be wrong.

It can also result in people being relieved from duty and so forth. So it's a serious report. It can have serious repercussions on individuals in the military. And therefore, when it got to the General McKiernan level, there had to be time for people that were named in this report to offer rebuttal.

And so, again, it's the process that happens to make sure people have -- the judicial process works appropriately and the investigative process. It was finally approved, as you can see there, on 1 May. And General Sanchez took actions against some individuals -- administrative actions at that time.

MYERS:

I don't know that there could be a better way to handle this situation, a quicker way to handle this situation, or a more thorough way from the chain of command.

I'm very proud of what General Abizaid, General Sanchez and General McKiernan and others in this chain did to look at this situation. Some of those investigations are still pending.

Mr. Chairman, that completes my statement.

HUNTER:

Thank you very much, General.

Mr. Secretary, do you have a statement?

BROWNLEE:

Chairman Hunter, Representative Skelton and distinguished members of the committee, I appreciate the opportunity to be here today to offer testimony on actions taken by the Army in response to the appalling abuse of detainees at Abu Ghraib Prison in Iraq.

I join the secretary of defense in apologizing to those detainees who were so horribly abused there.

Let me begin by outlining the range of investigations into detainee abuse.

From December 2002 to present, the criminal investigation command has conducted, or is continuing to conduct, investigations into 35 cases of abuse or death of detainees held in detention facilities in the Central Command theater. Twenty-five of these are death cases and 10 involve assaults.

The CID investigates every death in our custody. Of the 25 death investigations, CID has determined that 12 deaths were due to natural or undetermined causes, one was justifiable homicide, and two were homicides. The 10 remaining deaths are still under investigation.

Additionally, 42 other potential cases of misconduct against civilians occurred outside detention facilities and are currently under investigation by the Army CID or other responsible units.

BROWNLEE:

In coordination with the secretary of defense and the chairman of the Joint Chiefs, on 10 February, 2004, I directed the inspector general of the Army to conduct a functional analysis of the department's internment, enemy prisoner of war and detention policies, practices and procedures.

I directed this inspection to determine if there might be systemic problems relating to the planning, doctrine or training in the detention facilities operating within the Central Command theater.

Phase 1 of this assessment is oriented on current operations in the CENTCOM area of responsibility with assessment team visits to 16 detention facilities.

Phase 2 of the I.G. assessment will encompass visits to detainee facilities worldwide, including previously visited facilities to ensure compliance to establish standards.

Preliminary findings indicate that leaders and soldiers are aware of the requirement and expectation to treat detainees humanely and that it is their duty to report incidents of abuse.

To date, the majority of the abuse cases indicate the underlying cause has been two-fold: an individual failure to adhere to basic standards of discipline, training and Army values, and leadership failures to provide oversight and enforce standards.

To date, the Army has taken numerous actions to improve the training for military police and military intelligence soldiers. The Army is retraining select M.P. soldiers to serve as correctional specialists.

We have incorporated detainee lessons learned from operations in both Iraq and Afghanistan into the M.P. school curriculum and have deployed M.P. training teams to our combat training centers.

In response to a request from the CJTF-7 commander, the Army deployed integrated, multi-disciplined mobile training teams to oversee and conduct comprehensive training in all aspects of detainee and confinement operations in theater.

BROWNLEE:

Additionally, the chief of the Army Reserves has directed his inspector general to conduct a special assessment of training for Reserve personnel on the law of war, detainee treatment ethics and leadership. All reserve component M.I. soldiers are now required to mobilize at the intelligence school at Fort Huachuca so they can receive the latest instruction on tactical questioning before deploying.

Finally, the Army is improving the training of military police and military intelligence personnel at our combat training centers by incorporating detainee holding situations into the tactical scenarios. These improvements were initiated for the later deploying OIF-2 units and will be fully implemented for all OIF-3 deploying units.

The reported acts of detainee abuse at Abu Ghraib are tragic and disappointing, and they stand in sharp contrast to the values of our Army and the nation it serves. For these incidents to reflect negatively on the courage, sacrifice and selfless service of the hundreds of thousands of dedicated men and women who have volunteered to serve our nation in uniform would be a tragedy as well.

Our soldiers, over 300,000 of whom are deployed in over 120 countries around the world, most in Iraq and Afghanistan, have provided the opportunity for freedom and democracy for over 46 million people who have never experienced it before, while at the same time providing protection to the American people.

Mr. Chairman, we will find out how and why this happened, and ensure that those individuals determined to be responsible for these shameful and illegal acts of abuse are held accountable for their actions.

I appreciate this opportunity to appear before you today. I thank you and the members of this distinguished committee for your continuing support of the men and women in our Army, and I look forward to answering your questions.

HUNTER:

Mr. Secretary, thank you.

General Smith, did you have a statement?

L. SMITH: No, sir. In the interest of time, I'll...

HUNTER:

OK.

General Schoomaker?

SCHOOMAKER:

Yes, sir.

Chairman Hunter, Representative Skelton and distinguished members of the committee, as the chief of staff of the Army, I am the individual responsible for training and equipping soldiers and growing Army leaders. I am also responsible for providing ready and relevant land-power capabilities to the combatant commanders and the joint team.

Although not in the operational chain of command, I am responsible for our soldiers' training and readiness. Therefore, I take it personally when any of them fall short of our standards.

To put it in perspective: What we are dealing with are actions of a few, as has been mentioned, conscious actions that are contrary to all that we stand for.

This is not just a training issue. We have annual requirements for all soldiers to train to the legal, moral and ethical standards embodied in the Hague and Geneva Convention in the laws of land warfare.

But this is an issue that involves character and values, the values of the Army -- seven: loyalty, duty, respect, selfless service, honor, integrity and personal courage.

These values are inculcated in our soldiers from the moment they enter the training base and go with them throughout. There is no question that the potential consequences of this situation are serious. But we must not forget that these are few among a great many others who are serving with great honor and sacrifice.

And I'll just remind you, I know many of you have been to Walter Reed. I was with a young Bradley lieutenant, Bradley platoon leader, a couple of weeks ago, wounded in the first week of April who, as we speak, is on his new leg getting ready to go back to Iraq. That's his objective, to join his platoon.

These are the kind of people this Army's made of, our soldiers, sailors and Marines are. We've got to remember that we're talking about here very few people that made some conscious decisions to act contrary to the values of this Army.

SCHOOMAKER:

We must be careful how we proceed, as it will affect the morale and safety of the great majority of our soldiers who are meeting the standards and are daily placing themselves in harm's way. They, too, take this personally.

I am reminded that in the report by Major General Taguba he spoke of several soldiers and units who were challenged by the same set of demanding circumstances at the same places and they did what was right and did not partake in the kinds of acts that are being discussed.

The inexcusable behavior of a few is not representative of the courageous and compassionate performance of the overwhelming majority of our soldiers who serve with pride and honor. We are currently undergoing an extensive investigation of every allegation. The system works and will result in fairness and justice.

We will also learn, and we will adapt, as we always have. Our Army has already taken corrective actions. Our soldiers are performing with distinction, and I am proud of them all, and I'm proud to serve with them. We owe them our confidence.

Our Army is taking this very seriously, and we will meet the standards that our nation expects, as we have for 229 years.

Thank you very much.

HUNTER:

General, thank you for your statement.

And, gentlemen, thank you all for your opening statements here. And I think the first question that anyone would have is, what have we done on the ground in the prison system in Iraq to change the situation? When you have a problem like this, especially in a war theater, the response has always been and must always be to send the right officers and NCOs into the trouble spot and get it taken care of.

So, first question, what's being done in theater, on the ground?

L. SMITH: Sir, the first things that happened, as was mentioned on the time board, immediately those in the leadership chain were suspended. And prior to that, the individuals that were under investigation were also suspended and were not allowed to be around any of the detainees. All of that happened within the first several days.

Then the Taguba report, the investigation team was put together. And then as that was ongoing and they discovered things, they were fixed immediately on the spot when able.

Things like the Geneva Convention not being posted in both languages, those were fixed.

And then the long-term solution was to appoint a single individual for detainee operations, which was Major General Jeff Miller, who was the commander at Gitmo, and to put both the military intelligence brigade and the M.P. brigade underneath him as a single organization responsible for detainee operations.

He has gone in, implemented most of the Taguba recommendations, and has taken many of the procedures he learned at Gitmo, established standard operations procedures, and he's continuing with that effort today.

HUNTER:

So the Taguba report made a number of recommendations. Are you satisfied that the key recommendations are being implemented right now?

L. SMITH: Sir, I would say 75 percent of the recommendations have already been implemented.

HUNTER:

OK.

L. SMITH: And the ones that have not are either in the process of being implemented or being evaluated as to whether that's the best course or another course might be better.

HUNTER:

OK.

RUMSFELD (?):

A point of interest, that's the Taguba report right there.

HUNTER:

Yes. I've read it. It's got lots of -- but it's got a few basic recommendations.

And the key recommendation, and I think what this committee's concerned about first of all is where the prisoners come into contact with American military personnel, where the rubber meets the road, have our officers and senior NCOs assured themselves that the proper treatment of those prisoners -- basic treatment -- is being followed?

Understanding the Taguba report is complex and goes to training and a lot of things that will have to take place over a period of years, but with respect to the actual treatment of prisoners who are in those facilities right now in country, are you satisfied, General Smith, that those prisoners now are being treated appropriately?

L. SMITH: Absolutely, sir.

That was taken care of immediately with the new leadership chain, and then General Schoomaker and the Department of Army put together a 32-man mobile training team as was recommended that have already gone through a significant portion of the training process and that is ongoing as we speak.

HUNTER:

OK.

Second question, and since -- gentlemen, since you're all here and this is an excellent opportunity and one that we may not have for the next several weeks, I want to go to the 135,000 Americans who aren't the subject of this investigation -- the troops who are performing.

The situation on the ground in Iraq, maybe General Myers, where do you place it right now? Where do you put us?

MYERS:

As you know, I think, and as we talked about over the last week I think in this very room, the situation in Fallujah is calm. But the situation is also not resolved at this point.

There are Iraqis in a military formation, about 1,000 of them, that are in the city. They have some tasks to perform -- some of the things we talked about last week. They've got to find the perpetrators of the Blackwater killings and desecration of the bodies. They've got to find the foreign fighters. They've got to find the regime extremists that have not given up.

MYERS:

They've got a lot of work to do. We are scheduled, but to be determined yet, if our Marines will start joint patrolling with these individuals.

And that's the situation right now, and we'll have to see how it develops.

We are ready. We have to meet those objectives that I outlined. And we're going to do whatever it takes to do it.

Hopefully, it can be done with these Iraqis under the leadership of General Latif. If not, the Marines and coalition forces are going to have to take care of that.

In An Najaf, we've just recently had some very successful operations there against some of Sadr's thugs that attacked the 1st Armored Division forces that were conducting an operation. We killed a significant number of enemy.

The Iraqis are still negotiating with Sadr. He is losing influence, I think, every day, is a fair way to say it. And we think we can continue to let the Iraqis work that problem. But he is eventually going to have to go away.

Today, in Friday prayers, one of his lieutenants offered rewards for coalition soldiers and civilians that were killed in the south. And that certainly is not acceptable. And we will continue to watch that situation very carefully.

The rest of Iraq. Baghdad is still a place where there are bombs going off, as we saw the other day, yesterday. So it's not fully secure yet. But the rest of the country is actually doing quite well.

HUNTER:

Thank you very much.  
The gentleman from Missouri?

SKELTON:

Mr. Chairman, thank you very much.

General, in looking at your chart and the time line, it appears to me that on or about March the 12th would have been a suitable date to inform Congress as to the serious situation that was occurring.

SKELTON:

You know, we have a lot of wonderful troops, different services in Iraq. They know that at the end of the day, that the hearts and minds of the Iraqi people must be won. There's fighting in Fallujah and Najaf. And the reason that they are there and they were involved in the fighting is the very reason we must win the hearts and minds of the Iraqi people. That's why this investigation, that's why the justice that comes from this investigation must be thorough and transparent to the Iraqi people, to the Middle East, as well as to America.

Secretary Brownlee mentioned some deaths that have occurred. The Washington Post reflects that 25 have died in U.S. custody in both Iraq and Afghanistan. Is there anything else that we ought to know, that we won't be surprised with?

BROWNLEE:

Mr. Skelton?

SKELTON:

Yes?

BROWNLEE:

Sir, you should know that some of those investigations are ongoing, as I indicated. And the cases are open. And we'll continue to watch them.

One of things that I'd like to do is have our staff work with your staff, and we'd be happy to come up and brief you periodically or whenever is necessary, and keep you apprised of those things, if there's an interest here. We'd like to do that.

BROWNLEE:



We do not think that that may be necessary, but we'll respond to that if you like. Otherwise, we'll be happy to keep you apprised of them. But there could be misconduct in some of these. We just don't know. They're being investigated.

RUMSFELD:  
Congressman Skeleton?

SKELTON:  
Yes?

RUMSFELD:  
The answer to your question is, there is more. I indicated in my remarks there are more photographs, there are videos. There are a series of investigations under way. There are criminal prosecutions.

And just without any question, there's going to be more coming out. And there'll be surprises. I mean, that's the nature of this.

And, you know, in the Department of Defense there were 18,000 criminal investigations last year. There were 3,000 court martials. At any given moment anywhere in the world there is some sort of investigation.

