

Public

Newspaper article 7.

I often am stopped and asked which part of the States I live in, after someone hears my accent. I am asked if I like South Africa and where I've been. A man I walk with many Sunday mornings with our dogs tells me how he'd like to move to America and that he likes President Bush.

I hear it a lot.

At the same time, my 12-year-old daughter tells people I didn't fly a flag after 9/11. I didn't put a flag sticker on my car, and I don't wear red, white and blue on the Fourth of July.

What kind of American are you? she asks, half in jest and half looking for a serious answer.

I am an American who loves my country, but I expect so much more from it, especially when I'm living in a place such as South Africa, where the majority of the people for so long had no voice.

As my son has, the world gave America the benefit of a doubt. In Pretoria, and around the world, that no longer seems true.

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now glances at a local newspaper if it is left out on the kitchen counter, searching for a comic strip.

He did so the other day when the Pretoria News carried a front-page picture of Army Pfc. Lynndie R. England in the Abu Ghraib prison in Iraq. I watched my son reach for the paper to pull it toward him, but I was quicker. I deftly turned the paper toward me and turned to an inside page of comics. I committed an age-old act: diverting the attention of my child from a harsh reality. The irony is I am the wife of a newspaperman and the day's news is our dinnertime conversation. This time, though, I didn't want to approach the subject.

My son loves America. He defends it and promotes it. A few months ago, a boy in his class said that South Africa has the best beaches. My son countered by asking if the boy had been to Delaware, North Carolina, Florida, Maine, California. Now there are beautiful beaches, he said.

But what ammunition would he have to defend the actions of American soldiers in Iraqi prisons? For that matter, what would he make of the beheading of 26-year-old Nicholas E. Berg, in a game of one-upmanship?

To be sure, war is treacherous and messy, as is the aftermath, which the photographs so succinctly and powerfully portray. Even the Federal Express man who comes to my house at least once a week to deliver packages told me that everyone does these heinous acts in war. No big deal, in his mind. The bizarreness now is someone documented it, he said.

Perhaps that is exactly the point, because the contrast between Private England's smiling face -- real or staged -- and the words first used when we rode into Iraq on such a high moral ground are jarring.

No wonder I am not feeling high and mighty these days as an American overseas. I bowed my head and spoke quickly when I bought a newspaper at my neighborhood news stand the other day with the headline, "How the CIA teaches the world to torture."

"I'm ashamed to be an American right now," said a friend in an e-mail from Rome. "And I'm very, very angry that these people were stupid enough to act in these reprehensible ways. The outpouring of support and sympathy after 9/11 here was a beautiful thing. Flowers covered the entire entrance to the embassy and made all of us Americans cry. Most of that feeling has completely disappeared now."

The father of one of my son's friends told me recently that when a driver asked him where he was from, he hesitated. He almost said Canada, as some Americans here say and American journalists have said for many months in Iraq, but he admitted the United States. The driver responded with a drawn-out "Ohhh."

horrors of slavery come to mind. Yet, almost alone among nations throughout history, the United States has always managed to hold itself accountable for its ills, take corrective action and move to a higher level in our treatment of others.

Why? Because Americans once shared a collective understanding that ours is a society based on faith in God and his immutable laws of unconditional love, decency and the simple but powerful concept of treating others as we would be treated.

Our schools taught biblical principles. Our families gathered regularly in churches and synagogues. Prayer was a standard part of life — both private and public. Americans were taught the Ten Commandments and the rich Judeo-Christian history of our country.

But that all changed in the 1960s, when there began a steady removal of God and his absolutes from the public square. As a nation we forgot, as President Lincoln said, "that the fear of the Lord is the beginning of wisdom." Schools were purged of prayer and biblical values, leaving a vacuum that was soon filled with the preaching of moral relativism, sexual anarchy and a trashing of U.S. history. Now, about 40 years later, there is no collective understanding of our Judeo-Christian history and the values that once permeated our halls of government, our schools and our lives.

Our nation once looked to the truth of the Proverbs: "To receive instruction in wise behavior, righteousness, justice and equity; to give prudence to the naive, to the youth knowledge and discretion." Today, we teach our children to rely on their own wisdom and judgment, formed by endless hours of sexualized programming, situational ethics and group thinking. And we're surprised by the behavior of a few Americans at Abu Ghraib?

Our military is addressing the abuses that occurred in a prison far away and holding accountable those who are responsible — but what are the rest of us doing to restore civility and decency here at home? In order to preserve a real future for our children and our nation, we must rediscover the timeless principles that helped us to become the world's "last, best hope" — and restore them to our daily lives.

#### **Abu Ghraib troubles Americans abroad**

*Baltimore Sun*

May 26, 2004

**Laura Hambleton**

Until about nine months ago, when we moved from Chevy Chase to Pretoria, my 9-year-old son read the newspaper every day. He started with the sports pages, flipped to the end of the feature section for the comics and finished by studying the front page. He crunched his cereal while he scanned the headlines and read captions. On the occasion when a photograph caught his eye, he would often read the story.

In South Africa, my son's newspaper habit has gone dormant. He doesn't yet love the country's rugby team, the Springboks, as he loves his New England Patriots. He hasn't learned the ins and outs of cricket, as he knows every nuance of the Boston Red Sox. He

facilities in the theater of conflict. Judicial over-confidence in intruding into war decisions could produce more Abu Ghraibs in dangerous combat zones, and remove our most effective means of preventing future terrorist attacks.

*Mr. Yoo, a law professor at Berkeley, is a scholar at the American Enterprise Institute and a former Bush Justice Department official.*

**Down the Sewer to Abu Ghraib**  
*Los Angeles Times*  
**May 26, 2004**  
**Rebecca Hagelin**

*Rebecca Hagelin is a vice president of the Heritage Foundation.*

The horrific images of degrading acts by American soldiers at Abu Ghraib prison are, in a sense, nothing new: Millions of Americans feast on similar scenes every day.

The sickening photo of a female soldier blindly staring at the spectacle of her human prisoner, naked and leashed like a dog, is but the latest evidence of a culture gone stark raving mad.

For the last several decades, American culture has been rotting. While we've been busy fighting enemies around the world, we've discarded basic morality here at home. As a result, we've steadily weakened our stature in the world and placed ourselves in grave danger of falling from within.

The evidence pointing to cultural rot is indisputable: Americans spend \$10 billion a year on pornography — as much as we spend on sporting events. The average teenager views nearly 14,000 sexual references a year on television.

Power is equated with sex, and sex with power — on television, in movies, magazines, billboards and music. At times, it appears as if Americans have had enough. Remember the outrage over Janet Jackson "flashing" at the Super Bowl? How about the disgust over the video of high school girls humiliating, urinating on and beating younger students in an "initiation" stunt? Now there's Abu Ghraib. And we're shocked ... again?

Some denounce the reprehensible behavior, point an accusing finger at the military and return to their family room easy chairs, where they sit transfixed by mindless programming while their kids retreat to their bedrooms and consume endless hours of sleaze on MTV.

We have been sliding down the slippery sewer of cultural immorality for so long that we don't even realize that we're covered with stinking sludge.

Amid the noble struggle to establish and maintain a nation of moral integrity, freedom and faith in God, our history has also included periods punctuated by acts of shame. The

combatants: wearing uniforms, a responsible command structure, and obeying the laws of war.

As a result, interrogations of detainees captured in the war on terrorism are not regulated under Geneva. This is not to condone torture, which is still prohibited by the Torture Convention and federal criminal law. Nonetheless, Congress's definition of torture in those laws -- the infliction of severe mental or physical pain -- leaves room for interrogation methods that go beyond polite conversation. Under the Geneva Convention, for example, a POW is required only to provide name, rank, and serial number and cannot receive any benefits for cooperating.

The reasons to deny Geneva status to terrorists extend beyond pure legal obligation. The primary enforcer of the laws of war has been reciprocal treatment: We obey the Geneva Conventions because our opponent does the same with American POWs. That is impossible with al Qaeda. It has never demonstrated any desire to provide humane treatment to captured Americans. If anything, the murders of Nicholas Berg and Daniel Pearl declare al Qaeda's intentions to kill even innocent civilian prisoners. Without territory, it does not even have the resources to provide detention facilities for prisoners, even if it were interested in holding captured POWs.

It is also worth asking whether the strict limitations of Geneva make sense in a war against terrorists. Al Qaeda operates by launching surprise attacks on civilian targets with the goal of massive casualties. Our only means for preventing future attacks, which could use WMDs, is by acquiring information that allows for pre-emptive action. Once the attacks occur, as we learned on Sept. 11, it is too late. It makes little sense to deprive ourselves of an important, and legal, means to detect and prevent terrorist attacks while we are still in the middle of a fight to the death with al Qaeda. Applying different standards to al Qaeda does not abandon Geneva, but only recognizes that the U.S. faces a stateless enemy never contemplated by the Conventions.

This means that the U.S. can pursue different interrogation policies in each location. In fact, Abu Ghraib highlights the benefits of Guantanamo. We can guess that the unacceptable conduct of the soldiers at Abu Ghraib resulted in part from the dangerous state of affairs on the ground in a theater of war. American soldiers had to guard prisoners on the inside while receiving mortar and weapons fire from the outside. By contrast, Guantanamo is distant from any battlefield, making it far more secure. The naval station's location means the military can base more personnel there and devote more resources to training and supervision.

A decision by the Supreme Court to subject Guantanamo to judicial review would eliminate these advantages. The Justices are currently considering a case, argued last month, which seeks to extend the writ of habeas corpus to al Qaeda and Taliban detainees at Guantanamo. If the Court were to extend its reach to the base, judges could begin managing conditions of confinement, interrogation methods, and the use of information. Not only would this call on the courts to make judgments and develop policies for which they have no expertise, but the government will be encouraged to keep its detention

POWs under the Geneva Conventions. Critics, no doubt, will soon demand that reforms include an extension of Geneva standards to interrogations at Guantanamo Bay.

The effort to blur the lines between Guantanamo and Abu Ghraib reflects a deep misunderstanding about the different legal regimes that apply to Iraq and the war against al Qaeda. It ignores the unique demands of the war on terrorism and the advantages that a facility such as Guantanamo can provide. It urges policy makers and the Supreme Court to make the mistake of curing what could prove to be an isolated problem by disarming the government of its principal weapon to stop future terrorist attacks. Punishing abuse in Iraq should not return the U.S. to Sept. 10, 2001 in the way it fights al Qaeda, while Osama bin Laden and his top lieutenants remain at large and continue to plan attacks.

It is important to recognize the differences between the war in Iraq and the war on terrorism. The treatment of those detained at Abu Ghraib is governed by the Geneva Conventions, which have been signed by both the U.S. and Iraq. President Bush and his commanders announced early in the conflict that the Conventions applied. Article 17 of the Third Geneva Convention, which applies to prisoners of war clearly state that: "No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever." This provision would prohibit some interrogation methods that could be used in American police stations.

One thing should remain clear. Physical abuse violates the Conventions. The armed forces have long operated a system designed to investigate violations of the laws of war, and ultimately to try and punish the offenders. And it is important to let the military justice system run its course. Article 5 of the Fourth Geneva Convention, which governs the treatment of civilians in occupied territories, states that if a civilian "is definitely suspected of or engaged in activities hostile to the security of the States, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in favor of such individual person, be prejudicial to the security of such State." To be sure, Art. 31 of the Fourth Convention prohibits any "physical or moral coercion" of civilians "to obtain information from them," and there is a clear prohibition of torture, physical abuse, and denial of medical care, food, and shelter. Nonetheless, Art. 5 makes clear that if an Iraqi civilian who is not a member of the armed forces, has engaged in attacks on Coalition forces, the Geneva Convention permits the use of more coercive interrogation approaches to prevent future attacks.

A response to criminal action by individual soldiers should begin with the military justice system, rather than efforts to impose a one-size-fits-all policy to cover both Iraqi saboteurs and al Qaeda operatives. That is because the conflict with al Qaeda is not governed by the Geneva Conventions, which applies only to international conflicts between states that have signed them. Al Qaeda is not a nation-state, and its members -- as they demonstrated so horrifically on Sept. 11, 2001 -- violate the very core principle of the laws of war by targeting innocent civilians for destruction. While Taliban fighters had an initial claim to protection under the Conventions (since Afghanistan signed the treaties), they lost POW status by failing to obey the standards of conduct for legal

**Like A Woman**  
*Richmond Times-Dispatch*  
May 24, 2004

Among the many aspects of the prison abuse scandal at Abu Ghraib, one has gone almost unremarked: the deep-seated misogyny it has highlighted.

An Associated Press story from earlier this month quotes Dhia al- Shweiri, who is said to have spent time in Abu Ghraib twice under Saddam Hussein and once under Americans. Al-Shweiri says he was tortured under Saddam - beaten, electrocuted, and hung from the ceiling with his hands tied behind his back. But, he told the AP, "that's better than the humiliation of being stripped naked. . . . [The Americans] made us stand in a way that I am ashamed to describe. They came to look at us as we stood there. They knew this would humiliate us. We are men. It's okay if they beat me. Beating [doesn't] hurt us, it's just a blow. But no one would want their manhood to be shattered. They wanted us to feel as though we were women, the way women feel, and this is the worst insult, to feel like a woman."

This is the worst insult, to feel like a woman. Few sentences could so concisely sum up the perverse sexism in much of the Arab world.

Experts interviewed for a Times-Dispatch - story underscored the point, perhaps inadvertently. "One of the worst things that can happen is that you shave off a man's beard," said one. "It is seen as challenging his manliness." Another told the newspaper, "It is most shameful to make a person naked and then photograph him, especially a Muslim male." Especially a Muslim male?

Americans should be concerned, foremost, with the behavior and attitudes of their fellow Americans. But that does not mean they need to be concerned with the behavior and attitudes of their fellow Americans to the exclusion of everything else. If the abuses at Abu Ghraib were wrong - and they most emphatically were - it should be noted in passing that the form of those abuses was made possible by another, underlying wrong within broad swaths of Arabic culture.

**COMMENTARY**

**Terrorists Have No Geneva Rights**  
*Wall Street Journal*  
May 26, 2004  
John Yoo

In light of the Abu Ghraib prison scandal, critics are arguing that abuses of Iraqi prisoners are being produced by a climate of disregard for the laws of war. Human rights advocates, for example, claim that the mistreatment of Iraqi prisoners is of a piece with President Bush's 2002 decision to deny al Qaeda and Taliban fighters the legal status of

For many Americans, the ever-more-sickening revelations of degradation at Abu Ghraib prison are a nightmare that refuses to end. People of conscience, trying to reconcile what they have seen and heard with what they know and believe about America, feel sucker-punched by each new chapter.

Critics claim that the scandal gives lie to the notion of American exceptionalism: that America, founded on a system of ethical ideals, honors human dignity and, more than any other nation, can speak with authority to the rest of the world about freedom and respect for individual rights.

Those who value these ideals are right to feel betrayed by Abu Ghraib, but they need not be ashamed of America. Painful as it is, the scandal -- and more important, the American response to it -- has reaffirmed those values.

Given the bizarre cruelty undertaken in the prison, one can't help being dismayed.

Most recently, the world learned of videos that show U.S. soldiers smiling and flexing while beating and debasing the Iraqis in their custody. One video, showing scenes of disgusting inhumanity throughout the prison, ends with soldiers turning the cameras on themselves as they have sex with each other.

This must end any hope on the part of ashamed Americans that the Abu Ghraib abuses were the work of grimly dutiful soldiers who may have deplored the acts but believed them a necessary evil in the nasty business of gathering intelligence.

But the story doesn't end in the hellish hallways of Abu Ghraib, and that is the point. Those sickening revelations keep coming because Americans are outraged. The U.S. government releases more information because American citizens demand it.

The fact that some individual Americans, from the prison guards on up the chain of command, proved capable of ordering and carrying out such acts doesn't mean America is not exceptional. It does mean that individual Americans are just as prone to inhumanity as any other people.

Decent people in any country would be disgusted and saddened to see their soldiers treating captives brutally. In very few countries would they have, inculcated from childhood, a sense of being entitled to an investigation and explanation, much less an apology, from their government.

Americans rightfully feel entitled to such accountability. It is what makes American culture and politics exceptional.

As very real and frightening enemies gather strength, Americans must cherish both that humanity and that sense of entitlement.

The Bush administration should be focused on training and equipping an Iraqi police force so that law and order can be restored and maintained without relying on U.S. forces. That may take a year or longer -- but it should be a top priority.

The Abu Ghraib prisoner abuse scandal will remain a part of the U.S. legacy in Iraq; destroying the structure that embodies this shameful episode of the American military occupation won't erase what occurred there.

**Officials should consider preserving part of prison**

*Detroit Free Press*

May 26, 2004

Blow it up or tear it down. It doesn't much matter. Nothing this country does to the prison buildings that made Abu Ghraib a household word can erase the horrific damage that was done there. Abu Ghraib has become synonymous with torture, for decades by the henchmen of ousted Iraqi dictator Saddam Hussein, most recently by U.S. soldiers after the war that ended Hussein's regime. Destroying the structure cannot destroy the events it housed, the memories of victims, the photographs of abuse.

As U.S. officials move forward with plans to raze Abu Ghraib, which President George W. Bush outlined in his Monday night address, they should consider leaving part of the structure intact, a monument to dark chapters in human history.

Similar travesties have been appropriately memorialized. Elements of World War II concentration camps draw hushed visitors in Europe. Stone forts known as slave castles because captives were held there for shipment to the United States have been preserved on the west coast of Africa. A photography exhibit coming to the Charles H. Wright Museum of African American History in Detroit this summer will recall the shameful past of lynchings in this country.

Shining a light on humanity's horrible deeds can prevent a repetition of past mistakes.

That serves the cause of human rights better than any new maximum-security prison the United States will build on the Abu Ghraib site.

Iraqis who suffered in the prison or lost loved ones there may rejoice temporarily at its destruction. So too may U.S. officials eager to put this ugly chapter behind them.

But for generations, a part of Abu Ghraib should remain, as a testament to what went wrong -- and what was done to make it right.

Of course, that chapter of this history has yet to be written.

**Abuse of Iraqis shocks citizens, who demand and will receive answers**

*Columbus Dispatch*

May 25, 2004

Meantime, CACI's contract with the Army is administered by the Interior Department and is so vaguely worded that it gave no indication the company would ultimately be called on to supply interrogators, according to Post reporter Ellen McCarthy; that arrangement is now under review. CACI executives have said they haven't been notified of any charges; when the news of Abu Ghraib abuses broke, the company was reduced to downloading the Taguba report from the Internet. If this is the oversight that's in place for contractors, it's time to reassess whether military privatization has gone too far.

### **Demolition won't do**

*Baltimore Sun*

May 26, 2004

TEARING DOWN the Abu Ghraib prison won't dispel the haunting images of American soldiers abusing Iraqi prisoners.

It won't renew the reputation of the United States among the Iraqi people or rehabilitate its image around the world. And more to the point, it won't heal the psychic wounds of the Iraqis battered there. President Bush's offer, made in his speech Monday night, to demolish the infamous prison and replace it with a state-of-the art prison system shows a lack of understanding of how best to deal with the political fallout of the prisoner abuse scandal.

The American military's shame over the mistreatment of prisoners at Abu Ghraib can't be purged with a bulldozer. That brick-and-mortar solution voiced in a highly political address by Mr. Bush sounded like a presidential speechwriter's fix for the Abu Ghraib problem. Mr. Bush couldn't ignore the abuse scandal, so it became a couple of paragraphs on his TelePrompTer, the proposed razing of Abu Ghraib a symbolic aside.

A more nuanced and honest response to the Abu Ghraib injustices would have been to emphasize the criminal investigations under way and reiterate the U.S. commitment to punish those involved. Demolishing Abu Ghraib only conforms to the stereotype of an imperial power flexing its muscle.

Mr. Bush did say that he would defer to the wishes of the Iraqi people on the future of Abu Ghraib, and that is as it should be. If the new transitional government in Iraq wants to demolish the prison, it should.

The United States could then use its aid to cultivate the more genial aspects of a civil society -- schools, roads, hospitals, housing, courts, projects such as those it has launched over the past year. When the Bush administration sought \$20.3 billion to rebuild Iraq, it asked for \$99 million to build or update 26 jails and prisons. Haven't we spent enough on warehousing prisoners?

**Abuse by Outsourcing**  
*Washington Post*  
May 26, 2004

AMONG THE MANY disturbing aspects of the abuse at Abu Ghraib prison is the involvement of private contractors in conducting interrogations. Contractors are playing a widening role in the military, and never more so than in the war in Iraq. Private-sector workers feed and house U.S. troops, maintain sophisticated weapon systems and provide security for the Coalition Provisional Authority. Their growing involvement, and the consequent blurring of military and private roles, was brought home horrifically in March with the murder and mutilation of four security guards employed by Blackwater USA.

But privatized interrogation is troubling on a whole new level. Testifying before the Senate Armed Services Committee, Lt. Gen. Lance L. Smith said 37 contract interrogators were working for the military in Iraq. The revelation underscores the need for rigorous debate about their proper function in wartime, their position in the chain of command and the laws that govern their activities.

Interrogating prisoners is a sensitive function, one that needs to be conducted under clearly delineated rules by people who are properly trained and supervised and, if necessary, subject to punishment. As the country is learning, uniformed personnel don't always meet those criteria. But private citizens are not appropriate for the job.

Maj. Gen. Antonio M. Taguba, who investigated conditions at Abu Ghraib, testified that guards at the prison viewed the contractors as having "competent authority" to direct their activities. His report found that Steven A. Stefanowicz, a contract interrogator for CACI International Inc., an Arlington-based company, "clearly knew his instructions equated to physical abuse" and concludes that Mr. Stefanowicz and John Israel, a civilian interpreter, "were either directly or indirectly responsible for the abuses." Gen. Taguba recommended that Mr. Stefanowicz be reprimanded, fired and stripped of his security clearance.

While seven soldiers have been charged in connection with the abuses, however, the process appears to be notably slower as it applies to the private contractors, who are not subject to military discipline. The Taguba report has been complete for months, yet there is no indication that any prosecutorial activity was in the works before the abuses became public. It wasn't until late last week that the Justice Department said it had opened a criminal investigation of a civilian contractor.

Congress presciently enacted the Military Extraterritorial Jurisdiction Act in 2000 in an effort to cover such crimes, but the law has scarcely been used and has significant gaps. For one thing, it applies only to U.S. citizens; Gen. Taguba said that two translators involved in abuses were from third countries. It also only applies to contractors working for the military -- not other government agencies. Rep. Martin T. Meehan (D-Mass.) introduced a measure last week to close those loopholes.

But defense analyst Loren Thompson of the Lexington Institute, who has close connections to the Pentagon, said, "You'd have to be pretty naive to think that the problems with abuse of detainees had no impact at all on this decision."

The defense officials offered no explanation other than that Sanchez had served the normal year-long rotation in Iraq.

#### SANCHEZ TOOK RESPONSIBILITY

Sanchez testified before a Senate committee last week on the scandal and took responsibility for the abuse because it happened during his time as commander. But he said he was not aware of the abuse while it was happening and moved quickly to investigate after learning about it.

"The secretary and the chairman (Gen. Richard Myers, chairman of the Joint Chiefs of Staff) both believe from what they understand now that Gen. Sanchez handled the matter of Abu Ghraib in a very professional matter," said Lawrence Di Rita, Rumsfeld's chief spokesman.

Sanchez is being considered for an appointment to head the U.S. Southern Command in Miami, a post carrying the fourth star of a full general, officials said.

Casey is a full general, and Rumsfeld has for months been considering making a four-star general the overall commander in Iraq, responsible for the broad direction of coalition military affairs while a three-star general handles day-to-day military operations. Lt. Gen. Thomas Metz serves in that capacity.

Thompson doubted replacing Sanchez was intended to make him the scapegoat in the Abu Ghraib scandal, but said Pentagon leaders were "recognizing the fact that some atrocious behavior occurred while he was in command, and that has probably shaken their confidence in his suitability for the higher job."

Thompson said numerous problems have been associated with Sanchez's tenure as top commander in Iraq since June 2003, as he has faced the difficult task of defeating an insurgency.

"Look at all the problems Sanchez has faced: a flawed strategy, dreadfully inaccurate intelligence, inadequate forces on the ground, flagging domestic support, and a political leadership that seems to have multiple agendas above and beyond simply defeating the insurgents," Thompson said.

"This is not a prescription for success. Gen. George Patton (the respected American World War Two commander) would be at a loss to have to deal with these kinds of problems."

#### EDITORIALS

"The last word I got is that he was given an order not to talk with anyone about the case while the investigation was ongoing, and if any type of action was levied against him, it would be a result of him not obeying that order," said Lt. Col. Kevin Gainer. "It could compromise the whole investigation by putting out information and maybe influencing others."

Provance said he has been in the Army for five years and would like to stay, but that it might not be possible.

"I like the Army, the Army is a great organization, it's just there are individuals within it that screw it up," he said. "I would like to believe I have a future in the army, but I don't know what's going to come out of this."

#### **Pentagon to replace top U.S. commander in Iraq.**

*Reuters*

**May 25, 2004**

**Charles Aldinger**

The Pentagon will replace Army Lt. Gen. Ricardo Sanchez as the top U.S. military officer in Iraq, senior defense officials said on Tuesday. But they argued that the change was not triggered by the Abu Ghraib Iraqi prisoner abuse scandal.

Gen. George Casey, Army vice chief of staff, has emerged as the top candidate to replace Sanchez in Baghdad in June or July, said the officials, who asked not to be identified.

"There has been no final decision on a replacement, but Gen. Casey is a top candidate," one official said.

"This has absolutely nothing to do with Abu Ghraib," added another defense official.

"The secretary (Defense Secretary Donald Rumsfeld) is very mindful that the perception (of punishment) might arise. But it simply is not the case."

Brig. Gen. Janis Karpinski, who was in charge of U.S.-run prisons in Iraq during the abuse, has been suspended as commander of the military police brigade at the heart of the scandal.

Seven U.S. soldiers have been charged with physically and sexually abusing and humiliating Iraqi prisoners at Abu Ghraib in a scandal that has inflamed the Arab world and undermined U.S. efforts in the country before the handover on June 30 to an interim Iraqi government.

President George W. Bush praised Sanchez.

"Rick Sanchez has done a fabulous job. He's been there for a long time. His service has been exemplary," Bush said in response to a question from reporters at the White House.

Sgt. Samuel Provance said that although soldiers he served with in Iraq were treating him as a pariah, he would not change a thing if given a second chance.

"My soldiers who were at Abu Ghraib are so scared now they're not even talking to me anymore -- I'm like a villain, but would I do it again? Of course I would, because I stand behind what I said," Provance said in a telephone interview from Heidelberg, Germany, where his military intelligence unit is based.

"I knew what was being reported was not true."

Provance, 30, is with the 302nd Military Intelligence Battalion, a unit of the 205th Military Intelligence Brigade, which has been implicated in the abuse at Abu Ghraib. The scandal broke after photographs were made public of U.S. soldiers abusing prisoners, sparking worldwide outrage.

Unlike early reports suggesting the abuses were failings by individual soldiers, Provance told the AP and other media outlets that interrogators at the prison viewed sleep deprivation, stripping inmates naked and threatening them with dogs as normal ways of dealing with "the enemy."

Provance, who was in charge of a computer network at the prison for five months ending in February, said he had not seen abuse himself but was told about it by interrogators.

Provance, of Williamsburg, Va., was notified by the Army that he was an official witness in the case after the scandal broke, and on May 14, his company commander ordered him not to talk with anyone about what he had seen, he said.

Instead, he decided he would give interviews to set the record straight.

"I wanted to make sure I got out what I could in what time I had before I was silenced at a higher level," he said. "I'm standing behind my First Amendment right to free speech, and it's a matter of does the constitution have more weight than a company level commander."

On Friday, Provance was called before his battalion commander, who yanked his clearance to work at top secret sites and administratively "flagged" him, meaning he cannot receive honors, awards or seek promotion until the status is removed.

An Army official, who spoke on condition of anonymity, confirmed from Washington that Provance lost his security clearance and faces other disciplinary action for discussing the investigation with the media.

In Germany, a spokesman for V Corps, which oversees Provance's unit, said he knew of no disciplinary action, but that the sergeant had been ordered not to talk to the media.

detainees, The Washington Post reported on Wednesday, citing sworn testimony by the top U.S. intelligence officer at the prison.

Col. Thomas Pappas testified that the idea came from Maj. Gen. Geoffrey Miller, then commander of the U.S. detention center at Guantanamo Bay, Cuba, and was implemented under a policy approved by Lt. Gen. Ricardo Sanchez, the top U.S. military officer in Iraq, the newspaper reported.

Senior defense officials said on Tuesday that Sanchez was being replaced as the U.S. commander in Iraq. But they argued the change was not triggered by the Abu Ghraib Iraqi prisoner abuse scandal.

According to a transcript obtained by The Washington Post, Pappas told the Army investigator, Maj. Gen. Antonio Taguba: "It was a technique I had personally discussed with General Miller, when he was here" visiting the prison.

"He said that they used military working dogs at Gitmo, and that they were effective in setting the atmosphere for which, you know, you could get information" from the prisoners, Pappas said in the testimony.

Miller, who assumed command of Abu Ghraib this month, denied through a spokesman that the conversation took place, the newspaper said.

"Miller never had a conversation with Colonel Pappas regarding the use of military dogs for interrogation purposes in Iraq. Further, military dogs were never used in interrogations at Guantanamo," Brig. Gen. Mark Kimmitt, spokesman for U.S. forces in Iraq, told the Post.

According to the Post, Pappas testified that interrogation plans involving the use of dogs, shackling, "making detainees strip down," or similar aggressive measures followed Sanchez's policy, but were often approved by Sanchez's deputy, Maj. Gen. Walter Wojdakowski, or by Pappas himself.

At least four photographs from Abu Ghraib obtained by The Washington Post show fearful prisoners near unmuzzled dogs.

#### **Sergeant Disciplined for Speaking of Abuse**

*Associated Press*

**May 25, 2004**

**David Rising**

A U.S. Army sergeant who gave an insider's view of Abu Ghraib prison to the media has lost his security clearance and has been disciplined by the military for speaking out, he told The Associated Press on Tuesday.

A U.S. Army synopsis of deaths and mistreatment involving prisoners in American custody in Iraq and Afghanistan shows a pattern of abuse involving more military units than previously known, The New York Times reported on Wednesday.

The summary, dated May 5, was prepared by the Criminal Investigation Command at the request of Army officials, according to the newspaper.

It outlines the status of investigations into 36 cases, including the continuing probe into the abuses at Abu Ghraib prison on the outskirts of Baghdad, the paper said.

The Iraq cases date back to April 2003, the Times reported. In an incident reported to have taken place last month, a prisoner detained by Navy commandos died in a suspected case of homicide blamed on "blunt force trauma to the torso and positional asphyxia," the paper said.

The U.S. forces' treatment of prisoners has come under scrutiny because of revelations about the physical and sexual abuse of Iraqi inmates at the Abu Ghraib prison. Seven U.S. soldiers have been charged with abusing Iraqi prisoners there.

In a speech on Tuesday, U.S. President George W. Bush said the prison "became a symbol of disgraceful conduct by a few American troops who dishonored our country and disregarded our values," and said the notorious prison would be demolished as a "symbol of Iraq's new beginning."

One of the oldest cases listed in the May 5 document involves the death of a prisoner in Afghanistan in December 2002, the paper said.

The document said enlisted personnel from a military intelligence unit at Fort Bragg, North Carolina, and an Army Reserve military-police unit from Ohio are thought to have been "involved at various times in assaulting and mistreating the detainee," according to the Times.

Members of the 223rd Military Intelligence Battalion, which is part of the California National Guard, were accused of abusing Iraqi detainees last spring in Samarra, north of Baghdad, the Times reported.

The Army summary said the unidentified enlisted personnel "forced into asphyxiations numerous detainees in an attempt to obtain information" over a 10-week period, according to the paper.

#### **U.S. general linked to use of dogs at prison-Post.**

*Reuters*

**May 26, 2004**

The U.S. Army general sent by the Pentagon to bolster the collection of intelligence from prisoners at Abu Ghraib is said to have urged the use of guard dogs to frighten Iraqis

*Financial Times*  
May 26, 2004  
Peter Spiegel

US officials yesterday insisted the decision to replace the American general in charge of coalition forces in Iraq this summer is part of a normal rotation of commanders rather than a reprimand for the escalating prisoner abuse scandal.

Lieutenant General Ricardo Sanchez, who has been the top US general on the ground for more than a year, has come under intense pressure in recent weeks following reports that he may have been aware of interrogation tactics used by American soldiers at Baghdad's notorious Abu Ghraib prison. The Pentagon has denied any prior knowledge by Gen Sanchez.

"Rick Sanchez is doing a fabulous job," President George W. Bush said yesterday. "He's been there for a long time. His service has been exemplary."

However, the timing of the Pentagon's announcement, coupled with reports that Gen Sanchez may not get his expected next assignment - a promotion to head US Southern Command, which oversees all operations in Latin America - has led to speculation that the general is being punished for the Abu Ghraib scandal.

Separately, Brigadier General Janis Karpinski, the commander of the military police brigade responsible for manning Abu Ghraib, was suspended this week from her job pending the completion of investigations.

Administration officials and military leaders were eager to shoot down speculation that Gen Sanchez is being punished.

"We typically keep our combat commanders in theatre for a year," said Brigadier General Mark Kimmitt, the US military spokesman in Baghdad.

"We have always expected Gen Sanchez to depart some time after transfer of sovereignty. My personal expectation was, like me, he would be departing some time in the June time period," he said.

Gen Sanchez is expected to be replaced this summer by General George Casey, vice chief of staff of the army.

## WIRES

U.S. Army survey cites wider prisoner abuse-NYT.  
*Reuters*  
May 26, 2004

Professor Massaro soon repented for wishing another ill, but not before gaining a new insight: The thirst for revenge includes a longing to laugh at the wrongdoer's misfortune.

"These are inmates suspected of having shot at US soldiers," Massaro says. "These [guards] at Abu Ghraib could have had friends killed by these enemies." To resist the desire to degrade and dehumanize is the moral imperative, he says, but doing so in certain settings requires an uncommonly steely will.

Some personalities, too, might be more prone to sadism than others, psychologists suggest. To reduce the likelihood of sadism among its prison guards, Maryland uses a personality inventory to screen out those with "a tendency to do bad things and nasty things," says William Sondervan, former Maryland commissioner of corrections and now director of professional development for the American Correctional Association.

Even after a screening, however, tensions can lead to temptations. In Maryland's rural prisons, 77 percent of inmates are African-Americans from urban areas, while 99 percent of guards are whites from the local vicinity. When an HIV-positive inmate splashes a guard with his urine, blood, or feces, Mr. Sondervan says, guards can be tempted to take pleasure in striking back. But those who can't control that impulse are reprimanded or fired.

"People who do those things tend to get weeded out," Sondervan says.

In military settings such as Abu Ghraib, however, staffing shortages can preclude the luxury of personality screening - and sadistic behavior can result. People who have a high opinion of themselves but feel easily threatened are quickest to become enraged and to delight in seeing the offender suffer, Miller says. "Then you have the mix that can really be devastating."

Whether personality is a major factor in manifesting sadism among ordinary people is a matter of debate. Waller, for one, questions whether personality should even be considered as a factor.

Not everyone, sources agree, will succumb even to the strongest pressures to behave sadistically. Army soldier Joseph Darby, who reported the abuse at Abu Ghraib to his commander, chose to resist even though it meant he might be labeled a traitor. Yet in the aftermath of Sept. 11, it seems an angry America in search of security may have lessened the vigilance against cruelty.

"After 9/11, there came a mentality that said, 'We cannot afford to be nice. We have to do whatever it takes to find these people and bring down Osama bin Laden,' " Morrow says. "It seems to me that this is the atmosphere where these things may occur." (c) Copyright 2004. The Christian Science Monitor

#### **US Denies General's Move Is Reprimand**

Nonetheless, incidents documented at Abu Ghraib do constitute "sadism," according to other sources for this story, and might shed light on a seldom-studied side of human behavior.

As for the ordinary person's propensity for sadism, psychologists have no choice but to cite studies dating from 25 years ago. That's because ethical regulations have for decades prohibited researchers from encouraging cruel behavior or even a simulation of it. The result is a dearth of fresh data to explain how sadistic behavior can become habitual for other- wise good people, as the multitude of theories in psychology and elsewhere can attest.

James Waller, social psychologist at Whitman College and author of "Becoming Evil: How Ordinary People Commit Genocide and Mass Killing," says soldiers called upon to humiliate the enemy must either learn to relish the task or run the risk of being paralyzed by guilt.

"The [victim] dehumanization process occurs because the perpetrator needs it to commit these atrocities," Mr. Waller says. "It becomes easier for them to do what they do if they buy into the justification that this person fully deserves what they're getting. In fact, in this alternative moral universe, it would be an act of injustice not to belittle and abuse them."

Getting to that point, Waller says, depends on accepting rhetoric that equates the enemy with vermin - in this case, perceiving them as terrorists who measure up as sub-human and worthy of annihilation. Yet even with such ample rhetoric in mind, he says, a person may hesitate until he or she completes a first act of brutality, which "opens a floodgate" of base human behavior.

Crossing that threshold, which can seem unthinkable from an outside perspective, tends to occur when an individual feels bound to a group and compelled to adhere to group standards, Dr. Miller says. He cites a 1960s study in which Yale psychologist Stanley Milgram showed that ordinary people, when instructed by an authority figure, will administer seemingly deadly shock "therapies" to a stranger. Another study by Philip Zimbardo at Stanford University in 1971 ended abruptly because subjects, simulating prison guards, "became sadistic."

Still, the mystery lingers: Why the enjoyment in watching others suffer? Perhaps glee merely covers up fear or shame beneath the pressures of war. But theologians quickly cast the indictment wider. Some see humankind perpetually struggling with a dark desire to wish enemies humiliated and to laugh when they are.

