

cell (b)(6) z

#1.txt

Subject: USARC Special Assessment of MP / MI training

LTC [REDACTED]

Simply sending an e-mail to you an e-mail following our phone call this morning so that you can get the name [LTC [REDACTED]], e-mail address [see cc line above], and phone number [(404) [REDACTED]] of the USARC IG POC for the on-going Special Assessment that LTG Helmly directed in the attached memo.

Please coordinate with him if you can find any Judge Advocates who can help assess B Co, 165th MI Bn "interrogation training" apparently scheduled for Sunday 6 June from 0800 - 1130 at Ft. Snelling and the 327th MP Det.'s "Geneva Conventions training" apparently scheduled for 0830 - 1130 on 6 June at Arlington Heights, IL.

LTC [REDACTED]

Acting Chief, Military Law Division

OSJA, US Army Reserve Command, Ft. McPherson, GA

Duty Phone: (404) [REDACTED] DSN: 367

Fax: (404) [REDACTED]

Home Phone: [REDACTED]

From: [REDACTED] LTC USARC SJA  
Sent: Monday, May 17, 2004 11:31 AM  
To: [REDACTED] LTC (88 SJA); [REDACTED] COL (88SJA)  
Cc: [REDACTED] LTC USARC SJA; [REDACTED] LTC USARC SJA; [REDACTED]  
Subject: USARC SJA; [REDACTED] MAJ - SJA; [REDACTED] LTC - SJA  
FW: 377th MP Investigation (Bagram detainee deaths)

Sir:

Forwarded simply FYI. BG Beasley replied to my e-mail after I had already left for the Senior JA / IG War Council in New Orleans.

[REDACTED] Please let this e-mail stand for the confirmation you requested that our office has received specific direction from the FORSCOM OSJA that they are the lead and sole command / OSJA that will determine the handling and prosecution of all cases in connection with this unit and the detainee deaths in Bagram. In effect FORSCOM has "withheld jurisdiction" at this point.

Of course the administrative flags for all of these soldiers should remain in place. For those soldiers with an approaching ETS date, your command needs to ensure (I know I'm asking you - yet again - to check on this !) that the flags that are

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already imposed are with a view towards trial by court-martial (thus preventing an ETS).

V/R [REDACTED]  
LTC [REDACTED]  
Acting Chief, Military Law  
USARC OSJA  
(404) [REDACTED]

-----Original Message-----

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Wednesday, May 12, 2004 3:29 PM  
To: [REDACTED] LTC USARC SJA  
Subject: Re: 377th MP Investigation (Bagram detainee deaths)

[REDACTED]

Thanks very much. Unlike some other cases, I think that these are being handled well ... Although maybe a bit slow. That is attributable, believe, to some unique problems. I appreciate the input, and recognize that we may have to move quickly when jurisdiction is determined.

M Beasley, CG, 88th RRC

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: [REDACTED] LTC USARC SJA [REDACTED]@us.army.mil>  
To: Beasley, Michael W BG (88 CMDGRP CG) <Michael.Beasley1@us.army.mil>; [REDACTED] LTC (88 SJA) <[REDACTED]@us.army.mil>; [REDACTED]@us.army.mil>; [REDACTED] MAJ - SJA <[REDACTED]@forscom.army.mil>; [REDACTED] CW3' <[REDACTED]@belvoir.army.mil>; [REDACTED] COL (88SJA) <[REDACTED]@us.army.mil>  
Sent: Sun May 09 14:26:56 2004  
Subject: RE: 377th MP Investigation (Bagram detainee deaths)

Sir:

To my knowledge, there has been no determination yet as to which Active Army installation could or will host any of the potential UCMJ proceedings associated with this investigation. The FORSCOM OSJA, however, has the lead and is still discussing and coordinating the issue of where / when / and how the logistics of any UCMJ proceedings may occur. This may prove to be a case where any prosecution is handled with FORSCOM lead and assist provided by mobilized Army Reserve Judge advocates and enlisted legal personnel. Your OSJA and ours continue to remain in contact with, and offer support to, the FORSCOM OSJA as it continues to coordinate and direct the handling of these cases.

\* \* \* \* \*

Simply FYI, I am attaching an e-mail I sent earlier today that notes that wire service stories are now repeating the specific names of the detainees involved in the investigation into the 377th MP Co.. There has still been no known media identification of the 377th MP Company or any other specific military units in connection with these deaths.

V/R LTC [REDACTED]  
Acting Chief, Military Law Division

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Office of the Staff Judge Advocate  
U.S. Army Reserve Command (ATTN: AFRC-JA)  
1401 Deshler Street, SW  
Fort McPherson, GA 30330-2000  
(404) [redacted] or DSN 367 + Ext.  
Fax: (404) [redacted]

-----Original Message-----

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Sunday, May 09, 2004 2:13 PM  
To: [redacted] LTC (88 SJA); [redacted] LTC USARC SJA  
Cc: [redacted] MAJ - SJA; [redacted] CW3'; [redacted] COL (88SJA)  
Subject: RE: Exsum, 377TH MP Titling

Has there been any further determinations or discussion of jurisdictional issues?

BG Beasley, CG, 88th RRC

-----Original Message-----

From: [redacted] LTC (88 SJA)  
Sent: Thursday, May 06, 2004 12:03 PM  
To: [redacted] LTC USARC SJA  
Cc: [redacted] MAJ - SJA; [redacted] CW3'; Beasley, Michael W BG (88 CMDGRP CG); [redacted] COL (88SJA)  
Subject: FW: Exsum, 377TH MP Titling

LTC [redacted]

The attached exsum includes details of the current titling of 377th soldiers. This info has been confirmed as current by CID and MAJ [redacted] the trial counsel.

<< File: EXSUM 377th MP Cases.doc >>

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612 [redacted]  
Fax: 612 [redacted]

From: [redacted]  
Sent: Tuesday, May 11, 2004 2:52 PM  
To: [redacted] LTC (88 SJA)  
Subject: RE: Abu Grahaib

Obviously that seems to be the reasonable course. After thinking about it, I added a postscript that its to be considered a press account of the document. We cannot verify the authenticity or classification since it did not come through channels. The training value is the same.

The detail is chilling however.

MP Bdes have a JA slot in the MTOE.

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all (b)(6)z

#1.txt

Tough times.

-----Original Message-----

From: [REDACTED] LTC (88 SJA) [mailto:[REDACTED]@us.army.mil]  
Sent: Tuesday, May 11, 2004 3:31 PM  
To: [REDACTED]  
Subject: RE: Abu Grahaib

Thanks sir. I'm aware of it.

As I understand, it was not officially released and is technically classified. Someone released it to the media improperly is what I've heard. I also heard there was some discussion through DOD about trying to block access to it by electronic means, but apparently cooler heads determined that this would likely be both ineffective and improper.

I think it would work well for training purposes.

[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[REDACTED]  
Fax: 612-[REDACTED]

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]]  
Sent: Tuesday, May 11, 2004 1:59 PM  
To: [REDACTED] (E-mail)  
Subject: Abu Grahaib

[REDACTED] Don't know if you are aware of it, but the complete 15-6 for the Abu Grahaib situation is available through the press. It would appear that it was released at some point as it is consistently referred to. Interesting reading if you have not reviewed yet.

I am using it for training, ie, what are the GPW standards that are implicated, as well as the leadership lapses.  
Let me know if you need a reference.

[REDACTED]  
From: [REDACTED]  
Sent: Tuesday, May 11, 2004 1:59 PM  
To: [REDACTED] (E-mail)  
Subject: Abu Grahaib

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I am using it for training, ie, what are the GPW standards that are implicated, as well as the leadership lapses.  
Let me know if you need a reference.

[REDACTED]  
From: [REDACTED]@us.army.mil  
Sent: Monday, May 10, 2004 9:53 PM  
To: [REDACTED]  
Cc: [REDACTED]@usarc-emh2.army.mil

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all (b)(6) 2 exceptions noted

#1.txt

Subject: Re: FW: INVESTIGATION

Hello SGM [redacted], just following up to see if there is any update on the investigation assignment. Thanks.

SFC [redacted]

----- Original Message -----

From: [redacted]@aol.com

Date: Tuesday, March 23, 2004 6:48 pm

Subject: Re: FW: INVESTIGATION

> SFC [redacted]: Thanks for your interest in helping us out. I am  
 > [redacted] LTC  
 > [redacted]s, our full time Deputy Staff Judge Advocate. We will  
 > keep your name  
 > on file and when things are a little more determined, such as  
 > length of duty  
 > (probably two to four months), I will get back to you as LTC [redacted]  
 > directs.  
 > Thanks again for expressing your interest and I will keep you advised.

> SGM [redacted] CHIEF PARALEGAL NCO, 88th REGIONAL READINESS COMMAND

From: [redacted] CW3 [redacted]@belvoir.army.mil] (b)(6)-1

Sent: Monday, May 10, 2004 5:14 PM

To: [redacted] CW3; [redacted] CW5; 'COL [redacted] (E-mail)';  
 [redacted] CW3; [redacted] (E-mail)'; [redacted] CW3 - 3d MP Group Koch (CID)  
 (E-mail) (E-mail)'; [redacted] MAJ - SJA; [redacted]

Cc: 'CW3 [redacted] (E-mail)'; [redacted] Maj. [redacted] (E-mail)'; [redacted]  
 [redacted] (E-mail)'; [redacted] LTC [redacted] (E-mail)'

Subject: Status Reports Bagram Detainee Death Cases 10 May 04

Attached are the most recent approved status reports pertaining to the Afghanistan detainee death ROIs.

Copies are being provided to all addressees listed in the distribution section of the reports.

We continue efforts to determine criminal culpability for the death(s).

[redacted] (b)(6)-1

CW3, MP  
HQ, USACIDC

703.806.0299 wk  
 703.806.0307 Fax  
 DSN Prefix: 656  
 571.221.2300 Cell (as of 1 Apr 04) (b)(6)-1  
 [redacted]@belvoir.army.mil

WARNING: This message is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, law enforcement sensitive, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

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all (b)(6)z

#1.txt

If you have received this communication in error, please notify us immediately by reply or by telephone (703) [redacted] and immediately delete this message and all its attachments.

From: [redacted] Mr (88PAO)  
Sent: Monday, May 10, 2004 4:01 PM  
To: 88th Directorates (FTUS)  
Cc: 88 PAO  
Subject: FW: USAR Public Affairs Guidance -- Abu Ghraib  
Signed By: [redacted]@us.army.mil  
Importance: High

-----Original Message-----

From: [redacted] Mr (88PAO)  
Sent: Monday, May 10, 2004 3:44 PM  
To: 88 300MP; 88 303OD; 88 330MD; 88 336TC; 88 643d ASG; 88 644th ASG; 88 645th ASG; 88 646th ASG; 88 88RSG  
Cc: 88 PAO  
Subject: FW: USAR Public Affairs Guidance -- Abu Ghraib  
Importance: High

Please refer all media requests to the 88th RRC PAO. We will refer to the proper release authority. Please disseminate this message to your subordinate units.

-----Original Message-----

From: [redacted] Mr USARC PAO  
Sent: Monday, May 10, 2004 1:26 PM  
To: [redacted]

[redacted]  
[redacted] 416th PAO; [redacted] SOC PAO;  
[redacted]  
[redacted] 7th ARCOM;  
[redacted]  
[redacted]@us.army.mil;  
[redacted]  
100th Div PAO; 143d Transcom PAO; 311th PAO; 311th TSC PAO; 80th Div PAO; 84th Div Maj [redacted] 91DIV PAO; 95th PAO Maj. [redacted]@us.army.mil;  
[redacted] ERDC-CHL-MS; [redacted] 104th;  
[redacted] 108th Div;  
[redacted]@us.army.mil;  
[redacted] (Mr.) - 412th

ENCOM  
Cc: [redacted] - PAO  
Subject: USAR Public Affairs Guidance -- Abu Ghraib

Hello all,

023365

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The following is USAR Public Affairs Guidance concerning the issue of abuse of Iraqi prisoners at Abu Ghraib, and the ongoing legal issues involving our Army Reserve Soldiers. Please remember that while the units involved come from the 99th and 77th RRC, you all may well have soldiers who were cross-leveled into those units.

Any and all queries concerning actions of the units and/or individuals while in Iraq or any questions concerning the court-martial proceedings should be referred to CENTCOM PAO without comment.

Any other questions concerning those soldiers, their character or their actions, the units involved, and the training of those units (or even MP training in general) should be referred to USAR PAO without comment. Any USAR Soldiers or leaders commenting on these issues might jeopardize the ongoing investigations and ongoing courts-martial proceedings.

[Redacted]

Deputy Director, Public Affairs

US Army Reserve

404 [Redacted]

From: [Redacted] LTC USARC SJA  
Sent: Sunday, May 09, 2004 1:27 PM  
To: Beasley, Michael W BG (88 CMDGRP CG); [Redacted] LTC (88 SJA);  
CC: [Redacted] MAJ - SJA; [Redacted] CW3'; [Redacted] COL (88SJA)  
Subject: RE: 377th MP Investigation (Bagram detainee deaths)

Sir:

To my knowledge, there has been no determination yet as to which Active Army installation could or will host any of the potential UCMJ proceedings associated with this investigation. The FORSCOM OSJA, however, has the lead and is still discussing and coordinating the issue of where / when / and how the logistics of any UCMJ proceedings may occur. This may prove to be a case where any prosecution is handled with FORSCOM lead and assist provided by mobilized Army Reserve Judge advocates and enlisted legal personnel. Your OSJA and ours continue to remain in contact with, and offer support to, the FORSCOM OSJA as it continues to coordinate and direct the handling of these cases.

\* \* \* \* \*

023366

all(b)(6)z

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Simply FYI, I am attaching an e-mail I sent earlier today that notes that wire service stories are now repeating the specific names of the detainees involved in the investigation into the 377th MP Co.. There has still been no known media identification of the 377th MP Company or any other specific military units in connection with these deaths.

V/R [redacted]  
Acting Chief, Military Law Division  
Office of the Staff Judge Advocate  
U.S. Army Reserve Command (ATTN: AFRC-JA)  
1401 Deshler Street, SW  
Fort McPherson, GA 30330-2000  
(404) 464-[redacted] or DSN 367 + Ext.  
Fax: (404) [redacted]

-----Original Message-----

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Sunday, May 09, 2004 2:13 PM  
To: [redacted] LTC (88 SJA); [redacted] LTC USARC SJA  
Cc: [redacted] MAJ - SJA; [redacted] CW3'; [redacted] COL (88SJA)  
Subject: RE: Exsum, 377TH MP Titling

Has there been any further determinations or discussion of jurisdictional issues?

BG Beasley, CG, 88th RRC

-----Original Message-----

From: [redacted] LTC (88 SJA)  
Sent: Thursday, May 06, 2004 12:03 PM  
To: [redacted] LTC USARC SJA  
Cc: [redacted] MAJ - SJA; [redacted] CW3'; Beasley, Michael W BG (88 CMDGRP CG); [redacted] COL (88SJA)  
Subject: FW: EXSUM, 377TH MP Titling

LTC [redacted]

The attached exsum includes details of the current titling of 377th soldiers. This info has been confirmed as current by CID and MAJ [redacted], the trial counsel.

<< File: EXSUM 377th MP Cases.doc >>

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Sunday, May 09, 2004 1:13 PM  
To: [redacted] LTC (88 SJA); [redacted] LTC USARC SJA  
Cc: [redacted] MAJ - SJA; [redacted] CW3'; [redacted] COL

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except as noted  
(b)(6)2

#1.txt

(88SJA)  
Subject: RE: Exsum, 377TH MP Titling

Has there been any further determinations or discussion of jurisdictional issues?

BG Beasley, CG, 88th RRC

-----Original Message-----

From: [redacted] LTC (88 SJA)  
Sent: Thursday, May 06, 2004 12:03 PM  
To: [redacted] LTC USARC SJA  
Cc: [redacted] MAJ - SJA; [redacted] CW3'; Beasley, Michael W BG (88  
CMDGRP CG); [redacted] COL (88SJA)  
Subject: FW: Exsum, 377TH MP Titling

LTC [redacted]

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<< File: EXSUM 377th MP Cases.doc >>

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

From: [redacted] LTC USARC SJA  
Sent: Sunday, May 09, 2004 12:53 PM  
To: [redacted] LTC (88 SJA); [redacted] LTC USARC SJA; [redacted]  
[redacted] LTC USARC SJA; [redacted] COL USARC IG; [redacted] LTC USARC IG;  
[redacted] LTC USARC PAO; [redacted] COL USARC PAO; [redacted]  
Mr USARC PAO; [redacted] Mr (OCAR-CSG)  
Cc: [redacted] CPT (88 SJA); [redacted] CPT (88 SJA); [redacted]  
[redacted] COL (88SJA); [redacted] Mr (88RRC, 300MP)  
Subject: RE: 377th MP Co / Afghan detainee deaths in the news

As you may already know, the specific names of the Afghan detainees who deaths prompted CID's investigation of the 377th MP have resurfaced in the new. One AP article is available here < <http://apnews1.iwon.com/article/20040508/D82EHI2G0.html> > and is excerpted below to make it "Blackberry friendly":

A Look Prisoners' Deaths in U.S Custody

May 8, 1:29 PM (ET)

By [redacted] (b)(6) 3

WASHINGTON (AP) - They were shot during riots and while trying to escape. One passed out during an interrogation and died.

Some of the deaths of prisoners in U.S. custody in Iraq and Afghanistan have been ruled homicides. Others were attributed to natural causes. Many of the case are unexplained.

Army officials say they are looking into at least 25 prisoner deaths since December 2002.

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Army Provost Marshal Maj. Gen. Donald Ryder said last week that 12 deaths were the result of natural or undetermined causes, 10 were under investigation and three were classified as homicides.

One of those homicides was considered a justified shooting of an escaping prisoner. A second was a case of excessive force; the soldier was demoted and discharged.

The third, involving civilians, has been referred to the Justice Department.

The military has not provided details of the cases it is investigating.

The CIA's inspector general is conducting inquiries into the deaths of three prisoners that may have involved agency officers or contractors. At least one case also is under review by the Army.

It is unclear whether officials are investigating the deaths of more prisoners in those two countries.

The Associated Press compiled the following review of prisoner deaths reported in both countries, based on information from military and intelligence officials, and the Teguba report, which is classified, internal Army investigation into conditions at the Abu Ghraib prison in the Baghdad area.

Details about many of the cases are sketchy....

\_Bagram Air Base, Afghanistan, Dec. 10, 2002: Dilawar, 22, an Afghan taxi driver, dies of "blunt force injuries" while in U.S. custody. This death - classified as a homicide - remains under investigation.

\_Bagram, Dec. 3, 2002: Mullah Habibullah, about 30, dies of "blunt force injuries" while in U.S. custody. This death - classified as a homicide - remains under investigation...

Ryder also said 10 prisoner abuse investigations that did not result in deaths are moving ahead. The Army's acting secretary, Les Brownlee, said Friday that an additional 42 potential cases of misconduct against civilians occurred outside detention facilities and are being investigated.

They did not detail any of the cases....

Another AP wire story that began appearing in papers (such as this one [http://seattlepi.nwsource.com/national/apasia\\_story.asp?category=1104&slug=Afghan%20Prisoner%20Abuse](http://seattlepi.nwsource.com/national/apasia_story.asp?category=1104&slug=Afghan%20Prisoner%20Abuse) ) includes the following text. It does not identify the victims involved in the 377th MP Co investigation but generally describes "the investigation" as "yet to be concluded."

Saturday, May 8, 2004 · Last updated 7:18 a.m. PT  
U.S.: Afghan prisoners treated humanely

By [REDACTED] ASSOCIATED PRESS WRITER

(b)(6)3

KABUL, Afghanistan -- The U.S. military said Saturday it was treating its prisoners in Afghanistan "humanely," a day after Defense Secretary Donald Rumsfeld apologized for abuses in Iraq.

The deaths of three Afghans in secretive American detention centers are currently under investigation, and rights groups point to lingering allegations of torture of prisoners who have been held here.

Spokesman Lt. Col. Tucker Mansager said that conditions for the detainees were "in the spirit of the Geneva Conventions," even though the prisoners had no legal claim to those conventions.

The U.S. military views Taliban and al-Qaida prisoners as "unlawful combatants," and has held hundreds captured in the war that ousted the Taliban in late 2001 for more

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than two years without formal charge or access to lawyers. Mansager said the U.S. Army's inspector general performed an "in-depth" inspection of the military's main holding facility at Bagram, north of Kabul, in March. He said he didn't know if that review was prompted by the investigation of abuse of prisoners in Iraq, which began in January.

The inspector's findings have not been released. But Mansager insisted prisoners were being treated properly in Afghanistan.

"Persons placed under our control are treated humanely and kept under humanitarian conditions," Mansager told reporters.

The American military says it changed procedures at Bagram, the main military base where it runs a closely guarded jail, after the death of two prisoners in December 2002, although it hasn't detailed what those changes are.

The military ruled both deaths as homicides after autopsies showed the men suffered blunt force injuries, but has yet to conclude its investigation into them, saying it has been held up by the difficulty in gathering evidence among witnesses who have left Afghanistan and in some cases, military service.

A third Afghan died in June at a holding facility in eastern Kunar province.

A U.S. intelligence official said on Wednesday that the CIA inspector-general is investigating that death because it involved an independent contractor working for the agency.

Asked if the force had received new orders on handling prisoners since the damaging revelations in Iraq, Mansager said officials in Afghanistan "on a regular basis reevaluate our procedures and techniques."

"Any allegations of wrongdoing on behalf of coalition forces are always fully investigated once they are brought to our attention," Mansager said.

Commanders in Afghanistan have refused to comment on findings in an internal Army report that prison guards in Iraq and Afghanistan were told to "soften up" prisoners so they would be more cooperative during interrogations.

In Washington on Friday, Rumsfeld apologized for abuses of Iraqi prisoners at the Abu Ghraib prison and warned members the scandal could worsen with the release of videos and more photographs depicting brutality.

V/R [REDACTED]  
Acting Chief, Military Law Division  
Office of the Staff Judge Advocate  
U.S. Army Reserve Command (ATTN: AFRC-JA)  
1401 Deshler Street, SW  
Fort McPherson, GA 30330-2000  
(404) 464-[REDACTED] or DSN 367 + Ext.  
Fax: (404) [REDACTED]

From: [REDACTED] LTC USARC SJA  
Sent: Thursday, May 06, 2004 1:42 PM  
To: [REDACTED] LTC USARC SJA; [REDACTED] LTC USARC SJA; [REDACTED]  
Subject: RE: Exsum, 377TH MP Titling

[REDACTED] no longer drilling. You might want to maintain visibility of his status for recall for trial. Not sure when his active reserve obligation v. statutory MSO date is. Assume that the flag will prevent his being processed as a nonparticipant.

V/R,

LTC [REDACTED]  
Deputy Staff Judge Advocate  
US Army Reserve Command  
(404) 464-8058, DSN 367-8058  
Fax: (404) [REDACTED]  
Secure: (404) [REDACTED]

all (b)(6)2 except as  
noted

#1.txt

-----Original Message-----

From: [REDACTED] LTC USARC SJA  
Sent: Thursday, May 06, 2004 2:00 PM  
To: [REDACTED] LTC USARC SJA; [REDACTED] LTC USARC SJA  
Subject: FW: Exsum, 377TH MP Titling

-----Original Message-----

From: [REDACTED] LTC (88 SJA)  
Sent: Thursday, May 06, 2004 2:03 PM (b)(6)1  
To: [REDACTED] LTC USARC SJA  
Cc: [REDACTED] MAJ - SJA; [REDACTED] CW3'; Beasley, Michael W BG (88  
CMDGRP CG); [REDACTED] COL (88SJA)  
Subject: FW: EXsum, 377TH MP Titling

LTC [REDACTED]

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<< File: EXSUM 377th MP Cases.doc >>

[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[REDACTED]  
Fax: 612-[REDACTED]

From: [REDACTED] LTC USARC SJA  
Sent: Thursday, May 06, 2004 1:01 PM  
To: [REDACTED] LTC (88 SJA)  
Subject: RE: Exsum, 377TH MP Titling

Many Thanks! [REDACTED] etc.

-----Original Message-----

From: [REDACTED] LTC (88 SJA)  
Sent: Thursday, May 06, 2004 2:03 PM (b)(6)-1  
To: [REDACTED] LTC USARC SJA  
Cc: [REDACTED] MAJ - SJA; [REDACTED] CW3'; Beasley, Michael W BG (88  
CMDGRP CG); [REDACTED] COL (88SJA)  
Subject: FW: EXsum, 377TH MP Titling

LTC [REDACTED]

The attached exsum includes details of the current titling of 377th Soldiers. This info has been confirmed as current by CID and MAJ [REDACTED] the trial counsel.

<< File: EXSUM 377th MP Cases.doc >>

[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[REDACTED]  
Fax: 612-[REDACTED]

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All (b)(6) 2 unless otherwise noted

#1.txt

From: [REDACTED] LTC (88 SJA)  
Sent: Thursday, May 06, 2004 1:03 PM  
To: [REDACTED] LTC USARC SJA (b)(6)-1  
Cc: [REDACTED] MAJ - SJA; [REDACTED] CW3'; Beasley, Michael W BG (88 CMDGRP CG); [REDACTED] COL (88SJA)  
Subject: FW: Exsum, 377TH MP Titling

LTC [REDACTED]

The attached exsum includes details of the current titling of 377th Soldiers. This info has been confirmed as current by CID and MAJ [REDACTED] the trial counsel.

[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[REDACTED]  
Fax: 612-[REDACTED]

From: [REDACTED] Mr (88RRC, 300MP) (b)(6)-1  
Sent: Thursday, May 06, 2004 12:24 PM  
To: [REDACTED] LTC (88 SJA)  
Cc: [REDACTED] (88RRC, 300MP) (b)(6)-1  
Subject: FW: 377th ETS dates / Flagging Actions  
Signed By: [REDACTED]@us.army.mil (b)(6)-1

LTC [REDACTED]

Per our conversation.

[REDACTED]  
SSA, 300th Military Police Brigade  
Telephone: (313) [REDACTED]  
Facsimile: (313) [REDACTED]  
Email: [REDACTED]@usarc-emh2.army.mil  
AKO Email: [REDACTED]@us.army.mil

} (b)(6)-1

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> -----Original Message-----

> From: [REDACTED] LTC (88 SJA)  
> Sent: Wednesday, February 25, 2004 2:34 PM  
> To: [REDACTED] (88RRC, 300MP) (b)(6)-1  
> Cc: Beasley, Michael W BG (88 CMDGRP CG); Payne, James E BG (88RRC, 300MP); [REDACTED] Mr (88RRC, 785MP); [REDACTED] LTC (88RRC, 785MP); [REDACTED] MAJ (88 SJA); [REDACTED] er, Eric COL (88SJA); [REDACTED] (88 SJA); [REDACTED] CW3'; [REDACTED]  
> Subject: RE: 377th ETS dates (b)(6)-1  
> Mr. [REDACTED] thank you for getting this information to us.