And as I indicated in my remarks, the tension is, how do you not damage the integrity of the criminal justice system and the Uniform Code of Military Justice, how do you avoid damaging that, and still extract from these various investigations things that are important -- and goodness knows this is important -- how do you extract that, get it up, so that people aren't going to be surprised?

I mean, you were surprised, the president was surprised, I was surprised. You say January...

SKELTON:  
I said March the 12th.

RUMSFELD:  
March 12th would have been a good date. You're right. March 20th, the Central Command went and had a press conference and announced to the world and listed the kinds of abuses and charges that were being considered and criminal prosecutions.

SKELTON:  
He may have announced it to the world but he certainly didn't tell us.

BROWNLEE:  
Could I comment on that, sir, if I could?  
Mr. Skeleton, if I might, because I appreciate the opportunity, if I could, to comment on this.

BROWNLEE:

If there's anybody on this panel who ought to realize the importance of notifying the committees, it's me. And I became aware of this the same as others did, when Central Command made their press release. I knew that there were reports out there.

We had certain basic information. We had conversations with some of the members of your staff. But I wouldn't suggest that that rises to the level of congressional notification.

I, quite frankly, was waiting for more and better information, a better report so we could come and report it to you. The secretary of defense, I think, has every reason to expect that people like me will come over and tell you these things. I sincerely regret that I did not. I should have.

MYERS:

Congressman Skelton, let me just pile on a little bit. Obviously, I think we've gone to extraordinary lengths in the last couple of years to try to keep this committee and the Congress in general informed. We've really tried hard.

We could have done better in this case. We could have done better. The secretary said that, I've said it, Secretary Brownlee said it, in fact.

SKELTON:

Mr. Chairman, I have other questions, but in view of the time, I will reserve my questions.

HUNTER:

And I would say to my friend from Missouri, we're going to take you up on your recommendation here, Secretary Brownlee. And if you could have a point of contact who makes available a briefing to all members of the committee, maybe a morning briefing, just being available for us.

And we'll take one of the rooms here, so that members have a status report as this thing walks down through the prosecutorial track and the investigative track. Maybe one day a week have a team or an individual who is your point man who lets us know, and members who want to attend that briefing can do it. So why don't we set that up, if you'd work with Mr. Rangel.

I appreciate the gentleman.

The gentleman from New Jersey, Mr. Saxton.

SAXTON:

Thank you, Mr. Chairman.

And thank you all for coming here today. As we all agree, the acts which this committee and the American people have read, seen and spoken about are deplorable, and we all agree on that. And as you have stated clearly, they are fundamentally against American values.

SAXTON:

What I would like to do is to, Mr. Secretary, is to refer to General Myers' chart and to kind of walk through this and to note, first, that it appears that in the fall of 2003 that we were concerned enough about the detention system -- prison system, if you will -- in Iraq to do what is referred to as an assessment of it.

And during the last quarter then of 2003, prisoners that were the responsibility of the 372nd Military Police Company were subjected to a series of humiliations and abuses.

And then on January 13th of 2004, a soldier assigned to the 800th Military Police Brigade left a compact disc of photos of the abuse on the cot of an investigator assigned to the U.S. Army Criminal Investigations Division in Iraq.

And then the next day, on January 14th, CID initiated a criminal investigation of those abuses and apparently that investigation is still ongoing today.

Then two days later, on January 16th, United States Central Command issued a press release announcing that it was conducting a criminal investigation of reports of abuse at the Abu Ghraib Prison.

That same day, CENTCOM spokesman Brigadier General Mark Kimmitt briefed reporters covering CENTCOM's daily press briefing of such an investigation, that it was under way.

SAXTON:

Later in January, General Sanchez requested CENTCOM to conduct an administrative investigation to the 800th Military Police Brigade and systemic factors that may have contributed to the abuse.

On the last day of the month, January 31st, Major Thomas Antonio Taguba, the deputy combined forces land component commander of CENTCOM, was assigned the task of conducting an administrative investigation. General Taguba completed his report in March, leading to recommendations for administration punishment, which General Sanchez acted upon in April.

General Taguba's report is today here. It has been available for members for a week or so, for the committee's review and here in the committee's offices.

In February of 2004, Acting Secretary Brownlee ordered U.S. Army Inspector General Lieutenant General Mikolashek to assess the overall training and doctrine regarding detention operations. That review is ongoing, and the review team plans to report back to the inspector general by May 21st.

In March, the Army chief of reserve affairs instituted an assessment of the Army Reserve training, with an emphasis on military police and military intelligence operations related to prisoners. That review is ongoing.

Also in March, the CID, criminal investigation resulted in formal charges against six individuals from the 800th Military Police Brigade. At this time, three of those individuals have been recommended for a general court martial. The remaining three cases are still under review.

The continuing authority of the court martial has yet to be determined as to the details as to how to proceed.

SAXTON:

My question is this -- when I look at this process, it looks like an orderly process, it looks like it was taken up in a timely fashion.

I guess my question is, if you had it to do all over again, looking in today's rear-view mirror, would you do anything different? And does the process need to be changed?

RUMSFELD:

It's an enormously difficult question, Congressman.

As I indicated in my remarks, we are constantly finding that we have procedures and habits that have evolved over the years from the last century that don't really fit the 21st century. They don't fit the Information Age, they don't fit a time when people are running around with digital cameras.

Second, with 24-hour news and digital cameras, something like this can have an impact that is just enormous.

Now, we have rules against meddling in criminal prosecutions.

As I've said, we've got -- what -- 18,000 criminal investigations opened every year. We've got 3,000 court martials in a year.

And when do you reach down in there and run the risk of affecting the integrity of that process because you believe there may be something in there that is so explosive, so damaging to our country, that you're willing to break the pattern and pull it up?

In this case, our habits and our patterns were that we don't do that; that these things get handled in the military justice system, they get handled in the commands, they get handled in the services as appropriate.

And that big report over there hadn't even reached the Pentagon, to my knowledge, by the time someone took that secret report and gave it to the press.

RUMSFELD:

Now, it was inflammatory. If someone at this table had heard about it and gone in there and asked to get into it and do something with it, or about it, it would have been widely criticized.

When I say, "I failed," I mean, I -- the president was blind sided, the Congress was blind sided, everyone at this table was blind sided, except for General Smith, who was in that command.

We're trying to figure out how we do that better and it isn't easy.

We've got to protect the rights of defendants. We've got to observe the proper handling of criminal investigations. And yet, when something is radioactive like this, we have to find a way to get that up so we can look at it.

I mean, that chart over there, as you suggested, suggests that they handled it dam well at the command level, and yet, look where we are.

In the normal order of things, one would look at that and say, "Good job." And with the circumstance we're in, we have to say -- we apologize. It's a -- that it happened and that we did not have a system or a procedure where it would get pulled up and presented in a way that it could have been managed better.

HUNTER:

I thank the gentleman.

The gentleman from South Carolina, Mr. Spratt.

SPRATT:

Mr. Secretary, General Myers, thank you for your testimony.

There's no trust that we hold more sacred than the good name of America. I think you all will agree the good name of America has been hurt and hurt badly by these revelations.

And just as the world is looking at those revolting photographs, they're now looking back at us to see what we're going to do, not what we're going to say, but what we're going to do.

And 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.

You've got to go up and down the chain of command and outside the chain of command, indeed outside of the uniformed military, to look at the private contractors, among other places, to find out who knew of these practices, condoned these practices, encouraged and gave rise to these practices, assuming they weren't totally isolated actions.

SPRATT:

And I find it hard to believe that they were totally isolated actions.

Brigadier General Karpinski has said that the policy of interrogating prisoners and using the MPs to loosen them up, set them up, was set above her, and has implied that, though these MPs may not have taken what they did as de regeur, they could have regarded it as within the penumbra of these policies (inaudible) quote, "set up loosen up policies."

You say that all these things are in the investigation. I look at the chronology you give and I'm concerned because there was an investigation, the initial investigation, which began in August, early September. General Miller apparently conducted it. He completed it in the first week of November. This was the same time period during which those abuses were taking place.

How did the investigation miss those abuses if it was adequate?

RUMSFELD:

I don't believe that I would characterize General Miller's activity as an investigation. He was the person who had been in charge of Guantanamo Bay. He had experience with the issues of detention and interrogation. And he was asked to go over there and make an assessment, and he did. And he came back and made a series of recommendations.

But he did not go over there on an investigatory process where he would be looking for wrongdoing or anything like that. He was looking at systems, procedures, approaches, and that type of thing.

SPRATT:

One of the recommendations he made was that the joint task force should create a guard team that, quote, "sets the conditions for the successful interrogation and exploitation of detainees." Exploitation.

SPRATT:

Later on, General Taguba and General Ryder made an examination or an assessment, and they said, according to the Taguba report, the recommendation of General Miller's team that the guard force be actively engaged in setting conditions for successful exploitation of the internees appears to be in conflict with the recommendation of General Ryder's team and AR 190-8 that military police do not, quote, "participate in

military intelligence-supervised interrogation sessions. Moreover, military police should not be involved with setting favorable conditions for subsequent interviews."

And they were implying that he had sanctioned this activity and that this activity is wrong for a reason. I think the reason is you may get your MPs involved in the wrong kind of activity or they may, without adequate supervision, go beyond what is approved procedure.

General Miller is now in charge of detainee operations in Iraq. Has any correction been issued to him? Has an exception been taken for sanctioning this kind of policy?

RUMSFELD:

I'll let General Smith respond in a minute. But first, let me -- you used some correct quotes from the assessment by Miller and by the Taguba report that seem in conflict.

What was found at Guantanamo was that the task was to do three things. One was to keep terrorists off the street, so they don't go kill more innocent men, women and children. And the second was to look at punishment and potential prosecution of people. And the third task was to interrogate and learn about additional terrorist acts that might be conducted, so we could save the lives of American people.

RUMSFELD:

The tasks are different for the people who have the responsibility for the custody of the detainee. Their job is to have them safe and secure and off the street.

The interrogators' job is to learn that they can learn from them to save other lives. It is quite proper, in my view, in my understanding of this, indeed it is desirable to have the people who keep them safe and secure do it in a manner that allows the interrogation process to be the most effective.

And I can see where the words from one assessment report and the words from the Taguba report, being different, that one could raise that issue. And that is clearly something that we need to address and come to some conclusions on. But I don't think that necessarily on the face of it there's a problem.

And do you if there were any corrections issued...

SPRATT:

Are you saying then that this policy of loosening up said that the MPs should be engaged in this procedure of loosening up, setting up and preparing the prisoners for interrogation and, quote, "exploitation"?

RUMSFELD:

Of course not. The things you're quoting about softening up, I saw that myself. Of course not. That is not the policy or the procedure.

SPRATT:

But it appears in General Miller's assessment that they should set the conditions for successful interrogation and exploitation of internees. And set the conditions...

SPRATT:

That is a very different thing from softening up, I would submit.

Do you want to...

L. SMITH: Yes, sir. I mean, I talked to General Miller this morning about that. And his clear intent on this, and it was explained in his report, is that the two were related in one form or another, I mean, because they were both involved in the same facilities.

L. SMITH: And the guards should be listening and watching to see who the detainees are talking to, should be part of the interrogation plan, not in the interrogation itself, but if there is -- with the minimums of the Geneva Convention, if they're to be woken up on time or at a particular time, or have a certain amount of sleep, that that was all part of the interrogation plan that would be approved up through the chain of command.

None of it inferred or intended to do anything against the Geneva Conventions, or the fragmentary order that was on the street that governed interrogation and the methods of interrogating. And so, the idea of softening up was in no sense intended to do the sorts of things that we were talking about here, or that we saw in the pictures, but simply a matter of being part of the whole solution.

HUNTER:

I thank the gentleman.

The gentleman from Texas, Mr. Thornberry.

THORNBERRY:

Thank you, Mr. Chairman.

Mr. Secretary and gentlemen, I appreciate you being here.

And I can't help but reflect that this sort of oversight and tough but fair questioning, which, for the most part, I think, you've received today is an element of exactly the sort of self-government we are trying to help the Iraqis to accomplish, where they, too, can ask questions of their government and to hold those who engage in misconduct accountable or to find out how they're going to be held accountable.

And so, I appreciate you being here.

On Monday of this week, I attended a funeral for a 21 year old Lance Corporal Aaron Austin (ph), in Amarillo, Texas, who was killed last week in Fallujah. He died trying to help the Iraqis develop a free and secure and stable country.

THORNBERRY:

And I guess the thing that bothers me the most about this incident is the extent to which it makes it more difficult to accomplish the objectives that Corporal Austin (ph) gave his life for.

It seems to me there are two aspects to this episode. One which you've set out in the chronology here relates to the conduct in the prisons. It's obviously deplorable. And we have investigations like we would have in a civilian context.

If there were prison guards in a civilian prison, or if there were police abuse, we have to be careful of the accused's rights, we have to focus on finding the facts, we have to get to the facts and engage in a systematic sort of prosecution.

And I agree with you and with others who have said, I can't find any fault the way that has been done so far, at least since January in this case.

The other aspect to this matter seems to me are the photographs, because they are being exploited by those people who want to try to keep the Iraqi people under

oppression. They are humiliating, they incite people, they hit in some of the most sensitive cultural spots, and the damage they have done is tremendous.

I guess what I'm not quite as clear about is whether our government is able to recognize and address that aspect of this problem or those kinds of things that come up.

THORNBERRY:

Some people talk about psychological aspects of warfare; some people talk about the war of ideas. And it may be that these photographs, in a classified report, came out of nowhere and appeared and there was nothing that could have been done to diminish the psychological impact or the damage that they would do.