Even a professor of moral theology knows the sadistic impulse from personal experience. Thomas Massaro of Weston Jesuit School of Theology recalls driving in the Bronx years ago when another driver cut him off. Further up the road, he saw the same driver had crashed into a pole. His first reaction was gleeful: "At least for a minute, I said, 'Ha! I hope he has expensive damage to his car!'"

leash at Abu Ghraib prison. Apparently ordinary guys, too, posed - with smiles - beside men they'd allegedly beaten and piled high in a pyramid to get them to talk. Just following orders, some said, yet the question remains: Why such happy faces?

Psychologists, theologians, and a journalist who researched war for years hold that, under certain conditions, otherwise ordinary people can be susceptible to adopting a warped mentality in which they take pleasure in another's suffering - also known as sadism.

What, exactly, causes some people to engage in sadistic behavior is something of a mystery, they say. But most cite the strangeness of a war zone, where otherwise honorable people - awash in feelings of duty, camaraderie, and revenge - sometimes lose the moral compass that guided their behavior in their former lives.

Two main theories abound on such cruelty: One is that war can make good people callous, even sinister; the other is that everyone already is a bit cruel, and war just tends to bring out the worst of it.

The fiery emotions of war and a foreign environment can conspire to lower moral inhibitions, says one psychologist who has studied people's justifications for evil and violent behavior. In extreme cases, they may even transform honorable young men and women into hardened characters who can induce pain without remorse.

"Personalities can become quite different," says Arthur Miller, a Miami University (Ohio) social psychologist and editor of the new book "The Social Psychology of Good and Evil." "As you victimize other people, you convince yourself you're doing a good thing or else you go crazy. When this person returns, their families in fact are not seeing the person they knew."

Others, however, say extreme conditions can bring to the fore irascible tendencies common to some young adults, and the mission in war - to get the job done - might at times cause a certain degree of sadism.

"You've got to see the enemy as less than human," says Lance Morrow, a former Time Magazine journalist who interviewed Serbian warlords for his 2003 book "Evil: An Investigation." "Glee expresses your power. The glee evident at Abu Ghraib is part of a parading of power over powerlessness. It's aimed at breaking down the suspect by giving them a sense of powerlessness.... [But] glee in wartime also covers up fear."

Mr. Morrow regards soldiers' conduct at Abu Ghraib as "terrible" and "stupid" but not "evil," since he says these humiliation tactics hardly rival the ruthless killing sprees he observed in Rwanda or Bosnia in the 1990s. In fact, stories of warriors who enjoy inflicting torture have dotted accounts from Attila the Hun to Adolf Hitler, although the spying eye of a camera - and its strange ability to forge a smile anytime - is relatively new.

commentator and bestselling author Sean Hannity, aired the unedited audio of the Berg video, complete with the victim's gruesome screams. "I know you don't want to hear this. But you should make yourself hear it, because it is ... evil in your midst," Mr. Hannity said.

Along a similar vein, Laura Schlessinger, the radio psychologist known as "Dr. Laura," told listeners last week that high-school students should, with parental permission, watch the Berg video to better understand the war.

Little worry of tampering with history

Newsroom denizens do say there's one thing they're not worrying about - the effect of the Iraqi images on world events. "It doesn't enter into the consideration at all, and it shouldn't," said veteran reporter Terence Smith, correspondent for "The NewsHour with Jim Lehrer" on PBS. "What we're trying to do is report the news and what's going on, not affect the war effort one way or another. And it would be very hard to decide what the ultimate impact of these photos will be."

According to a Monitor/TIPP poll finished last week, most Americans have another perspective. Some 52 percent disapprove of the release of the prison-abuse photos. A similar question in a CBS News poll found 43 percent objecting to the images' release. And forty-nine percent of those polled by CBS said the media spent too much time on prisoner-abuse stories.

While those numbers suggest antipathy toward, or at least frustration with, the press, ombudsmen at five daily newspapers - in Houston, Sacramento, San Francisco, Seattle, and Tucson, Ariz. - report that the most graphic images from Iraq spawned only mild to moderate interest among readers. There's much more uproar when papers tinker with TV listings, the comics, or the crossword puzzle.

Houston Chronicle reader representative James T. Campbell says liberals wanted to see more prison photos, while conservatives clamored for more images of Berg to show terrorists are "barbarians."(c) Copyright 2004. The Christian Science Monitor

**Why are they smiling?**

**The stresses of war can distort morality and draw out the worst in human nature, psychologists say, but sadistic behavior is not inevitable.**

*Christian Science Monitor*

**May 26, 2004**

**G. Jeffrey MacDonald**

The camera doesn't lie, but it does raise a troubling question: As human beings are treated like animals, why is this "girl next door" smiling?

That question continues to haunt a disbelieving American public which in April gasped to see a photo of GI Lynndie England cheerily leading around a naked Iraqi prisoner on a

Some TV news programs chose to show the moment when Mr. Berg's killer pulled out a knife before killing the visiting American. But none showed the decapitation itself. And The Washington Post, which published another round of prison-abuse pictures on Friday, has declined to run dozens of photos for a variety of reasons, in some cases because they're too sexual or violent. "These are human beings, and we're trying to be judicious," says executive editor Leonard Downie Jr.

But those efforts haven't quelled controversy over the volatile images, according to a new Christian Science Monitor/TIPP survey and other polls. Many Americans support the media's watchdog role of investigating and exposing prisoner abuse, while others worry that repeated display of shocking photos may cross boundaries of propriety at home or prompt new attacks on Americans abroad.

In seeking the right balance, mainstream news organizations are grappling not only with their own traditions but with emerging rivals, such as the Internet and talk radio.

Vaughn Ververs, editor of The Hotline, National Journal's online political newsletter, argues that the press is in danger of becoming irrelevant, with so many people turning to the Internet - where the Berg video is enormously popular - in search of the most complete war coverage. News organizations are "no longer the gatekeepers of what Americans see and don't see," says Mr. Ververs. "They're at risk of losing their audience to a large extent."

The quandary of what to show

Still, the media outlets play a gatekeeper role, weighing what a general audience, including children, should see.

The Post is especially cautious about what it puts on the front page, Mr. Downie says. Indeed, many newspapers have chosen to stuff the most shocking photos inside, where they're often smaller and in black-and-white. In California, The Sacramento Bee ran a warning on the front page about explicit material on an inside page.

The Christian Science Monitor, too, has been careful in passing disturbing images along to readers.

"We ask ourselves what is truly new information, whether it is still news by the time we publish, and whether publishing amounts to facing an important issue or simply wallowing in the depiction of suffering or causing further harm to the victims," says Monitor editor Paul Van Slambrouck. "All this means we've been highly selective and used images only when essential to the meaning of the story."

Standards are different in the radio world, even amid an industrywide crackdown on explicit programming in the wake of the Janet Jackson's breast-exposing incident during the Super Bowl. Local and national radio talk-show hosts, including Fox News

Seven U.S. soldiers have been charged with physically and sexually abusing and humiliating Iraqi detainees at the prison near Baghdad.

At the Pentagon, Larry Di Rita, chief spokesman for Defense Secretary Donald H. Rumsfeld, said both Mr. Rumsfeld and Gen. Richard B. Myers, chairman of the Joint Chiefs of Staff, "are very impressed with the work General Sanchez performed from the very beginning" of his service in Iraq.

President Bush yesterday praised Gen. Sanchez at an Oval Office event.

"Rick Sanchez has done a fabulous job," Mr. Bush said of the general. "He's been there for a long time. His service has been exemplary."

Gen. Sanchez testified before a Senate committee last week on the Abu Ghraib abuse scandal and took responsibility.

Meanwhile, officials said yesterday the Army is planning to send into combat thousands of soldiers whose normal job it is to play the role of the "enemy" at training ranges in California and Louisiana.

The Pentagon also is considering adding another National Guard brigade, the 155th Separate Armored Brigade from Mississippi, to Iraq in the next rotation of ground forces, other Army officials said.

About 2,500 soldiers from the 11th Armored Cavalry Regiment, which serves as a professional enemy force at the National Training Center at Fort Irwin, Calif., will be deployed to Iraq, officials said, as will the 1st Battalion of the 509th Infantry, which plays a similar role in training at Fort Polk, La.

**Press wrestles with grim clips ; Media extensively cover the prison scandal while rejecting the most obscene images.**

*Christian Science Monitor*

May 26, 2004

Randy Dotinga

Buffeted by a roiling debate over explicit images of violence, American news organizations are walking a fine line between good journalism and bad form as they try to cover the war in Iraq without alienating readers and viewers.

Should they listen to commentators demanding the broadcast of the unedited video of Nicholas Berg's execution? Is it time to downplay the prison-abuse photos to help protect US soldiers, or time for the media to throw all its unpublished images onto the Internet?

Mainstream newspapers and major TV networks have been groping for a middle ground as they cover both the prison-abuse scandal and war casualties while rejecting the most violent and obscene images.

"I would just say that Rick Sanchez has had the hardest job in the U.S. Army over the last year-plus," said retired Army Maj. Gen. William Nash, now a military analyst at the Council on Foreign Relations in Washington. "And that he's been faced with trying to make a coherent operation out of a lot of incoherent parts."

Nash said Sanchez, who also has endured criticism for the rekindled Iraqi insurgency, had to deal with insufficient numbers of troops, shifting political guidance and the U.S.-led Coalition Provisional Authority, which Nash said was "less than fully organized and fully in command."

Military officials hope a new command structure will improve communication between the military leadership in Iraq and the U.S. civilian presence, which will be transformed from the occupation authority to an embassy.

Military and civilian officials in Baghdad and Washington have described persistent friction between L. Paul Bremer III, the U.S. civilian administrator in Iraq, and the military leaders — Sanchez and his superior, Gen. John Abizaid, head of the U.S. Central Command.

"Now, it couldn't be worse," said one official who recently left the coalition authority, speaking on condition of anonymity. "Nobody talks to anybody."

#### **Sanchez will be replaced as commander in Iraq**

*Washington Times*

May 26, 2004

The Pentagon will replace its top commander in Iraq, a move that U.S. officials said was not related to the abuse of prisoners at Abu Ghraib.

Army Lt. Gen. Ricardo Sanchez will be replaced in June or July, said U.S. officials, who suggested that Army Chief of Staff Gen. George Casey is the most likely candidate to replace Gen. Sanchez.

"There has been no final decision on a replacement, but General Casey is a top candidate," one official told Reuters. Other officials, saying the change of command was not a result of revelations about prisoner abuse, noted that Gen. Sanchez was due for a rotation of duty after 13 months of commanding in Baghdad.

Also yesterday, the Army suspended Brig. Gen. Janis Karpinski as commander of the military police brigade implicated in the abuse of Iraqi prisoners at Abu Ghraib.

Gen. Karpinski and other officers in the 800th Military Police Brigade were faulted by Army investigators for paying too little attention to day-to-day operations at Abu Ghraib and for not moving firmly enough to discipline soldiers for violating standard procedures.

Sanchez was to take over the Southern Command, a post in which he would have overseen U.S. forces throughout Central and South America and the Caribbean, according to a senior Defense official who spoke on condition of anonymity.

That job requires Senate confirmation, a process that Defense officials feared would drag on because of continuing congressional questions about how some members of the U.S. military treated detainees in Iraq. Though not faulting Sanchez, a three-star general, Defense officials said that lingering questions might have delayed Senate approval of the fourth star required for the higher command.

"This is not reflective of Sanchez's role in any of this," the senior Defense official said. "It's just prudent, common sense that you're not going to get him through the confirmation process until next year. So now what do you do with SouthCom? Once you pull someone out, the whole daisy chain shifts."

Under the original Pentagon plan, Lt. Gen. Bantz J. Craddock, a three-star general who is a close Rumsfeld ally and aide, was to be nominated for a fourth star and would have taken over a command in Iraq. With Sanchez temporarily sidelined, Pentagon officials opted to send Craddock to the Southern Command and send four-star Gen. George W. Casey, the second-in-command of the Army, to head a new, higher-ranked billet that will replace Sanchez's post in Iraq. Assignments of three- and four-star officers must be approved by the Senate.

Other military sources suggested that revisions in the current Pentagon plan for the generals were still possible. Under a scenario outlined by a former military official familiar with the plan to turn over sovereignty to Iraq next month, Craddock would take Casey's post as the No. 2 uniformed Army official and Pentagon officials would continue to press Sanchez for the SouthCom post, relying on his appeal as the highest-ranking Latino in the military.

In either case, the delicate minuet would shift Casey out of the Army's No. 2 uniformed post after less than a year, and put a respected commander in Iraq, the most sensitive command outside the United States. Casey has worked with Rumsfeld as director of the Joint Staff since January 2003 and has allies on Capitol Hill. Although Pentagon officials have insisted that the shuffle is part of normal rotation of officers, it comes as the administration is suffering from sinking approval ratings at home and waves of criticism abroad.

"If something isn't working and you think the strategy is sound, the logical assumption is that the people who are executing it are the problem," said analyst Loren Thompson of the Lexington Institute, an Arlington, Va., public policy group.

Sanchez, who rose from poverty to become a high-ranking Army officer, has won loyal allies among his colleagues. Raised two miles from the Mexican border in Rio Grande City, Texas, Sanchez was recently named by Hispanic magazine as Hispanic of the Year.

Gen. Miller told lawmakers last week that following his Iraq visit he laid out recommendations to military leaders on how to better collect intelligence and conduct interrogations. Throughout September and early October, military lawyers and intelligence officers drafted four sets of rules for interrogating prisoners, the last of which was adopted in mid-October. Gen. Miller's rules from Guantanamo were used as a framework for crafting the new guidelines, senior military officials have said.

But officials said they realized that practices employed at Guantanamo, where prisoners are not covered by the Geneva Conventions, were not appropriate in all cases in Iraq, where the prisoners were entitled to at least partial protection of the treaties.

One soldier who was involved in interrogations at Abu Ghraib said that with each new draft, the rules seemed to put more restrictions on what soldiers could do to detainees.

For example, initially soldiers could force prisoners to assume stress positions, such as holding their arms above their heads in the open sun for more than an hour, without the approval of the commanding general, the soldier said. By late October, such tactics could only be used with the commander's approval.

"Things did get stricter between the September rules and the October rules," this soldier said.

In his investigation, Gen. Taguba questioned Col. Pappas extensively about the requirement that Gen. Sanchez's approval was needed for dogs and whether the rules specified they should be muzzled, said the people who have seen the report. Col. Pappas does not respond directly, one of the officials said, but he does say using dogs was a procedure that he had discussed with Gen. Miller.

#### **Scandal Derailed Plans for Ground Commander in Iraq**

**Lt. Gen. Sanchez had been due to assume a new post. Now he's the Army's odd man out.**

*Los Angeles Times*

**May 26, 2004**

**John Hendren**

The Abu Ghraib prison abuse scandal upset Pentagon plans to reshuffle a group of generals this summer, leaving Lt. Gen. Ricardo Sanchez, the top ground commander in Iraq, without a clear-cut assignment, officials said Tuesday.

Defense officials had planned to shift Sanchez as well as the Army's vice chief of staff and a top aide to Defense Secretary Donald H. Rumsfeld into new positions. But they were forced to tear up the plan and start over after the prison scandal grew, creating political and operational obstacles, officials said.

use of dogs to Col. Pappas during a visit to Iraq in late August and early September. "It's not something he ever recalls discussing with Col. Pappas, certainly not for use in any interrogations," said the spokesman, Lt. Col. Barry Johnson.

But a soldier in Col. Pappas's unit, the 205th military intelligence brigade, said in an interview with The Wall Street Journal that he had been told that Col. Pappas and Gen. Miller had discussed the merits of using dogs in interrogations during this period.

It remains unclear how extensively dogs were used against prisoners at Abu Ghraib. Pentagon officials say that Lt. Gen. Ricardo Sanchez, the top U.S. commander in Iraq, had to personally approve use of dogs against any prisoner and that muzzles were mandatory. The officials say he never gave such approval.

But on Nov. 30, Col. Pappas sent a memo to Gen. Sanchez asking for permission to use "barking dogs," among other techniques, against a prisoner, according to an official who has read the memo. In one photograph taken at the prison in December a naked prisoner cowers while two leashed but unmuzzled dogs growl at him, according to an official who has seen the memo. A second photo shows the prisoner lying on the floor bleeding, apparently after being bitten.

Col. Pappas, who has declined all requests for interviews, appears to have an incentive for attributing coercive techniques used at Abu Ghraib to senior officers. The report by Gen. Taguba recommends that Col. Pappas be reprimanded for, among other allegations, failing to ensure his soldiers followed rules governing permissible interrogation techniques.

At the time he went to Iraq, Gen. Miller was commanding the U.S. detention facility at Guantanamo Bay, Cuba. Pentagon officials, worried about the growing insurgency in Iraq and the poor results of interrogations, sent him to Iraq to examine the prisons there and recommend changes. During his trip, he visited Abu Ghraib, where Col. Pappas moved his headquarters in September.

Col. Pappas said in the classified annex to the Army's Taguba report that his soldiers used dogs with and without muzzles in the prison when interrogating prisoners, the officials said. Dogs were used in interrogations at Guantanamo but they were always muzzled, a soldier familiar with procedures there said.

Explaining the decision not to use muzzles sometimes at Abu Ghraib, Col. Pappas said, "It's not very intimidating if they're muzzled," according to one of the officials with knowledge of the statement. Col. Pappas said that dogs were always kept on leashes, the official said.

At least two Army dog handlers have told investigators that, despite their own reservations, they were ordered by Col. Pappas's unit to use unmuzzled dogs against Abu Ghraib detainees, according to the officials who have reviewed the report.

\* Sanchez has been criticized for issuing an order last November putting military intelligence officers in control of Abu Ghraib. An investigation of prisoner abuse by Army Maj. Gen. Antonio Taguba said the order created friction and confusion that may have contributed to abuses by prison guards.

\* Sanchez signed a memo Oct. 12, 2003, that called for military intelligence officers to work closely with military police at the prison to "manipulate an internee's emotions and weaknesses."

\* Sanchez admitted in Senate testimony last week that he had not seen Red Cross warnings about prisoner abuses in Iraq that were sent months before the abuses at Abu Ghraib came to light.

The Pentagon said Tuesday that Sanchez's replacement has not been chosen. But a former high-ranking military officer with direct knowledge of the selection process said it will be Gen. George Casey, the Army's vice chief of staff. Casey, the Army's second-highest-ranking general, is regarded by his peers as among the most competent leaders in the Army. He is also close to Abizaid, who commands all U.S. forces in the Middle East.

The Lexington Institute's Thompson says Sanchez was handicapped by Rumsfeld's desire to prove that a "transformed" military could quickly win wars with relatively small numbers of troops and new thinking. "Instead," Thompson says, "they didn't understand the country, they didn't have good intelligence and they did not commit enough forces."

**General Advised on Use of Dogs  
In Iraq Prison, Army Report Says**  
*Wall Street Journal*  
May 26, 2004  
David S. Cloud and Greg Jaffe

The U.S. Army general overseeing the Iraqi prison system advised a senior officer at Abu Ghraib prison last summer that using military dogs during interrogations was effective at getting prisoners to divulge information, according to people who have reviewed testimony in still-secret annexes of the Army report by Major General Antonio Taguba.

Major General Geoffrey Miller's suggestion that dogs helped produce successful interrogations led Col. Thomas Pappas, the senior intelligence officer at Abu Ghraib, to use the technique against Iraqi prisoners, Col. Pappas told Army investigators, according to two people familiar with his statement.

Col. Pappas's account, if accurate, is significant because it would indicate a larger role by senior Army officers than the Pentagon has acknowledged in putting in place coercive interrogation practices that later figured in abuse of prisoners.

Gen. Miller, who was appointed earlier this year to oversee all detainees under U.S. Army custody in Iraq, said through a spokesman that he does not remember mentioning

Lt. Gen. Ricardo Sanchez is likely to be judged the highest-ranking casualty of a troubled occupation and a corrosive prisoner-abuse scandal, both of which tarnished the year he has been the top U.S. commander in Iraq.

Sanchez, whose pending departure was acknowledged by the Pentagon Monday, is the highest-ranking officer to come under direct scrutiny since the prisoner-abuse scandal at Iraq's Abu Ghraib prison erupted a month ago.

Pentagon officials say Sanchez's departure has been in the works for months and is no reflection on his performance in the war or the scandal. But some military experts say the timing is not coincidental.

"The prison-abuse scandal is a damaging blow," says retired Army general Barry McCaffrey, a 1991 Gulf War veteran who has at times been highly critical of the U.S.-led occupation.

Others say Sanchez will become a scapegoat for a flagging counterinsurgency campaign that has overshadowed U.S. forces' quick defeat of Saddam Hussein's regime 13 months ago. Loren Thompson, a military analyst at the Lexington Institute in Arlington, Va., says Sanchez was asked to preside over a military occupation in the midst of a chaotic guerrilla campaign that took Defense Secretary Donald Rumsfeld and subordinates completely by surprise.

It is impossible, Thompson says, to separate Sanchez's fate from the difficult counterinsurgency he was asked to prosecute. "This is just not the kind of war we like to fight," Thompson says.

Sanchez was rumored to be a candidate to head U.S. Southern Command in Miami, which would promote him from three stars to a full four-star general, though that possibility could be in question. "Pentagon leaders were recognizing the fact that some atrocious behavior occurred while he was in command, and that has probably shaken their confidence in his suitability for the higher job," Thompson says.

President Bush praised Sanchez on Tuesday, saying the Rio Grande City, Texas, native has "done a fabulous job."

Sanchez quickly began a criminal investigation in mid-January after the first computer disk containing photos of prisoner abuse at Abu Ghraib was given to Army investigators. But Army investigators and members of the Senate Armed Services Committee have raised questions about his role in the scandal:

\* The Pentagon has denied reports that Sanchez frequently visited Abu Ghraib prison around the time prisoners were being abused. Sanchez's boss, U.S. Central Command head Gen. John Abizaid, said last week that Sanchez visited on at least one occasion.

Pappas added that it "would never be my intent that the dog be allowed to bite or in any way touch a detainee or anybody else." He said he recalled speaking to one dog handler and telling him "they could be used in interrogations" anytime according to terms spelled out in a Sept. 14, 2003, memo signed by Sanchez.

That memo included the use of dogs among techniques that did not require special approval. The policy was changed on Oct. 12 to require Sanchez's approval on a case-by-case basis for certain techniques, including having "military working dogs" present during interrogations.

That memo also demanded -- in what Taguba referred to during the interview as its "fine print" -- that detainees be treated humanely and in accordance with the Geneva Conventions.

But Pappas told Taguba that "there would be no way for us to actually monitor whether that happened. We had no formal system in place to do that -- no formal procedure" to check how interrogations were conducted. Moreover, he expressed frustration with a rule that the dogs be muzzled. "It's not very intimidating if they are muzzled," Pappas said. He added that he requested an exemption from the rule at one point, and was turned down.

In the interview transcript, Taguba's disdain for using dogs is clear. He asked Pappas if he knew that after a prison riot on Nov. 24, 2003, five dogs were "called in to either intimidate or cause fear or stress" on a detainee. Pappas said no, and acknowledged under questioning that such an action was inappropriate.

Taguba also asked if he believed the use of dogs is consistent with the Army's field manual. Pappas replied that he could not recall, but reiterated that Miller instigated the idea. The Army field manual bars the "exposure to unpleasant and inhumane treatment of any kind."

At least four photographs obtained by The Washington Post -- each apparently taken in late October or November -- show fearful prisoners near unmuzzled dogs.

One MP charged with abuses, Spec. Sabrina D. Harman, recalled for Army investigators an episode "when two dogs were brought into [cellblock] 1A to scare an inmate. He was naked against the wall, when they let the dogs corner him. They pulled them back enough, and the prisoner ran . . . straight across the floor. . . . The prisoner was cornered and the dog bit his leg. A couple seconds later, he started to move again, and the dog bit his other leg."

#### **Timing of general's departure questioned**

*USA Today*

May 26, 2004

Dave Moniz and Tom Squitieri

Using dogs to intimidate or attack detainees was very much against regulations, Karpinski said. "You cannot use the dogs in that fashion, to attack or be aggressive with a detainee. . . . Why were there guys so willing to take these orders? And who was giving the orders? The military intelligence people were in charge of them."

Taguba never interviewed Miller or any officer above Karpinski's rank for his report. Nor did he conduct a detailed probe of the actions of military intelligence officials. But he said he suspected that Pappas and several of his colleagues were "either directly or indirectly responsible for the abuses at Abu Ghraib."

In a Feb. 11 written statement accompanying the transcript, Pappas shifted the responsibility elsewhere. He said "policies and procedures established by the [Abu Ghraib] Joint Interrogation and Debriefing Center relative to detainee operations were enacted as a specific result of a visit" by Miller, who in turn has acknowledged being dispatched to Baghdad by Undersecretary of Defense Stephen A. Cambone, after a conversation with Secretary of Defense Donald H. Rumsfeld.

Cambone told lawmakers recently that he wanted Miller to go because he had done a good job organizing the detention center at Guantanamo Bay, and wanted Miller to help improve intelligence-gathering in Iraq.

Some senators, however, have noted that the Bush administration considers Guantanamo detainees exempt from the protections of the Geneva Conventions, and wondered if Miller brought the same aggressive interrogation ideas with him to Iraq, where the conventions apply.

When asked at a May 19 Senate hearing if he and his colleagues had "briefed" military officers in Iraq about specific Guantanamo interrogation techniques that did not comply with the Geneva Conventions, Miller said no.

He said he brought "our SOPs [standard operating procedures] that we had developed for humane detention, interrogation, and intelligence fusion" to Iraq for use as a "starting point." He added that it was up to the officers in Iraq to decide which were applicable and what modifications to make.

But Pappas said the result of Miller's visit was that "the interrogators and analysts developed a set of rules to guide interrogations" and assigned specific military police soldiers to help interrogators -- an approach Miller had honed in Guantanamo.

After calling the use of dogs Miller's idea, Pappas explained that "in the execution of interrogation, and the interrogation business in general, we are trying to get info from these people. We have to act in an environment not to permanently damage them, or psychologically abuse them, but we have to assert control and get detainees into a position where they're willing to talk to us."

shackling, "making detainees strip down," or similar aggressive measures followed Sanchez's policy, but were often approved by Sanchez's deputy, Maj. Gen. Walter Wojdakowski, or by Pappas himself.

The claims and counterclaims between Pappas and Miller concern one of the most notorious aspects of U.S. actions at Abu Ghraib, as revealed by Taguba's March 9 report and by pictures taken by military personnel that became public late last month. The pictures show unmuzzled dogs being used to intimidate Abu Ghraib detainees, sometimes while the prisoners are cowering, naked, against a wall.

Taguba, in a rare classified passage within his generally unclassified report, listed "using military working dogs (without muzzles) to intimidate and frighten detainees" as one of 13 examples of "sadistic, blatant, and wanton criminal abuses" inflicted by U.S. military personnel at Abu Ghraib.

Experts on the laws of war have charged that using dogs to coerce prisoners into providing information, as was done at Abu Ghraib, constitutes a violation of the Geneva Conventions that protect civilians under the control of an occupying power, such as the Iraqi detainees.

"Threatening a prisoner with a ferocious guard dog is no different as a matter of law from pointing a gun at a prisoner's head and ordering him to talk," said James Ross, senior legal adviser at Human Rights Watch. "That's a violation of the Geneva Conventions."

Article 31 of the Fourth Geneva Convention bars use of coercion against protected persons, and Common Article Three bars any "humiliating and degrading treatment," Ross said. Experts do not consider the presence in a prison of threatening dogs, by itself, to constitute torture, but a 1999 United Nations-approved manual lists the "arranging of conditions for attacks by animals such as dogs" as a "torture method."

But Pappas, who was charged with overseeing interrogations at Abu Ghraib involving those suspected of posing or knowing about threats to U.S. forces in Iraq, told Taguba that "I did not personally look at that [use of dogs] with regard to the Geneva Convention," according to the transcript.

Pappas also said he did not have "a program" to inform his civilian employees, including a translator and an interrogator, of what the Geneva Conventions stated, and said he was unaware if anyone else did. He said he did not believe using force to coerce, intimidate or cause fear violated the conventions.

Brig. Gen. Janis L. Karpinski, who commanded the prison guards at Abu Ghraib's cellblocks 1A and 1B until Nov. 19, when Pappas assumed control, said in an interview that Navy, Army and Air Force dog teams were used there for security purposes. But she said military intelligence officers "were responsible for assigning those dogs and where they would go."

interrogator, said he was known as Blood. And Timothy Duggan, an interrogator from Pataskala, Ohio, who said he was 6 feet tall and weighed 225 pounds, offered his alias, Big Dog.

### **General Is Said To Have Urged Use of Dogs**

*Washington Post*

May 26, 2004

R. Jeffrey Smith

A U.S. Army general dispatched by senior Pentagon officials to bolster the collection of intelligence from prisoners in Iraq last fall inspired and promoted the use of guard dogs there to frighten the Iraqis, according to sworn testimony by the top U.S. intelligence officer at the Abu Ghraib prison.

According to the officer, Col. Thomas Pappas, the idea came from Maj. Gen. Geoffrey D. Miller, who at the time commanded the U.S. military detention center at Guantanamo Bay, Cuba, and was implemented under a policy approved by Lt. Gen. Ricardo S. Sanchez, the top U.S. military official in Iraq.

"It was a technique I had personally discussed with General Miller, when he was here" visiting the prison, testified Pappas, head of the 205th Military Intelligence Brigade and the officer placed in charge of the cellblocks at Abu Ghraib prison where abuses occurred in the wake of Miller's visit to Baghdad between Aug. 30 and Sept. 9, 2003.

"He said that they used military working dogs at Gitmo [the nickname for Guantanamo Bay], and that they were effective in setting the atmosphere for which, you know, you could get information" from the prisoners, Pappas told the Army investigator, Maj. Gen. Antonio M. Taguba, according to a transcript provided to The Washington Post.

Pappas, who was under pressure from Taguba to justify the legality and appropriateness of using guard dogs to frighten detainees, said at two separate points in the Feb. 9 interview that Miller gave him the idea. He also said Miller had indicated the use of the dogs "with or without a muzzle" was "okay" in booths where prisoners were taken for interrogation.

But Miller, whom the Bush administration appointed as the new head of Abu Ghraib this month, denied through a spokesman that the conversation took place.

"Miller never had a conversation with Colonel Pappas regarding the use of military dogs for interrogation purposes in Iraq. Further, military dogs were never used in interrogations at Guantanamo," said Brig. Gen. Mark Kimmitt, spokesman for U.S. forces in Iraq.

Pappas's statements nonetheless provide the fullest public account to date of how he viewed the interrogation mission at Abu Ghraib and Miller's impact on operations there. Pappas said, among other things, that interrogation plans involving the use of dogs,

The Army report said that Mr. Israel's statement of ignorance ran contrary to the testimony of several witnesses. It also said he did not have a security clearance, and recommended that he be disciplined.

But if the failure to hold a secret or top-secret security clearance is a prosecutable offense, almost every translator working in Abu Ghraib would be found guilty. The Army records show that, of 15 Titan or SOS translators working at Abu Ghraib prison last fall, only one held a security clearance. Nearly all of them are foreign-born American citizens, and most come from backgrounds that have nothing to do with the sort of government work that would require a security clearance.

Khalid Oman, for example, was a hotel manager in Kalamazoo, Mich., before leaving for Iraq last fall to work as a translator for Titan, said his roommate, Sam Alsaud, in an interview, adding that Mr. Oman had never worked as a translator before answering a Titan advertisement. Mr. Oman is still in Iraq. "I guess he was looking for adventure," Mr. Alsaud added. "But he's upset. Things haven't turned out like he expected."

Mr. Oman, 29, was born in the United States while his father, a Saudi, was here attending college. Now he is working at Abu Ghraib. He was not implicated in the scandal.

The one translator who reported on his Army form that he held a "secret" clearance, Bakeer Naseef, a Jordanian-American, worked as a security guard for a private company before taking the job in Iraq, said his daughter, Siham. That job — at the reception desk of a technology company in Austin, Tex. — did not appear to require a clearance, and she did not know where he might have obtained one. She said he had not worked as a translator before. He, too, is still in Iraq.

The CACI Corporation employed all of the contract interrogators at Abu Ghraib, including Stephen Stefanowicz, who is the other contractor implicated in the scandal. The Army records show that each CACI employee held a secret or top-secret clearance (though two of them did not answer that question). Eleven of the 29 employees served in the military previously; others held a range of jobs with contractors, and other private companies — even police forces — that would have required a clearance.

Kenneth Powell, whose job is to screen prisoners at Abu Ghraib, according to the documents, recently retired after 24 years with the Mobile, Ala., police force, where presumably he picked up the skills, and the security clearance, to screen Iraqi prisoners. Like all the relatives interviewed, his wife, Jackie, said she had not known where in Iraq he was serving.

Education among all the contract employees varied. Most had some college education; 18 of the 44 had a four-year degree, or more; seven had only a high school diploma. Six of those were CACI employees.

The forms asked the workers if they used aliases, and several offered fearsome ones. Kevin Bloodworth, an Air Force veteran from Great Falls, Mont., who is serving as an

courts to hear "any civil action by an alien for a tort only, committed in violation of the law of nations." Torture is such a violation, legal experts say.

The Supreme Court is considering a case concerning the scope of that law, which has been used to hold American companies accountable for abusive actions abroad.

But, in an echo of the defenses offered by several members of the military police who have been ordered to face courts-martial for actions in Iraq, companies may be able to offer a "government contractor defense," in an effort to show they were operating under specific instructions from the government.

### **U.S. Civilian Working at Abu Ghraib Disputes Army's Version of His Role in Abuses**

*New York Times*

May 26, 2004

Joel Brinkley

John B. Israel, an Iraqi-American Christian and one of two civilian contractors implicated in the Abu Ghraib prison scandal, returned home to California a few weeks ago and, until Monday, was living quietly with his wife, Rosa.

In an interview on Monday at their home in Santa Clarita, Calif., Ms. Israel said that her husband had not even hired a lawyer.

Mr. Israel, who was born in Baghdad in 1955, was one of three Iraqi-Americans working as translators at Abu Ghraib. The Army report on the abuses described him as "either directly or indirectly responsible for the abuses at Abu Ghraib."

On Monday, his employer, SOS Interpreting, with offices in New York and suburban Washington, called Mr. Israel here for talks. That same evening, SOS issued its first statement about Mr. Israel, saying simply that the company, a subcontractor for the Titan Corporation for the work in Iraq, "fully intends to cooperate with the Army and with Titan" in the investigations. SOS said it would have nothing more to say.

Almost nothing was known about Mr. Israel before now. Among a raft of documents from the Army investigation, obtained by The New York Times, is a brief statement by Mr. Israel in which he denies any knowledge of the abuses. In it he says he arrived in Iraq on Oct. 14 and served as a translator for military intelligence. Asked if he had "witnessed any acts of abuse," he wrote: "No I have not."

Ms. Israel said her husband was "just a translator" and knew nothing of the Abu Ghraib abuses. She said a fellow employee had given his name to investigators. She would not say when he expected to return home, and he could not be reached for comment.

A 1996 law concerning war crimes allows prosecutions for violations of some provisions of the Geneva Conventions, including those prohibiting torture, "outrages upon personal dignity" and "humiliating and degrading treatment."

Bush administration lawyers cited potential prosecutions under the law as a reason not to give detainees at Guantánamo Bay the protections of the Geneva Conventions. But the administration has said that the conventions apply to detainees in Iraq.

Both the torture law and the war-crimes law provide for long prison sentences, and capital punishment is available in cases involving the victim's death.

The broader law, the Military Extraterritorial Jurisdiction Act, allows people "employed by or accompanying the armed forces outside the United States" to be prosecuted in United States courts for federal crimes punishable by more than a year's imprisonment. People who are citizens or residents of the host nations are not covered, but Americans and other foreign nationals are.

The law has apparently been invoked only once, in a case involving charges that the wife of an Air Force staff sergeant murdered him in Turkey last year. The case will soon be tried in federal court in Los Angeles.

The law was passed to fill a legal gap that had existed since the 1950's, when Supreme Court decisions limited the military's ability to prosecute civilians in courts-martial during peacetime.

In 2000, a three-judge panel of the federal appeals court in New York, citing that gap, reluctantly overturned the conviction of an American civilian who had sexually abused a child in Germany. In an unusual move, the judges sent their decision to two Congressional committees. That helped encourage enactment of the law that year.

The law requires the Pentagon, in consultation with the State and Justice Departments, to establish regulations on how to carry it out. Though it was enacted four years ago, the regulations are still under consideration.

In any event, there are gaps and uncertainties in the law.

For one thing, it applies only to contractors employed by the Defense Department. Contractors hired by other agencies, like the C.I.A., are not covered.

It is also unclear precisely where in the United States such prosecutions could be brought. Legal scholars have suggested that three places might be available: the area of the defendant's last known residence, the place where the defendant is first brought from abroad and the District of Columbia.

In addition to such criminal charges, the companies that provided the translators and interrogators may be subject to civil suits for money, under a 1789 law that allows federal

"We remain committed to taking all appropriate action within our jurisdiction regarding allegations of mistreatment of Iraqi prisoners," Mark Corallo, a Justice Department spokesman, said in a statement.

Prosecuting civilian contractors in United States courts would be "fascinating and enormously complicated," said Deborah N. Pearlstein, director of the U.S. law and security program of Human Rights First.

It is clear, on the other hand, that neither Iraqi courts nor American courts-martial are available.

In June 2003, L. Paul Bremer III, the chief American administrator in Iraq, granted broad immunity to civilian contractors and their employees. They were, he wrote, generally not subject to criminal and civil actions in the Iraqi legal system, including arrest and detention.

