Transcript

The Torture Question

PRODUCED BY
Michael Kirk

CO-PRODUCED AND REPORTED BY
Jim Gilmore

WRITTEN AND DIRECTED BY
Michael Kirk

ANONYMOUS INTERVIEWEE: There was a lot of soldiers that had digital cameras at Abu Ghraib, and they would take pictures of literally everything that they would do.

ANNOUNCER: Tonight on **FRONTLINE**, the story about what really happened in cell block 1A.

Spc. ANTHONY LAGOURANIS, Interrogator, US Army, 2001-'05: Part of it is, they were trying to get information, but part of it is also just pure sadism.

ANONYMOUS INTERVIEWEE: They felt righteous in doing it, and that's what made it really dangerous and diabolical.

ANNOUNCER: With exclusive interviews—

ANONYMOUS INTERVIEWEE: And this escalated all the way to make them fear that rape could be performed on prisoners.

ANNOUNCER: —and never before seen footage.

GI: *[home video]* We're all mad! We're all mad!

ANNOUNCER: How high did it reach?

Gen. JANIS KARPINSKI, Cmdr., 800th MP Brigade, 2003-'04: General Sanchez put his finger in Colonel Pappas's chest and told him he wanted the information.

ANNOUNCER: And what does it reveal?

Gen. RICHARD MYERS, Joint Chiefs Chairman: We've dealt with that. If it was only the night shift at Abu Ghraib, it's a pretty good clue that it wasn't a more widespread problem.

Sen. JOHN McCAIN (R), Arizona: This isn't about who they are, this is about who we are.

ANNOUNCER: Where else did it spread?

Spc. ANTHONY LAGOURANIS: It's not at Abu Ghraib, it's all over Iraq. The infantry units are torturing people in their homes.

ANNOUNCER: FRONTLINE exposes the dark secrets behind "The Torture Question."

Baghdad, Iraq
August 17, 2005

NARRATOR: Somewhere in the night, a C-130 Hercules has just deposited 50 Iraqi prisoners of war.

MARINE LIEUTENANT: I want to talk about some convoy security issues, and I don't want to do that on tape, so you're going to have to cut that off.

NARRATOR: Fresh from the battlefield, they will be taken in a convoy of buses and heavily armed Humvees west, along the Baghdad-to-Fallujah road. The road is often mined with IEDs, improvised explosive devices. Sometimes suicide bombers attack the convoys.

LIEUTENANT: *[briefing the convoy]* Risk assessment— constant threat of IEDs and VBEDs around this area.

NARRATOR: Helicopters provide air cover. The destination is one of the world's most notorious prisons, Abu Ghraib. Thousands of political prisoners were tortured and murdered by Saddam Hussein at Abu Ghraib. Iraqis say their ghosts haunt this place.

SOLDIER: Sir, I'm going to ask you to turn off the camera, please.

NARRATOR: Now Abu Ghraib is an American prison, 4,500 inmates and counting. Some are political insurgents, others just plain criminals. Some might be innocent of any crime, but right now, at

midnight, in 90-degree heat, their needs are basic.

MILITARY POLICEMAN: Can I get water? No, no, like a case of water, like a case of water because these people are thirsty?

NARRATOR: He's given one bottle.

Now in the custody of Americans, this man asked **FRONTLINE**'s cameraman, "Is this Abu Ghraib?" "Yes," we answered.

They have heard about the Americans at Abu Ghraib. Many have seen the pictures. No doubt, these men expect the worst. They fear they will be interrogated, coerced and tortured by American soldiers. But the official position taken by the American government is that what happened here was isolated, a momentary madness.

JAMES SCHLESINGER, Secretary of Defense, 1973-'75: *[August 24, 2004]* There was sadism on the night shift at Abu Ghraib, sadism that was certainly not authorized. It was a kind of *Animal House* on the night shift.

NARRATOR: But a close examination of the evidence behind 12 official investigations, FBI internal emails and dozens of interviews by **FRONTLINE** tells a fuller story of what happened at Abu Ghraib and of policies, practices and patterns that bring the torture question to the highest levels of the American government.

Washington, D.C.
September 11th, 2001

Gen. PAUL KERN, U.S. Army, 1967-'05: On the 11th of September, I was in the Pentagon. I was attending a meeting in my office.

THOMAS WHITE, Secretary of the Army, 2001-'03: I had a speech to give up at the Army/Navy Country Club when the plane came right over the top and bounced down the hill and hit the side of the Pentagon.

Gen. PAUL KERN: I felt the Pentagon rock, and it was clear that we were being attacked.

NEWSCASTER: Oh, my goodness! There is smoke pouring out of the Pentagon!

NEWSCASTER: It felt like there was an explosion of some kind here at the Pentagon.

NEWSCASTER: Security forces are evacuating the building right now.

Gen. PAUL KERN: By the time we got the people out of the building and we were able to get outside, a Marine and I were standing next to each other, and I looked at him and I said, "This is going to change our lives."

THOMAS WHITE: We lost a significant number of people from the Department of the Army on the 11th of September, and so there was a tremendous sense of urgency to get on with this, that the national security had been violated and that we needed to do something about that.

NARRATOR: Inside the West Wing, they wanted action. Locked down, those closest to the president advised a fierce response. The secretary of defense, Donald Rumsfeld, led the charge.

JOHN HAMRE, Dpty. Secretary of Defense, 1997-'99: At a moment of crisis, at a moment of war, the center of gravity shifts to the White House. And the secretary realized that more quickly than anybody.

NARRATOR: Then, from the security of Camp David, the president made clear his determination to go to war against terror.

Pres. GEORGE W. BUSH: There's no question about it. This act will not stand. We will find those who did it. We will smoke them out of their holes. We'll get them running, and we'll bring them to justice.

NARRATOR: As the vice president was taken to what was called a "safe and secure" location, the lawyers, who were the first combatants in the war on terror, prepared a plan for the president.

JOHN YOO, DoJ, Office of Legal Counsel, 2001-'03: This was a war, but a different kind of war, and that we had to think through how the sets of rules that had been developed for sort of big mechanized warfare between nation states had to be adapted and changed to fit fighting a much different kind of enemy, a non-state actor, you know, that doesn't wear uniforms, doesn't operate in normal units, blends into civilian populations and conducts surprise attacks against civilians.

NARRATOR: John Yoo had earned his conservative credentials as a clerk for Supreme Court Justice Clarence Thomas and at the Federalist Society. He wrote the first draft of a sweeping war power authorization designed to give President Bush unprecedented power.

JOHN YOO: And I had read every previous authorization ever written by Congress in wartime and every declaration.

NARRATOR: The new statute would vest virtually unlimited power in the president to fight the war on terror. Congress passed it overwhelmingly.

JOHN YOO: The statute says use all necessary means, you know, to stop future terrorist attacks and to, you know, find those responsible for the past attacks.

NARRATOR: Yoo's work was passed on to a small circle of lawyers who surrounded the president: Alberto Gonzales, the president's chief legal counsel, David Addington, the vice president's top lawyer, and William Haynes, Donald Rumsfeld's civilian counsel at the Pentagon. Together they would create a legal theory that would permit the United States to act unilaterally in defining the rules of war.

BRADFORD BERENSON, Assoc. White House Counsel, 2001-'03: If you were president of the United States, I think you personally would want to make certain that you had done everything you could to prevent another catastrophic act of terrorism.

DANA PRIEST, *The Washington Post*: 9/11 gave the entire administration a carte blanche in terms of how they treated the laws on the books when they applied to the global war on terrorism, as they defined the global war on terrorism.

Afghanistan
October 7, 2001

NARRATOR: The first strike in the global war on terrorism was in Afghanistan. The fighting lasted one month. Thousands of prisoners were taken, but handling them was a new problem.