That's a long way of saying, I hope in our investigations we don't just look at the conduct, but we get, Mr. Secretary, what you call the habits and procedures that it seems to me do relate to how we win the hearts and minds of the Iraqi people; that are beyond just the bullets and the important things we're doing, but relate to this war of ideas.

And I guess I'd like to ask -- and I'm not sure these questions can be answered -- General Smith, you seem to have the most knowledge and the longest stream of knowledge.

Do you know how many sets of photographs there were? Do you know how they got out, how they were leaked to the media? And was it a complete surprise, to the best that you know, that they got out? Or did we have time to think about some sort of a strategy -- not to cover anything up, but to try to limit the psychological impact that they would have?

L. SMITH: Sir, it was a surprise that it got out. I mean, it wasn't a huge surprise, because we knew -- we had one disc that was given to us on the 13th, and in the subsequent investigation, we got an additional disc that was back in the States.

And to the best of our knowledge at that time, that disc had not gone anywhere. I mean, it was one of the individuals. And we got the disc back, and it was our understanding that that was the limit of the pictures and we thought that we had them all.

L. SMITH: But you know and I know, it's a false hope. And we were wrong, that somebody put those pictures out, you know, in some form or another or the Internet or however they got out.

Who leaked them, how they got out, I mean, in my view, it had to be one of the people that was involved in all of this stuff. Those are the only people that we know that had the photos except, obviously, they gave them to the young sergeant that turned them in. He got a hold of it.

So, yes, sir, it was a surprise, but not that big a surprise.

HUNTER:

OK, I think the gentleman.

And just one question the gentlemen asked or implied that I think is really important, in light of Mr. Spratt's questions, we'd like to have this very clearly, is there anything, any official regulations, with respect to the treatment of prisoners, that directs anything close to what we saw in terms of the activity manifested in those pictures?

RUMSFELD:

Absolutely not.



MYERS:

I was just going to say, any implication that this behavior was driven by direction in the chain of command or by any pressure to get interrogation results from Washington, D.C., is absolutely just not right. I mean, that is not how it works at all.

Just to reiterate, the detainees in Iraq are covered under the Geneva Convention. Article IV for civilians and the other articles for other folks.

And we have a few -- we still have a couple, a handful of enemy prisoners of war, I think it's 12, at last count. Most of them are in the civilian category. Geneva Convention applies.

MYERS:

And those were the instructions that were issued.

And we can talk about troop strength. And we can talk about training. And we can talk about leadership. And we can talk about all those things. What you see on these photographs are people that, they could have had the best training. This was sadistic activity. And this was not a troop strength issue. These were people that had gone off on some tangent, on their own, for whatever reason, and done what they've done.

It certainly wasn't under any direction from any headquarters that I know of.

L. SMITH: Sir, could I also add that there were somewhere in the neighborhood of 7,000 to 8,000 prisoners there, in three different camps. At Abu Ghraib, in cell block 1-A, which is where this occurred, there were about 20 to 30 prisoners. And they were the ones involved. And most of this activity, as best we can tell, occurred between 2200 and 0400 in the morning. And so the pattern seems to be focused on a small group, these six or seven folks, and a small group of detainees.

HUNTER:

I thank the gentleman.

The gentleman from Illinois, Mr. Evans?  
(CROSSTALK)

HUNTER:

Yes, certainly. General Schoomaker?

SCHOOMAKER:

You know, in all of my years of service, I've never seen anything like this. And I've spent an awful lot of years of service engaged in special operations and in all kinds of things, and I've never seen anything like this.

And I want to be very careful here, because I believe that from what I have seen and read, that there is a confluence here of a leadership void, inadequate leadership and supervision, with some people that deliberately did things that were contrary to what they knew to be right.

I think it's as simple as that.

And I tried to address that in my statement very carefully. But these soldiers have been exposed to the correct legal, moral and ethical standards and the values and the things

that are there. And I think this is a great example of the confluence of a leadership void and people that deliberately were participating in things they knew to be wrong.

And I am convinced that this notion that there is somehow a systematic program to do this is incorrect.

HUNTER:

Thank you very much.

The gentleman from Illinois, Mr. Evans?

EVANS:

Thank you, Mr. Chairman.

Mr. Secretary, the Taguba report makes it clear that this was a failure in leadership.

RUMSFELD:

Sir, could you speak up just a bit. I'm having trouble hearing you.

EVANS:

I'm sorry. The report makes it clear that this was a failure in leadership and training at the unit level, from detachment to brigade level.

Just who is responsible when a brigade commander is found to have, in the words of the report, quote, "complete unwillingness to either understand or accept that many of the problems inherent in the 800th M.P. Brigade has been caused or exacerbated by poor leadership and the refusal of her command to both establish and to enforce basic standards and principles among the soldiers."

In other words, we see no officer implicated above Brigadier General Karpinski, who is now being held responsible for her failures within her command.

But who is responsible for this failure? Did no one above her know what was going to happen and look at it in another way?

In other words, Mr. Secretary, do other deployed units suffer from poor leadership and training of this magnitude? And are specific steps being taken to ensure units being called up in the next rotation will not suffer from the same problems with poor leadership and training?

RUMSFELD:

I'd like to start and then possibly others would comment.

The responsibility for training falls to the Department of the Army. The responsibility for leadership in the command falls to the Central Command. And the Taguba report, as you indicated, points up deficiencies, important deficiencies.

But that is the answer on the responsibility.

EVANS:

Well, what are we doing right now to prevent this from happening again with newly deployed people. It's of great interest to me, because I have a National Guard unit that's been moved from artillery to M.P. status. Now, I don't know if they're getting the leadership or the help that they deserve. Can you tell me about what we're doing immediately?

RUMSFELD:

Pete Schoomaker, do you want to tell him?

SCHOOAKER:

I apologize, but I cannot hear you at all.

EVANS:

Oh, I'm sorry.

HUNTER:

General Schcomaker, I think I could hear Lane fairly well on that. It's that his concern is about what's being done now to make -- to ensure that there's not a repeat of what we've seen.

EVANS:

With a respect to training or leadership.

SCHOOAKER:

Well, I think General Smith has addressed the fact that there have been major changes in terms of the leadership change and responsibility in the theater. And I know that we have placed into the country, out of the training base, experts that are now embedded in the supporting General Miller over there and doing training on the scene to ensure that we have the right expertise and the right training going on with the people that are now on the ground there.

And I believe General Smith mentioned this mobile training team that we've got in there.

I also know that we have a variety of other looks going on. The secretary of the Army with the Department of the Army I.G. is in there looking at this in a very holistic context.

I think General Smith mentioned that the chain of command has been established, cleaned up, and that we've got General Miller now with responsibilities over the totality of the problem.

So my view is we moved in a very, very positive way, very quickly, and got a pretty good handle on it. We -- as we mobilize soldiers or deploy soldiers, are putting specific emphasis on the Geneva Convention, the Hague and Geneva Conventions, the law of land warfare.

In our combat training centers, we're dealing specifically with the proper procedures and treatment of detainees from the point of capture all the way through the system to the point of detention.

SCHOOAKER:

And I can assure you this is receiving our very, very strong attention.

So outside of that, and I might not have been as comprehensive as I could be, but that's what I'm thinking of off the top of my head. And maybe the secretary of the Army has something.

MYERS:

Let me just add a word here that the training's important, leadership's important, but in my 39 years in the service I've been the victim of poor leadership and you didn't need a leader standing over these individuals on those nights, October through December, to remind them that what they were doing was not only illegal, but it's immoral and it's unethical.

And yes, we have things to fix. And yes, leadership can help. But it comes down -- there was one soldier in that unit that despite the leadership, despite whatever training deficiencies there might have been, figured it out. My guess is there were many more because this was a night shift operation that didn't know, and if they had known would have done the right thing as well.

SCHOOMAKER:

I might add...

MYERS:

This is a failure of individuals.

SCHOOMAKER:

I might add that the definition, if you understand discipline, discipline is doing what's right when nobody's watching.

This is a breakdown of discipline and a void in effective leadership and supervision, in my opinion, from what I've read as I've gone through General Taguba's report. But we are going to be very aggressive in going through this system and make sure that we have got a handle on it and are being proactive in terms of what we're doing to prepare our soldiers to operate in Central Command and elsewhere in the world.

BROWNLEE:

Well, I'll just reiterate some of what General Schoomaker said.

One of the things that I want to emphasize is the Department of Army's Inspector General (inaudible) that has gone over to Iraq and Afghanistan have done just what General Schoomaker said, they have started at the point of capture and taken it all the way back to the detention facilities.

BROWNLEE:

So they have looked at some battalion-level, they have looked at brigade-level facilities, they have looked at the division levels and then the other detention facilities, the bigger ones.

So this is a holistic look, it is comprehensive.

But in addition, a lot of the things that I mentioned in my opening statement that have to do with sending mobile training teams to our training centers, our national training center and our JRTC, where units train before they are deployed, we've emphasized these detention conditions also and training points there so -- and our military intelligence people as well.

All of our M.I. people now, before they deploy, go to Fort Huachuca first to get the latest in these things.

EVANS:

All right, thank you very much, and appreciate your continuing efforts.

Thank you, Mr. Chairman.

HUNTER:

I thank the gentleman, and we're going to go to Mr. Ryun next.

But I'd like to ask unanimous consent of our members and any other members of the House who aren't members of the committee get to ask questions at the end of our membership.

Without objection, we'll allow that to happen.

The gentleman from Kansas, Mr. Ryun.

RYUN:

Mr. Chairman, thank you very much for holding this hearing.

And I'd like to thank the secretary, General Myers, General Smith, Secretary Brownlee, General Schoomaker and all of those that are in uniform for your service to this country and those that might be watching; that they should understand that this is unacceptable, what has happened, but we are grateful for what they have done in helping Iraq get on its feet.

Like others on this committee and who serve in Congress, I've had the privilege of going out to the hospitals and visiting with those soldiers who have -- well, some have given their lives, some have given a limb, an arm or a leg.

I wish we were shining light on that today, because I think what it would really show is, you know, their determination, though they have lost perhaps a body part, they have never given up on the hope for freedom and are still fighting in their hearts for those that are there in Iraq and want to see that country truly experience what we in this country sometimes take for granted -- that freedom is an everyday thing.

RYUN:

But freedom has to be earned and freedom is never really free.

I'd like to shine a little light on just one simple question, because there are others here with questions as well.

There's been a lot of discussion about the prison, Abu Ghraib, and the horrific past it had under Saddam Hussein. It was a torture chamber. Unfortunately, now it has gained even further notoriety.

Would it not be, perhaps, a symbolic or a psychological end to a horrific past if that particular prison were torn down, sending a message to not only Iraqis but to the world that this is an aberration, that this is not typical of Americans, and that we need to bring an end to it?

I would appreciate your thoughts on it.

RUMSFELD:

There are certainly compelling arguments for that. It does have a past of Saddam Hussein's torturing and murdering and rape rooms and just a horrible, horrible past. And it might very well be a good thing. I wouldn't be surprised to see the Iraqi people make such a decision as they take over the management of their country in the weeks immediately ahead.

L. SMITH: Sir, right now, it's just one of the wings that has the military in it. The Iraqi police and correctional folks have about five wings of that place. We're just using a very small part of it right now.

But they should certainly have an interest in tearing that place down. There's unfortunately just not a lot of other places of that significance or that kind of thing right now to do it, and it's going to take about two to three years to build the kind of facilities they need to house their criminal population.

RYUN:

Thank you.

HUNTER:

I thank the gentleman.

The gentleman from Mississippi, Mr. Taylor.

TAYLOR:

Thank you, Mr. Chairman.

I want to thank these gentlemen for being with us today.

RUMSFELD:

I'm afraid I can't hear you.

TAYLOR:

Thank you, Mr. Chairman.

I want to thank our guests for being with us today.

One of the great privileges of my life was getting to know Stephen Ambrose. One of the more profound things that he ever told me was in response to a question as to what was different about the American G.I. in World War II.

He said something to the effect, I wish I could remember it better, that when a German soldier, or Nazi, when a Japanese Imperial soldier, when a Russian soldier showed up in a village, bad things were going to happen -- women were going to be raped, old people and kids were going to be tortured -- bad things were going to happen.

And the difference was when a G.I. showed up, be it in Belgium, be it in Germany, Italy, even though 10 minutes before they were our enemies, that wasn't going to happen.

And that really has been the history and the pride of the American service people. And I deeply regret the actions of a handful of people who have tarnished that.

I more so regret that the actions of a handful of people have put their brothers and sisters in uniform at risk. I strongly suspect that their actions will be one of the best recruiting tools for Al Qaida and the Baathists and those who seek to hurt us anywhere in the world.

Secretary Rumsfeld, I'm troubled that it wasn't just this that happened. What I see is a persistent mention of a lack of manpower as one of the contributing factors.

I've taken the time to read the report by Major General Ryder, which is on your time line over there, was presented on the 6th of November, but actually took place between the 13th and the 6th.

If you read the second report by Major General Taguba, and read the first one, you might think you're in two different countries.

TAYLOR:

The first report does not mention escapes, it does not mention the assistance of Iraqi guards in those escapes, it does not mention that a weapon was smuggled to an Iraqi prisoner, and yet, if checking the time lines, most of these things occurred while General Ryder's team was in Iraq.