That immunity is limited to their official acts under their contracts, and it is unclear whether any abuses alleged can be said to have been such acts. But even unofficial conduct by contractors in Iraq cannot be prosecuted there, Mr. Bremer's order said, without his written permission.

Similarly, under a series of Supreme Court decisions, civilians cannot be court-martialed in the absence of a formal declaration of war. There was no such declaration in the Iraq war.

In theory, the president could establish new military commissions to try civilians charged with offenses in Iraq, said Jordan Paust, a law professor at the University of Houston and a former member of the faculty at the Army's Judge Advocate General's School. The commissions announced by President Bush in the wake of the Sept. 11 attacks do not, however, have jurisdiction over American citizens.

That leaves prosecution in United States courts. There, prosecutors might turn to two relatively narrow laws, or a broader one, to pursue their cases.

A 1994 law makes torture committed by Americans outside the United States a crime. The law defines torture as the infliction of severe physical or mental pain or suffering.

But some human rights groups suspect that the administration may be reluctant to use the law, because its officials, including Defense Secretary Donald H. Rumsfeld, have resisted calling the abuse at Abu Ghraib torture.

"If they don't want to use the word 'torture,'" Ms. Pearlstein said, "prosecutions under the torture act aren't likely."

In two cases, involving the deaths of prisoners at Abu Ghraib on Jan. 16 and Feb. 19, investigations continue even though the causes are believed to be natural. In the Feb. 19 case, Muhammad Saad Abdullah was found dead with "acute inflammation of the abdomen." An autopsy classified the death as natural, apparently caused by "peritonitis secondary to perforating gastric ulcer."

Army officials have been reluctant to discuss the type of detail that the document describes, even when investigations into the cases are closed. The Army has refused to make public the synopses of Army criminal investigations into the deaths or assaults of Iraqi or Afghan prisoners while in custody.

At a Pentagon briefing on Friday, a senior military official and a senior Pentagon medical official said the Army was investigating the deaths of 37 detainees in Iraq and Afghanistan, an increase from at least 25 deaths that a senior Army general described on May 4.

Army officials have given rough breakdowns of those deaths, including those ruled natural deaths, homicides and ongoing investigations. But Army officials have been stingy with details. Of the two homicide cases the Army has closed, for instance, officials have given only spare details about a soldier who shot and killed an Iraqi detainee who was throwing rocks at the guards. The soldier was demoted and dishonorably discharged from the Army.

When asked Friday about details of pending investigations that military medical examiners had characterized as homicides, and that had been described in news accounts, a senior official would only confirm, "That's an ongoing investigation."

The official described the dates, locations and number of deaths involved in four cases ruled justifiable homicide, all in Iraq, including three at Abu Ghraib. But the official did not give details about the individual cases.

### **Who Would Try Civilians of U.S.? No One in Iraq**

*New York Times*

May 26, 2004

Adam Liptak

Though civilian translators and interrogators may have participated in the abuse at Abu Ghraib prison, prosecuting them will present challenges, legal experts say, because such civilians working for the military are subject to neither Iraqi nor military justice.

On the basis of a referral from the Pentagon, the Justice Department opened an investigation on Friday into the conduct of one civilian contractor in Iraq, who has not been identified.

reportedly threatened with being left with a naked male detainee, but that "investigation failed to either prove or disprove the indecent-assault allegations."

The May 5 document said the three soldiers from the 519th were demoted: two to privates first class and one to specialist. One was fined \$750, the other two \$500 each.

In what appeared to be a serious case of abuse over a prolonged period of time, unidentified enlisted members of the 223rd Military Intelligence Battalion, part of the California National Guard, were accused of abusing Iraqi detainees at a center in Samarra, north of Baghdad.

The unit, based in San Francisco, operated under the command of the Third Infantry Division, the armored force that led the Army assault on Baghdad last April and continued to patrol the city and the surrounding region into the summer.

According to the Army summary, members of the 223rd "struck and pulled the hair of detainees" during interrogations over a period that lasted 10 weeks. The summary said they "forced into asphyxiations numerous detainees in an attempt to obtain information."

The accusations were based on the statement of a soldier. No other details of the abuse — not the number of suspected soldiers nor the progress of the investigation — were disclosed.

A spokeswoman for the California National Guard in Sacramento, Maj. Denise Varner, said she could not discuss any investigation.

Another incident, whose general outlines had been previously known, involved the death in custody of a senior Iraqi officer, Maj. Gen. Abed Hamed Mowhoush, who died last November at a detention center run by the Third Armored Cavalry, of Fort Carson, Colo. Soldiers acknowledged to investigators that interviews with the general on Nov. 24 and 25 involved "physical assaults."

In fact, investigators determined that General Mowhoush died after being shoved head-first into a sleeping bag, and questioned while being rolled repeatedly from his back to his stomach. That finding was first reported in The Denver Post.

According to Army officials and documents, at least 12 prisoners have died of natural or undetermined causes, including nine in Abu Ghraib. In six of those cases, the military conducted no autopsy to confirm the presumed cause of death. As a result, the investigations into their deaths were closed by Army investigators.

In another case, an autopsy found that a detainee, Muhammad Najem Abed, died of cardiac arrest complicated by diabetes, without noting, as the investigation summary does, that he died after "a self-motivated hunger strike."

But the details paint a broad picture of misconduct, and show that in many cases among the 37 prisoners who have died in American custody in Iraq and Afghanistan, the Army did not conduct autopsies and says it cannot determine the causes of the deaths.

In his speech on Monday night, President Bush portrayed the abuse of prisoners by American soldiers in narrow terms. He described incidents at Abu Ghraib prison in Iraq, which were the first and most serious to come to light, as involving actions "by a few American troops who disregarded our country and disregarded our values."

According to the Army summary, the deaths that are now being investigated most vigorously by Army officials may be those from Afghanistan in December 2002, where two prisoners died in one week at what was known as the Bagram Collection Point, where interrogations were overseen by a platoon from Company A, 519th Military Intelligence Battalion, from Fort Bragg.

The document says the investigation into the two deaths "is continuing with recent re-interviews," both of military intelligence personnel from Fort Bragg and of Army Reserve military police officers from Ohio and surrounding states, who were serving as guards at the facility. It was not clear from the document exactly which Army Reserve unit was being investigated.

On March 4, 2003, The New York Times reported on the two deaths, noting that the cause given on one of the death certificates was "homicide," a result of "blunt force injuries to lower extremities complicating coronary artery disease." It was signed by an Army pathologist.

Both deaths were ruled homicides within days, but military spokesmen in Afghanistan initially portrayed at least one as being the result of natural causes. Personnel from the unit in charge of interrogations at the facility, led by Capt. Carolyn Wood, were later assigned to Iraq, and to the Joint Interrogation and Debriefing Center at Abu Ghraib.

Lt. Col. Billy Buckner, a spokesman for the 18th Airborne Corps, said in an e-mail message on Monday that no one from the 519th Military Intelligence Battalion had yet been disciplined in connection with any deaths or other misconduct in Iraq. He declined to say if anyone from the unit was the subject of an ongoing investigation.

The document also categorizes as a sexual assault a case of abuse at Abu Ghraib last fall that involved three soldiers from that unit, who were later fined and demoted but whose names the Army has refused to provide.

As part of the incident, the document says, the three soldiers "entered the female wing of the prison and took a female detainee to a vacant cell."

"While one allegedly stood as look-out and one held the detainee's hand, the third soldier allegedly kissed the detainee," the report said. It says that the female detainee was

In his widely cited investigation report on the Abu Ghraib abuse allegations, Maj. Gen. Antonio Taguba found heavy fault with Karpinski's performance and recommended that she be relieved of command and given a formal reprimand. Instead she was given a less-severe "memorandum of admonishment" on Jan. 17 by Sanchez.

Taguba reported that despite the documented abuse of prisoners, he saw no evidence that Karpinski ever attempted to remind the military police in her command of the requirements of the Geneva Conventions, which protect prisoners of war and civilian detainees in times of armed conflict.

### **TOP TIER PRINT**

#### **Abuse of Captives More Widespread, Says Army Survey**

*New York Times*

May 26, 2004

Douglas Jehl, Steven Lee Myers and Eric Schmitt

An Army summary of deaths and mistreatment involving prisoners in American custody in Iraq and Afghanistan shows a widespread pattern of abuse involving more military units than previously known.

The cases from Iraq date back to April 15, 2003, a few days after Saddam Hussein's statue was toppled in a Baghdad square, and they extend up to last month, when a prisoner detained by Navy commandos died in a suspected case of homicide blamed on "blunt force trauma to the torso and positional asphyxia."

Among previously unknown incidents are the abuse of detainees by Army interrogators from a National Guard unit attached to the Third Infantry Division, who are described in a document obtained by The New York Times as having "forced into asphyxiation numerous detainees in an attempt to obtain information" during a 10-week period last spring.

The document, dated May 5, is a synopsis prepared by the Criminal Investigation Command at the request of Army officials grappling with intense scrutiny prompted by the circulation the preceding week of photographs of prisoner abuse at Abu Ghraib. It lists the status of investigations into three dozen cases, including the continuing investigation into the notorious abuses at Abu Ghraib.

In one of the oldest cases, involving the death of a prisoner in Afghanistan in December 2002, enlisted personnel from an active-duty military intelligence unit at Fort Bragg, N.C., and an Army Reserve military-police unit from Ohio are believed to have been "involved at various times in assaulting and mistreating the detainee."

The Army summary is consistent with recent public statements by senior military officials, who have said the Army is actively investigating nine suspected homicides of prisoners held by Americans in Iraq and Afghanistan in late 2002.

impressed with the work Gen. Sanchez performed from the very beginning” of his service in Iraq. Sanchez took command there in May 2003.

Regarding suggestions that Sanchez’s departure is linked to the abuse scandal, Di Rita said, “That’s just wrong.”

Karpinski and other officers in the 800th Military Police Brigade were faulted by Army investigators for paying too little attention to day-to-day operations of the Abu Ghraib prison and for not moving firmly enough to discipline soldiers for violating standard procedures.

Karpinski’s suspension, which has not yet been announced by the Army, was the latest in a series of actions against officers and enlisted soldiers implicated in the abuse scandal at the prison near Baghdad.

Sanchez will be replaced in Iraq in what administration officials said was his scheduled rotation after 13 months of duty there. Gen. George Casey, the Army’s No. 2 officer as vice chief of staff, was in line for the post, defense officials said Monday.

Di Rita said, “There has been no final decision” on who will replace Sanchez.

Secretary of State Colin Powell, appearing Tuesday on CBS’s “The Early Show,” said he had heard the reports but could not say whether Sanchez’s departure was in any way related to the prison abuse problem.

Powell did say, however, that “we all knew this was coming about as part of the normal rotation of commanders. General Sanchez has done a terrific job and he’s been there for over a year now, so it seems to me in the normal scheme of things.”

Last week, Spc. Jeremy Sivits received the maximum penalty of a year in prison and a bad-conduct discharge in the first court-martial stemming from the abuse of Iraqis at the prison. He was among seven members of the 372nd Military Police Company that have been charged.

Karpinski, who has returned to the United States, has not been charged with an offense. Being suspended from her command does not mean she has been relieved of command, so technically she could be reinstated, although the intensity of the international furor over the Abu Ghraib prisoner abuse makes that highly unlikely, said the officials, speaking on condition of anonymity.

“I don’t know what the grounds are,” Karpinski told MSNBC Monday night. “I know that I’ve been suspended. When I see it in writing, there will be an explanation for it. And what that means is I’m suspended from my position as the commander of the 800th Military Police Brigade, and they assign me to another position until whatever the reason is, whatever the basis is, is cleared.”

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### **Sanchez To Be Replaced**

*Associated Press*

**May 25, 2004**

**Terence Hunt**

The top U.S. military officer in Iraq, Lt. Gen. Ricardo Sanchez, will be replaced as part of a command restructuring that has been in the works for several months, administration officials said Tuesday. The Pentagon also suspended Brig. Gen. Janis Karpinski from her command.

Both have become symbols of lax supervision at the Abu Ghraib prison where U.S. soldiers allegedly abused Iraqi inmates.

President Bush praised Sanchez during a photo opportunity in the Oval Office. "Rick Sanchez has done a fabulous job," the president said as he met with a group of Iraqis. "He's been there for a long time. His service has been exemplary."

At the Pentagon, Larry Di Rita, chief spokesman for Defense Secretary Donald H. Rumsfeld, said both Rumsfeld and Joint Chiefs chairman Gen. Richard Myers "are very

About two months after the Red Cross warned U.S. commanders of widespread prisoner abuses, Karpinski assured the Red Cross in a confidential letter that Iraqi detainees were being given the best treatment possible and that even more "improvements are continually being made."

Yesterday, however, Karpinski insisted she was "set up."

Meanwhile, the Washington Post, quoting Pentagon and other administration officials, reported today that Bush plans to appoint a new, higher-ranking military commander for Iraq, capping an overhaul of the command structure that is likely to replace Sanchez as the top general on the ground there.

Sanchez has been besieged lately by questions about his oversight of detainee operations in Iraq, especially his role in the scandal over the abuse of Iraqi detainees by U.S. soldiers at Abu Ghraib. But administration officials said the move to install a new four-star commander has been under consideration for months, well before the mistreatment of detainees became major news. It is not clear what will happen to Sanchez.

### **General Who Led Abu Ghraib Prison Guard Unit Has Been Suspended**

*Associated Press*

**May 25, 2004**

An Army general accused by military investigators of providing too little supervision for an Iraqi prison where abuse of inmates took place has been suspended from her command, officials say.

The decision to temporarily move Brig. Gen. Janis Karpinski, a native of Rahway, N.J., from her command of the 800th Military Police Brigade came amid reports that the top U.S. military officer in Iraq, Army Lt. Gen. Ricardo Sanchez, is due to be replaced soon.

Karpinski and other officers in her brigade were faulted by Army investigators for paying too little attention to day-to-day operations of the Abu Ghraib prison and for not moving firmly enough to discipline soldiers for violating standard procedures.

Karpinski's suspension, which has not yet been announced by the Army, was the latest in a series of actions against officers and enlisted soldiers implicated in the abuse scandal at the prison near Baghdad.

Sanchez will be replaced in Iraq in what officials said was his scheduled rotation after 13 months of duty there. Gen. George Casey, the Army's No. 2 officer as vice chief of staff, was in line for the post, reported NBC News, The New York Times, the Los Angeles Times and The Washington Post.

Secretary of State Colin Powell, appearing Tuesday on CBS's "The Early Show," said he had heard the reports but could not say whether Sanchez's departure was in any way related to the prison abuse problem.

It was after Miller's visit to Abu Ghraib and some of his suggestions were implemented that many of the questionable activities took place.

### **Head Of U.S. Prisons Is Off Active Duty And Loses Her Command**

*Reuters*

**May 25, 2004**

**Will Dunham**

An American general in charge of U.S.-run prisons in Iraq when the abuse of prisoners took place has been suspended as commander of the military police brigade at the heart of the scandal and removed from active duty, the Army said yesterday.

Brig. Gen. Janis Karpinski, a Rahway, N.J., native who had commanded the 800th Military Police Brigade, was suspended from her duties, said Lt. Col Pamela Hart, an Army spokeswoman at the Pentagon.

Karpinski previously was formally admonished on Jan. 17 by Lt. Gen. Ricardo Sanchez, the top U.S. commander in Iraq.

The Army returned Karpinski yesterday to the Army Reserve from active-duty status, said Al Schilf, an Army Reserve spokesman. In addition, Karpinski no longer serves as commander of her Uniondale, N.Y.-based brigade, and was "temporarily attached" to the U.S. Army Readiness Command at Fort Jackson, S.C., Schilf said. The Army was seeking an "acting commander" of the brigade, Schilf said.

Karpinski currently lives in Hilton Head, S.C.

Karpinski told the Washington Post she was notified in an e-mail yesterday of her suspension but has not yet been given a formal explanation.

"You'd think somebody would pick up the phone and call me," she said, lashing out at the Army hierarchy. "That should have been the protocol courtesy. I am a general officer. Nobody could spend the 25 cents to call me?"

Seven U.S. soldiers have been charged with abusing Iraqi prisoners at Abu Ghraib on the outskirts of Baghdad. Army Maj. Gen. Antonio Taguba's report on the abuse faulted Karpinski's "poor leadership." Photographs show U.S. soldiers physically and sexually abusing and humiliating prisoners.

Asked whether Karpinski could face criminal charges, Schilf did not answer directly, but said, "This action doesn't close any doors."

Karpinski, who has served in the Army for 27 years, has argued that the cell blocks where the abuse was centered were controlled by U.S. military intelligence, not military police.

Republican running for the Senate; \$1,000 to the New Jersey Republican State Committee; and \$1,000 to Chubbpac. In 2001 he gave \$2,500 to Chubbpac and in 2002 another \$2,500, but made no similar donations in 2003, according to election records. In the years before he went on active duty, Fay gave smaller contributions to Chubbpac. In 1997, he contributed \$1,500 to the New Jersey Republican Party. In 1990, he gave \$1,000 to New Jersey Democrat Bill Bradley's Senate campaign.

Defense Department regulations permit political contributions by military personnel but it is unusual for them to go through a corporate political action committee.

Sen. John W. Warner (R-Va.), chairman of the Senate Armed Services Committee, said yesterday he was unaware of Fay's background as a reservist and his political contributions. "These are very hard facts and have to be considered," Warner said. He added that "we don't have reason to question whether he will do other than an honorable job."

Warner also said he expects Fay's review of the role of military intelligence to include policies and decisions made not just in Iraq but also at the Pentagon. Fay, Warner said, should look "into the intelligence chain of command, not only in Centcom [the military command covering Iraq], but also back here in Washington."

A Pentagon public affairs officer yesterday said Fay was "on the road and not taking any questions about his investigation."

Richard Kohn, professor of military history at the University of North Carolina at Chapel Hill, said yesterday that Fay's limited experience as a reservist "does not inspire confidence in the investigation." He said the choice "is troubling. It raises the most basic question as to who chose him and why and what his tasking is."

At hearings before Warner's Senate committee on May 11, Undersecretary of Defense for Intelligence Stephen A. Cambone said that Fay had conducted interviews in Iraq and was going to Germany "to see people who have since rotated from Iraq to Germany. And then will come back here to meet others."

Cambone, in answer to a question, said he expected that Fay would include the military intelligence activities at Guantanamo Bay, Cuba, in his inquiry. "If General Fay didn't realize that was the subject of his investigation, sir, he is now painfully aware of it," he said.

Cambone could be one of those interviewed by Fay since he told Warner's committee that in August 2003 he encouraged Maj. Gen. Geoffrey D. Miller, then head of Guantanamo, to go to Iraq to determine how to get a better intelligence through interrogation of detainees. Among other things, Miller advised that military police help intelligence officers by setting conditions for interrogations.

A Pentagon official said Gen. Karpinski is not the subject of any criminal investigation but is "still vulnerable to further administrative charges."

### **Prison Investigator's Army Experience Questioned**

*Washington Post*

May 26, 2004

Walter Pincus

Maj. Gen. George R. Fay, who is leading the Army's investigation into the role of military intelligence at Abu Ghraib prison and other detention facilities in Iraq, is an insurance company executive who has been on active duty for five years.

Fay, the Army's deputy chief of staff for intelligence, was still listed as a managing director of the Chubb Group of Insurance Companies in its 2003 annual report. He was selected March 31 to head the sensitive investigation into intelligence practices and procedures in Iraq, and began work on April 23, said Lawrence T. DiRita, the Defense Department assistant secretary for public affairs.

Pentagon officials, lawmakers and others are looking to Fay to help answer a central question in the Abu Ghraib prison scandal: whether the military intelligence soldiers responsible for interrogating detainees directed or encouraged military police officers to commit the abuse captured in photographs that have roiled the Arab world and damaged U.S. credibility. Fay's probe into military intelligence follows the widely reported Army investigation by Maj. Gen. Antonio M. Taguba that focused primarily on the role of military police.

Two Pentagon officials and one public affairs officer in Iraq said yesterday they could not say who chose Fay to run the inquiry, but one Army official said the orders "were cut by" Lt. Gen. Ricardo S. Sanchez, the commanding general in Iraq.

At Chubb, Fay was executive vice president for claims and operations worldwide when he was activated in 1999. Originally commissioned through the Reserve Officers Training Corp Program in 1970, he served four years on active duty as a counterintelligence officer.

Fay worked for Chubb but had a series of Army reserve posts, primarily in the New York area, from 1974 until 1999, when he was activated and assigned as deputy commanding general of the Army Intelligence and Security Command.

Once activated, as a colonel, he was quickly promoted, first to brigadier general in 2000 and last year to major general. In October, he became deputy chief of staff for intelligence at the Pentagon.

Fay has continued to make political contributions since he started active duty in 1999, some through the Chubb Corporation Political Action Committee (Chubbpac), according to public records. In 2000, he gave \$500 to the campaign of Bob Franks, a New Jersey

Gen. Karpinski told Gen. Taguba that she paid regular visits to various detention centers. But the Taguba report states, "The detailed calendar provided by her aide-de-camp does not support her contention. Moreover, numerous witnesses stated that they rarely saw Brig. Gen. Karpinski."

Asked by Sen. John McCain, Arizona Republican, to respond to Gen. Karpinski's assertion she was excluded from certain sections of Abu Ghraib where the abuse occurred, Gen. Taguba answered, "I disagree with that."

Gen. Karpinski could not be reached for comment this week. But in a previous interview, and in a written rebuttal to Gen. Taguba dated April 1, she vigorously defended her tenure as Iraq prison warden.

"The brigade suffered with diminishing personnel strength, without the benefit of a personnel replacement system," she wrote. "We were successful in all missions, despite numerous challenges and while operating in a combat zone, because the brigade was determined and committed to do so."

As to Gen. Taguba's comment that she was "extremely emotional" during her testimony to him, Gen. Karpinski wrote, "The comments describing my emotional demeanor during a portion of my interview are misconstrued. Any implication of soldiers or the unit failing will elicit a strong emotional response from a caring and compassionate commander. The emotion was intense passion for my soldiers."

"Throughout my tenure in command I escorted hundreds of VIPs and media representatives through the numerous facilities the 800th Military Police Brigade secured. I consistently received rave reviews from all in attendance."

Gen. Karpinski, who took control of the penal system in Iraq on June 30, 2003, is now back home in South Carolina. She has waged a spirited media campaign on cable TV news channels to defend her record and to warn she will not be scapegoat.

The Army granted her permission to talk as long as she does not appear in uniform and does not disparage the Army.

Gen. Taguba recommended she be reprimanded and stripped of her command — a career-ending move. Gen. Sanchez apparently overruled him, sticking by an admonishment issued in January.

Gen. Sanchez said at the Senate Armed Services Committee hearing that some of those already punished could face additional penalties. Gen. Karpinski's lawyer, Neal A. Puckett, said he does not think the statement applies to his client, who had no knowledge of the abuse until a soldier blew the whistle in January.

On her suspension, Mrs. Donnelly said, "Frankly, I wonder why it has taken so long. She was there before, during and after the worst of the abuse. I'm not convinced at all by her argument she did not know."

William S. Lind, who directs the Center for Cultural Conservatism at the Free Congress Foundation, writes in a column this week that, "The apparent breakdown in discipline among the MPs at Abu Ghraib may relate to the presence of women, and especially to the fact that the commander was a woman. ... The climate of 'political correctness' (or, to give it its true name, cultural Marxism) that has infested and overwhelmed the American armed forces makes it almost impossible to discipline a woman — and risky for a man to attempt to do so."

Whatever the reason, one theme is clear: Abu Ghraib was a disaster waiting to happen. Rules on uniforms were not enforced; soldiers wrote poems and other sayings on their helmets; saluting of officers was not enforced. Records on inmates and escapes were spotty. Regulations were not posted; no MP had been trained adequately in detainee operations.

"I have never seen a more dysfunctional command relationship in the history of me looking at the military like that jail," Sen. Lindsey Graham, South Carolina Republican, told Gen. Sanchez at a Senate hearing last week.

"Sir," the three-star general responded, "It was dysfunctional before the 19th of November."

His reference to that date was a message to his critics, including Gen. Karpinski. She has blamed problems on the turnover of prison command from her 800th Brigade on that date to the 205th Military Intelligence Brigade. Some MPs accused of misconduct contend they acted on orders from 205th officers. But most abuses occurred in October and early November prior to the 19th, according to Gen. Taguba.

The exchange was just one example of disputes of fact between the one-star general and more senior officers:

- At the same hearing, Gen. Sanchez was asked about Gen. Karpinski's statements that she objected to the 205th taking over the jail. "Senator," Gen. Sanchez replied, "General Karpinski never talked to me about interference. ... There was never a time where General Karpinski surfaced to me any objections to that tactical control order."

- Gen. Karpinski has quoted Maj. Gen. Geoffrey Miller as saying he came to Iraq to "Gitmo-ize" Abu Ghraib. It was a reference to Gen. Miller's tenure as the top jailer at Guantanamo Bay, Cuba, where suspected terrorists from the Afghanistan war are being held.

Said Gen. Miller, "Senator, I did not tell General Karpinski I was going to 'Gitmo-ize' Abu Ghraib. I don't believe I have ever used that term ever."

## ARMY RESERVE

### **Generals At Odds Over Abuse At Prison**

*Washington Times*

May 26, 2004

Rowan Scarborough

An Army investigation and congressional hearings have spotlighted a series of conflicting statements about Iraqi prisoner abuse between the top brass and the general who once ran Abu Ghraib prison and who was stripped this week of her brigade command.

Some military advocates say Brig. Gen. Janis Karpinski received light punishment because she is one of the Army's few female generals. Recommended for a reprimand, she instead received a minor letter of admonishment.

At first, she kept her command of the 800th Military Police Brigade. But as pressure mounted from Congress to punish higher-ups — not just enlisted MPs at the prison — the Army this week temporarily reassigned her to a reserve unit at Fort Jackson, S.C.

The differences pitting Gen. Karpinski against superiors go to the heart of why the infamous prison near Baghdad was dysfunctional and why it became the venue for continued physical and psychological abuse of Iraqi detainees by military police.

Gen. Karpinski, a reservist who lives in Hilton Head, S.C., and works as a business consultant, says the scandal stemmed from a lack of manpower at Abu Ghraib and no clear direction from the military command in Baghdad led by Lt. Gen. Ricardo Sanchez. She denies knowledge of any abusive behavior before the scandal broke.

But Maj. Gen. Antonio M. Taguba, who completed the first of several ongoing administrative investigations, lays some blame squarely at the feet of Gen. Karpinski. His report says she did not act on recommendations from a series of fault-finding inquiries before the ill treatment began in October.

"Had the findings and recommendations contained within their own investigations been analyzed and actually implemented by Brig. Gen. Karpinski, many of the subsequent escapes, accountability lapses and cases of abuse may have been prevented," Gen. Taguba wrote.

Some pro-military persons have seized on the Abu Ghraib scandal as an example of a "politically correct" military that does not want to punish a female general.

"I think they've been handling her with kid gloves," said Elaine Donnelly, who heads the Center for Military Readiness. "The fact that she is a woman general who portrayed herself as a victim may have had something to do with it."

A 1996 law concerning war crimes allows prosecutions for violations of some provisions of the Geneva Conventions, including those prohibiting torture, "outrages upon personal dignity" and "humiliating and degrading treatment."

Bush administration lawyers cited potential prosecutions under the law as a reason not to give detainees at Guantánamo Bay the protections of the Geneva Conventions. But the administration has said that the conventions apply to detainees in Iraq.

Both the torture law and the war-crimes law provide for long prison sentences, and capital punishment is available in cases involving the victim's death.

The broader law, the Military Extraterritorial Jurisdiction Act, allows people "employed by or accompanying the armed forces outside the United States" to be prosecuted in United States courts for federal crimes punishable by more than a year's imprisonment. People who are citizens or residents of the host nations are not covered, but Americans and other foreign nationals are.

The law has appar

"We remain committed to taking all appropriate action within our jurisdiction regarding allegations of mistreatment of Iraqi prisoners," Mark Corallo, a Justice Department spokesman, said in a statement.

Prosecuting civilian contractors in United States courts would be "fascinating and enormously complicated," said Deborah N. Pearlstein, director of the U.S. law and security program of Human Rights First.

It is clear, on the other hand, that neither Iraqi courts nor American courts-martial are available.

In June 2003, L. Paul Bremer III, the chief American administrator in Iraq, granted broad immunity to civilian contractors and their employees. They were, he wrote, generally not subject to criminal and civil actions in the Iraqi legal system, including arrest and detention.

That immunity is limited to their official acts under their contracts, and it is unclear whether any abuses alleged can be said to have been such acts. But even unofficial conduct by contractors in Iraq cannot be prosecuted there, Mr. Bremer's order said, without his written permission.

Similarly, under a series of Supreme Court decisions, civilians cannot be court-martialed in the absence of a formal declaration of war. There was no such declaration in the Iraq war.

In theory, the president could establish new military commissions to try civilians charged with offenses in Iraq, said Jordan Paust, a law professor at the University of Houston and a former member of the faculty at the Army's Judge Advocate General's School. The commissions announced by President Bush in the wake of the Sept. 11 attacks do not, however, have jurisdiction over American citizens.

That leaves prosecution in United States courts. There, prosecutors might turn to two relatively narrow laws, or a broader one, to pursue their cases.

A 1994 law makes torture committed by Americans outside the United States a crime. The law defines torture as the infliction of severe physical or mental pain or suffering.

But some human rights groups suspect that the administration may be reluctant to use the law, because its officials, including Defense Secretary Donald H. Rumsfeld, have resisted calling the abuse at Abu Ghraib torture.

"If they don't want to use the word 'torture,' " Ms. Pearlstein said, "prosecutions under the torture act aren't likely."

In two cases, involving the deaths of prisoners at Abu Ghraib on Jan. 16 and Feb. 19, investigations continue even though the causes are believed to be natural. In the Feb. 19 case, Muhammad Saad Abdullah was found dead with "acute inflammation of the abdomen." An autopsy classified the death as natural, apparently caused by "peritonitis secondary to perforating gastric ulcer."

Army officials have been reluctant to discuss the type of detail that the document describes, even when investigations into the cases are closed. The Army has refused to make public the synopses of Army criminal investigations into the deaths or assaults of Iraqi or Afghan prisoners while in custody.

At a Pentagon briefing on Friday, a senior military official and a senior Pentagon medical official said the Army was investigating the deaths of 37 detainees in Iraq and Afghanistan, an increase from at least 25 deaths that a senior Army general described on May 4.

Army officials have given rough breakdowns of those deaths, including those ruled natural deaths, homicides and ongoing investigations. But Army officials have been stingy with details. Of the two homicide cases the Army has closed, for instance, officials have given only spare details about a soldier who shot and killed an Iraqi detainee who was throwing rocks at the guards. The soldier was demoted and dishonorably discharged from the Army.

When asked Friday about details of pending investigations that military medical examiners had characterized as homicides, and that had been described in news accounts, a senior official would only confirm, "That's an ongoing investigation."

The official described the dates, locations and number of deaths involved in four cases ruled justifiable homicide, all in Iraq, including three at Abu Ghraib. But the official did not give details about the individual cases.

### **Who Would Try Civilians of U.S.? No One in Iraq**

*New York Times*

**May 26, 2004**

**Adam Liptak**

Though civilian translators and interrogators may have participated in the abuse at Abu Ghraib prison, prosecuting them will present challenges, legal experts say, because such civilians working for the military are subject to neither Iraqi nor military justice.

On the basis of a referral from the Pentagon, the Justice Department opened an investigation on Friday into the conduct of one civilian contractor in Iraq, who has not been identified.

reportedly threatened with being left with a naked male detainee, but that "investigation failed to either prove or disprove the indecent-assault allegations."

The May 5 document said the three soldiers from the 519th were demoted: two to privates first class and one to specialist. One was fined \$750, the other two \$500 each.

In what appeared to be a serious case of abuse over a prolonged period of time, unidentified enlisted members of the 223rd Military Intelligence Battalion, part of the California National Guard, were accused of abusing Iraqi detainees at a center in Samarra, north of Baghdad.

The unit, based in San Francisco, operated under the command of the Third Infantry Division, the armored force that led the Army assault on Baghdad last April and continued to patrol the city and the surrounding region into the summer.

According to the Army summary, members of the 223rd "struck and pulled the hair of detainees" during interrogations over a period that lasted 10 weeks. The summary said they "forced into asphyxiations numerous detainees in an attempt to obtain information."

The accusations were based on the statement of a soldier. No other details of the abuse — not the number of suspected soldiers nor the progress of the investigation — were disclosed.

A spokeswoman for the California National Guard in Sacramento, Maj. Denise Varner, said she could not discuss any investigation.

Another incident, whose general outlines had been previously known, involved the death in custody of a senior Iraqi officer, Maj. Gen. Abed Hamed Mowhoush, who died last November at a detention center run by the Third Armored Cavalry, of Fort Carson, Colo. Soldiers acknowledged to investigators that interviews with the general on Nov. 24 and 25 involved "physical assaults."

In fact, investigators determined that General Mowhoush died after being shoved head-first into a sleeping bag, and questioned while being rolled repeatedly from his back to his stomach. That finding was first reported in The Denver Post.

According to Army officials and documents, at least 12 prisoners have died of natural or undetermined causes, including nine in Abu Ghraib. In six of those cases, the military conducted no autopsy to confirm the presumed cause of death. As a result, the investigations into their deaths were closed by Army investigators.

In another case, an autopsy found that a detainee, Muhammad Najem Abed, died of cardiac arrest complicated by diabetes, without noting, as the investigation summary does, that he died after "a self-motivated hunger strike."

But the details paint a broad picture of misconduct, and show that in many cases among the 37 prisoners who have died in American custody in Iraq and Afghanistan, the Army did not conduct autopsies and says it cannot determine the causes of the deaths.

In his speech on Monday night, President Bush portrayed the abuse of prisoners by American soldiers in narrow terms. He described incidents at Abu Ghraib prison in Iraq, which were the first and most serious to come to light, as involving actions "by a few American troops who disregarded our country and disregarded our values."

According to the Army summary, the deaths that are now being investigated most vigorously by Army officials may be those from Afghanistan in December 2002, where two prisoners died in one week at what was known as the Bagram Collection Point, where interrogations were overseen by a platoon from Company A, 519th Military Intelligence Battalion, from Fort Bragg.

The document says the investigation into the two deaths "is continuing with recent re-interviews," both of military intelligence personnel from Fort Bragg and of Army Reserve military police officers from Ohio and surrounding states, who were serving as guards at the facility. It was not clear from the document exactly which Army Reserve unit was being investigated.

On March 4, 2003, The New York Times reported on the two deaths, noting that the cause given on one of the death certificates was "homicide," a result of "blunt force injuries to lower extremities complicating coronary artery disease." It was signed by an Army pathologist.

Both deaths were ruled homicides within days, but military spokesmen in Afghanistan initially portrayed at least one as being the result of natural causes. Personnel from the unit in charge of interrogations at the facility, led by Capt. Carolyn Wood, were later assigned to Iraq, and to the Joint Interrogation and Debriefing Center at Abu Ghraib.

Lt. Col. Billy Buckner, a spokesman for the 18th Airborne Corps, said in an e-mail message on Monday that no one from the 519th Military Intelligence Battalion had yet been disciplined in connection with any deaths or other misconduct in Iraq. He declined to say if anyone from the unit was the subject of an ongoing investigation.

The document also categorizes as a sexual assault a case of abuse at Abu Ghraib last fall that involved three soldiers from that unit, who were later fined and demoted but whose names the Army has refused to provide.

As part of the incident, the document says, the three soldiers "entered the female wing of the prison and took a female detainee to a vacant cell."

"While one allegedly stood as look-out and one held the detainee's hand, the third soldier allegedly kissed the detainee," the report said. It says that the female detainee was

In his widely cited investigation report on the Abu Ghraib abuse allegations, Maj. Gen. Antonio Taguba found heavy fault with Karpinski's performance and recommended that she be relieved of command and given a formal reprimand. Instead she was given a less-severe "memorandum of admonishment" on Jan. 17 by Sanchez.

Taguba reported that despite the documented abuse of prisoners, he saw no evidence that Karpinski ever attempted to remind the military police in her command of the requirements of the Geneva Conventions, which protect prisoners of war and civilian detainees in times of armed conflict.

### **TOP TIER PRINT**

#### **Abuse of Captives More Widespread, Says Army Survey**

*New York Times*

May 26, 2004

Douglas Jehl, Steven Lee Myers and Eric Schmitt

An Army summary of deaths and mistreatment involving prisoners in American custody in Iraq and Afghanistan shows a widespread pattern of abuse involving more military units than previously known.

The cases from Iraq date back to April 15, 2003, a few days after Saddam Hussein's statue was toppled in a Baghdad square, and they extend up to last month, when a prisoner detained by Navy commandos died in a suspected case of homicide blamed on "blunt force trauma to the torso and positional asphyxia."

Among previously unknown incidents are the abuse of detainees by Army interrogators from a National Guard unit attached to the Third Infantry Division, who are described in a document obtained by The New York Times as having "forced into asphyxiation numerous detainees in an attempt to obtain information" during a 10-week period last spring.

The document, dated May 5, is a synopsis prepared by the Criminal Investigation Command at the request of Army officials grappling with intense scrutiny prompted by the circulation the preceding week of photographs of prisoner abuse at Abu Ghraib. It lists the status of investigations into three dozen cases, including the continuing investigation into the notorious abuses at Abu Ghraib.

In one of the oldest cases, involving the death of a prisoner in Afghanistan in December 2002, enlisted personnel from an active-duty military intelligence unit at Fort Bragg, N.C., and an Army Reserve military-police unit from Ohio are believed to have been "involved at various times in assaulting and mistreating the detainee."

The Army summary is consistent with recent public statements by senior military officials, who have said the Army is actively investigating nine suspected homicides of prisoners held by Americans in Iraq and Afghanistan in late 2002.

impressed with the work Gen. Sanchez performed from the very beginning” of his service in Iraq. Sanchez took command there in May 2003.