JOHN YOO: We start thinking about, well, what happens when we catch other Al Qaeda members? What happens— do we try them? Do we detain them? Where can we detain them?

BRADFORD BERENSON: You can't kill him. You can't let him go because he's far too dangerous and potentially far too valuable as a source of intelligence. And you can't try him in the ordinary civilian court system. So what do you do with this person?

NARRATOR: The administration signaled it was prepared to unleash the intelligence agencies. The CIA notched up the rhetoric.

J. COFER BLACK, Dir., CIA Counterterrorist Ctr., 1999-'02: This is a very highly classified area, but I have to say that all you need to know is that there was a before 9/11 and there was an after 9/11. After 9/11, the gloves come off. Nearly 3,000 al Qaeda and their supporters have been arrested or detained. In Afghanistan, the al Qaeda who refused to surrender have been killed. The hunt is on.

NARRATOR: Semi-truck trailers at Bagram air base in Afghanistan were makeshift prison cells for hundreds of detainees. The rules for handling them were decidedly ad hoc.

BARTON GELLMAN, *The Washington Post*: Local commanders were making their own decisions about where to draw lines based on a general atmosphere that, "We're taking off the gloves." And so they deliberately use a certain level of violence during the capture, and people were arriving at Bagram with their fingers broken and with bruises. And I've talked to members of some of these teams, and they made sure that the person got roughed up pretty well in the course of the capture.

NARRATOR: A small number of the prisoners had important strategic information. They were called "high value terrorists," and from the beginning, two agencies, the FBI and the CIA, were involved in a brutal tug-of-war for them. One particular prisoner became the focus of the struggle.

JANE MAYER, *The New Yorker*: Ibn al Sheikh al Libi was the head of the Khaldun terrorist training camp in Afghanistan. He was one of the earliest al Qaeda figures to be given into the U.S. custody.

NARRATOR: The FBI wanted to interrogate al Libi and bring him to justice in the United States.

JOHN CLOONAN, FBI Special Agent, 1977-'02: Al Libi is identified as a pretty good target because he's an Emir. He's a leader of a training camp.

NARRATOR: The CIA wanted to get as much information as fast as possible from al Libi. But the FBI practiced careful, rapport-building interrogation techniques.

MICHAEL SCHEUER, CIA, 1982-'04: Once we have him, who cares about a case? What you want from that individual is to try to get information that will lead you to another success either on the battlefield or in some other way.

NARRATOR: Then the CIA took al Libi from the FBI.

JOHN CLOONAN: They duct tape him. They deny putting him in a box in the back of a truck. My guys that were there saw what they did.

MICHAEL SCHEUER: Did they take Abu Sheik al Libi? I have to tell you, I don't know. I hope they did because I think he'd be much more valuable in CIA hands than in FBI hands.

NARRATOR: Al Libi was reportedly taken to Egypt. He was one of dozens of "high value terrorists" — or HVTs — whisked from one foreign country to another, often in this business jet leased by the CIA, in a policy that was known as "rendition."

MICHAEL RATNER, Pres., Center for Constitutional Rights: I

call it outsourcing torture. What it really means is that in the so-called war on terror, the U.S. picks up people anywhere in the world that it wants., and if it doesn't want to engage in the torture itself, or in the interrogation, whatever term you want to use, it will send them to another country with— that our intelligence agencies have a close relationship with. That can be Egypt, it can be Jordan.

MICHAEL SCHEUER: We took people to the countries of their origin in the Middle East, if those countries had a legal process outstanding for them and were willing to take them.

NARRATOR: As a covert CIA officer for 22 years, Michael Scheuer once ran the rendition program.

MICHAEL SCHEUER: That person would be treated according to the laws of that country, not to the laws of the United States, but to the laws of, take your pick, Morocco, Egypt, Jordan.

[www.pbs.org: More on rendition]

BARTON GELLMAN: It was well understood, and acknowledged on sort of— in not-for-quotation interviews, that the Jordanians or the Egyptians or the Moroccans or other destination countries were going to be able to use methods that the United States couldn't use and didn't really want to know about.

NARRATOR: An unknown number — reportedly a few dozen or less — "high value terrorists" are still being held by the CIA itself in unknown locations throughout the world, perhaps indefinitely. As for Sheik Ibn al Libi, he went into that black hole for more than a year. But then—

JANE MEYER: He resurfaced in a remarkable way as a source who was cited in probably the most important speech that General Colin Powell ever gave, which was as secretary of state to the U.N.

COLIN POWELL, Secretary of State: *[February 5, 2003]* I can trace the story of a senior terrorist operative telling how Iraq provided training in these weapons to al Qaeda. Fortunately, this operative is now detained.

JANE MEYER: Nobody ever found any evidence of this, and they went back to al Libi, who confessed, at that point, that he'd made it all up under coercive interrogation and he recanted.

COLIN POWELL: —support the detainee describes including Iraq offering chemical and biological weapons training for two al Qaeda associates—

NARRATOR: The CIA didn't take or wouldn't take most of the

prisoners in Afghanistan. They became the responsibility of the United States Army, and that meant the secretary of defense, Donald Rumsfeld, was in charge of them.

BARTON GELLMAN, *The Washington Post*: Secretary Rumsfeld wasn't particularly interested in how any other department wanted to handle them. He was going to make his own decisions.

NARRATOR: Secretary Rumsfeld was determined to get information — "actionable intelligence" — and he was pushing the uniformed military hard to get it. But they felt honor bound to follow the Geneva conventions.

SCOTT HORTON, New York City Bar Assn.: The Geneva conventions have very detailed provisions on how you treat enemy detainees, prisoners of war. And in particular, it precluded the use of coercion with respect to those detainees.

NARRATOR: Rumsfeld, reflecting an impatience at the White House, as well, wanted Geneva out of the way.

MARK JACOBSON, DoD Special Asst. for Policy: When discussions started on this whole issue of how are we going to treat al Qaeda, I mean, the question was, "Look, these are terrorists. We can't give them the same privileges as legitimate combatants. Terrorism is a illegitimate act. If it's an illegitimate act, we can't grant it the legitimacy provided by the Geneva conventions."

NARRATOR: The president's lawyers drew upon the legal logic of the war powers authorization.

JOHN YOO, DoJ, Office of Legal Counsel, 2001-'03: I think they wanted the maximum flexibility for the president to do— to win the war. And if you're a prisoner of war under the Geneva Convention, you can only be asked questions, and you cannot be treated any differently based on whether you answer them or not.

[www.pbs.org: Read John Yoo's extended interview]

BRADFORD BERENSON, Assoc. White House Counsel, 2001-'03: Had we been forced to operate under those rules with respect that the militant Islamic terrorists we were fighting, I suspect that the intelligence dimension of this war, which most of us regarded as absolutely central to our successes and to protecting the American public, would have been far less successful.

NARRATOR: There was, as they say in Washington, "pushback" from Secretary of State Colin Powell and the military's own lawyers, the JAGs.

WILLIAM HOWARD TAFT IV, Legal Adviser to Sec. of State, '01-'05: Secretary Powell's view was that if we were to depart from the Geneva Conventions, we would be exposing our troops, perhaps in this conflict but perhaps in future conflicts, to the possibility that they would be deprived of the benefits of the convention if they were captured by the enemy, and we had never done that.

Sen. LINDSEY GRAHAM (R-SC), Armed Services Committee: I think the military lawyers have been trying to tell the system since day one, "Don't go too far away from the principles of the Geneva Convention in the name of fighting the war on terrorism because you don't want to become your enemy in trying to defeat your enemy." You want to be sensitive to the principles of the Geneva Convention, even though they're not technically applicable, and some civilians wanted the information.

NARRATOR: The president's closest legal adviser on the issue was Alberto Gonzalez. In a memorandum to the president, he wrote:

GONZALES MEMO 01/25/02: "The nature of the new war places a high premium on other factors, such as the ability to quickly obtain information ... In my judgment, this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners."