I say this because I see -- as someone who believed the president when he said there were weapons of mass destruction and they were getting ready to be used against Americans, and who voted for and shares in the responsibility for the death of over 700 Americans, I see a pattern here that I don't like.

It was moms and dads from homes who had to write me and tell me that their kids weren't getting the proper body armor. It wasn't from one of these hearings.

Then it was David Kay, a Bush appointee, who had to tell me in Baghdad that because of a lack of manpower, huge ammunition caches were left unguarded in Iraq and were used by our enemies against our troops later on as people went and stole those weapons.

As far as IEDs, it was conversations with troops in the field that told me that that was their biggest fear, not a hearing in this room, not a statement from the secretary. It was troops in the field that told me that that's what they were afraid of and they didn't think the proper measures were being taken to protect them.

And lastly, it was a National Guard unit from home, shortly before Christmas, that showed me proudly their efforts to make their own up-armored Humvee, because apparently no one above was bothering to tell Congress, which writes the checks for these things, that they needed to be protected.

You're obviously a smart man.

TAYLOR:

I mean, you're probably one of the smartest people I know. Just in this room last week, you recalled a conversation we had four months ago. (Inaudible) you made mention of it. Then you made mention of a conversation that you and I didn't even have, but I had with someone several links down the chain of command from you.

And what's troubling is how someone who is so smart and so detail-oriented, why does it take from January to May for this committee now to find out about this in the wake of all those other things that this committee should have known about?

I sent those kids off to get killed. I share in that responsibility. I also share in the responsibility to fix these things, but we can't fix these things if we're not told about them.

And I would welcome your response.

RUMSFELD:

You bet.

If you have 18,000 criminal investigations opened a year and you have a society that respects the rights of defendants and people that are subjects of potential prosecution, and you look at this situation here, that report that's sitting over there worked its way along very rapidly. It was not yet in the Pentagon, to my knowledge, when a copy of that secret report was given to the press.

There were no secrets about what was happening. It was announced by the Central Command in January that there were charges of abuse. It was announced on March 20th by Central Command, which -- I can't see it there, but if you'd sit back a little...

(CROSSTALK)

RUMSFELD:

... and you knew what we knew at this level.

TAYLOR:

At what time were you made aware of the photographs?

RUMSFELD:

There were rumors of photographs in a criminal prosecution chain back some time after January 13th that were basically --- I don't remember precisely when, but some time in that period of January, February, March.

TAYLOR:

But if I may, Mr. Secretary, I think it was a universal response in seeing those photographs that we were all shocked about and probably 90 percent of us said, "What in the heck were they thinking?"

I've got to believe that given the sensitivity of this and the graphic nature of what was going on that this would have been...

(CROSSTALK)

RUMSFELD:

Oh, if you'd seen the photographs, absolutely. I agree completely.

TAYLOR:

But I would have believed that this would have been followed -- or do you -- somehow, someone would have seen that it got to you. Because I know you're a smart, detail-oriented guy.

RUMSFELD:

It wasn't. It just wasn't. It was not -- the photographs were not brought up out of the criminal prosecution chain because, as I said in my opening statements, the habits, the procedures, the normal pattern of the way things are done.

And here was this, what you properly say, was just so stunning, so shocking. And the damage that's been done is enormous. And it breaks our hearts that in fact someone didn't say, "Wait, look, this is terrible. We need to do something to manage the" -- the legal part of it was proceeding along fine.



What wasn't proceeding along fine is the fact that the president didn't know, and you didn't know, and I didn't know. And as a result, somebody just sent a secret report to the press, and there they are.

I don't know what the answer -- I'll tell you my nightmare today. I'll bet you anything that the sensitivity throughout the chain of command today is great on this issue. I mean, everyone is stunned by it.

RUMSFELD:

My worry today is that there's some other procedure or some other habit that's 20th century, that is normal process, "the way we've always done it," quote/unquote, a peacetime approach to the world, and there's some other process that we haven't discovered yet that needs to be modernized to the 21st century, that needs to recognize the existence, in this case, for example, of digital cameras.

And trying to figure out what that is before it, too, causes something like this is my nightmare.

TAYLOR:

Mr. Secretary, the chairman's been incredibly generous with my time. Let me just follow with one last question. Open to the panel.

Were any of you aware of these photographs prior to the "60 Minutes" publication? General Myers has already made me aware that he was aware. I'm curious if you other gentlemen would respond.

MYERS:

Let me just respond. I did not see the pictures until last night with the secretary. That's when I saw them.

The secretary and I, as he said, we were both aware of the possibility of pictures in January when this investigation started. That's when I was first aware.

BROWNLEE:

Sir, we certainly knew what General Kimmitt said on March the 20th, and he described what people had been charged with, and we had been told there were pictures.

One may visualize that someone may have sneaked a camera in and taken some pictures of someone who was maybe doing something with one of the detainees, but I don't think anybody sitting here thought in their wildest dreams that there were posed pictures of this kind of debauchery in these numbers. And for the record, I saw the pictures the first time on the Dan Rather video show, was the first pictures I had seen.

TAYLOR:

General Schoemaker, the same? I see you nodding your head.

SCHOOAKER:

I saw the pictures for the first time on television, and then I saw them with the secretary last night on the disc, first time that...

RUMSFELD:

And the reality is, we don't know what's going on in these other 3,000 court martials that are going on today. In other words, we do not have visibility from the Pentagon, from Washington, D.C., into the criminal prosecutions that are existing all across the world.

And the question is, should we? How would one do that without jeopardizing the rights of the defendants? How would one do that without being charged with creating a situation where no one gets convicted because of command influence? It is a very tough, complicated problem.

TAYLOR:

Again, thank you, gentlemen, for being here.

And, Mr. Chairman, thank you...

SCHOOMAKER:

If I could, sir, I also think it's important to note that, aside from the pictures, the first time that I know the secretary and I saw the Taguba report was Monday.

MYERS:

Same for me.

RUMSFELD:

And we still haven't seen the videos. There's another disc that has videos on it.

TAYLOR:

Thank you, sir.

HUNTER:

I thank the gentleman.

The gentlelady from New Mexico, Ms. Wilson.

H. WILSON: Thank you, Mr. Chairman.

General Schoomaker, you said with some passion that never in your career have seen anything like this.

(CROSSTALK)

H. WILSON: Thank you, Mr. Chairman.

General Schoomaker, you said with some passion that never in your career have you seen anything like this, and it brought something to mind, and the parallels are pretty striking.

What it brought to mind for me was My Lai. And that incident had a profound effect on your generation and the people in the Army and on American support for the war and on the world's view of America.

H. WILSON: And I don't think we can underestimate the importance of this hearing today or of the military and the Defense Department's response to what has been uncovered for how America will be perceived for the next 20 years.

And I think it's very important for complete and full disclosure of all relevant information that the Defense Department has irrespective of the way we've always done it.

And I agree with you, Mr. Secretary, the way we've always done it, in compartmentalizing information that has a huge impact on the way America is viewed is no longer acceptable. You need to break through those walls and be able to stand in front of the world and tell everyone what you know.

I would like to follow up a little on the line of questioning that Mr. Spratt began, and that has to do with command and control, the lines of authority.

It is my understanding that there was an order given on the 19th of November that effectively put the Abu Ghraib prison under the command of military intelligence.

There's a section of that order that is quoted in General Taguba's report. I do not have the complete copy of the order, but the paragraph says, "Effective immediately, commander of 201st Military Intelligence Brigade assumes responsibility for the Baghdad confinement facility and is appointed the forward operating base commander. Units currently at the Abu Ghraib are tac-con (ph), tactically controlled, to 205 Military Intelligence Brigade for security of detainees and FOB protection, forwarding operating base protection."

That order effectively put all the MPs in that unit under the command or under the control of military intelligence, which, as I understand it, is contrary to Army regulation.

H. WILSON: Is that order still in effect, or has it been rescinded?

RUMSFELD:

General Smith?

L. SMITH: It's been rescinded. The organization under General Miller right now is established so that he works for CJTF-7, General Sanchez. And the M.I. brigade and the M.P. brigade, both work directly for him.

H. WILSON: Who signed that order, and did any of you know...

L. SMITH: The November FRAGO?

H. WILSON: Who signed the order, and did any of you here testifying today know of that change?

L. SMITH: I'm not sure what you mean...

H. WILSON: The 19...

L. SMITH: The November order?

H. WILSON: The 19 November 2003 FRAG order changing the lines of command. Who signed it, and did any of you here today know that it had been signed?

L. SMITH: General Sanchez signed the order, as the CJTF-7 commander.

RUMSFELD:

I did not know.

MYERS:

I didn't know.

RUMSFELD:

It's not the kind of thing we would know.

(UNKNOWN)

I did not know.

(UNKNOWN)

I did not.

L. SMITH: And I didn't know. I was just arriving at CENTCOM at the time.

H. WILSON: Is it possible this committee -- I think the order may be in this pile over here, and I believe that the committee should have access to that order, preferably by close of business today.

L. SMITH: I might mention that the idea there, really, was to put -- because there were multiple commanders out there at Abu Ghraib, to put it under one -- the whole thing under one commander. More unity of command, unity of effort than it was to subordinate the M.P.s in the interrogation process.

RUMSFELD:

I would also add that I do not know whether it's against Army regulations or not, or doctrine or procedures, I just simply don't know the answer to that.

RUMSFELD:

And I would not want to leave my silence to suggest agreement with your comment.

SCHOOAKER:

I'm told back here, Congresswoman Wilson, that that's a task organization issue, not a regulation.

H. WILSON: According to Major General Taguba's report, he found that the setting of conditions and the lack of separation of military intelligence from M.P.s was contrary to Army regulation 109-8, and was a contributing factor to the problems in Abu Ghraib. And I think that's an important factor that warrants some further consideration, that I haven't heard discussion of.

And, Secretary, I'd like your response and comment.

RUMSFELD:

I'm sorry, did you just ask me a question? I couldn't hear a thing.

SCHOOAKER:

I heard what she said. I think we were addressing a different issue. You talked about tactical control, the M.P.s under it. Now you're talking about doctrinal mission business and Army regulation, and I think those are two things.

You could have M.P.s under the tactical control of the M.I. to do the M.P. doctrinal role, which are to provide a safe and secure environment. When you step over the line and say you now have them setting conditions or participating in interrogation, that's a different issue. And I think you're exactly correct. The Army regulation prohibits that.

But I thought we were addressing a different issue when you first said that. I thought you were addressing the tac-con (ph) issue.

H. WILSON: Major General Taguba's report says that there was confusion over who was in authority in this prison and that some of the guards may have been taking their direction from the military intelligence interrogators on that unit, and that this order

contributed to that confusion, particularly as there were no written standard operating procedures as to how these soldiers should act and what the limits of their authority were.

H. WILSON: That seems to me to be a major issue of command and control, and something worthy of further analysis and thought.

SCHOOMAKER:

And I think we would agree with that, exactly what you just said.

HUNTER:

(OFF-MIKE) the gentlelady's point, this question. And I think the implication, once again, that what we saw in those pictures may have been directed by the interrogation leadership, which had taken over, which now had a larger role in the prison. I think that's a question that has to be explored and investigated.

Is that question being explored and investigated?

RUMSFELD:

It is. The Fay investigation is the one that is looking at military intelligence. What's its due date?

MYERS:

I think it's several weeks out, if it stays on schedule.

HUNTER:

OK. Mr. Secretary and Secretary Brownlee, as you move forward, as we have this weekly briefing that's available for our members on the status of this overall issue, that of course, I think, is a very important element, because that obviously makes the perspective here much different.

The gentleman from Arkansas, Dr. Snyder?

SNYDER:

Thank you, Mr. Chairman.

Thank you, gentlemen, for being here. I think you have made a good start, both with the Senate and over here today on trying to get this resolved. And I know that your country appreciates you.

Secretary Rumsfeld, I want to answer one of your questions which you brought up just a minute ago: Is there anything out there that we could be doing that could avoid things like this? There are some members of this committee that are very interested in doing an update in the UCMJ, modernize the UCMJ with regard to sexual crimes.

SNYDER:

The Cox commission three years ago recommended that it be revamped. It has been sitting there. We still have questions coming from DOD. The markup of the defense bill is by Wednesday, and it would be a wonderful thing if you could resolve those concerns and questions by this next week, because it is over 50-year-old provisions that we're now using in the UCMJ to prosecute sex crimes. It needs to be updated. I think we're quibbling over some details I would hope could get resolved.

General Smith, there was a press report last week about Sergeant Darby. A family member expressed concern for his safety. I assume from the comments you all have made today and at the Senate that not only is he protected, but that he is well respected for what he has done throughout the military. Is that a fair statement?

L. SMITH: Sir, I can't tell you that personally. I mean, I can make that assumption.

SNYDER:

You don't have any reason to think there would be anyone who would bring -- within the military that would be concerned for his safety?

L. SMITH: Sir, the shame of all this for the soldiers that are doing -- I mean, the danger is for the folks that protected them, not for the ones that turned them in.

SNYDER:

General Myers, in your discussions with CBS about that report, in which they delayed it, I think, for two weeks or something while things were going on, was there anything that you agreed to do in response for that? Did you agree not to go public with this or not to discuss this? Or it was just a courtesy that they extended to you in interest of protecting the lives of our men in women in uniform?

MYERS:

Right. And that's why I did it, because I talked to General Abizaid, I think it was on Saturday. On Sunday I talked to my public affairs folks.

You know, we had heard now -- this was in April -- we had heard for months these photographs were out there. Hadn't seen them.