Regarding suggestions that Sanchez’s departure is linked to the abuse scandal, Di Rita said, “That’s just wrong.”

Karpinski and other officers in the 800th Military Police Brigade were faulted by Army investigators for paying too little attention to day-to-day operations of the Abu Ghraib prison and for not moving firmly enough to discipline soldiers for violating standard procedures.

Karpinski’s suspension, which has not yet been announced by the Army, was the latest in a series of actions against officers and enlisted soldiers implicated in the abuse scandal at the prison near Baghdad.

Sanchez will be replaced in Iraq in what administration officials said was his scheduled rotation after 13 months of duty there. Gen. George Casey, the Army’s No. 2 officer as vice chief of staff, was in line for the post, defense officials said Monday.

Di Rita said, “There has been no final decision” on who will replace Sanchez.

Secretary of State Colin Powell, appearing Tuesday on CBS’s “The Early Show,” said he had heard the reports but could not say whether Sanchez’s departure was in any way related to the prison abuse problem.

Powell did say, however, that “we all knew this was coming about as part of the normal rotation of commanders. General Sanchez has done a terrific job and he’s been there for over a year now, so it seems to me in the normal scheme of things.”

Last week, Spc. Jeremy Sivits received the maximum penalty of a year in prison and a bad-conduct discharge in the first court-martial stemming from the abuse of Iraqis at the prison. He was among seven members of the 372nd Military Police Company that have been charged.

Karpinski, who has returned to the United States, has not been charged with an offense. Being suspended from her command does not mean she has been relieved of command, so technically she could be reinstated, although the intensity of the international furor over the Abu Ghraib prisoner abuse makes that highly unlikely, said the officials, speaking on condition of anonymity.

“I don’t know what the grounds are,” Karpinski told MSNBC Monday night. “I know that I’ve been suspended. When I see it in writing, there will be an explanation for it. And what that means is I’m suspended from my position as the commander of the 800th Military Police Brigade, and they assign me to another position until whatever the reason is, whatever the basis is, is cleared.”

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Taguba reported that despite the documented abuse of prisoners, he saw no evidence that Karpinski ever attempted to remind the military police in her command of the requirements of the Geneva Conventions, which protect prisoners of war and civilian detainees in times of armed conflict.

### **Sanchez To Be Replaced**

*Associated Press*

**May 25, 2004**

**Terence Hunt**

The top U.S. military officer in Iraq, Lt. Gen. Ricardo Sanchez, will be replaced as part of a command restructuring that has been in the works for several months, administration officials said Tuesday. The Pentagon also suspended Brig. Gen. Janis Karpinski from her command.

Both have become symbols of lax supervision at the Abu Ghraib prison where U.S. soldiers allegedly abused Iraqi inmates.

President Bush praised Sanchez during a photo opportunity in the Oval Office. "Rick Sanchez has done a fabulous job," the president said as he met with a group of Iraqis. "He's been there for a long time. His service has been exemplary."

At the Pentagon, Larry Di Rita, chief spokesman for Defense Secretary Donald H. Rumsfeld, said both Rumsfeld and Joint Chiefs chairman Gen. Richard Myers "are very

About two months after the Red Cross warned U.S. commanders of widespread prisoner abuses, Karpinski assured the Red Cross in a confidential letter that Iraqi detainees were being given the best treatment possible and that even more "improvements are continually being made."

Yesterday, however, Karpinski insisted she was "set up."

Meanwhile, the Washington Post, quoting Pentagon and other administration officials, reported today that Bush plans to appoint a new, higher-ranking military commander for Iraq, capping an overhaul of the command structure that is likely to replace Sanchez as the top general on the ground there.

Sanchez has been besieged lately by questions about his oversight of detainee operations in Iraq, especially his role in the scandal over the abuse of Iraqi detainees by U.S. soldiers at Abu Ghraib. But administration officials said the move to install a new four-star commander has been under consideration for months, well before the mistreatment of detainees became major news. It is not clear what will happen to Sanchez.

### **General Who Led Abu Ghraib Prison Guard Unit Has Been Suspended**

*Associated Press*

**May 25, 2004**

An Army general accused by military investigators of providing too little supervision for an Iraqi prison where abuse of inmates took place has been suspended from her command, officials say.

The decision to temporarily move Brig. Gen. Janis Karpinski, a native of Rahway, N.J., from her command of the 800th Military Police Brigade came amid reports that the top U.S. military officer in Iraq, Army Lt. Gen. Ricardo Sanchez, is due to be replaced soon.

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Sanchez will be replaced in Iraq in what officials said was his scheduled rotation after 13 months of duty there. Gen. George Casey, the Army's No. 2 officer as vice chief of staff, was in line for the post, reported NBC News, The New York Times, the Los Angeles Times and The Washington Post.

Secretary of State Colin Powell, appearing Tuesday on CBS's "The Early Show," said he had heard the reports but could not say whether Sanchez's departure was in any way related to the prison abuse problem.

It was after Miller's visit to Abu Ghraib and some of his suggestions were implemented that many of the questionable activities took place.

## **Head Of U.S. Prisons Is Off Active Duty And Loses Her Command**

*Reuters*

**May 25, 2004**

**Will Dunham**

An American general in charge of U.S.-run prisons in Iraq when the abuse of prisoners took place has been suspended as commander of the military police brigade at the heart of the scandal and removed from active duty, the Army said yesterday.

Brig. Gen. Janis Karpinski, a Rahway, N.J., native who had commanded the 800th Military Police Brigade, was suspended from her duties, said Lt. Col Pamela Hart, an Army spokeswoman at the Pentagon.

Karpinski previously was formally admonished on Jan. 17 by Lt. Gen. Ricardo Sanchez, the top U.S. commander in Iraq.

The Army returned Karpinski yesterday to the Army Reserve from active-duty status, said Al Schilf, an Army Reserve spokesman. In addition, Karpinski no longer serves as commander of her Uniondale, N.Y.-based brigade, and was "temporarily attached" to the U.S. Army Readiness Command at Fort Jackson, S.C., Schilf said. The Army was seeking an "acting commander" of the brigade, Schilf said.

Karpinski currently lives in Hilton Head, S.C.

Karpinski told the Washington Post she was notified in an e-mail yesterday of her suspension but has not yet been given a formal explanation.

"You'd think somebody would pick up the phone and call me," she said, lashing out at the Army hierarchy. "That should have been the protocol courtesy. I am a general officer. Nobody could spend the 25 cents to call me?"

Seven U.S. soldiers have been charged with abusing Iraqi prisoners at Abu Ghraib on the outskirts of Baghdad. Army Maj. Gen. Antonio Taguba's report on the abuse faulted Karpinski's "poor leadership." Photographs show U.S. soldiers physically and sexually abusing and humiliating prisoners.

Asked whether Karpinski could face criminal charges, Schilf did not answer directly, but said, "This action doesn't close any doors."

Karpinski, who has served in the Army for 27 years, has argued that the cell blocks where the abuse was centered were controlled by U.S. military intelligence, not military police.

Republican running for the Senate; \$1,000 to the New Jersey Republican State Committee; and \$1,000 to Chubbpac. In 2001 he gave \$2,500 to Chubbpac and in 2002 another \$2,500, but made no similar donations in 2003, according to election records. In the years before he went on active duty, Fay gave smaller contributions to Chubbpac. In 1997, he contributed \$1,500 to the New Jersey Republican Party. In 1990, he gave \$1,000 to New Jersey Democrat Bill Bradley's Senate campaign.

Defense Department regulations permit political contributions by military personnel but it is unusual for them to go through a corporate political action committee.

Sen. John W. Warner (R-Va.), chairman of the Senate Armed Services Committee, said yesterday he was unaware of Fay's background as a reservist and his political contributions. "These are very hard facts and have to be considered," Warner said. He added that "we don't have reason to question whether he will do other than an honorable job."

Warner also said he expects Fay's review of the role of military intelligence to include policies and decisions made not just in Iraq but also at the Pentagon. Fay, Warner said, should look "into the intelligence chain of command, not only in Centcom [the military command covering Iraq], but also back here in Washington."

A Pentagon public affairs officer yesterday said Fay was "on the road and not taking any questions about his investigation."

Richard Kohn, professor of military history at the University of North Carolina at Chapel Hill, said yesterday that Fay's limited experience as a reservist "does not inspire confidence in the investigation." He said the choice "is troubling. It raises the most basic question as to who chose him and why and what his tasking is."

At hearings before Warner's Senate committee on May 11, Undersecretary of Defense for Intelligence Stephen A. Cambone said that Fay had conducted interviews in Iraq and was going to Germany "to see people who have since rotated from Iraq to Germany. And then will come back here to meet others."

Cambone, in answer to a question, said he expected that Fay would include the military intelligence activities at Guantanamo Bay, Cuba, in his inquiry. "If General Fay didn't realize that was the subject of his investigation, sir, he is now painfully aware of it," he said.

Cambone could be one of those interviewed by Fay since he told Warner's committee that in August 2003 he encouraged Maj. Gen. Geoffrey D. Miller, then head of Guantanamo, to go to Iraq to determine how to get a better intelligence through interrogation of detainees. Among other things, Miller advised that military police help intelligence officers by setting conditions for interrogations.

A Pentagon official said Gen. Karpinski is not the subject of any criminal investigation but is "still vulnerable to further administrative charges."

### **Prison Investigator's Army Experience Questioned**

*Washington Post*

May 26, 2004

Walter Pincus

Maj. Gen. George R. Fay, who is leading the Army's investigation into the role of military intelligence at Abu Ghraib prison and other detention facilities in Iraq, is an insurance company executive who has been on active duty for five years.

Fay, the Army's deputy chief of staff for intelligence, was still listed as a managing director of the Chubb Group of Insurance Companies in its 2003 annual report. He was selected March 31 to head the sensitive investigation into intelligence practices and procedures in Iraq, and began work on April 23, said Lawrence T. DiRita, the Defense Department assistant secretary for public affairs.

Pentagon officials, lawmakers and others are looking to Fay to help answer a central question in the Abu Ghraib prison scandal: whether the military intelligence soldiers responsible for interrogating detainees directed or encouraged military police officers to commit the abuse captured in photographs that have roiled the Arab world and damaged U.S. credibility. Fay's probe into military intelligence follows the widely reported Army investigation by Maj. Gen. Antonio M. Taguba that focused primarily on the role of military police.

Two Pentagon officials and one public affairs officer in Iraq said yesterday they could not say who chose Fay to run the inquiry, but one Army official said the orders "were cut by" Lt. Gen. Ricardo S. Sanchez, the commanding general in Iraq.

At Chubb, Fay was executive vice president for claims and operations worldwide when he was activated in 1999. Originally commissioned through the Reserve Officers Training Corp Program in 1970, he served four years on active duty as a counterintelligence officer.

Fay worked for Chubb but had a series of Army reserve posts, primarily in the New York area, from 1974 until 1999, when he was activated and assigned as deputy commanding general of the Army Intelligence and Security Command.

Once activated, as a colonel, he was quickly promoted, first to brigadier general in 2000 and last year to major general. In October, he became deputy chief of staff for intelligence at the Pentagon.

Fay has continued to make political contributions since he started active duty in 1999, some through the Chubb Corporation Political Action Committee (Chubbpac), according to public records. In 2000, he gave \$500 to the campaign of Bob Franks, a New Jersey

Gen. Karpinski told Gen. Taguba that she paid regular visits to various detention centers. But the Taguba report states, "The detailed calendar provided by her aide-de-camp does not support her contention. Moreover, numerous witnesses stated that they rarely saw Brig. Gen. Karpinski."

Asked by Sen. John McCain, Arizona Republican, to respond to Gen. Karpinski's assertion she was excluded from certain sections of Abu Ghraib where the abuse occurred, Gen. Taguba answered, "I disagree with that."

Gen. Karpinski could not be reached for comment this week. But in a previous interview, and in a written rebuttal to Gen. Taguba dated April 1, she vigorously defended her tenure as Iraq prison warden.

"The brigade suffered with diminishing personnel strength, without the benefit of a personnel replacement system," she wrote. "We were successful in all missions, despite numerous challenges and while operating in a combat zone, because the brigade was determined and committed to do so."

As to Gen. Taguba's comment that she was "extremely emotional" during her testimony to him, Gen. Karpinski wrote, "The comments describing my emotional demeanor during a portion of my interview are misconstrued. Any implication of soldiers or the unit failing will elicit a strong emotional response from a caring and compassionate commander. The emotion was intense passion for my soldiers."

"Throughout my tenure in command I escorted hundreds of VIPs and media representatives through the numerous facilities the 800th Military Police Brigade secured. I consistently received rave reviews from all in attendance."

Gen. Karpinski, who took control of the penal system in Iraq on June 30, 2003, is now back home in South Carolina. She has waged a spirited media campaign on cable TV news channels to defend her record and to warn she will not be scapegoat.

The Army granted her permission to talk as long as she does not appear in uniform and does not disparage the Army.

Gen. Taguba recommended she be reprimanded and stripped of her command — a career-ending move. Gen. Sanchez apparently overruled him, sticking by an admonishment issued in January.

Gen. Sanchez said at the Senate Armed Services Committee hearing that some of those already punished could face additional penalties. Gen. Karpinski's lawyer, Neal A. Puckett, said he does not think the statement applies to his client, who had no knowledge of the abuse until a soldier blew the whistle in January.

On her suspension, Mrs. Donnelly said, "Frankly, I wonder why it has taken so long. She was there before, during and after the worst of the abuse. I'm not convinced at all by her argument she did not know."

William S. Lind, who directs the Center for Cultural Conservatism at the Free Congress Foundation, writes in a column this week that, "The apparent breakdown in discipline among the MPs at Abu Ghraib may relate to the presence of women, and especially to the fact that the commander was a woman. ... The climate of 'political correctness' (or, to give it its true name, cultural Marxism) that has infested and overwhelmed the American armed forces makes it almost impossible to discipline a woman — and risky for a man to attempt to do so."

Whatever the reason, one theme is clear: Abu Ghraib was a disaster waiting to happen. Rules on uniforms were not enforced; soldiers wrote poems and other sayings on their helmets; saluting of officers was not enforced. Records on inmates and escapes were spotty. Regulations were not posted; no MP had been trained adequately in detainee operations.

"I have never seen a more dysfunctional command relationship in the history of me looking at the military like that jail," Sen. Lindsey Graham, South Carolina Republican, told Gen. Sanchez at a Senate hearing last week.

"Sir," the three-star general responded, "It was dysfunctional before the 19th of November."

His reference to that date was a message to his critics, including Gen. Karpinski. She has blamed problems on the turnover of prison command from her 800th Brigade on that date to the 205th Military Intelligence Brigade. Some MPs accused of misconduct contend they acted on orders from 205th officers. But most abuses occurred in October and early November prior to the 19th, according to Gen. Taguba.

The exchange was just one example of disputes of fact between the one-star general and more senior officers:

- At the same hearing, Gen. Sanchez was asked about Gen. Karpinski's statements that she objected to the 205th taking over the jail. "Senator," Gen. Sanchez replied, "General Karpinski never talked to me about interference. ... There was never a time where General Karpinski surfaced to me any objections to that tactical control order."

- Gen. Karpinski has quoted Maj. Gen. Geoffrey Miller as saying he came to Iraq to "Gitmo-ize" Abu Ghraib. It was a reference to Gen. Miller's tenure as the top jailer at Guantanamo Bay, Cuba, where suspected terrorists from the Afghanistan war are being held.

Said Gen. Miller, "Senator, I did not tell General Karpinski I was going to 'Gitmo-ize' Abu Ghraib. I don't believe I have ever used that term ever."

## ARMY RESERVE

### Generals At Odds Over Abuse At Prison

*Washington Times*

May 26, 2004

Rowan Scarborough

An Army investigation and congressional hearings have spotlighted a series of conflicting statements about Iraqi prisoner abuse between the top brass and the general who once ran Abu Ghraib prison and who was stripped this week of her brigade command.

Some military advocates say Brig. Gen. Janis Karpinski received light punishment because she is one of the Army's few female generals. Recommended for a reprimand, she instead received a minor letter of admonishment.

At first, she kept her command of the 800th Military Police Brigade. But as pressure mounted from Congress to punish higher-ups — not just enlisted MPs at the prison — the Army this week temporarily reassigned her to a reserve unit at Fort Jackson, S.C.

The differences pitting Gen. Karpinski against superiors go to the heart of why the infamous prison near Baghdad was dysfunctional and why it became the venue for continued physical and psychological abuse of Iraqi detainees by military police.

Gen. Karpinski, a reservist who lives in Hilton Head, S.C., and works as a business consultant, says the scandal stemmed from a lack of manpower at Abu Ghraib and no clear direction from the military command in Baghdad led by Lt. Gen. Ricardo Sanchez. She denies knowledge of any abusive behavior before the scandal broke.

But Maj. Gen. Antonio M. Taguba, who completed the first of several ongoing administrative investigations, lays some blame squarely at the feet of Gen. Karpinski. His report says she did not act on recommendations from a series of fault-finding inquiries before the ill treatment began in October.

"Had the findings and recommendations contained within their own investigations been analyzed and actually implemented by Brig. Gen. Karpinski, many of the subsequent escapes, accountability lapses and cases of abuse may have been prevented," Gen. Taguba wrote.

Some pro-military persons have seized on the Abu Ghraib scandal as an example of a "politically correct" military that does not want to punish a female general.

"I think they've been handling her with kid gloves," said Elaine Donnelly, who heads the Center for Military Readiness. "The fact that she is a woman general who portrayed herself as a victim may have had something to do with it."

## DELIVERING THE GOODS

The 358th Civil Affairs Team A (CAT-A), an Army Reserve Unit from Norristown, Pennsylvania, provides direct support to the Multi-National Division-South East (MND-SE) while assigned to Combined Joint Task Force 7 (CJTF-7) in support of Operation Iraqi Freedom. The CAT-A is headquartered in Samawah, Iraq, and coordinates humanitarian assistance activities in close coordination with the Coalition Provisional Authority (CPA), U.S. Agency for International Development (USAID), and the Iraq and Kuwait Humanitarian Operations Center (HOC).

The responsibilities of the CAT-A include providing civil military staff augmentation and civil affairs planning and assessment support to maneuver commanders; providing linguistic, regional and cultural expertise to support commanders; identifying and facilitating foreign nation support; minimizing civilian interference with military operations; conducting area studies and assessments in support of civil military operations; and conducting inter-agency liaison and operations when directed. Some projects the team is involved in include the Rumaytha Sewage Project, Kamidia Medical Supplies Project, the Cleaner and Brighter Iraq Project, and the Rumaytha Girl's Primary School Dental Class Project.

The Rumaytha Sewage Project initially involved installation of gravity drainage, which included installing sewage pipes and manholes, and connecting the pipes to a sump pit. Also installed were a sump pump, pressure line, and electrical backup generation system. The project resulted in availability of cleaner drinking water, better sewage disposal, and an improved quality of life for the people of Rumaytha.

"I love this country, and I love helping these people," said Sgt. 1st Class Thomas D. Bucci, the 358th CAT-A's noncommissioned officer in charge and supervisor of the Rumaytha Sewage Project, who is proficient in the local language.

Sgt. Scott Bambu, a civil affairs specialist assigned to the 358<sup>th</sup> CAT-A also is proud of his contributions in Iraq. He served as project coordinator for the Kamidia Medical Supplies Project, which was designed to help replenish medical supplies, equipment and medications in and around the Muthanna Governorate. According to Bambu, the Kamidia Medical Supplies Facility has played a vital role in supplying essential items to those medical facilities and hospitals most in need.

"I am delighted to be in a position to make a difference," said Bambu.

The Cleaner and Brighter Iraq Project was designed to temporarily employ up to 100,000 Iraqi citizens to clean up 11 communities throughout the Muthanna Governorate, including the cities of Samawah, Khider, Ramaytha, and Salman. Maj. Kelly Thrasher, 358th CAT-A team leader, managed the project, working with the Iraqi Ministry of Public Works to assist them in achieving their employment and community clean up goals.

"This project has been very popular with the Iraqis because it employs so many people," said Thrasher. "It's great to see the Iraqi people helping themselves."

The Rumaytha Girl's Primary School Dental Class Project involved the issuance of 700 toothbrushes and tubes of toothpaste provided by the 358th CAT-A, followed by training in proper dental care.

Col. Robert P. Stall, commander of the 358th Civil Affairs Brigade, recently visited his Samawah CAT-A stating, "The Samawah CAT-A is one of the finest special operations teams I have operating in Iraq. Every one of my Soldiers is coordinating, supervising and managing several humanitarian assistance project simultaneously. I'm proud of the great work they are doing in helping the Iraqi people in service to our country."

**"The Samawah CAT-A is one of the finest special operations teams I have operating in Iraq."**

"What we've found here is that many of the physicians in charge of Iraq's clinics or hospitals have little or no basic management skills," said Pogge. "This is something we are trying to correct with the local physicians in communities around Baghdad."

Previously, Pogge had met several of the doctors attending the workshop. Many came from clinics and hospitals in eastern Baghdad where the 411th works in the 2nd Armored Cavalry Regiment's area of operations.

The course was based on one that Pogge took at the University of Kentucky as part of her training in the United States. An eight-day crash course, it is broken into several courses on leadership, decision making, human resources, resource allocation, and project management, all of which emphasize group work, case studies and hands on learning.

According to Pogge, working on problems in groups is probably one of the most important parts of the course.

"Management doesn't have to be autocratic," said Pogge, who hopes Iraq's Ministry of Health will adopt the course for use in the future with more physicians throughout Iraq. "It often is helpful to consult with your staff and to bring them into the process. This is one of things we are trying to teach the health care professionals attending this course."

According to Pogge, the experience has been extremely rewarding.

"It's exciting to go home with a sense of accomplishment — a sense of having helped the local medical community make a smoother transition," said Pogge. "That's what civil affairs in the military is all about — accomplishment."

## MOVING PASSENGERS THROUGH AREA 51

The Army has begun operations at a new air passenger terminal in Kuwait, with the goal of transporting hundreds of Soldiers daily to destinations within the Operation Iraqi Freedom theater.

"Soldiers will be traveling by intra-theater airplane into and out of Iraq," said Maj. Vivian Gaz, officer in charge of the 319<sup>th</sup> Movement Control Team, an Army Reserve unit from Dover, Delaware, responsible for operations at the terminal.

The terminal is composed of several tents, which are being used as passenger holding areas, and a parking lot and turn-around area for buses dropping off and picking up passengers.

"The plan is for Soldiers to be here only about three hours tops," added Gaz. "We will have MREs (Meals Ready to Eat) and water here. Soldiers should have their last hot meal at their departing camps."

To keep operations as efficient as possible, plans call for using only a single type of tactical aircraft. All of the planes will be configured to carry the same number of passengers, as well as two baggage pellets.

The terminal is anticipated to ease some of the congestion at the military APO (airport point of debarkation) in Kuwait. Most travel through the new terminal will be work-related, meaning rest and recuperative travel will not be processed through the terminal. And the terminal will service four airfields — Baghdad International Airport, Balad, Mosul, and al Asad.

**"The plan is for Soldiers to be here only about three hours tops."**

A small permanent party of Army Soldiers will be stationed at the terminal, dubbed "Area 51" after the locale in Nevada that UFO fantasists theorize is an extraterrestrial stomping ground. Soldiers to be here hours tops."

Through face-to-face encounters, the psychological operations team also is forming ties with community leaders, such as religious leaders, medical practitioners and professors, who are helping to spread a more positive message.

"It is extremely important that we gain the support of these key communicators. So far, we've built strong, solid relations within the community," said Wilson. "More and more, we are finding that they are coming forward to speak on our behalf."

## **GOING BACK TO SCHOOL**

For many school-age children in Baghdad, school has been out since the beginning of Operation Iraqi Freedom. However, for Iraqi children who used to attend the Darweesh school in the western Abu Ghraib province of Baghdad, school is now back in session thanks to the efforts of the Soldiers of the 414th Civil Affairs Battalion, an Army Reserve unit from Utica, New York.

Recently, more than 500 children lined up along the sides of the Darweesh school courtyard to welcome the members of the 414th during a ribbon cutting ceremony designed to mark the official reopening of the school.

Both Spc. Maynard Ainken, the 414th Darweesh school team leader who maintained oversight during the schools' renovation, and Sgt. Louis Polsinelli, a team leader with the 414th who also was a member of the team that helped orchestrate the school's restoration, were among the Soldiers honored during the opening celebration.

"When we first started driving through the area, people often would throw rocks at us," said Polsinelli. "Now, however, after having opened a few schools and demonstrating some real progress, people want to come up and talk to us. They want to interact with us. I think our work has had a tremendous impact on the attitudes of the Iraqi people."

According to Col. Vincent Taylor, commander of the 354th Civil Affairs Brigade, an Army Reserve unit from Riverdale, Maryland, it's teams like the 414th that make the reconstruction efforts possible.

"However, doing assessments, making funding proposals, contacting contractors, taking bids, and overseeing progress on renovation and construction efforts are not the only tasks under the purview of civil affairs teams like the 414th," said Taylor. "They also must act as liaisons with the Iraqi people, bridging any cultural and social gaps that stand in the way of progress."

"When a civil affairs team like the 414th accomplishes something like they have accomplished here at Darweesh, they are not only refurbishing a school structure. They are building bridges to the future of Iraq," added Taylor.

"The hearts and minds involved in this project are infinitely more important than the school buildings themselves," said Ainken. "Every child at this school will remember coalition Soldiers being here and helping them with their schools. They will remember that American Soldiers were here when they raised their flag on opening day."

## **INTRODUCING HEALTH CARE MANAGEMENT TO THE NEW IRAQ**

Recently, a physicians' leadership workshop was held for local Iraqi doctors and other health care professionals at the Iraqi Forum in Baghdad. Led by Capt. Caroline Pogge, a civil affairs officer with the 411th Civil Affairs Battalion, an Army Reserve unit from Danbury, Connecticut, 28 students, including doctors, pharmacists and representatives from the Iraqi Ministry of Health were in attendance.

The intent of the workshop was to give Iraqi physicians a basic course in health care management — a topic that rarely has been emphasized in the country's health care education according to Pogge, an Army Reserve Soldier who works as a hospital administrator in Sayre, Pennsylvania, in her civilian life.

## DELIVERING SUPPLIES TO CAR BOMBING VICTIMS

Much needed help was delivered to innocent victims of a recent terrorist attack in Baghdad. Members of the 422nd Civil Affairs Battalion, an Army Reserve unit from Greensboro, North Carolina, coordinated with the Iraqi Ministry of Labor and Social Services to deliver food, blankets and clothing to residents left homeless following a car bombing attack on the Al Shaab police station in the Al Adhamiya area of Baghdad.

According to Maj. Jack Nales, a civil affairs officer with the 422nd, four homes, two shops and the police station were damaged and deemed unsuitable for habitation as a result of the car bombing. Seven families were left homeless, while others experienced looting that seriously reduced the amount of their supplies. The homeless families now reside in an abandoned neighborhood advisory council building located behind the former police station.

"We have seven families that are homeless as a result of the attack," said Capt. Chuck Tinney, a civil affairs officer with the 422nd. "All they have left is pretty much the clothes on their backs. They just happened to be in the wrong place at the wrong time."

According to Tinney, his unit would continue to try to provide as much help as necessary to allow the families to get back on their feet.

"This is an ongoing project," added Tinney. "They still need mattresses, stoves and refrigerators, as well as other support."

Tinney said the non-governmental organization, Premiere Emergence, plans to assess the damage and to rebuild the homes that were destroyed.

"Thankfully, no lives were lost," said Spc. Walter Christopher, a civil affairs specialist with the 422nd. "When we are able to help people, it makes us feel good. This is the good part of our job."

## MAKING FRIENDS THROUGH THE NEWSPAPER

The 361st Psychological Operations Company (Tactical), an Army Reserve unit from Bothell, Washington, has come up with an invaluable tool for creating public awareness of safety hazards, as well as for disseminating information on what U.S. and coalition forces are doing in Iraq. Known as "Baghdad Now," the newspaper is published monthly and distributed free to more than approximately 70,000 Iraqi nationals.

"The paper discusses how we are interacting with the Iraqi government during this transitional period and, together, how we are improving life in Baghdad," said Staff Sgt. Richard K. Wilson, team chief with the 361st. "More importantly, it allows the people to know what's going on so they can better see how we are making a difference."

According to Wilson, handing out the newspapers also allows the Soldiers to keep their fingers on the pulse of the community.

"Any time you give these people something, their defenses come down. It's human nature," added Wilson. "We gain instant access to them and their feelings by giving them something. They then are more ready to help us spread the messages expressed in the newspaper."

By showing the Iraqi people how the coalition forces are helping to improve life in Baghdad, the psychological operations team hopes to increase positive attitudes toward the coalition and put an end to anti-coalition aggression.

**"Any time you give these people something, their defenses come down. It's human nature."**

"They were taught the basics of shooting a firearm, as well as how to put rounds down range and pray they hit the target," added Johnson.

According to police captain Sammad Al Hayani, Iraqi police rarely practiced with a weapon in the past.

"There were no shooting and no good pistols before," he said.

**Iraqi police rarely practiced with a weapon in the past.**

Basics of marksmanship included such fundamentals as breath control, sight alignment, and the proper way to squeeze the trigger. On the range, the Iraqi police participated in target shooting from three distances, with the longest distance being 15 meters using Glock 19 Series pistols.

"The police officers really had no idea of the weapons' capabilities, and they had no confidence in their own abilities," said Johnson. "It is good to see them gain more confidence. I expect they will become a more valuable asset as their weapons skills increase."

## **RENOVATING TWO PRIMARY SCHOOLS**

School children in grades 1 through 6 recently returned to two newly renovated primary schools in the Abu Ghraib area of western Baghdad. A team from the 490th Civil Affairs Battalion, an Army Reserve unit from Abilene, Texas, managed the renovations and repairs at the two schools. Ruqia Primary School and al-Fayda Primary School.

Capt. Thane Thompson, a team chief for the 490th who hails from Monterey, California, was the officer in charge of the project.

"The coalition is doing a lot of positive restoration work, and the vast majority of Iraqis that we deal with are extremely appreciative," said Thompson.

More than \$80,000 was spent on the repairs and renovations at the two schools. The Ruqia school project cost \$34,000, while the al-Fayda school project cost \$46,000. The funding was provided by the 354th Civil Affairs Brigade, an Army Reserve unit based in Riverdale, Maryland, and came from the Commanders' Emergency Relief Funds.

Immediately following the main combat phase of the war, both schools were completely looted. All of the furniture and equipment had been stolen, and even the doors and windows, as well as all light fixtures, wiring and switches, were removed and taken elsewhere. All that was left were the walls and the roofs. So the schools were unusable until the Army Reserve arrived.

"My team coordinated the project from start to finish. We conducted the initial assessments defining the scope of work, found contractors to help with cost estimates, prepared the funding proposals and got the funding approved, and contracted with local construction companies to do the work," said Thompson.

"We also did quality control inspections every couple of days and paid the contractors for their work," he added.

In both cases, the work included masonry, grounds maintenance, windows and glass replacement, interior finishing, and plumbing and electricity.

The commander of the 490th Civil Affairs Battalion, Lt. Col. Donna Hinton, cut the ribbon at the grand opening of the Ruqia School, stating: "This is a happy day for everyone. The children are happy to have a good school to go to, the school staff are extremely appreciative, and the Soldiers are satisfied that they have accomplished a great work."

## HAVING A BEAR OF A TIME

Although most Army Reserve Soldiers in Iraq carry assault rifles or machine guns, a tranquilizer gun has become the weapon of choice for several members of the 352nd Civil Affairs Command, an Army Reserve unit from Riverdale, Maryland, as they work to bring about major overhauls of the Baghdad Zoo, also known as the Zawra Zoo. Sadir, a 32 year old female brown bear at the Zoo, already has benefited greatly from the presence of these Soldiers. Recently, they surgically removed a cancerous tumor from her abdomen.

"The tumor was becoming infected, so we had to anesthetize her with a dart gun before making some incisions and removing the diseased tissue," said Col. Mark Gants, CJTF-7 veterinarian. "There were a few blood vessels in there that we had to tie off in order to get the bleeding stopped before closing her up again."

Gants, who was head surgeon on the project, was assisted by Spc. Erin McLoughlin, a veterinary technician with the 72<sup>nd</sup> Medical Detachment, and Lt. Col. Jose Lozada, a veterinarian with the 352nd Civil Affairs Command.

Operating on-site in Sadir's enclosure at the Zoo, the team prepared the bear for surgery. After anesthesia was administered, McLoughlin and one of the Zoo's Iraqi staff members shaved the fur surrounding the site of the tumor. Gant then made the necessary incisions to remove the tumor whole.

The real challenge, however, began after the malignant mass was removed. The blood vessels that were cut in order to extract the tumor were filling the wound with blood. And, in the time that it took to stop the bleeding, the tranquilizer began to wear off. Consequently, the team had to move extremely quickly to suture the incision, clean up and get out of the cage. Fortunately for the team, they were able to exit the enclosure before Sadir regained full consciousness.

According to Lozada, the main motivation behind the U.S. Army's involvement at the Zoo is to train local staff and veterinarians to assume full responsibility for the facilities once the Soldiers are gone.

**...the main motivation behind the U.S. Army's involvement at the Zoo is to train local staff and veterinarians to assume full responsibility for the facilities once the Soldiers are gone.**

"The veterinarians in Iraq are victims of professional isolation. In addition, they have been sorely neglected like most other resources in this nation," said Lozada. "Our hope is that, by involving Zoo staff members and veterinarians in surgical procedures and vaccination processes, they quickly will regain control over this invaluable facility and its inhabitants."

## TRAINING IRAQI POLICE AT WEAPONS RANGE

Iraqi police officers had a chance to hone their skills recently on a live-fire weapons range with the help of Soldiers from the 382nd Military Police Detachment, an Army Reserve unit from San Diego, California, assigned to the 18th Military Police Brigade. The weapons training was part of a three-week course called the "Iraqi Police Integration Program," designed to teach existing Iraqi police officers basic weapons fundamentals and tactics.

"The training will make them more effective as police officers," said Cpl. Kenneth Johnson, a military policeman with the 382nd and the weapons range noncommissioned officer in charge of the training. "Many of them have never even fired a weapon."

According to Johnson, the training consisted of two days of classroom training on the safe use of weapons, as well as four days of actual training on the weapons range. On the final day of training, the police officers received their weapons qualification.

## Update on Operation IRAQI FREEDOM

*From Army Reserve Magazine, Volume 49, Number 4*

According to Air Force Gen. Richard B. Myers, Army Reserve Soldiers are doing exactly what they were designed to do, and America is grateful for their service. Speaking recently before the Reserve Officers Association Mid-Winter Conference, Myers noted that Army Reserve Soldiers have become so seamlessly integrated into the total force that it is virtually impossible to tell an Army Reserve Soldier from an active service member. Equally important, he noted that America needs its Army Reserve Soldiers if this country is to win the war on terror.

In discussing how seamlessly the Army Reserve has integrated into the total force, Myers cited an account by a member of a mixed Army Reserve and active duty C-17 Globemaster III crew after a harrowing experience in Iraq. After taking off from Baghdad International Airport, one of the plane's engines was hit by a surface-to-air missile, forcing an emergency landing. According to the pilot of the plane, the lives of all of the people on that plane were saved because of the high level of coordination and communication between all members of the total force.

"I never forget that our Army Reserve Soldiers are a treasure and an important advantage to this great country," said Myers, noting that Army Reserve Soldiers remain absolutely essential to Operation Iraq Freedom. "Reserve service has a long history in America, and today is no different," he continued. "In times of need, when our country needs them the most, Army Reserve Soldiers lock arms to form an unbreakable, unbeatable team — dedicated to defending the liberties we all cherish and to supporting the people who are struggling to enjoy that same freedom."

Here are some of their stories.

### HELPING SADDAM LOSE FACE

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According to Capt. Mark St. Laurent, brigade action officer for the Iraqi currency exchange program and a civil affairs officer with the 354th Civil Affairs Brigade, an Army Reserve unit from Riverdale, Maryland, the introduction of the new dinar is a significant step in Iraq's move away from the former regime.

"Replacing the Saddam dinar signals the end of the old regime. No longer will he be viewed as an everyday figure," said St. Laurent. "It also helps reinforce the legitimacy of the new government and the Central Bank's control of the economy."

Consistent with the shift toward a new government in Iraq run by the Iraqi people, coalition forces are playing only a minor role in the currency exchange program. They are providing security only when needed at exchange sites to protect the safety of the citizens and to ensure the proper distribution of the money.

**"Replacing the Saddam dinar signals the end of the old regime."**

The new dinar, which is printed on higher quality paper and contains several security devices, such as a watermark, embedded security strip and textured ink, will unify the currency across Iraq. People can exchange their old Saddam dinars for the new ones at a one-to-one rate. However, the former national dinar, known as the "Swiss dinar," which is used mainly in the north of Iraq, is worth 150 new dinars.

"This is good for the people of Iraq," said Dr. Mohamed Jasim, who recently exchanged his money at the Adamihya Commercial Bank of Iraq. "It is a symbol of moving forward."