#1.txt

> I spoke to SFC [redacted] at the 377th MP Co this morning to verify the  
> ETS date on SPC [redacted] which was listed below as Jan 04. That was  
> a typo. SPC [redacted] ETS is 4 Jan 05, not Jan 04.

> SFC [redacted] also provided me with clarifications on the following  
> personnel who have release dates from TPU service prior to their actual  
> ETS (statutory obligation):

> SPC [redacted] TPU expires 5 Jan 06; ETS 5 Jan 08  
> SPC [redacted] TPU expires 24 Aug 06; ETS 24 Aug 08  
> SPC [redacted]: TPU expires 1 Aug 07 ETS 1 Aug 09

> Further, one soldier we thought was flagged, SPC [redacted] was  
> released from the unit and transferred to the IRR in the fall, upon  
> completion of a 6x2 contract (i.e., 6 years in a drilling unit; now  
> performing 2 years in IRR for his 8 year statutory completion). I'm  
> waiting for a copy of his release order.

> SFC [redacted] verified the other soldiers' ETS dates as they are listed  
> below.

> V/R, LTC [redacted]  
> LTC, JA, Deputy SJA  
> 88th RRC  
> 506 Roeder Circle  
> Ft. Snelling, MN 55102  
> Tel: 612-[redacted]  
> Fax: 612-[redacted]

-----Original Message-----

> From: [redacted] MAJ (88 SJA)  
> Sent: Wednesday, February 25, 2004 9:12 AM  
> To: [redacted] COL (88SJA)  
> Cc: [redacted] LTC (88 SJA)  
> Subject: FW: 377th ETS dates

> Sir,  
> Attached are the individual ETS dates as requested.

> MAJ [redacted]  
> Assistant Staff Judge Advocate  
> 88th Regional Readiness Command, SJA  
> E-mail: [redacted]@us.army.mil  
> Phone: 1.800-[redacted] ext. [redacted]  
> DSN: 783-[redacted]  
> Fax: 612-[redacted]

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> e-mail and destroy all copies of the original message.

-----Original Message-----

> From: [redacted] Mr (88RRC, 300MP)  
> Sent: Wednesday, February 25, 2004 6:21 AM  
> To: [redacted] MAJ (88 SJA)  
> Cc: Beasley, Michael W BG (88 CMDGRP CG); Payne, James E BG (88RRC,  
> 300MP); [redacted] LTC (88RRC, 785MP); [redacted] Ms (88RRC,

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#1.txt

> 300MP)  
> Subject: FW: 377th ETS dates

> MAJ [REDACTED] (b)(6)-2

> Forwarded as requested.

> [REDACTED] (b)(6)-1

> SSA, 300th Military Police Brigade

> Telephone: (313) [REDACTED]

> Facsimile: (313) [REDACTED]

> Email: [REDACTED]@usarc-emh2.army.mil (b)(6)-1  
> AKO Email: [REDACTED]@us.army.mil

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> e-mail and destroy all copies of the original message.

-----Original Message-----

> From: [REDACTED] Mr (88RRC, 785MP) (b)(6)-1

> Sent: Tuesday, February 24, 2004 2:11 PM

> To: [REDACTED] (88RRC, 300MP)

> Subject: FW: 377th ETS dates

> [REDACTED] (b)(6)-1

> Here is information you requested.

> SSA, 785th MP Bn (b)(6)-1

-----Original Message-----

> From: [REDACTED] SFC (88RRC, 377MP) (b)(6)-1

> Sent: Tuesday, February 24, 2004 1:51 PM

> To: [REDACTED] Mr (88RRC, 785MP)

> Subject: RE: 377th ETS dates

Sir,

> The following are the names of the flagged soldiers and their ETS  
> dates:

SGT	[REDACTED]	22 AUG 2004
SPC	[REDACTED]	06 JAN 2004
SGT	[REDACTED]	05 JAN 2008
SPC	[REDACTED]	09 AUG 2007
SSG	[REDACTED]	08 JUN 2006
SGT	[REDACTED]	14 JUN 2008
SGT	[REDACTED]	13 JAN 2008
SSG	[REDACTED]	07 DEC 2004
SPC	[REDACTED]	27 AUG 2007
SGT	[REDACTED]	05 MAR 2005
SPC	[REDACTED]	24 AUG 2008
SPC	[REDACTED]	01 AUG 2009
SSG	[REDACTED]	15 MAY 2004
SGT	[REDACTED]	10 MAY 2008
SPC	[REDACTED]	14 JUN 2008

(b)(6)-5

023374

(b)(6) except as noted

-----Original Message-----

From: [redacted] (88RRC, 785MP)  
Sent: Tuesday, February 24, 2004 12:46 PM  
To: [redacted] SFC (88RRC, 377MP)  
Subject: FW: 377th ETS dates

-----Original Message-----

From: [redacted] Mr (88RRC, 300MP)  
Sent: Tuesday, February 24, 2004 12:37 PM  
To: [redacted] Mr (88RRC, 785MP); [redacted] MAJ  
(88RRC, 785MP)  
Cc: Beasley, Michael W BG (88 CMDGRP CG); Payne, James E BG  
(88RRC, 300MP); [redacted] LTC (88RRC, 785MP); [redacted] S  
(88RRC, 300MP)  
Subject: FW: 377th ETS dates

Mr. [redacted] / MAJ [redacted]

Reference below email and previous traffic identifying person's of interest and directed flagging actions.

Provide a by-name ETS roster back to me. I will forward back to the 88th RRC.

[redacted]  
SSA, 300th Military Police Brigade  
Telephone: (313) [redacted]  
Facsimile: (313) [redacted]  
Email: [redacted]@usarc-emh2.army.mil  
AKO Email: [redacted]@us.army.mil

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-----Original Message-----

From: [redacted] MAJ (88 SJA) (b)(6)-2  
Sent: Tuesday, February 24, 2004 12:33 PM  
To: [redacted] (88RRC, 300MP)  
Subject: [redacted] 377th ETS dates

(b)(6)-2 Mr. [redacted] has asked me to get the ETS dates for all of the flagged members of the 377th. If possible he would like to get this information today as the issue is rather urgent.  
Thanks for your help.

MAJ [redacted] (b)(6)-2  
Assistant Staff Judge Advocate  
88th Regional Readiness Command, SJA

E-mail: [redacted]@us.army.mil (b)(6)-2

023375



*all (b)(6) - 2 except as noted*

#1.txt

> Phone: 1.800. [redacted] ext. [redacted]  
> DSN: [redacted]  
> Fax: 612. [redacted]  
>

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>

From: [redacted] MAJ - SJA [redacted]@rscom.army.mil]  
Sent: Thursday, May 06, 2004 10:44 AM  
To: [redacted] LTC (88 SJA)  
Subject: RE: Exsum, 377TH MP Titling

No problem Ma'am. Although I hate to make predictions, we may finally have reached action stage up here. We'll see.

V/R,

MAJ [redacted]

-----Original Message-----

From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Thursday, May 06, 2004 9:28 AM  
To: [redacted] MAJ - SJA  
Subject: RE: Exsum, 377TH MP Titling

Thank you very much for the quick reply MAJ [redacted]

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

-----Original Message-----

From: [redacted] MAJ - SJA [mailto:[redacted]@rscom.army.mil]  
Sent: Thursday, May 06, 2004 8:13 AM  
To: [redacted] LTC (88 SJA); [redacted] CW3 (b)(6)-1  
Cc: [redacted] MAJ - SJA  
Subject: RE: Exsum, 377TH MP Titling

023376

*All (b)(6)2 except as noted*

#1.txt

Ma'am:

This looks very good to me. When the next status report comes out, you can probably expect to see more folks and more charges as this document predicts.

Very Respectfully,

[Redacted]

[Redacted]

MAJ, JA

Military Law Attorney, FORSCOM OSJA

404-[Redacted]

-----Original Message-----

From: [Redacted] LTC (88 SJA) [mailto:[Redacted]@us.army.mil]  
Sent: Wednesday, May 05, 2004 5:40 PM  
To: [Redacted] CW3 (b)(6)-1  
Cc: [Redacted] MAJ - SJA  
Subject: EXSUM, 377TH MP Titling

*(b)(6)1*

<<EXSUM 377th MP Cases.doc>>

Agent [Redacted] - would you be so kind as to verify that the titling I have listed in the above document ref the 377th MP soldiers is still current? Thank you.

[Redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[Redacted]  
Fax: 612-[Redacted]

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Thursday, May 06, 2004 9:33 AM  
To: [Redacted] LTC (88 SJA)  
Subject: Re: Bagram deaths re-appearing in the news

Sent from my BlackBerry wireless Handheld

-----Original Message-----

023377

all (b)(6) -2

#1.txt  
From: [REDACTED] LTC (88 SJA) [REDACTED].army.mil>  
To: Beasley, Michael W BG (88 CMDGRP CG) <Michael.Beasley1@us.army.mil>  
Sent: Thu May 06 10:28:55 2004  
Subject: RE: Bagram deaths re-appearing in the news

Sir, I spoke to LTC [REDACTED] last night and he specifically stated we are NOT tasked. However, knowing the sensitivity of this matter and the growing possibility that our unit's involvement might be broadcast, I have put together the information currently being sought and am having it reviewed by CID and the Mil Justice attorney at FORSCOM for current accuracy. AS soon as I get their confirmation, I will forward it to USARC and CC you and COL [REDACTED]

[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[REDACTED]  
Fax: 612-[REDACTED]

-----Original Message-----

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Thursday, May 06, 2004 8:05 AM  
To: [REDACTED] LTC (88 SJA)  
Subject: Re: Bagram deaths re-appearing in the news

Are we being tasked to provide anything? If so, what and to whom? Thanks, CG

-----  
Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: [REDACTED] LTC (88 SJA) [REDACTED]@us.army.mil>  
To: [REDACTED] LTC USARC SJA <[REDACTED]@us.army.mil>  
CC: [REDACTED] COL USARC IG <[REDACTED]@us.army.mil>; [REDACTED] LTC USARC IG <[REDACTED]@us.army.mil>; [REDACTED] COL USARC PAO <[REDACTED]@us.army.mil>; [REDACTED] Mr USARC PAO <[REDACTED]@us.army.mil>; [REDACTED] LTC USARC SJA <[REDACTED]@us.army.mil>; [REDACTED] LTC USARC SJA <[REDACTED]@us.army.mil>; [REDACTED] MAJ - SJA <[REDACTED]@forscom.army.mil>; [REDACTED] H. LTC - SJA <[REDACTED]@forscom.army.mil>; Beasley, Michael W BG (88 CMDGRP CG) <[REDACTED]@us.army.mil>; [REDACTED] COL (88SJA) <[REDACTED]@us.army.mil>; [REDACTED] MAJ (88 PAO) <[REDACTED]@us.army.mil>  
Sent: Wed May 05 14:16:57 2004  
Subject: RE: Bagram deaths re-appearing in the news

I'll start working on the EXSum. LTC [REDACTED] if USARC is using a particular format please send me a sample. I'll send my write up to MAJ [REDACTED] for review first since he has conducted a much more complete review of the case file than have I.

[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[REDACTED]  
Fax: 612-[REDACTED]

-----Original Message-----

023378

(b)(6)2

#1.txt

From: [REDACTED] LTC USARC SJA  
Sent: Tuesday, May 04, 2004 7:24 PM  
To: [REDACTED] LTC (88 SJA)  
Cc: [REDACTED] COL USARC IG; [REDACTED] LTC USARC IG; [REDACTED] COL USARC PAO; [REDACTED] Mr USARC PAO; [REDACTED] LTC USARC SJA; [REDACTED] LTC USARC SJA; [REDACTED] MAJ - SJA; [REDACTED] LTC USARC  
LTC - SJA  
Subject: Bagram deaths re-appearing in the news

Still no specific notice apparently made in the media of the 377th MP Co's involvement (and subsequent CID titling / "flagging") in the two Dec. 2002 detainee deaths at Bagram, Afghanistan. Some news outlets are now following up on the earlier reports (e.g. the New York Times piece from March 2003) and taking notice of these particular cases -- especially in connection to today's comments from the Army Provost Marshal, MG Donald Ryder: "...[common wire service extract appearing today]... Maj. Gen. Donald Ryder, the Army's provost marshal, told reporters there were 10 investigations underway of prisoner deaths -- mostly in Iraq -- and 10 pending cases involving possible assault of prisoners, including one sexual assault. Also, one prisoner's death was ruled to have been a justified homicide...."

Several news outlet are also now picking up this angle based on the most recent Human Rights Watch press release that includes this topic:

FOR IMMEDIATE RELEASE

APRIL 30, 2004 4:39 PM

CONTACT: Human Rights Watch <<http://www.hrw.org>>

Kay Seok, Communications Coordinator (212) 216 1832

Iraq: U.S. Prisoner Abuse Sparks Concerns Over War Crimes Investigation Should Probe Role of Superiors, Private Contractors

NEW YORK - April 30 - The promised U.S. investigation into the mistreatment of Iraqi prisoners should not stop with the lower-level soldiers who were immediately involved, Human Rights Watch said today. The United States should also investigate the superiors of these soldiers to see whether they ordered or knowingly tolerated these abuses.

Photographs in media accounts show U.S. military personnel in Baghdad subjecting Iraqi detainees to humiliating and degrading treatment and perhaps committing war crimes. Defense counsel for one of the accused soldiers' claims that the soldiers had been ordered to "soften up" the detainees for interrogation. Moreover, private contractors allegedly were among those overseeing the interrogation process.

"The brazenness with which these soldiers conducted themselves, snapping photographs and flashing the 'thumbs-up' sign as they abused prisoners, suggests they felt they had nothing to hide from their superiors," said Kenneth Roth, executive director of Human Rights Watch. "Their superiors should be closely scrutinized to see whether they created an atmosphere of impunity that fostered this abuse."

The photographs show U.S. soldiers smiling, posing and laughing while naked Iraqi prisoners were stacked in a pyramid or positioned committing simulated sex acts. The 1949 Geneva Conventions prohibit "outrages upon the personal dignity, in particular humiliating and degrading treatment" against any detainee. Mistreatment that amounts to "torture or inhuman treatment" is a grave breach of the Geneva Conventions-or a war crime. The record of the United States in addressing alleged mistreatment of detainees by its personnel in Iraq and Afghanistan causes serious concern. In Afghanistan, as Human Rights Watch has previously reported, the U.S. government has yet to provide information on its investigations into the officially declared "homicide" deaths more than two years ago of two detainees in U.S. custody at Bagram airbase. The United States has also not adequately responded to allegations of other abuses in U.S. detention in Afghanistan, including cases of beatings, severe sleep deprivation, and exposure of detainees to extreme cold.

In Iraq a U.S. army lieutenant colonel who admitted that in August he threatened to kill an Iraqi detainee, firing a shot next to the man's head during a violent interrogation, received a fine as a disciplinary measure, but was not subjected to a court martial. The U.S. army in January discharged three reservists for abusing detainees at a detention camp near Basra in southern Iraq.

023379

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"It's clear that the United States has not taken the issue of prisoner abuse seriously enough," said Roth. "These sordid photos from Iraq show that systematic changes in the treatment of prisoners are needed immediately. The investigations should be made public." The alleged involvement of private contractors is another dimension of the problem that merits investigation. Human Rights watch is concerned that these contractors operate in Iraq with virtual impunity-exempt by the terms of their engagement with the U.S. military from prosecution by Iraqi courts, outside the military chain of command and thus ineligible for court-martial, and not subject to prosecution by U.S. courts. Under the Geneva Conventions, the United States nonetheless remains responsible for the actions of those running the detention facilities, be they regular soldiers, reservists or private contractors. "If the Pentagon seeks to use private contractors in military or intelligence roles, it must ensure that they are subject to legal restraints," said Roth. "Allowing private contractors to operate in a legal vacuum is an invitation to abuse."

As an example from one syndicated story now appearing in the Macon (GA) Telegraph and other papers: Ir << OLE Object: Picture (Metafile) >> aqi prisoner-abuse scandal widens; Pentagon investigating deaths

BY SHANNON MCCAFFREY AND SUMANA CHATTERJEE Knight Ridder Newspapers

<< OLE Object: Picture (Metafile) >>  
WASHINGTON - (KRT) - As investigations into U.S. military abuse of Iraqi captives gathered steam, Pentagon officials revealed Tuesday that they have investigated the deaths of 25 prisoners overseas and labeled two of them homicides. The widening scandal threatened to seriously damage America's image abroad, especially in the Muslim and Arab world. On Capitol Hill, angry lawmakers - some reliable Republican allies of the Bush administration - demanded that Secretary of Defense Donald Rumsfeld appear at a public hearing to explain how American jailers could have been allowed to sadistically abuse Iraqi prisoners. Senate Majority Leader Bill Frist, R-Tenn., called the abuse disgusting and degrading and questioned why Congress had been kept in the dark. Sen. John Warner, R-Va., chairman of the Senate Armed Services Committee, called the incidents the most "serious a problem of breakdown in discipline as I've ever observed." "Who is responsible for what happened?" asked Sen. Joseph Biden, the top Democrat on the Senate Foreign Relations Committee. "I think it starts with Rumsfeld and works its way down." Biden said the abuse "warrants somebody's resignation" but declined to say whether it should be Rumsfeld. Making his first remarks about the abuse at the Abu Ghraib prison, Rumsfeld on Tuesday called the actions "totally unacceptable and un-American." He said an internal Pentagon report that described the prisoners as being beaten, sodomized and drenched in phosphoric liquid and cold water left him "deeply disturbed." Rumsfeld pledged that those responsible would be brought to justice. "I have no doubt that we will take these charges and allegations most seriously," he said. Photos of naked Iraqi prisoners stacked on top of each other and forced to simulate sex acts while their American captors looked on laughing have been broadcast around the world to widespread condemnation. Since then, other Iraqis have alleged that they too have been beaten. Six U.S. soldiers are facing criminal charges and another six have been reprimanded. Several investigations are under way at the Pentagon. Appearing at the United Nations in New York City on Tuesday, Secretary of State Colin Powell said that even though the abuse had been perpetrated by a small number of troops, he worried about the impact it will have on U.S. foreign policy. "I'm deeply concerned about the horrible image that this has sent around the world," Powell said. Powell, a retired Army general, called the abuse of detainees "illegal" and "immoral." A State Department official, speaking on condition of anonymity, said Powell's tough comments were prompted by a concern that other administration officials, including Rumsfeld, hadn't expressed sufficient remorse. National Security Adviser Condoleezza Rice also went into damage control mode in interviews on several Arab television networks. "We all feel outraged at these pictures," Rice told al Arabiya. "I want to assure people in the Arab world ... that the president is determined to get to the bottom of it." The White House said Tuesday evening that President Bush also is planning to do interviews with Arab TV outlets. But a European diplomat for the United Nations said: "The damage is overwhelming." "Clearly it makes things more difficult for the Americans" in the Arab world and beyond, said the diplomat, speaking on condition of anonymity. New revelations on Tuesday about prisoner deaths

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#1.txt

in Afghanistan and Iraq seemed certain to add fuel to the fire. An Army soldier was accused of using excessive force in the shooting death of an Iraqi prisoner. He was convicted in the U.S. military justice system but served no jail time. His rank was reduced to private and he was thrown out of the service. The second homicide was committed by a private contractor working with the CIA, said a government official, who spoke on condition of anonymity. The case has been referred to the Justice Department. Officials are continuing to investigate 10 deaths and 10 assaults. A third homicide was ruled justifiable by authorities. Military coroners ruled that two detainee deaths at the Bagram Air Base in Afghanistan in December 2002 were homicides. But the results of military investigations into those deaths haven't been made public. It has also been reported that a former Iraqi general, Abed Hamed Mowhoush, died during American interrogations late last year. It's unknown whether any of those cases is included in the Pentagon statistics released Tuesday. Gen. George Casey, vice chairman of the Army, briefed the Senate Armed Services Committee behind closed doors Tuesday morning. Afterward, he told reporters that the actions at Abu Ghraib prison - while horrific - were an aberration. "What you see on those pictures is not indicative of our training or values," Casey said. Still, there were calls for more hearings to investigate further, including whether civilian contractors should be dealing with foreign prisoners as some are in Iraq. "Any incident like this would lead to an overall review of how prisoners are treated," said Sen. Pat Roberts, R-Kan., chairman of the Senate Select Committee on Intelligence. Some warned that the images could spark fresh violence against U.S. soldiers. "There is going to be a wave of revulsion that is going to sweep over us, I am afraid," said Sen. Carl Levin, D-Mich., the top Democrat of the Senate Armed Services Committee. "It's going to hurt our troops and make this country a lot less secure." Tom Daschle, D-S.D., the Senate minority leader, questioned why Bush hadn't learned of the incident sooner. He complained that Rumsfeld and key Pentagon leaders had briefed lawmakers on the same day that the prisoner abuse story broke on the CBS newsmagazine show "60 Minutes," but failed to mention the allegations. "Now, why were we not told in a classified briefing why this happened and that it happened at all?" Daschle said. Rumsfeld allowed Tuesday that he hadn't read all of an internal Pentagon report, completed about a month ago, detailing the abuses at the Abu Ghraib prison. And the defense secretary bridled at the portrayal of the guards' activities as torture. "I'm not a lawyer. My impression is that what has been charged thus far is abuse, which I believe technically is different from torture." Although the report by Maj. Gen. Antonio Taguba was classified as secret and not distributed to lawmakers, the Pentagon said there was no attempt at a cover-up. "There has been no attempt to hide this," said Gen. Peter Pace, vice chairman of the Joint Chiefs of Staff. "What we've been trying to do is find out the truth of the matter so we can get on about correcting, finding out who did what and then taking proper action." Human rights groups say they have been kept at arms length from U.S. military detention facilities. As a result, some say, jailers are largely unaccountable and a lawless culture has been allowed to develop. "We've visited prisons in places like Libya, which is not exactly known for its openness," said Amnesty International spokesman Alistair Hodgett said. "But with the United States, the answer is no" to access. The top human rights agency of the United Nations also said Tuesday that it has launched an investigation into the state of Iraqi civil rights, which will include a look at the prison abuses.

(Knight Ridder Newspapers correspondents Warren Strobel at the United Nations, Alan Bjerga in Washington and Matthew Schofield in Berlin contributed to this report.)

Will keep you informed.... In any event, it might not be a bad idea to start preparing an EXSUM (based on your earlier slide shows?) summarizing the specific facts / findings for each "flagged" soldier in case LTG Helmly or others call for it. V/R [REDACTED] LTC [REDACTED] Acting Chief, Military Law Division Office of the Staff Judge Advocate U.S. Army Reserve Command (ATTN: AFRC-JA) 1401 Deshler Street, SW Fort McPherson, GA 30330-2000  
(404) [REDACTED] or DSN 367 + Ext.  
Fax: (404) [REDACTED]  
Home Phone: [REDACTED]

(b)(6) z

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(b)(6)z

#1.txt

From: [redacted] CW3 [redacted]@belvoir.army.mil]  
Sent: Thursday, May 06, 2004 8:53 AM  
To: [redacted] LTC (88 SJA)  
Cc: [redacted] MAJ - SJA [redacted] (E-mail)  
Subject: RE: Exsum, 377TH MP Titling

I concur with my Trial Counsel's read on the EXSUM, ma'am. We appreciate the attention and cooperation we have received from the reserve leadership in continuing to ensure these soldiers are flagged until such time as they can be adjudicated. Thanks.

[redacted] (b)(6)-1  
[redacted]  
CW3, MP  
HQ, USACIDC  
703 [redacted] wk  
703 [redacted] Fax  
DSN Prefix: 656  
[redacted] Cell (as of 1 Apr 04)  
[redacted]@belvoir.army.mil

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-----Original Message-----

From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Wednesday, May 05, 2004 6:40 PM  
To: [redacted] CW3 (b)(6)-1  
Cc: [redacted] MAJ - SJA  
Subject: Exsum, 377TH MP Titling

[redacted] (b)(6)-1  
<<EXSUM 377th MP Cases.doc>>

Agent [redacted] - would you be so kind as to verify that the titling I have listed in the above document ref the 377th MP soldiers is still current? Thank you.

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

From: [redacted] MAJ - SJA [redacted]@forscom.army.mil]  
Sent: Thursday, May 06, 2004 8:13 AM  
To: [redacted] LTC (88 SJA)'; [redacted] CW3  
Cc: [redacted] MAJ - SJA  
Subject: RE: Exsum, 377TH MP Titling

023382

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#1.txt

Ma'am:

This looks very good to me. When the next status report comes out, you can probably expect to see more folks and more charges as this document predicts.

Very Respectfully,

MAJ [REDACTED]

[REDACTED]  
MAJ, JA

Military Law Attorney, FORSCOM OSJA

404 [REDACTED]

-----Original Message-----

From: [REDACTED] LTC (88 SJA) [mailto:[REDACTED]@us.army.mil]  
Sent: Wednesday, May 05, 2004 5:40 PM  
To: [REDACTED] CW3' (b)(6)-1  
Cc: [REDACTED] MAJ - SJA  
Subject: Exsum, 377TH MP Titling

<<EXSUM 377th MP Cases.doc>>

Agent [REDACTED] (b)(6)-1 would you be so kind as to verify that the titling I have listed in the above document ref the 377th MP soldiers is still current? Thank you.

[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[REDACTED]  
Fax: 612-[REDACTED]

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Thursday, May 06, 2004 8:05 AM  
To: [REDACTED] LTC (88 SJA)  
Subject: Re: Bagram deaths re-appearing in the news

Are we being tasked to provide anything? If so, what and to whom? Thanks,  
CG

-----  
Sent from my BlackBerry Wireless Handheld

Page 32

023333



all (b)(6) 2

#1.txt

-----Original Message-----

From: [REDACTED] LTC (88 SJA) <[REDACTED]@us.army.mil>  
 To: [REDACTED] LTC USARC SJA <[REDACTED]@us.army.mil>  
 CC: [REDACTED] COL USARC IG <[REDACTED]@us.army.mil>; [REDACTED] LTC USARC PAO <[REDACTED]@us.army.mil>; [REDACTED] MP USARC PAO <[REDACTED]@us.army.mil>; [REDACTED] LTC USARC SJA <[REDACTED]@us.army.mil>; [REDACTED] LTC USARC SJA <[REDACTED]@us.army.mil>; [REDACTED] MAJ - SJA <[REDACTED]@forscom.army.mil>; [REDACTED] LTC - SJA <[REDACTED]@forscom.army.mil>; Beasley, Michael W BG (88 CMDGRP CG) <[REDACTED]@us.army.mil>; [REDACTED] COL (88SJA) <[REDACTED]@us.army.mil>; [REDACTED] MAJ (88 PAO) <[REDACTED]@us.army.mil>

Sent: wed May 05 14:16:57 2004  
 Subject: RE: Bagram deaths re-appearing in the news

I'll start working on the ExSum. LTC [REDACTED], if USARC is using a particular format please send me a sample. I'll send my write up to MAJ Dehn for review first since he has conducted a much more complete review of the case file than have I.