SNYDER:

No. I don't have much time. Your answer to that question was no, you didn't agree to do anything...

MYERS:

No. We did say when the photographs were released that we'd be willing to provide somebody to come talk about this issue.

SNYDER:

General Kimmitt's did that, and I thought...

MYERS:

I think it was General Kimmitt that finally wound up being that. And it wasn't an agreement; it was just a suggestion that we'd like to have somebody senior talking about this.

SNYDER:

I think he did a good job.

One of the concerns of this Congress has been, as you've heard it today at the Senate, about our involvement in this and our lack of information, because we want to help you.

I mean, this is a huge problem, as Heather Wilson pointed out. And you know it's a huge problem, and Secretary Rumsfeld's statement about it being a huge problem.

But when you were here last week, General Myers, and as we left I said to one of my colleagues that I wonder how long it had been you had had a three-day weekend with your wife, because you look very tired. But you -- probably perhaps one of the reasons, knew that this thing was coming.

Perhaps if we had known that was coming, and General Myers and the chairman of the committee and Mr. Warner, you all could have done some kind of a joint press conference that said, "This thing is coming tonight on this show with very, very ugly photos, but we are committed as a Congress and a people to get to the bottom of that," we could have helped you deal with this.

Instead in this business, you know, a one-day story becomes a two-day story. Obviously it's much longer than that.

But we want to help you. And I think that there are members here, some of the most senior members, that could have helped in this situation had we known. That's my only 20/20 hindsight comment that I'm going to make. I'm not going to prejudge all this stuff here.

MYERS:

Two comments: You're right, we could have done a better job of that. I'm sorry I look tired.

SNYDER:

You're entitled, you're entitled. You've been working hard for a year and a half or two - or 39, you've been working hard for 39 years.

MYERS:

Sir, in fairness, though, there was a process that did inform some staff members that the show was going to come out on Wednesday night. I'm not saying it was sufficient, but I'm just saying...

SNYDER:

That was not sufficient.

MYERS:

Yes, I'm not saying it was. But I...

SNYDER:

We can help you, and there are members -- Chairman Hunter would have...  
(CROSSTALK)

SNYDER:

... sat down with you and could have come up with what I think clearly would have been a better plan than what occurred.

I want to ask a specific question of General Smith, and it's a detailed question.

SNYDER:

You mentioned the 20 to 30 detainees and a small number of people. The most recent Washington Post photo shows, by my count, nine military people in the photo, and then I don't know if there was a photographer, or if that was a video camera from the second floor.

But that potentially is 10 people. We can't possibly be having a two-to-one or three-to-one ratio of military to detainee -- are we -- in that prison? It's like 6,000 or 7,000, is that number...

L. SMITH: That cell was a special cell that kept 7-24 coverage with a number of folks. Now, some of the folks that were in those photos were people that should not have been in the photos, were not part of the (inaudible) recommended protection (inaudible), the guys with the dogs for instance.

But those six folks, in one form or another, were the ones -- those six or seven were the ones, at one form or another, were involved in it.

But they had about 450 people in a battalion that were guarding the 7,000 to 8,000 folks there were the contingent that stayed in that cell block 1.

SNYDER:

My time is up.

Thank you, Mr. Chairman.

RUMSFELD:

May I just say, you're right.

If we had seen those photographs, you're absolutely right: we could have gotten together with the president, with the Congress, with others, and figured out a way that -- it still would have been terrible and it's going to get still more terrible, I'm afraid, because there is still a good deal more pictures and video. But, you know, you're right.

SNYDER:

Thank you.

HUNTER:

I thank the gentleman.

This is indeed a red letter day, because you always want the secretary to end up his statement by saying you're right, Dr. Snyder.

SNYDER:

You do.

HUNTER:

I wish it happened all the time, but this is a red letter day.

SNYDER:

Not as important as you saying I'm right, Mr. Chairman, but almost. Thank you.



HUNTER:

That will happen soon.

The fine gentleman from Connecticut, Mr. Simmons.

SIMMONS:

Mr. Secretary, members of the panel, I've always been proud of my service as a soldier in the U.S. Army.

I've been proud to be a military intelligence officer for over 30 years in the U.S. Army. I'm proud to be a Vietnam veteran. But I think like a lot of folks who saw these images, I'm not proud of what took place at the Baghdad Central Correctional Facility.

It doesn't reflect our values. It doesn't reflect my values or yours or those of the American people or those of the majority of our soldiers. And it also -- and I think this is really important -- it doesn't reflect our rules, our laws, our regulations.

And I refer the committee to FM 34-52 which is "intelligence interrogation" -- this is the regulation which prohibits acts of violence or intimidation. It says such illegal acts are not authorized, will not be condoned by the U.S. Army. And it says that in our experience these acts don't work. And I agree with that.

I did some interrogation work when I was assigned to Vietnam and these types of activities don't work.

And then it goes on to say something that's really important: "Revelation of use of torture by U.S. personnel will bring discredit upon the United States and its armed forces while undermining domestic and international support for the war effort."

This is FM 34-52. That's what it says.

And it also puts our soldiers and allied personnel at risk.

This is the book. This is what the book says. And the book apparently was ignored or not read or people were not trained in it. Or, as my colleague from New Mexico pointed out, under FRAGO 1108, issued on 19 November 2003, the lines that discriminated between M.I. personnel and M.P. personnel were blurred.

SIMMONS:

Now, I also went through the report, not the one with the annexes but the one with the basic text, and what I see in the 800th M.P. Brigade is a unit with low morale, no posted SOPs, no METL, poor training, no discipline, no saluting.

And when the M.I. folks said we need to salute, the brigadier general said no, we're not going to salute. No strictness on uniform and no corrective actions. And it seems to me that under those circumstances that general should have been relieved, but my guess is that the FRAG order was issued to bring some of her M.P.s under the control of the M.I. so that the M.I. could get what they wanted out of the situation.

And then I look at the recommendations for punishment for the general, for the lieutenant colonel, promotable, for Colonel Pappas and for the others -- relieved of command, reprimands.

And I guess my question goes to two things: When you discover that you have a senior officer who's not getting it done, why don't you just get rid of them, send them home; not move the system around so that M.I. and M.P. are blurred because we know that's not the way it's supposed to be and we know that's what the regulations say should not be done?

And are people really going to be convinced of our seriousness about the leadership problems in the chain of command?

SIMMONS:

If it's the enlisted personnel -- and I served as an enlisted person for three and a half years -- if it's the enlisted who had their hands on the prisoners that are going to get the court martials, and the majors and the lieutenant colonels and the colonels and the brigadier generals are going to essentially get a reprimand and off they go, is that the message that we want to be sending out at this point in time?

RUMSFELD:

I guess that's a question that is difficult for each of us to answer, because of the problem of command influence.

The investigations are open, criminal and otherwise. They are proceeding. Each level, as I understand the process, and as you know, has an opportunity to review. And for those of us here in senior positions of responsibility to be commenting on the nature of the decisions that have been made at the lower levels would be -- could have an unintended consequence.

SIMMONS:

I thank you for that answer, and I respect the situation you're in.  
Let me just ask you this: Do you understand what my concern is?

RUMSFELD:

I do.

SIMMONS:

Thank you.

HUNTER:

I thank the gentleman.  
The gentlelady from California, Ms. Tauscher.

TAUSCHER:

Thank you, Mr. Chairman.

Mr. Secretary, General Myers, Secretary Brownlee, General Schoomaker, General Smith, it's been a long day. And I know that it's been uncomfortable for many of you as it has been for us. I think a lot's been made of the pictures and I think the pictures certainly were a gut punch for many of us.

TAUSCHER:

But I'd like to talk for a second about the fact that I believe you, Mr. Secretary, when you say that while there's a criminal investigation going on it's very difficult because of the necessary protections one has to afford people that are under alleged crimes and under alleged criminal activity and potential prosecution that, you know, evidence and things like that need to be protected.

But I guess I wonder, were there no other sources or ways to know that there was a real problem?

And I look at that time line over there and I find it interesting that the October to December '03 alleged detainee abuse occurred, and I look above that and I see that basically from May/June until -- thank God for Specialist Darby -- basically where would we be today without Specialist Darby?

It confounds me that there was no other way for us to know that there were problems.

Where was the International Red Cross? Where were the humanitarian organizations? Where was the Red Crescent?

Mr. Secretary, there was no other way for you to find this out? You were not aware of concerns offered by the Red Cross?

There are press reports today that the Red Cross and other human rights organizations were talking to Secretary Powell, Dr. Rice and others in 2003, before Specialist Darby came forward. And if their concerns had been addressed, if they had a proper hearing, perhaps we wouldn't be in a situation right now where we have parallel criminal investigations going on, where we can't speak to issues, and maybe we could have addressed this a lot sooner.

RUMSFELD:

The International Committee of the Red Cross visits all of the facilities that the Department of Defense has. They have been doing so since the outset. They have made a series of comments on each of their visits.

RUMSFELD:

Those comments have been addressed by the Department of Defense, by the commands that have the responsibility for managing detainees.

And it has been an ongoing relationship. They take their reports. They give them to the local commander. They also periodically visit the White House. They visit the Department of State. They visit the Department of Defense and provide their concerns, and the concerns get addressed.

It's a continuing process. It goes on and on and on.

The implication that there was some pocket of information in the Department of State or in the White House that wasn't available to the Department of Defense and hadn't been addressed by the command, it seems to me, is a misunderstanding, notwithstanding how it's being written in the press.

Do you want to comment, General Smith?

TAUSCHER:

Actually, before you do that...

RUMSFELD:

He's the one who received the report.

TAUSCHER:

But you're telling us that you never heard of any suspected abuse prior to Specialist Darby coming forward in January of '04?

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RUMSFELD:

I have to think. There had been other charges of abuse at different locations around the world. It happens from time to time.

TAUSCHER:

But you heard of no terrible abuse or questions of criminal behavior...

RUMSFELD:

In Abu Ghraib...

TAUSCHER:

In Abu Ghraib prior to Specialist Darby coming forward?

RUMSFELD:

I recall no -- an indication to you, Dick?

MYERS:

No, sir.

RUMSFELD:

To you, Steve?

Yes. He just said what I said, that we had continuing reports of troubles in various places, including the International Committee of the Red Cross, but that in terms -- nothing of the scope that you're talking about here.

TAUSCHER:

So they were not taking seriously -- they -- it was the pictures, then, you're suggesting, that (inaudible) everybody?

RUMSFELD:

No, I'm not. No, I'm not.

Of course they're taken seriously. They're taken seriously. There are 18,000 criminal investigations opened a year in the Department of Defense.

RUMSFELD:

You would not open them if you did not take them seriously. They are the responsibility of the commands.

General Smith is the deputy combatant commander for the command. I think he should comment on this.

L. SMITH: We did get the ICR, International Red Cross report. Now, you know that that's not releasable information because of the relationship between the people that they investigate or that they visit. And so we can't, theoretically, talk about exactly the things that they saw.

But that report was received. The 800th M.P. Brigade commander responded to that. Whether the response was adequate or not, I can't tell you, but then the ICRC came back

and visited 4 through 8 January. And the indications from there was that there were improvements. And it's a continuing system of improvements.

And so the interesting thing about the October one is it was a no-notice visit, and they didn't debrief anybody on the way out. So no action could be taken or respond to it until they submitted the formal report, which was significantly later.

So the 800th M.P. Brigade command response was not until the 24th of December. But they obviously improved sufficient that they got a better report card in the January visit.

TAUSCHER:

Could that have been because they weren't there at night?

L. SMITH: Possible.

TAUSCHER:

Thank you.

HUNTER:

I thank the gentlelady.

The gentleman from Oklahoma, Mr. Cole.

COLE:

Thank you, Mr. Chairman, I appreciate that.

Before we begin, I just wanted to, frankly, thank each one of you for your service. You've collectively spent your lives -- and, Mr. Secretary, you in more capacities than almost anybody I could imagine serving your country.

And I appreciate that. I think everybody here respects your patriotism, collectively and individually, and your professionalism, and, frankly, your professional integrity.

COLE:

And this is a very sad and difficult day for us; I can't imagine what it is for you. And I just felt like that needed to be said.

Having said that, I want to make one other comment before I get to my questions -- or make two other points.

One, it was mentioned earlier that the response, once this came up, was timely and thorough. And I think that's true, but only to a point. I think it's very true with respect to, as soon as people knew what was happening, criminal investigations began, people started looking at it, actions were taken.

But I think the department, frankly, was extraordinarily slow in understanding the implications of what was going on, and what that was going to do to public support for this effort in this country, what it was going to do to our efforts to win support in Iraq, and what it was going to do with respect to our enemy.

I mean, we shouldn't kid ourselves, this is a political and public relations Pearl Harbor. It is a disaster of enormous magnitude, and a great setback to us. And I think we were very slow to recognize that.

I would also say, and I agree with my friend Mr. Snyder, I think you were very slow in coming to your civilian counterparts, or certainly to Congress. I think we could have, and would have, been helpful.

I mean, terrible things happen in war. Awful things happen in war. But I know this country well enough to know we can't sustain conflict if it doesn't believe in the conflict that it's fighting, and it doesn't believe in the cause that it's for.

And, you know, I think we could have helped in that regard, and explained that. And I would hope, as we move forward, that you keep that in mind.

Having said those things, there's a couple of things I'd really like to focus on.

One, we've had these press reports, and we began to discuss them a moment ago, that we've had multiple alarm bells, not just a lot of bad things happening in one place, but a number of bad things happening in a number of different places.