## CENTER FOR ARMY LESSONS LEARNED (CALL)

# News from the Front!

SEP-OCT 02



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## The Contemporary Role of Children as Combatants

by Mr. Ralph D. Nichols, Military Analyst, Center for Army Lessons Learned (CALL)



In the contemporary operational environment (COE), many different scenarios and asymmetrical threats challenge U.S. forces. One of the situations that our troops may face in the near future, and have certainly faced in the past, is how to deal with children as potential combatants. Many anecdotal and verifiable reports of children soldiers (defined as under the age of 18 years old, and as young as 5 or 6 years old) confronted and confounded U.S. troops during the Vietnam conflict in the decade of the 1960s and first half of the 1970s. Vietnamese children served as sources for human intelligence for regular North Vietnamese fighting forces, and for the guerilla elements of the Viet Cong. Some of these children were active combatants. In this capacity, they shouldered and fired in anger their Chinese- or Russian-procured AK-47 sub-automatic weapons against U.S. forces. Reports of children luring soldiers into ambushes, and even wiring themselves for detonation (booby-trapped explosives set off upon contact with U.S. troops) are well known. These events represent recent historical examples of U.S. forces facing children fighters. In 1993 our troops fought with rebel factions in the streets of Mogadishu, Somalia (urban warfare). Many of these rebel forces were comprised in part with children. In the movie "Black Hawk Down" (patterned after the insightful book by Mark Bowden), a memorable, dramatic moment occurs when a U.S. soldier thrusts the door open to a house only to be confronted with a very young male

child (under the age of 10 by appearance) thrusting a gun barrel at close distance against him. The soldier is faced with the immediate ethical dilemma of whether or not to attempt to kill someone trying to kill him. Only the "someone" is a small child.

## Update on Operation IRAQI FREEDOM

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## HAVING A BEAR OF A TIME

Although most Army Reserve Soldiers in Iraq carry assault rifles or machine guns, a tranquilizer gun has become the weapon of choice for several members of the 352nd Civil Affairs Command, an Army Reserve unit from Riverdale, Maryland, as they work to bring about major overhauls of the Baghdad Zoo, also known as the Zawra Zoo. Sadir, a 32 year old female brown bear at the Zoo, already has benefited greatly from the presence of these Soldiers. Recently, they surgically removed a cancerous tumor from her abdomen.

"The tumor was becoming infected, so we had to anesthetize her with a dart gun before making some incisions and removing the diseased tissue," said Col. Mark Gants, CJTF-7 veterinarian. "There were a few blood vessels in there that we had to tie off in order to get the bleeding stopped before closing her up again."

Gants, who was head surgeon on the project, was assisted by Spc. Erin McLoughlin, a veterinary technician with the 72<sup>nd</sup> Medical Detachment, and Lt. Col. Jose Lozada, a veterinarian with the 352nd Civil Affairs Command.

Operating on-site in Sadir's enclosure at the Zoo, the team prepared the bear for surgery. After anesthesia was administered, McLoughlin and one of the Zoo's Iraqi staff members shaved the fur surrounding the site of the tumor. Gant then made the necessary incisions to remove the tumor whole.

The real challenge, however, began after the malignant mass was removed. The blood vessels that were cut in order to extract the tumor were filling the wound with blood. And, in the time that it took to stop the bleeding, the tranquilizer began to wear off. Consequently, the team had to move extremely quickly to suture the incision, clean up and get out of the cage. Fortunately for the team, they were able to exit the enclosure before Sadir regained full consciousness.

According to Lozada, the main motivation behind the U.S. Army's involvement at the Zoo is to train local staff and veterinarians to assume full responsibility for the facilities once the Soldiers are gone.

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"The veterinarians in Iraq are victims of professional isolation. In addition, they have been sorely neglected like most other resources in this nation," said Lozada. "Our hope is that, by involving Zoo staff members and veterinarians in surgical procedures and vaccination processes, they quickly will regain control over this invaluable facility and its inhabitants."

## TRAINING IRAQI POLICE AT WEAPONS RANGE

Iraqi police officers had a chance to hone their skills recently on a live-fire weapons range with the help of Soldiers from the 382nd Military Police Detachment, an Army Reserve unit from San Diego, California, assigned to the 18th Military Police Brigade. The weapons training was part of a three-week course called the "Iraqi Police Integration Program," designed to teach existing Iraqi police officers basic weapons fundamentals and tactics.

"The training will make them more effective as police officers," said Cpl. Kenneth Johnson, a military policeman with the 382nd and the weapons range noncommissioned officer in charge of the training. "Many of them have never even fired a weapon."

According to Johnson, the training consisted of two days of classroom training on the safe use of weapons, as well as four days of actual training on the weapons range. On the final day of training, the police officers received their weapons qualification.

"They were taught the basics of shooting a firearm, as well as how to put rounds down range and pray they hit the target," added Johnson.

According to police captain Sammad Al Hayani, Iraqi police rarely practiced with a weapon in the past.

"There were no shooting and no good pistols before," he said.

Basics of marksmanship included such fundamentals as breath control, sight alignment, and the proper way to squeeze the trigger. On the range, the Iraqi police participated in target shooting from three distances, with the longest distance being 15 meters using Glock 19 Series pistols.

**Iraqi police rarely practiced with a weapon in the past.**

"The police officers really had no idea of the weapons' capabilities, and they had no confidence in their own abilities," said Johnson. "It is good to see them gain more confidence. I expect they will become a more valuable asset as their weapons skills increase."

## **RENOVATING TWO PRIMARY SCHOOLS**

School children in grades 1 through 6 recently returned to two newly renovated primary schools in the Abu Ghraib area of western Baghdad. A team from the 490th Civil Affairs Battalion, an Army Reserve unit from Abilene, Texas, managed the renovations and repairs at the two schools. Ruqia Primary School and al-Fayda Primary School.

Capt. Thane Thompson, a team chief for the 490th who hails from Monterey, California, was the officer in charge of the project.

"The coalition is doing a lot of positive restoration work, and the vast majority of Iraqis that we deal with are extremely appreciative," said Thompson.

More than \$80,000 was spent on the repairs and renovations at the two schools. The Ruqia school project cost \$34,000, while the al-Fayda school project cost \$46,000. The funding was provided by the 354th Civil Affairs Brigade, an Army Reserve unit based in Riverdale, Maryland, and came from the Commanders' Emergency Relief Funds.

Immediately following the main combat phase of the war, both schools were completely looted. All of the furniture and equipment had been stolen, and even the doors and windows, as well as all light fixtures, wiring and switches, were removed and taken elsewhere. All that was left were the walls and the roofs. So the schools were unusable until the Army Reserve arrived.

"My team coordinated the project from start to finish. We conducted the initial assessments defining the scope of work, found contractors to help with cost estimates, prepared the funding proposals and got the funding approved, and contracted with local construction companies to do the work," said Thompson.

"We also did quality control inspections every couple of days and paid the contractors for their work," he added.

In both cases, the work included masonry, grounds maintenance, windows and glass replacement, interior finishing, and plumbing and electricity.

The commander of the 490th Civil Affairs Battalion, Lt. Col. Donna Hinton, cut the ribbon at the grand opening of the Ruqia School, stating: "This is a happy day for everyone. The children are happy to have a good school to go to, the school staff are extremely appreciative, and the Soldiers are satisfied that they have accomplished a great work."

## DELIVERING SUPPLIES TO CAR BOMBING VICTIMS

Much needed help was delivered to innocent victims of a recent terrorist attack in Baghdad. Members of the 422nd Civil Affairs Battalion, an Army Reserve unit from Greensboro, North Carolina, coordinated with the Iraqi Ministry of Labor and Social Services to deliver food, blankets and clothing to residents left homeless following a car bombing attack on the Al Shaab police station in the Al Adhamiya area of Baghdad.

According to Maj. Jack Nales, a civil affairs officer with the 422nd, four homes, two shops and the police station were damaged and deemed unsuitable for habitation as a result of the car bombing. Seven families were left homeless, while others experienced looting that seriously reduced the amount of their supplies. The homeless families now reside in an abandoned neighborhood advisory council building located behind the former police station.

"We have seven families that are homeless as a result of the attack," said Capt. Chuck Tinney, a civil affairs officer with the 422nd. "All they have left is pretty much the clothes on their backs. They just happened to be in the wrong place at the wrong time."

According to Tinney, his unit would continue to try to provide as much help as necessary to allow the families to get back on their feet.

"This is an ongoing project," added Tinney. "They still need mattresses, stoves and refrigerators, as well as other support."

Tinney said the non-governmental organization, Premiere Emergence, plans to assess the damage and to rebuild the homes that were destroyed.

"Thankfully, no lives were lost," said Spc. Walter Christopher, a civil affairs specialist with the 422nd. "When we are able to help people, it makes us feel good. This is the good part of our job."

## MAKING FRIENDS THROUGH THE NEWSPAPER

The 361st Psychological Operations Company (Tactical), an Army Reserve unit from Bothell, Washington, has come up with an invaluable tool for creating public awareness of safety hazards, as well as for disseminating information on what U.S. and coalition forces are doing in Iraq. Known as "Baghdad Now," the newspaper is published monthly and distributed free to more than approximately 70,000 Iraqi nationals.

"The paper discusses how we are interacting with the Iraqi government during this transitional period and, together, how we are improving life in Baghdad," said Staff Sgt. Richard K. Wilson, team chief with the 361st. "More importantly, it allows the people to know what's going on so they can better see how we are making a difference."

According to Wilson, handing out the newspapers also allows the Soldiers to keep their fingers on the pulse of the community.

"Any time you give these people something, their defenses come down. It's human nature," added Wilson. "We gain instant access to them and their feelings by giving them something. They then are more ready to help us spread the messages expressed in the newspaper."

By showing the Iraqi people how the coalition forces are helping to improve life in Baghdad, the psychological operations team hopes to increase positive attitudes toward the coalition and put an end to anti-coalition aggression.

**"Any time you give these people something, their defenses come down. It's human nature."**

Through face-to-face encounters, the psychological operations team also is forming ties with community leaders, such as religious leaders, medical practitioners and professors, who are helping to spread a more positive message.

"It is extremely important that we gain the support of these key communicators. So far, we've built strong, solid relations within the community," said Wilson. "More and more, we are finding that they are coming forward to speak on our behalf."

## **GOING BACK TO SCHOOL**

For many school-age children in Baghdad, school has been out since the beginning of Operation Iraqi Freedom. However, for Iraqi children who used to attend the Darweesh school in the western Abu Ghraib province of Baghdad, school is now back in session thanks to the efforts of the Soldiers of the 414th Civil Affairs Battalion, an Army Reserve unit from Utica, New York.

Recently, more than 500 children lined up along the sides of the Darweesh school courtyard to welcome the members of the 414th during a ribbon cutting ceremony designed to mark the official reopening of the school.

Both Spc. Maynard Ainken, the 414th Darweesh school team leader who maintained oversight during the schools' renovation, and Sgt. Louis Polsinelli, a team leader with the 414th who also was a member of the team that helped orchestrate the school's restoration, were among the Soldiers honored during the opening celebration.

"When we first started driving through the area, people often would throw rocks at us," said Polsinelli. "Now, however, after having opened a few schools and demonstrating some real progress, people want to come up and talk to us. They want to interact with us. I think our work has had a tremendous impact on the attitudes of the Iraqi people."

According to Col. Vincent Taylor, commander of the 354th Civil Affairs Brigade, an Army Reserve unit from Riverdale, Maryland, it's teams like the 414th that make the reconstruction efforts possible.

"However, doing assessments, making funding proposals, contacting contractors, taking bids, and overseeing progress on renovation and construction efforts are not the only tasks under the purview of civil affairs teams like the 414th," said Taylor. "They also must act as liaisons with the Iraqi people, bridging any cultural and social gaps that stand in the way of progress."

"When a civil affairs team like the 414th accomplishes something like they have accomplished here at Darweesh, they are not only refurbishing a school structure. They are building bridges to the future of Iraq," added Taylor.

"The hearts and minds involved in this project are infinitely more important than the school buildings themselves," said Ainken. "Every child at this school will remember coalition Soldiers being here and helping them with their schools. They will remember that American Soldiers were here when they raised their flag on opening day."

## **INTRODUCING HEALTH CARE MANAGEMENT TO THE NEW IRAQ**

Recently, a physicians' leadership workshop was held for local Iraqi doctors and other health care professionals at the Iraqi Forum in Baghdad. Led by Capt. Caroline Pogge, a civil affairs officer with the 411th Civil Affairs Battalion, an Army Reserve unit from Danbury, Connecticut, 28 students, including doctors, pharmacists and representatives from the Iraqi Ministry of Health were in attendance.

The intent of the workshop was to give Iraqi physicians a basic course in health care management — a topic that rarely has been emphasized in the country's health care education according to Pogge, an Army Reserve Soldier who works as a hospital administrator in Sayre, Pennsylvania, in her civilian life.

"What we've found here is that many of the physicians in charge of Iraq's clinics or hospitals have little or no basic management skills," said Pogge. "This is something we are trying to correct with the local physicians in communities around Baghdad."

Previously, Pogge had met several of the doctors attending the workshop. Many came from clinics and hospitals in eastern Baghdad where the 411th works in the 2nd Armored Cavalry Regiment's area of operations.

The course was based on one that Pogge took at the University of Kentucky as part of her training in the United States. An eight-day crash course, it is broken into several courses on leadership, decision making, human resources, resource allocation, and project management, all of which emphasize group work, case studies and hands on learning.

According to Pogge, working on problems in groups is probably one of the most important parts of the course.

"Management doesn't have to be autocratic," said Pogge, who hopes Iraq's Ministry of Health will adopt the course for use in the future with more physicians throughout Iraq. "It often is helpful to consult with your staff and to bring them into the process. This is one of things we are trying to teach the health care professionals attending this course."

According to Pogge, the experience has been extremely rewarding.

"It's exciting to go home with a sense of accomplishment — a sense of having helped the local medical community make a smoother transition," said Pogge. "That's what civil affairs in the military is all about — accomplishment."

## MOVING PASSENGERS THROUGH AREA 51

The Army has begun operations at a new air passenger terminal in Kuwait, with the goal of transporting hundreds of Soldiers daily to destinations within the Operation Iraqi Freedom theater.

"Soldiers will be traveling by intra-theater airplane into and out of Iraq," said Maj. Vivian Gaz, officer in charge of the 319<sup>th</sup> Movement Control Team, an Army Reserve unit from Dover, Delaware, responsible for operations at the terminal.

The terminal is composed of several tents, which are being used as passenger holding areas, and a parking lot and turn-around area for buses dropping off and picking up passengers.

"The plan is for Soldiers to be here only about three hours tops," added Gaz. "We will have MREs (Meals Ready to Eat) and water here. Soldiers should have their last hot meal at their departing camps."

To keep operations as efficient as possible, plans call for using only a single type of tactical aircraft. All of the planes will be configured to carry the same number of passengers, as well as two baggage pellets.

The terminal is anticipated to ease some of the congestion at the military APO (airport point of debarkation) in Kuwait. Most travel through the new terminal will be work-related, meaning rest and recuperative travel will not be processed through the terminal. And the terminal will service four airfields — Baghdad International Airport, Balad, Mosul, and al Asad.

**"The plan is for Soldiers to be here only about three hours tops."**

A small permanent party of Army Soldiers will be stationed at the terminal, dubbed "Area 51" after the locale in Nevada that UFO fantasists theorize is an extraterrestrial stomping ground. Soldiers to be here hours tops."

## DELIVERING THE GOODS

The 358th Civil Affairs Team A (CAT-A), an Army Reserve Unit from Norristown, Pennsylvania, provides direct support to the Multi-National Division-South East (MND-SE) while assigned to Combined Joint Task Force 7 (CJTF-7) in support of Operation Iraqi Freedom. The CAT-A is headquartered in Samawah, Iraq, and coordinates humanitarian assistance activities in close coordination with the Coalition Provisional Authority (CPA), U.S. Agency for International Development (USAID), and the Iraq and Kuwait Humanitarian Operations Center (HOC).

The responsibilities of the CAT-A include providing civil military staff augmentation and civil affairs planning and assessment support to maneuver commanders; providing linguistic, regional and cultural expertise to support commanders; identifying and facilitating foreign nation support; minimizing civilian interference with military operations; conducting area studies and assessments in support of civil military operations; and conducting inter-agency liaison and operations when directed. Some projects the team is involved in include the Rumaytha Sewage Project, Kamidia Medical Supplies Project, the Cleaner and Brighter Iraq Project, and the Rumaytha Girl's Primary School Dental Class Project.

The Rumaytha Sewage Project initially involved installation of gravity drainage, which included installing sewage pipes and manholes, and connecting the pipes to a sump pit. Also installed were a sump pump, pressure line, and electrical backup generation system. The project resulted in availability of cleaner drinking water, better sewage disposal, and an improved quality of life for the people of Rumaytha.

"I love this country, and I love helping these people," said Sgt. 1st Class Thomas D. Bucci, the 358th CAT-A's noncommissioned officer in charge and supervisor of the Rumaytha Sewage Project, who is proficient in the local language.

Sgt. Scott Bambu, a civil affairs specialist assigned to the 358th CAT-A also is proud of his contributions in Iraq. He served as project coordinator for the Kamidia Medical Supplies Project, which was designed to help replenish medical supplies, equipment and medications in and around the Muthanna Governorate. According to Bambu, the Kamidia Medical Supplies Facility has played a vital role in supplying essential items to those medical facilities and hospitals most in need.

"I am delighted to be in a position to make a difference," said Bambu.

The Cleaner and Brighter Iraq Project was designed to temporarily employ up to 100,000 Iraqi citizens to clean up 11 communities throughout the Muthanna Governorate, including the cities of Samawah, Khider, Ramaytha, and Salman. Maj. Kelly Thrasher, 358th CAT-A team leader, managed the project, working with the Iraqi Ministry of Public Works to assist them in achieving their employment and community clean up goals.

"This project has been very popular with the Iraqis because it employs so many people," said Thrasher. "It's great to see the Iraqi people helping themselves."

The Rumaytha Girl's Primary School Dental Class Project involved the issuance of 700 toothbrushes and tubes of toothpaste provided by the 358th CAT-A, followed by training in proper dental care.

Col. Robert P. Stall, commander of the 358th Civil Affairs Brigade, recently visited his Samawah CAT-A stating, "The Samawah CAT-A is one of the finest special operations teams I have operating in Iraq. Every one of my Soldiers is coordinating, supervising and managing several humanitarian assistance project simultaneously. I'm proud of the great work they are doing in helping the Iraqi people in service to our country."

**"The Samawah CAT-A is one of the finest special operations teams I have operating in Iraq."**

## ARMY RESERVE

### Generals At Odds Over Abuse At Prison

*Washington Times*

May 26, 2004

Rowan Scarborough

An Army investigation and congressional hearings have spotlighted a series of conflicting statements about Iraqi prisoner abuse between the top brass and the general who once ran Abu Ghraib prison and who was stripped this week of her brigade command.

Some military advocates say Brig. Gen. Janis Karpinski received light punishment because she is one of the Army's few female generals. Recommended for a reprimand, she instead received a minor letter of admonishment.

At first, she kept her command of the 800th Military Police Brigade. But as pressure mounted from Congress to punish higher-ups — not just enlisted MPs at the prison — the Army this week temporarily reassigned her to a reserve unit at Fort Jackson, S.C.

The differences pitting Gen. Karpinski against superiors go to the heart of why the infamous prison near Baghdad was dysfunctional and why it became the venue for continued physical and psychological abuse of Iraqi detainees by military police.

Gen. Karpinski, a reservist who lives in Hilton Head, S.C., and works as a business consultant, says the scandal stemmed from a lack of manpower at Abu Ghraib and no clear direction from the military command in Baghdad led by Lt. Gen. Ricardo Sanchez. She denies knowledge of any abusive behavior before the scandal broke.

But Maj. Gen. Antonio M. Taguba, who completed the first of several ongoing administrative investigations, lays some blame squarely at the feet of Gen. Karpinski. His report says she did not act on recommendations from a series of fault-finding inquiries before the ill treatment began in October.

"Had the findings and recommendations contained within their own investigations been analyzed and actually implemented by Brig. Gen. Karpinski, many of the subsequent escapes, accountability lapses and cases of abuse may have been prevented," Gen. Taguba wrote.

Some pro-military persons have seized on the Abu Ghraib scandal as an example of a "politically correct" military that does not want to punish a female general.

"I think they've been handling her with kid gloves," said Elaine Donnelly, who heads the Center for Military Readiness. "The fact that she is a woman general who portrayed herself as a victim may have had something to do with it."

On her suspension, Mrs. Donnelly said, "Frankly, I wonder why it has taken so long. She was there before, during and after the worst of the abuse. I'm not convinced at all by her argument she did not know."

William S. Lind, who directs the Center for Cultural Conservatism at the Free Congress Foundation, writes in a column this week that, "The apparent breakdown in discipline among the MPs at Abu Ghraib may relate to the presence of women, and especially to the fact that the commander was a woman. ... The climate of 'political correctness' (or, to give it its true name, cultural Marxism) that has infested and overwhelmed the American armed forces makes it almost impossible to discipline a woman — and risky for a man to attempt to do so."

Whatever the reason, one theme is clear: Abu Ghraib was a disaster waiting to happen. Rules on uniforms were not enforced; soldiers wrote poems and other sayings on their helmets; saluting of officers was not enforced. Records on inmates and escapes were spotty. Regulations were not posted; no MP had been trained adequately in detainee operations.

"I have never seen a more dysfunctional command relationship in the history of me looking at the military like that jail," Sen. Lindsey Graham, South Carolina Republican, told Gen. Sanchez at a Senate hearing last week.

"Sir," the three-star general responded, "It was dysfunctional before the 19th of November."

His reference to that date was a message to his critics, including Gen. Karpinski. She has blamed problems on the turnover of prison command from her 800th Brigade on that date to the 205th Military Intelligence Brigade. Some MPs accused of misconduct contend they acted on orders from 205th officers. But most abuses occurred in October and early November prior to the 19th, according to Gen. Taguba.

The exchange was just one example of disputes of fact between the one-star general and more senior officers:

- At the same hearing, Gen. Sanchez was asked about Gen. Karpinski's statements that she objected to the 205th taking over the jail. "Senator," Gen. Sanchez replied, "General Karpinski never talked to me about interference. ... There was never a time where General Karpinski surfaced to me any objections to that tactical control order."

- Gen. Karpinski has quoted Maj. Gen. Geoffrey Miller as saying he came to Iraq to "Gitmo-ize" Abu Ghraib. It was a reference to Gen. Miller's tenure as the top jailer at Guantanamo Bay, Cuba, where suspected terrorists from the Afghanistan war are being held.

Said Gen. Miller, "Senator, I did not tell General Karpinski I was going to 'Gitmo-ize' Abu Ghraib. I don't believe I have ever used that term ever."

Gen. Karpinski told Gen. Taguba that she paid regular visits to various detention centers. But the Taguba report states, "The detailed calendar provided by her aide-de-camp does not support her contention. Moreover, numerous witnesses stated that they rarely saw Brig. Gen. Karpinski."

Asked by Sen. John McCain, Arizona Republican, to respond to Gen. Karpinski's assertion she was excluded from certain sections of Abu Ghraib where the abuse occurred, Gen. Taguba answered, "I disagree with that."

Gen. Karpinski could not be reached for comment this week. But in a previous interview, and in a written rebuttal to Gen. Taguba dated April 1, she vigorously defended her tenure as Iraq prison warden.

"The brigade suffered with diminishing personnel strength, without the benefit of a personnel replacement system," she wrote. "We were successful in all missions, despite numerous challenges and while operating in a combat zone, because the brigade was determined and committed to do so."

As to Gen. Taguba's comment that she was "extremely emotional" during her testimony to him, Gen. Karpinski wrote, "The comments describing my emotional demeanor during a portion of my interview are misconstrued. Any implication of soldiers or the unit failing will elicit a strong emotional response from a caring and compassionate commander. The emotion was intense passion for my soldiers."

"Throughout my tenure in command I escorted hundreds of VIPs and media representatives through the numerous facilities the 800th Military Police Brigade secured. I consistently received rave reviews from all in attendance."

Gen. Karpinski, who took control of the penal system in Iraq on June 30, 2003, is now back home in South Carolina. She has waged a spirited media campaign on cable TV news channels to defend her record and to warn she will not be scapegoat.

The Army granted her permission to talk as long as she does not appear in uniform and does not disparage the Army.

Gen. Taguba recommended she be reprimanded and stripped of her command — a career-ending move. Gen. Sanchez apparently overruled him, sticking by an admonishment issued in January.

Gen. Sanchez said at the Senate Armed Services Committee hearing that some of those already punished could face additional penalties. Gen. Karpinski's lawyer, Neal A. Puckett, said he does not think the statement applies to his client, who had no knowledge of the abuse until a soldier blew the whistle in January.

A Pentagon official said Gen. Karpinski is not the subject of any criminal investigation but is "still vulnerable to further administrative charges."

### **Prison Investigator's Army Experience Questioned**

*Washington Post*

May 26, 2004

Walter Pincus

Maj. Gen. George R. Fay, who is leading the Army's investigation into the role of military intelligence at Abu Ghraib prison and other detention facilities in Iraq, is an insurance company executive who has been on active duty for five years.

Fay, the Army's deputy chief of staff for intelligence, was still listed as a managing director of the Chubb Group of Insurance Companies in its 2003 annual report. He was selected March 31 to head the sensitive investigation into intelligence practices and procedures in Iraq, and began work on April 23, said Lawrence T. DiRita, the Defense Department assistant secretary for public affairs.

Pentagon officials, lawmakers and others are looking to Fay to help answer a central question in the Abu Ghraib prison scandal: whether the military intelligence soldiers responsible for interrogating detainees directed or encouraged military police officers to commit the abuse captured in photographs that have roiled the Arab world and damaged U.S. credibility. Fay's probe into military intelligence follows the widely reported Army investigation by Maj. Gen. Antonio M. Taguba that focused primarily on the role of military police.

Two Pentagon officials and one public affairs officer in Iraq said yesterday they could not say who chose Fay to run the inquiry, but one Army official said the orders "were cut by" Lt. Gen. Ricardo S. Sanchez, the commanding general in Iraq.

At Chubb, Fay was executive vice president for claims and operations worldwide when he was activated in 1999. Originally commissioned through the Reserve Officers Training Corp Program in 1970, he served four years on active duty as a counterintelligence officer.

Fay worked for Chubb but had a series of Army reserve posts, primarily in the New York area, from 1974 until 1999, when he was activated and assigned as deputy commanding general of the Army Intelligence and Security Command.

Once activated, as a colonel, he was quickly promoted, first to brigadier general in 2000 and last year to major general. In October, he became deputy chief of staff for intelligence at the Pentagon.

Fay has continued to make political contributions since he started active duty in 1999, some through the Chubb Corporation Political Action Committee (Chubbpac), according to public records. In 2000, he gave \$500 to the campaign of Bob Franks, a New Jersey

Republican running for the Senate; \$1,000 to the New Jersey Republican State Committee; and \$1,000 to Chubbpac. In 2001 he gave \$2,500 to Chubbpac and in 2002 another \$2,500, but made no similar donations in 2003, according to election records. In the years before he went on active duty, Fay gave smaller contributions to Chubbpac. In 1997, he contributed \$1,500 to the New Jersey Republican Party. In 1990, he gave \$1,000 to New Jersey Democrat Bill Bradley's Senate campaign.

Defense Department regulations permit political contributions by military personnel but it is unusual for them to go through a corporate political action committee.

Sen. John W. Warner (R-Va.), chairman of the Senate Armed Services Committee, said yesterday he was unaware of Fay's background as a reservist and his political contributions. "These are very hard facts and have to be considered," Warner said. He added that "we don't have reason to question whether he will do other than an honorable job."

Warner also said he expects Fay's review of the role of military intelligence to include policies and decisions made not just in Iraq but also at the Pentagon. Fay, Warner said, should look "into the intelligence chain of command, not only in Centcom [the military command covering Iraq], but also back here in Washington."

A Pentagon public affairs officer yesterday said Fay was "on the road and not taking any questions about his investigation."

Richard Kohn, professor of military history at the University of North Carolina at Chapel Hill, said yesterday that Fay's limited experience as a reservist "does not inspire confidence in the investigation." He said the choice "is troubling. It raises the most basic question as to who chose him and why and what his tasking is."

At hearings before Warner's Senate committee on May 11, Undersecretary of Defense for Intelligence Stephen A. Cambone said that Fay had conducted interviews in Iraq and was going to Germany "to see people who have since rotated from Iraq to Germany. And then will come back here to meet others."

Cambone, in answer to a question, said he expected that Fay would include the military intelligence activities at Guantanamo Bay, Cuba, in his inquiry. "If General Fay didn't realize that was the subject of his investigation, sir, he is now painfully aware of it," he said.

Cambone could be one of those interviewed by Fay since he told Warner's committee that in August 2003 he encouraged Maj. Gen. Geoffrey D. Miller, then head of Guantanamo, to go to Iraq to determine how to get a better intelligence through interrogation of detainees. Among other things, Miller advised that military police help intelligence officers by setting conditions for interrogations.

It was after Miller's visit to Abu Ghraib and some of his suggestions were implemented that many of the questionable activities took place.

### **Head Of U.S. Prisons Is Off Active Duty And Loses Her Command**

*Reuters*

**May 25, 2004**

**Will Dunham**

An American general in charge of U.S.-run prisons in Iraq when the abuse of prisoners took place has been suspended as commander of the military police brigade at the heart of the scandal and removed from active duty, the Army said yesterday.

Brig. Gen. Janis Karpinski, a Rahway, N.J., native who had commanded the 800th Military Police Brigade, was suspended from her duties, said Lt. Col Pamela Hart, an Army spokeswoman at the Pentagon.

Karpinski previously was formally admonished on Jan. 17 by Lt. Gen. Ricardo Sanchez, the top U.S. commander in Iraq.

The Army returned Karpinski yesterday to the Army Reserve from active-duty status, said Al Schilf, an Army Reserve spokesman. In addition, Karpinski no longer serves as commander of her Uniondale, N.Y.-based brigade, and was "temporarily attached" to the U.S. Army Readiness Command at Fort Jackson, S.C., Schilf said. The Army was seeking an "acting commander" of the brigade, Schilf said.

Karpinski currently lives in Hilton Head, S.C.

Karpinski told the Washington Post she was notified in an e-mail yesterday of her suspension but has not yet been given a formal explanation.

"You'd think somebody would pick up the phone and call me," she said, lashing out at the Army hierarchy. "That should have been the protocol courtesy. I am a general officer. Nobody could spend the 25 cents to call me?"

Seven U.S. soldiers have been charged with abusing Iraqi prisoners at Abu Ghraib on the outskirts of Baghdad. Army Maj. Gen. Antonio Taguba's report on the abuse faulted Karpinski's "poor leadership." Photographs show U.S. soldiers physically and sexually abusing and humiliating prisoners.

Asked whether Karpinski could face criminal charges, Schilf did not answer directly, but said, "This action doesn't close any doors."

Karpinski, who has served in the Army for 27 years, has argued that the cell blocks where the abuse was centered were controlled by U.S. military intelligence, not military police.

About two months after the Red Cross warned U.S. commanders of widespread prisoner abuses, Karpinski assured the Red Cross in a confidential letter that Iraqi detainees were being given the best treatment possible and that even more "improvements are continually being made."

Yesterday, however, Karpinski insisted she was "set up."

Meanwhile, the Washington Post, quoting Pentagon and other administration officials, reported today that Bush plans to appoint a new, higher-ranking military commander for Iraq, capping an overhaul of the command structure that is likely to replace Sanchez as the top general on the ground there.

Sanchez has been besieged lately by questions about his oversight of detainee operations in Iraq, especially his role in the scandal over the abuse of Iraqi detainees by U.S. soldiers at Abu Ghraib. But administration officials said the move to install a new four-star commander has been under consideration for months, well before the mistreatment of detainees became major news. It is not clear what will happen to Sanchez.

### **General Who Led Abu Ghraib Prison Guard Unit Has Been Suspended**

*Associated Press*

**May 25, 2004**

An Army general accused by military investigators of providing too little supervision for an Iraqi prison where abuse of inmates took place has been suspended from her command, officials say.

The decision to temporarily move Brig. Gen. Janis Karpinski, a native of Rahway, N.J., from her command of the 800th Military Police Brigade came amid reports that the top U.S. military officer in Iraq, Army Lt. Gen. Ricardo Sanchez, is due to be replaced soon.

Karpinski and other officers in her brigade were faulted by Army investigators for paying too little attention to day-to-day operations of the Abu Ghraib prison and for not moving firmly enough to discipline soldiers for violating standard procedures.

Karpinski's suspension, which has not yet been announced by the Army, was the latest in a series of actions against officers and enlisted soldiers implicated in the abuse scandal at the prison near Baghdad.

Sanchez will be replaced in Iraq in what officials said was his scheduled rotation after 13 months of duty there. Gen. George Casey, the Army's No. 2 officer as vice chief of staff, was in line for the post, reported NBC News, The New York Times, the Los Angeles Times and The Washington Post.

Secretary of State Colin Powell, appearing Tuesday on CBS's "The Early Show," said he had heard the reports but could not say whether Sanchez's departure was in any way related to the prison abuse problem.

Powell did say, however, that "we all knew this was coming about as part of the normal rotation of commanders. General Sanchez has done a terrific job and he's been there for over a year now, so it seems to me in the normal scheme of things."

Last week, Spc. Jeremy Sivits received the maximum penalty of a year in prison and a bad-conduct discharge in the first court-martial stemming from the abuse of Iraqis at the prison. He was among seven members of the 372nd Military Police Company that have been charged.

Karpinski, who has returned to the United States, has not been charged with an offense. Being suspended from her command does not mean she has been relieved of command, so technically she could be reinstated, although the intensity of the international furor over the Abu Ghraib prisoner abuse makes that highly unlikely, said the officials, speaking on condition of anonymity.

In his widely cited investigation report on the Abu Ghraib abuse allegations, Maj. Gen. Antonio Taguba found heavy fault with Karpinski's performance and recommended that she be relieved of command and given a formal reprimand. Instead she was given a less-severe "memorandum of admonishment" on Jan. 17 by Sanchez.

Taguba reported that despite the documented abuse of prisoners, he saw no evidence that Karpinski ever attempted to remind the military police in her command of the requirements of the Geneva Conventions, which protect prisoners of war and civilian detainees in times of armed conflict.

### **Sanchez To Be Replaced**

*Associated Press*

**May 25, 2004**

**Terence Hunt**

The top U.S. military officer in Iraq, Lt. Gen. Ricardo Sanchez, will be replaced as part of a command restructuring that has been in the works for several months, administration officials said Tuesday. The Pentagon also suspended Brig. Gen. Janis Karpinski from her command.

Both have become symbols of lax supervision at the Abu Ghraib prison where U.S. soldiers allegedly abused Iraqi inmates.

President Bush praised Sanchez during a photo opportunity in the Oval Office. "Rick Sanchez has done a fabulous job," the president said as he met with a group of Iraqis. "He's been there for a long time. His service has been exemplary."

At the Pentagon, Larry Di Rita, chief spokesman for Defense Secretary Donald H. Rumsfeld, said both Rumsfeld and Joint Chiefs chairman Gen. Richard Myers "are very

impressed with the work Gen. Sanchez performed from the very beginning” of his service in Iraq. Sanchez took command there in May 2003.

Regarding suggestions that Sanchez’s departure is linked to the abuse scandal, Di Rita said, “That’s just wrong.”

Karpinski and other officers in the 800th Military Police Brigade were faulted by Army investigators for paying too little attention to day-to-day operations of the Abu Ghraib prison and for not moving firmly enough to discipline soldiers for violating standard procedures.

Karpinski’s suspension, which has not yet been announced by the Army, was the latest in a series of actions against officers and enlisted soldiers implicated in the abuse scandal at the prison near Baghdad.

Sanchez will be replaced in Iraq in what administration officials said was his scheduled rotation after 13 months of duty there. Gen. George Casey, the Army’s No. 2 officer as vice chief of staff, was in line for the post, defense officials said Monday.

Di Rita said, “There has been no final decision” on who will replace Sanchez.

Secretary of State Colin Powell, appearing Tuesday on CBS’s “The Early Show,” said he had heard the reports but could not say whether Sanchez’s departure was in any way related to the prison abuse problem.

Powell did say, however, that “we all knew this was coming about as part of the normal rotation of commanders. General Sanchez has done a terrific job and he’s been there for over a year now, so it seems to me in the normal scheme of things.”

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“I don’t know what the grounds are,” Karpinski told MSNBC Monday night. “I know that I’ve been suspended. When I see it in writing, there will be an explanation for it. And what that means is I’m suspended from my position as the commander of the 800th Military Police Brigade, and they assign me to another position until whatever the reason is, whatever the basis is, is cleared.”

In his widely cited investigation report on the Abu Ghraib abuse allegations, Maj. Gen. Antonio Taguba found heavy fault with Karpinski's performance and recommended that she be relieved of command and given a formal reprimand. Instead she was given a less-severe "memorandum of admonishment" on Jan. 17 by Sanchez.

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### **TOP TIER PRINT**

#### **Abuse of Captives More Widespread, Says Army Survey**

*New York Times*

May 26, 2004

Douglas Jehl, Steven Lee Myers and Eric Schmitt

An Army summary of deaths and mistreatment involving prisoners in American custody in Iraq and Afghanistan shows a widespread pattern of abuse involving more military units than previously known.

The cases from Iraq date back to April 15, 2003, a few days after Saddam Hussein's statue was toppled in a Baghdad square, and they extend up to last month, when a prisoner detained by Navy commandos died in a suspected case of homicide blamed on "blunt force trauma to the torso and positional asphyxia."

Among previously unknown incidents are the abuse of detainees by Army interrogators from a National Guard unit attached to the Third Infantry Division, who are described in a document obtained by The New York Times as having "forced into asphyxiation numerous detainees in an attempt to obtain information" during a 10-week period last spring.

The document, dated May 5, is a synopsis prepared by the Criminal Investigation Command at the request of Army officials grappling with intense scrutiny prompted by the circulation the preceding week of photographs of prisoner abuse at Abu Ghraib. It lists the status of investigations into three dozen cases, including the continuing investigation into the notorious abuses at Abu Ghraib.

In one of the oldest cases, involving the death of a prisoner in Afghanistan in December 2002, enlisted personnel from an active-duty military intelligence unit at Fort Bragg, N.C., and an Army Reserve military-police unit from Ohio are believed to have been "involved at various times in assaulting and mistreating the detainee."