[REDACTED]  
 LTC, JA, Deputy SJA  
 88th RRC  
 506 Roeder Circle  
 Ft. Snelling, MN 55102  
 Tel: 612-[REDACTED]  
 Fax: 612-[REDACTED]

-----Original Message-----

From: [REDACTED] LTC USARC SJA  
 Sent: Tuesday, May 04, 2004 7:24 PM  
 To: [REDACTED] LTC (88 SJA)  
 Cc: [REDACTED] COL USARC IG; [REDACTED] LTC USARC IG; [REDACTED] COL USARC PAO; [REDACTED] MP USARC PAO; [REDACTED] LTC USARC SJA; [REDACTED] LTC USARC SJA; [REDACTED] MAJ - SJA; [REDACTED] LTC - SJA  
 Subject: Bagram deaths re-appearing in the news

Still no specific notice apparently made in the media of the 377th MP Co's involvement (and subsequent CID titling / "flagging") in the two Dec. 2002 detainee deaths at Bagram, Afghanistan. Some news outlets are now following up on the earlier reports (e.g. the New York Times piece from March 2003) and taking notice of these particular cases -- especially in connection to today's comments from the Army Provost Marshal, MG Donald Ryder: "...[common wire service extract appearing today]... Maj. Gen. Donald Ryder, the Army's provost marshal, told reporters there were 10 investigations underway of prisoner deaths -- mostly in Iraq -- and 10 pending cases involving possible assault of prisoners, including one sexual assault. Also, one prisoner's death was ruled to have been a justified homicide...."

Several news outlet are also now picking up this angle based on the most recent Human Rights watch press release that includes this topic:

FOR IMMEDIATE RELEASE  
 APRIL 30, 2004 4:39 PM  
 CONTACT: Human Rights Watch <<http://www.hrw.org>>  
 Kay Seok, Communications Coordinator (212) 216 1832  
 Iraq: U.S. Prisoner Abuse Sparks Concerns Over War Crimes  
 Investigation Should Probe Role of Superiors, Private Contractors  
 NEW YORK - April 30 - The promised U.S. investigation into the mistreatment of Iraqi prisoners should not stop with the lower-level soldiers who were immediately involved, Human Rights watch said today. The United States should also investigate

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the superiors of these soldiers to see whether they ordered or knowingly tolerated these abuses.

Photographs in media accounts show U.S. military personnel in Baghdad subjecting Iraqi detainees to humiliating and degrading treatment-and perhaps committing war crimes. Defense counsel for one of the accused soldiers claims that the soldiers had been ordered to "soften up" the detainees for interrogation. Moreover, private contractors allegedly were among those overseeing the interrogation process.

"The brazenness with which these soldiers conducted themselves, snapping photographs and flashing the 'thumbs-up' sign as they abused prisoners, suggests they felt they had nothing to hide from their superiors," said Kenneth Roth, executive director of Human Rights Watch. "Their superiors should be closely scrutinized to see whether they created an atmosphere of impunity that fostered this abuse."

The photographs show U.S. soldiers smiling, posing and laughing while naked Iraqi prisoners were stacked in a pyramid or positioned committing simulated sex acts. The 1949 Geneva Conventions prohibit "outrages upon the personal dignity, in particular humiliating and degrading treatment" against any detainee. Mistreatment that amounts to "torture or inhuman treatment" is a grave breach of the Geneva Conventions-or a war crime.

The record of the United States in addressing alleged mistreatment of detainees by its personnel in Iraq and Afghanistan causes serious concern. In Afghanistan, as Human Rights Watch has previously reported, the U.S. government has yet to provide information on its investigations into the officially declared "homicide" deaths more than two years ago of two detainees in U.S. custody at Bagram airbase. The United States has also not adequately responded to allegations of other abuses in U.S. detention in Afghanistan, including cases of beatings, severe sleep deprivation, and exposure of detainees to extreme cold.

In Iraq a U.S. army lieutenant colonel who admitted that in August he threatened to kill an Iraqi detainee, firing a shot next to the man's head during a violent interrogation, received a fine as a disciplinary measure, but was not subjected to a court martial. The U.S. army in January discharged three reservists for abusing detainees at a detention camp near Basra in southern Iraq.

"It's clear that the United States has not taken the issue of prisoner abuse seriously enough," said Roth. "These sordid photos from Iraq show that systematic changes in the treatment of prisoners are needed immediately. The investigations should be made public."

The alleged involvement of private contractors is another dimension of the problem that merits investigation. Human Rights Watch is concerned that these contractors operate in Iraq with virtual impunity-exempt by the terms of their engagement with the U.S. military from prosecution by Iraqi courts, outside the military chain of command and thus ineligible for court-martial, and not subject to prosecution by U.S. courts. Under the Geneva Conventions, the United States nonetheless remains responsible for the actions of those running the detention facilities, be they regular soldiers, reservists or private contractors.

"If the Pentagon seeks to use private contractors in military or intelligence roles, it must ensure that they are subject to legal restraints," said Roth.

"Allowing private contractors to operate in a legal vacuum is an invitation to abuse."

As an example from one syndicated story now appearing in the Macon (GA) Telegraph and other papers:

Ir << OLE Object: Picture (Metafile) >> aqi prisoner-abuse scandal widens; Pentagon investigating deaths

BY SHANNON MCCAFFREY AND SUMANA CHATTERJEE Knight Ridder Newspapers

<< OLE Object: Picture (Metafile) >>

WASHINGTON - (KRT) - As investigations into U.S. military abuse of Iraqi captives gathered steam, Pentagon officials revealed Tuesday that they have investigated the deaths of 25 prisoners overseas and labeled two of them homicides.

The widening scandal threatened to seriously damage America's image abroad, especially in the Muslim and Arab world. On Capitol Hill, angry lawmakers - some reliable Republican allies of the Bush administration - demanded that Secretary of Defense Donald Rumsfeld appear at a public hearing to explain how American jailers could have been allowed to sadistically abuse Iraqi prisoners.

Senate Majority Leader Bill Frist, R-Tenn., called the abuse disgusting and

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degrading and questioned why Congress had been kept in the dark.

Sen. John Warner, R-Va., chairman of the Senate Armed Services Committee, called the incidents the most "serious a problem of breakdown in discipline as I've ever observed."

"Who is responsible for what happened?" asked Sen. Joseph Biden, the top Democrat on the Senate Foreign Relations Committee. "I think it starts with Rumsfeld and works its way down."

Biden said the abuse "warrants somebody's resignation" but declined to say whether it should be Rumsfeld.

Making his first remarks about the abuse at the Abu Ghraib prison, Rumsfeld on Tuesday called the actions "totally unacceptable and un-American." He said an internal Pentagon report that described the prisoners as being beaten, sodomized and drenched in phosphoric liquid and cold water left him "deeply disturbed."

Rumsfeld pledged that those responsible would be brought to justice.

"I have no doubt that we will take these charges and allegations most seriously," he said.

Photos of naked Iraqi prisoners stacked on top of each other and forced to simulate sex acts while their American captors looked on laughing have been broadcast around the world to widespread condemnation.

Since then, other Iraqis have alleged that they too have been beaten.

Six U.S. soldiers are facing criminal charges and another six have been reprimanded. Several investigations are under way at the Pentagon.

Appearing at the United Nations in New York City on Tuesday, Secretary of State Colin Powell said that even though the abuse had been perpetrated by a small number of troops, he worried about the impact it will have on U.S. foreign policy.

"I'm deeply concerned about the horrible image that this has sent around the world," Powell said.

Powell, a retired Army general, called the abuse of detainees "illegal" and "immoral."

A State Department official, speaking on condition of anonymity, said Powell's tough comments were prompted by a concern that other administration officials, including Rumsfeld, hadn't expressed sufficient remorse.

National Security Adviser Condoleezza Rice also went into damage control mode in interviews on several Arab television networks.

"We all feel outraged at these pictures," Rice told al Arabiya. "I want to assure people in the Arab world ... that the president is determined to get to the bottom of it."

The White House said Tuesday evening that President Bush also is planning to do interviews with Arab TV outlets.

But a European diplomat for the United Nations said: "The damage is overwhelming."

"Clearly it makes things more difficult for the Americans" in the Arab world and beyond, said the diplomat, speaking on condition of anonymity.

New revelations on Tuesday about prisoner deaths in Afghanistan and Iraq seemed certain to add fuel to the fire.

An Army soldier was accused of using excessive force in the shooting death of an Iraqi prisoner. He was convicted in the U.S. military justice system but served no jail time. His rank was reduced to private and he was thrown out of the service.

The second homicide was committed by a private contractor working with the CIA, said a government official, who spoke on condition of anonymity. The case has been referred to the Justice Department.

Officials are continuing to investigate 10 deaths and 10 assaults. A third homicide was ruled justifiable by authorities.

Military coroners ruled that two detainee deaths at the Bagram Air Base in Afghanistan in December 2002 were homicides. But the results of military investigations into those deaths haven't been made public. It has also been reported that a former Iraqi general, Abed Hamed Mowhoush, died during American interrogations late last year. It's unknown whether any of those cases is included in the Pentagon statistics released Tuesday.

Gen. George Casey, vice chairman of the Army, briefed the Senate Armed Services Committee behind closed doors Tuesday morning. Afterward, he told reporters that the actions at Abu Ghraib prison - while horrific - were an aberration.

"What you see on those pictures is not indicative of our training or values," Casey said.

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Still, there were calls for more hearings to investigate further, including whether civilian contractors should be dealing with foreign prisoners as some are in Iraq. "Any incident like this would lead to an overall review of how prisoners are treated," said Sen. Pat Roberts, R-Kan., chairman of the Senate Select Committee on Intelligence.

Some warned that the images could spark fresh violence against U.S. soldiers. "There is going to be a wave of revulsion that is going to sweep over us, I am afraid," said Sen. Carl Levin, D-Mich., the top Democrat of the Senate Armed Services Committee.

"It's going to hurt our troops and make this country a lot less secure."

Tom Daschle, D-S.D., the senate minority leader, questioned why Bush hadn't learned of the incident sooner. He complained that Rumsfeld and key Pentagon leaders had briefed lawmakers on the same day that the prisoner abuse story broke on the CBS newsmagazine show "60 Minutes," but failed to mention the allegations.

"Now, why were we not told in a classified briefing why this happened and that it happened at all?" Daschle said.

Rumsfeld allowed Tuesday that he hadn't read all of an internal Pentagon report, completed about a month ago, detailing the abuses at the Abu Ghraib prison.

And the defense secretary bridled at the portrayal of the guards' activities as torture. "I'm not a lawyer. My impression is that what has been charged thus far is abuse, which I believe technically is different from torture."

Although the report by Maj. Gen. Antonio Taguba was classified as secret and not distributed to lawmakers, the Pentagon said there was no attempt at a cover-up.

"There has been no attempt to hide this," said Gen. Peter Pace, vice chairman of the Joint Chiefs of Staff. "What we've been trying to do is find out the truth of the matter so we can get on about correcting, finding out who did what and then taking proper action."

Human rights groups say they have been kept at arms length from U.S. military detention facilities. As a result, some say, jailers are largely unaccountable and a lawless culture has been allowed to develop.

"We've visited prisons in places like Libya, which is not exactly known for its openness," said Amnesty International spokesman Alistair Hodgett said. "But with the United States, the answer is no" to access.

The top human rights agency of the United Nations also said Tuesday that it has launched an investigation into the state of Iraqi civil rights, which will include a look at the prison abuses.

---  
(Knight Ridder Newspapers correspondents Warren Strobel at the United Nations, Alan Bjerga in Washington and Matthew Schofield in Berlin contributed to this report.)

will keep you informed.... In any event, it might not be a bad idea to start preparing an EXSUM (based on your earlier slide shows?) summarizing the specific facts / findings for each "flagged" soldier in case LTG Helmly or others call for it.

V/R [REDACTED]  
LTC [REDACTED]  
Acting Chief, Military Law Division  
Office of the Staff Judge Advocate  
U.S. Army Reserve Command (ATTN: AFRC-JA)  
1401 Deshler Street, SW  
Fort McPherson, GA 30330-2000  
(404) [REDACTED] or DSN 367 + Ext.  
Fax: (404) [REDACTED]  
Home Phone: [REDACTED]

all (b)(6)z

From: [REDACTED] MAJ - SJA [REDACTED]@forscom.army.mil]  
Sent: Wednesday, May 05, 2004 1:59 PM  
To: [REDACTED] LTC (88 SJA)  
Subject: RE: Bagram deaths re-appearing in the news

#1.txt

all (b)(6) 2

Thanks very much Ma'am.

Very Respectfully,

MAJ [redacted]

-----Original Message-----

From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Wednesday, May 05, 2004 1:17 PM  
To: [redacted] LTC USARC SJA  
Cc: [redacted] COL USARC IG; [redacted] LTC USARC IG; [redacted] P COL USARC PAO; [redacted] Mr USARC PAO; [redacted] LTC USARC SJA; [redacted] LTC USARC SJA; [redacted] MAJ - SJA; [redacted] LTC - SJA; Beasley, Michael W BG (88 CMDGRP CG); [redacted] COL (88SJA); [redacted] MAJ (88 PAO)  
Subject: RE: Bagram deaths re-appearing in the news  
Importance: High

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[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

-----Original Message-----

From: [redacted] LTC USARC SJA  
Sent: Tuesday, May 04, 2004 7:24 PM  
To: [redacted] LTC (88 SJA)  
Cc: [redacted] COL USARC IG; [redacted] LTC USARC IG; [redacted] COL USARC PAO; [redacted] Mr USARC PAO; [redacted] LTC USARC SJA; [redacted] LTC USARC SJA; [redacted] MAJ - SJA; [redacted] LTC - SJA

Subject: Bagram deaths re-appearing in the news

[redacted]  
Still no specific notice apparently made in the media of the 377th MP Co's involvement (and subsequent CID titling / "flagging") in the two Dec. 2002 detainee deaths at Bagram, Afghanistan. Some news outlets are now following up on the earlier reports (e.g. the New York Times piece from March 2003) and taking notice of these particular cases -- especially in connection to today's comments from the Army Provost Marshal, MG Donald Ryder: "...[common wire service extract appearing today]... Maj. Gen. Donald Ryder, the Army's provost marshal, told reporters there were 10 investigations underway of prisoner deaths -- mostly in Iraq -- and 10 pending cases involving possible assault of prisoners, including one sexual assault. Also, one prisoner's death was ruled to have been a justified homicide...."

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023388

#1.txt

FOR IMMEDIATE RELEASE  
APRIL 30, 2004 4:39 PM  
CONTACT: Human Rights Watch < <http://www.hrw.org> >  
Kay Seok, Communications Coordinator (212) 216 1832

Iraq: U.S. Prisoner Abuse Sparks Concerns Over War Crimes  
Investigation Should Probe Role of Superiors, Private Contractors

NEW YORK - April 30 - The promised U.S. investigation into the mistreatment of Iraqi prisoners should not stop with the lower-level soldiers who were immediately involved, Human Rights Watch said today. The United States should also investigate the superiors of these soldiers to see whether they ordered or knowingly tolerated these abuses.

Photographs in media accounts show U.S. military personnel in Baghdad subjecting Iraqi detainees to humiliating and degrading treatment-and perhaps committing war crimes. Defense counsel for one of the accused soldiers claims that the soldiers had been ordered to "soften up" the detainees for interrogation. Moreover, private contractors allegedly were among those overseeing the interrogation process.

"The brazenness with which these soldiers conducted themselves, snapping photographs and flashing the 'thumbs-up' sign as they abused prisoners, suggests they felt they had nothing to hide from their superiors," said Kenneth Roth, executive director of Human Rights Watch. "Their superiors should be closely scrutinized to see whether they created an atmosphere of impunity that fostered this abuse."

The photographs show U.S. soldiers smiling, posing and laughing while naked Iraqi prisoners were stacked in a pyramid or positioned committing simulated sex acts. The 1949 Geneva Conventions prohibit "outrages upon the personal dignity, in particular humiliating and degrading treatment" against any detainee. Mistreatment that amounts to "torture or inhuman treatment" is a grave breach of the Geneva Conventions-or a war crime.

The record of the United States in addressing alleged mistreatment of detainees by its personnel in Iraq and Afghanistan causes serious concern. In Afghanistan, as Human Rights Watch has previously reported, the U.S. government has yet to provide information on its investigations into the officially declared "homicide" deaths more than two years ago of two detainees in U.S. custody at Bagram airbase. The United States has also not adequately responded to allegations of other abuses in U.S. detention in Afghanistan, including cases of beatings, severe sleep deprivation, and exposure of detainees to extreme cold.

In Iraq a U.S. army lieutenant colonel who admitted that in August he threatened to kill an Iraqi detainee, firing a shot next to the man's head during a violent interrogation, received a fine as a disciplinary measure, but was not subjected to a court martial. The U.S. army in January discharged three reservists for abusing detainees at a detention camp near Basra in southern Iraq.

" It's clear that the United States has not taken the issue of prisoner abuse seriously enough," said Roth. "These sordid photos from Iraq show that systematic changes in the treatment of prisoners are needed immediately. The investigations should be made public."

The alleged involvement of private contractors is another dimension of the problem that merits investigation. Human Rights Watch is concerned that these contractors operate in Iraq with virtual impunity-exempt by the terms of their engagement with the U.S. military from prosecution by Iraqi courts, outside the military chain of command and thus ineligible for court-martial, and not subject to prosecution by U.S. courts. Under the Geneva Conventions, the United States nonetheless remains responsible for the actions of those running the detention facilities, be they regular soldiers, reservists or private contractors.

Page 38

023339

#1.txt

"If the Pentagon seeks to use private contractors in military or intelligence roles, it must ensure that they are subject to legal restraints," said Roth. "Allowing private contractors to operate in a legal vacuum is an invitation to abuse."

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Senate Majority Leader Bill Frist, R-Tenn., called the abuse disgusting and degrading and questioned why Congress had been kept in the dark.

Sen. John Warner, R-Va., chairman of the Senate Armed Services Committee, called the incidents the most "serious a problem of breakdown in discipline as I've ever observed."

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"I'm deeply concerned about the horrible image that this has sent around the world," Powell said.

Powell, a retired Army general, called the abuse of detainees "illegal" and "immoral."

A State Department official, speaking on condition of anonymity, said Powell's tough comments were prompted by a concern that other administration officials, including Rumsfeld, hadn't expressed sufficient remorse.

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Page 39

023390

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interviews on several Arab television networks.

"We all feel outraged at these pictures," Rice told al Arabiya. "I want to assure people in the Arab world ... that the president is determined to get to the bottom of it."

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But a European diplomat for the United Nations said: "The damage is overwhelming." "Clearly it makes things more difficult for the Americans" in the Arab world and beyond, said the diplomat, speaking on condition of anonymity.

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"It's going to hurt our troops and make this country a lot less secure." Tom Daschle, D-S.D., the Senate minority leader, questioned why Bush hadn't learned of the incident sooner. He complained that Rumsfeld and key Pentagon leaders had briefed lawmakers on the same day that the prisoner abuse story broke on the CBS newsmagazine show "60 Minutes," but failed to mention the allegations.

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(Knight Ridder Newspapers correspondents Warren Strobel at the United Nations, Alan Bjerga in Washington and Matthew Schofield in Berlin contributed to this report.)

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V/R [REDACTED]  
LTC [REDACTED]  
Acting Chief, Military Law Division  
Office of the Staff Judge Advocate  
U.S. Army Reserve Command (ATTN: AFRC-JA)  
1401 Deshler Street, SW  
Fort McPherson, GA 30330-2000  
(404) 464-[REDACTED] or DSN 367 + Ext.  
Fax: (404) [REDACTED]  
Home Phone: [REDACTED]

*all (b)(6) 2*

From: [REDACTED] LTC USARC SJA  
Sent: Wednesday, May 05, 2004 1:20 PM  
To: [REDACTED] LTC (88 SJA)  
Subject: RE: Bagram deaths re-appearing in the news

-----Original Message-----

From: [REDACTED] LTC (88 SJA)  
Sent: Wednesday, May 05, 2004 2:17 PM  
To: [REDACTED] LTC USARC SJA  
Cc: [REDACTED] COL USARC IG; [REDACTED] LTC USARC IG; [REDACTED] COL USARC PAO; [REDACTED] Mr USARC PAO; [REDACTED] LTC USARC SJA; [REDACTED] LTC USARC SJA; [REDACTED] MAJ - SJA; [REDACTED] LTC - SJA; Beasley, Michael W BG (88 CMDGRP CG); [REDACTED] COL (88SJA); [REDACTED] (88 PAO)  
Subject: RE: Bagram deaths re-appearing in the news

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Importance: High

I'll start working on the EXSum. LTC [redacted] if USARC is using a particular format please send me a sample. I'll send my write up to MAJ [redacted] for review first since he has conducted a much more complete review of the case file than have I.

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612- [redacted]  
Fax: 612- [redacted]

-----Original Message-----

From: [redacted] LTC USARC SJA  
Sent: Tuesday, May 04, 2004 7:24 PM  
To: [redacted] LTC (88 SJA)  
Cc: [redacted] COL USARC IG; [redacted] LTC USARC IG; [redacted] LTC USARC PAO; [redacted] MAJ USARC PAO; [redacted] LTC USARC SJA; [redacted] MAJ - SJA; [redacted] LTC - SJA  
Subject: Bagram deaths re-appearing in the news

[redacted]  
Still no specific notice apparently made in the media of the 377th MP Co's involvement (and subsequent CID titling / "flagging") in the two Dec. 2002 detainee deaths at Bagram, Afghanistan. Some news outlets are now following up on the earlier reports (e.g. the New York Times piece from March 2003) and taking notice of these particular cases -- especially in connection to today's comments from the Army Provost Marshal, MG Donald Ryder: "...[common wire service extract appearing today]... Maj. Gen. Donald Ryder, the Army's provost marshal, told reporters there were 10 investigations underway of prisoner deaths -- mostly in Iraq -- and 10 pending cases involving possible assault of prisoners, including one sexual assault. Also, one prisoner's death was ruled to have been a justified homicide...."

Several news outlet are also now picking up this angle based on the most recent Human Rights watch press release that includes this topic:

FOR IMMEDIATE RELEASE

APRIL 30, 2004 4:39 PM

CONTACT: Human Rights Watch <<<http://www.hrw.org>>>

Kay Seok, Communications Coordinator (212) 216 1832

Iraq: U.S. Prisoner Abuse Sparks Concerns Over war Crimes

Investigation Should Probe Role of Superiors, Private Contractors

NEW YORK - April 30 - The promised U.S. investigation into the mistreatment of Iraqi prisoners should not stop with the lower-level soldiers who were immediately involved, Human Rights watch said today. The United States should also investigate the superiors of these soldiers to see whether they ordered or knowingly tolerated these abuses.

Photographs in media accounts show U.S. military personnel in Baghdad subjecting Iraqi detainees to humiliating and degrading treatment-and perhaps committing war crimes. Defense counsel for one of the accused soldiers claims that the soldiers had been ordered to "soften up" the detainees for interrogation. Moreover, private contractors allegedly were among those overseeing the interrogation process.

"The brazenness with which these soldiers conducted themselves, snapping photographs and flashing the 'thumbs-up' sign as they abused prisoners, suggests they felt they had nothing to hide from their superiors," said Kenneth Roth, executive director of Human Rights watch. "Their superiors should be closely scrutinized to see whether they created an atmosphere of impunity that fostered this abuse."

The photographs show U.S. soldiers smiling, posing and laughing while naked Iraqi prisoners were stacked in a pyramid or positioned committing simulated sex acts. The 1949 Geneva Conventions prohibit "outrages upon the personal dignity, in particular

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humiliating and degrading treatment" against any detainee. Mistreatment that amounts to "torture or inhuman treatment" is a grave breach of the Geneva Conventions-or a war crime.

The record of the United States in addressing alleged mistreatment of detainees by its personnel in Iraq and Afghanistan causes serious concern. In Afghanistan, as Human Rights watch has previously reported, the U.S. government has yet to provide information on its investigations into the officially declared "homicide" deaths more than two years ago of two detainees in U.S. custody at Bagram airbase. The United States has also not adequately responded to allegations of other abuses in U.S. detention in Afghanistan, including cases of beatings, severe sleep deprivation, and exposure of detainees to extreme cold.

In Iraq a U.S. army lieutenant colonel who admitted that in August he threatened to kill an Iraqi detainee, firing a shot next to the man's head during a violent interrogation, received a fine as a disciplinary measure, but was not subjected to a court martial. The U.S. army in January discharged three reservists for abusing detainees at a detention camp near Basra in southern Iraq.

"It's clear that the United States has not taken the issue of prisoner abuse seriously enough," said Roth. "These sordid photos from Iraq show that systematic changes in the treatment of prisoners are needed immediately. The investigations should be made public."

The alleged involvement of private contractors is another dimension of the problem that merits investigation. Human Rights Watch is concerned that these contractors operate in Iraq with virtual impunity-exempt by the terms of their engagement with the U.S. military from prosecution by Iraqi courts, outside the military chain of command and thus ineligible for court-martial, and not subject to prosecution by U.S. courts. Under the Geneva Conventions, the United States nonetheless remains responsible for the actions of those running the detention facilities, be they regular soldiers, reservists or private contractors.

"If the Pentagon seeks to use private contractors in military or intelligence roles, it must ensure that they are subject to legal restraints," said Roth.

"Allowing private contractors to operate in a legal vacuum is an invitation to abuse."

As an example from one syndicated story now appearing in the Macon (GA) Telegraph and other papers:

Ir << OLE Object: Picture (Metafile) >> aqi prisoner-abuse scandal widens; Pentagon investigating deaths

BY SHANNON MCCAFFREY AND SUMANA CHATTERJEE Knight Ridder Newspapers

<< OLE Object: Picture (Metafile) >>

WASHINGTON - (KRT) - As investigations into U.S. military abuse of Iraqi captives gathered steam, Pentagon officials revealed Tuesday that they have investigated the deaths of 25 prisoners overseas and labeled two of them homicides.