And there's a big difference between those two. If we've got something that went wrong with a particular unit, a particular place, a particular time, that's one thing. If we've got a number of places where we are detaining prisoners of war, detainees of one sort or another, and there are bad things happening in all those places, then that suggests a real problem in our systems, our command personnel, our training, everything.

COLE:

So I would ask you, which is it? And I'd be happy to direct -- maybe, Mr. Smith, you first, because I think you're most (inaudible). But I think that's a very important thing for us to establish, how broad is this problem?

L. SMITH: Sir, I mean, there is obviously abuse that occurs in the system from the time that somebody is captured to the time they're interned and released. Most of that occurs before arrival at the internment facility. But there are events that occur, but it is, in my view, not systemic, that they're rare events.

That's what I was trying to get at about when I described how Abu Ghraib is. I mean, at the time there were 7,000 to 8,000 detainees there, and while there were probably other levels of abuse, they were more the kind of being hooded and standing outside the facility with your arms tied behind you or something like that while they were waiting too long to get in. Nothing -- nothing -- that even begins to compare to what we see in the pictures.

COLE:

Again, that is a very important point as you move forward to establish whether or not that's true because I really think the confidence that the country has, you know, will turn on that a great deal.

Second, let me ask you, I would argue and I think you've acknowledged that you were slow in informing Congress. We found out in a very unfortunate way, the American people found out in a very unfortunate way about this. Given that, when were you planning to let us know?

COLE:

And how were you planning to let us know? And there's clearly, you know, a process here. But what were you thinking in terms of time line?

RUMSFELD:

Well, let me walk back over it. It was announced to the public in January that there were charges of abuse. In March, he announced it again, and he listed specific indecent

acts and sexual acts, and other aspects of the abuse. And that was announced to the world. It was briefed to the press in Baghdad.

(CROSSTALK)

RUMSFELD:

It was questions on CNN here and...

COLE:

I understand that, Mr. Secretary, and I'm not trying to be contrary or adversarial. But there is a big difference. I mean, you know...

RUMSFELD:

Of course there is.

COLE:

... when you really want us to know something, it's amazing. We usually have a classified hearing. I'm not saying that needed to be, but...

RUMSFELD:

I'll answer you.

COLE:

Yes, sir.

RUMSFELD:

You knew exactly what we knew, I knew. The people in the command who were running the investigations, the criminal investigations, who had access to that disc knew more. I didn't know it. The president didn't know it. You didn't know it.

The real issue is that a secret report was given to the press, and the disc, out of order. And you say, When did you plan to do this? We didn't plan it because we didn't know about it. We hadn't seen that report. We hadn't seen the disc.

COLE:

And I think that's precisely, perhaps, the problem, Mr. Secretary.

RUMSFELD:

Exactly.

COLE:

Not just that it was let out, because honestly, something like this was going to get out. But why did this not get to you, I mean, with extraordinary speed? Because, I think, as you say, the minute you see it, the implications were breathtakingly obvious. But that information was in the system, that there was something badly wrong for months.

And this was not just a question of individual rights, but for months in a way that now have undercut our ability to wage this war, to be successful, the credibility of outstanding

men and women. And it was not acted upon, and it was not brought to you or to us in a way in which we could help you.

And I would just hope, you know, this is -- I know this is agonizing to have to go back through this.

COLE:

And I'm really trying to look forward. The most important thing to me is, one, could you figure out if it's systemic and let us work with you on it? Because if it is, we've got a big problem.

And two, how do we deal with this stuff where it doesn't break out of the blue on us in a way that really is an enormous setback to our efforts? Aside from the atrocity, the horror of this, where the individuals -- and I know you share that. I have no doubt. I mean, you're all honorable, decent men. I know you are repelled by what you saw and what occurred -- no doubt.

But we are even beyond that, as bad as that is, what has stemmed from this of national and international consequences. It's just staggering to me.

RUMSFELD:

Congressman, we're trying to figure out what can be done to the process that is respectful of the defendants' rights, that does not put the Pentagon into the 18,000 criminal investigations that are going on in any one year, and yet we have the ability to find out something that is that big, that enormous, that has that potential for damage to our country.

The system currently does not provide for that. And unless somebody down below looked at it and out of the -- probably first, in the criminal investigation procedures -- looks at it and says, well, we don't give these things to anybody. This has got to be kept in the criminal prosecution -- but this is different. And I don't know how we do that, but we're going to sure try to figure out a way to do that.

COLE:

Well, if I may just close with this: Let us work with you on that, because this committee is full of your friends on both sides of the aisle, I can assure you of that, and believes in what you're trying to do and trusts your personal integrity.

And part of this perhaps is we've not had quite the degree of trust or dialogue back and forth that we ought to have. So let us work with you to try and achieve that objective.

COLE:

Again, thank you for your service. I can't say -- I know this is a tough, tough day, and you've earned everybody's respect in this country and certainly on this committee.

HUNTER:

I thank the gentleman.

The ranking member had a comment.

SKELTON:



I'd like to follow up with an observation based on Ms. Tauscher's line of questioning and now Mr. Cole's questions.

You know, if Private Jones down in the 2nd Platoon lost his helmet, no one's going to pay much attention to that. If Private Jones down in the 2nd Platoon lost his rifle, that's going to go up the chain of command to goodness knows where, probably with someone with stars on his or her shoulders.

This is very much like losing a weapon, not just an ordinary piece of equipment.

I know there are a lot of court martials out there, but there's some that are so explosive strategically that they ought to go up the chain of command, at least the potential of it.

I would hope that there would be some established procedure should these things come to pass in the future, because this is an absolute nightmare for everyone involved -- our country, our soldiers, the Iraqi people.

And I would hope along that line there could be a recognition of the potential strategic court martials that have such an impact.

Thank you, Mr. Chairman.

HUNTER:

I thank the gentleman.

The gentleman from Connecticut, Mr. Langevin.

LANGEVIN:

Rhode Island, Mr. Chairman.

HUNTER:

Oh, I'm sorry, Mr. Langevin, I'm sorry, Rhode Island.

LANGEVIN:

It's been a long day, but thank you, Mr. Chairman.

HUNTER:

The distinguished gentleman from Rhode Island, Mr. Langevin.

LANGEVIN:

Thank you, Mr. Chairman. But we're very close with Connecticut.

(LAUGHTER)

Let me just thank you, gentlemen, for being here. It's been a long day.

I share my colleagues' outrage at this entire situation. It has done an enormous amount of damage to the credibility of this nation, and it's going to take us years to recover from it.

LANGEVIN:

It's done great damage to us achieving the mission in Iraq, and I have been of the opinion that the success in Iraq is by no means assured, although we know that failure is not an option, and this is going to make it measurably more difficult to achieve the mission of establishing a functioning democracy in Iraq.

What I want to know as we go forward from this point forward, how do we repair the damage to our credibility as a nation on the issue of human rights? How do we criticize other nations on their human rights violations?

How does the president of the United States speak with credibility on human right violations of other nations when he's meeting with foreign leaders? What advice are you going to give him to be able to do that with any sense of credibility, especially in the Arab world on this particular issue and winning the hearts and minds of the Iraqi people?

The overwhelming majority -- I want to be on record, too, as acknowledging the overwhelming majority of our men and women in uniform are doing an outstanding job. I've traveled to Iraq and I had the opportunity to visit with our soldiers and I know the pride that they share in the professionalism of their service and their dedication to the mission.

They've been tarnished by all this. They're owed an apology not only by the individuals who committed these acts, but the way this whole thing was bungled in terms of its handling -- informing the world and particularly the Congress, because it could have been done better.

Mr. Secretary, I'm looking at this chart, this elaborate chart, and the one thing I don't see on there is the specific date in which you and General Myers actually became aware that something like this existed.

LANGEVIN:

And I'd like that clarified, if I could, for the record. I know that we've touched on it, but the specific date -- and I also want to know what efforts were taken by -- I see there was a -- on the 16th of January, that General Kimmitt notified reporters, but what did he or others do in terms of taking the specific steps to run this up the flagpole as high to the Pentagon as it could possibly go?

I'd like some answers to those questions.

RUMSFELD:

Well, let me see if I can -- I cannot be certain of this. My memory's not perfect. But my first recollection of being aware of the abuses was in the context of the announcement that was made by the Central Command that they had someone who had provided information about possible abuses in that prison. That would have been in the mid-January period.

The first time I was aware of this report, I believe, was after it had been given to the media. It had still basically been in the Central Command chain.

The first time I was aware of the photos was when somebody said -- rumored that there were photos connected with the allegations of abuse in the prison. And that would have been some time between January 16th and the "60 Minutes" show.

At that next point, there were a few pictures made available that had been doctored to make them less sensitive.

The first time I saw the disc was last night at 7:30 at night.

And I have now still never seen the videos nor have I seen the remainder of possibly a second disc, which I'm told today may exist.

RUMSFELD:

I believe you're roughly the same time period.

MYERS:

The same time frame. I remember, I did a little research, and I can't tell you the exact date, but it was in the 13th or 14th of January time frame, maybe the 15th, certainly before General Kimmitt's going to the media, or General Abizaid, we talk to him once a day, once every other day, depends on what's going on, and he informed us of this, and that was -- he informed us of basically the same thing that General Kimmitt said, "Hey, there's reports of abuse," or, "reports of pictures. Here's what basically the pictures might show. This is a big deal."

And so we knew that back then. And then he outlined the steps that were being taken.

RUMSFELD:

I'm told that there was some notification that came up in the connection with the announcement that was made in the Central Command, and at that time there was a reference to the fact that there were some pictures connected to it. So...

LANGEVIN:

On the credibility question...

RUMSFELD:

Pardon me?

LANGEVIN:

The credibility question, where do we go from here? How do we restore our credibility on human rights, Mr. Secretary? How do you advise the president on this issue of restoring our credibility on human rights when we come to criticize other nations?

RUMSFELD:

Well, when you've got 2.4 men and women in uniform -- active duty, Guard, Reserve, Selective Reserve -- they're doing a lot of wonderful things in the world. Some people did some perfectly terrible things. What happened after that? We announced it. It became public. We're having an open process. We're prosecuting the people who have done something wrong.

The world is seeing what a democracy does. The world is seeing how people who care about human rights behave.

This isn't a pattern or practice or a policy of the government as it was under Saddam Hussein. This is something totally different.

And how do we always get from one step to the next step? We live our lives as best we can, knowing we're imperfect, mistakes get made, people do bad things to people.

RUMSFELD:

We see it in every state in the union, every year -- murders, rapes.

How do we restore our credibility? What we do is, we get up the next day and try to live our lives better, and we try to do a better job in government and public service. And over time truth wins out.

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We have a free, open system. We've got wonderful people in this country. We're not an evil society. There's not something bad about America. America is not what's wrong with the world.

And the overwhelming majority of the people in the world know that.

I mean, why do people line up to get into this country, year after year after year? I read all this stuff -- "people hate us, people don't like us" -- the fact of the matter is, people line up to come into this country every year.

Because it's better here than other places, and because they respect the fact that we respect human beings.

And we'll get by this. I don't like it any more than you do.

MYERS:

Let me just talk about the military angle of that.

We've got 37,000 folks in Korea, been there for 50 years. We've got 47,000 troops in Japan, been there for over 50 years. Over 100,000 troops in Germany.

They want us there. Occasionally, a soldier, sailor, airman, Marine missteps and we work our way through it because it's been a long, long relationship.

The world knows that the U.S. military is the best-trained, the best-led and carries American values wherever they go. And they appreciate that.

And as despicable as these events are, and as disgusting as they are to us, the fact that we're having this hearing, the fact that democracy's working, the fact that this has been in the open, the fact that as soon as we knew about it, two days later we're in front of the press, the free press, and say, "We think this may have happened. We're going to do an investigation, and we think it's going to be bad."

MYERS:

The fact that we did that earns the world's respect. Certainly there are going to be some setbacks, but most of the people that we've been working with in the world understand what this armed forces is about.

And I frankly think that we'll work our way through this just fine, because 99.9999 percent of the folks that serve on active duty -- and I didn't do the math on Iraq, I was going to -- but it would be whatever it is, is not going to be dispersed by six people. It will not happen.

I just came from a NATO meeting. I talked to the major contributors to our operations in Iraq, the other countries. They were firm in their resolve. This incident was not lessening their resolve. They want to get the mission done. And I thanked them for that.

But they're with us. They know us.

The world knows us. We're probably in 140 countries today doing -- or this past year, we've been in 140 or 150 countries doing training operations and other things. They know us. They know the true American service men and women, and they trust us and they respect us.

HUNTER:

I thank the gentleman.

LANGEVIN:

And thank you for your time today, and thank you for your answers.

HUNTER:

I thank the gentleman from Rhode Island.  
The gentleman from Georgia, Dr. Gingrey?

GINGREY:

Thank you, Mr. Chairman.

And let me at the outset tell you, Mr. Secretary, the generals, that I have a great deal of confidence in you and your leadership. And I think what we have done here today, and maybe as well on the other side, or earlier in the day, it's a question of who knew what and when did you know it?

And you have answered those questions, at least to my satisfaction.

I agree with my colleague from Arkansas, a fellow physician, Dr. Snyder, and I think you agreed with him, too, that maybe in retrospect, when you did know it, when you did know the magnitude, when you had an opportunity to look at those heinous, disgusting photographs, it probably would have been good to let us know that, too, share that with us at that time and not wait for the Congress to see it on television.