Sec. DONALD RUMSFELD: The president has, as you know, now determined that the Geneva Convention does not apply to the conflict with al Qaeda, whether in Afghanistan or elsewhere.

NARRATOR: Secretary Rumsfeld called the prisoners he held "the worst of the worst." They were no longer protected by the Geneva Conventions, nor the military's own Uniform Code of Military Justice. They could be subject to coercive interrogations, and now it was time to decide where those interrogations would take place.

Guantanamo Bay, Cuba
January 11, 2002

NARRATOR: The Pentagon decided on the backwater naval station at Guantanamo Bay, Cuba. Officially, it was GTMO— "Gitmo" for short. It was far away from the battlefield, isolated and remote.

LT. CMDR. CHARLES SWIFT, Judge Advocate, U.S. Navy: Guantanamo Bay appeared to be the ideal place. Cuba had no control over it. You would not be subject to a local government's interference, nor would you be subject to the federal courts' interference.

NARRATOR: The prisoners were strapped to the floor of a C-17 for 20 hours. Shackled and handcuffed, they wore goggles covered with black tape and ear cups. The military called it "packaging."

ERIC LEWIS, Detainee Lawyer: They are shackled, goggles painted black, and taken on a 20-hour trip. And they've got to ask to go to the bathroom, which is difficult to do. And throughout, they're having the crap kicked out of them.

MICHAEL RATNER, Pres., Center for Constitutional Rights: And you're getting off a plane. You're hooded. You don't know where you are, you just know you're on some desert island somewhere.

Gen. RICK BACCUS, Prison Commander, GTMO, 2002: It'd be a very excruciating situation. Many of them thought they were going to their deaths before they got here and were very thankful that they were not killed when they got off the airplane.

NARRATOR: They were taken from the airport into the heart of the base, to a place called Camp X-Ray.

MICHAEL RATNER: In the early days, they got put into what essentially are dog cages or dog runs. They were these sort of open, chain-linked fences, that have concrete floors.

MARK JACOBSON, DoD Special Asst. for Policy: First thing you notice is the smell. You're not talking about closed toilets. You're talking about a lot of human smells. It's raw human beings down there.

Sec. DONALD RUMSFELD: *[January 22, 2002]* Guantanamo Bay's climate is different than Afghanistan. To be in an 8-by-8 cell in beautiful, sunny Guantanamo Bay, Cuba, is not inhumane treatment.

Gen. RICK BACCUS: Camp X-Ray didn't have any internal facilities at all— no bathrooms, no source of water. So any of the detainees kept at X-Ray had to be given everything to them. And if they wanted to go to the bathroom, the MPs were required to go in and shackle them and then move them to a port-a-john to have them go to the bathroom, and take them back again. So it was a very manpower-intensive situation.

NARRATOR: From the beginning, it did not go well at Camp X-Ray. Just the logistics of interrogation proved difficult. The MPs first shackled, then rolled the detainees down this path to these interrogation buildings.

Gen. RICK BACCUS: It was a very intensive process to carry detainees from the cell block into the interrogation rooms, bring them back, and so on.

NARRATOR: And once they arrived, the young and inexperienced interrogators had trouble extracting any information.

Gen. RICK BACCUS: The interrogators were a combination of

active duty reservists, people who, you know, were trained in the bare bones of interrogation, didn't have any experience because we hadn't been in this kind of a situation since 1991 from the Gulf war.

JOHN CLOONAN, FBI Special Agent, 1977-'02: I think you had a lot of inexperienced people who didn't have a knowledge base. They were not subject experts, by any means. So they get what they got at their indoctrination at Fort Huachuca, or some other place, and they go in and they try to use it to the subject. You know, it was ad hoc. It was sort of making it up on the go, and it wasn't very effective.

NARRATOR: The detainees were belligerent, uncommunicative. The interrogators tried good cop/bad cop— yelling, strobe lights. They even tried loud music— Metalica, Britney Spears, rap. Frustrated, the intelligence team felt the MPs were coddling detainees and undermining the interrogation process. The military intelligence unit had its own general, Michael Dunlavey, who pushed the MPs' general, Rick Baccus, hard.

Gen. RICK BACCUS: General Dunlavey and I had a very intense working relationship at times, but I think that was more situational because of the fact that, you know, I was overall in charge of the base, and I was only a brigadier general and he was a major general. And he was in charge of, you know, 200 people in the interrogation task force.

NARRATOR: There's always been a bright line drawn between the MP guards and the MIs, the military intelligence interrogators. The military's rules, the Uniform Code of Military Justice, dictates MPs must treat prisoners humanely. General Baccus believed he couldn't blur that line and comply with the law.

Lt. Col. THOMAS S. BERG, Judge Advocate, Army Reserve: The intel folks had no patience, and so— the intel people either were under great pressure to produce results or thought they were under great pressure to produce results immediately. And so they wanted a quicker route to the information.

NARRATOR: The MIs were talking about stripping the detainees, shackling them to the floor, sensory deprivation.

Lt. Col. THOMAS S. BERG: I advised General Baccus that certain kinds of sensory deprivation are forbidden and defined as torture under our law. And I said, as far he was concerned, since his name was clearly on the blame line, this was the law he had to uphold.

NARRATOR: A story went around the camp that Arab men had an inordinate fear of dogs. MI considered using dogs for intimidation.

INTERVIEWER: Anybody come to you and say, "We'd like to use those dogs to scare these people"?

Gen. RICK BACCUS: They wouldn't have come to me with that, no.

INTERVIEWER: Why?

Gen. RICK BACCUS: Because I wouldn't allow it.

INTERVIEWER: And they knew that?

Gen. RICK BACCUS: I'm sure they knew that.

NARRATOR: The interrogators were getting little bits and pieces, but six months into it, they hadn't really delivered enough to satisfy Rumsfeld. In Washington, the brass knew that Rumsfeld was unhappy.

Gen. PAUL KERN, U.S. Army, 1967-'05: They weren't getting any intelligence. And so it all added up to taking a lot of detainees, putting them on Guantanamo, and nothing was working right.

Gen. JACK KEANE, Vice Chief of Staff, U.S. Army, 1999-'04: The feedback that I was getting was that the information initially wasn't as valuable as it could be and we just had to get better organized for that.

NARRATOR: Critics believe there was a simple reason why the interrogation mission at Gitmo wasn't yielding useful intelligence

MICHAEL RATNER, Pres., Center for Constitutional Rights: Well, they never looked to ask the question, "Maybe we're not getting actionable intelligence because these guys don't have any actionable intelligence." Sure, we have incompetent translators. They have incompetent interrogators. But maybe we've got the wrong guys.

MICHAEL SCHEUER, CIA, 1982-'04: The people who went to Gitmo, as far as I understand, were the people who were captured on the battlefield in Afghanistan. Most of the people that were picked up in Afghanistan were insurgent fighters, guys who might be able to tell you about the organization of al Qaeda insurgent arm, what kind of weapons they were trained on. But none of them, virtually — none of them — had any knowledge whatsoever useful to either, A, preventing an attack on America, or B, locating Zawahiri and bin Laden.

JOHN CLOONAN, FBI Special Agent, 1977-'02: If you understood how al Qaeda operated, its cell structure, how many people were involved in it, you'd know that most of these people were just fodder because they're not the brains. I mean, the people that go into al Qaeda, in a lot of instances, are not what you think. There's probably— 35 to 40 percent of them have advanced degrees. This is a middle class phenomenon. This is not what's down in Gitmo.