The widening scandal threatened to seriously damage America's image abroad, especially in the Muslim and Arab world. On Capitol Hill, angry lawmakers - some reliable Republican allies of the Bush administration - demanded that Secretary of Defense Donald Rumsfeld appear at a public hearing to explain how American jailers could have been allowed to sadistically abuse Iraqi prisoners.

Senate Majority Leader Bill Frist, R-Tenn., called the abuse disgusting and degrading and questioned why Congress had been kept in the dark.

Sen. John Warner, R-Va., chairman of the Senate Armed Services Committee, called the incidents the most "serious a problem of breakdown in discipline as I've ever observed."

"Who is responsible for what happened?" asked Sen. Joseph Biden, the top Democrat on the Senate Foreign Relations Committee. "I think it starts with Rumsfeld and works its way down."

Biden said the abuse "warrants somebody's resignation" but declined to say whether it should be Rumsfeld.

Making his first remarks about the abuse at the Abu Ghraib prison, Rumsfeld on Tuesday called the actions "totally unacceptable and un-American." He said an internal Pentagon report that described the prisoners as being beaten, sodomized and drenched in phosphoric liquid and cold water left him "deeply disturbed."

Rumsfeld pledged that those responsible would be brought to justice.

"I have no doubt that we will take these charges and allegations most seriously," he

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Photos of naked Iraqi prisoners stacked on top of each other and forced to simulate sex acts while their American captors looked on laughing have been broadcast around the world to widespread condemnation.

Since then, other Iraqis have alleged that they too have been beaten.

Six U.S. soldiers are facing criminal charges and another six have been reprimanded. Several investigations are under way at the Pentagon.

Appearing at the United Nations in New York City on Tuesday, Secretary of State Colin Powell said that even though the abuse had been perpetrated by a small number of troops, he worried about the impact it will have on U.S. foreign policy.

"I'm deeply concerned about the horrible image that this has sent around the world," Powell said.

Powell, a retired Army general, called the abuse of detainees "illegal" and "immoral."

A State Department official, speaking on condition of anonymity, said Powell's tough comments were prompted by a concern that other administration officials, including Rumsfeld, hadn't expressed sufficient remorse.

National Security Adviser Condoleezza Rice also went into damage control mode in interviews on several Arab television networks.

"We all feel outraged at these pictures," Rice told al Arabiya. "I want to assure people in the Arab world ... that the president is determined to get to the bottom of it."

The White House said Tuesday evening that President Bush also is planning to do interviews with Arab TV outlets.

But a European diplomat for the United Nations said: "The damage is overwhelming."

"Clearly it makes things more difficult for the Americans" in the Arab world and beyond, said the diplomat, speaking on condition of anonymity.

New revelations on Tuesday about prisoner deaths in Afghanistan and Iraq seemed certain to add fuel to the fire.

An Army soldier was accused of using excessive force in the shooting death of an Iraqi prisoner. He was convicted in the U.S. military justice system but served no jail time. His rank was reduced to private and he was thrown out of the service.

The second homicide was committed by a private contractor working with the CIA, said a government official, who spoke on condition of anonymity. The case has been referred to the Justice Department.

Officials are continuing to investigate 10 deaths and 10 assaults. A third homicide was ruled justifiable by authorities.

Military coroners ruled that two detainee deaths at the Bagram Air Base in Afghanistan in December 2002 were homicides. But the results of military investigations into those deaths haven't been made public. It has also been reported that a former Iraqi general, Abed Hamed Mowhoush, died during American interrogations late last year. It's unknown whether any of those cases is included in the Pentagon statistics released Tuesday.

Gen. George Casey, vice chairman of the Army, briefed the Senate Armed Services Committee behind closed doors Tuesday morning. Afterward, he told reporters that the actions at Abu Ghraib prison - while horrific - were an aberration.

"What you see on those pictures is not indicative of our training or values," Casey said.

Still, there were calls for more hearings to investigate further, including whether civilian contractors should be dealing with foreign prisoners as some are in Iraq.

"Any incident like this would lead to an overall review of how prisoners are treated," said Sen. Pat Roberts, R-Kan., chairman of the Senate Select Committee on Intelligence.

Some warned that the images could spark fresh violence against U.S. soldiers.

"There is going to be a wave of revulsion that is going to sweep over us, I am afraid," said Sen. Carl Levin, D-Mich., the top Democrat of the Senate Armed Services Committee.

"It's going to hurt our troops and make this country a lot less secure."

Tom Daschle, D-S.D., the Senate minority leader, questioned why Bush hadn't learned of the incident sooner. He complained that Rumsfeld and key Pentagon leaders had briefed lawmakers on the same day that the prisoner abuse story broke on the CBS newsmagazine show "60 Minutes," but failed to mention the allegations.

"Now, why were we not told in a classified briefing why this happened and that it

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happened at all?" Daschle said.

Rumsfeld allowed Tuesday that he hadn't read all of an internal Pentagon report, completed about a month ago, detailing the abuses at the Abu Ghraib prison.

And the defense secretary bridled at the portrayal of the guards' activities as torture. "I'm not a lawyer. My impression is that what has been charged thus far is abuse, which I believe technically is different from torture."

Although the report by Maj. Gen. Antonio Taguba was classified as secret and not distributed to lawmakers, the Pentagon said there was no attempt at a cover-up.

"There has been no attempt to hide this," said Gen. Peter Pace, vice chairman of the Joint Chiefs of Staff. "What we've been trying to do is find out the truth of the matter so we can get on about correcting, finding out who did what and then taking proper action."

Human rights groups say they have been kept at arms length from U.S. military detention facilities. As a result, some say, jailers are largely unaccountable and a lawless culture has been allowed to develop.

"We've visited prisons in places like Libya, which is not exactly known for its openness," said Amnesty International spokesman Alistair Hodgett said. "But with the United States, the answer is no" to access.

The top human rights agency of the United Nations also said Tuesday that it has launched an investigation into the state of Iraqi civil rights, which will include a look at the prison abuses.

(Knight Ridder Newspapers correspondents Warren Strobel at the United Nations, Alan Bjerga in Washington and Matthew Schofield in Berlin contributed to this report.)

Will keep you informed.... In any event, it might not be a bad idea to start preparing an EXSUM (based on your earlier slide shows?) summarizing the specific facts / findings for each "flagged" soldier in case LTG Helmly or others call for it.

V/R [redacted]  
LTC [redacted]  
Acting Chief, Military Law Division  
Office of the Staff Judge Advocate  
U.S. Army Reserve Command (ATTN: AFRC-JA)  
1401 Deshler Street, SW  
Fort McPherson, GA 30330-2000  
(404) 464-[redacted] or DSN 367 + Ext.  
Fax: (404) [redacted]  
Home Phone: [redacted]

*all (b)(6)z*

From: [redacted] LTC (99TH RRC)  
Sent: Wednesday, May 05, 2004 11:54 AM  
To: [redacted] (88 SJA) (E-mail)  
Subject: MP Problems

Info.

-----Original Message-----  
From: [redacted] LTC USARC SJA  
Sent: Wednesday, May 05, 2004 11:48 AM  
To: [redacted] LTC (99TH RRC)  
Subject:

From: [redacted] LTC USARC SJA  
Sent: Wednesday, May 05, 2004 7:07 AM  
To: [redacted] MAJ - SJA; [redacted] LTC USARC SJA; [redacted] LTC (88 SJA)  
Cc: [redacted] LTC USARC SJA; [redacted] LTC USARC SJA; [redacted] LTC - SJA; [redacted] COL - SJA

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Subject: RE: Bagram deaths re-appearing in the news

Concur completely. I assume that OTJAG knows about their need to refrain from comment since this case is now being roped into the testimony and news comments being made at DA and DoD level. Please advise if there's anything we can do to help you.

V/R,

LTC [redacted]  
Deputy Staff Judge Advocate  
US Army Reserve Command  
(404) [redacted] DSN 367-[redacted]  
Fax: (404) [redacted]  
Secure: [redacted]

-----Original Message-----

From: [redacted] MAJ - SJA [mailto:[redacted]@forscom.army.mil]  
Sent: Wednesday, May 05, 2004 6:56 AM  
To: [redacted] LTC USARC SJA; [redacted] LTC (88 SJA)  
Cc: [redacted] LTC USARC SJA; [redacted] LTC USARC SJA; [redacted] MAJ - SJA; [redacted] LTC - SJA; [redacted]; [redacted] COL - SJA  
Subject: RE: Bagram deaths re-appearing in the news

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Very Respectfully,

MAJ [redacted]

[redacted]  
MAJ, JA  
Military Law Attorney, FORSCOM OSJA  
404 [redacted]

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From: [redacted] LTC USARC SJA [mailto:[redacted]@us.army.mil]  
Sent: Tuesday, May 04, 2004 7:24 PM  
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Cc: [redacted] COL USARC IG; [redacted] LTC USARC IG; [redacted] COL USARC PAO; [redacted] MP USARC PAO; [redacted] LTC USARC SJA; [redacted] LTC USARC SJA; [redacted] MAJ - SJA; [redacted] LTC - SJA  
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Page 47

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V/R [redacted]  
LTC [redacted]  
Acting Chief, Military Law Division  
Office of the Staff Judge Advocate  
U.S. Army Reserve Command (ATTN: AFRC-JA)  
1401 Deshler Street, SW  
Fort McPherson, GA 30330-2000  
(404) [redacted] or DSN 367 + Ext.  
Fax: (404) [redacted]  
Home Phone: [redacted]

From: [redacted] MAJ - SJA [redacted]@forscom.army.mil]  
Sent: Wednesday, May 05, 2004 5:56 AM  
To: [redacted] LTC USARC SJA; [redacted] LTC (88 SJA)  
Cc: [redacted] LTC USARC SJA; [redacted] LTC USARC SJA; [redacted]  
C. MAJ - SJA; [redacted] LTC - SJA; [redacted]; [redacted]  
COL - SJA  
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Very Respectfully,

MAJ [redacted]

*all (b)(6)z*

MAJ, JA  
Military Law Attorney, FORSCOM OSJA

023401

are (b)(6) z

#1.txt

404- [redacted]

-----Original Message-----

From: [redacted] LTC USARC SJA [mailto:[redacted]@us.army.mil]

Sent: Tuesday, May 04, 2004 7:24 PM

To: [redacted] LTC (88 SJA)

CC: [redacted] COL USARC IG; [redacted] LTC USARC IG; [redacted]

[redacted] COL USARC PAO; [redacted] MP USARC PAO; [redacted]

LTC USARC SJA; [redacted] LTC USARC SJA; [redacted] MAJ - SJA;

[redacted] LTC - SJA

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"The brazenness with which these soldiers conducted themselves, snapping photographs and flashing the 'thumbs-up' sign as they abused prisoners, suggests they felt they had nothing to hide from their superiors," said Kenneth Roth, executive director of Human Rights Watch. "Their superiors should be closely scrutinized to see whether they created an atmosphere of impunity that fostered this abuse."

The photographs show U.S. soldiers smiling, posing and laughing while naked Iraqi prisoners were stacked in a pyramid or positioned committing simulated sex acts. The 1949 Geneva Conventions prohibit "outrages upon the personal dignity, in particular humiliating and degrading treatment" against any detainee. Mistreatment that amounts to "torture or inhuman treatment" is a grave breach of the Geneva Conventions-or a war crime.

The record of the United States in addressing alleged mistreatment of detainees by its personnel in Iraq and Afghanistan causes serious concern. In Afghanistan, as Human Rights Watch has previously reported, the U.S. government has yet to provide information on its investigations into the officially declared "homicide" deaths more than two years ago of two detainees in U.S. custody at Bagram airbase. The United States has also not

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adequately responded to allegations of other abuses in U.S. detention in Afghanistan, including cases of beatings, severe sleep deprivation, and exposure of detainees to extreme cold.

In Iraq a U.S. army lieutenant colonel who admitted that in August he threatened to kill an Iraqi detainee, firing a shot next to the man's head during a violent interrogation, received a fine as a disciplinary measure, but was not subjected to a court martial. The U.S. army in January discharged three reservists for abusing detainees at a detention camp near Basra in southern Iraq.

"It's clear that the United States has not taken the issue of prisoner abuse seriously enough," said Roth. "These sordid photos from Iraq show that systematic changes in the treatment of prisoners are needed immediately. The investigations should be made public."

The alleged involvement of private contractors is another dimension of the problem that merits investigation. Human Rights Watch is concerned that these contractors operate in Iraq with virtual impunity-exempt by the terms of their engagement with the U.S. military from prosecution by Iraqi courts, outside the military chain of command and thus ineligible for court-martial, and not subject to prosecution by U.S. courts. Under the Geneva Conventions, the United States nonetheless remains responsible for the actions of those running the detention facilities, be they regular soldiers, reservists or private contractors.

"If the Pentagon seeks to use private contractors in military or intelligence roles, it must ensure that they are subject to legal restraints," said Roth. "Allowing private contractors to operate in a legal vacuum is an invitation to abuse."

As an example from one syndicated story now appearing in the Macon (GA) Telegraph and other papers:

Ir <<...OLE\_Obj...>> aqi prisoner-abuse scandal widens; Pentagon investigating deaths

BY SHANNON MCCAFFREY AND SUMANA CHATTERJEE Knight Ridder Newspapers

<<...OLE\_Obj...>>

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The widening scandal threatened to seriously damage America's image abroad, especially in the Muslim and Arab world. On Capitol Hill, angry lawmakers - some reliable Republican allies of the Bush administration - demanded that Secretary of Defense Donald Rumsfeld appear at a public hearing to explain how American jailers could have been allowed to sadistically abuse Iraqi prisoners.

Senate Majority Leader Bill Frist, R-Tenn., called the abuse disgusting and degrading and questioned why Congress had been kept in the dark.

Sen. John Warner, R-Va., chairman of the Senate Armed Services Committee, called the incidents the most "serious a problem of breakdown in discipline as I've ever observed."

"Who is responsible for what happened?" asked Sen. Joseph Biden, the top Democrat on the Senate Foreign Relations Committee. "I think it starts with Rumsfeld and works its way down."

Biden said the abuse "warrants somebody's resignation" but declined to say whether it should be Rumsfeld.

Making his first remarks about the abuse at the Abu Ghraib prison, Rumsfeld on Tuesday called the actions "totally unacceptable and un-American." He said an internal Pentagon report that described the prisoners as being beaten, sodomized and drenched in phosphoric liquid and cold water left him "deeply disturbed."

Rumsfeld pledged that those responsible would be brought to justice.

"I have no doubt that we will take these charges and allegations most seriously," he said.

Photos of naked Iraqi prisoners stacked on top of each other and forced to simulate sex acts while their American captors looked on laughing have been

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broadcast around the world to widespread condemnation.

Since then, other Iraqis have alleged that they too have been beaten. Six U.S. soldiers are facing criminal charges and another six have been reprimanded. Several investigations are under way at the Pentagon.

Appearing at the United Nations in New York City on Tuesday, Secretary of State Colin Powell said that even though the abuse had been perpetrated by a small number of troops, he worried about the impact it will have on U.S. foreign policy.

"I'm deeply concerned about the horrible image that this has sent around the world," Powell said.

Powell, a retired Army general, called the abuse of detainees "illegal" and "immoral."

A State Department official, speaking on condition of anonymity, said Powell's tough comments were prompted by a concern that other administration officials, including Rumsfeld, hadn't expressed sufficient remorse.

National Security Adviser Condoleezza Rice also went into damage control mode in interviews on several Arab television networks.

"We all feel outraged at these pictures," Rice told al Arabiya. "I want to assure people in the Arab world ... that the president is determined to get to the bottom of it."

The White House said Tuesday evening that President Bush also is planning to do interviews with Arab TV outlets.

But a European diplomat for the United Nations said: "The damage is overwhelming."

"Clearly it makes things more difficult for the Americans" in the Arab world and beyond, said the diplomat, speaking on condition of anonymity.

New revelations on Tuesday about prisoner deaths in Afghanistan and Iraq seemed certain to add fuel to the fire.

An Army soldier was accused of using excessive force in the shooting death of an Iraqi prisoner. He was convicted in the U.S. military justice system but served no jail time. His rank was reduced to private and he was thrown out of the service.

The second homicide was committed by a private contractor working with the CIA, said a government official, who spoke on condition of anonymity. The case has been referred to the Justice Department.

Officials are continuing to investigate 10 deaths and 10 assaults. A third homicide was ruled justifiable by authorities.

Military coroners ruled that two detainee deaths at the Bagram Air Base in Afghanistan in December 2002 were homicides. But the results of military investigations into those deaths haven't been made public. It has also been reported that a former Iraqi general, Abed Hamed Mowhoush, died during American interrogations late last year. It's unknown whether any of those cases is included in the Pentagon statistics released Tuesday.

Gen. George Casey, vice chairman of the Army, briefed the Senate Armed Services Committee behind closed doors Tuesday morning. Afterward, he told reporters that the actions at Abu Ghraib prison - while horrific - were an aberration.

"What you see on those pictures is not indicative of our training or values," Casey said.

Still, there were calls for more hearings to investigate further, including whether civilian contractors should be dealing with foreign prisoners as some are in Iraq.

"Any incident like this would lead to an overall review of how prisoners are treated," said Sen. Pat Roberts, R-Kan., chairman of the Senate Select Committee on Intelligence.

Some warned that the images could spark fresh violence against U.S. soldiers.

"There is going to be a wave of revulsion that is going to sweep over us, I am afraid," said Sen. Carl Levin, D-Mich., the top Democrat of the Senate Armed Services Committee.

"It's going to hurt our troops and make this country a lot less secure."

Tom Daschle, D-S.D., the Senate minority leader, questioned why Bush hadn't learned of the incident sooner. He complained that Rumsfeld and key Pentagon

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Leaders had briefed lawmakers on the same day that the prisoner abuse story broke on the CBS newsmagazine show "60 Minutes," but failed to mention the allegations.

"Now, why were we not told in a classified briefing why this happened and that it happened at all?" Daschle said.

Rumsfeld allowed Tuesday that he hadn't read all of an internal Pentagon report, completed about a month ago, detailing the abuses at the Abu Ghraib prison.

And the defense secretary bridled at the portrayal of the guards' activities as torture. "I'm not a lawyer. My impression is that what has been charged thus far is abuse, which I believe technically is different from torture." Although the report by Maj. Gen. Antonio Taguba was classified as secret and not distributed to lawmakers, the Pentagon said there was no attempt at a cover-up.

"There has been no attempt to hide this," said Gen. Peter Pace, vice chairman of the Joint Chiefs of Staff. "what we've been trying to do is find out the truth of the matter so we can get on about correcting, finding out who did what and then taking proper action."

Human rights groups say they have been kept at arms length from U.S. military detention facilities. As a result, some say, jailers are largely unaccountable and a lawless culture has been allowed to develop.

"we've visited prisons in places like Libya, which is not exactly known for its openness," said Amnesty International spokesman Alistair Hodgett said.

"But with the United States, the answer is no" to access.

The top human rights agency of the United Nations also said Tuesday that it has launched an investigation into the state of Iraqi civil rights, which will include a look at the prison abuses.

---  
(Knight Ridder Newspapers correspondents Warren Strobel at the United Nations, Alan Bjerga in Washington and Matthew Schofield in Berlin contributed to this report.)

Will keep you informed.... In any event, it might not be a bad idea to start preparing an EXSUM (based on your earlier slide shows?) summarizing the specific facts / findings for each "flagged" Soldier in case LTG Helmly or others call for it.

V/R [redacted]  
LTC [redacted]  
Acting Chief, Military Law Division  
Office of the Staff Judge Advocate  
U.S. Army Reserve Command (ATTN: AFRC-JA)  
1401 Deshler Street, SW  
Fort McPherson, GA 30330-2000  
(404) [redacted] or DSN 367 + Ext.  
Fax: (404) [redacted]  
Home Phone: [redacted]

*all (b)(6)z*

From: [redacted] USARC SJA  
Sent: Tuesday, May 04, 2004 7:24 PM  
To: [redacted] LTC (88 SJA)  
Cc: [redacted] COL USARC IG; [redacted] M LTC USARC IG; [redacted] COL USARC PAO; [redacted] Mr USARC PAO; [redacted] LTC USARC SJA; [redacted] LTC USARC SJA; [redacted] MAJ - SJA; [redacted]  
Subject: Bagram deaths re-appearing in the news

Still no specific notice apparently made in the media of the 377th MP Co's involvement (and subsequent CID titling / "flagging") in the two Dec. 2002 detainee deaths at Bagram, Afghanistan. Some news outlets are now following up on the earlier reports (e.g. the New York Times piece from March 2003) and taking notice of these particular cases -- especially in connection to today's comments from the Army

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Provost Marshal, MG Donald Ryder: "...[common wire service extract appearing today]... Maj. Gen. Donald Ryder, the Army's provost marshal, told reporters there were 10 investigations underway of prisoner deaths -- mostly in Iraq -- and 10 pending cases involving possible assault of prisoners, including one sexual assault. Also, one prisoner's death was ruled to have been a justified homicide...."

Several news outlet are also now picking up this angle based on the most recent Human Rights Watch press release that includes this topic:

FOR IMMEDIATE RELEASE

APRIL 30, 2004 4:39 PM

CONTACT: Human Rights Watch <<http://www.hrw.org>>

Kay Seok, Communications Coordinator (212) 216 1832

Iraq: U.S. Prisoner Abuse Sparks Concerns Over War Crimes

Investigation Should Probe Role of Superiors, Private Contractors

NEW YORK - April 30 - The promised U.S. investigation into the mistreatment of Iraqi prisoners should not stop with the lower-level soldiers who were immediately involved, Human Rights Watch said today. The United States should also investigate the superiors of these soldiers to see whether they ordered or knowingly tolerated these abuses.

Photographs in media accounts show U.S. military personnel in Baghdad subjecting Iraqi detainees to humiliating and degrading treatment-and perhaps committing war crimes. Defense counsel for one of the accused soldiers claims that the soldiers had been ordered to "soften up" the detainees for interrogation. Moreover, private contractors allegedly were among those overseeing the interrogation process.

"The brazenness with which these soldiers conducted themselves, snapping photographs and flashing the 'thumbs-up' sign as they abused prisoners, suggests they felt they had nothing to hide from their superiors," said Kenneth Roth, executive director of Human Rights Watch. "Their superiors should be closely scrutinized to see whether they created an atmosphere of impunity that fostered this abuse."

The photographs show U.S. soldiers smiling, posing and laughing while naked Iraqi prisoners were stacked in a pyramid or positioned committing simulated sex acts. The 1949 Geneva Conventions prohibit "outrages upon the personal dignity, in particular humiliating and degrading treatment" against any detainee. Mistreatment that amounts to "torture or inhuman treatment" is a grave breach of the Geneva Conventions-or a war crime.

The record of the United States in addressing alleged mistreatment of detainees by its personnel in Iraq and Afghanistan causes serious concern. In Afghanistan, as Human Rights Watch has previously reported, the U.S. government has yet to provide information on its investigations into the officially declared "homicide" deaths more than two years ago of two detainees in U.S. custody at Bagram airbase. The United States has also not adequately responded to allegations of other abuses in U.S. detention in Afghanistan, including cases of beatings, severe sleep deprivation, and exposure of detainees to extreme cold.

In Iraq a U.S. army lieutenant colonel who admitted that in August he threatened to kill an Iraqi detainee, firing a shot next to the man's head during a violent interrogation, received a fine as a disciplinary measure, but was not subjected to a court martial. The U.S. army in January discharged three reservists for abusing detainees at a detention camp near Basra in southern Iraq.

"It's clear that the United States has not taken the issue of prisoner abuse seriously enough," said Roth. "These sordid photos from Iraq show that systematic changes in the treatment of prisoners are needed immediately. The investigations should be made public."

The alleged involvement of private contractors is another dimension of the problem that merits investigation. Human Rights Watch is concerned that these contractors operate in Iraq with virtual impunity-exempt by the terms of their engagement with the U.S. military from prosecution by Iraqi courts, outside the military chain of command and thus ineligible for court-martial, and not subject to prosecution by U.S. courts. Under the Geneva Conventions, the United States nonetheless remains responsible for the actions of those running the detention facilities, be they regular soldiers, reservists or private contractors.

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V/R  
LTC

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Acting Chief, Military Law Division  
Office of the Staff Judge Advocate  
U.S. Army Reserve Command (ATTN: AFRC-JA)  
1401 Deshler Street, SW  
Fort McPherson, GA 30330-2000  
(404) [redacted] or DSN 367 + Ext.  
Fax: (404) [redacted]  
Home Phone: [redacted]

From: [redacted] MAJ - SJA [redacted]@forscom.army.mil]  
Sent: Monday, May 03, 2004 8:19 PM  
To: [redacted] LTC (88 SJA) '  
Subject: RE: 377th MPS

Ma'am:

It's too early to call to tell what effect the recent media firestorm will have on these cases. It has certainly generated interest up and down the JAG technical channels. I also think it is creating a host of potential discovery issues for me...but motions I suspect that we can win if we have a judge with the courage to say no to defense counsel.

We are working on seeking reimbursement from IMA. According to what I have been told, IMA was given the Military Justice budget that the command used to get. Of course, the command can always use its own money with no problem. Whether IMA decides to tap CONOPS dollars that they have is anyone's guess. I'm just being given an accounting code from G8 for now to ensure that we capture costs associated with this.

I'll keep you in the loop the best I can Ma'am, consistent with any guidance that I receive of course.

Very Respectfully,

MAJ [redacted]

-----Original Message-----

From: [redacted] LTC (88 SJA)  
To: [redacted] MAJ - SJA  
Sent: 5/3/2004 12:43 PM  
Subject: RE: 377th MPS

I completely understand that this is not easy. I imagine that with last week's news, there might be a greater willingness and interest in pursuing these cases. Your thoughts?

Out of curiosity and an interest in understanding how this works, where is the money coming from? Conops money? Out of some command's pot of money or extra from DOD/DA?

Please keep me informed; I know some of my people still would like to work on these cases.

[redacted]  
LTC, JA, Deputy SJA

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88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-  
Fax: 612-

-----Original Message-----

From: MAJ - SJA [mailto: @forscom.army.mil]  
Sent: Saturday, May 01, 2004 5:53 PM  
To: LTC (88 SJA) '  
Subject: RE: 377th MPs

Ma'am:

It was a long and rough week last week. I think I may have some funding and we will be putting out the all-call for volunteers (CO-TTAD mission) shortly. However, the jurisdictional piece is a little uncertain. That's all I know right now Ma'am. I am just keeping my nose to the grindstone and trying to do the right thing.