RUMSFELD:

I didn't see them until last night at 7:30.

GINGREY:

Yes, I understand that, Mr. Secretary. And I think that's true of General Schoomaker as well as General Myers. And I understand that completely.

General Myers, you said -- and I agree with you -- earlier, in your testimony in response to somebody's question, that no matter how much training these individuals, six or eight miscreants, may have received, there was no way you could prevent just a few to go off on a tangent, as they did.

And I agree with your statement there. And indeed, I think every Girl Scout and Boy Scout in this country, without \$50,000 worth of military training, clearly would understand that.

But at the same time, I would like to associate myself with my colleague, the gentleman from Connecticut, Mr. Simmons, in regard to we need to look very, very closely I think at this chain of command.

And it's a little disturbing to me, and I think other members of this committee, that we take rather harsh but appropriate action for those miscreant few and maybe a slap on the wrist of those who were maybe in a situation of command and creating a climate upon which something like this could occur.

So those are my statements.

I wanted to specifically get back to Mr. Langevin's question, because the ranking member earlier at the outset mentioned: Well, gee, you know, for one thing, we ought to go in there and bulldoze that prison and wipe it from the face of the Earth.

GINGREY:

But the damage, of course, has already been done, in regard to the prison. It's like shutting the barn door after the horse has already escaped.

I would like to know, and I think Mr. Langevin was asking this question too, is there something that we specifically can do to, other than the apology that the president gave to the Iraqi people, indeed to the Arab world, the same apology that you Secretary Rumsfeld have offered; is there more specifically that we can do to undo this damage?

As an example, should we consider some kind of reparation, even, indeed, financial for these particular prisoners, these 30 or so that were subject to both physical and emotional abuse?

RUMSFELD:

Congressman, we've proposed that.

In my opening statement I mentioned it and I agree with you completely. It is -- I checked. We do have the legal authority to do it. I'm going to see that we do it. It's the right thing to do. Those people were badly treated by those people.

GINGREY:

Thank you, Mr. Secretary, and I'm very pleased with that response.

Let me ask one last question. In regard to these prisoners, were these considered high-value prisoners or particularly violent individuals, or were they low-level who had maybe just been swept up at either combat or intelligence operation?

And does the Army have a different standard operating procedure for detaining and interrogating a high-value target as opposed to say a low-level enemy combatant?

RUMSFELD:

High-value targets are generally kept at a different facility, if by high-value you mean people like Saddam Hussein and the top 55 types that we've been looking after.

GINGREY:

But no different treatment? The treatment is the same?

(UNKNOWN)

(OFF-MIKE) ... for each and every prisoner.

GINGREY:

Exactly.

RUMSFELD:

In terms of the Geneva Conventions: On the other hand, there is a difference in this sense, that the high-value targets become much more interesting from the standpoint of the interrogation process, whereas a simple low-level person is simply being kept off the street for a period.

MYERS:

But the standards, the Geneva Convention standards, and the standard treatment are as prescribed in the Army manual, and those were the orders that were issued by General Sanchez, which I have a copy of here, by the way.

GINGREY:

Thank you, Mr. Chairman, that concludes my questions.

HUNTER:

I thank the gentleman.  
The gentleman from Florida, Mr. Meek.

MEEK:

Thank you, Mr. Chairman.

I want to thank all of you for testifying today before this committee, also the men and women behind you who have been in forward areas before, and that have worked hard toward making sure that we're successful in Iraq.

I have a couple of questions, because I don't think this hearing today is about how we feel about the leadership that's sitting at the table. It's how the American people feel, and it's how the Arab world feel, that we need in this effort against terrorism.

So I guess I had a line of questioning, and if you could, answer as soon as possible, because I need to get to the end of that questioning.

General Smith, you spoke earlier about how you had pictures in January -- you thought you had it all, all of the information. What was that? What kind of pictures?

L. SMITH: It was two discs with the type of pictures that you're seeing on the news all the time.

MEEK:

OK.

Thank you, sir.

L. SMITH: And many are more graphic.

MEEK:

Thank you, sir.

General Myers, you mentioned that you were contacted by Central Command or had some knowledge. You were called, and they said somewhere in mid-January that this is a big deal; these pictures and this investigation is a big deal.

MYERS:

Right.

When we were first notified by General Abizaid, he said this is a big deal, sure.

MEEK:

And Secretary Rumsfeld, at this time, you and General Myers, you all meet, you mentioned in the Senate earlier and you mentioned here quite often -- I mean, you come together, you work together.

General Myers, yourself, you all meet...

RUMSFELD:

Four or five times a day.

MEEK:

You need another mic, I'm sorry, because we can't hear you.

RUMSFELD:

We're together four or five times a day.

MEEK:

OK, and that you meet with the president at least once a week to go over the issues of Iraq and what's going on.

RUMSFELD:

Well, I meet with the president to go over all the issues that involve the Department of Defense, Iraq being one of them.

MEEK:

Thank you very much.

So in this big deal that General Smith has just said, the pictures that General Smith obviously, and others, have seen, General Myers said that he didn't see it, didn't see the pictures until last night or at 7:30. You didn't see these pictures until 7:30.

You've been meeting with the president day after day after day in a prison that not only he has said that atrocities have taken place, you have said it. You've met with Saddam Hussein in the early '80s, in Bush 41. You also -- and Secretary Colin Powell has said a lot about this prison and atrocities that took place.

I know you said there's 18,000 cases that are out there that you're looking at, but they're not 18,000 cases in that prison.

And you mean to tell me and the American people and the people of the Arab world that this did not arise to the president of the United States, nor the Congress, and that you were in this room hours before -- well, since General Myers was in this room hours before briefing members like myself and others of Congress and no one said, "Hey, guess what? Primetime tonight, these pictures are going to come out, and we're going to have issues."

I'm concerned about the time line that we have here, but I have a bigger concern about the fact that there's a lack of what happened at the highest ranks of our Pentagon and our military here in Washington, D.C. about how long we're going to be in the dark.

So I just want to say, Mr. Secretary, in all due respect, it really gives me no pleasure to say this -- I think today there's been some reference of members of Congress that have said that, you know, maybe you need to say, "This was good, I did all I could, but on behalf of troop protection, on behalf of the efforts that we have to move forward in the Arab world and protect America and what people think about us."

MEEK:



"Maybe I need to think about my leadership and maybe I need to be able to allow someone else to be able to lead us from this point on."

And I want to tell you, sir, I have a great deal of respect for you, your service. You've been a member of Congress. You have to understand our job and our responsibility to the American people.

And I will tell you, sir, in all due respect, I pray for you and I know that you pray to give yourself wisdom and others to do the same. But I would ask you to please think about the forward days, the days that are going to come.

More will come out. The fact that the integrity of the United States, the integrity of our armed forces, the integrity of our effort against terrorism is at stake.

The fact that you're going to appoint -- I'm pretty sure -- honorable men and women to get to the bottom of this will come into question. The U.N. will have an investigation.

We get concerned about what the U.N. says and does. But I will tell you -- I know the president will not do it. He said that, no, you're an outstanding secretary of defense.

But it becomes a point where some of us in this room, some of us in this Congress have already said that there's going to be great difficulty, sir, all due respect, under your leadership leading the Pentagon in this very trying time with pictures that are -- words are inadequate to even describe the feelings of them.

And the fact that the men that are sitting at the table with you, at least some of them, saw these pictures, knew about these pictures, knew that it was Saddam Hussein's prison, knew all of these things and you didn't see it until 7:30 last night is very -- the pictures -- is questioning how we move from this point.

MEEK:

So I hope that I haven't offended anyone, but I think that this is really where we are, and this is where the rubber meets the road from this point on.

RUMSFELD:

Well, Congressman, I don't know quite how to respond to that, other than to say that it's a fair question. Since this fire storm started, I have given a good deal of thought to the question.

For me, the key issue is the one you ask, and that is: Can I be effective if we've got tough tasks for this country and for this department. And I would resign in a minute if I thought that I couldn't be effective.

And I think of the task of helping -- trying to be able to help the terrific civilian and military men and women in the United States, in the department and all across the globe, trying to be helpful to them in the critically vital work they're doing.

And if I thought that I could not be effective, I certainly wouldn't want to serve. And I have to wrestle with that.

I will add, I'm certainly not going to resign because some people are trying to make a political issue out of it. It's a substantive issue for me. And I'll leave it at that.

MEEK:

Mr. Secretary, I respect your response to the utmost. And I believe that you believe that.

But I've heard that response in the Senate, and I heard it earlier today. This goes far beyond Democrat and Republican. We're far that right now.

MEEK:

We have troops that are in a forward area, that are going to be attacked.

RUMSFELD:

You don't need to tell me where the troops are. I know.

(CROSSTALK)

MEEK:

... sir, all due respect, and cut you off. But I'm just saying, as you think and pray on the coming days, please -- I know there's some people out there that are on the political band wagon, but in this committee...

(CROSSTALK)

RUMSFELD:

There's the understatement of the morning.

MEEK:

But it was mentioned earlier, it was mentioned earlier, sir -- and Mr. Chairman, I am closing -- it was mentioned earlier the bipartisan effort that we have there on this committee.

I was in Miami when you spoke on the Guantanamo issues, you and General Myers was there.

I've voted for things that you've asked me to vote for.

We've given flexibility to DOD when it was asked at any given time.

And I will just tell you, as you move forth, without me even wanting a response, is that, that it's not all politics.

And I think that all of us in this room are aware of that.

But thank you for your service, sir.

RUMSFELD:

I certainly understand it's not all politics.

HUNTER:

I thank the gentleman.

Ms. Bordallo?

BORDALLO:

Thank you very much, Mr. Chairman, and gentlemen, for your patience and perseverance and the long hours you've been before the Senate and now the House.

I'm sure that when you look at me you say, "Thank goodness, this will be the last line of questions."

But I do want to say thank you to the secretary for coming to visit Guam. We were very honored and pleased that you took the time to come out and check out our territory.

I have a couple of questions.

I believe the tragedy at the Abu Ghraib detention facility is symptomatic of a pervasive problems in the organization of our military force in Iraq.

And in this case, these negative pressures came together with horrendous consequences, as we all know.

Secretary Rumsfeld, I recall your recent press briefing were you said you had read over the report of the 800th Military Police Brigade. And I would like to reference that report, which highlights these negative pressures.

BORDALLO:

On page 43: "The real presence of mortal danger over an extended time period and the failure of commanders to recognize these pressures contributed to the atmosphere that exists at the facility."

On page 37: "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."

Page 38: "Over time, the 800th MP Brigade clearly suffered from personnel shortages through release from active duty options, medical evacuation, demobilization. In addition to being severely undermanned, the quality of life at Abu Ghraib was extremely poor. The brigade lacked adequate resources and personnel.

"In addition, overcrowding -- because of the slow process of releasing detainees, the prison was overcrowded. Confrontation between MPs and detainees resulting in numerous shootings."

I'd like to know what the status is of that.

Escapes -- what is our record there?

This report states that investigative reports of escapes were ignored by the command.

Now, while the media may be focused on the fate of the prisoners, it falls to you gentlemen and to us as members of this committee to address the shortcomings in our military operations that denied our service men and women the support, the leadership and resources that their duties required.

I believe we have an obligation to address that.

Secretary Rumsfeld and General Myers and the others, what changes across the entire Iraqi theater of operations will you implement in these three areas to address the underlying problems clearly identified in the Taguba report?

MYERS:

I'll start.

One of the issues that you mentioned is a very serious one, and that is the ability to release detainees when they're no longer -- and that's been an issue, because part of that is a release process.

MYERS:

And now I think we do a six-day-a-week release process, 12-15 hours a day, where we look at detainees for their -- do we have a case or is the intelligence value still there or should they be released, and you take some risk in that because some of them might go back to fighting.

But in that effort I think we're releasing -- how many right now? What are your numbers?

L. SMITH: Sir, we did 350 last week; we're doing 400 next week and 1,800 by 20 June is what we expect.

RUMSFELD:

We've released 31,000 out of 43,000 that were detained.

MYERS:

What we also need to make sure of is that we have the Iraqi courts up to handle the criminal cases, and that's been a slow process, getting that stood up, but that's absolutely integral to what you're just talking about, so the detainee population can continue to be moved through.

One of the reasons General Miller was put in charge over there was because of the good job he did in Guantanamo not only in handling the interrogation piece and the intelligence piece of it, but also just in the physical running of the facility, and I'm confident that's a major part of what's going to fix the problems you cited.

A lot of those problems you cited are leadership and command problems. When you have a unit that doesn't have to wear hats, when you have a unit that doesn't have to wear uniforms, when you have a unit that calls the lieutenant colonel Joe and the sergeant Jim, you've got a unit that has morale problems no matter if they're living in the dirt or they're living in the Hyatt Regency. You've got a real problem.

BORDALLO:

Or a palace.

MYERS:

Or a palace. You've got a real problem there.

And so, those problems have been fixed, obviously, by putting another unit in charge and working on those problems.

I would only say that all those things on that time line over there -- General Sanchez was very concerned about this and looked at all these issues and took action on almost every point that you have brought up either before or during this report.

L. SMITH: Yes, sir. In fact, special attention has been paid to Abu Ghraib. They now have probably the best dining facility around. I'm not sure that they have a PX yet, which was one of their complaints. But they're getting hard-back buildings to live in. And so, that has all been taken seriously, and money put against many of the problems...

BORDALLO:

I'm pleased to hear that.