Sec. DONALD RUMSFELD: *[January 27, 2002]* Anyone who

looked at the training manuals for the al Qaeda, and what these people were trained to do and how they were trained to kill civilians— anyone who saw what happened to the Pakistani soldiers who were guarding the al Qaeda in Pakistan and the number of them were killed by the al Qaeda using their bare hands, has to recognize that these are among the most dangerous, best trained, most vicious killers on the face of the earth.

THOMAS WHITE, Secretary of the Army, 2001-'03: He's in it daily. They're meeting on this every day. He's directly involved in it. He's very hands-on. He's not one to not make it very clear to people that he is unhappy.

NARRATOR: Rumsfeld looked around the Pentagon. He knew there was one general who could get things moving at Gitmo.

Gen. JACK KEANE, Vice Chief of Staff, U.S. Army, 1999-'04: So I visited down there and took a look at it, and I was not happy with it.

NARRATOR: General Keane saw the problem between the MIs and the MPs.

Gen. JACK KEANE: We had two functions. One is intelligence operations, and the other one is a custodial function, in the sense of police function. And they were not cooperating with each other.

NARRATOR: The MI interrogators let General Keane know they believed General Baccus was the problem.

Gen. RICK BACCUS, Prison Commander, GTMO, 2002: I think there was consternation on the part of the interrogators — at least, this is the feedback I got — about things that I would be concerned about, in terms of making sure that they have enough books to read, you know, whether we were following Ramadan-type situations, allowing them to eat at night and, you know, fast during the day, those kinds of things. They were upset— I heard they were upset that I increased the recreation periods to twice a week from once a week, that kind of thing.

[www.pbs.org: Read Gen. Baccus's extended interview]

NARRATOR: General Baccus was relieved of his command. Now Rumsfeld would find a can-do general to grab ahold of Gitmo, take charge of both the MPs and military intelligence, and get him what he wanted.

November 4, 2002

NARRATOR: The new man arrived from a military outpost in Korea, a two-star general who knew how to shape up an outfit.

Gen. JACK KEANE: What we wanted was a very effective leader, you know, who has operational savvy, is used to working away from the United States.

NARRATOR: General Geoffrey Miller even looked the part.

MARK JACOBSON, DoD Special Assistant for Policy: This is someone who reminds you of your dad or your grandfather, someone who you would want to follow into battle, someone you trust.

NARRATOR: Miller had a new facility to run. Camp X-Ray had given way to Camp Delta. There were now 625 inmates, 1,400 MPs and MIs, and plenty of hard feelings. General Miller immediately took charge. He liked the phrase "honor bound" and ordered the troops — both MPs and MIs — to say it dozens of times a day, every time they saluted.

JOHN VanNATTA, GTMO Superintendent, 2002-'03: It was a means to encourage esprit de corps among the soldiers. We would say, "Honor bound," and the person returning the salute would say, "To defend freedom." Kind of translates that everything we're going to do there, we're going to do with honor.

Gen. JACK KEANE: When General Miller got introduced to Guantanamo Bay, I mean, everything just seemed to move into the plus category from the time he got there. And everybody that went down there to look at it saw improvement, you know, who had been there before.

NARRATOR: Despite these improvements, there was little in the way of actionable intelligence.

MARK JACOBSON: We were discovering that more individuals were trained to resist interrogation, that they were specifically trained how to deal with American approaches to interrogation.

NARRATOR: Miller tried innovating. In a controversial move, he created specialized interrogation teams and told them to get inside the heads of the detainees.

JANE MAYER, *The New Yorker*: He brought in behavioral scientists, who were psychologists and psychiatrists. And they were looking for psychological vulnerabilities, soft spots, ways to manipulate the detainees to kind of get them to cooperate, and looking for sort of psychic vulnerabilities and cultural vulnerabilities.

NARRATOR: Miller's staff also gathered medical records. His interrogators tried to engender depression, to disorient detainees, break them.

JOHN CLOONAN, FBI Special Agent, 1977-'02: Where the thing goes south for me is that when you have people who are either psychiatrists or psychologists, who get into this gray world of what you can inflict upon somebody that might elicit information— that, to me, is where you cross the line.

NARRATOR: The detainees fought back. There were hunger strikes, and in one three-month period, at least 14 prisoners tried to kill themselves. And still, there was little evidence of intelligence breakthroughs. During this time, General Miller decided to blur that bright line between the MP guard force and the MI interrogators.

JOHN VanNATTA: There was no separation between the two. They were to work as one team and basically one fight.

NARRATOR: And now Miller's newly-combined teams could get more aggressive because Secretary Rumsfeld had authorized new, much tougher interrogation techniques, the harshest techniques ever authorized for use by American soldiers.

JANE MAYER: This whole process is taking place completely in the dark, outside of the view of the American public. So there are several months here in which there are just extremely coercive methods being used on detainees in Guantanamo Bay, but nobody really knew that.

NARRATOR: Now they could legally use isolation facilities, deprivation of light, 20-hour interrogations. They could remove religious items and clothing, exploit detainees' individual phobias, such as the fear of dogs, stress positions, like standing for a maximum of four hours.

ERIC LEWIS, Detainee Lawyer: One of the things he authorizes is shackling in stress positions for up to four hours a day.

NARRATOR: Rumsfeld works at a standing desk.

ERIC LEWIS: And Secretary Rumsfeld writes in his own hand, "I stand eight to 10 hours a day. Why only four?"

MARK DANNER, Author, *Torture and Truth*: When you read the documents, Secretary of Defense Donald Rumsfeld was involved very personally in approving procedures that went beyond the line of what is allowed in military law, and for that matter, in civilian law, when it comes to what can be done to prisoners.

NARRATOR: Inside and outside the Pentagon, the torture question had been raised. Justice Department and White House lawyers had written a new definition so narrow that it was almost impossible to commit the crime.

JANE MAYER: What that memo did is it defined torture down, so that the only thing that really winds up being torture is inflicting pain on someone of an order that would be equivalent to organ failure. And it has to be the intentional infliction of pain because you could always argue, "Well, I didn't really mean for it to be so painful."

NARRATOR: And the document — partly written by John Yoo and known as the Bybee memo — said the president could authorize whatever techniques were necessary to fight the war on terror.

[www.pbs.org: Read the Bybee memo]

DANA PRIEST, *The Washington Post*: It is amazing what it says. It basically says that the commander-in-chief can disregard any other law during time of war.

NARRATOR: Finally, there were tough new rules of the road, in writing, from Washington. One detainee in particular would get the treatment. His prison ID number was 063. The insiders called him "the 20th hijacker." His name was Mohammed al Qahtani.

JANE MAYER: He had to urinate on himself. He was deprived of sleep for days on end. He was deprived of food.

NARRATOR: They brought in a dog to terrorize him. He was forced to wear a woman's bra and had a thong placed on his head. They put on a dog leash and made him do animal tricks. He was called a homosexual, and a female interrogator straddled him.

DANA PRIEST: We know now that they ended up using women interrogators to try to use sexual innuendo and touching and— to make a devout Muslim feel ashamed of himself. I remember speaking to a Pentagon official, who said, you know, "Yeah, we had to give— we gave them latitude." You know, "We wanted them to be creative."

NARRATOR: There were questions about what actionable intelligence came from the harsh interrogation of Qahtani.

DANA PRIEST: What we don't know is, Did the man on the leash actually ever give up any useful information after that? The Pentagon says yes, but many people I have talked to in the intelligence area who've read the interrogations said no.

NARRATOR: It is not yet known how many other detainees were treated this way, nor if they gave interrogators useful information.

JOHN CLOONAN, FBI Special Agent, 1977-'02: Now, how effective are these techniques? If you go back and you talk to the Soviets, who were really good at this stuff, they will tell you, of course, you give up information. The question is, what do you give up,

the quality of it, and what's actionable. Generally speaking, it doesn't work,

JOHN YOO, DOJ, Office of Legal Counsel, 2001-'03: In terms of, you know, what works or not, you know, I'm not claiming to be an expert. And I think in other countries, you know, particularly in Israel, for example, they have found, I think, that coercive interrogation has led to the ability to interdict more suicide bombers, that it has allowed them to stop more attacks that would likely have occurred if they hadn't been able to use those kind of methods.