Very Respectfully,

MAJ

-----Original Message-----

From: LTC (88 SJA)  
To: MAJ - SJA  
Sent: 5/1/2004 9:37 AM  
Subject: 377th MPs

MAJ - I'm wondering if you're having any success in getting either funding or a jurisdictional determination for handling the 377th cases.

LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-  
Fax: 612-

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From: [REDACTED] LTC (88 SJA)  
To: [REDACTED] MAJ - SJA  
Sent: 5/1/2004 9:37 AM  
Subject: 377th MPs

MAJ [REDACTED] - I'm wondering if you're having any success in getting either funding or a jurisdictional determination for handling the 377th cases.

[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[REDACTED]  
Fax: 612-[REDACTED]

From: [REDACTED] MAJ - SJA [mailto:[REDACTED]@forscom.army.mil]  
Sent: Friday, April 23, 2004 10:30 AM  
To: [REDACTED] LTC (88 SJA)  
Subject: RE: (no subject)

No problem Ma'am. Have a great weekend.

V/R,

MAJ [REDACTED]

-----Original Message-----

From: [REDACTED] LTC (88 SJA) [mailto:[REDACTED]@us.army.mil]  
Sent: Friday, April 23, 2004 10:03 AM  
To: [REDACTED] MAJ - SJA  
Subject: RE: (no subject)

Thanks MAJ [REDACTED]

[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[REDACTED]  
Fax: 612-[REDACTED]

-----Original Message-----

From: [REDACTED] MAJ - SJA [mailto:[REDACTED]@forscom.army.mil]  
Sent: Friday, April 23, 2004 7:38 AM

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To: [REDACTED]  
Cc: [REDACTED] MAJ - SJA; [REDACTED] COL (88SJA); [REDACTED] LTC (88 SJA)  
Subject: RE: (no subject)

MAJ [REDACTED]

MAJ [REDACTED] here. I am working towards answers to all of your concerns but I doubt we will be able to lock everything down in the next month or so (and for some of your concerns possibly not at all). Especially under the circumstances of these cases, some flexibility will be essential. Right now I have a concept of how to proceed, but cannot lock down time-lines or locations. I am now back in Atlanta and have a plan to do the work and try the cases here. If my plan is approved, I hope to be sending a request for volunteers down to USARC. After that, I'll better know where I stand in terms of having folks to complete the mission. I have already been promised one officer who is currently mobilized. That means that I should need no more than 3 additional lawyers.

The problem is that I need bodies before I have things locked down (to help me get things locked down). Until I have attorney assistance to look through the substantial amount of evidence that I currently have to thoroughly evaluate and prepare individual cases against one of the approximately 26 (currently...more to come) potential individual suspects, it will be hard to know how many trials we will have or how long it will take. Also, I cannot predict defense delays (but anticipate there will be many) or the number of military judges I'll have available and their dockets. Finally, the investigation is still going strong. New evidence could result in a substantial shift in how we need to approach all of the cases.

These cases will involve several interesting issues of international and criminal law...not to mention challenging factual and proof problems. These are great cases on which to work if you don't mind losing a few now and then because you just don't quite have it all like you'd like it. But because of what happened, I believe the cases need to be tried. But I, of course, don't make that decision.

sincerely,

[REDACTED]

*all*  
*(b)(6) z*

[REDACTED]

MAJ, JA

Military Law Attorney

404 [REDACTED]

all (b)(6)z

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-----Original Message-----

From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Thursday, April 22, 2004 5:51 PM  
To: [redacted]  
Cc: [redacted] MAJ - SJA; [redacted] COL (88SJA)  
Subject: RE: (no subject)

Hello MAJ [redacted]

Sorry about the delay once again. When I spoke to MAJ [redacted] earlier this week, the two major issues are still unresolved: \$ and who takes jurisdiction. MAJ [redacted] told me he is asking for \$500,000. I can't tell you when there will be a resolution.

Of course, if MAJ [redacted] is successful in getting that money committed in advance, there shouldn't be problems with running out of funding.

As you realize, this case doesn't follow the typical scenario. I'm forwarding to MAJ [redacted] so that he understands your concerns and hopefully, once the money and jurisdiction issues are worked out, we can finalize the rest to everyone's mutual satisfaction.

[redacted]

LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612 [redacted]  
Fax: 612 [redacted]

-----Original Message-----

From: [redacted] [mailto:[redacted]]  
Sent: Thursday, April 22, 2004 6:37 AM  
To: [redacted]@us.army.mil  
Subject: (no subject)

LTC [redacted] I received your phone message on Monday but was in court all day. I did return your call but have not heard back from you. As you are aware, I have previously talked to COL [redacted] about potentially working on the action under investigation. However, at least on a voluntarily basis, I am not willing to commit to the mission without having more information provided (i.e., defined length of mission, defined role and established level of authority, place of duty, etc.).

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My main concern is my civilian job. We calendar out jury trials and job assignments months in advance. It is my understanding that SSG [redacted] was sent home from Virginia after a short time period for fiscal reasons. That scenario would have created a lot of problems for me at my civilian job.

I will be in the office most of today and Friday if you want to further discuss this matter.

TXS

Major [redacted]

From: [redacted] MAJ - SJA [redacted]@forscom.army.mil]  
Sent: Friday, April 23, 2004 7:38 AM  
To: [redacted]  
Cc: [redacted] MAJ - SJA; [redacted] COL (88SJA); [redacted]  
LTC (88 SJA)  
Subject: RE: (no subject)

MAJ [redacted]

MAJ [redacted] here. I am working towards answers to all of your concerns but I doubt we will be able to lock everything down in the next month or so (and for some of your concerns possibly not at all). Especially under the circumstances of these cases, some flexibility will be essential. Right now I have a concept of how to proceed, but cannot lock down time-lines or locations. I am now back in Atlanta and have a plan to do the work and try the cases here. If my plan is approved, I hope to be sending a request for volunteers down to USARC. After that, I'll better know where I stand in terms of having folks to complete the mission. I have already been promised one officer who is currently mobilized. That means that I should need no more than 3 additional lawyers.

The problem is that I need bodies before I have things locked down (to help me get things locked down). Until I have attorney assistance to look through the substantial amount of evidence that I currently have to thoroughly evaluate and prepare individual cases against one of the approximately 26 (currently...more to come) potential individual suspects, it will be hard to know how many trials we will have or how long it will take. Also, I cannot predict defense delays (but anticipate there will be many) or the number of military judges I'll have available and their dockets. Finally, the investigation is still going strong. New evidence could result in a substantial shift in how we need to approach all of the cases.

These cases will involve several interesting issues of international and criminal law...not to mention challenging factual and proof problems. These are great cases on which to work if you don't mind losing a few now and then because you just don't quite have it all like you'd like it. But because of what happened, I believe the cases need to be tried. But I, of course, don't make that decision.

Sincerely,

[redacted signature]

all (b)(6) z

#1.txt

MAJ, JA

Military Law Attorney

404- [REDACTED]

-----Original Message-----

From: [REDACTED] LTC (88 SJA) [mailto:[REDACTED]@us.army.mil]  
Sent: Thursday, April 22, 2004 5:51 PM  
To: [REDACTED]  
Cc: [REDACTED] MAJ - SJA; [REDACTED] COL (88SJA)  
Subject: RE: (no subject)

Hello MAJ [REDACTED]

Sorry about the delay once again. When I spoke to MAJ [REDACTED] earlier this week, the two major issues are still unresolved: \$ and who takes jurisdiction. MAJ [REDACTED] told me he is asking for \$500,000. I can't tell you when there will be a resolution.

Of course, if MAJ [REDACTED] is successful in getting that money committed in advance, there shouldn't be problems with running out of funding.

As you realize, this case doesn't follow the typical scenario. I'm forwarding to MAJ [REDACTED] so that he understands your concerns and hopefully, once the money and jurisdiction issues are worked out, we can finalize the rest to everyone's mutual satisfaction.

[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612 [REDACTED]  
Fax: 612 [REDACTED]

-----Original Message-----

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023415



all(b)(6)(c2)

#1.txt

From: [redacted] [mailto:[redacted]]  
Sent: Thursday, April 22, 2004 6:37 AM  
To: [redacted]@us.army.mil  
Subject: (no subject)

LTC [redacted] I received your phone message on Monday but was in court all day. I did return your call but have not heard back from you. As you are aware, I have previously talked to COL [redacted] about potentially working on the action under investigation. However, at least on a voluntarily basis, I am not willing to commit to the mission without having more information provided (i.e., defined length of mission, defined role and established level of authority, place of duty, etc.).

My main concern is my civilian job. We calendar out jury trials and job assignments months in advance. It is my understanding that SSG [redacted] was sent home from Virginia after a short time period for fiscal reasons. That scenario would have created a lot of problems for me at my civilian job.

I will be in the office most of today and Friday if you want to further discuss this matter.

TXS  
Major [redacted]

From: [redacted]  
Sent: Thursday, April 22, 2004 6:37 AM  
To: [redacted]@us.army.mil  
Subject: (no subject)

LTC [redacted] I received your phone message on Monday but was in court all day. I did return your call but have not heard back from you. As you are aware, I have previously talked to COL [redacted] about potentially working on the action under investigation. However, at least on a voluntarily basis, I am not willing to commit to the mission without having more information provided (i.e., defined length of mission, defined role and established level of authority, place of duty, etc.).

My main concern is my civilian job. We calendar out jury trials and job assignments months in advance. It is my understanding that SSG [redacted] was sent home from Virginia after a short time period for fiscal reasons. That scenario would have created a lot of problems for me at my civilian job.

I will be in the office most of today and Friday if you want to further discuss this matter.

TXS  
Major [redacted]  
To: [redacted] MAJ - SJA  
Subject: [redacted] RE: 377th Case

MAJ [redacted] - Here's some thoughts. SGM [redacted] MRD 12 Aug 04

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

-----Original Message-----

From: [redacted] MAJ - SJA [mailto:[redacted]@forscom.army.mil]  
Sent: Tuesday, April 13, 2004 7:59 AM  
To: [redacted] LTC (88 SJA)  
Cc: [redacted] LTC - SJA  
Subject: RE: 377th Case

023416

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Ma'am:

I have a meeting this afternoon with COL [redacted] on this subject. I am not sure what he wants to do or not do at this point. I would like to give a decision briefing to the CG with our recommendation(s). We'll see what happens.

In the interim Ma'am, could you let me know of any experienced prosecutors that you have who could and would want to be mobilized within the next week or two for at least six months to one year. Not sure it will happen that fast, but I am pushing for help soon. Also, if you have enlisted folks who can provide good support to TCs, Art 32s, and courts martial (arranging witnesses will be a key task for these Art. 32s and the trials), I need 3-4 of them for about the same time period - but probably not for about a month or two from now. Finally, I'll eventually need at least two court reporters if you have any. They probably wouldn't be needed for about 3 months. The unique situation I might face requires folks who know their business or are smart enough to learn it very quickly. If I have a post-trial processing time problem with this stuff, we could very well get in big trouble. Once I PCS and/or we lose people from active duty, these cases could well languish in post-trial for an eternity and the effort would be for naught.

I know we will start working here in Atlanta. Our office has space and computers for folks. Where we would eventually end up working/trying cases would be anybody's guess at this point. Although we will want to be close to the convening authority (whoever that may be), the cost of bringing in huge numbers of witnesses may dictate something else. On this subject, are there any decent facilities out your way (Ohio or Indiana) to try courts martial? If so, would we be able to occupy a good office space with privacy and security, as well as capability for NIPR and SIPR access, and good commo equipment (faxes and maybe a VTC for communicating with the SJA/DSJA for the convening authority)? I would like to know if there is any option to go to your way.

Again Ma'am...because I would be operating under a huge time crunch and balancing many things simultaneously, I really need experienced people who know their business very well. I won't have time to train folks from the ground up, even though I can and will be very involved assisting them. I'm sure you understand what I mean Ma'am.

Very Respectfully,

MAJ [redacted]

MAJ, JA  
Military Law Attorney, FORSCOM OSJA  
404 [redacted]

-----Original Message-----

From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Monday, April 12, 2004 4:21 PM  
To: [redacted] MAJ - SJA  
Subject: 377th Case

MAJ [redacted]

I can't seem to find your office number.

Can you give me some idea of what's going on with the 377th cases; specifically, is FORSCOM thinking of picking up jurisdiction of the cases?

Hope you had a good week of leave.

023417

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[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[REDACTED]  
Fax: 612-[REDACTED]

-----Original Message-----

From: [REDACTED] MAJ - SJA [mailto:[REDACTED]@forscom.army.mil]  
Sent: Monday, March 22, 2004 3:42 PM  
To: [REDACTED] LTC (88 SJA) ; [REDACTED] LTC - SJA  
Cc: [REDACTED] LTC (USARC SJA)  
Subject: Extension/Amendment to SSG [REDACTED] TDY (ADT)

Ma'am/Sir:

SSG [REDACTED] is on the ground and working hard. However, I believe that we will only get about half (at most) of what needs to be done with the database done this week. We had a mighty struggle this weekend to get the structure set up to do what I or any future prosecutor will need it to do.

SSG [REDACTED] is confused about his ability to continue working with me. Ma'am, he thinks that you told him that he has a school beginning next week. He received a letter from TJAGLCS that indicated the course to which he is going ("Law for Paralegal NCOs") begins 19 April (report date 18 April).

I have checked the TJAGLCS web site. The next "Law for Paralegal NCOs" course begins 19 April. The only thing beginning 29 March is the SGM world-wide symposium. Not sure what ATARS says or where SSG [REDACTED] is plugged in on that system.

SSG [REDACTED] informs me that he is available to work until his school starts if we can get his orders extended and amended. I would, of course, want to bring him back to Fort McPherson. I understand that this request creates funding and authority (to keep him on AD) issues. I don't profess to be an expert but could we consider ADSW or something like that? I merely make the request and understand that the answer might have to be no.

The bottom line is: I could use him; he and I have discussed it; he can do it; and it would be preferable for the future of this case. I am scheduled to be on leave from 3-10 April for visitation with my son...but by then he should be able to work almost independently I would hope. I could provide guidance telephonically if needed, or someone in the office would be able to help him sort through things if I am not available.

We'll be standing by for guidance. I thought the idea deserved some thought and knew that the sooner it was out there the better chance we would have to make something happen.

Very Respectfully,

[REDACTED]  
From: [REDACTED] MAJ [mailto:[REDACTED]@us.army.mil]  
Sent: Thursday, April 15, 2004 8:28 AM  
To: [REDACTED] LTC  
Subject: 2 Marines Face Courts-Martial In Death Of Prisoner In Iraq

Los Angeles Times  
April 15, 2004

2 Marines Face Courts-Martial In Death Of Prisoner In Iraq

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023418

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By Associated Press

CAMP PENDLETON - Two Marines face courts-martial on charges including assault and dereliction of duty in the death of an Iraqi prisoner in their custody, a Camp Pendleton spokeswoman said.

Maj. Clark A. Paulus is to be arraigned on four charges and Sgt. Gary Pittman faces six charges in the death of a 52-year-old Iraqi man who was allegedly mistreated at a Marine detention facility in southern Iraq last year, said 1st Lt. Amy Malugani, a public affairs officer.

Maj. Gen. William Bowdon, the commanding general at Camp Pendleton, dismissed the most serious charge, negligent homicide, against Paulus and Lance Cpl. Christian Hernandez.

Bowdon decided on the courts-martial Friday after receiving recommendations last month from an officer investigating the case, Malugani said Tuesday.

Overall, five Marines were investigated during an Article 32 hearing in February. Bowdon dismissed all charges against two other Marines and one faced administrative discipline. Article 32 hearings are the military equivalent of a civilian grand jury probe.

From: [REDACTED] MAJ (88 SJA)  
Sent: Wednesday, April 14, 2004 8:29 AM  
To: [REDACTED] LTC (88 SJA)  
Subject: Abuse Charges Against Marine Reservist Are Dismissed

(b)(6)(c)z

San Diego Union-Tribune  
April 13, 2004

Abuse Charges Against Marine Reservist Are Dismissed

He was accused in death of Iraqi at detention center

By Rick Rogers, Staff Writer

Charges against a Marine reservist accused of fatally abusing an Iraqi prisoner last June have been dismissed, leaving in question whether anyone will be tried in the death of a former Baath Party member implicated in an ambush of U.S. soldiers.

Lance. Cpl. Christian Hernandez faced multiple charges, including negligent homicide and assault, in the death of Nagem Sadoon Hatab, who was found dead June 6 at Camp Whitehorse, a detention center near Nasiriyah.

Maj. Gen. William G. Bowdon, Camp Pendleton's commanding general, dismissed the charges against Hernandez without comment. Bowdon decided Friday that there wasn't enough evidence to try Hernandez; his decision was made public yesterday.

"We are delighted with what Maj. Gen. Bowdon decided," said Jack B. Zimmermann, Hernandez's attorney. "Christian is back home with his family in New York. He plans to stay in the Marines at least until his enlistment is up in September."

Bowdon's decision followed the recommendation of Col. William Gallo, who heard evidence against Hernandez and three other Marines - all assigned to the 2nd Battalion, 25th Marines - who were charged in Hatab's death.

Gallo had recommended in mid-March that charges against Hernandez and Maj. William Vickers be dismissed and that charges against Maj. Clarke Paulus be reduced from negligent homicide to an administrative action.

Charges against Vickers were dismissed last week, said his attorney, Jane Siegel.

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That could not be confirmed with military sources yesterday.

Sgt. Gary Pittman was charged with assaulting Hatab and other prisoners and dereliction of duty.

Paulus commanded Camp Whitehorse when Hatab died, having just taken over for Vickers. Hernandez and Pittman were guards there.

Hatab, 52, was found dead a few days after being taken into custody on suspicion of playing a part in the deadly ambush of an Army convoy that killed 11 soldiers and led to the capture of Pfc. Jessica Lynch.

Marine guards who testified under immunity said Hatab was beaten. An Army medical examiner testified that Hatab had several broken ribs and a broken neck bone at the time of his death.

Vickers and Paulus had said they never saw or approved prisoner abuse. Hernandez testified he did not abuse Hatab.

From: [REDACTED] MAJ - SJA [REDACTED]@forscom.army.mil]  
Sent: Tuesday, April 13, 2004 7:59 AM  
To: [REDACTED] LTC (88 SJA)  
Cc: [REDACTED] LTC - SJA  
Subject: RE: 377th Case

Ma'am:

I have a meeting this afternoon with COL [REDACTED] on this subject. I am not sure what he wants to do or not do at this point. I would like to give a decision briefing to the CG with our recommendation(s). We'll see what happens.

In the interim Ma'am, could you let me know of any experienced prosecutors that you have who could and would want to be mobilized within the next week or two for at least six months to one year. Not sure it will happen that fast, but I am pushing for help soon. Also, if you have enlisted folks who can provide good support to TCS, Art 32s, and courts martial (arranging witnesses will be a key task for these Art. 32s and the trials), I need 3-4 of them for about the same time period - but probably not for about a month or two from now. Finally, I'll eventually need at least two court reporters if you have any. They probably wouldn't be needed for about 3 months. The unique situation I might face requires folks who know their business or are smart enough to learn it very quickly. If I have a post-trial processing time problem with this stuff, we could very well get in big trouble. Once I PCS and/or we lose people from active duty, these cases could well languish in post-trial for an eternity and the effort would be for naught.

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Very Respectfully,

MAJ [redacted]

MAJ, JA  
Military Law Attorney, FORSCOM OSJA  
404 [redacted]

-----Original Message-----

From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Monday, April 12, 2004 4:21 PM  
To: [redacted] MAJ - SJA  
Subject: 377th Case

MAJ [redacted]

I can't seem to find your office number.

Can you give me some idea of what's going on with the 377th cases; specifically, is FORSCOM thinking of picking up jurisdiction of the cases?

Hope you had a good week of leave.

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612- [redacted]  
Fax: 612- [redacted]

-----Original Message-----

From: [redacted] MAJ - SJA [mailto:[redacted]@forscom.army.mil]  
Sent: Monday, March 22, 2004 3:42 PM  
To: [redacted] LTC (88 SJA); [redacted] LTC - SJA  
Cc: [redacted] LTC (USARC SJA)  
Subject: Extension/Amendment to SSG [redacted] TDY (ADT)

Ma'am/Sir:

SSG [redacted] is on the ground and working hard. However, I believe that we will only get about half (at most) of what needs to be done with the database done this week. We had a mighty struggle this weekend to get the structure set up to do what I or any future prosecutor will need it to do.

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expert but could we consider ADSW or something like that? I merely make the request and understand that the answer might have to be no.

The bottom line is: I could use him; he and I have discussed it; he can do it; and it would be preferable for the future of this case. I am scheduled to be on leave from 3-10 April for visitation with my son...but by then he should be able to work almost independently I would hope. I could provide guidance telephonically if needed, or someone in the office would be able to help him sort through things if I am not available.

We'll be standing by for guidance. I thought the idea deserved some thought and knew that the sooner it was out there the better chance we would have to make something happen.

Very Respectfully,

[Redacted]  
From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Friday, April 09, 2004 3:47 PM  
To: [Redacted] TC (88 SJA)  
Cc: [Redacted] COL (88SJA); [Redacted] MAJ (88 DCS, G2)  
Subject: RE: Training of 783rd MPS

Thanks; I appreciate the documentation, and believe that the effort was a good idea. I'll describe what we did to MG Wilson and LTG Helmly when I see them next week.

CG

-----Original Message-----

From: [Redacted] LTC (88 SJA)  
Sent: Friday, April 09, 2004 2:03 PM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Cc: [Redacted] COL (88SJA); [Redacted] MAJ (88 DCS, G2)  
Subject: FW: Training of 783rd MPS  
Importance: High

Sir - You asked for a memorandum describing the circumstances under which the OSJA and PMO provided training to the 783rd MP Bn this past Monday.

The (attached) word document lays out details as I know them concerning the request for providing this training and what information we provided. The 2 powerpoint files are the slides I put together on very short notice. The first is a portion of a standard Law of war briefing culled down to include those slides specifically dealing with prisoners and war crimes, to which I provided additional commentary reminding that humane treatment and no torture is a requirement of all of the Geneva Conventions and applies to all persons under detention, no matter their status. The 2nd slide I put together last minute (as you'll see) to cover the subject of recent investigations into MP conduct regarding detainee abuse and illegal orders.

To the best of my knowledge, the training which MAJ [Redacted] and I conducted Monday afternoon was not requested by the unit; rather, it was a last-minute fill suggested by G7 due to the pull-out of planned CTT Training by one of the Training Divisions.

It appears to me that the unit is quite conscious of the issue of detainee abuse and what is/isn't acceptable non-lethal force measures. They have been conducting training on these matters, though I can't give you specifics on their internal training. We filled in some details on potential results of overuse of some of these tactics (specifically common peroneal strikes), and reinforced: Law of war requirements for humane treatment; illegal orders and how to respond to them; responsibility of the superiors for conduct and behavior of their subordinates.

aw  
(b)(6)z

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V/R, LTC [redacted]

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

From: [redacted] MAJ (88 DCS, G2)  
Sent: Thursday, April 08, 2004 11:55 AM  
To: [redacted] LTC (88 SJA)  
Subject: RE: Training of 783rd MPs

Ma'am,

Got it--Haven't had a chance to look at it yet. Been too busy directing traffic.

-----Original Message-----

From: [redacted] LTC (88 SJA)  
Sent: Wednesday, April 07, 2004 5:54 PM  
To: [redacted] MAJ (88 DCS, G2)  
Cc: [redacted] COL (88SJA)  
Subject: Training of 783rd MPs  
Importance: High

[redacted], will you look at this email and the winword attachment and make any corrections you think are needed? I'll be sending this to BG Beasley.

Sir - You asked for a memorandum describing the circumstances under which the OSJA and PMO provided training to the 783rd MP Bn this past Monday.

The word document below lays out details as I know them concerning the request for providing this training and what information we provided. The 2 powerpoint files are the slides I put together on very short notice. The first includes slides from a standard Law of War briefing culled down to include those slides specifically dealing with prisoners and war crimes, to which I provided additional commentary reminding that humane treatment and no torture is a requirement of all of the Geneva Conventions and applies to all persons under detention, no matter their status. The 2nd slide I put together last minute (as you'll see) to cover the subject of recent investigations into MP conduct regarding detainee abuse and illegal orders.

To the best of my knowledge, the training which MAJ [redacted] and I conducted Monday afternoon was not requested by the unit; rather, it was a last-minute fill suggested by G7 due to the pull-out of planned CTT Training by one of the Training Divisions.

It appears to me that the unit is quite conscious of the issue of detainee abuse and what is/isn't acceptable non-lethal force measures. They have been conducting training on these matters, though I can't give you specifics on their internal training. We filled in some details on potential results of overuse of some of these tactics (specifically common peroneal strikes), and reinforced: Law of War requirements for humane treatment; illegal orders and how to respond to them; responsibility of the superiors for conduct and behavior of their subordinates.

<<...>> <<...>> <<...>>

023423



#1.txt

V/R, LTC [REDACTED]

[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[REDACTED]  
Fax: 612-[REDACTED]

(b)(6) 2

From: [REDACTED]@polarisind.com  
Sent: Monday, April 05, 2004 12:24 PM  
To: [REDACTED]@us.army.mil  
Subject: Recommended: "US soldiers face charges of prisoner abuse"

[REDACTED] has recommended this article from  
The Christian Science Monitor's electronic edition.

sign up for the Monitor Treeless Edition!  
<http://www.csmonitortreeless.com?dmc=E35W191>

Click here to email this story to a friend:  
<http://www.csmonitor.com/cgi-bin/send-story?2004/0326/p02s01-usmi.txt>

Click here to read this story online:  
<http://www.csmonitor.com/2004/0326/p02s01-usmi.html>

Headline: US soldiers face charges of prisoner abuse  
Byline: Ann Scott Tyson Correspondent of The Christian Science Monitor  
Date: 03/26/2004

(WASHINGTON) To former military police Master Sgt. Lisa Girman and two of her fellow soldiers, May 12 was just "another night in the desert" restraining unruly Iraqi war prisoners. But in January, the three Pennsylvania MPs were discharged from the military for kicking and punching Iraqis, including one allegedly linked to the ambush of the Jessica Lynch convoy. [Editor's note: In the original version, Girman's name was misspelled.]

In a similar case, a Marine guard testified in February that beating uncooperative Iraqi detainees was common. In all, eight Marines have been charged for mistreating detainees, one of whom died in custody.

Now, the US military has charged six more American soldiers with assault, indecent acts, cruelty, and maltreatment in connection with the alleged abuse of as many as 19 detainees at the Abu Ghraib prison west of Baghdad.