The Army summary is consistent with recent public statements by senior military officials, who have said the Army is actively investigating nine suspected homicides of prisoners held by Americans in Iraq and Afghanistan in late 2002.

But the details paint a broad picture of misconduct, and show that in many cases among the 37 prisoners who have died in American custody in Iraq and Afghanistan, the Army did not conduct autopsies and says it cannot determine the causes of the deaths.

In his speech on Monday night, President Bush portrayed the abuse of prisoners by American soldiers in narrow terms. He described incidents at Abu Ghraib prison in Iraq, which were the first and most serious to come to light, as involving actions "by a few American troops who disregarded our country and disregarded our values."

According to the Army summary, the deaths that are now being investigated most vigorously by Army officials may be those from Afghanistan in December 2002, where two prisoners died in one week at what was known as the Bagram Collection Point, where interrogations were overseen by a platoon from Company A, 519th Military Intelligence Battalion, from Fort Bragg.

The document says the investigation into the two deaths "is continuing with recent re-interviews," both of military intelligence personnel from Fort Bragg and of Army Reserve military police officers from Ohio and surrounding states, who were serving as guards at the facility. It was not clear from the document exactly which Army Reserve unit was being investigated.

On March 4, 2003, The New York Times reported on the two deaths, noting that the cause given on one of the death certificates was "homicide," a result of "blunt force injuries to lower extremities complicating coronary artery disease." It was signed by an Army pathologist.

Both deaths were ruled homicides within days, but military spokesmen in Afghanistan initially portrayed at least one as being the result of natural causes. Personnel from the unit in charge of interrogations at the facility, led by Capt. Carolyn Wood, were later assigned to Iraq, and to the Joint Interrogation and Debriefing Center at Abu Ghraib.

Lt. Col. Billy Buckner, a spokesman for the 18th Airborne Corps, said in an e-mail message on Monday that no one from the 519th Military Intelligence Battalion had yet been disciplined in connection with any deaths or other misconduct in Iraq. He declined to say if anyone from the unit was the subject of an ongoing investigation.

The document also categorizes as a sexual assault a case of abuse at Abu Ghraib last fall that involved three soldiers from that unit, who were later fined and demoted but whose names the Army has refused to provide.

As part of the incident, the document says, the three soldiers "entered the female wing of the prison and took a female detainee to a vacant cell."

"While one allegedly stood as look-out and one held the detainee's hand, the third soldier allegedly kissed the detainee," the report said. It says that the female detainee was

reportedly threatened with being left with a naked male detainee, but that "investigation failed to either prove or disprove the indecent-assault allegations."

The May 5 document said the three soldiers from the 519th were demoted: two to privates first class and one to specialist. One was fined \$750, the other two \$500 each.

In what appeared to be a serious case of abuse over a prolonged period of time, unidentified enlisted members of the 223rd Military Intelligence Battalion, part of the California National Guard, were accused of abusing Iraqi detainees at a center in Samarra, north of Baghdad.

The unit, based in San Francisco, operated under the command of the Third Infantry Division, the armored force that led the Army assault on Baghdad last April and continued to patrol the city and the surrounding region into the summer.

According to the Army summary, members of the 223rd "struck and pulled the hair of detainees" during interrogations over a period that lasted 10 weeks. The summary said they "forced into asphyxiations numerous detainees in an attempt to obtain information."

The accusations were based on the statement of a soldier. No other details of the abuse — not the number of suspected soldiers nor the progress of the investigation — were disclosed.

A spokeswoman for the California National Guard in Sacramento, Maj. Denise Varner, said she could not discuss any investigation.

Another incident, whose general outlines had been previously known, involved the death in custody of a senior Iraqi officer, Maj. Gen. Abed Hamed Mowhoush, who died last November at a detention center run by the Third Armored Cavalry, of Fort Carson, Colo. Soldiers acknowledged to investigators that interviews with the general on Nov. 24 and 25 involved "physical assaults."

In fact, investigators determined that General Mowhoush died after being shoved head-first into a sleeping bag, and questioned while being rolled repeatedly from his back to his stomach. That finding was first reported in The Denver Post.

According to Army officials and documents, at least 12 prisoners have died of natural or undetermined causes, including nine in Abu Ghraib. In six of those cases, the military conducted no autopsy to confirm the presumed cause of death. As a result, the investigations into their deaths were closed by Army investigators.

In another case, an autopsy found that a detainee, Muhammad Najem Abed, died of cardiac arrest complicated by diabetes, without noting, as the investigation summary does, that he died after "a self-motivated hunger strike."

In two cases, involving the deaths of prisoners at Abu Ghraib on Jan. 16 and Feb. 19, investigations continue even though the causes are believed to be natural. In the Feb. 19 case, Muhammad Saad Abdullah was found dead with "acute inflammation of the abdomen." An autopsy classified the death as natural, apparently caused by "peritonitis secondary to perforating gastric ulcer."

Army officials have been reluctant to discuss the type of detail that the document describes, even when investigations into the cases are closed. The Army has refused to make public the synopses of Army criminal investigations into the deaths or assaults of Iraqi or Afghan prisoners while in custody.

At a Pentagon briefing on Friday, a senior military official and a senior Pentagon medical official said the Army was investigating the deaths of 37 detainees in Iraq and Afghanistan, an increase from at least 25 deaths that a senior Army general described on May 4.

Army officials have given rough breakdowns of those deaths, including those ruled natural deaths, homicides and ongoing investigations. But Army officials have been stingy with details. Of the two homicide cases the Army has closed, for instance, officials have given only spare details about a soldier who shot and killed an Iraqi detainee who was throwing rocks at the guards. The soldier was demoted and dishonorably discharged from the Army.

When asked Friday about details of pending investigations that military medical examiners had characterized as homicides, and that had been described in news accounts, a senior official would only confirm, "That's an ongoing investigation."

The official described the dates, locations and number of deaths involved in four cases ruled justifiable homicide, all in Iraq, including three at Abu Ghraib. But the official did not give details about the individual cases.

### **Who Would Try Civilians of U.S.? No One in Iraq**

*New York Times*

**May 26, 2004**

**Adam Liptak**

Though civilian translators and interrogators may have participated in the abuse at Abu Ghraib prison, prosecuting them will present challenges, legal experts say, because such civilians working for the military are subject to neither Iraqi nor military justice.

On the basis of a referral from the Pentagon, the Justice Department opened an investigation on Friday into the conduct of one civilian contractor in Iraq, who has not been identified.

"We remain committed to taking all appropriate action within our jurisdiction regarding allegations of mistreatment of Iraqi prisoners," Mark Corallo, a Justice Department spokesman, said in a statement.

Prosecuting civilian contractors in United States courts would be "fascinating and enormously complicated," said Deborah N. Pearlstein, director of the U.S. law and security program of Human Rights First.

It is clear, on the other hand, that neither Iraqi courts nor American courts-martial are available.

In June 2003, L. Paul Bremer III, the chief American administrator in Iraq, granted broad immunity to civilian contractors and their employees. They were, he wrote, generally not subject to criminal and civil actions in the Iraqi legal system, including arrest and detention.

That immunity is limited to their official acts under their contracts, and it is unclear whether any abuses alleged can be said to have been such acts. But even unofficial conduct by contractors in Iraq cannot be prosecuted there, Mr. Bremer's order said, without his written permission.

Similarly, under a series of Supreme Court decisions, civilians cannot be court-martialed in the absence of a formal declaration of war. There was no such declaration in the Iraq war.

In theory, the president could establish new military commissions to try civilians charged with offenses in Iraq, said Jordan Paust, a law professor at the University of Houston and a former member of the faculty at the Army's Judge Advocate General's School. The commissions announced by President Bush in the wake of the Sept. 11 attacks do not, however, have jurisdiction over American citizens.

That leaves prosecution in United States courts. There, prosecutors might turn to two relatively narrow laws, or a broader one, to pursue their cases.

A 1994 law makes torture committed by Americans outside the United States a crime. The law defines torture as the infliction of severe physical or mental pain or suffering.

But some human rights groups suspect that the administration may be reluctant to use the law, because its officials, including Defense Secretary Donald H. Rumsfeld, have resisted calling the abuse at Abu Ghraib torture.

"If they don't want to use the word 'torture,' " Ms. Pearlstein said, "prosecutions under the torture act aren't likely."

A 1996 law concerning war crimes allows prosecutions for violations of some provisions of the Geneva Conventions, including those prohibiting torture, "outrages upon personal dignity" and "humiliating and degrading treatment."

Bush administration lawyers cited potential prosecutions under the law as a reason not to give detainees at Guantánamo Bay the protections of the Geneva Conventions. But the administration has said that the conventions apply to detainees in Iraq.

Both the torture law and the war-crimes law provide for long prison sentences, and capital punishment is available in cases involving the victim's death.

The broader law, the Military Extraterritorial Jurisdiction Act, allows people "employed by or accompanying the armed forces outside the United States" to be prosecuted in United States courts for federal crimes punishable by more than a year's imprisonment. People who are citizens or residents of the host nations are not covered, but Americans and other foreign nationals are.

The law has appar

## ARMY RESERVE

### **Generals At Odds Over Abuse At Prison**

*Washington Times*

May 26, 2004

Rowan Scarborough

An Army investigation and congressional hearings have spotlighted a series of conflicting statements about Iraqi prisoner abuse between the top brass and the general who once ran Abu Ghraib prison and who was stripped this week of her brigade command.

Some military advocates say Brig. Gen. Janis Karpinski received light punishment because she is one of the Army's few female generals. Recommended for a reprimand, she instead received a minor letter of admonishment.

At first, she kept her command of the 800th Military Police Brigade. But as pressure mounted from Congress to punish higher-ups — not just enlisted MPs at the prison — the Army this week temporarily reassigned her to a reserve unit at Fort Jackson, S.C.

The differences pitting Gen. Karpinski against superiors go to the heart of why the infamous prison near Baghdad was dysfunctional and why it became the venue for continued physical and psychological abuse of Iraqi detainees by military police.

Gen. Karpinski, a reservist who lives in Hilton Head, S.C., and works as a business consultant, says the scandal stemmed from a lack of manpower at Abu Ghraib and no clear direction from the military command in Baghdad led by Lt. Gen. Ricardo Sanchez. She denies knowledge of any abusive behavior before the scandal broke.

But Maj. Gen. Antonio M. Taguba, who completed the first of several ongoing administrative investigations, lays some blame squarely at the feet of Gen. Karpinski. His report says she did not act on recommendations from a series of fault-finding inquiries before the ill treatment began in October.

"Had the findings and recommendations contained within their own investigations been analyzed and actually implemented by Brig. Gen. Karpinski, many of the subsequent escapes, accountability lapses and cases of abuse may have been prevented," Gen. Taguba wrote.

Some pro-military persons have seized on the Abu Ghraib scandal as an example of a "politically correct" military that does not want to punish a female general.

"I think they've been handling her with kid gloves," said Elaine Donnelly, who heads the Center for Military Readiness. "The fact that she is a woman general who portrayed herself as a victim may have had something to do with it."

On her suspension, Mrs. Donnelly said, "Frankly, I wonder why it has taken so long. She was there before, during and after the worst of the abuse. I'm not convinced at all by her argument she did not know."

William S. Lind, who directs the Center for Cultural Conservatism at the Free Congress Foundation, writes in a column this week that, "The apparent breakdown in discipline among the MPs at Abu Ghraib may relate to the presence of women, and especially to the fact that the commander was a woman. ... The climate of 'political correctness' (or, to give it its true name, cultural Marxism) that has infested and overwhelmed the American armed forces makes it almost impossible to discipline a woman — and risky for a man to attempt to do so."

Whatever the reason, one theme is clear: Abu Ghraib was a disaster waiting to happen. Rules on uniforms were not enforced; soldiers wrote poems and other sayings on their helmets; saluting of officers was not enforced. Records on inmates and escapes were spotty. Regulations were not posted; no MP had been trained adequately in detainee operations.

"I have never seen a more dysfunctional command relationship in the history of me looking at the military like that jail," Sen. Lindsey Graham, South Carolina Republican, told Gen. Sanchez at a Senate hearing last week.

"Sir," the three-star general responded, "It was dysfunctional before the 19th of November."

His reference to that date was a message to his critics, including Gen. Karpinski. She has blamed problems on the turnover of prison command from her 800th Brigade on that date to the 205th Military Intelligence Brigade. Some MPs accused of misconduct contend they acted on orders from 205th officers. But most abuses occurred in October and early November prior to the 19th, according to Gen. Taguba.

The exchange was just one example of disputes of fact between the one-star general and more senior officers:

- At the same hearing, Gen. Sanchez was asked about Gen. Karpinski's statements that she objected to the 205th taking over the jail. "Senator," Gen. Sanchez replied, "General Karpinski never talked to me about interference. ... There was never a time where General Karpinski surfaced to me any objections to that tactical control order."

- Gen. Karpinski has quoted Maj. Gen. Geoffrey Miller as saying he came to Iraq to "Gitmo-ize" Abu Ghraib. It was a reference to Gen. Miller's tenure as the top jailer at Guantanamo Bay, Cuba, where suspected terrorists from the Afghanistan war are being held.

Said Gen. Miller, "Senator, I did not tell General Karpinski I was going to 'Gitmo-ize' Abu Ghraib. I don't believe I have ever used that term ever."

Gen. Karpinski told Gen. Taguba that she paid regular visits to various detention centers. But the Taguba report states, "The detailed calendar provided by her aide-de-camp does not support her contention. Moreover, numerous witnesses stated that they rarely saw Brig. Gen. Karpinski."

Asked by Sen. John McCain, Arizona Republican, to respond to Gen. Karpinski's assertion she was excluded from certain sections of Abu Ghraib where the abuse occurred, Gen. Taguba answered, "I disagree with that."

Gen. Karpinski could not be reached for comment this week. But in a previous interview, and in a written rebuttal to Gen. Taguba dated April 1, she vigorously defended her tenure as Iraq prison warden.

"The brigade suffered with diminishing personnel strength, without the benefit of a personnel replacement system," she wrote. "We were successful in all missions, despite numerous challenges and while operating in a combat zone, because the brigade was determined and committed to do so."

As to Gen. Taguba's comment that she was "extremely emotional" during her testimony to him, Gen. Karpinski wrote, "The comments describing my emotional demeanor during a portion of my interview are misconstrued. Any implication of soldiers or the unit failing will elicit a strong emotional response from a caring and compassionate commander. The emotion was intense passion for my soldiers."

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The Army granted her permission to talk as long as she does not appear in uniform and does not disparage the Army.

Gen. Taguba recommended she be reprimanded and stripped of her command — a career-ending move. Gen. Sanchez apparently overruled him, sticking by an admonishment issued in January.

Gen. Sanchez said at the Senate Armed Services Committee hearing that some of those already punished could face additional penalties. Gen. Karpinski's lawyer, Neal A. Puckett, said he does not think the statement applies to his client, who had no knowledge of the abuse until a soldier blew the whistle in January.

A Pentagon official said Gen. Karpinski is not the subject of any criminal investigation but is "still vulnerable to further administrative charges."

### **Prison Investigator's Army Experience Questioned**

*Washington Post*

May 26, 2004

Walter Pincus

Maj. Gen. George R. Fay, who is leading the Army's investigation into the role of military intelligence at Abu Ghraib prison and other detention facilities in Iraq, is an insurance company executive who has been on active duty for five years.

Fay, the Army's deputy chief of staff for intelligence, was still listed as a managing director of the Chubb Group of Insurance Companies in its 2003 annual report. He was selected March 31 to head the sensitive investigation into intelligence practices and procedures in Iraq, and began work on April 23, said Lawrence T. DiRita, the Defense Department assistant secretary for public affairs.

Pentagon officials, lawmakers and others are looking to Fay to help answer a central question in the Abu Ghraib prison scandal: whether the military intelligence soldiers responsible for interrogating detainees directed or encouraged military police officers to commit the abuse captured in photographs that have roiled the Arab world and damaged U.S. credibility. Fay's probe into military intelligence follows the widely reported Army investigation by Maj. Gen. Antonio M. Taguba that focused primarily on the role of military police.

Two Pentagon officials and one public affairs officer in Iraq said yesterday they could not say who chose Fay to run the inquiry, but one Army official said the orders "were cut by" Lt. Gen. Ricardo S. Sanchez, the commanding general in Iraq.

At Chubb, Fay was executive vice president for claims and operations worldwide when he was activated in 1999. Originally commissioned through the Reserve Officers Training Corp Program in 1970, he served four years on active duty as a counterintelligence officer.

Fay worked for Chubb but had a series of Army reserve posts, primarily in the New York area, from 1974 until 1999, when he was activated and assigned as deputy commanding general of the Army Intelligence and Security Command.

Once activated, as a colonel, he was quickly promoted, first to brigadier general in 2000 and last year to major general. In October, he became deputy chief of staff for intelligence at the Pentagon.

Fay has continued to make political contributions since he started active duty in 1999, some through the Chubb Corporation Political Action Committee (Chubbpac), according to public records. In 2000, he gave \$500 to the campaign of Bob Franks, a New Jersey

Republican running for the Senate; \$1,000 to the New Jersey Republican State Committee; and \$1,000 to Chubbpac. In 2001 he gave \$2,500 to Chubbpac and in 2002 another \$2,500, but made no similar donations in 2003, according to election records. In the years before he went on active duty, Fay gave smaller contributions to Chubbpac. In 1997, he contributed \$1,500 to the New Jersey Republican Party. In 1990, he gave \$1,000 to New Jersey Democrat Bill Bradley's Senate campaign.

Defense Department regulations permit political contributions by military personnel but it is unusual for them to go through a corporate political action committee.

Sen. John W. Warner (R-Va.), chairman of the Senate Armed Services Committee, said yesterday he was unaware of Fay's background as a reservist and his political contributions. "These are very hard facts and have to be considered," Warner said. He added that "we don't have reason to question whether he will do other than an honorable job."

Warner also said he expects Fay's review of the role of military intelligence to include policies and decisions made not just in Iraq but also at the Pentagon. Fay, Warner said, should look "into the intelligence chain of command, not only in Centcom [the military command covering Iraq], but also back here in Washington."

A Pentagon public affairs officer yesterday said Fay was "on the road and not taking any questions about his investigation."

Richard Kohn, professor of military history at the University of North Carolina at Chapel Hill, said yesterday that Fay's limited experience as a reservist "does not inspire confidence in the investigation." He said the choice "is troubling. It raises the most basic question as to who chose him and why and what his tasking is."

At hearings before Warner's Senate committee on May 11, Undersecretary of Defense for Intelligence Stephen A. Cambone said that Fay had conducted interviews in Iraq and was going to Germany "to see people who have since rotated from Iraq to Germany. And then will come back here to meet others."

Cambone, in answer to a question, said he expected that Fay would include the military intelligence activities at Guantanamo Bay, Cuba, in his inquiry. "If General Fay didn't realize that was the subject of his investigation, sir, he is now painfully aware of it," he said.

Cambone could be one of those interviewed by Fay since he told Warner's committee that in August 2003 he encouraged Maj. Gen. Geoffrey D. Miller, then head of Guantanamo, to go to Iraq to determine how to get a better intelligence through interrogation of detainees. Among other things, Miller advised that military police help intelligence officers by setting conditions for interrogations.

It was after Miller's visit to Abu Ghraib and some of his suggestions were implemented that many of the questionable activities took place.

### **Head Of U.S. Prisons Is Off Active Duty And Loses Her Command**

*Reuters*

**May 25, 2004**

**Will Dunham**

An American general in charge of U.S.-run prisons in Iraq when the abuse of prisoners took place has been suspended as commander of the military police brigade at the heart of the scandal and removed from active duty, the Army said yesterday.

Brig. Gen. Janis Karpinski, a Rahway, N.J., native who had commanded the 800th Military Police Brigade, was suspended from her duties, said Lt. Col Pamela Hart, an Army spokeswoman at the Pentagon.

Karpinski previously was formally admonished on Jan. 17 by Lt. Gen. Ricardo Sanchez, the top U.S. commander in Iraq.

The Army returned Karpinski yesterday to the Army Reserve from active-duty status, said Al Schilf, an Army Reserve spokesman. In addition, Karpinski no longer serves as commander of her Uniondale, N.Y.-based brigade, and was "temporarily attached" to the U.S. Army Readiness Command at Fort Jackson, S.C., Schilf said. The Army was seeking an "acting commander" of the brigade, Schilf said.

Karpinski currently lives in Hilton Head, S.C.

Karpinski told the Washington Post she was notified in an e-mail yesterday of her suspension but has not yet been given a formal explanation.

"You'd think somebody would pick up the phone and call me," she said, lashing out at the Army hierarchy. "That should have been the protocol courtesy. I am a general officer. Nobody could spend the 25 cents to call me?"

Seven U.S. soldiers have been charged with abusing Iraqi prisoners at Abu Ghraib on the outskirts of Baghdad. Army Maj. Gen. Antonio Taguba's report on the abuse faulted Karpinski's "poor leadership." Photographs show U.S. soldiers physically and sexually abusing and humiliating prisoners.

Asked whether Karpinski could face criminal charges, Schilf did not answer directly, but said, "This action doesn't close any doors."

Karpinski, who has served in the Army for 27 years, has argued that the cell blocks where the abuse was centered were controlled by U.S. military intelligence, not military police.

About two months after the Red Cross warned U.S. commanders of widespread prisoner abuses, Karpinski assured the Red Cross in a confidential letter that Iraqi detainees were being given the best treatment possible and that even more "improvements are continually being made."

Yesterday, however, Karpinski insisted she was "set up."

Meanwhile, the Washington Post, quoting Pentagon and other administration officials, reported today that Bush plans to appoint a new, higher-ranking military commander for Iraq, capping an overhaul of the command structure that is likely to replace Sanchez as the top general on the ground there.

Sanchez has been besieged lately by questions about his oversight of detainee operations in Iraq, especially his role in the scandal over the abuse of Iraqi detainees by U.S. soldiers at Abu Ghraib. But administration officials said the move to install a new four-star commander has been under consideration for months, well before the mistreatment of detainees became major news. It is not clear what will happen to Sanchez.

### **General Who Led Abu Ghraib Prison Guard Unit Has Been Suspended**

*Associated Press*

**May 25, 2004**

An Army general accused by military investigators of providing too little supervision for an Iraqi prison where abuse of inmates took place has been suspended from her command, officials say.

The decision to temporarily move Brig. Gen. Janis Karpinski, a native of Rahway, N.J., from her command of the 800th Military Police Brigade came amid reports that the top U.S. military officer in Iraq, Army Lt. Gen. Ricardo Sanchez, is due to be replaced soon.

Karpinski and other officers in her brigade were faulted by Army investigators for paying too little attention to day-to-day operations of the Abu Ghraib prison and for not moving firmly enough to discipline soldiers for violating standard procedures.

Karpinski's suspension, which has not yet been announced by the Army, was the latest in a series of actions against officers and enlisted soldiers implicated in the abuse scandal at the prison near Baghdad.

Sanchez will be replaced in Iraq in what officials said was his scheduled rotation after 13 months of duty there. Gen. George Casey, the Army's No. 2 officer as vice chief of staff, was in line for the post, reported NBC News, The New York Times, the Los Angeles Times and The Washington Post.

Secretary of State Colin Powell, appearing Tuesday on CBS's "The Early Show," said he had heard the reports but could not say whether Sanchez's departure was in any way related to the prison abuse problem.

Powell did say, however, that "we all knew this was coming about as part of the normal rotation of commanders. General Sanchez has done a terrific job and he's been there for over a year now, so it seems to me in the normal scheme of things."

Last week, Spc. Jeremy Sivits received the maximum penalty of a year in prison and a bad-conduct discharge in the first court-martial stemming from the abuse of Iraqis at the prison. He was among seven members of the 372nd Military Police Company that have been charged.

Karpinski, who has returned to the United States, has not been charged with an offense. Being suspended from her command does not mean she has been relieved of command, so technically she could be reinstated, although the intensity of the international furor over the Abu Ghraib prisoner abuse makes that highly unlikely, said the officials, speaking on condition of anonymity.

In his widely cited investigation report on the Abu Ghraib abuse allegations, Maj. Gen. Antonio Taguba found heavy fault with Karpinski's performance and recommended that she be relieved of command and given a formal reprimand. Instead she was given a less-severe "memorandum of admonishment" on Jan. 17 by Sanchez.

Taguba reported that despite the documented abuse of prisoners, he saw no evidence that Karpinski ever attempted to remind the military police in her command of the requirements of the Geneva Conventions, which protect prisoners of war and civilian detainees in times of armed conflict.

### **Sanchez To Be Replaced**

*Associated Press*

**May 25, 2004**

**Terence Hunt**

The top U.S. military officer in Iraq, Lt. Gen. Ricardo Sanchez, will be replaced as part of a command restructuring that has been in the works for several months, administration officials said Tuesday. The Pentagon also suspended Brig. Gen. Janis Karpinski from her command.

Both have become symbols of lax supervision at the Abu Ghraib prison where U.S. soldiers allegedly abused Iraqi inmates.

President Bush praised Sanchez during a photo opportunity in the Oval Office. "Rick Sanchez has done a fabulous job," the president said as he met with a group of Iraqis. "He's been there for a long time. His service has been exemplary."

At the Pentagon, Larry Di Rita, chief spokesman for Defense Secretary Donald H. Rumsfeld, said both Rumsfeld and Joint Chiefs chairman Gen. Richard Myers "are very

impressed with the work Gen. Sanchez performed from the very beginning” of his service in Iraq. Sanchez took command there in May 2003.

Regarding suggestions that Sanchez’s departure is linked to the abuse scandal, Di Rita said, “That’s just wrong.”

Karpinski and other officers in the 800th Military Police Brigade were faulted by Army investigators for paying too little attention to day-to-day operations of the Abu Ghraib prison and for not moving firmly enough to discipline soldiers for violating standard procedures.

Karpinski’s suspension, which has not yet been announced by the Army, was the latest in a series of actions against officers and enlisted soldiers implicated in the abuse scandal at the prison near Baghdad.

Sanchez will be replaced in Iraq in what administration officials said was his scheduled rotation after 13 months of duty there. Gen. George Casey, the Army’s No. 2 officer as vice chief of staff, was in line for the post, defense officials said Monday.

Di Rita said, “There has been no final decision” on who will replace Sanchez.

Secretary of State Colin Powell, appearing Tuesday on CBS’s “The Early Show,” said he had heard the reports but could not say whether Sanchez’s departure was in any way related to the prison abuse problem.

Powell did say, however, that “we all knew this was coming about as part of the normal rotation of commanders. General Sanchez has done a terrific job and he’s been there for over a year now, so it seems to me in the normal scheme of things.”

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“I don’t know what the grounds are,” Karpinski told MSNBC Monday night. “I know that I’ve been suspended. When I see it in writing, there will be an explanation for it. And what that means is I’m suspended from my position as the commander of the 800th Military Police Brigade, and they assign me to another position until whatever the reason is, whatever the basis is, is cleared.”

In his widely cited investigation report on the Abu Ghraib abuse allegations, Maj. Gen. Antonio Taguba found heavy fault with Karpinski's performance and recommended that she be relieved of command and given a formal reprimand. Instead she was given a less-severe "memorandum of admonishment" on Jan. 17 by Sanchez.

Taguba reported that despite the documented abuse of prisoners, he saw no evidence that Karpinski ever attempted to remind the military police in her command of the requirements of the Geneva Conventions, which protect prisoners of war and civilian detainees in times of armed conflict.

### **TOP TIER PRINT**

#### **Abuse of Captives More Widespread, Says Army Survey**

*New York Times*

May 26, 2004

Douglas Jehl, Steven Lee Myers and Eric Schmitt

An Army summary of deaths and mistreatment involving prisoners in American custody in Iraq and Afghanistan shows a widespread pattern of abuse involving more military units than previously known.

The cases from Iraq date back to April 15, 2003, a few days after Saddam Hussein's statue was toppled in a Baghdad square, and they extend up to last month, when a prisoner detained by Navy commandos died in a suspected case of homicide blamed on "blunt force trauma to the torso and positional asphyxia."

Among previously unknown incidents are the abuse of detainees by Army interrogators from a National Guard unit attached to the Third Infantry Division, who are described in a document obtained by The New York Times as having "forced into asphyxiation numerous detainees in an attempt to obtain information" during a 10-week period last spring.

The document, dated May 5, is a synopsis prepared by the Criminal Investigation Command at the request of Army officials grappling with intense scrutiny prompted by the circulation the preceding week of photographs of prisoner abuse at Abu Ghraib. It lists the status of investigations into three dozen cases, including the continuing investigation into the notorious abuses at Abu Ghraib.

In one of the oldest cases, involving the death of a prisoner in Afghanistan in December 2002, enlisted personnel from an active-duty military intelligence unit at Fort Bragg, N.C., and an Army Reserve military-police unit from Ohio are believed to have been "involved at various times in assaulting and mistreating the detainee."

The Army summary is consistent with recent public statements by senior military officials, who have said the Army is actively investigating nine suspected homicides of prisoners held by Americans in Iraq and Afghanistan in late 2002.

But the details paint a broad picture of misconduct, and show that in many cases among the 37 prisoners who have died in American custody in Iraq and Afghanistan, the Army did not conduct autopsies and says it cannot determine the causes of the deaths.

In his speech on Monday night, President Bush portrayed the abuse of prisoners by American soldiers in narrow terms. He described incidents at Abu Ghraib prison in Iraq, which were the first and most serious to come to light, as involving actions "by a few American troops who disregarded our country and disregarded our values."

According to the Army summary, the deaths that are now being investigated most vigorously by Army officials may be those from Afghanistan in December 2002, where two prisoners died in one week at what was known as the Bagram Collection Point, where interrogations were overseen by a platoon from Company A, 519th Military Intelligence Battalion, from Fort Bragg.

The document says the investigation into the two deaths "is continuing with recent re-interviews," both of military intelligence personnel from Fort Bragg and of Army Reserve military police officers from Ohio and surrounding states, who were serving as guards at the facility. It was not clear from the document exactly which Army Reserve unit was being investigated.

On March 4, 2003, The New York Times reported on the two deaths, noting that the cause given on one of the death certificates was "homicide," a result of "blunt force injuries to lower extremities complicating coronary artery disease." It was signed by an Army pathologist.

Both deaths were ruled homicides within days, but military spokesmen in Afghanistan initially portrayed at least one as being the result of natural causes. Personnel from the unit in charge of interrogations at the facility, led by Capt. Carolyn Wood, were later assigned to Iraq, and to the Joint Interrogation and Debriefing Center at Abu Ghraib.

Lt. Col. Billy Buckner, a spokesman for the 18th Airborne Corps, said in an e-mail message on Monday that no one from the 519th Military Intelligence Battalion had yet been disciplined in connection with any deaths or other misconduct in Iraq. He declined to say if anyone from the unit was the subject of an ongoing investigation.

The document also categorizes as a sexual assault a case of abuse at Abu Ghraib last fall that involved three soldiers from that unit, who were later fined and demoted but whose names the Army has refused to provide.

As part of the incident, the document says, the three soldiers "entered the female wing of the prison and took a female detainee to a vacant cell."

"While one allegedly stood as look-out and one held the detainee's hand, the third soldier allegedly kissed the detainee," the report said. It says that the female detainee was

reportedly threatened with being left with a naked male detainee, but that "investigation failed to either prove or disprove the indecent-assault allegations."

The May 5 document said the three soldiers from the 519th were demoted: two to privates first class and one to specialist. One was fined \$750, the other two \$500 each.

In what appeared to be a serious case of abuse over a prolonged period of time, unidentified enlisted members of the 223rd Military Intelligence Battalion, part of the California National Guard, were accused of abusing Iraqi detainees at a center in Samarra, north of Baghdad.

The unit, based in San Francisco, operated under the command of the Third Infantry Division, the armored force that led the Army assault on Baghdad last April and continued to patrol the city and the surrounding region into the summer.

According to the Army summary, members of the 223rd "struck and pulled the hair of detainees" during interrogations over a period that lasted 10 weeks. The summary said they "forced into asphyxiations numerous detainees in an attempt to obtain information."

The accusations were based on the statement of a soldier. No other details of the abuse — not the number of suspected soldiers nor the progress of the investigation — were disclosed.

A spokeswoman for the California National Guard in Sacramento, Maj. Denise Varner, said she could not discuss any investigation.

Another incident, whose general outlines had been previously known, involved the death in custody of a senior Iraqi officer, Maj. Gen. Abed Hamed Mowhoush, who died last November at a detention center run by the Third Armored Cavalry, of Fort Carson, Colo. Soldiers acknowledged to investigators that interviews with the general on Nov. 24 and 25 involved "physical assaults."

In fact, investigators determined that General Mowhoush died after being shoved head-first into a sleeping bag, and questioned while being rolled repeatedly from his back to his stomach. That finding was first reported in The Denver Post.

According to Army officials and documents, at least 12 prisoners have died of natural or undetermined causes, including nine in Abu Ghraib. In six of those cases, the military conducted no autopsy to confirm the presumed cause of death. As a result, the investigations into their deaths were closed by Army investigators.

In another case, an autopsy found that a detainee, Muhammad Najem Abed, died of cardiac arrest complicated by diabetes, without noting, as the investigation summary does, that he died after "a self-motivated hunger strike."

In two cases, involving the deaths of prisoners at Abu Ghraib on Jan. 16 and Feb. 19, investigations continue even though the causes are believed to be natural. In the Feb. 19 case, Muhammad Saad Abdullah was found dead with "acute inflammation of the abdomen." An autopsy classified the death as natural, apparently caused by "peritonitis secondary to perforating gastric ulcer."

Army officials have been reluctant to discuss the type of detail that the document describes, even when investigations into the cases are closed. The Army has refused to make public the synopses of Army criminal investigations into the deaths or assaults of Iraqi or Afghan prisoners while in custody.

At a Pentagon briefing on Friday, a senior military official and a senior Pentagon medical official said the Army was investigating the deaths of 37 detainees in Iraq and Afghanistan, an increase from at least 25 deaths that a senior Army general described on May 4.

Army officials have given rough breakdowns of those deaths, including those ruled natural deaths, homicides and ongoing investigations. But Army officials have been stingy with details. Of the two homicide cases the Army has closed, for instance, officials have given only spare details about a soldier who shot and killed an Iraqi detainee who was throwing rocks at the guards. The soldier was demoted and dishonorably discharged from the Army.

When asked Friday about details of pending investigations that military medical examiners had characterized as homicides, and that had been described in news accounts, a senior official would only confirm, "That's an ongoing investigation."

The official described the dates, locations and number of deaths involved in four cases ruled justifiable homicide, all in Iraq, including three at Abu Ghraib. But the official did not give details about the individual cases.

### **Who Would Try Civilians of U.S.? No One in Iraq**

*New York Times*

**May 26, 2004**

**Adam Liptak**

Though civilian translators and interrogators may have participated in the abuse at Abu Ghraib prison, prosecuting them will present challenges, legal experts say, because such civilians working for the military are subject to neither Iraqi nor military justice.

On the basis of a referral from the Pentagon, the Justice Department opened an investigation on Friday into the conduct of one civilian contractor in Iraq, who has not been identified.

"We remain committed to taking all appropriate action within our jurisdiction regarding allegations of mistreatment of Iraqi prisoners," Mark Corallo, a Justice Department spokesman, said in a statement.

Prosecuting civilian contractors in United States courts would be "fascinating and enormously complicated," said Deborah N. Pearlstein, director of the U.S. law and security program of Human Rights First.

It is clear, on the other hand, that neither Iraqi courts nor American courts-martial are available.

In June 2003, L. Paul Bremer III, the chief American administrator in Iraq, granted broad immunity to civilian contractors and their employees. They were, he wrote, generally not subject to criminal and civil actions in the Iraqi legal system, including arrest and detention.

That immunity is limited to their official acts under their contracts, and it is unclear whether any abuses alleged can be said to have been such acts. But even unofficial conduct by contractors in Iraq cannot be prosecuted there, Mr. Bremer's order said, without his written permission.

Similarly, under a series of Supreme Court decisions, civilians cannot be court-martialed in the absence of a formal declaration of war. There was no such declaration in the Iraq war.

In theory, the president could establish new military commissions to try civilians charged with offenses in Iraq, said Jordan Paust, a law professor at the University of Houston and a former member of the faculty at the Army's Judge Advocate General's School. The commissions announced by President Bush in the wake of the Sept. 11 attacks do not, however, have jurisdiction over American citizens.

That leaves prosecution in United States courts. There, prosecutors might turn to two relatively narrow laws, or a broader one, to pursue their cases.

A 1994 law makes torture committed by Americans outside the United States a crime. The law defines torture as the infliction of severe physical or mental pain or suffering.

But some human rights groups suspect that the administration may be reluctant to use the law, because its officials, including Defense Secretary Donald H. Rumsfeld, have resisted calling the abuse at Abu Ghraib torture.

"If they don't want to use the word 'torture,'" Ms. Pearlstein said, "prosecutions under the torture act aren't likely."

A 1996 law concerning war crimes allows prosecutions for violations of some provisions of the Geneva Conventions, including those prohibiting torture, "outrages upon personal dignity" and "humiliating and degrading treatment."

Bush administration lawyers cited potential prosecutions under the law as a reason not to give detainees at Guantánamo Bay the protections of the Geneva Conventions. But the administration has said that the conventions apply to detainees in Iraq.

Both the torture law and the war-crimes law provide for long prison sentences, and capital punishment is available in cases involving the victim's death.

The broader law, the Military Extraterritorial Jurisdiction Act, allows people "employed by or accompanying the armed forces outside the United States" to be prosecuted in United States courts for federal crimes punishable by more than a year's imprisonment. People who are citizens or residents of the host nations are not covered, but Americans and other foreign nationals are.

The law has apparently been invoked only once, in a case involving charges that the wife of an Air Force staff sergeant murdered him in Turkey last year. The case will soon be tried in federal court in Los Angeles.