RUMSFELD:

And it's fine to correct some of those things. We ought to do it. It's getting done. But go back and look at the pictures. That is not the problem of quality of life, that is something so fundamental involved with the people involved that whether they have a PX or a good restaurant is not the issue.

BORDALLO:

Thank you.

I have one follow-up question. I believe one of the biggest pervasive negative factors is that our troops and the public don't know for sure why we are still in Iraq. We have Saddam, and there are no weapons of mass destruction.

Mr. Secretary, what is the mission in Iraq? What lies ahead? Is it nation-building?

RUMSFELD:

The mission in Iraq is as the president and the secretary of state and others have articulated and told to the Congress and told to the United Nations and told to the world.

The plan is to turn the country back to the Iraqi people on June 30th. The plan is to continue to assist them to develop the Iraqi security forces so that they can provide for their own security and our forces can come home.

The hope is that what will be left will be a country that is whole -- one country, not broken into pieces -- a country that is respectful of the various religious and ethnic minorities in that nation, a country that's at peace with its neighbors and is not engaged in terrorist act or weapons of mass destruction.

RUMSFELD:

And it is not an easy thing to do. It is a tough road to go from a vicious dictatorship to a representative system that's peaceful and rational and civilized and behaves that way.

And there's a lot of wonderful people out there who know precisely what the mission is. And all anyone has to do is visit our troops. They know what the mission is. And they're proud they're doing it. They know it's noble work. And they're dedicated to getting it done right.

BORDALLO:

Do you think this incident will have any effect?

RUMSFELD:

Of course.

BORDALLO:

In what way?

RUMSFELD:

Harmful.

BORDALLO:

Thank you, Mr. Chairman.

HUNTER:

I thank the gentlelady.

Mr. Israel?

ISRAEL:

Thank you, Mr. Chairman.

Mr. Secretary, if this day is difficult for you, and for our troops, and for members of Congress, it is an especially difficult day for the family of Nathan Bruckenthal (ph). I attended his funeral this morning Arlington Cemetery. He was the first member of the Coast Guard to be killed in action since Vietnam.

He was killed by a fanatic. He was killed by a suicide bomber. He was killed by a maritime improvised explosive device. By a culture that values death over life.

I am, as we all are, as you are, very concerned about the implications of this abuse on force protection. Instead of seeing images of empathetic soldiers, right now the Middle East is being bombarded with images over Al Jazeera and elsewhere of the most grotesque distortions of what we're about.

There was an article in the New York Times this morning that said that within Iraq these images so far have not had a particularly virulent effect, but outside of Iraq, throughout the rest of the Middle East, they are very damaging.

So my question is, as a matter of force protection, what is your assessment of how this media crisis is playing out through the Middle East?

How are we responding to those images?

And do you agree that if it takes the resignation -- not necessarily yours -- but resignations and the rolling of heads at the most senior levels in order to correct those images and create the contrast between a culture that condoned and considered torture commonplace, versus a culture that demands resignations and departures when there are abuses, if that's what it takes, would you agree that we ought to head in that direction?

RUMSFELD:

Well, I'd let General Smith respond to your question as to what the effect in the area is. He's just landed this morning from there and can speak to it better than I.

It's a tough balance. It's a tough question to answer. What will help? What would be the most effective?

I serve at the pleasure of the president. And I've responded on that issue.

I don't believe that it would be right for me to run around looking for scapegoats, so you can toss someone over the side. And I'll be damned if I'm going to look at that list and pretend that I think it was badly done. I don't. I think they did a darn good job. Perfect? No. But a good job.

They announced it to the public. They told the world. They started the prosecutions.

So what am I supposed to do? Look for someone down there and say, "Hey, let's heave that guy over the side." That isn't the way we do business in this country.

That's all I have to say.

HUNTER:

I thank the gentleman.

We have a good friend of the committee who used to serve on the Committee and now serves on Defense Appropriations, and also happens to be one of, in fact the only Navy ace from Vietnam, and a gentleman who was recommended for the Congressional Medal of Honor for his own service to our country, Mr. Cunningham.

And he's been with us all day.  
Duke, we'd like to give you an opportunity to ask some questions.  
The gentleman's recognized.

CUNNINGHAM:

Thank you, Mr. Chairman.

I've sat here for nearly three hours because I believe this is important, critically important.

And, Mr. Secretary, not exaggerating, I've spoken to thousands of our enlisted and our officers -- military, active duty and our veterans -- and they would follow you into hell because they know you'd get them back.

You've got us through two wars. You did it efficiently. You've fought tooth, hook and nail against the enemy.

And I would follow you. And you have my full support.

You know something, I saw the Congressional Black Caucus press conference. When they talk about minimum politics in this, I sure hope somebody prays for me as they try and slip the knife in.

You know that I'd like to elude a little bit to what Mr. Taylor said and why all of us feel so bad in this thing.

And all of us do, on both sides of the aisle, and out there.

But I'll tell you, it comes down to a word, un-American, what happened.

It's not this country. But what is American is the results that are going to come out of this. The world's going to see just how fair under a free enterprise, under a free nation, that justice will come about, and that the leaders themselves will take measure.

CUNNINGHAM:

One thing that does bother me is the word I think "scapegoat." Because there was another event that I lived through. It was called Tailhook.

And I beg you, Mr. Secretary, I know a hundred officers that were tied up in that that shouldn't have been penalized, but because of politics, many members of Congress dug their heads in and ran for cover and would not stand up for those kids.

You know, penalize the guilty ones, but, by God, protect those fine kids.

RUMSFELD:

You can count on it. .

CUNNINGHAM:

Thank you.

I've got a recommendation for you. It's an advantage sitting here listening to other people. And that's why I wanted to sit in. I wanted to get kind of a feel and a tempo.

When I was in the service, I had an admiral -- one of the best guys I ever worked for. We had a problem with DUI, DWIs in the military. I mean, it's in the regulations, it's in the rules. You get trained, "Hey, don't do it." But we hit a rash of them.

This admiral, who was commandant NAVAIR PAC (ph), brought all of us COs in and he said, "Guys, any one of you get a DUI or a DWI" -- probably like that guy on TV -- "you're fired."

And then we went down to our division officers and officers and enlisted and said, "If you do this, you're fired."

CUNNINGHAM:

And my concern was, at that prison, I don't feel that someone came across -- yes, they were trained. They had the rules, they had the regulations. But in my own mind, I don't know if someone told them, said, "These are the consequences if you act in a certain way." Small recommendation.

Second recommendation.

The day of my chains of command I pulled my squadron together because I had women in it too, shore-based, and I know how important the chain of command is. People that have never served in the military don't understand that many times, that it's chaos without it.

But I told my squadron mates that there were some exceptions to the chains of command. One of those was anything known racial and that included verbal, because I saw an aircraft carrier lose its mission capability because of it, and it wasn't something that I wanted to wait on over a period of time.

I wanted to know about it. They could bypass my chief. They could bypass my division officer. They could bypass my department head, my executive officer, my command master chief and they could walk right into that office.

The other one was any known use or sale of drugs. The third was any sexual abuse, because I had women in there. And the fourth, which I think would be applicable to this hearing especially, that if any of my kids, enlisted or officers, did anything that reflected negatively on my unit, the Navy or the United States, they could walk right through that door.

Let me give you another good example.

I never went to Tailhook without my wife. She went right along and so did my daughters go along with me. And this was actually before the blow up, Mr. Secretary. I told my squadron that I was going to pay for our admin where everybody could go. It was going to be a place where the wives, the girlfriends and your daughters or your sons could go and there would be no alcohol in our admin suite. But yet, I didn't restrict them from going to the other activities.

CUNNINGHAM:

But I said, "If you do anything that violates the rules, if your conduct reflects negatively or if you get a DUI or DWI going or coming" -- I paid for the bus to get them there -- "I'm going to fire your butts."

You know not one of my kids had a problem, and it's leadership I think.

And then, you know, I was so proud. One of my lieutenants that just took over as a commanding officer said he (inaudible) down and did the same exact thing. But it gets down, right down to the nitty gritty that it may be in rules, it may be in regulations, and I heard it over and over.

One of the big concerns we have is the timeliness. And I think maybe in the future something like this, especially, even at a lower level, if we know that these things are available, that they go right straight to the top and they walk through that door to the C.O..



Thank you.

RUMSFELD:

That's good advice.

Thank you, and thank you for your wonderful, courageous service also.

CUNNINGHAM:

Thank you.

HUNTER:

Thank you very much, Duke.

And, Mr. Secretary, we have a somewhat unusual question, but our vice chairman Mr. Weldon was unavoidably detained in his district, wanted to be here. He's on the telephone. He's got a question for you.

So, Curt, we can hear you.

WELDON:

Thank you for your service to the country, General Myers. Thank you for your (inaudible) to the country.

I led a delegation of our colleagues from the committee to Iraq and Afghanistan a few short weeks ago. And I want to tell you, at every stop that we made, we were impressed and proud of our troops and the leadership. From Baghdad to Tikrit, from Kabul to our K-2 base in Uzbekistan, we saw nothing but pride and dignity and positive feelings about the leadership structure, the mission and role, and their dedication to complete the objectives.

The hearing today, which I've been able to see through TV because I can't be with you, is an extremely important hearing because of the focus and the seriousness of the charges. And all of us are outraged.

WELDON:

I'm especially outraged because two of the units involved, the 372nd and the 320th are from Pennsylvania and Maryland and involve our citizens. I'm proud that one of our soldiers blew the whistle when he did. I'm saddened and outraged that other Pennsylvanians evidently were involved and implicated in these tragic acts.

I'm also confident that you will take the steps, along with the general, to get to the bottom of what happened here. I just wish the American media would put the same level of focus on the atrocities caused by our enemies as they have on the current situation.

When we have a young pregnant woman ambushed just a week or so ago in her station wagon and at point blank range was methodically killed with her four children, ages 2 to 11, and then killed herself, it received one line in one of our newspapers, but on the same day, had a half a page dedicated to the allegations of brutality in Iraq.

We need to understand that this incident is an isolated case involving a very small number of our troops, but it in no way reflects on the total commitment of our troops and the leadership that's there.

I did want to talk to you today, however, about some specific questions, because I spent two hours yesterday with one of our young sergeants who just returned and who

was involved in the unit, the 372nd, from the period of October to December. And I would ask you, in the course of the investigation, to please look at some things and get to the bottom of some questions that he raised that I promised him I would raise with you.

He first reported his concerns in late December of '03 and did not hear from the CID officer until yesterday. He talked to us about the fact that in the prison in question there were 900 prisoners, but in the evening, only six to eight troops were in fact on duty.

WELDON:

That may or may not be true, but that's what he told us. He told us that M.I. ran the show and that there was significant involvement and input from both the CIA and the contractor CACI.

And I know that you'll get to the bottom of our military actions, but I would also ask you to please get to the bottom of what actions the CIA and CACI officials had since their names were not on their uniforms as they directed our troops that were in fact in place.

I would also ask you to look into a platoon leader that evidently was aware of these actions and a commander who has been transferred, but I understand not yet reprimanded or had charges brought, who is a staff member to a sitting member of Congress, to see whether or not there was any special treatment granted.

And I would also ask that you consider that there were at least two cases where soldiers were put into positions in the prison, one an administrative clerk and the other a specialist who in fact was under a marital abuse order from his home town and allegedly asked not to be assigned to be put into place as a prison guard.

And finally, in the conduct of what to do after we get to the bottom of this -- and I'm confident that you will do that -- I would also ask that we consider perhaps tearing down that prison, because it was a symbol of torture under Saddam and it's unfortunately got a reputation now because of what just happened caused by a very few in our military.

But again, Mr. Secretary, I want to congratulate you. And as my colleague said, we'll work with you. We'll get to the bottom on this. We'll get beyond it. And our country will come out stronger and our military will continue to shine, as they do, around the world in every location where they are on duty today.

WELDON:

Thank you very much.

HUNTER:

Mr. Secretary, that's it.

We don't have any more special questions to ask. Thank you for being with us today.

And let me just say because there's been lots of editorial comment as we've gone through these questions, in my judgment, you've managed a war in two very difficult theaters; you've managed our 2.5 million people in the military, active and reserve; at the same time you've reformed the civil service system, which has at least made the major step in reform, which affects 750,000 people; all the while putting together a pretty big and complex defense budget.

And I'm not unmindful of the fact that what we do in Iraq and Afghanistan also involves dozens of allies, some of whom are more enthusiastic than others.

In my estimation you've done a great job, and you've done the one thing that the nation requires and demands of its secretary of defense and that is to be effective in managing this military complex.

So you have my full faith and I think you've done a good job.

And I look forward, and I wish we had time -- and I know Secretary Brownlee had many instances to bring forth today -- but I look forward to working with you on the challenges in the future because we have our forces engaged right now, we have a political transition which will take place very quickly which will require our full focus, and I think that you have -- you've now delivered this problem to the appropriate -- in fact, it was delivered early on in January -- to the military system, which is walking it down through the criminal justice system, which is precisely where it should be.

HUNTER:

And I would ask you to return that focus, now that we've had a full airing on this issue, to the 135,000 troops who are doing a great job, who are in theater, as well as our troops in Afghanistan and other parts of the world. And let's knock out this defense budget, try to do good things for our country and for the troops.

We appreciate you being with us today.

And I think the ranking member has a statement, too, Mr. Secretary.

SKELTON:

Just a word to thank you very much. And we look forward to your continued information to us in the days ahead per our discussion earlier.

Thank you very much.

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