From detainee abuse to the excessive use of force and disputed killings of civilians, the Iraq conflict is producing its share of legal and ethical lapses by US service members, despite strenuous efforts by US commanders to avoid them.

The breaches involve only a tiny fraction of the more than 150,000-strong US occupation force, which military ethicists and human rights groups have given generally good marks for their comportment in Iraq. Still, such violations could cause disproportionate damage to the US military's image among Iraqis.

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"The forces of gravity that drag you down to the level of your enemy are very powerful," says Albert Pierce, director of the Center for the Study of Professional Military Ethics at the US Naval Academy. "Sometimes they are inherent in conflict, sometimes they are part of an inherent strategy by the enemy," he says, adding that US commanders are making an "extraordinary effort" to resist such forces.

Tensions could grow over such infractions if, as expected, US forces continue to operate free from Iraqi legal jurisdiction following the July 1 transfer of power from the US-led coalition to Iraqi authorities. US officials say they hope to reach an agreement with Iraqi leaders this month on what the legal status of US forces will be. "We will not have a period of time when our forces are without protection," Peter Rodman, assistant secretary of Defense for international security affairs, told a House hearing earlier this month.

which courts have jurisdiction

Normally, agreements on the status of US forces based abroad grant a degree of jurisdiction over them to local courts, but Iraq could prove an exception, says Georgetown University law professor Anthony Arend. "I could see the US saying, the [Iraqi] court system is not well enough established, and we don't believe US forces could get a fair trial, so we reserve the right to try them under any circumstance."

Maltreatment of Iraqis is not the only problem that has sparked US military investigations and legal or disciplinary action. US service members have also been accused of victimizing each other. The Army's Criminal Investigation Command has probed allegations of felonies by US soldiers in Iraq such as sexual assault, larceny, and smuggling, and the Army has set up a hotline for reporting sexual assault.

Still, perhaps the most serious ethical issues derive from the US military's status as an occupying force, and the special obligations that implies for safeguarding Iraqis. "The US fails to meet its legal and moral responsibilities to Iraq as long as it fails to provide adequate security for the Iraqi people," writes Neta Crawford, associate professor of international affairs at Brown University, in "Principia Leviathan: The Moral Duties of American Hegemony."

So far, the major charges against US service members have involved the treatment of detainees. In the latest case, six US soldiers were charged on Saturday with crimes including "conspiracy, dereliction of duty, cruelty and maltreatment, assault, and indecent acts with another" in connection with alleged detainee abuse last November and December at the Abu Ghraib facility.

The six charged as a result of a two-month military investigation are from an original group of 17 soldiers and commanders who were suspended from duty but remain in Iraq. The military is withholding the soldiers' names until an Article 32 hearing, similar to a grand jury, determines whether they will face trial.

US military officials say they are working hard to root out abuses such as those alleged at Abu Ghraib before they spread. The military has also paid thousands of dollars to compensate for the injury, death, or property damage inflicted on innocent Iraqis by US forces.

Human rights scorecard

Last week, an Amnesty International report on human rights in Iraq over the past year stated that "scores of civilians have been killed apparently as a result of excessive force by US troops, or have been

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shot dead in disputed circumstances."

"Yes, there have been, sadly, cases where soldiers have operated outside established, trained rules of engagement and rules for the use of force," said Brig. Gen. Mark Kimmitt, deputy director for coalition operations in Baghdad, on Monday. But he noted that "while each of those cases is nothing to take great pride in, the fact is that 99-plus percent of the soldiers are operating well within those rules of engagement, under very tough conditions, showing remarkable restraint."

Military lawyers say they must constantly reassess the rules of engagement as the line between the enemy and the innocent grows increasingly blurry in today's battle zones such as Iraq.

"Terrorism and the conflict you face in Iraq now is not the classic war that the rules of war are formulated for," says Thomas Grasse, chair of leadership and ethics at the Naval War College in Newport, R.I. "The law of armed conflict reflects a more classical pattern of guys wearing uniforms and carrying guns," says Mr. Grasse, "so the insurgents are a challenge" for military lawyers.

For US soldiers, a moral minefield

Indeed, as US troops fight a stubborn guerrilla insurgency and terrorist threat while under obligation to protect Iraqi civilians, they face a moral landscape that is in many ways more complex than in past wars.

"The question is, how vulnerable do you want your people to be in the postwar phase?" when the military's role shifts to safeguarding the civilian population and providing for basic needs, says Rear Adm. Louis Iasiello, chief of chaplains for the US Navy and an expert in just-war theory.

Debate over whether a war is justified, and conduct during the war, needs to extend to the aftermath of the conflict, he says. "Commanders have to keep that right intention, to establish a just and lasting peace" in the postwar period, Admiral Iasiello says.

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From: [REDACTED] MAJ (88 SJA)  
Sent: Sunday, April 04, 2004 11:22 AM

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023426

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To: [REDACTED] LTC (88 SJA)  
Subject: FW: LCHR Letter & 18 USC § 2340A

(b)(6) z

-----Original Message-----

From: [REDACTED] MAJ (88 SJA)  
Sent: Saturday, 3 April 2004 1055  
To: [REDACTED] LTC (88 SJA)  
Cc: [REDACTED] COL (88SJA)  
Subject: LCHR Letter & 18 USC § 2340A

18 USCS § 2340A

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\*\*\* CURRENT THROUGH P.L. 108-209, APPROVED 3/19/04 \*\*\*

TITLE 18. CRIMES AND CRIMINAL PROCEDURE  
PART I. CRIMES  
CHAPTER 113C. TORTURE

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

18 USCS § 2340A (2004)

§ 2340A. Torture

(a) Offense. Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

(b) Jurisdiction. There is jurisdiction over the activity prohibited in subsection (a) if--

- (1) the alleged offender is a national of the United States; or
- (2) the alleged offender is present in the United States, irrespective of the nationality of the victim or alleged offender.

(c) Conspiracy. A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.

HISTORY:

(Added April 30, 1994, P.L. 103-236, Title V, Part A, § 506(a), 108 Stat. 463; Sept. 13, 1994, P.L. 103-322, Title VI, § 60020, 108 Stat. 1979; Oct. 26, 2001, P.L. 107-56, Title VIII, § 811(g), 115 Stat. 381.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Effective date of section:

This section takes effect on the later of (1) the date of enactment or (2) the date on which the United States has become a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as provided by § 506(c) of Act April 30, 1994, P.L. 103-236, which appears as 18 USCS § 2340 note. [The Convention entered into force with respect to the United States on Nov. 20, 1994, Treaty Doc. 100-20.]

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Amendments:

1994. Act Sept. 13, 1994, in subsec. (a), inserted "punished by death or".  
2001. Act Oct. 26, 2001, added subsec. (c).

NOTES:

CROSS REFERENCES

Sentencing Guidelines for the United States Courts, 18 USCS Appx §§ 2A1.1, 2A1.2, 2A2.1, 2A2.2, 2A4.1.

RESEARCH GUIDE

Annotations:

Construction and Application of United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment, or Punishment. 184 ALR Fed 385.

Law Review Articles:

Chemerinsky. Litigation alerts in the USA Patriot Act. 23 Cal Law 29, April 2003.  
Sproule. The Effect of the USA Patriot Act on Workplace Privacy. 49 Prac Law 35, February 2003.

From: Reitz, Nathaniel J MAJ (88 SJA)  
Sent: Saturday, April 03, 2004 10:55 AM  
To: Lewis, Audrey J LTC (88 SJA)  
Cc: Waldkoetter, Eric COL (88SJA)  
Subject: LCHR Letter & 18 USC § 2340A

18 USCS § 2340A

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(1) the alleged offender is a national of the United States; or  
(2) the alleged offender is present in the United States, irrespective of the nationality of the victim or alleged offender.

(c) Conspiracy. A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the

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conspiracy.

HISTORY:

(Added April 30, 1994, P.L. 103-236, Title V, Part A, § 506(a), 108 Stat. 463; Sept. 13, 1994, P.L. 103-322, Title VI, § 60020, 108 Stat. 1979; Oct. 26, 2001, P.L. 107-56, Title VIII, § 811(g), 115 Stat. 381.)

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NOTES:

CROSS REFERENCES

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Law Review Articles:

Chemerinsky. Litigation alerts in the USA Patriot Act. 23 Cal Law 29, April 2003.  
Sproule. The Effect of the USA Patriot Act on workplace Privacy. 49 Prac Law 35, February 2003.

From: [redacted] CW3 [redacted]@belvoir.army.mil]  
Sent: Tuesday, March 30, 2004 8:59 AM  
To: [redacted] CW5; 'COL [redacted] (E-mail)'; [redacted]; 'CW5 [redacted] (E-mail)'; [redacted] CW3 - 3d MP Group [redacted] (CID) (E-mail) (E-mail); [redacted] MAJ - SJA; [redacted] MAJ; [redacted]  
Cc: 'CW3 [redacted] (E-mail)'; [redacted] Maj. [redacted] (E-mail); [redacted] (E-mail); [redacted] LTC LND' [redacted] (E-mail)  
Subject: Status Reports Bagram Detainee Death Cases 30 Mar 04

Attached are the most recent approved status reports pertaining to the Afghanistan detainee death ROIs. Copies are being provided to all addressees listed in the distribution section of the reports. We continue efforts to determine criminal culpability for the death(s).

[redacted]  
[redacted]  
CW3, MP  
HQ, USACIDC

(b)(6) z  
all

703 [redacted] wk

023429

cell  
(b)(6)z

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703 [redacted] Fax  
DSN Prefix: 656  
[redacted] Cell  
[redacted]@belvoir.army.mil

From: [redacted]@us.army.mil  
Sent: Wednesday, March 24, 2004 3:37 PM  
To: [redacted] SSG  
Cc: [redacted]@usarc-emh2.army.mil  
Subject: [redacted] Re: Duty

SSG [redacted] We certainly appreciate your willingness to help out on this matter. I guess I would defer to LTC [redacted] as to what, if any, info she feels we should gather at this time. Like I say, if and when this is pushing forward and info comes down, I will pass it on. SGM [redacted]

----- Original Message -----

From: [redacted] SSG" <[redacted]@us.army.mil>  
Date: Wednesday, March 24, 2004 10:20 am  
Subject: Duty

> Dear SGM [redacted]  
> Just checking in. I know there is no new information, but I am  
> still available. Are there any forms/information that you will  
> need from me? If so, I might as well get them ready ahead of time.  
> Best,  
> SSG [redacted]

> From: [redacted]@us.army.mil [redacted]@us.army.mil]  
> Sent: Wed 3/17/2004 3:33 PM  
> To: [redacted] SSG  
> Subject: Re:

> SSG [redacted] I just got off the phone with LTC [redacted], our Deputy  
> SJA. She said to get back to you and indicate that things at this  
> point are still a little unsettled, that startup times for the  
> invest. are still be determined. I will send info down to you as  
> soon as it comes to me. We are interested in having you assist  
> when and if the investigation proceeds, which is likely. SGM [redacted]

> ----- Original Message -----

> From: [redacted] SSG" <[redacted]@us.army.mil>  
> Date: Wednesday, March 17, 2004 10:44 am

> Dear SGM [redacted]  
> I am with the 3rd LSO out of Boston. I understand that you are  
> looking for NCO's for an Article 32 investigation out of Fort  
> Belvoir beginning soonest. I am available and wish to volunteer  
> if you need me. I just spent seven months up at Fort Drum under  
> Noble Eagle, working in both the Claims and Criminal Law Sections.  
> My home phone number is [redacted]  
> Fax [redacted]  
> Cell [redacted]

> Best,  
> SSG [redacted]

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>  
>  
>  
From: [REDACTED]  
Sent: Tuesday, March 23, 2004 6:49 PM  
To: [REDACTED]@us.army.mil  
Cc: [REDACTED]@usarc-emh2.army.mil  
Subject: Re: FW: INVESTIGATION

SFC [REDACTED] Thanks for your interest in helping us out. I am copying LTC [REDACTED], our full time Deputy Staff Judge Advocate. We will keep your name on file and when things are a little more determined, such as length of duty (probably two to four months), I will get back to you as LTC [REDACTED] directs. Thanks again for expressing your interest and I will keep you advised.

SGM [REDACTED] CHIEF PARALEGAL NCO, 88th REGIONAL READINESS COMMAND  
From: [REDACTED] MAJ - SJA [REDACTED]@forscom.army.mil]  
Sent: Monday, March 22, 2004 3:42 PM  
To: [REDACTED] LTC (88 SJA)'; [REDACTED] LTC - SJA  
Cc: [REDACTED] LTC (USARC SJA)  
Subject: Extension/Amendment to SSG [REDACTED] TDY (ADT)

Ma'am/Sir:

SSG [REDACTED] is on the ground and working hard. However, I believe that we will only get about half (at most) of what needs to be done with the database done this week. We had a mighty struggle this weekend to get the structure set up to do what I or any future prosecutor will need it to do.

SSG [REDACTED] is confused about his ability to continue working with me. Ma'am, he thinks that you told him that he has a school beginning next week. He received a letter from TJAGLCS that indicated the course to which he is going ("Law for Paralegal NCOs") begins 19 April (report date 18 April).

I have checked the TJAGLCS web site. The next "Law for Paralegal NCOs" course begins 19 April. The only thing beginning 29 March is the SGM world-wide symposium. Not sure what ATARS says or where SSG Lukens is plugged in on that system.

SSG [REDACTED] informs me that he is available to work until his school starts if we can get his orders extended and amended. I would, of course, want to bring him back to Fort McPherson. I understand that this request creates funding and authority (to keep him on AD) issues. I don't profess to be an expert but could we consider ADSW or something like that? I merely make the request and understand that the answer might have to be no.

The bottom line is: I could use him; he and I have discussed it; he can do it; and it would be preferable for the future of this case. I am scheduled to be on leave from 3-10 April for visitation with my son...but by then he should be able to work almost independently I would hope. I could provide guidance telephonically if needed, or someone in the office would be able to help him sort through things if I am not available.

We'll be standing by for guidance. I thought the idea deserved some thought and knew that the sooner it was out there the better chance we would have to make something happen.

Very Respectfully,

MAJ [REDACTED]  
From: [REDACTED]@us.army.mil  
Sent: Monday, March 22, 2004 10:37 AM  
To: [REDACTED]@us.army.mil

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Cc: [redacted]@usarc-emh2.army.mil  
Subject: Re: 27D Assistance

MSG [redacted] I will pass this on to LTC [redacted] and will keep you informed as info is handed down (e.g., dates, duration, etc.) I talked briefly with CG Beasley this past weekend and reiterated the importance and sensitivity of this matter and the need to keep it very confidential. So please don't divulge what you may know to anyone else outside of myself and our office. SGM [redacted]

----- Original Message -----

From: [redacted]@us.army.mil  
Date: Monday, March 22, 2004 9:58 am  
Subject: 27D Assistance

- > SGM [redacted]
- >
- > When SGM [redacted] initially contacted me about your need for 27D assistance, he and I both discussed SPC [redacted] as a possible choice. I was also put into contact with LTC [redacted] and gave her SPC [redacted] name and telephone number.
- >
- > SPC [redacted] is prepared for a six-month tour of duty and is available within the specified time frame. She will have completed her graduate studies in early April, and is prepared to report for duty upon your request.
- >
- > MSG [redacted]
- > Chief Paralegal NCO
- > 3d Legal Support Organization
- > Boston, MA 02210
- > Unit Telephone: (617) [redacted]
- > Civilian Telephone: [redacted]
- > Home Telephone: [redacted]
- >
- >

From: [redacted]@us.army.mil  
Sent: Monday, March 22, 2004 10:22 AM  
To: [redacted]@us.army.mil  
Cc: [redacted]@usarc-emh2.army.mil  
Subject: Re: Fwd: Enlisted Training Opportunity

----- Original

SPC [redacted] I believe we have your name in file as a volunteer to help out with this mission. We will keep you posted on the status of the need for enlisted support. SGM [redacted]

From: [redacted]@us.army.mil  
Date: Friday, March 19, 2004 11:19 am  
Subject: Fwd: Enlisted Training Opportunity

- > I was advised by my NCOIC (SFC [redacted] to contact you regarding this training opportunity. I am very interested. Thank you!!!

From: [redacted]@us.army.mil  
Sent: Monday, March 22, 2004 9:38 AM  
To: [redacted]@us.army.mil  
Cc: [redacted]@usarc-emh2.army.mil; [redacted]@usarc-emh2.army.mil  
Subject: Re: Enlisted Training Opportunity

SPC [redacted] Thank you for your interest in helping out on this investigation. I am forwarding your response to LTC [redacted] our full-time Deputy SJA. As I understand it, we are in kind of a holding pattern until the exact mission gets determined and dates finalized. I will keep you apprised on the status of the investigation as I hear it from LTC [redacted] and when and how many enlisted personnel

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we need to support this mission. SGM [redacted], Chief Paralegal NCO, 8th RRC

----- Original Message -----  
From: [redacted]@us.army.mil  
Date: Friday, March 19, 2004 11:17 am  
Subject: Enlisted Training Opportunity

> I was advised by my NCOIC (SFC [redacted]) to get in touch with you  
> regarding this training opportunity. I am very interested in this  
> project.

>  
>  
From: [redacted] LTC - SJA  
[redacted]@forscom.army.mil]  
Sent: Friday, March 19, 2004 7:34 AM  
To: [redacted] LTC (88 SJA)  
Subject: RE: Contact Info for MAJ [redacted] at FBVA

V/R

[redacted] - hey lady - how ya doing? Mr. [redacted] sends his regards. I don't think he has changed much!

[redacted]  
FORSCOM OSJA Executive Officer  
404 [redacted] DSN 367

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-----Original Message-----

From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Wednesday, March 17, 2004 7:30 PM  
To: [redacted] MAJ - SJA; [redacted] LTC USARC SJA; [redacted]  
LTC - SJA  
Cc: [redacted] LTC - SJA; [redacted]  
LTC USARC SJA; [redacted] COL (88SJA)  
Subject: RE: Contact Info for MAJ [redacted] at FBVA

MAJ [redacted] et al - I have just spoken to our NCO, SSG [redacted]. He reports having considerable experience with Microsoft Excel and Access Database systems including both design and maintenance. He is available until the 28th, at which time he goes to the JAG school for a week long course, though he says that can be postponed if necessary. I have an RFO submitted which would have SSG [redacted] arriving as early as Friday. Please let me know ASAP if you wish him to come down.

On a personal note - greetings to [redacted] and [redacted]. Its been >10 yrs since Vicenza... Hope you're both well. :-)

[redacted]  
LTC, JA, Deputy SJA  
88th RRC

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506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-  
Fax: 612-

-----Original Message-----

From: [redacted] MAJ - SJA [mailto:[redacted]@forscom.army.mil]  
Sent: Wednesday, March 17, 2004 5:58 PM  
To: [redacted] LTC (USARC SJA); [redacted] LTC - SJA  
Cc: [redacted] LTC (88 SJA); [redacted] LTC - SJA; [redacted] MAJ - SJA; [redacted]  
Subject: RE: Contact Info for MAJ [redacted] at FBVA

Sir:

I am monitoring my email from here and believe that is the best way to contact me for the time being. I do not check email as often during the day as I would if I were back there, but I do check it at least 3 times a day (morning, lunch, & prior to evening departure).

I'd be happy to take any info you have for a 27D, but am not sure at what point I will need him or her as of yet. Just wading thru the over 200 (estimated) statements and other items of documentary evidence is taking a while. Additionally, I am noticing that we have several more interviews to track down before we can really start looking beyond lower-level titling decisions and toward the significant potential offenses...that is if any of the more significant offenses are ultimately even titled or charged.

Although we have no admin support at the moment, we also have little need for it for the time being. Copies of the statements were made prior to my arrival, and further tree-killing should probably be postponed (in my opinion) until we have a plan put together and a better feel for what we need.

HOWEVER Sir, if you have a computer guru that is exceptionally literate in building Microsoft Access databases, reports, and queries, (who would then do the data input under my guidance as well) then I do think I could use someone sooner rather than later. Building a database would really help to manage and balance the large number of witnesses and statements that we have with all of the potential accuseds. If I had time to learn it on the fly and build it from scratch, then I would do it. But I just cannot do that right at the moment. Access takes a while to use even if you know how to do it.

I do greatly appreciate your assistance Sir, and that of the 88th as well. CID has also been very complimentary of the support that they have been receiving from the 88th. I am confident we will all work well together going forward.

Very Respectfully,

MAJ [redacted]

-----Original Message-----

From: [redacted] LTC USARC SJA  
To: [redacted] LTC - SJA  
Cc: [redacted] LTC - SJA; [redacted] MAJ - SJA; [redacted]  
[redacted] LTC (88 SJA)  
Sent: 3/17/2004 6:14 PM

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Subject: Contact Info for MAJ [redacted] at FBVA

[redacted] or other addressee at FORSCOM: Do you have contact numbers for MAJ [redacted] at Fort Belvoir? We want to coordinate with him about the 27D we're trying to provide to help him and I don't have his number. LTC [redacted] might have it but he's gone for the evening and he will be traveling to the on-site in St. Louis tomorrow. Please advise.

Thanks!

V/R,

LTC [redacted]  
Deputy Staff Judge Advocate  
US Army Reserve Command  
(404) [redacted] DSN 367-[redacted]  
Fax: (404) [redacted]  
Secure: (404) [redacted]

From: [redacted] MAJ - SJA [redacted]@forscom.army.mil]  
Sent: Thursday, March 18, 2004 10:08 AM  
To: [redacted] LTC (88 SJA)  
Subject: RE: Contact Info for MAJ [redacted] at FBVA

Thanks Ma'am...appreciate the update. I apologize for not getting to my email sooner this morning. Please let me know if there is anything I can do to help from my end.

Very Respectfully,

MAJ [redacted]

-----Original Message-----

From: [redacted] LTC (88 SJA)  
To: [redacted] MAJ - SJA  
Sent: 3/18/2004 10:59 AM  
Subject: RE: Contact Info for MAJ [redacted] at FBVA

Just got his orders approved; G-2 is working on verification of his clearance (I believe he has an interim currently, pending renewal).

We'll try to get a flight reservation for him tomorrow morning. Stay tuned.

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]

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Fax: 612- [redacted]

-----Original Message-----

From: [redacted] MAJ - SJA [mailto:[redacted]@forscom.army.mil]  
Sent: Thursday, March 18, 2004 8:39 AM  
To: [redacted] LTC (USARC SJA); [redacted] LTC (88 SJA)';  
[redacted] MAJ - SJA; [redacted] LTC - SJA  
Cc: [redacted] LTC - SJA; [redacted]; [redacted]  
[redacted] LTC USARC SJA; [redacted] COL (88SJA) '  
Subject: RE: Contact Info for MAJ [redacted] at FBVA

Sir and LTC [redacted] Ma'am:

I have discussed with LTC [redacted] and we agree that SSG [redacted] should come on over here ASAP. Thanks much for the help. If you put SSG [redacted] in contact with me, we can arrange his arrival. SSG [redacted] should contact Fort Belvoir billeting for a room on post...and specifically ask for something in or near building 508 - where I am.

No hardware is needed. I have been assured everything we need here from CID...and the USACIDC and Belvoir SJAs have also offered support if needed.

I will merely transport the database on CD and memory stick back to McPherson. Once this initial data entry is done and double-checked, I should be able to maintain the database on my own as new information comes in. However, if we get or expect a large push of info, I may ask for assistance again.

The biggest obstacle is creating the various database tables within the main database, inputting the information, then designing the queries to pull the information in various reports and forms. I have already started on the main database table...the sub-tables still need to be developed and linked to fields within the main table.

I have no plans to make this harder by putting classified data in the database right now. I do not even intend to transport classified documents myself. My plan is to review everything here, but then ship it all home and deal with it there.

SSG [redacted] will need to bring verification of security clearance. I should have unescorted access to the CID HQ building by later today so we can work in here over the weekend. My backup plan is to borrow a laptop from USACIDC SJA and work on things in my room.

I am currently scheduled to depart in the morning on 27MAR04. SSG [redacted] should be able to leave from here and go directly to TJAGLCS with that

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all (b)(6)Z

#1.txt

day  
as a travel day. We will not work that day.

My office number here is (703) [REDACTED] I should be in most of the morning if someone needs to contact me regarding this.

Thanks again for the help Sir and Ma'am.

Very Respectfully,

MAJ [REDACTED]

-----Original Message-----

From: [REDACTED] LTC USARC SJA  
To: [REDACTED] LTC (88 SJA); [REDACTED] MAJ - SJA; [REDACTED]

H. LTC - SJA  
Cc: [REDACTED] LTC - SJA; [REDACTED]; [REDACTED]

LTC USARC SJA; [REDACTED] COL (88SJA)  
Sent: 3/17/2004 7:29 PM  
Subject: RE: Contact Info for MAJ [REDACTED] at FBVA

ALCON: Standing by to support.

Suggestions: Might want to verify what computer hardware SSG [REDACTED] should bring if MAJ [REDACTED] wants him to TOT Friday. Also, whether classified data will be entered into the ACCESS database/EXCEL spreadsheets because the laptop and media will then have to be certified/secured and courier orders authorized if SSG [REDACTED] will transport. Finally, scope of the work on database if it's going to require SSG [REDACTED] to work on it after completion of his course.

Aloha,

[REDACTED]  
LTC [REDACTED]  
Deputy Staff Judge Advocate  
US Army Reserve Command  
(404) [REDACTED] DSN 367 [REDACTED]  
Fax: (404) [REDACTED]  
Secure: (404) [REDACTED]

-----Original Message-----

From: [REDACTED] LTC (88 SJA)  
Sent: Wednesday, March 17, 2004 7:30 PM  
To: [REDACTED] MAJ - SJA; [REDACTED] LTC USARC SJA; [REDACTED]

LTC - SJA  
Cc: [REDACTED] LTC - SJA; [REDACTED]; [REDACTED]

LTC USARC SJA; [REDACTED] COL (88SJA)  
Subject: RE: Contact Info for MAJ [REDACTED] at FBVA

MAJ [REDACTED] et al - I have just spoken to our NCO, SSG [REDACTED] He reports having considerable experience with Microsoft Excel and Access Database

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systems including both design and maintenance. He is available until the 28th, at which time he goes to the JAG school for a week long course, though he says that can be postponed if necessary. I have an RFO submitted which would have SSG [redacted] arriving as early as Friday. Please let me know ASAP if you wish him to come down.