The law was passed to fill a legal gap that had existed since the 1950's, when Supreme Court decisions limited the military's ability to prosecute civilians in courts-martial during peacetime.

In 2000, a three-judge panel of the federal appeals court in New York, citing that gap, reluctantly overturned the conviction of an American civilian who had sexually abused a child in Germany. In an unusual move, the judges sent their decision to two Congressional committees. That helped encourage enactment of the law that year.

The law requires the Pentagon, in consultation with the State and Justice Departments, to establish regulations on how to carry it out. Though it was enacted four years ago, the regulations are still under consideration.

In any event, there are gaps and uncertainties in the law.

For one thing, it applies only to contractors employed by the Defense Department. Contractors hired by other agencies, like the C.I.A., are not covered.

It is also unclear precisely where in the United States such prosecutions could be brought. Legal scholars have suggested that three places might be available: the area of the defendant's last known residence, the place where the defendant is first brought from abroad and the District of Columbia.

In addition to such criminal charges, the companies that provided the translators and interrogators may be subject to civil suits for money, under a 1789 law that allows federal

courts to hear "any civil action by an alien for a tort only, committed in violation of the law of nations." Torture is such a violation, legal experts say.

The Supreme Court is considering a case concerning the scope of that law, which has been used to hold American companies accountable for abusive actions abroad.

But, in an echo of the defenses offered by several members of the military police who have been ordered to face courts-martial for actions in Iraq, companies may be able to offer a "government contractor defense," in an effort to show they were operating under specific instructions from the government.

### **U.S. Civilian Working at Abu Ghraib Disputes Army's Version of His Role in Abuses**

*New York Times*

May 26, 2004

Joel Brinkley

John B. Israel, an Iraqi-American Christian and one of two civilian contractors implicated in the Abu Ghraib prison scandal, returned home to California a few weeks ago and, until Monday, was living quietly with his wife, Rosa.

In an interview on Monday at their home in Santa Clarita, Calif., Ms. Israel said that her husband had not even hired a lawyer.

Mr. Israel, who was born in Baghdad in 1955, was one of three Iraqi-Americans working as translators at Abu Ghraib. The Army report on the abuses described him as "either directly or indirectly responsible for the abuses at Abu Ghraib."

On Monday, his employer, SOS Interpreting, with offices in New York and suburban Washington, called Mr. Israel here for talks. That same evening, SOS issued its first statement about Mr. Israel, saying simply that the company, a subcontractor for the Titan Corporation for the work in Iraq, "fully intends to cooperate with the Army and with Titan" in the investigations. SOS said it would have nothing more to say.

Almost nothing was known about Mr. Israel before now. Among a raft of documents from the Army investigation, obtained by The New York Times, is a brief statement by Mr. Israel in which he denies any knowledge of the abuses. In it he says he arrived in Iraq on Oct. 14 and served as a translator for military intelligence. Asked if he had "witnessed any acts of abuse," he wrote: "No I have not."

Ms. Israel said her husband was "just a translator" and knew nothing of the Abu Ghraib abuses. She said a fellow employee had given his name to investigators. She would not say when he expected to return home, and he could not be reached for comment.

The Army report said that Mr. Israel's statement of ignorance ran contrary to the testimony of several witnesses. It also said he did not have a security clearance, and recommended that he be disciplined.

But if the failure to hold a secret or top-secret security clearance is a prosecutable offense, almost every translator working in Abu Ghraib would be found guilty. The Army records show that, of 15 Titan or SOS translators working at Abu Ghraib prison last fall, only one held a security clearance. Nearly all of them are foreign-born American citizens, and most come from backgrounds that have nothing to do with the sort of government work that would require a security clearance.

Khalid Oman, for example, was a hotel manager in Kalamazoo, Mich., before leaving for Iraq last fall to work as a translator for Titan, said his roommate, Sam Alsaud, in an interview, adding that Mr. Oman had never worked as a translator before answering a Titan advertisement. Mr. Oman is still in Iraq. "I guess he was looking for adventure," Mr. Alsaud added. "But he's upset. Things haven't turned out like he expected."

Mr. Oman, 29, was born in the United States while his father, a Saudi, was here attending college. Now he is working at Abu Ghraib. He was not implicated in the scandal.

The one translator who reported on his Army form that he held a "secret" clearance, Bakeer Naseef, a Jordanian-American, worked as a security guard for a private company before taking the job in Iraq, said his daughter, Siham. That job — at the reception desk of a technology company in Austin, Tex. — did not appear to require a clearance, and she did not know where he might have obtained one. She said he had not worked as a translator before. He, too, is still in Iraq.

The CACI Corporation employed all of the contract interrogators at Abu Ghraib, including Stephen Stefanowicz, who is the other contractor implicated in the scandal. The Army records show that each CACI employee held a secret or top-secret clearance (though two of them did not answer that question). Eleven of the 29 employees served in the military previously; others held a range of jobs with contractors, and other private companies — even police forces — that would have required a clearance.

Kenneth Powell, whose job is to screen prisoners at Abu Ghraib, according to the documents, recently retired after 24 years with the Mobile, Ala., police force, where presumably he picked up the skills, and the security clearance, to screen Iraqi prisoners. Like all the relatives interviewed, his wife, Jackie, said she had not known where in Iraq he was serving.

Education among all the contract employees varied. Most had some college education; 18 of the 44 had a four-year degree, or more; seven had only a high school diploma. Six of those were CACI employees.

The forms asked the workers if they used aliases, and several offered fearsome ones. Kevin Bloodworth, an Air Force veteran from Great Falls, Mont., who is serving as an

interrogator, said he was known as Blood. And Timothy Duggan, an interrogator from Pataskala, Ohio, who said he was 6 feet tall and weighed 225 pounds, offered his alias, Big Dog.

### **General Is Said To Have Urged Use of Dogs**

*Washington Post*

May 26, 2004

R. Jeffrey Smith

A U.S. Army general dispatched by senior Pentagon officials to bolster the collection of intelligence from prisoners in Iraq last fall inspired and promoted the use of guard dogs there to frighten the Iraqis, according to sworn testimony by the top U.S. intelligence officer at the Abu Ghraib prison.

According to the officer, Col. Thomas Pappas, the idea came from Maj. Gen. Geoffrey D. Miller, who at the time commanded the U.S. military detention center at Guantanamo Bay, Cuba, and was implemented under a policy approved by Lt. Gen. Ricardo S. Sanchez, the top U.S. military official in Iraq.

"It was a technique I had personally discussed with General Miller, when he was here" visiting the prison, testified Pappas, head of the 205th Military Intelligence Brigade and the officer placed in charge of the cellblocks at Abu Ghraib prison where abuses occurred in the wake of Miller's visit to Baghdad between Aug. 30 and Sept. 9, 2003.

"He said that they used military working dogs at Gitmo [the nickname for Guantanamo Bay], and that they were effective in setting the atmosphere for which, you know, you could get information" from the prisoners, Pappas told the Army investigator, Maj. Gen. Antonio M. Taguba, according to a transcript provided to The Washington Post.

Pappas, who was under pressure from Taguba to justify the legality and appropriateness of using guard dogs to frighten detainees, said at two separate points in the Feb. 9 interview that Miller gave him the idea. He also said Miller had indicated the use of the dogs "with or without a muzzle" was "okay" in booths where prisoners were taken for interrogation.

But Miller, whom the Bush administration appointed as the new head of Abu Ghraib this month, denied through a spokesman that the conversation took place.

"Miller never had a conversation with Colonel Pappas regarding the use of military dogs for interrogation purposes in Iraq. Further, military dogs were never used in interrogations at Guantanamo," said Brig. Gen. Mark Kimmitt, spokesman for U.S. forces in Iraq.

Pappas's statements nonetheless provide the fullest public account to date of how he viewed the interrogation mission at Abu Ghraib and Miller's impact on operations there. Pappas said, among other things, that interrogation plans involving the use of dogs,

shackling, "making detainees strip down," or similar aggressive measures followed Sanchez's policy, but were often approved by Sanchez's deputy, Maj. Gen. Walter Wojdakowski, or by Pappas himself.

The claims and counterclaims between Pappas and Miller concern one of the most notorious aspects of U.S. actions at Abu Ghraib, as revealed by Taguba's March 9 report and by pictures taken by military personnel that became public late last month. The pictures show unmuzzled dogs being used to intimidate Abu Ghraib detainees, sometimes while the prisoners are cowering, naked, against a wall.

Taguba, in a rare classified passage within his generally unclassified report, listed "using military working dogs (without muzzles) to intimidate and frighten detainees" as one of 13 examples of "sadistic, blatant, and wanton criminal abuses" inflicted by U.S. military personnel at Abu Ghraib.

Experts on the laws of war have charged that using dogs to coerce prisoners into providing information, as was done at Abu Ghraib, constitutes a violation of the Geneva Conventions that protect civilians under the control of an occupying power, such as the Iraqi detainees.

"Threatening a prisoner with a ferocious guard dog is no different as a matter of law from pointing a gun at a prisoner's head and ordering him to talk," said James Ross, senior legal adviser at Human Rights Watch. "That's a violation of the Geneva Conventions."

Article 31 of the Fourth Geneva Convention bars use of coercion against protected persons, and Common Article Three bars any "humiliating and degrading treatment," Ross said. Experts do not consider the presence in a prison of threatening dogs, by itself, to constitute torture, but a 1999 United Nations-approved manual lists the "arranging of conditions for attacks by animals such as dogs" as a "torture method."

But Pappas, who was charged with overseeing interrogations at Abu Ghraib involving those suspected of posing or knowing about threats to U.S. forces in Iraq, told Taguba that "I did not personally look at that [use of dogs] with regard to the Geneva Convention," according to the transcript.

Pappas also said he did not have "a program" to inform his civilian employees, including a translator and an interrogator, of what the Geneva Conventions stated, and said he was unaware if anyone else did. He said he did not believe using force to coerce, intimidate or cause fear violated the conventions.

Brig. Gen. Janis L. Karpinski, who commanded the prison guards at Abu Ghraib's cellblocks 1A and 1B until Nov. 19, when Pappas assumed control, said in an interview that Navy, Army and Air Force dog teams were used there for security purposes. But she said military intelligence officers "were responsible for assigning those dogs and where they would go."

Using dogs to intimidate or attack detainees was very much against regulations, Karpinski said. "You cannot use the dogs in that fashion, to attack or be aggressive with a detainee. . . . Why were there guys so willing to take these orders? And who was giving the orders? The military intelligence people were in charge of them."

Taguba never interviewed Miller or any officer above Karpinski's rank for his report. Nor did he conduct a detailed probe of the actions of military intelligence officials. But he said he suspected that Pappas and several of his colleagues were "either directly or indirectly responsible for the abuses at Abu Ghraib."

In a Feb. 11 written statement accompanying the transcript, Pappas shifted the responsibility elsewhere. He said "policies and procedures established by the [Abu Ghraib] Joint Interrogation and Debriefing Center relative to detainee operations were enacted as a specific result of a visit" by Miller, who in turn has acknowledged being dispatched to Baghdad by Undersecretary of Defense Stephen A. Cambone, after a conversation with Secretary of Defense Donald H. Rumsfeld.

Cambone told lawmakers recently that he wanted Miller to go because he had done a good job organizing the detention center at Guantanamo Bay, and wanted Miller to help improve intelligence-gathering in Iraq.

Some senators, however, have noted that the Bush administration considers Guantanamo detainees exempt from the protections of the Geneva Conventions, and wondered if Miller brought the same aggressive interrogation ideas with him to Iraq, where the conventions apply.

When asked at a May 19 Senate hearing if he and his colleagues had "briefed" military officers in Iraq about specific Guantanamo interrogation techniques that did not comply with the Geneva Conventions, Miller said no.

He said he brought "our SOPs [standard operating procedures] that we had developed for humane detention, interrogation, and intelligence fusion" to Iraq for use as a "starting point." He added that it was up to the officers in Iraq to decide which were applicable and what modifications to make.

But Pappas said the result of Miller's visit was that "the interrogators and analysts developed a set of rules to guide interrogations" and assigned specific military police soldiers to help interrogators -- an approach Miller had honed in Guantanamo.

After calling the use of dogs Miller's idea, Pappas explained that "in the execution of interrogation, and the interrogation business in general, we are trying to get info from these people. We have to act in an environment not to permanently damage them, or psychologically abuse them, but we have to assert control and get detainees into a position where they're willing to talk to us."

Pappas added that it "would never be my intent that the dog be allowed to bite or in any way touch a detainee or anybody else." He said he recalled speaking to one dog handler and telling him "they could be used in interrogations" anytime according to terms spelled out in a Sept. 14, 2003, memo signed by Sanchez.

That memo included the use of dogs among techniques that did not require special approval. The policy was changed on Oct. 12 to require Sanchez's approval on a case-by-case basis for certain techniques, including having "military working dogs" present during interrogations.

That memo also demanded -- in what Taguba referred to during the interview as its "fine print" -- that detainees be treated humanely and in accordance with the Geneva Conventions.

But Pappas told Taguba that "there would be no way for us to actually monitor whether that happened. We had no formal system in place to do that -- no formal procedure" to check how interrogations were conducted. Moreover, he expressed frustration with a rule that the dogs be muzzled. "It's not very intimidating if they are muzzled," Pappas said. He added that he requested an exemption from the rule at one point, and was turned down.

In the interview transcript, Taguba's disdain for using dogs is clear. He asked Pappas if he knew that after a prison riot on Nov. 24, 2003, five dogs were "called in to either intimidate or cause fear or stress" on a detainee. Pappas said no, and acknowledged under questioning that such an action was inappropriate.

Taguba also asked if he believed the use of dogs is consistent with the Army's field manual. Pappas replied that he could not recall, but reiterated that Miller instigated the idea. The Army field manual bars the "exposure to unpleasant and inhumane treatment of any kind."

At least four photographs obtained by The Washington Post -- each apparently taken in late October or November -- show fearful prisoners near unmuzzled dogs.

One MP charged with abuses, Spec. Sabrina D. Harman, recalled for Army investigators an episode "when two dogs were brought into [cellblock] 1A to scare an inmate. He was naked against the wall, when they let the dogs corner him. They pulled them back enough, and the prisoner ran . . . straight across the floor. . . . The prisoner was cornered and the dog bit his leg. A couple seconds later, he started to move again, and the dog bit his other leg."

#### **Timing of general's departure questioned**

*USA Today*

May 26, 2004

Dave Moniz and Tom Squitieri

Lt. Gen. Ricardo Sanchez is likely to be judged the highest-ranking casualty of a troubled occupation and a corrosive prisoner-abuse scandal, both of which tarnished the year he has been the top U.S. commander in Iraq.

Sanchez, whose pending departure was acknowledged by the Pentagon Monday, is the highest-ranking officer to come under direct scrutiny since the prisoner-abuse scandal at Iraq's Abu Ghraib prison erupted a month ago.

Pentagon officials say Sanchez's departure has been in the works for months and is no reflection on his performance in the war or the scandal. But some military experts say the timing is not coincidental.

"The prison-abuse scandal is a damaging blow," says retired Army general Barry McCaffrey, a 1991 Gulf War veteran who has at times been highly critical of the U.S.-led occupation.

Others say Sanchez will become a scapegoat for a flagging counterinsurgency campaign that has overshadowed U.S. forces' quick defeat of Saddam Hussein's regime 13 months ago. Loren Thompson, a military analyst at the Lexington Institute in Arlington, Va., says Sanchez was asked to preside over a military occupation in the midst of a chaotic guerrilla campaign that took Defense Secretary Donald Rumsfeld and subordinates completely by surprise.

It is impossible, Thompson says, to separate Sanchez's fate from the difficult counterinsurgency he was asked to prosecute. "This is just not the kind of war we like to fight," Thompson says.

Sanchez was rumored to be a candidate to head U.S. Southern Command in Miami, which would promote him from three stars to a full four-star general, though that possibility could be in question. "Pentagon leaders were recognizing the fact that some atrocious behavior occurred while he was in command, and that has probably shaken their confidence in his suitability for the higher job," Thompson says.

President Bush praised Sanchez on Tuesday, saying the Rio Grande City, Texas, native has "done a fabulous job."

Sanchez quickly began a criminal investigation in mid-January after the first computer disk containing photos of prisoner abuse at Abu Ghraib was given to Army investigators. But Army investigators and members of the Senate Armed Services Committee have raised questions about his role in the scandal:

\* The Pentagon has denied reports that Sanchez frequently visited Abu Ghraib prison around the time prisoners were being abused. Sanchez's boss, U.S. Central Command head Gen. John Abizaid, said last week that Sanchez visited on at least one occasion.

\* Sanchez has been criticized for issuing an order last November putting military intelligence officers in control of Abu Ghraib. An investigation of prisoner abuse by Army Maj. Gen. Antonio Taguba said the order created friction and confusion that may have contributed to abuses by prison guards.

\* Sanchez signed a memo Oct. 12, 2003, that called for military intelligence officers to work closely with military police at the prison to "manipulate an internee's emotions and weaknesses."

\* Sanchez admitted in Senate testimony last week that he had not seen Red Cross warnings about prisoner abuses in Iraq that were sent months before the abuses at Abu Ghraib came to light.

The Pentagon said Tuesday that Sanchez's replacement has not been chosen. But a former high-ranking military officer with direct knowledge of the selection process said it will be Gen. George Casey, the Army's vice chief of staff. Casey, the Army's second-highest-ranking general, is regarded by his peers as among the most competent leaders in the Army. He is also close to Abizaid, who commands all U.S. forces in the Middle East.

The Lexington Institute's Thompson says Sanchez was handicapped by Rumsfeld's desire to prove that a "transformed" military could quickly win wars with relatively small numbers of troops and new thinking. "Instead," Thompson says, "they didn't understand the country, they didn't have good intelligence and they did not commit enough forces."

**General Advised on Use of Dogs  
In Iraq Prison, Army Report Says**  
*Wall Street Journal*  
May 26, 2004  
David S. Cloud and Greg Jaffe

The U.S. Army general overseeing the Iraqi prison system advised a senior officer at Abu Ghraib prison last summer that using military dogs during interrogations was effective at getting prisoners to divulge information, according to people who have reviewed testimony in still-secret annexes of the Army report by Major General Antonio Taguba.

Major General Geoffrey Miller's suggestion that dogs helped produce successful interrogations led Col. Thomas Pappas, the senior intelligence officer at Abu Ghraib, to use the technique against Iraqi prisoners, Col. Pappas told Army investigators, according to two people familiar with his statement.

Col. Pappas's account, if accurate, is significant because it would indicate a larger role by senior Army officers than the Pentagon has acknowledged in putting in place coercive interrogation practices that later figured in abuse of prisoners.

Gen. Miller, who was appointed earlier this year to oversee all detainees under U.S. Army custody in Iraq, said through a spokesman that he does not remember mentioning

use of dogs to Col. Pappas during a visit to Iraq in late August and early September. "It's not something he ever recalls discussing with Col. Pappas, certainly not for use in any interrogations," said the spokesman, Lt. Col. Barry Johnson.

But a soldier in Col. Pappas's unit, the 205th military intelligence brigade, said in an interview with The Wall Street Journal that he had been told that Col. Pappas and Gen. Miller had discussed the merits of using dogs in interrogations during this period.

It remains unclear how extensively dogs were used against prisoners at Abu Ghraib. Pentagon officials say that Lt. Gen. Ricardo Sanchez, the top U.S. commander in Iraq, had to personally approve use of dogs against any prisoner and that muzzles were mandatory. The officials say he never gave such approval.

But on Nov. 30, Col. Pappas sent a memo to Gen. Sanchez asking for permission to use "barking dogs," among other techniques, against a prisoner, according to an official who has read the memo. In one photograph taken at the prison in December a naked prisoner cowers while two leashed but unmuzzled dogs growl at him, according to an official who has seen the memo. A second photo shows the prisoner lying on the floor bleeding, apparently after being bitten.

Col. Pappas, who has declined all requests for interviews, appears to have an incentive for attributing coercive techniques used at Abu Ghraib to senior officers. The report by Gen. Taguba recommends that Col. Pappas be reprimanded for, among other allegations, failing to ensure his soldiers followed rules governing permissible interrogation techniques.

At the time he went to Iraq, Gen. Miller was commanding the U.S. detention facility at Guantanamo Bay, Cuba. Pentagon officials, worried about the growing insurgency in Iraq and the poor results of interrogations, sent him to Iraq to examine the prisons there and recommend changes. During his trip, he visited Abu Ghraib, where Col. Pappas moved his headquarters in September.

Col. Pappas said in the classified annex to the Army's Taguba report that his soldiers used dogs with and without muzzles in the prison when interrogating prisoners, the officials said. Dogs were used in interrogations at Guantanamo but they were always muzzled, a soldier familiar with procedures there said.

Explaining the decision not to use muzzles sometimes at Abu Ghraib, Col. Pappas said, "It's not very intimidating if they're muzzled," according to one of the officials with knowledge of the statement. Col. Pappas said that dogs were always kept on leashes, the official said.

At least two Army dog handlers have told investigators that, despite their own reservations, they were ordered by Col. Pappas's unit to use unmuzzled dogs against Abu Ghraib detainees, according to the officials who have reviewed the report.

Gen. Miller told lawmakers last week that following his Iraq visit he laid out recommendations to military leaders on how to better collect intelligence and conduct interrogations. Throughout September and early October, military lawyers and intelligence officers drafted four sets of rules for interrogating prisoners, the last of which was adopted in mid-October. Gen. Miller's rules from Guantanamo were used as a framework for crafting the new guidelines, senior military officials have said.

But officials said they realized that practices employed at Guantanamo, where prisoners are not covered by the Geneva Conventions, were not appropriate in all cases in Iraq, where the prisoners were entitled to at least partial protection of the treaties.

One soldier who was involved in interrogations at Abu Ghraib said that with each new draft, the rules seemed to put more restrictions on what soldiers could do to detainees.

For example, initially soldiers could force prisoners to assume stress positions, such as holding their arms above their heads in the open sun for more than an hour, without the approval of the commanding general, the soldier said. By late October, such tactics could only be used with the commander's approval.

"Things did get stricter between the September rules and the October rules," this soldier said.

In his investigation, Gen. Taguba questioned Col. Pappas extensively about the requirement that Gen. Sanchez's approval was needed for dogs and whether the rules specified they should be muzzled, said the people who have seen the report. Col. Pappas does not respond directly, one of the officials said, but he does say using dogs was a procedure that he had discussed with Gen. Miller.

#### **Scandal Derailed Plans for Ground Commander in Iraq**

**Lt. Gen. Sanchez had been due to assume a new post. Now he's the Army's odd man out.**

*Los Angeles Times*

**May 26, 2004**

**John Hendren**

The Abu Ghraib prison abuse scandal upset Pentagon plans to reshuffle a group of generals this summer, leaving Lt. Gen. Ricardo Sanchez, the top ground commander in Iraq, without a clear-cut assignment, officials said Tuesday.

Defense officials had planned to shift Sanchez as well as the Army's vice chief of staff and a top aide to Defense Secretary Donald H. Rumsfeld into new positions. But they were forced to tear up the plan and start over after the prison scandal grew, creating political and operational obstacles, officials said.

Sanchez was to take over the Southern Command, a post in which he would have overseen U.S. forces throughout Central and South America and the Caribbean, according to a senior Defense official who spoke on condition of anonymity.

That job requires Senate confirmation, a process that Defense officials feared would drag on because of continuing congressional questions about how some members of the U.S. military treated detainees in Iraq. Though not faulting Sanchez, a three-star general, Defense officials said that lingering questions might have delayed Senate approval of the fourth star required for the higher command.

"This is not reflective of Sanchez's role in any of this," the senior Defense official said. "It's just prudent, common sense that you're not going to get him through the confirmation process until next year. So now what do you do with SouthCom? Once you pull someone out, the whole daisy chain shifts."

Under the original Pentagon plan, Lt. Gen. Bantz J. Craddock, a three-star general who is a close Rumsfeld ally and aide, was to be nominated for a fourth star and would have taken over a command in Iraq. With Sanchez temporarily sidelined, Pentagon officials opted to send Craddock to the Southern Command and send four-star Gen. George W. Casey, the second-in-command of the Army, to head a new, higher-ranked billet that will replace Sanchez's post in Iraq. Assignments of three- and four-star officers must be approved by the Senate.

Other military sources suggested that revisions in the current Pentagon plan for the generals were still possible. Under a scenario outlined by a former military official familiar with the plan to turn over sovereignty to Iraq next month, Craddock would take Casey's post as the No. 2 uniformed Army official and Pentagon officials would continue to press Sanchez for the SouthCom post, relying on his appeal as the highest-ranking Latino in the military.

In either case, the delicate minuet would shift Casey out of the Army's No. 2 uniformed post after less than a year, and put a respected commander in Iraq, the most sensitive command outside the United States. Casey has worked with Rumsfeld as director of the Joint Staff since January 2003 and has allies on Capitol Hill. Although Pentagon officials have insisted that the shuffle is part of normal rotation of officers, it comes as the administration is suffering from sinking approval ratings at home and waves of criticism abroad.

"If something isn't working and you think the strategy is sound, the logical assumption is that the people who are executing it are the problem," said analyst Loren Thompson of the Lexington Institute, an Arlington, Va., public policy group.

Sanchez, who rose from poverty to become a high-ranking Army officer, has won loyal allies among his colleagues. Raised two miles from the Mexican border in Rio Grande City, Texas, Sanchez was recently named by Hispanic magazine as Hispanic of the Year.

"I would just say that Rick Sanchez has had the hardest job in the U.S. Army over the last year-plus," said retired Army Maj. Gen. William Nash, now a military analyst at the Council on Foreign Relations in Washington. "And that he's been faced with trying to make a coherent operation out of a lot of incoherent parts."

Nash said Sanchez, who also has endured criticism for the rekindled Iraqi insurgency, had to deal with insufficient numbers of troops, shifting political guidance and the U.S.-led Coalition Provisional Authority, which Nash said was "less than fully organized and fully in command."

Military officials hope a new command structure will improve communication between the military leadership in Iraq and the U.S. civilian presence, which will be transformed from the occupation authority to an embassy.

Military and civilian officials in Baghdad and Washington have described persistent friction between L. Paul Bremer III, the U.S. civilian administrator in Iraq, and the military leaders — Sanchez and his superior, Gen. John Abizaid, head of the U.S. Central Command.

"Now, it couldn't be worse," said one official who recently left the coalition authority, speaking on condition of anonymity. "Nobody talks to anybody."

#### **Sanchez will be replaced as commander in Iraq**

*Washington Times*

May 26, 2004

The Pentagon will replace its top commander in Iraq, a move that U.S. officials said was not related to the abuse of prisoners at Abu Ghraib.

Army Lt. Gen. Ricardo Sanchez will be replaced in June or July, said U.S. officials, who suggested that Army Chief of Staff Gen. George Casey is the most likely candidate to replace Gen. Sanchez.

"There has been no final decision on a replacement, but General Casey is a top candidate," one official told Reuters. Other officials, saying the change of command was not a result of revelations about prisoner abuse, noted that Gen. Sanchez was due for a rotation of duty after 13 months of commanding in Baghdad.

Also yesterday, the Army suspended Brig. Gen. Janis Karpinski as commander of the military police brigade implicated in the abuse of Iraqi prisoners at Abu Ghraib.

Gen. Karpinski and other officers in the 800th Military Police Brigade were faulted by Army investigators for paying too little attention to day-to-day operations at Abu Ghraib and for not moving firmly enough to discipline soldiers for violating standard procedures.

Seven U.S. soldiers have been charged with physically and sexually abusing and humiliating Iraqi detainees at the prison near Baghdad.

At the Pentagon, Larry Di Rita, chief spokesman for Defense Secretary Donald H. Rumsfeld, said both Mr. Rumsfeld and Gen. Richard B. Myers, chairman of the Joint Chiefs of Staff, "are very impressed with the work General Sanchez performed from the very beginning" of his service in Iraq.

President Bush yesterday praised Gen. Sanchez at an Oval Office event.

"Rick Sanchez has done a fabulous job," Mr. Bush said of the general. "He's been there for a long time. His service has been exemplary."

Gen. Sanchez testified before a Senate committee last week on the Abu Ghraib abuse scandal and took responsibility.

Meanwhile, officials said yesterday the Army is planning to send into combat thousands of soldiers whose normal job it is to play the role of the "enemy" at training ranges in California and Louisiana.

The Pentagon also is considering adding another National Guard brigade, the 155th Separate Armored Brigade from Mississippi, to Iraq in the next rotation of ground forces, other Army officials said.

About 2,500 soldiers from the 11th Armored Cavalry Regiment, which serves as a professional enemy force at the National Training Center at Fort Irwin, Calif., will be deployed to Iraq, officials said, as will the 1st Battalion of the 509th Infantry, which plays a similar role in training at Fort Polk, La.

**Press wrestles with grim clips ; Media extensively cover the prison scandal while rejecting the most obscene images.**

*Christian Science Monitor*

May 26, 2004

Randy Dotinga

Buffeted by a roiling debate over explicit images of violence, American news organizations are walking a fine line between good journalism and bad form as they try to cover the war in Iraq without alienating readers and viewers.

Should they listen to commentators demanding the broadcast of the unedited video of Nicholas Berg's execution? Is it time to downplay the prison-abuse photos to help protect US soldiers, or time for the media to throw all its unpublished images onto the Internet?

Mainstream newspapers and major TV networks have been groping for a middle ground as they cover both the prison-abuse scandal and war casualties while rejecting the most violent and obscene images.

Some TV news programs chose to show the moment when Mr. Berg's killer pulled out a knife before killing the visiting American. But none showed the decapitation itself. And The Washington Post, which published another round of prison-abuse pictures on Friday, has declined to run dozens of photos for a variety of reasons, in some cases because they're too sexual or violent. "These are human beings, and we're trying to be judicious," says executive editor Leonard Downie Jr.

But those efforts haven't quelled controversy over the volatile images, according to a new Christian Science Monitor/TIPP survey and other polls. Many Americans support the media's watchdog role of investigating and exposing prisoner abuse, while others worry that repeated display of shocking photos may cross boundaries of propriety at home or prompt new attacks on Americans abroad.

In seeking the right balance, mainstream news organizations are grappling not only with their own traditions but with emerging rivals, such as the Internet and talk radio.

Vaughn Ververs, editor of The Hotline, National Journal's online political newsletter, argues that the press is in danger of becoming irrelevant, with so many people turning to the Internet - where the Berg video is enormously popular - in search of the most complete war coverage. News organizations are "no longer the gatekeepers of what Americans see and don't see," says Mr. Ververs. "They're at risk of losing their audience to a large extent."

The quandary of what to show

Still, the media outlets play a gatekeeper role, weighing what a general audience, including children, should see.

The Post is especially cautious about what it puts on the front page, Mr. Downie says. Indeed, many newspapers have chosen to stuff the most shocking photos inside, where they're often smaller and in black-and-white. In California, The Sacramento Bee ran a warning on the front page about explicit material on an inside page.

The Christian Science Monitor, too, has been careful in passing disturbing images along to readers.

"We ask ourselves what is truly new information, whether it is still news by the time we publish, and whether publishing amounts to facing an important issue or simply wallowing in the depiction of suffering or causing further harm to the victims," says Monitor editor Paul Van Slambrouck. "All this means we've been highly selective and used images only when essential to the meaning of the story."

Standards are different in the radio world, even amid an industrywide crackdown on explicit programming in the wake of the Janet Jackson's breast-exposing incident during the Super Bowl. Local and national radio talk-show hosts, including Fox News

commentator and bestselling author Sean Hannity, aired the unedited audio of the Berg video, complete with the victim's gruesome screams. "I know you don't want to hear this. But you should make yourself hear it, because it is ... evil in your midst," Mr. Hannity said.

Along a similar vein, Laura Schlessinger, the radio psychologist known as "Dr. Laura," told listeners last week that high-school students should, with parental permission, watch the Berg video to better understand the war.

Little worry of tampering with history

Newsroom denizens do say there's one thing they're not worrying about - the effect of the Iraqi images on world events. "It doesn't enter into the consideration at all, and it shouldn't," said veteran reporter Terence Smith, correspondent for "The NewsHour with Jim Lehrer" on PBS. "What we're trying to do is report the news and what's going on, not affect the war effort one way or another. And it would be very hard to decide what the ultimate impact of these photos will be."

According to a Monitor/TIPP poll finished last week, most Americans have another perspective. Some 52 percent disapprove of the release of the prison-abuse photos. A similar question in a CBS News poll found 43 percent objecting to the images' release. And forty-nine percent of those polled by CBS said the media spent too much time on prisoner-abuse stories.

While those numbers suggest antipathy toward, or at least frustration with, the press, ombudsmen at five daily newspapers - in Houston, Sacramento, San Francisco, Seattle, and Tucson, Ariz. - report that the most graphic images from Iraq spawned only mild to moderate interest among readers. There's much more uproar when papers tinker with TV listings, the comics, or the crossword puzzle.

Houston Chronicle reader representative James T. Campbell says liberals wanted to see more prison photos, while conservatives clamored for more images of Berg to show terrorists are "barbarians."(c) Copyright 2004. The Christian Science Monitor

**Why are they smiling?**

**The stresses of war can distort morality and draw out the worst in human nature, psychologists say, but sadistic behavior is not inevitable.**

*Christian Science Monitor*

May 26, 2004

**G. Jeffrey MacDonald**

The camera doesn't lie, but it does raise a troubling question: As human beings are treated like animals, why is this "girl next door" smiling?

That question continues to haunt a disbelieving American public which in April gasped to see a photo of GI Lynndie England cheerily leading around a naked Iraqi prisoner on a

leash at Abu Ghraib prison. Apparently ordinary guys, too, posed - with smiles - beside men they'd allegedly beaten and piled high in a pyramid to get them to talk. Just following orders, some said, yet the question remains: Why such happy faces?

Psychologists, theologians, and a journalist who researched war for years hold that, under certain conditions, otherwise ordinary people can be susceptible to adopting a warped mentality in which they take pleasure in another's suffering - also known as sadism.

What, exactly, causes some people to engage in sadistic behavior is something of a mystery, they say. But most cite the strangeness of a war zone, where otherwise honorable people - awash in feelings of duty, camaraderie, and revenge - sometimes lose the moral compass that guided their behavior in their former lives.

Two main theories abound on such cruelty: One is that war can make good people callous, even sinister; the other is that everyone already is a bit cruel, and war just tends to bring out the worst of it.

The fiery emotions of war and a foreign environment can conspire to lower moral inhibitions, says one psychologist who has studied people's justifications for evil and violent behavior. In extreme cases, they may even transform honorable young men and women into hardened characters who can induce pain without remorse.

"Personalities can become quite different," says Arthur Miller, a Miami University (Ohio) social psychologist and editor of the new book "The Social Psychology of Good and Evil." "As you victimize other people, you convince yourself you're doing a good thing or else you go crazy. When this person returns, their families in fact are not seeing the person they knew."

Others, however, say extreme conditions can bring to the fore irascible tendencies common to some young adults, and the mission in war - to get the job done - might at times cause a certain degree of sadism.

"You've got to see the enemy as less than human," says Lance Morrow, a former Time Magazine journalist who interviewed Serbian warlords for his 2003 book "Evil: An Investigation." "Glee expresses your power. The glee evident at Abu Ghraib is part of a parading of power over powerlessness. It's aimed at breaking down the suspect by giving them a sense of powerlessness.... [But] glee in wartime also covers up fear."

Mr. Morrow regards soldiers' conduct at Abu Ghraib as "terrible" and "stupid" but not "evil," since he says these humiliation tactics hardly rival the ruthless killing sprees he observed in Rwanda or Bosnia in the 1990s. In fact, stories of warriors who enjoy inflicting torture have dotted accounts from Attila the Hun to Adolf Hitler, although the spying eye of a camera - and its strange ability to forge a smile anytime - is relatively new.

Nonetheless, incidents documented at Abu Ghraib do constitute "sadism," according to other sources for this story, and might shed light on a seldom-studied side of human behavior.

As for the ordinary person's propensity for sadism, psychologists have no choice but to cite studies dating from 25 years ago. That's because ethical regulations have for decades prohibited researchers from encouraging cruel behavior or even a simulation of it. The result is a dearth of fresh data to explain how sadistic behavior can become habitual for other- wise good people, as the multitude of theories in psychology and elsewhere can attest.

James Waller, social psychologist at Whitman College and author of "Becoming Evil: How Ordinary People Commit Genocide and Mass Killing," says soldiers called upon to humiliate the enemy must either learn to relish the task or run the risk of being paralyzed by guilt.

"The [victim] dehumanization process occurs because the perpetrator needs it to commit these atrocities," Mr. Waller says. "It becomes easier for them to do what they do if they buy into the justification that this person fully deserves what they're getting. In fact, in this alternative moral universe, it would be an act of injustice not to belittle and abuse them."

Getting to that point, Waller says, depends on accepting rhetoric that equates the enemy with vermin - in this case, perceiving them as terrorists who measure up as sub-human and worthy of annihilation. Yet even with such ample rhetoric in mind, he says, a person may hesitate until he or she completes a first act of brutality, which "opens a floodgate" of base human behavior.

Crossing that threshold, which can seem unthinkable from an outside perspective, tends to occur when an individual feels bound to a group and compelled to adhere to group standards, Dr. Miller says. He cites a 1960s study in which Yale psychologist Stanley Milgram showed that ordinary people, when instructed by an authority figure, will administer seemingly deadly shock "therapies" to a stranger. Another study by Philip Zimbardo at Stanford University in 1971 ended abruptly because subjects, simulating prison guards, "became sadistic."

Still, the mystery lingers: Why the enjoyment in watching others suffer? Perhaps glee merely covers up fear or shame beneath the pressures of war. But theologians quickly cast the indictment wider. Some see humankind perpetually struggling with a dark desire to wish enemies humiliated and to laugh when they are.