NARRATOR: The methods used by Miller and his troops on Qahtani were the last straw for the FBI. Instead of continuing to offer Miller help at Gitmo, they began to create a secret paper trail.

JOHN CLOONAN: When the bureau finds itself in a position where they realize, from talking to one inmate after another, that some things might be going on that are a little bit shady, they're going to make it a matter of record.

MICHAEL RATNER, Pres., Center for Constitutional Rights: So you saw FBI agents revealing stories and complaining to their superiors about what they considered unlawful interrogation and inhumane interrogation techniques used at Guantanamo.

FBI MEMO: "To FBIHQ. Although SA *[name omitted]* could not see her hands at all times, he saw them moving towards the detainee's lap. He also observed the detainee pulling away and against the restraints. The Marine said *[name omitted]* had grabbed the detainee's thumbs and bent them backwards and indicated that she also grabbed his genitals."

JANE MAYER, *The New Yorker*: There was the infamous incident where one of the interrogators used sort of fake menstrual blood and smeared it on a detainee who was not talking. And it was meant to just infuriate him, and by all accounts, it really did. I mean, he was— he was— he lunged at her in his chains. And they are hoping for that kind of effect.

FBI MEMO: "To FBIHQ. I entered interview rooms to find a detainee chained hand and foot in the fetal position to the floor, with no chair, food, or water. Most times, they had urinated or defecated on themselves, and had been left there for 18 to 24 hours or more."

JOHN CLOONAN: I think that any agent who walked into a room and saw a subject as has been described — crawled up in the fetal position, either deprived of water or subjected to unusually warm temperatures, pulling his hair out, people on hunger strikes, and so on — understand that that person is no good to you from an intelligence perspective. They've collapsed. They're not coherent. So what good is

it?

FBI MEMO: "To FBIHQ. It should be noted that FBI concerns and objections were documented and presented to Major General Geoffrey Miller, who oversaw Gitmo operations."

JANE MAYER: The top of the FBI warned the agents just to get out of the room. They were unable to change the policies and unable to end the techniques, and they just wanted their people— "Get out of there. Don't be part of this."

NARRATOR: There was also trouble inside the Pentagon. The Naval Criminal Investigative Service and the military's Judge Advocate Corps fought against those harsh interrogation guidelines written by Secretary Rumsfeld.

Sen. LINDSEY GRAHAM: There's a paper trail that I've looked at, where memos were written saying that the proposed policies are going to get us in trouble. They're not who we are as a nation. They're abandoning 50 years of military legal thought.

NARRATOR: In response to the criticism, Rumsfeld's tough rules were put on hold. They would try to modify them, but the techniques were already in use.

It had been a year and a half since September 11th. In the aftermath, anger and fear led to a broadened war powers authorization, limited the Geneva Conventions, skirted the Uniform Code of Military Justice, authorized harsh coercive interrogation tactics and redefined torture.

March 20, 2003

NARRATOR: That spring, something else was on Secretary Rumsfeld's mind.

Pres. GEORGE W. BUSH: My fellow citizens, at this hour, American and coalition forces are in the early stages of military operations to disarm Iraq, to free its people and to defend the world from grave danger.

NARRATOR: The "shock and awe" bombing of Baghdad and the military's run into the heart of the city took three weeks.

Sec. DONALD RUMSFELD: *[April 9, 2003]* The scenes of free Iraqis celebrating in the streets, riding American tanks, tearing down the statues of Saddam Hussein in the center of Baghdad are breathtaking!

NARRATOR: But there was early lawlessness. They couldn't find the weapons of mass destruction, or Saddam Hussein, and there was the

growing insurgency.

Gen. JACK KEANE, Vice Chief of Staff, U.S. Army, 1999-'04: There was criminality and some targeted violence against us. We're dealing with a low-tech military capability, but very, very high in motivation, very high in determination.

THOMAS WHITE, Secretary of the Army, 2001-'03: I don't think anyone at the time understood how big an issue this would be. We had things that were teetering on the edge of being out of control.

MARK DANNER, Author, *Torture and Truth*: Suicide bombers are blowing up the United Nations and the Jordanian embassy and many other high value targets, and the United States essentially has no idea where this insurgency is coming from. They have no good intelligence.

NARRATOR: Once again, the explosive mix of revenge, fear and uncertainty produced a desperate need: Track down enemies by whatever means were necessary and extract actionable intelligence. There was an immediate need for more interrogators, more MPs, and an even larger prison system. Tens of thousands of reserve and National Guard troops streamed into Iraq that summer. One group came to put the prisons together. It was led by General Janis Karpinski.

Gen. JANIS KARPINSKI, Cmdr., 800th MP Brigade, 2003-'04: There was a prevalence of fear. There was dust and heat. And I could feel it. From everybody we passed, from everybody we stopped and spoke to from the units, there was this fear.

NARRATOR: She was the first female general to take command in a combat zone. Her boss, commanding general Ricardo Sanchez, was under intense pressure from Secretary Rumsfeld to get information.

Gen. JANIS KARPINSKI: They were having these video teleconferences from the Pentagon with General Sanchez. And I never sat in on one of them, but afterwards, he would be particularly ornery. And you know, people that did sit in on the conferences said that General Sanchez was getting beat up by Rumsfeld, or he didn't have correct answers. They were becoming very impatient.

NARRATOR: They had captured thousands of prisoners. Sanchez needed a place where he could hold and interrogate them. There was one not too far from Baghdad, Abu Ghraib. General Karpinski was sent to get it organized. To get there, she would have to travel one of the most dangerous stretches of highway in Iraq.

Gen. JANIS KARPINSKI: You're already on edge. Your stress level is up considerably. You're very much aware— the awareness is

unbelievable, how fine-tuned and extreme it becomes. You're driving on these MSRs, these main supply routes, from the Coalition Provisional headquarters out to the Green Zone, out to Abu Ghraib, over miles of the most dangerous MSR in the theater.

And we got to Abu Ghraib, and I can see this huge wall that seems like it goes on for acres. And in fact, it did.

NARRATOR: It was 280 acres, the size of an airport.

Gen. JANIS KARPINSKI: You could see three towers. And I said, "Oh, well, they've got good visual." They said, "Nobody's in the towers because people are shooting at them from the outside." And I said, you know, "It's not a secure area?" "Well, not yet."

Col. BERNARD FLYNN, Commander, Abu Ghraib Prison: It's a high-visibility target because we're in a bad neighborhood. All of Iraq is a bad neighborhood. It's four walls all directions, with towers. There's one tower where it's built so close to the neighborhood that we can look into the bedrooms, you know, right there on the porches. There were snipers on those roofs and on those porches firing at the soldiers who were up there on the towers. So we're constantly on guard and trying to defend this and trying keep the insurgents away from coming inside.

Gen. JANIS KARPINSKI: From the minute we went into the entry control point, I can tell you that there was nothing at Abu Ghraib that was intact.

NARRATOR: It was Saddam Hussein's most feared prison. In anger, the Iraqis had looted and tried to destroy it totally. It was, especially with Americans moving in, the perfect symbol for the insurgents. They attacked it all the time.

Gen. PAUL KERN: It was a dangerous place to serve. People were being killed and hurt by mortar attacks. And emotions ran very high in there. People were getting hurt. Americans were getting hurt.

NARRATOR: There were few safe places. Mostly, everyone was outside.

Gen. JANIS KARPINSKI: Abu Ghraib was not in a location for a prison operation. It's in the middle of the Sunni triangle, and you don't run detention operations in the middle of a combat zone. You just don't do it.