On a personal note - greetings to [redacted] and [redacted] Its been >10 yrs since vicenza... Hope you're both well. :-)

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

-----Original Message-----

From: [redacted] MAJ - SJA [mailto:[redacted]@forscom.army.mil]  
Sent: Wednesday, March 17, 2004 5:58 PM  
To: [redacted] LTC (USARC SJA); [redacted] LTC - SJA  
Cc: [redacted] LTC - SJA; [redacted] MAJ - SJA;  
[redacted] LTC (88 SJA) ; [redacted]  
Subject: RE: Contact Info for MAJ [redacted] at FBVA

Sir:

I am monitoring my email from here and believe that is the best way to contact me for the time being. I do not check email as often during the day as I would if I were back there, but I do check it at least 3 times a day (morning, lunch, & prior to evening departure).

I'd be happy to take any info you have for a 27D, but am not sure at what point I will need him or her as of yet. Just wading thru the over 200 (estimated) statements and other items of documentary evidence is taking a while. Additionally, I am noticing that we have several more interviews to track down before we can really start looking beyond lower-level titling decisions and toward the significant potential offenses...that is if any of the more significant offenses are ultimately even titled or charged.

Although we have no admin support at the moment, we also have little need for it for the time being. Copies of the statements were made prior to my arrival, and further tree-killing should probably be postponed (in my opinion) until we have a plan put together and a better feel for what we need.

HOWEVER Sir, if you have a computer guru that is exceptionally literate  
Page 87

023438

all (b)(6) z

#1.txt

in building Microsoft Access databases, reports, and queries, (who would then do the data input under my guidance as well) then I do think I could use someone sooner rather than later. Building a database would really help to manage and balance the large number of witnesses and statements that we have with all of the potential accuseds. If I had time to learn it on the fly and build it from scratch, then I would do it. But I just cannot do that right at the moment. Access takes a while to use even if you know how to do it.

I do greatly appreciate your assistance sir, and that of the 88th as well. CID has also been very complimentary of the support that they have been receiving from the 88th. I am confident we will all work well together going forward.

Very Respectfully,

MAJ [REDACTED]

-----Original Message-----

From: [REDACTED] LTC USARC SJA  
To: [REDACTED] LTC - SJA  
Cc: [REDACTED] LTC - SJA; [REDACTED] MAJ - SJA;

[REDACTED] LTC (88 SJA)  
Sent: 3/17/2004 6:14 PM  
Subject: Contact Info for MAJ [REDACTED] at FBVA

[REDACTED] or other addressee at FORSCOM: Do you have contact numbers for MAJ [REDACTED] at Fort Belvoir? We want to coordinate with him about the 27D we're trying to provide to help him and I don't have his number. LTC [REDACTED] might have it but he's gone for the evening and he will be traveling to the on-site in St. Louis tomorrow. Please advise.

Thanks!

V/R,

LTC [REDACTED]  
Deputy Staff Judge Advocate  
US Army Reserve Command  
(404) [REDACTED], DSN 367-[REDACTED]

Page 88

023439



all (b)(6) 2

#1.txt

Fax: (404) [redacted]  
Secure: (404) [redacted]

From: [redacted] MAJ - SJA [redacted]@forscom.army.mil]  
Sent: Thursday, March 18, 2004 8:39 AM  
To: [redacted] LTC (USARC SJA); [redacted] LTC (88 SJA) ; [redacted]  
[redacted] MAJ - SJA; [redacted] LTC - SJA  
Cc: [redacted] LTC - SJA; [redacted] ; [redacted] LTC  
USARC SJA; [redacted] COL (88SJA) ;  
Subject: RE: Contact Info for MAJ [redacted] at FBVA

Sir and LTC [redacted] Ma'am:

I have discussed with LTC [redacted] and we agree that SSG [redacted] should come on over here ASAP. Thanks much for the help. If you put SSG [redacted] in contact with me, we can arrange his arrival. SSG [redacted] should contact Fort Belvoir billeting for a room on post...and specifically ask for something in or near building 508 - where I am.

No hardware is needed. I have been assured everything we need here from CID...and the USACIDC and Belvoir SJAs have also offered support if needed. I will merely transport the database on CD and memory stick back to McPherson. Once this initial data entry is done and double-checked, I should be able to maintain the database on my own as new information comes in. However, if we get or expect a large push of info, I may ask for assistance again.

The biggest obstacle is creating the various database tables within the main database, inputting the information, then designing the queries to pull the information in various reports and forms. I have already started on the main database table...the sub-tables still need to be developed and linked to fields within the main table.

I have no plans to make this harder by putting classified data in the database right now. I do not even intend to transport classified documents myself. My plan is to review everything here, but then ship it all home and deal with it there.

SSG [redacted] will need to bring verification of security clearance. I should have unescorted access to the CID HQ building by later today so we can work in here over the weekend. My backup plan is to borrow a laptop from USACIDC SJA and work on things in my room.

I am currently scheduled to depart in the morning on 27MAR04. SSG [redacted] should be able to leave from here and go directly to TJAGLCS with that day as a travel day. We will not work that day.

My office number here is (703) [redacted]. I should be in most of the morning if someone needs to contact me regarding this.

Thanks again for the help Sir and Ma'am.

Very Respectfully,

MAJ [redacted]

-----Original Message-----

From: [redacted] LTC USARC SJA  
To: [redacted] LTC (88 SJA); [redacted] MAJ - SJA; [redacted]

023440

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#1.txt

LTC - SJA  
Cc: [redacted] LTC - SJA; [redacted]; [redacted]  
LTC USARC SJA; [redacted] COL (88SJA)  
Sent: 3/17/2004 7:29 PM  
Subject: RE: Contact Info for MAJ [redacted] at FBVA

ALCON: Standing by to support.

Suggestions: Might want to verify what computer hardware SSG [redacted] should bring if MAJ [redacted] wants him to TOT Friday. Also, whether classified data will be entered into the ACCESS database/EXCEL spreadsheets because the laptop and media will then have to be certified/secured and courier orders authorized if SSG [redacted] will transport. Finally, scope of the work on database if it's going to require SSG [redacted] to work on it after completion of his course.

Aloha,

[redacted]  
LTC [redacted]  
Deputy Staff Judge Advocate  
US Army Reserve Command  
(404) [redacted], DSN 367-[redacted]  
Fax: (404) [redacted]  
Secure: (404) [redacted]

-----Original Message-----

From: [redacted] LTC (88 SJA)  
Sent: Wednesday, March 17, 2004 7:30 PM  
To: [redacted] MAJ - SJA; [redacted] LTC USARC SJA; [redacted]  
LTC - SJA  
Cc: [redacted] LTC - SJA; [redacted]; [redacted]  
LTC USARC SJA [redacted] COL (88SJA)  
Subject: RE: Contact Info for MAJ [redacted] at FBVA

MAJ [redacted] et al - I have just spoken to our NCO, SSG [redacted]. He reports having considerable experience with Microsoft Excel and Access Database systems including both design and maintenance. He is available until the 28th, at which time he goes to the JAG school for a week long course, though he says that can be postponed if necessary. I have an RFO submitted which would have SSG [redacted] arriving as early as Friday. Please let me know ASAP if you wish him to come down.

On a personal note - greetings to [redacted] and [redacted]. Its been >10 yrs since Vicenza... Hope you're both well. :-)

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102

023441

#1.txt

see (b)(6) 2

Tel: 612- [REDACTED]  
Fax: 612- [REDACTED]

-----Original Message-----

From: [REDACTED] MAJ - SJA [mailto:[REDACTED]@forscom.army.mil]

Sent: Wednesday, March 17, 2004 5:58 PM

To: [REDACTED] LTC (USARC SJA); [REDACTED] LTC - SJA

Cc: [REDACTED] LTC - SJA; [REDACTED] MAJ - SJA;

[REDACTED] LTC (88 SJA) ; [REDACTED]  
Subject: RE: Contact Info for MAJ [REDACTED] at FBVA

Sir:

I am monitoring my email from here and believe that is the best way to contact me for the time being. I do not check email as often during the day as I would if I were back there, but I do check it at least 3 times a day (morning, lunch, & prior to evening departure).

I'd be happy to take any info you have for a 27D, but am not sure at what point I will need him or her as of yet. Just wading thru the over 200 (estimated) statements and other items of documentary evidence is taking a while. Additionally, I am noticing that we have several more interviews to track down before we can really start looking beyond lower-level titling decisions and toward the significant potential offenses...that is if any of the more significant offenses are ultimately even titled or charged.

Although we have no admin support at the moment, we also have little need for it for the time being. Copies of the statements were made prior to my arrival, and further tree-killing should probably be postponed (in my opinion) until we have a plan put together and a better feel for what we need.

HOWEVER Sir, if you have a computer guru that is exceptionally literate in building Microsoft Access databases, reports, and queries, (who would then do the data input under my guidance as well) then I do think I could use someone sooner rather than later. Building a database would really help to manage and balance the large number of witnesses and statements that we have with all of the potential accuseds. If I had time to learn it on the fly and build it from scratch, then I would do it. But I just cannot do that right at the moment. Access takes a while to use even if you know how to do it.

I do greatly appreciate your assistance Sir, and that of the 88th as well. CID has also been very complimentary of the support that they have been  
Page 91

023442

all (b)(6) z

#1.txt

receiving from the 88th. I am confident we will all work well together going forward.

Very Respectfully,

MAJ [REDACTED]

-----Original Message-----

From: [REDACTED] LTC USARC SJA  
To: [REDACTED] LTC - SJA  
Cc: [REDACTED] LTC - SJA; [REDACTED] MAJ - SJA;  
[REDACTED] LTC (88 SJA)  
Sent: 3/17/2004 6:14 PM  
Subject: Contact Info for MAJ [REDACTED] at FBVA

[REDACTED] or other addressee at FORSCOM: Do you have contact numbers for MAJ at Fort Belvoir? We want to coordinate with him about the 27D we're trying to provide to help him and I don't have his number. LTC [REDACTED] might have it but he's gone for the evening and he will be traveling to the on-site in St. Louis tomorrow. Please advise.

Thanks!

V/R,

LTC [REDACTED]  
Deputy Staff Judge Advocate  
US Army Reserve Command  
(404) [REDACTED] DSN 367-8058  
Fax: (404) [REDACTED]  
Secure: (404) [REDACTED]

From: [REDACTED] LTC USARC SJA  
Sent: Wednesday, March 17, 2004 6:30 PM  
To: [REDACTED] LTC (88 SJA); [REDACTED] MAJ - SJA; [REDACTED]  
LTC - SJA  
Cc: [REDACTED] LTC - SJA; [REDACTED]; [REDACTED] LTC USARC SJA; [REDACTED] COL (88SJA)  
Subject: RE: Contact Info for MAJ [REDACTED] at FBVA

ALCON: Standing by to support.

Suggestions: Might want to verify what computer hardware SSG [REDACTED] should bring if MAJ [REDACTED] wants him to TOT Friday. Also, whether classified data will be entered into the ACCESS database/EXCEL spreadsheets because the laptop and media will then

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023443

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#1.txt

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Aloha.

LTC [redacted]  
Deputy Staff Judge Advocate  
US Army Reserve Command  
(404) [redacted], DSN 367-[redacted]  
Fax: (404) [redacted]  
Secure: (404) [redacted]

-----Original Message-----

From: [redacted] LTC (88 SJA)  
Sent: Wednesday, March 17, 2004 7:30 PM  
To: [redacted] MAJ - SJA; [redacted] LTC USARC SJA; [redacted] LTC - SJA  
Cc: [redacted] LTC - SJA; [redacted]; [redacted] LTC USARC SJA; [redacted] COL (88SJA)  
Subject: RE: Contact Info for MAJ [redacted] at FBVA

MAJ [redacted] et al - I have just spoken to our NCO, SSG [redacted]. He reports having considerable experience with Microsoft Excel and Access Database systems including both design and maintenance. He is available until the 28th, at which time he goes to the JAG school for a week long course, though he says that can be postponed if necessary. I have an RFO submitted which would have SSG [redacted] arriving as early as Friday. Please let me know ASAP if you wish him to come down.

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[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

-----Original Message-----

From: [redacted] MAJ - SJA [mailto:[redacted]@forscom.army.mil]  
Sent: Wednesday, March 17, 2004 5:58 PM  
To: [redacted] LTC (USARC SJA); [redacted] LTC - SJA  
Cc: [redacted] LTC - SJA; [redacted] MAJ - SJA; [redacted] LTC (88 SJA); [redacted]  
Subject: RE: Contact Info for MAJ [redacted] at FBVA

Sir:

I am monitoring my email from here and believe that is the best way to contact me for the time being. I do not check email as often during the day as I would if I were back there, but I do check it at least 3 times a day (morning, lunch, & prior to evening departure).

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Very Respectfully,

MAJ [REDACTED]

-----Original Message-----

From: [REDACTED] LTC USARC SJA  
To: [REDACTED] LTC - SJA  
Cc: [REDACTED] LTC - SJA; [REDACTED] MAJ - SJA; [REDACTED]  
LTC (88 SJA)  
Sent: 3/17/2004 6:14 PM  
Subject: Contact Info for MAJ [REDACTED] at FBVA

[REDACTED] or other addressee at FORSCOM: Do you have contact numbers for MAJ [REDACTED] at Fort Belvoir? We want to coordinate with him about the 27D we're trying to provide to help him and I don't have his number. LTC [REDACTED] might have it but he's gone for the evening and he will be traveling to the on-site in St. Louis tomorrow. Please advise.

Thanks!

V/R,

LTC [REDACTED]  
Deputy Staff Judge Advocate  
US Army Reserve Command  
(404) 464-[REDACTED], DSN 367-[REDACTED]  
Fax: (404) [REDACTED]  
Secure: (404) [REDACTED]

all(b)(6)z

#1.txt

From: [redacted] MAJ - SJA [redacted]@forscom.army.mil]  
Sent: Wednesday, March 17, 2004 5:58 PM  
To: [redacted] LTC (USARC SJA); [redacted] LTC - SJA  
CC: [redacted] LTC - SJA; [redacted] MAJ - SJA; [redacted]  
Subject: RE: Contact Info for MAJ [redacted] at FBVA

Sir:

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Very Respectfully,

MAJ [redacted]

-----Original Message-----

From: [redacted] LTC USARC SJA  
To: [redacted] LTC - SJA  
CC: [redacted] LTC - SJA; [redacted] MAJ - SJA; [redacted]  
[redacted] LTC (88 SJA)  
Sent: 3/17/2004 6:14 PM  
Subject: Contact Info for MAJ [redacted] at FBVA

[redacted] or other addressee at FORSCOM: Do you have contact numbers for MAJ [redacted] at Fort Belvoir? We want to coordinate with him about the 27D we're trying to provide to help him and I don't have his number. LTC [redacted] might have it but he's gone for the evening and he will be

Page 95

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#1.txt

traveling to the on-site in St. Louis tomorrow. Please advise.

Thanks!

V/R,

LTC [redacted]  
Deputy Staff Judge Advocate  
US Army Reserve Command  
(404) [redacted] DSN 367-[redacted]  
Fax: (404) [redacted]  
Secure: (404) [redacted]

From: [redacted] LTC USARC SJA  
Sent: Wednesday, March 17, 2004 5:15 PM  
To: [redacted] LTC - SJA  
CC: [redacted] LTC - SJA; [redacted] MAJ - SJA; [redacted]  
[redacted] LTC (88 SJA)  
Subject: Contact Info for MAJ [redacted] at FBVA

[redacted] or other addressee at FORSCOM: Do you have contact numbers for MAJ [redacted] at Fort Belvoir? We want to coordinate with him about the 27D we're trying to provide to help him and I don't have his number. LTC [redacted] might have it but he's gone for the evening and he will be traveling to the on-site in St. Louis tomorrow. Please advise.

Thanks!

V/R,

LTC [redacted]  
Deputy Staff Judge Advocate  
US Army Reserve Command  
(404) [redacted] DSN 367-[redacted]  
Fax: (404) [redacted]  
Secure: (404) [redacted]

From: [redacted]

023447



all(b)(6)z

#1.txt

Sent: Wednesday, March 17, 2004 1:45 PM  
To: [redacted]@usarc-emh2.army.mil'; [redacted]@usarc-emh2.army.mil'  
Cc: [redacted]@usarc-emh2.army.mil'; [redacted]@us.army.mil'  
Subject: ENLISTED SUPPORT FOR FT. BELVOIR

LTC [redacted]: So far, it looks like I have rounded up four very capable soldiers to assist in the Ft. Belvoir mission, those being:

- 1) MSG [redacted]; 2) SFC [redacted]; 3) SSG [redacted]; and 4) SSG [redacted].
- Should I end soliciting soldiers for this mission and go with these individuals or decide who gets cut? SGM [redacted]

-----Original Message-----

From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Wednesday, March 17, 2004 9:43 AM  
To: [redacted]  
Cc: [redacted] SGM (88 SJA)  
Subject: RE: Award for SPC [redacted]

First I've heard of it. I'll check.

SGM [redacted] - do you know who was working on this?

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

-----Original Message-----

From: [redacted] [mailto:[redacted]]  
Sent: Wednesday, March 17, 2004 9:24 AM  
To: [redacted] (E-mail)  
Subject: FW: Award for SPC [redacted]

[redacted]  
Any word on the status of the award for SPC [redacted]

-----Original Message-----

From: [redacted] [mailto:[redacted]]  
Sent: Wednesday, March 17, 2004 8:25 AM  
To: [redacted]

all (b)(6) z

#1.txt

Subject: FW: Award for SPC [redacted]

[redacted]

[redacted]

Why wait? Move to EarthLink.

----- Original Message -----

From: [redacted]

To: COL [redacted] COL [redacted]

Sent: 2/4/2004 12:42:28 PM

Subject: Award for SPC [redacted]

COL [redacted] / COL [redacted]

I spoke with SGM [redacted] yesterday about SPC [redacted] award. He called me back this morning and said that the award had been done but apparently misplaced. The 88th is retyping the award today and will send it down to the 9th. Thanks for all of your help in making sure that this soldier receives his award. SPC [redacted] told me that he appreciated both of you reassuring him about the award following the awards ceremony.

- SFC [redacted]

[redacted]

Legal Assistant

[redacted]

Powered by Plaxo ... want a signature like this?

From: [redacted]@us.army.mil  
Sent: Wednesday, March 17, 2004 1:39 PM  
To: [redacted]@usarc-emh2.army.mil

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all (b)(6) 2

#1.txt

Subject: Fwd:

LTC [redacted]: Looks like we have another interested soldier in helping out at Ft. Belvoir. Would you like me to have contact you, or give me direction as to what you want me to do. Thanks. SGM [redacted]

From: [redacted] CPT (88 SJA)

Sent: Monday, March 15, 2004 3:34 PM

To: [redacted] (88 CMDGRP DCG); [redacted] CSM (88 CMDGRP CSM)

Cc: [redacted] LTC (88 SJA)

Subject: Slides

Sir,

COL [redacted] requested I forward these slides to you. If you wish to discuss the slides you can reach COL [redacted] at 715 [redacted]

Thanks,

CPT [redacted]

Military Law Attorney

88th Regional Readiness Command, OSJA

E-mail: [redacted]@usarc-emh2.army.mil

Phone: 1-800 [redacted]

DSN: 783 [redacted]

Fax: 612 [redacted]

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain Sensitive but Unclassified (SBU) information or Privacy Act data. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: [redacted]@aol.com

Sent: Friday, March 12, 2004 6:53 PM

To: [redacted]@us.army.mil

Cc: [redacted]@usarc-emh2.army.mil; [redacted]@us.army.mil;

[redacted]@usarc-emh2.army.mil

Subject: Re: INVESTIGATION

Hi, COL [redacted]

I have been on the phone today with 1SG [redacted], who is a candidate to replace me when I retire. He has about 8 years active duty and was the Chief Paralegal NCO of the 6015th GSU. He is with [redacted] down at McCoy, having been mob'd. He's been on active duty for 14 months. I explained the need we have to have 3 quality enlisted and a JA (although I understand MAJ [redacted] may be a

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candidate). [REDACTED] is now the 1SG for the 6015th, but he still has the strong legal background and has worked from the prosecution/investigative end when he was on active duty. He checked with his boss and has authorization to be involved at Ft. Belvoir, if we can work out the logistics. He is on Title 10, so technically he is under First Army jurisdiction and not the 88th RRC. I told him I would pose the logistics question to you and LTC [REDACTED]. Since he is on active duty, I believe he said if the 88th could cover TDY expenses, that may work. I told him I would do some checking and see what you folks think is the best way to proceed from here. MSG [REDACTED] of the 9th LSO has a SGT [REDACTED] who is also interested. I told her to have him contact me. SGM [REDACTED]

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Friday, March 12, 2004 2:02 PM  
To: [REDACTED] COL (88SJA)  
Cc: [REDACTED] LTC (88 SJA)  
Subject: RE: MP Investigation Update

I fully concur. Thanks for the note.

CG

-----Original Message-----

From: [REDACTED] COL (88SJA)  
Sent: Friday, March 12, 2004 1:06 PM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Cc: [REDACTED] LTC (88 SJA)  
Subject: RE: MP Investigation Update

CG,

The FORSCOM SJA, COL [REDACTED], is sending a MAJ [REDACTED] a high-speed trial counsel, out to Belvoir next week (for about one to two weeks) to make a detailed assessment of case. FORSCOM has not yet assumed GCMA but is gathering information to make a decision.

Since FORSCOM is currently taking the lead, I'm standing fast on Judge Advocate support until I hear from MAJ [REDACTED]

Sincerely,  
[REDACTED]

-----Original Message-----

From: Beasley, Michael W BG (88 CMDGRP CG)  
To: [REDACTED] COL (88SJA)  
Sent: 3/11/04 3:32 PM  
Subject: RE: MP Investigation Update

OK; thanks.

CG

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From: [REDACTED] COL (88SJA)  
Sent: Thursday, March 11, 2004 2:28 PM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Subject: RE: MP Investigation Update

CG,

I don't think so. Yesterday, I sent the SJA a copy of slides on our unit's investigation and discussed the slides with him for about 30 min. If the SJA asks for more information, I'll get it to him.

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Sincerely,  
[REDACTED]

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From: Beasley, Michael W BG (88 CMDGRP CG)  
To: [REDACTED] COL (88SJA)  
Sent: 3/11/04 3:02 PM  
Subject: RE: MP Investigation Update

[REDACTED]

Thanks. Does the USARC SJA need anything from us to enable him to relate an updated status on our unit' investigation, which he could communicate to LTG Helmly at the same time as the Abu Ghraib briefing? If so, go ahead and give him anything we've got.

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As you instructed, I'll offer the USARC SJA 88th JAG support to assist with the CID investigation. Before sending any names forward, I'll make sure the JAG's are experienced and the funding issues are resolved. I'll request your approval before executing.

Sincerely,  
[REDACTED]

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From: Beasley, Michael W BG (88 CMDGRP CG)  
To: [REDACTED] COL (88SJA)  
Sent: 3/10/04 7:08 PM  
Subject: RE: MP Investigation Update

[REDACTED]

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GCMA Jurisdiction: Good answer; that's the right processing.

MP Training: Another good answer; I'll handle it with BG Payne. Depending on his response, I may take unilateral action. If so, I'll probably talk with MG Wilson first.

SJA Support to the Investigation: We probably have the most SJA personnel available, and the most direct role in seeing that the cases are handled properly. Go ahead and make the offer. I'm sure that we have some experienced JA personnel

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Sent: Wednesday, March 10, 2004 2:32 PM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Subject: RE: MP Investigation Update

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GCMA Jurisdiction. The USARC SJA has forwarded the issued to FORSCOM SJA, COL [REDACTED] for a decision. COL [REDACTED] wanted more information before he makes a recommendation to GEN Ellis, so he sent a JAG to Belvoir for the same briefing that I received. COL [REDACTED] believes there may be a GCMA decision as early as next week, but it could be later. I'm delighted that the issue has been forwarded to FORSCOM, and FORSCOM has sent a JAG to receive a CID briefing. I don't think there's anything more we can do on GCMA jurisdiction for now.

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Legal Support. When I informed COL [REDACTED] about CID's need for legal support to synthesize statements, he suggested that I look within the 88th to see if a couple JA soldiers and maybe an officer would like to volunteer for a temporary active duty tour for about 2-6 months. Normally the 88th would pay for these tours, but COL [REDACTED] said we could also request funds from USARC G8. In warning order mode, I'll look for soldiers who would be willing to volunteer for temporary active duty tours (Belvoir isn't a hardship post), but I won't take any action until you tell me to pull the trigger.

Sincerely,

COL [REDACTED]

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From: Beasley, Michael W BG (88 CMDGRP CG)  
To: [REDACTED] COL (88SJA)  
Sent: 3/9/04 6:09 PM  
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Please raise both the jurisdictional issues, and the need to look closely at the G-7 report on the training of MPs. Between the two of us, I haven't been impressed by the USARC's G-7 ability to view the broadest spectrum; he'll probably be overwhelmed by LTG Helmly's directive.

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Finally, I am offering to help in any way possible on our cases. It's the USARC CG's call, of course.

CG

-----Original Message-----

From: [REDACTED] COL (88SJA)  
Sent: Tuesday, March 09, 2004 4:55 PM  
To: Beasley, Michael W BG (88 CMDGRP CG); [REDACTED] LTC (88 SJA)  
Subject: RE: MP Investigation Update

General,

I briefly spoke with COL [REDACTED] USARC SJA, today, and I'm on his calendar tomorrow for a detailed discussion tomorrow. I'll have an update for you tomorrow.

COL [REDACTED]

-----Original Message-----

From: Beasley, Michael W BG (88 CMDGRP CG)  
To: [REDACTED] (88SJA); [REDACTED] LTC (88 SJA)  
Sent: 3/9/04 10:33 AM  
Subject: RE: MP Investigation Update

OK

CG

-----Original Message-----

From: [REDACTED] COL (88SJA)  
Sent: Monday, March 08, 2004 10:39 AM  
To: Beasley, Michael W BG (88 CMDGRP CG); [REDACTED] LTC (88 SJA)  
Subject: RE: MP Investigation Update

CG,

I've contacted USARC OSJA, and I'm awaiting a return call by the SJA, COL [REDACTED]. I'll provide an update once I coordinate with COL [REDACTED]

COL [REDACTED]

-----Original Message-----

From: Beasley, Michael W BG (88 CMDGRP CG)  
To: [REDACTED] COL (88SJA); [REDACTED] LTC (88 SJA)  
Sent: 3/8/04 10:31 AM  
Subject: FW: MP Investigation Update

Folks,

This is the update. Read it; note the progress; keep close hold; do not distribute further. Communicate anything you see or hear with me first. Keep in close contact with USARC SJA, who clearly will be in the drivers' seat for the USAR responses and options.

Thanks again. Great staff work.