Even a professor of moral theology knows the sadistic impulse from personal experience. Thomas Massaro of Weston Jesuit School of Theology recalls driving in the Bronx years ago when another driver cut him off. Further up the road, he saw the same driver had crashed into a pole. His first reaction was gleeful: "At least for a minute, I said, 'Ha! I hope he has expensive damage to his car!'"

Professor Massaro soon repented for wishing another ill, but not before gaining a new insight: The thirst for revenge includes a longing to laugh at the wrongdoer's misfortune.

"These are inmates suspected of having shot at US soldiers," Massaro says. "These [guards] at Abu Ghraib could have had friends killed by these enemies." To resist the desire to degrade and dehumanize is the moral imperative, he says, but doing so in certain settings requires an uncommonly steely will.

Some personalities, too, might be more prone to sadism than others, psychologists suggest. To reduce the likelihood of sadism among its prison guards, Maryland uses a personality inventory to screen out those with "a tendency to do bad things and nasty things," says William Sondervan, former Maryland commissioner of corrections and now director of professional development for the American Correctional Association.

Even after a screening, however, tensions can lead to temptations. In Maryland's rural prisons, 77 percent of inmates are African-Americans from urban areas, while 99 percent of guards are whites from the local vicinity. When an HIV-positive inmate splashes a guard with his urine, blood, or feces, Mr. Sondervan says, guards can be tempted to take pleasure in striking back. But those who can't control that impulse are reprimanded or fired.

"People who do those things tend to get weeded out," Sondervan says.

In military settings such as Abu Ghraib, however, staffing shortages can preclude the luxury of personality screening - and sadistic behavior can result. People who have a high opinion of themselves but feel easily threatened are quickest to become enraged and to delight in seeing the offender suffer, Miller says. "Then you have the mix that can really be devastating."

Whether personality is a major factor in manifesting sadism among ordinary people is a matter of debate. Waller, for one, questions whether personality should even be considered as a factor.

Not everyone, sources agree, will succumb even to the strongest pressures to behave sadistically. Army soldier Joseph Darby, who reported the abuse at Abu Ghraib to his commander, chose to resist even though it meant he might be labeled a traitor. Yet in the aftermath of Sept. 11, it seems an angry America in search of security may have lessened the vigilance against cruelty.

"After 9/11, there came a mentality that said, 'We cannot afford to be nice. We have to do whatever it takes to find these people and bring down Osama bin Laden,' " Morrow says. "It seems to me that this is the atmosphere where these things may occur."(c) Copyright 2004. The Christian Science Monitor

#### **US Denies General's Move Is Reprimand**

*Financial Times*  
May 26, 2004  
Peter Spiegel

US officials yesterday insisted the decision to replace the American general in charge of coalition forces in Iraq this summer is part of a normal rotation of commanders rather than a reprimand for the escalating prisoner abuse scandal.

Lieutenant General Ricardo Sanchez, who has been the top US general on the ground for more than a year, has come under intense pressure in recent weeks following reports that he may have been aware of interrogation tactics used by American soldiers at Baghdad's notorious Abu Ghraib prison. The Pentagon has denied any prior knowledge by Gen Sanchez.

"Rick Sanchez is doing a fabulous job," President George W. Bush said yesterday. "He's been there for a long time. His service has been exemplary."

However, the timing of the Pentagon's announcement, coupled with reports that Gen Sanchez may not get his expected next assignment - a promotion to head US Southern Command, which oversees all operations in Latin America - has led to speculation that the general is being punished for the Abu Ghraib scandal.

Separately, Brigadier General Janis Karpinski, the commander of the military police brigade responsible for manning Abu Ghraib, was suspended this week from her job pending the completion of investigations.

Administration officials and military leaders were eager to shoot down speculation that Gen Sanchez is being punished.

"We typically keep our combat commanders in theatre for a year," said Brigadier General Mark Kimmitt, the US military spokesman in Baghdad.

"We have always expected Gen Sanchez to depart some time after transfer of sovereignty. My personal expectation was, like me, he would be departing some time in the June time period," he said.

Gen Sanchez is expected to be replaced this summer by General George Casey, vice chief of staff of the army.

## WIRES

U.S. Army survey cites wider prisoner abuse-NYT.  
*Reuters*  
May 26, 2004

A U.S. Army synopsis of deaths and mistreatment involving prisoners in American custody in Iraq and Afghanistan shows a pattern of abuse involving more military units than previously known, The New York Times reported on Wednesday.

The summary, dated May 5, was prepared by the Criminal Investigation Command at the request of Army officials, according to the newspaper.

It outlines the status of investigations into 36 cases, including the continuing probe into the abuses at Abu Ghraib prison on the outskirts of Baghdad, the paper said.

The Iraq cases date back to April 2003, the Times reported. In an incident reported to have taken place last month, a prisoner detained by Navy commandos died in a suspected case of homicide blamed on "blunt force trauma to the torso and positional asphyxia," the paper said.

The U.S. forces' treatment of prisoners has come under scrutiny because of revelations about the physical and sexual abuse of Iraqi inmates at the Abu Ghraib prison. Seven U.S. soldiers have been charged with abusing Iraqi prisoners there.

In a speech on Tuesday, U.S. President George W. Bush said the prison "became a symbol of disgraceful conduct by a few American troops who dishonored our country and disregarded our values," and said the notorious prison would be demolished as a "symbol of Iraq's new beginning."

One of the oldest cases listed in the May 5 document involves the death of a prisoner in Afghanistan in December 2002, the paper said.

The document said enlisted personnel from a military intelligence unit at Fort Bragg, North Carolina, and an Army Reserve military-police unit from Ohio are thought to have been "involved at various times in assaulting and mistreating the detainee," according to the Times.

Members of the 223rd Military Intelligence Battalion, which is part of the California National Guard, were accused of abusing Iraqi detainees last spring in Samarra, north of Baghdad, the Times reported.

The Army summary said the unidentified enlisted personnel "forced into asphyxiations numerous detainees in an attempt to obtain information" over a 10-week period, according to the paper.

#### **U.S. general linked to use of dogs at prison-Post.**

*Reuters*

**May 26, 2004**

The U.S. Army general sent by the Pentagon to bolster the collection of intelligence from prisoners at Abu Ghraib is said to have urged the use of guard dogs to frighten Iraqis

detainees, The Washington Post reported on Wednesday, citing sworn testimony by the top U.S. intelligence officer at the prison.

Col. Thomas Pappas testified that the idea came from Maj. Gen. Geoffrey Miller, then commander of the U.S. detention center at Guantanamo Bay, Cuba, and was implemented under a policy approved by Lt. Gen. Ricardo Sanchez, the top U.S. military officer in Iraq, the newspaper reported.

Senior defense officials said on Tuesday that Sanchez was being replaced as the U.S. commander in Iraq. But they argued the change was not triggered by the Abu Ghraib Iraqi prisoner abuse scandal.

According to a transcript obtained by The Washington Post, Pappas told the Army investigator, Maj. Gen. Antonio Taguba: "It was a technique I had personally discussed with General Miller, when he was here" visiting the prison.

"He said that they used military working dogs at Gitmo, and that they were effective in setting the atmosphere for which, you know, you could get information" from the prisoners, Pappas said in the testimony.

Miller, who assumed command of Abu Ghraib this month, denied through a spokesman that the conversation took place, the newspaper said.

"Miller never had a conversation with Colonel Pappas regarding the use of military dogs for interrogation purposes in Iraq. Further, military dogs were never used in interrogations at Guantanamo," Brig. Gen. Mark Kimmitt, spokesman for U.S. forces in Iraq, told the Post.

According to the Post, Pappas testified that interrogation plans involving the use of dogs, shackling, "making detainees strip down," or similar aggressive measures followed Sanchez's policy, but were often approved by Sanchez's deputy, Maj. Gen. Walter Wojdakowski, or by Pappas himself.

At least four photographs from Abu Ghraib obtained by The Washington Post show fearful prisoners near unmuzzled dogs.

#### **Sergeant Disciplined for Speaking of Abuse**

*Associated Press*

**May 25, 2004**

**David Rising**

A U.S. Army sergeant who gave an insider's view of Abu Ghraib prison to the media has lost his security clearance and has been disciplined by the military for speaking out, he told The Associated Press on Tuesday.

Sgt. Samuel Provance said that although soldiers he served with in Iraq were treating him as a pariah, he would not change a thing if given a second chance.

"My soldiers who were at Abu Ghraib are so scared now they're not even talking to me anymore -- I'm like a villain, but would I do it again? Of course I would, because I stand behind what I said," Provance said in a telephone interview from Heidelberg, Germany, where his military intelligence unit is based.

"I knew what was being reported was not true."

Provance, 30, is with the 302nd Military Intelligence Battalion, a unit of the 205th Military Intelligence Brigade, which has been implicated in the abuse at Abu Ghraib. The scandal broke after photographs were made public of U.S. soldiers abusing prisoners, sparking worldwide outrage.

Unlike early reports suggesting the abuses were failings by individual soldiers, Provance told the AP and other media outlets that interrogators at the prison viewed sleep deprivation, stripping inmates naked and threatening them with dogs as normal ways of dealing with "the enemy."

Provance, who was in charge of a computer network at the prison for five months ending in February, said he had not seen abuse himself but was told about it by interrogators.

Provance, of Williamsburg, Va., was notified by the Army that he was an official witness in the case after the scandal broke, and on May 14, his company commander ordered him not to talk with anyone about what he had seen, he said.

Instead, he decided he would give interviews to set the record straight.

"I wanted to make sure I got out what I could in what time I had before I was silenced at a higher level," he said. "I'm standing behind my First Amendment right to free speech, and it's a matter of does the constitution have more weight than a company level commander."

On Friday, Provance was called before his battalion commander, who yanked his clearance to work at top secret sites and administratively "flagged" him, meaning he cannot receive honors, awards or seek promotion until the status is removed.

An Army official, who spoke on condition of anonymity, confirmed from Washington that Provance lost his security clearance and faces other disciplinary action for discussing the investigation with the media.

In Germany, a spokesman for V Corps, which oversees Provance's unit, said he knew of no disciplinary action, but that the sergeant had been ordered not to talk to the media.

"The last word I got is that he was given an order not to talk with anyone about the case while the investigation was ongoing, and if any type of action was levied against him, it would be a result of him not obeying that order," said Lt. Col. Kevin Gainer. "It could compromise the whole investigation by putting out information and maybe influencing others."

Provance said he has been in the Army for five years and would like to stay, but that it might not be possible.

"I like the Army, the Army is a great organization, it's just there are individuals within it that screw it up," he said. "I would like to believe I have a future in the army, but I don't know what's going to come out of this."

#### **Pentagon to replace top U.S. commander in Iraq.**

*Reuters*

**May 25, 2004**

**Charles Aldinger**

The Pentagon will replace Army Lt. Gen. Ricardo Sanchez as the top U.S. military officer in Iraq, senior defense officials said on Tuesday. But they argued that the change was not triggered by the Abu Ghraib Iraqi prisoner abuse scandal.

Gen. George Casey, Army vice chief of staff, has emerged as the top candidate to replace Sanchez in Baghdad in June or July, said the officials, who asked not to be identified.

"There has been no final decision on a replacement, but Gen. Casey is a top candidate," one official said.

"This has absolutely nothing to do with Abu Ghraib," added another defense official. "The secretary (Defense Secretary Donald Rumsfeld) is very mindful that the perception (of punishment) might arise. But it simply is not the case."

Brig. Gen. Janis Karpinski, who was in charge of U.S.-run prisons in Iraq during the abuse, has been suspended as commander of the military police brigade at the heart of the scandal.

Seven U.S. soldiers have been charged with physically and sexually abusing and humiliating Iraqi prisoners at Abu Ghraib in a scandal that has inflamed the Arab world and undermined U.S. efforts in the country before the handover on June 30 to an interim Iraqi government.

President George W. Bush praised Sanchez.

"Rick Sanchez has done a fabulous job. He's been there for a long time. His service has been exemplary," Bush said in response to a question from reporters at the White House.

But defense analyst Loren Thompson of the Lexington Institute, who has close connections to the Pentagon, said, "You'd have to be pretty naive to think that the problems with abuse of detainees had no impact at all on this decision."

The defense officials offered no explanation other than that Sanchez had served the normal year-long rotation in Iraq.

#### SANCHEZ TOOK RESPONSIBILITY

Sanchez testified before a Senate committee last week on the scandal and took responsibility for the abuse because it happened during his time as commander. But he said he was not aware of the abuse while it was happening and moved quickly to investigate after learning about it.

"The secretary and the chairman (Gen. Richard Myers, chairman of the Joint Chiefs of Staff) both believe from what they understand now that Gen. Sanchez handled the matter of Abu Ghraib in a very professional matter," said Lawrence Di Rita, Rumsfeld's chief spokesman.

Sanchez is being considered for an appointment to head the U.S. Southern Command in Miami, a post carrying the fourth star of a full general, officials said.

Casey is a full general, and Rumsfeld has for months been considering making a four-star general the overall commander in Iraq, responsible for the broad direction of coalition military affairs while a three-star general handles day-to-day military operations. Lt. Gen. Thomas Metz serves in that capacity.

Thompson doubted replacing Sanchez was intended to make him the scapegoat in the Abu Ghraib scandal, but said Pentagon leaders were "recognizing the fact that some atrocious behavior occurred while he was in command, and that has probably shaken their confidence in his suitability for the higher job."

Thompson said numerous problems have been associated with Sanchez's tenure as top commander in Iraq since June 2003, as he has faced the difficult task of defeating an insurgency.

"Look at all the problems Sanchez has faced: a flawed strategy, dreadfully inaccurate intelligence, inadequate forces on the ground, flagging domestic support, and a political leadership that seems to have multiple agendas above and beyond simply defeating the insurgents," Thompson said.

"This is not a prescription for success. Gen. George Patton (the respected American World War Two commander) would be at a loss to have to deal with these kinds of problems."

#### EDITORIALS

**Abuse by Outsourcing**  
*Washington Post*  
May 26, 2004

AMONG THE MANY disturbing aspects of the abuse at Abu Ghraib prison is the involvement of private contractors in conducting interrogations. Contractors are playing a widening role in the military, and never more so than in the war in Iraq. Private-sector workers feed and house U.S. troops, maintain sophisticated weapon systems and provide security for the Coalition Provisional Authority. Their growing involvement, and the consequent blurring of military and private roles, was brought home horrifically in March with the murder and mutilation of four security guards employed by Blackwater USA.

But privatized interrogation is troubling on a whole new level. Testifying before the Senate Armed Services Committee, Lt. Gen. Lance L. Smith said 37 contract interrogators were working for the military in Iraq. The revelation underscores the need for rigorous debate about their proper function in wartime, their position in the chain of command and the laws that govern their activities.

Interrogating prisoners is a sensitive function, one that needs to be conducted under clearly delineated rules by people who are properly trained and supervised and, if necessary, subject to punishment. As the country is learning, uniformed personnel don't always meet those criteria. But private citizens are not appropriate for the job.

Maj. Gen. Antonio M. Taguba, who investigated conditions at Abu Ghraib, testified that guards at the prison viewed the contractors as having "competent authority" to direct their activities. His report found that Steven A. Stefanowicz, a contract interrogator for CACI International Inc., an Arlington-based company, "clearly knew his instructions equated to physical abuse" and concludes that Mr. Stefanowicz and John Israel, a civilian interpreter, "were either directly or indirectly responsible for the abuses." Gen. Taguba recommended that Mr. Stefanowicz be reprimanded, fired and stripped of his security clearance.

While seven soldiers have been charged in connection with the abuses, however, the process appears to be notably slower as it applies to the private contractors, who are not subject to military discipline. The Taguba report has been complete for months, yet there is no indication that any prosecutorial activity was in the works before the abuses became public. It wasn't until late last week that the Justice Department said it had opened a criminal investigation of a civilian contractor.

Congress presciently enacted the Military Extraterritorial Jurisdiction Act in 2000 in an effort to cover such crimes, but the law has scarcely been used and has significant gaps. For one thing, it applies only to U.S. citizens; Gen. Taguba said that two translators involved in abuses were from third countries. It also only applies to contractors working for the military -- not other government agencies. Rep. Martin T. Meehan (D-Mass.) introduced a measure last week to close those loopholes.

Meantime, CACI's contract with the Army is administered by the Interior Department and is so vaguely worded that it gave no indication the company would ultimately be called on to supply interrogators, according to Post reporter Ellen McCarthy; that arrangement is now under review. CACI executives have said they haven't been notified of any charges; when the news of Abu Ghraib abuses broke, the company was reduced to downloading the Taguba report from the Internet. If this is the oversight that's in place for contractors, it's time to reassess whether military privatization has gone too far.

### **Demolition won't do**

*Baltimore Sun*

May 26, 2004

TEARING DOWN the Abu Ghraib prison won't dispel the haunting images of American soldiers abusing Iraqi prisoners.

It won't renew the reputation of the United States among the Iraqi people or rehabilitate its image around the world. And more to the point, it won't heal the psychic wounds of the Iraqis battered there. President Bush's offer, made in his speech Monday night, to demolish the infamous prison and replace it with a state-of-the art prison system shows a lack of understanding of how best to deal with the political fallout of the prisoner abuse scandal.

The American military's shame over the mistreatment of prisoners at Abu Ghraib can't be purged with a bulldozer. That brick-and-mortar solution voiced in a highly political address by Mr. Bush sounded like a presidential speechwriter's fix for the Abu Ghraib problem. Mr. Bush couldn't ignore the abuse scandal, so it became a couple of paragraphs on his TelePrompTer, the proposed razing of Abu Ghraib a symbolic aside.

A more nuanced and honest response to the Abu Ghraib injustices would have been to emphasize the criminal investigations under way and reiterate the U.S. commitment to punish those involved. Demolishing Abu Ghraib only conforms to the stereotype of an imperial power flexing its muscle.

Mr. Bush did say that he would defer to the wishes of the Iraqi people on the future of Abu Ghraib, and that is as it should be. If the new transitional government in Iraq wants to demolish the prison, it should.

The United States could then use its aid to cultivate the more genial aspects of a civil society -- schools, roads, hospitals, housing, courts, projects such as those it has launched over the past year. When the Bush administration sought \$20.3 billion to rebuild Iraq, it asked for \$99 million to build or update 26 jails and prisons. Haven't we spent enough on warehousing prisoners?

The Bush administration should be focused on training and equipping an Iraqi police force so that law and order can be restored and maintained without relying on U.S. forces. That may take a year or longer -- but it should be a top priority.

The Abu Ghraib prisoner abuse scandal will remain a part of the U.S. legacy in Iraq; destroying the structure that embodies this shameful episode of the American military occupation won't erase what occurred there.

**Officials should consider preserving part of prison**

*Detroit Free Press*

May 26, 2004

Blow it up or tear it down. It doesn't much matter. Nothing this country does to the prison buildings that made Abu Ghraib a household word can erase the horrific damage that was done there. Abu Ghraib has become synonymous with torture, for decades by the henchmen of ousted Iraqi dictator Saddam Hussein, most recently by U.S. soldiers after the war that ended Hussein's regime. Destroying the structure cannot destroy the events it housed, the memories of victims, the photographs of abuse.

As U.S. officials move forward with plans to raze Abu Ghraib, which President George W. Bush outlined in his Monday night address, they should consider leaving part of the structure intact, a monument to dark chapters in human history.

Similar travesties have been appropriately memorialized. Elements of World War II concentration camps draw hushed visitors in Europe. Stone forts known as slave castles because captives were held there for shipment to the United States have been preserved on the west coast of Africa. A photography exhibit coming to the Charles H. Wright Museum of African American History in Detroit this summer will recall the shameful past of lynchings in this country.

Shining a light on humanity's horrible deeds can prevent a repetition of past mistakes.

That serves the cause of human rights better than any new maximum-security prison the United States will build on the Abu Ghraib site.

Iraqis who suffered in the prison or lost loved ones there may rejoice temporarily at its destruction. So too may U.S. officials eager to put this ugly chapter behind them.

But for generations, a part of Abu Ghraib should remain, as a testament to what went wrong -- and what was done to make it right.

Of course, that chapter of this history has yet to be written.

**Abuse of Iraqis shocks citizens, who demand and will receive answers**

*Columbus Dispatch*

May 25, 2004

For many Americans, the ever-more-sickening revelations of degradation at Abu Ghraib prison are a nightmare that refuses to end. People of conscience, trying to reconcile what they have seen and heard with what they know and believe about America, feel sucker-punched by each new chapter.

Critics claim that the scandal gives lie to the notion of American exceptionalism: that America, founded on a system of ethical ideals, honors human dignity and, more than any other nation, can speak with authority to the rest of the world about freedom and respect for individual rights.

Those who value these ideals are right to feel betrayed by Abu Ghraib, but they need not be ashamed of America. Painful as it is, the scandal -- and more important, the American response to it -- has reaffirmed those values.

Given the bizarre cruelty undertaken in the prison, one can't help being dismayed.

Most recently, the world learned of videos that show U.S. soldiers smiling and flexing while beating and debasing the Iraqis in their custody. One video, showing scenes of disgusting inhumanity throughout the prison, ends with soldiers turning the cameras on themselves as they have sex with each other.

This must end any hope on the part of ashamed Americans that the Abu Ghraib abuses were the work of grimly dutiful soldiers who may have deplored the acts but believed them a necessary evil in the nasty business of gathering intelligence.

But the story doesn't end in the hellish hallways of Abu Ghraib, and that is the point. Those sickening revelations keep coming because Americans are outraged. The U.S. government releases more information because American citizens demand it.

The fact that some individual Americans, from the prison guards on up the chain of command, proved capable of ordering and carrying out such acts doesn't mean America is not exceptional. It does mean that individual Americans are just as prone to inhumanity as any other people.

Decent people in any country would be disgusted and saddened to see their soldiers treating captives brutally. In very few countries would they have, inculcated from childhood, a sense of being entitled to an investigation and explanation, much less an apology, from their government.

Americans rightfully feel entitled to such accountability. It is what makes American culture and politics exceptional.

As very real and frightening enemies gather strength, Americans must cherish both that humanity and that sense of entitlement.

**Like A Woman**  
*Richmond Times-Dispatch*  
May 24, 2004

Among the many aspects of the prison abuse scandal at Abu Ghraib, one has gone almost unremarked: the deep-seated misogyny it has highlighted.

An Associated Press story from earlier this month quotes Dhia al- Shweiri, who is said to have spent time in Abu Ghraib twice under Saddam Hussein and once under Americans. Al-Shweiri says he was tortured under Saddam - beaten, electrocuted, and hung from the ceiling with his hands tied behind his back. But, he told the AP, "that's better than the humiliation of being stripped naked. . . . [The Americans] made us stand in a way that I am ashamed to describe. They came to look at us as we stood there. They knew this would humiliate us. We are men. It's okay if they beat me. Beating [doesn't] hurt us, it's just a blow. But no one would want their manhood to be shattered. They wanted us to feel as though we were women, the way women feel, and this is the worst insult, to feel like a woman."

This is the worst insult, to feel like a woman. Few sentences could so concisely sum up the perverse sexism in much of the Arab world.

Experts interviewed for a Times-Dispatch - story underscored the point, perhaps inadvertently. "One of the worst things that can happen is that you shave off a man's beard," said one. "It is seen as challenging his manliness." Another told the newspaper, "It is most shameful to make a person naked and then photograph him, especially a Muslim male." Especially a Muslim male?

Americans should be concerned, foremost, with the behavior and attitudes of their fellow Americans. But that does not mean they need to be concerned with the behavior and attitudes of their fellow Americans to the exclusion of everything else. If the abuses at Abu Ghraib were wrong - and they most emphatically were - it should be noted in passing that the form of those abuses was made possible by another, underlying wrong within broad swaths of Arabic culture.

**COMMENTARY**

**Terrorists Have No Geneva Rights**  
*Wall Street Journal*  
May 26, 2004  
John Yoo

In light of the Abu Ghraib prison scandal, critics are arguing that abuses of Iraqi prisoners are being produced by a climate of disregard for the laws of war. Human rights advocates, for example, claim that the mistreatment of Iraqi prisoners is of a piece with President Bush's 2002 decision to deny al Qaeda and Taliban fighters the legal status of

POWs under the Geneva Conventions. Critics, no doubt, will soon demand that reforms include an extension of Geneva standards to interrogations at Guantanamo Bay.

The effort to blur the lines between Guantanamo and Abu Ghraib reflects a deep misunderstanding about the different legal regimes that apply to Iraq and the war against al Qaeda. It ignores the unique demands of the war on terrorism and the advantages that a facility such as Guantanamo can provide. It urges policy makers and the Supreme Court to make the mistake of curing what could prove to be an isolated problem by disarming the government of its principal weapon to stop future terrorist attacks. Punishing abuse in Iraq should not return the U.S. to Sept. 10, 2001 in the way it fights al Qaeda, while Osama bin Laden and his top lieutenants remain at large and continue to plan attacks.

It is important to recognize the differences between the war in Iraq and the war on terrorism. The treatment of those detained at Abu Ghraib is governed by the Geneva Conventions, which have been signed by both the U.S. and Iraq. President Bush and his commanders announced early in the conflict that the Conventions applied. Article 17 of the Third Geneva Convention, which applies to prisoners of war clearly state that: "No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever." This provision would prohibit some interrogation methods that could be used in American police stations.

One thing should remain clear. Physical abuse violates the Conventions. The armed forces have long operated a system designed to investigate violations of the laws of war, and ultimately to try and punish the offenders. And it is important to let the military justice system run its course. Article 5 of the Fourth Geneva Convention, which governs the treatment of civilians in occupied territories, states that if a civilian "is definitely suspected of or engaged in activities hostile to the security of the States, such individual person shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in favor of such individual person, be prejudicial to the security of such State." To be sure, Art. 31 of the Fourth Convention prohibits any "physical or moral coercion" of civilians "to obtain information from them," and there is a clear prohibition of torture, physical abuse, and denial of medical care, food, and shelter. Nonetheless, Art. 5 makes clear that if an Iraqi civilian who is not a member of the armed forces, has engaged in attacks on Coalition forces, the Geneva Convention permits the use of more coercive interrogation approaches to prevent future attacks.

A response to criminal action by individual soldiers should begin with the military justice system, rather than efforts to impose a one-size-fits-all policy to cover both Iraqi saboteurs and al Qaeda operatives. That is because the conflict with al Qaeda is not governed by the Geneva Conventions, which applies only to international conflicts between states that have signed them. Al Qaeda is not a nation-state, and its members -- as they demonstrated so horrifically on Sept. 11, 2001 -- violate the very core principle of the laws of war by targeting innocent civilians for destruction. While Taliban fighters had an initial claim to protection under the Conventions (since Afghanistan signed the treaties), they lost POW status by failing to obey the standards of conduct for legal

combatants: wearing uniforms, a responsible command structure, and obeying the laws of war.

As a result, interrogations of detainees captured in the war on terrorism are not regulated under Geneva. This is not to condone torture, which is still prohibited by the Torture Convention and federal criminal law. Nonetheless, Congress's definition of torture in those laws -- the infliction of severe mental or physical pain -- leaves room for interrogation methods that go beyond polite conversation. Under the Geneva Convention, for example, a POW is required only to provide name, rank, and serial number and cannot receive any benefits for cooperating.

The reasons to deny Geneva status to terrorists extend beyond pure legal obligation. The primary enforcer of the laws of war has been reciprocal treatment: We obey the Geneva Conventions because our opponent does the same with American POWs. That is impossible with al Qaeda. It has never demonstrated any desire to provide humane treatment to captured Americans. If anything, the murders of Nicholas Berg and Daniel Pearl declare al Qaeda's intentions to kill even innocent civilian prisoners. Without territory, it does not even have the resources to provide detention facilities for prisoners, even if it were interested in holding captured POWs.

It is also worth asking whether the strict limitations of Geneva make sense in a war against terrorists. Al Qaeda operates by launching surprise attacks on civilian targets with the goal of massive casualties. Our only means for preventing future attacks, which could use WMDs, is by acquiring information that allows for pre-emptive action. Once the attacks occur, as we learned on Sept. 11, it is too late. It makes little sense to deprive ourselves of an important, and legal, means to detect and prevent terrorist attacks while we are still in the middle of a fight to the death with al Qaeda. Applying different standards to al Qaeda does not abandon Geneva, but only recognizes that the U.S. faces a stateless enemy never contemplated by the Conventions.

This means that the U.S. can pursue different interrogation policies in each location. In fact, Abu Ghraib highlights the benefits of Guantanamo. We can guess that the unacceptable conduct of the soldiers at Abu Ghraib resulted in part from the dangerous state of affairs on the ground in a theater of war. American soldiers had to guard prisoners on the inside while receiving mortar and weapons fire from the outside. By contrast, Guantanamo is distant from any battlefield, making it far more secure. The naval station's location means the military can base more personnel there and devote more resources to training and supervision.

A decision by the Supreme Court to subject Guantanamo to judicial review would eliminate these advantages. The Justices are currently considering a case, argued last month, which seeks to extend the writ of habeas corpus to al Qaeda and Taliban detainees at Guantanamo. If the Court were to extend its reach to the base, judges could begin managing conditions of confinement, interrogation methods, and the use of information. Not only would this call on the courts to make judgments and develop policies for which they have no expertise, but the government will be encouraged to keep its detention

facilities in the theater of conflict. Judicial over-confidence in intruding into war decisions could produce more Abu Ghraibs in dangerous combat zones, and remove our most effective means of preventing future terrorist attacks.

*Mr. Yoo, a law professor at Berkeley, is a scholar at the American Enterprise Institute and a former Bush Justice Department official.*

**Down the Sewer to Abu Ghraib**  
*Los Angeles Times*  
**May 26, 2004**  
**Rebecca Hagelin**

*Rebecca Hagelin is a vice president of the Heritage Foundation.*

The horrific images of degrading acts by American soldiers at Abu Ghraib prison are, in a sense, nothing new: Millions of Americans feast on similar scenes every day.

The sickening photo of a female soldier blindly staring at the spectacle of her human prisoner, naked and leashed like a dog, is but the latest evidence of a culture gone stark raving mad.

For the last several decades, American culture has been rotting. While we've been busy fighting enemies around the world, we've discarded basic morality here at home. As a result, we've steadily weakened our stature in the world and placed ourselves in grave danger of falling from within.

The evidence pointing to cultural rot is indisputable: Americans spend \$10 billion a year on pornography — as much as we spend on sporting events. The average teenager views nearly 14,000 sexual references a year on television.

Power is equated with sex, and sex with power — on television, in movies, magazines, billboards and music. At times, it appears as if Americans have had enough. Remember the outrage over Janet Jackson "flashing" at the Super Bowl? How about the disgust over the video of high school girls humiliating, urinating on and beating younger students in an "initiation" stunt? Now there's Abu Ghraib. And we're shocked ... again?

Some denounce the reprehensible behavior, point an accusing finger at the military and return to their family room easy chairs, where they sit transfixed by mindless programming while their kids retreat to their bedrooms and consume endless hours of sleaze on MTV.

We have been sliding down the slippery sewer of cultural immorality for so long that we don't even realize that we're covered with stinking sludge.

Amid the noble struggle to establish and maintain a nation of moral integrity, freedom and faith in God, our history has also included periods punctuated by acts of shame. The

horrors of slavery come to mind. Yet, almost alone among nations throughout history, the United States has always managed to hold itself accountable for its ills, take corrective action and move to a higher level in our treatment of others.

Why? Because Americans once shared a collective understanding that ours is a society based on faith in God and his immutable laws of unconditional love, decency and the simple but powerful concept of treating others as we would be treated.

Our schools taught biblical principles. Our families gathered regularly in churches and synagogues. Prayer was a standard part of life — both private and public. Americans were taught the Ten Commandments and the rich Judeo-Christian history of our country.

But that all changed in the 1960s, when there began a steady removal of God and his absolutes from the public square. As a nation we forgot, as President Lincoln said, "that the fear of the Lord is the beginning of wisdom." Schools were purged of prayer and biblical values, leaving a vacuum that was soon filled with the preaching of moral relativism, sexual anarchy and a trashing of U.S. history. Now, about 40 years later, there is no collective understanding of our Judeo-Christian history and the values that once permeated our halls of government, our schools and our lives.

Our nation once looked to the truth of the Proverbs: "To receive instruction in wise behavior, righteousness, justice and equity; to give prudence to the naive, to the youth knowledge and discretion." Today, we teach our children to rely on their own wisdom and judgment, formed by endless hours of sexualized programming, situational ethics and group thinking. And we're surprised by the behavior of a few Americans at Abu Ghraib?

Our military is addressing the abuses that occurred in a prison far away and holding accountable those who are responsible — but what are the rest of us doing to restore civility and decency here at home? In order to preserve a real future for our children and our nation, we must rediscover the timeless principles that helped us to become the world's "last, best hope" — and restore them to our daily lives.

#### **Abu Ghraib troubles Americans abroad**

*Baltimore Sun*

May 26, 2004

**Laura Hambleton**

Until about nine months ago, when we moved from Chevy Chase to Pretoria, my 9-year-old son read the newspaper every day. He started with the sports pages, flipped to the end of the feature section for the comics and finished by studying the front page. He crunched his cereal while he scanned the headlines and read captions. On the occasion when a photograph caught his eye, he would often read the story.

In South Africa, my son's newspaper habit has gone dormant. He doesn't yet love the country's rugby team, the Springboks, as he loves his New England Patriots. He hasn't learned the ins and outs of cricket, as he knows every nuance of the Boston Red Sox. He

now glances at a local newspaper if it is left out on the kitchen counter, searching for a comic strip.

He did so the other day when the Pretoria News carried a front-page picture of Army Pfc. Lynndie R. England in the Abu Ghraib prison in Iraq. I watched my son reach for the paper to pull it toward him, but I was quicker. I deftly turned the paper toward me and turned to an inside page of comics. I committed an age-old act: diverting the attention of my child from a harsh reality. The irony is I am the wife of a newspaperman and the day's news is our dinnertime conversation. This time, though, I didn't want to approach the subject.

My son loves America. He defends it and promotes it. A few months ago, a boy in his class said that South Africa has the best beaches. My son countered by asking if the boy had been to Delaware, North Carolina, Florida, Maine, California. Now there are beautiful beaches, he said.

But what ammunition would he have to defend the actions of American soldiers in Iraqi prisons? For that matter, what would he make of the beheading of 26-year-old Nicholas E. Berg, in a game of one-upmanship?

To be sure, war is treacherous and messy, as is the aftermath, which the photographs so succinctly and powerfully portray. Even the Federal Express man who comes to my house at least once a week to deliver packages told me that everyone does these heinous acts in war. No big deal, in his mind. The bizarreness now is someone documented it, he said.

Perhaps that is exactly the point, because the contrast between Private England's smiling face -- real or staged -- and the words first used when we rode into Iraq on such a high moral ground are jarring.

No wonder I am not feeling high and mighty these days as an American overseas. I bowed my head and spoke quickly when I bought a newspaper at my neighborhood news stand the other day with the headline, "How the CIA teaches the world to torture."

"I'm ashamed to be an American right now," said a friend in an e-mail from Rome. "And I'm very, very angry that these people were stupid enough to act in these reprehensible ways. The outpouring of support and sympathy after 9/11 here was a beautiful thing. Flowers covered the entire entrance to the embassy and made all of us Americans cry. Most of that feeling has completely disappeared now."

The father of one of my son's friends told me recently that when a driver asked him where he was from, he hesitated. He almost said Canada, as some Americans here say and American journalists have said for many months in Iraq, but he admitted the United States. The driver responded with a drawn-out "Ohhh."

I often am stopped and asked which part of the States I live in, after someone hears my accent. I am asked if I like South Africa and where I've been. A man I walk with many Sunday mornings with our dogs tells me how he'd like to move to America and that he likes President Bush.

I hear it a lot.

At the same time, my 12-year-old daughter tells people I didn't fly a flag after 9/11. I didn't put a flag sticker on my car, and I don't wear red, white and blue on the Fourth of July.

What kind of American are you? she asks, half in jest and half looking for a serious answer.

I am an American who loves my country, but I expect so much more from it, especially when I'm living in a place such as South Africa, where the majority of the people for so long had no voice.

As my son has, the world gave America the benefit of a doubt. In Pretoria, and around the world, that no longer seems true.

*Laura Hambleton is a freelance journalist who lives in Pretoria, South Africa.*



## CENTER FOR ARMY LESSONS LEARNED (CALL)

# News from the Front!

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## The Contemporary Role of Children as Combatants

by Mr. Ralph D. Nichols, Military Analyst, Center for Army Lessons Learned (CALL)



In the contemporary operational environment (COE), many different scenarios and asymmetrical threats challenge U.S. forces. One of the situations that our troops may face in the near future, and have certainly faced in the past, is how to deal with children as potential combatants. Many anecdotal and verifiable reports of children soldiers (defined as under the age of 18 years old, and as young as 5 or 6 years old) confronted and confounded U.S. troops during the Vietnam conflict in the decade of the 1960s and first half of the 1970s. Vietnamese children served as sources for human intelligence for regular North Vietnamese fighting forces, and for the guerilla elements of the Viet Cong. Some of these children were active combatants. In this capacity, they shouldered and fired in anger their Chinese- or Russian-procured AK-47 sub-automatic weapons against U.S. forces. Reports of children luring soldiers into ambushes, and even wiring themselves for detonation (booby-trapped explosives set off upon contact with U.S. troops) are well known. These events represent recent historical examples of U.S. forces facing children fighters. In 1993 our troops fought with rebel factions in the streets of Mogadishu, Somalia (urban warfare). Many of these rebel forces were comprised in part with children. In the movie "Black Hawk Down" (patterned after the insightful book by Mark Bowden), a memorable, dramatic moment occurs when a U.S. soldier thrusts the door open to a house only to be confronted with a very young male

child (under the age of 10 by appearance) thrusting a gun barrel at close distance against him. The soldier is faced with the immediate ethical dilemma of whether or not to attempt to kill someone trying to kill him. Only the "someone" is a small child.