NARRATOR: But the decision had already been made. Abu Ghraib had space for thousands of prisoners, and it looked like they might need that much. There were wide-ranging sweeps taking place throughout Iraq.

Spc. ANTHONY LAGOURANIS, Interrogator, US Army, 2001-'05: They were telling us all the time, "We need timely actionable intelligence."

Sgt. ROGER BROKAW, Interrogator, Army Reserve (Ret.): Because they were picking up people for anything, just the drop of a hat. There was quotas, quotas on interrogating so many people per week and sending reports up the chain of command.

NARRATOR: Army interrogators say the methods, whether in the prison or out in the country itself, were often brutal.

Spc. ANTHONY LAGOURANIS: When the units would go out into people's homes and do these raids, they would just stay in the house and torture them.

Sgt. ROGER BROKAW: I saw black eyes and fat lips, and some of them had to be treated for bad abrasions on legs and arms.

NARRATOR: The initial interrogation questions were, at best, basic.

Sgt. ROGER BROKAW: The questions were, "Where's Saddam?" "Do you know where there's any weapons of mass destruction?" "Do you know where there's any weapons caches?" "Do you know any people who want to harm coalition forces?"

Spc. ANTHONY LAGOURANIS: We rarely got good intel from the prisoners, and I blame that on that we were getting prisoners who were innocent and didn't have intel to give us.

Sgt. ROGER BROKAW: And 98 percent of the people I talked to had no reason being in there. They would just take them at face value and go in and raid this house and pull these people out and throw them in the detention camps.

NARRATOR: Late that summer, they were pouring into Abu Ghraib. The MPs were overwhelmed, 380 tried to guard thousands of new inmates. And in utter chaos, no one seemed certain about the prisoners' legal status.

DANA PRIEST, *The Washington Post*: Iraq is a conventional battlefield. Everybody is covered by the Geneva Conventions, mainly because it's a sovereign state. And yet the president and the White House and his supporters always called the insurgents in Iraq "terrorists" in the beginning.

Gen. PAUL KERN: People were trying to determine what the policies were. We teach soldiers to deal with prisoners of war. A prisoner of war is generally another soldier who wears a uniform just like you do, except it doesn't say U.S. Army on it, it has some other

country on it. Detainees were picked up mostly, and particularly at this point, out of uniform.

DANA PRIEST: So if you're a soldier down there and you know that we're allowed to treat terrorists, they don't abide by the rules of war—well, OK, he's got his Geneva Convention card, but his commander is telling him to get some information out of these terrorists— is that a clear situation for somebody trying to deal with that? I don't think so.

NARRATOR: This Army interrogator is still on active duty. He asked **FRONTLINE** to protect his identity.

ARMY INTERROGATOR: It was seen as malleable. It was seen as flexible. And it was a "wink, wink" atmosphere. There were briefings on the Geneva Conventions and torture, but they were seen by most who took them as kind of a joke and something that would be basically forgotten.

NARRATOR: At Gitmo, the president had declared the detainees "unlawful enemy combatants." And on the ground in Iraq, General Sanchez and his lawyers believed they could do the same.

This email tells the story. Captain William Ponce sent it to military intelligence troops in Iraq.

EMAIL: "The gloves are coming off, gentlemen. Colonel Boltz has made it clear that we want these individuals broken. Causalities are mounting, and we need to start gathering info to help protect our fellow soldiers from any further attacks."

Sgt. ROGER BROKAW, Interrogator, U.S. Army: I heard the phrase, "We're going to take the gloves off." Colonel Jordan said that one night in one of our meetings. "We're taking the gloves off. We're going to show these people," you know, "that we're in charge." And he was talking about the detainees.

INTERVIEWER: What did that mean to you, "Take the gloves off"?

Sgt. ROGER BROKAW: Well, it means we're going to get rougher.

NARRATOR: To get rougher, military interrogators both at the prison and throughout Iraq had plenty of help. Civilians arrived, working for agencies like the CIA or even private contractors.

ARMY INTERROGATOR: There was just all sorts of these spooky people, you know, that would just come and go. Some of them would stay, and some of them would come and go. And you never knew who they really were.

NARRATOR: They employed their own techniques, and some

followed their own rules.

Gen. JANIS KARPINSKI: Now you have some contractors, some civilians, who are not under the Uniform Code of Military Justice, who have been sent there specifically to do interrogation work with great liberties, to get more actionable intelligence. And all the gloves come off. "Do whatever we need to do."

Sgt. ROGER BROKAW: I had a few prisoners tell me that they had been physically abused by these people in civilian clothes. And one person showed me his chest. He opened his shirt, and he had— he was just all massive bruises, right, you know, on his chest. And he said that he had been interrogated by a guy with a beard in civilian clothes and he was punching him.

NARRATOR: And late that summer, by the time Secretary Rumsfeld made his inspection of Abu Ghraib, the process of doing "whatever needed to be done" had moved forward. He'd sent General Geoffrey Miller to take a look and recommend a course of action.

MARK DANNER, Author, *Torture and Truth*: General Geoffrey Miller, the man who'd gotten Guantanamo together, which essentially used dogs, various techniques of humiliation, and so on, is then sent to Iraq to develop similar techniques at Abu Ghraib.

MARK JACOBSON, DoD Special Asst. for Policy: So Miller takes a team of experts — detention, interrogation, leadership, logistics — over to Iraq.

NARRATOR: They arrived in August of 2003. They paid special attention to Abu Ghraib.

Sgt. Maj. JOHN VanNATTA, GTMO Prison Superintendent, 2002-'03: It was a mess. I mean, you know, there were some, you know, definitely shortcomings. There was definitely some attention that it needed to be given, that a lot of resources needed to be given.

NARRATOR: Miller came with a game plan. He advised them to "Gitmo-ize" the detention and interrogation system in Iraq.

Gen. JANIS KARPINSKI: He said, "You're too nice to the prisoners. They don't know that you're in charge, and you have to be tough with them." And I said, "You know, sir, our circumstances here in Iraq are different. You have 800 military police personnel to guard 650 prisoners, and we have 380 military police personnel to guard more than 4,000."

NARRATOR: General Miller wasn't used to being challenged. He and General Karpinski clashed.

JOHN VanNATTA: I was with him in meetings there, and he comes in very professional, very focused. He's not the type of person that you would want to say, "Why can I not do this?" It's just "Yes, let's do this and make it work."

Gen. JANIS KARPINSKI: He said, "You can take control in an easy way. You have to treat the prisoners like dogs. If they believe that they're any different than dogs, you have effectively lost control of your interrogation from the very start. And it works. This is what we do down at Guantanamo Bay."

NARRATOR: And Abu Ghraib was to be the laboratory for the Miller team's Gitmo plan.

Gen. JANIS KARPINSKI: He said, "Rick Sanchez— Rick Sanchez said I could have any facility I wanted, and I want Abu Ghraib." He said to me, "We can do this my way, or we can do this the hard way."

He said he was going to use the MPs out there. They were going to know how to assist the interrogators. I said, "Sir, they're not trained to do interrogations." He said, "We're going to change the nature of interrogation out at Abu Ghraib." And they wanted to use these techniques. They wanted to blur the lines and then make them disappear altogether.

NARRATOR: Miller wrote a report, and his team left behind a compact disc with detailed instructions. General Sanchez then authorized tough new rules that mirrored many of the techniques used in Guantanamo— isolation, working dogs, sleep management and stress positions.

Some of those who worked at Abu Ghraib were willing to talk about it.

1st ANONYMOUS INTERVIEWEE: —also that they're the ones that corrupted that place.

NARRATOR: They asked **FRONTLINE** to disguise their identities.

1st ANONYMOUS INTERVIEWEE: Because everybody was looking at Guantanamo Bay and Afghanistan as a model. There was a posted list of extended measures for interrogations that even said "by commanding general approval," which is General Sanchez. And then I would hear about them being used, so I assumed they were being approved.

NARRATOR: Before long, Sanchez's boss at CENTCOM told him to back off on the harsh tactics, but it was too late. Like the modified Rumsfeld rules and the migrating Gitmo techniques, the rules at Abu Ghraib and throughout Iraq were by now simply anybody's guess.

Gen. PAUL KERN, U.S. Army, 1967-'05: I think it became confusing. I mean, we found in computers in Abu Ghraib SECDEF memos that were written for Guantanamo, not for Abu Ghraib. And that caused confusion.

Spc. ANTHONY LAGOURANIS, Interrogator, U.S. Army, 2001-'05: In a way, you could really justify almost anything you wanted to do, so all you had to do was look around you and see, well, what seems to be acceptable, and then you do that.

Sgt. ROGER BROKAW, Interrogator, Army Reserve (Ret.): And people just did what they felt they wanted to do at the time and didn't question it.

NARRATOR: There's another prison at Abu Ghraib, a prison within the prison. They call it "the hard site." Actual cell blocks. It was inside cell blocks 1A and 1B that the bad things happened.

Colonel Thomas Pappas was in charge. He often lived at the prison. Pappas was a regular recipient of General Sanchez's wrath.

Gen. JANIS KARPINSKI: General Sanchez, on several occasions, put his finger in Colonel Pappas's chest and told him in no uncertain terms, he wanted the information and he was holding Pappas responsible for getting it.

Sgt. ROGER BROKAW: Colonel Pappas, there was pressure from him to get information. Get information. "Let's get this information, save another GI's life. If we have"— you know, "If we find these weapons, if we find these insurgents, we'll save soldiers' lives." And I think that led to this idea of condoning whatever the interrogators or the MPs wanted to do to these people to soften them up.

NARRATOR: Inside the hard site, military intelligence was using the MPs to carry out the harsher tactics that Sanchez had authorized. It was recorded in the MP log book.

LOG BOOK: "Detainee was stripped down per MI, and he is nekkid and standing tall in his cell."

NARRATOR: Inside Abu Ghraib, and indeed, throughout Iraq, the blurring of the line between MPs and MIs was becoming common practice.

2nd ANONYMOUS INTERVIEWEE: I've seen this behavior throughout the country of Iraq, and Military Police could be very useful. They could roughen up the detainees. If they didn't want their prisoner to sleep, then they wouldn't sleep. If they didn't want them to eat, they wouldn't eat. They would confuse their time schedule. And this escalated all the way to nudity, to sexual innuendo, to make them

fear that rape or other sexual acts could be performed on prisoners, to beatings, to dogs let loose in the room, and various other things.

NARRATOR: That fall, a second group from Guantanamo arrived. Techniques perfected at Guantanamo became common on the hard site— nakedness, sexual humiliation. They were used on one detainee in particular. He is known as detainee 07, a high value capture. They kept him at the hard site in isolation.

The definitive Army investigation of events at Abu Ghraib tells more.

REPORT: "Detainee 07 described being made to bark like a dog, being forced to crawl on his stomach while MPs spit and urinated on him, and being struck, causing unconsciousness. On another occasion, detainee 07 was tied to a window in his cell and forced to wear women's underwear on his head. On yet another occasion, detainee 07 was forced to lie down while MPs jumped onto his back and legs. He was beaten with a broom and a chemical light was broken and poured over his body. During this abuse, a police stick was used to sodomize detainee 07, and two female MPs were hitting him, throwing a ball at his penis, and taking photographs."

Spc. ANTHONY LAGOURANIS: Part of it is, they were trying to get information, but part of it is also just pure sadism. You just kept wanting to push and push and push and see how far you could go. It's natural for people to reach an intense level of frustration when you're sitting there with somebody that you feel you have total control over and total power over, and you can't get him to do what you want. And that you do that all day, every day. And at some point, you want to start raising the stakes.

NARRATOR: The log books show that the techniques weren't just used on detainee 07. By now, nakedness and sexual humiliations were an everyday occurrence at the hard site.

1st ANONYMOUS INTERVIEWEE: I mean, you had a lot of rank there. You know, we're not talking about just a few officers and a lot of soldiers. There was a lot of officers, high-ranking officers, a lot of senior NCOs all over the place. And none of them had a problem, seemingly, with what was going on.

NARRATOR: As the fall of 2003 wore on, with the insurgency growing, the mortar attacks, the confusion of rules and the blurring of lines, the increasingly brutal environment had an effect on everyone, including the young military intelligence team. Sometimes, to break the tension, the MIs made videotapes for their sweethearts at home. But as the weeks passed, the videos got more intense.

These home videos made by military intelligence soldiers were taken at Abu Ghraib in November of 2003. At the same time, the "softening

up" of detainees was happening in the hard site. Then the knives came out.

Spc. ANTHONY LAGOURANIS: If you're really angry because you're getting mortared all the time— I mean, rockets, they're shooting RPGs at us, there's nothing you can do. And people are dying around you because of this unseen enemy. And so you get in the interrogation booth with this guy who you think might be doing this stuff, and you know, you want to go as far as you can.

2nd ANONYMOUS INTERVIEWEE: There was a lot of soldiers that had digital cameras, and they would take pictures of literally everything that they would do.

NARRATOR: It happened at night in the hard site, cell blocks 1A and 1B.

2nd ANONYMOUS INTERVIEWEE: A lot of people knew. They were using the pictures as wallpaper for their laptop computer. You know, the interrogators, I'm sure they knew all about it

NEWSCASTER: Demonstrators gathered outside Iraq's Abu Ghraib prison today, protesting—

NEWSCASTER: —in shocking snapshots that embarrassed the Pentagon and enraged the Muslim world.

NEWSCASTER: This scandal won't go away.

NEWSCASTER: Today, two more incriminating photos are released.

NEWSCASTER: —abuse which took place not in one night but over several months. The abuse began last October and continued through December.

Sen. JOHN McCAIN: *[May 7, 2004]* I'm gravely concerned that many Americans will have the same impulse as I did when I saw this picture, and that's to turn away from them. And we risk losing public support for this conflict. As Americans turned away from the Vietnam war, they may turn away from this one.

Now, Mr. Secretary, I'd like to know, what were the instructions to the guards?

Sec. DONALD RUMSFELD: That is what the investigation that I've indicated has been undertaken is determining.

Sen. JOHN McCAIN: But Mr. Secretary, that's a very simple, straightforward question.

Sec. DONALD RUMSFELD: Well, the— the — as chief of staff of the Army can tell you, the guards are trained to guard people, they're not trained to interrogate. They're not— and their instructions are to, in the case of Iraq, adhere to the Geneva Conventions. The Geneva Conventions apply to all of the individuals there in one way or another. They apply to the prisoners of war—

NARRATOR: There were calls for Rumsfeld's removal or resignation. He offered to quit, but the president would not accept his resignation. There would follow 12 investigations and reports. The Army demoted General Janis Karpinski after finding her guilty of dereliction of duty on an unrelated personal matter. Colonel Pappas was relieved of command and was reassigned. Seven MPs and two MIs were charged and found guilty of crimes under the Uniform Code of Military Justice.

The Pentagon continues to insist Abu Ghraib was an aberration. As recently as this August, the chairman of the Joint Chiefs of Staff held the line.

Gen. RICHARD MYERS, Joint Chiefs Chairman: *[August 25, 2005]* I think we've had at least 15 investigations on Abu Ghraib, and we've dealt with that. I mean, just a little snapshot— if it was only the night shift at Abu Ghraib, which it was, it was only a small section of the guards that participated in this, it's a pretty good clue that it wasn't a more widespread problem.

NARRATOR: But then last month, a headline. Army Captain Ian Fishback alleged prisoner abuse throughout Iraq, even after the Abu Ghraib scandal.

Sec. DONALD RUMSFELD: *[September 27, 2005]* My recollection in this case— it's all secondhand information. I don't believe—

NARRATOR: But his allegations were dismissed by Secretary Rumsfeld.

Sec. DONALD RUMSFELD: What I've seen, read in the press doesn't suggest that he had firsthand information. It sounds like it's what— things he heard.

NARRATOR: But this former Army interrogator, a member of a special intelligence team in Iraq, has told **FRONTLINE** a firsthand account of his personal involvement in the harsh treatment of prisoners.

Spc. ANTHONY LAGOURANIS, Interrogator, U.S. Army, 2001-'05: And I'd already done some things that I now realized that, you know, were probably considered illegal. Like Donald Rumsfeld said, that I think, at one point during the hearings in Congress, that dogs—

military working dogs were never authorized to be used in Iraq. And I had just been using them that week. So I was, like, "Geez, you know, I'm screwed," you know? "And Donald Rumsfeld is just going to walk away from this."

[www.pbs.org: Read his extended interview]

NARRATOR: In the spring of 2004 Tony Lagouranis had left Abu Ghraib and was working in Mosul.

Spc. ANTHONY LAGOURANIS: I remember the chief warrant officer in charge of the interrogation facility. He'd heard about how the SEALs were using just ice water to lower the body temperature of the prisoner. And they would give him— you know, they would take his rectal temperature to make sure he didn't die. They would keep him hovering on hypothermia.

NARRATOR: Lagouranis's unit was using a shipping container as an interrogation cell.

Spc. ANTHONY LAGOURANIS: So we were keeping them hovering around hypothermia in this environment of what they call "environmental manipulation," with the music and strobe lights. And then we would bring in military working dogs and use those on the prisoners. Even though it was controlled— like, the dogs were muzzled, they were being held by a handler. But the prisoner didn't know that because he was blindfolded.

NARRATOR: This is the first time an interrogator has spoken publicly about using such tactics.

Spc. ANTHONY LAGOURANIS: These are big German shepherds. So when I would ask the prisoner a question and I didn't like the answer, I would cue the handler, so the dog would bark and jump on the prisoner, but he wasn't able to bite him.

INTERVIEWER: And how would the prisoner react?

Spc. ANTHONY LAGOURANIS: Fear. I mean, you know, sometimes they— you know, they— they wet their jumpsuits because they were so scared, you know? Especially because they're blindfolded. They can't figure out— you know, that's a pretty terrifying position to be in.

[www.pbs.org: Read his extended interview]

Gen. PAUL KERN, U.S. Army, 1967-'05: There was some degree of confusion about how dogs could be used. Dogs are a good thing to control detainees, they're not a good thing to do interrogations. And so people were using very liberal interpretations of what was on a piece

of paper, inaccurately and illegally.

Spc. ANTHONY LAGOURANIS: That was something I was ordered to do, and I made the chief warrant officer sign off on every single thing that I was asked to do.

NARRATOR: By the spring of 2004, the insurgency was raging, and American troops were under intense pressure to get intelligence.

2nd ANONYMOUS INTERVIEWEE: Most of the abuses around Iraq are not photographed., and so they'll never get any outrage out of it. And this makes it even harsher because around Iraq, in the back of a Humvee or in a shipping container, there's no camera. There are no cameras. There are no still photography. There's no videocameras. And there's no one looking over your shoulder, so you can do anything you want.

Spc. ANTHONY LAGOURANIS: Now it's all over Iraq. It's— as I said, people are torturing people in their homes. The infantry units are torturing people in their homes. They were using things like, as I said, burns. They would smash people's feet with the back of an axe-head. They would break bones, ribs. You know, that was— that was serious stuff.

Sen. JOHN McCAIN: American values should win against all others in any war of ideas, and we can't let prisoner abuse tarnish our image.

NARRATOR: In early October of 2005, Senator John McCain attached an amendment to a defense bill which would mandate humane treatment of detainees in the war on terror.

Sen. JOHN McCAIN: We're not simply any other country.

NARRATOR: It passed the Senate 90 to 9. In a direct rebuke of Secretary Rumsfeld and the Bush administration, 46 Republican senators had supported the amendment.

Sen. JOHN McCAIN: This isn't about who they are, this is about who we are.

NARRATOR: General Sanchez, General Miller and Colonel Pappas have testified about their roles before several government commissions, but they declined **FRONTLINE**'s request to be interviewed for this program. Secretary of Defense Donald Rumsfeld also declined to be interviewed.

[www.pbs.org: Read their testimony]

Sen. LINDSEY GRAHAM (R-SC), Armed Services Committee: After 9/11, you're responsible for defending the nation. You need as

much information as possible to save troops in the field and prevent another attack. But your goal has to be, as an American, to always adhere to the rule of law passionately, to respect the concepts of the Geneva Convention because that's who we are as a nation.

I'm proud of my country. This is not one of our greatest chapters. But in trying to win this war, you can't become your enemy in the name of defeating your enemy.

The Torture Question

WRITTEN, PRODUCED AND DIRECTED BY
Michael Kirk

CO-PRODUCER AND REPORTER
Jim Gilmore

EDITOR
Steve Audette

ASSOCIATE PRODUCER
Mike Wiser

DIRECTOR OF PHOTOGRAPHY
Ben McCoy

PHOTOGRAPHY/IRAQ
Timothy Grucza

SOUND
Steve Lederer

PRODUCTION ASSISTANT
Colette Neirouz

NARRATOR
Will Lyman

ORIGINAL MUSIC
John E. Low

ADDITIONAL PHOTOGRAPHY
Jeff Kleinman
Mark Falstad
Robert Rainey

ADDITIONAL SOUND
Carl Franson

Jeff Byers
Jeff Spence
Helen Hesse
Don Hooper

ONLINE EDITOR
Michael H. Amundson

SOUND MIX
Jim Sullivan

TRANSLATOR
Victor Abdelnour

ADDITIONAL NARRATORS
Mike McNally
Peter Burkrot

ILLUSTRATOR
John Garcia

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For FRONTLINE

DIRECTOR OF BROADCAST
Tim Mangini

POST PRODUCTION
DIRECTOR
Chris Fournelle

ON AIR PROMOTION
PRODUCER
Missy Frederick

SENIOR EDITOR
Steve Audette

AVID EDITORS
Michael H. Amundson
John MacGibbon

ASSISTANT EDITOR
Chetin Chabuk

SERIES MUSIC
Mason Daring
Martin Brody

SENIOR PUBLICIST
Diane Buxton

PUBLICIST
Andrew Ott

MARKETING MANAGER
Karen Barone

INTERACTIVE MARKETER
Jessica Smith

PROMOTION DESIGNER
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ANNOUNCER: There's more of this report on ***FRONTLINE***'s Web site, including a Web exclusive debate between legal scholars and observers on when, if ever, torture is justified, behind-the-scenes photos and video of Guantanamo and Abu Ghraib, extended interviews with U.S. officials involved in policy making on detainee treatment, a chronology of the post-9/11 decisions that laid the groundwork for abuse, plus the opportunity to watch the program again on our Web site. Then join the discussion at pbs.org.

Next time on ***FRONTLINE***/World: In Peru—

— Nobody had any idea how big this was going to be.

ANNOUNCER: —buried deep within this gold mine lie stories of international intrigue, toxic chemicals—

— The word that stops me— cyanide.

ANNOUNCER: —and rebellion. Correspondent Lowell Bergman uncovers *The Curse of Inca Gold* on the next ***FRONTLINE***/World.

FRONTLINE's *The Torture Question* is available on videocassette or DVD. To order, call PBS Home Video at 1-800-PLAY PBS. *[$29.99 plus s&h]*

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