CG

> -----Original Message-----

> From: Beasley, Michael W BG (88 CMDGRP CG)

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>Sent: Monday, March 08, 2004 9:29 AM  
>To: Helmly, James LTG (OCAR-ZX); Wilson, Charles MG (USARC CMDGRP);  
> [REDACTED] COL USARC IG  
>Cc: Kelley, James A BG USARC CMDGRP; [REDACTED] COL USARC SJA;  
> [REDACTED] COL (OCAR-ZX)  
>Subject: RE: MP Investigation Update

>Sir,

> Received and understood. Thank you.

> BG Mike Beasley

> -----Original Message-----

>From: Helmly, James LTG (OCAR-ZX)  
>Sent: Monday, March 08, 2004 6:35 AM  
>To: Beasley, Michael W BG (88 CMDGRP CG); Wilson, Charles MG (USARC  
>CMDGRP); [REDACTED] COL USARC IG  
>Cc: Kelley, James A BG USARC CMDGRP; [REDACTED] COL USARC SJA;  
> [REDACTED] COL (OCAR-ZX)  
>Subject: RE: MP Investigation Update

>I received a telephonic de brief by the DCG, CFLCC who as just  
>completed a formal 15-6. After legal sufficiency of his investigation  
>is complete he will de brief several of us in person or by VTC (TBD).  
>I'm not clear whether his investigation includes the cases you are  
>referring to but I would ask our SJA to determine the degree to which  
>there is some overlap of investigations. Further, as these reach a  
>state of completion and decision making we will resolve the  
>jurisdictional issues. The important thing is that justice be served so

>we will depend upon our SJA for the right counsel to help guide us  
>through this. Chief of Staff, without referring to these cases please  
>ask the G7 to look at the training these MP units have received. I'm  
>also asking the IG to bring me a plan to conduct, over the next year or

>so, a special review of training for USAR units on the law of land  
>warfare, detainee treatment requirements, ethics, and leadership. IG  
>please shape this and see me with game plan. Thank you, ron helmly

> -----Original Message-----

> From: Beasley, Michael W BG (88 CMDGRP CG)  
> Sent: Sunday, March 07, 2004 22:14  
> To: Wilson, Charles MG (USARC CMDGRP)  
> Cc: Helmly, James LTG (OCAR-ZX); Kelley, James A BG USARC  
>CMDGRP

> Subject: MP Investigation Update

> Memo for MG Wilson:

> Sir,

> I have just received a briefing from our senior SJA  
>personnel who  
>visited CID Command last week and reviewed in detail the investigation  
>evidence addressing the Bagram Detainee deaths which occurred in  
>December 2002. The XVIII ABN Corps SJA also attended this extensive  
>review, one of the first to occur outside of CID channels. Information  
>also was provided to our SJA on prospective criminal charges. As I  
>understand it, both DOD and DA have been briefed, but not to the extent

>of this more recent review of documents.

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> Apparently, neither XVIII Corps (Theater GCM authority)  
> nor Ft. Knox (the General Courts Martial territorial convening  
> authority for the USAR/88th RRC unit most involved, our 377th MP  
> Company) have made any move to assume jurisdiction over these cases.  
> That is relevant because, as of now, apparently I continue to have  
> Special Courts Martial responsibility and the CG, USARC, has GCM  
> responsibility. Obviously, I am not going to get involved in any  
> jurisdictional issue until clear guidance is forthcoming (from  
> DA/FORSCOM/USARC?) as to how the case(s) will be handled.

>  
> Disturbing factual information was gathered from this  
> review,  
> however, and I have copies of the CID briefing on the subject. We are  
> forwarding these briefing slides to USARC SJA.

>  
> The three primary issues which need resolution are:

>  
> 1) The need for CID to do some more work prior to  
> issuing their report. The lawyers say that the investigation needs to  
> be put into significant order, and supplemented, before being referred  
> for any criminal action. If the report is finalized now, according to  
> the attorneys, prosecution will be extremely difficult.

>  
> 2) The jurisdiction (almost certainly GCM) needs to be  
> established  
> for moving towards any prospective disciplinary action. The 88th RRC  
> lawyers (our colonel level SJA and a lieutenant colonel who is an  
> experienced prosecutor) think that neither XVIII Corps nor Ft. Knox  
> wants these cases ... too much expense, and too much publicity.

>  
> 3) Whether any remedial/interim action is necessary.

>  
> I will focus on the final point. My observations of the  
> results to  
> date of this current investigation, and my reading about other  
> investigations addressing Army MP mistreatment of detainees, reflect a  
> strong need for a "stand down" day for re-training our MPs on Geneva  
> Convention Human Rights standards, and the use of force in detainee  
> operations. The requirement for such training is apparent from the  
> acknowledged conduct of our soldiers. The training should be  
> administered, or at least overseen, by SJA subject-matter experts. I  
> personally believe that such training such be directed internally  
> within the USAR, before the news of this most recent incident is  
> publicly released. If not applicable for the entire force, then such  
> training at least should be conducted for 88th RRC MPs.

>  
> Prior to directing anything along these lines, and  
> because of the extraordinary sensitivities involved, I wanted to run  
> this training issue by you for review and comment. You also might have  
> useful information regarding how other USAR senior commands have  
> handled similar issues raised over the past year.

>  
> Subject to your availability and recommendations by the  
> USARC SJA, I  
> would be available to visit any of you (with our SJA) to brief what we  
> have found out to date on the 377th MP Company case, and to discuss in  
> more detail the jurisdictional and training issues currently pending.  
> We also could provide direct information to FORSCOM or FUSA, if you  
> think that is appropriate.

>  
> Best regards,

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BG Mike Beasley, CG, 88th RRC

>  
>  
From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Friday, March 12, 2004 1:17 PM  
To: [REDACTED] (88 Surgeon)  
Cc: [REDACTED] (88 SJA); [REDACTED] COL (88 Surgeon)  
Subject: RE: 377 MP Co

Would the MMRBs and the fitness for duty exams be in the normal course of affairs? I wouldn't think so. Also, the optimism probably is not warranted. These incidents are a long way from closure.

CG

-----Original Message-----

From: [REDACTED] LTC (88 Surgeon)  
Sent: Friday, March 12, 2004 11:39 AM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Cc: [REDACTED] (88 SJA); [REDACTED] COL (88 Surgeon)  
Subject: 377 MP Co

This is a brief summary of my few days with the 377 MP Co located in Bloomington, IN and Cincinnati, OH. Unit commander, CPT [REDACTED] is a good steady leader. Unit was very busy preparing for a probable deployment in May. Met with one soldier in question at Cincinnati location and one who is reassigned at Camp Atterbury, IN. Conducted a stress and suicide briefing for whole unit in Cincinnati (43 people present.) The commander told me there were actually 17 soldiers implicated, some were at this drill and got the briefing. Being MPs they were toughing it out, denying feelings is par for MPs, I'm told. Their general feeling was that CID had given the impression that they were, how can I say it, "off the hook" more or less. Morale seemed pretty good overall, lots of new troops who have never deployed are drilling with this unit now. It appears that the unit members have focused on the last four MP's who were with the prisoners as the scapegoats.

I met with one of the four soldiers in Cincinnati at my hotel. He had been excused from drill and drove up from Lexington KY out to my hotel for the interview. Young, good family support, farm kid, good job as a civilian. Not suicidal, optimistic about his chances. This soldier was frightened to go back to the unit to face the blame of the others - seems like a lot of rumors have got to him and he has heard that he was designated the main guy of the ones left in the unit. He was angry and upset, felt betrayed by his friends and fearful to face them. I did a little self-hypnosis exercise with him so he could go back to the unit and face his fears - which are pretty unfounded according to the Commander. The soldier at Atterbury is in a new unit and feels he is off that hook. I did not meet the other two soldiers but saw civilian psychiatric reports. Those two soldiers are under psychiatric care and are not drilling. One is stationed in Bloomington IN and could not be reached. The other is from Cincinnati area and I have given instructions to Personnel NCO how to set these soldiers up for MMRB's and a fitness for duty exam at Fort Knox through military channels.

From: [REDACTED] COL (88SJA)  
Sent: Friday, March 12, 2004 1:06 PM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Cc: [REDACTED] TC (88 SJA)  
Subject: RE: MP Investigation Update

CG,

The FORSCOM SJA, COL [REDACTED], is sending a MAJ [REDACTED] a high-speed trial counsel, out to Belvoir next week (for about one to two weeks) to make a detailed assessment of case. FORSCOM has not yet assumed GCMA but is gathering information to make a decision.

Since FORSCOM is currently taking the lead, I'm standing fast on Judge Advocate

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support until I hear from MAJ [REDACTED]

Sincerely,  
[REDACTED]

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COL [redacted]

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OK

CG

-----Original Message-----

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COL [REDACTED]

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Thanks again. Great staff work.

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>Cc: Kelley, James A BG USARC CMDGRP; [REDACTED] COL USARC SJA; [REDACTED] COL (OCAR-ZX)  
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>we will depend upon our SJA for the right counsel to help guide us  
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>so, a special review of training for USAR units on the law of land  
>warfare, detainee treatment requirements, ethics, and leadership. IG  
>please shape this and see me with game plan. Thank you, ron helmly

>  
>-----Original Message-----  
> From: Beasley, Michael W BG (88 CMDGRP CG)  
> Sent: Sunday, March 07, 2004 22:14  
> To: Wilson, Charles MG (USARC CMDGRP)  
> Cc: Helmly, James LTG (OCAR-ZX); Kelley, James A BG USARC

>CMDGRP  
> Subject: MP Investigation Update

> Memo for MG Wilson:

> Sir,

> I have just received a briefing from our senior SJA  
> personnel who  
> visited CID Command last week and reviewed in detail the investigation  
> evidence addressing the Bagram Detainee deaths which occurred in  
> December 2002. The XVIII ABN Corps SJA also attended this extensive  
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> of this more recent review of documents.

> Apparently, neither XVIII Corps (Theater GCM authority)  
> nor Ft. Knox (the General Courts Martial territorial convening  
> authority for the USAR/88th RRC unit most involved, our 377th MP  
> Company) have made any move to assume jurisdiction over these cases.  
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> responsibility. Obviously, I am not going to get involved in any  
> jurisdictional issue until clear guidance is forthcoming (from  
> DA/FORSCOM/USARC?) as to how the case(s) will be handled.

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> review,  
> however, and I have copies of the CID briefing on the subject. We are  
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>  
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> Subject to your availability and recommendations by the  
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>more detail the jurisdictional and training issues currently pending.  
>We also could provide direct information to FORSCOM or FUSA, if you  
>think that is appropriate.

>  
> Best regards,  
>  
> BG Mike Beasley, CG, 88th RRC  
>

From: [redacted] (88 Surgeon)  
Sent: Friday, March 12, 2004 11:39 AM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Cc: [redacted] (88 SJA); [redacted] (88 Surgeon)  
Subject: 377 MP Co

This is a brief summary of my few days with the 377 MP Co located in Bloomington, IN and Cincinnati, OH. Unit commander, CPT [redacted] is a good steady leader. Unit was very busy preparing for a probable deployment in May. Met with one soldier in question at Cincinnati location and one who is reassigned at Camp Atterbury, IN. Conducted a stress and suicide briefing for whole unit in Cincinnati (43 people present.) The commander told me there were actually 17 soldiers implicated, some were at this drill and got the briefing. Being MPs they were toughing it out, denying feelings is par for MPs, I'm told. Their general feeling was that CID had given the impression that they were, how can I say it, "off the hook" more or less. Morale seemed pretty good overall, lots of new troops who have never deployed are drilling with this unit now. It appears that the unit members have focused on the last four MP's who were with the prisoners as the scapegoats.

I met with one of the four soldiers in Cincinnati at my hotel. He had been excused from drill and drove up from Lexington KY out to my hotel for the interview. Young, good family support, farm kid, good job as a civilian. Not suicidal, optimistic about his chances. This soldier was frightened to go back to the unit to face the blame of the others - seems like a lot of rumors have got to him and he has heard that he was designated the main guy of the ones left in the unit. He was angry and upset, felt betrayed by his friends and fearful to face them. I did a little self-hypnosis exercise with him so he could go back to the unit and face his

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fears - which are pretty unfounded according to the Commander. The soldier at Atterbury is in a new unit and feels he is off the hook. I did not meet the other two soldiers but saw civilian psychiatric reports. Those two soldiers are under psychiatric care and are not drilling. One is stationed in Bloomington IN and could not be reached. The other is from Cincinnati area and I have given instructions to Personnel NCO how to set these soldiers up for MMRB's and a fitness for duty exam at Fort Knox through military channels.

From: [redacted]  
Sent: Friday, March 12, 2004 10:07 AM  
To: [redacted]@usarc-emh2.army.mil'; [redacted]@usarc-emh2.army.mil'  
Cc: [redacted]@us.army.mil'  
Subject: Investigation

[redacted] AND [redacted]

I have been in contact with COL [redacted] and he would like me to check into getting 3 good enlisted soldiers to help out on the investigation at Ft. Belvoir. I know WO [redacted] is out there today taking a board and I was told she may have some time. Could one of you check with her, tell her the functions she would be doing, time (2 to 6 months, according to COL [redacted]), and that the CG has authorized funding to support the mission. She would be a good support person. Also, can arrangements be made for her to get into the Reserve Center this weekend to continue summarizing her boards, as she is on orders thru Weds, I believe.

SGM [redacted]

From: [redacted] COL (88SJA)  
Sent: Thursday, March 11, 2004 9:58 AM  
To: [redacted]; [redacted] (88SJA); [redacted] COL (88SJA); [redacted] LTC (88 SJA); [redacted]@us.army.mil  
Subject: RE: INVESTIGATION

SGM,

The CG has given the OK for us line up soldiers to support Fort Belvoir, so please proceed.

COL [redacted]

-----Original Message-----

From: [redacted]  
To: [redacted]@us.army.mil; [redacted]@usarc-emh2.army.mil; [redacted]@usarc-emh2.army.mil; [redacted]@us.army.mil  
Sent: 3/10/04 8:28 PM  
Subject: Fwd: INVESTIGATION

<<INVESTIGATION>>

From: [redacted]  
Sent: Wednesday, March 10, 2004 7:28 PM  
To: [redacted]@us.army.mil; [redacted]@usarc-emh2.army.mil; [redacted]@usarc-emh2.army.mil; [redacted]@us.army.mil  
Subject: Fwd: INVESTIGATION

From: [redacted] COL (88SJA)  
Sent: Tuesday, March 09, 2004 4:55 PM  
To: Beasley, Michael W BG (88 CMDGRP CG); [redacted] LTC (88 SJA)  
Subject: RE: MP Investigation Update

General,

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I briefly spoke with COL Minor, USARC SJA, today, and I'm on his calendar tomorrow for a detailed discussion tomorrow. I'll have an update for you tomorrow.

COL [REDACTED]

-----Original Message-----

From: Beasley, Michael W BG (88 CMDGRP CG)  
To: [REDACTED] COL (88SJA); [REDACTED] LTC (88 SJA)  
Sent: 3/9/04 10:33 AM  
Subject: RE: MP Investigation Update

OK

CG

-----Original Message-----

From: [REDACTED] COL (88SJA)  
Sent: Monday, March 08, 2004 10:39 AM  
To: Beasley, Michael W BG (88 CMDGRP CG); [REDACTED] LTC (88 SJA)  
Subject: RE: MP Investigation Update

CG,

I've contacted USARC OSJA, and I'm awaiting a return call by the SJA, COL [REDACTED]. I'll provide an update once I coordinate with COL [REDACTED].

COL [REDACTED]

-----Original Message-----

From: Beasley, Michael W BG (88 CMDGRP CG)  
To: [REDACTED] COL (88SJA); [REDACTED] LTC (88 SJA)  
Sent: 3/8/04 10:31 AM  
Subject: FW: MP Investigation Update

Folks,

This is the update. Read it; note the progress; keep close hold; do not distribute further. Communicate anything you see or hear with me first. Keep in close contact with USARC SJA, who clearly will be in the drivers' seat for the USAR responses and options.

Thanks again. Great staff work.

CG

> -----Original Message-----

> From: Beasley, Michael W BG (88 CMDGRP CG)  
> Sent: Monday, March 08, 2004 9:29 AM  
> To: Helmly, James LTG (OCAR-ZX); Wilson, Charles MG (USARC CMDGRP);  
> [REDACTED] COL USARC IG  
> Cc: Kelley, James A BG USARC CMDGRP; [REDACTED] COL USARC SJA;  
> [REDACTED] COL (OCAR-ZX)  
> Subject: RE: MP Investigation Update

> Sir,

> Received and understood. Thank you.

> BG Mike Beasley

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> From: Helmly, James LTG (OCAR-ZX)  
> Sent: Monday, March 08, 2004 6:35 AM  
> To: Beasley, Michael W BG (88 CMDGRP CG); Wilson, Charles MG (USARC  
> CMDGRP); [REDACTED] COL USARC IG  
> Cc: Kelley, James A BG USARC CMDGRP; [REDACTED] COL USARC SJA;  
> [REDACTED] COL (OCAR-ZX)  
> Subject: RE: MP Investigation Update

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From: . Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Tuesday, March 09, 2004 9:34 AM  
To: [REDACTED] COL (88SJA) [REDACTED] LTC (88 SJA)  
Subject: RE: MP Investigation Update

OK

CG

-----Original Message-----

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> Best regards,  
>  
> BG Mike Beasley, CG, 88th RRC  
>

From: [redacted] CW3 [redacted]@belvoir.army.mil] (b)(6)-1  
Sent: Monday, March 08, 2004 1:32 PM  
To: [redacted] C (88 SJA)  
Subject: RE: Most Recent CID Reports on Bagram Deaths

Ma'am,

I apologize the SIPR piece slipped my mind. I just sent two attachments to you, this morning (8 Mar). One contains the 15-6 report. The other contains the signed review documents which accompany it. Please confirm receipt of those documents when you have a chance.

[redacted]  
[redacted]  
CW3, MP  
HQ, USACIDC  
703 [redacted] wk  
703 [redacted] Fax  
DSN Prefix: 656  
[redacted] Cell  
[redacted]@belvoir.army.mil

(b)(6)1

-----Original Message-----  
From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Friday, February 27, 2004 12:55 PM  
To: [redacted] CW3 (b)(6)-1  
Subject: RE: Most Recent CID Reports on Bagram Deaths

Thanks. Do you happen to have a number for this fellow [redacted]

I just got my SIPRnet account set up. Its: [redacted]  
letting me know about that. I don't normally have a need for classified  
information.

Thanks for

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[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[REDACTED]  
Fax: 612-[REDACTED]

-----Original Message-----

From: [REDACTED] CW3 [mailto:[REDACTED]@belvoir.army.mil] (b)(6)-1  
Sent: Friday, February 27, 2004 11:05 AM  
To: [REDACTED] LTC (88 SJA)  
Subject: RE: Most Recent CID Reports on Bagram Deaths

Ma'am,

Our point in contact is Mr [REDACTED], Deputy Director, Indiana Law Enforcement Academy, Plainview, IN. We wrote him a letter on agency letterhead and asked that he send a copy of the Pressure Point Control Techniques (PPCT) Manual to use for review. You may be able to get this from your reserve units who are teaching the PPCT techniques at Fort Dix, NJ and Camp Atterbury, IN more quickly.

[REDACTED]  
[REDACTED]  
CW3, MP  
HQ, USACIDC  
703. [REDACTED] wk  
703. [REDACTED] Fax  
DSN Prefix: 656  
[REDACTED] cell  
[REDACTED]@belvoir.army.mil

(b)(6)-1

-----Original Message-----

From: [REDACTED] LTC (88 SJA) [mailto:[REDACTED]@us.army.mil]  
Sent: Wednesday, February 25, 2004 5:54 PM  
To: [REDACTED] CW3 (b)(6)-1  
Cc: [REDACTED] COL (88SJA); [REDACTED] CPT (88 SJA)  
Subject: RE: Most Recent CID Reports on Bagram Deaths

Agent [REDACTED] (b)(6)1 - Thanks very much for your time and hospitality. I feel it was well worthwhile. You might have read between the lines that I got a bit of a fright this morning when I saw a Jan 04 ETS date for [REDACTED], but that's been corrected to Jan 05. (b)(6)-5

Thanks for the slides and reports. I've inquired about a SIPRnet account. G2 will set me up with one tomorrow and then I'll send you the address so that I can review the 15-6.

Can you give me the name/ # of the Indiana folks who provided the training manuals on compliance blows and the like.

Again, thanks much.

[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle

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except as noted

Ft. Snelling, MN 55102  
Tel: 612-  
Fax: 612-

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-----Original Message-----

From: [redacted] CW3 [mailto:[redacted]@belvoir.army.mil]  
Sent: Tuesday, February 24, 2004 5:58 PM  
To: [redacted]@us.army.mil'  
Cc: [redacted]@us.army.mil'  
Subject: Most Recent CID Reports on Bagram Deaths

Sir and Ma'am

As discussed attached please find two CID reports and the PPT we used for this week's talks. More will follow as it becomes available for release. Thank you for taking the time to listen to the case briefing. If we can be of further assistance, please do not hesitate to ask. Please confirm receipt of this message and the file attachments via email.

v/r,

(b)(6)-1

[redacted]  
[redacted]  
CW3, MP  
HQ, USACIDC

703 [redacted] wk  
703 [redacted] Fax  
DSN Prefix: 656  
[redacted] Cell  
[redacted]@belvoir.army.mil

From: [redacted] COL (88SJA)  
Sent: Monday, March 08, 2004 10:39 AM  
To: Beasley, Michael W BG (88 CMDGRP CG); [redacted] LTC (88 SJA)  
Subject: RE: MP Investigation Update

CG,

I've contacted USARC OSJA, and I'm awaiting a return call by the SJA, COL [redacted]. I'll provide an update once I coordinate with COL [redacted].  
COL [redacted]

-----Original Message-----

From: Beasley, Michael W BG (88 CMDGRP CG)  
To: [redacted] COL (88SJA); [redacted] LTC (88 SJA)  
Sent: 3/8/04 10:31 AM  
Subject: FW: MP Investigation Update

Folks,

This is the update. Read it; note the progress; keep close hold; do not distribute further. Communicate anything you see or hear with me first. Keep in close contact with USARC SJA, who clearly will be in the drivers' seat for the USAR responses and options.

Thanks again. Great staff work.  
Page 121

023472

all (b)(6)2

CG

> -----Original Message-----

>From: Beasley, Michael W BG (88 CMDGRP CG)  
>Sent: Monday, March 08, 2004 9:29 AM  
>To: Helmly, James LTG (OCAR-ZX); Wilson, Charles MG (USARC CMDGRP);  
> [REDACTED] COL USARC IG  
>CC: Kelley, James A BG USARC CMDGRP; [REDACTED] COL USARC SJA;  
> Burbach, Michael COL (OCAR-ZX)  
>Subject: RE: MP Investigation Update

> Sir,

> Received and understood. Thank you.

> BG Mike Beasley

> -----Original Message-----

>From: Helmly, James LTG (OCAR-ZX)  
>Sent: Monday, March 08, 2004 6:35 AM  
>To: Beasley, Michael W BG (88 CMDGRP CG); Wilson, Charles MG (USARC  
>CMDGRP); [REDACTED] COL USARC IG  
>CC: Kelley, James A BG USARC CMDGRP; [REDACTED] COL USARC SJA;  
> [REDACTED] COL (OCAR-ZX)  
>Subject: RE: MP Investigation Update

> I received a telephonic de brief by the DCG, CFLCC who as just  
> completed a formal 15-6. After legal sufficiency of his investigation  
> is complete he will de brief several of us in person or by VTC (TBD).  
> I'm not clear whether his investigation includes the cases you are  
> referring to but I would ask our SJA to determine the degree to which  
> there is some overlap of investigations. Further, as these reach a  
> state of completion and decision making we will resolve the  
> jurisdictional issues. The important thing is that justice be served so  
> we will depend upon our SJA for the right counsel to help guide us  
> through this. Chief of Staff, without referring to these cases please  
> ask the G7 to look at the training these MP units have received. I'm  
> also asking the IG to bring me a plan to conduct, over the next year or  
> so, a special review of training for USAR units on the law of land  
> warfare, detainee treatment requirements, ethics, and leadership. IG  
> please shape this and see me with game plan. Thank you, ron helmly

> -----Original Message-----

> From: Beasley, Michael W BG (88 CMDGRP CG)  
> Sent: Sunday, March 07, 2004 22:14  
> To: Wilson, Charles MG (USARC CMDGRP)  
> Cc: Helmly, James LTG (OCAR-ZX); Kelley, James A BG USARC  
>CMDGRP  
> Subject: MP Investigation Update

> Memo for MG Wilson:

> Sir,

> I have just received a briefing from our senior SJA  
> personnel who visited CID Command last week and reviewed in detail the  
> investigation evidence addressing the Bagram Detainee deaths which  
> occurred in December 2002. The XVIII ABN Corps SJA also attended this  
> extensive review, one of the first to occur outside of CID channels.  
> Information also was provided to our SJA on prospective criminal  
> charges. As I understand it, both DOD and DA have been briefed, but  
> not to the extent of this more recent review of documents.

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>  
> Apparently, neither XVIII Corps (Theater GCM authority)  
>nor Ft. Knox (the General Courts Martial territorial convening  
>authority for the USAR/88th RRC unit most involved, our 377th MP  
>Company) have made any move to assume jurisdiction over these cases.  
>That is relevant because, as of now, apparently I continue to have  
>Special Courts Martial responsibility and the CG, USARC, has GCM  
>responsibility. Obviously, I am not going to get involved in any  
>jurisdictional issue until clear guidance is forthcoming—(from  
>DA/FORSCOM/USARC?) as to how the case(s) will be handled.

>  
> Disturbing factual information was gathered from this  
>review, however, and I have copies of the CID briefing on the subject.  
>we are forwarding these briefing slides to USARC SJA.

>  
> The three primary issues which need resolution are:

>  
> 1) The need for CID to do some more work prior to  
>issuing their report. The lawyers say that the investigation needs to  
>be put into significant order, and supplemented, before being referred  
>for any criminal action. If the report is finalized now, according to  
>the attorneys, prosecution will be extremely difficult.

>  
> 2) The jurisdiction (almost certainly GCM) needs to be  
>established for moving towards any prospective disciplinary action.  
>The 88th RRC lawyers (our colonel level SJA and a lieutenant colonel  
>who is an experienced prosecutor) think that neither XVIII Corps nor  
>Ft. Knox wants these cases ... too much expense, and too much  
>publicity.

>  
> 3) Whether any remedial/interim action is necessary.

>  
> I will focus on the final point. My observations of the  
>results to date of this current investigation, and my reading about  
>other investigations addressing Army MP mistreatment of detainees,  
>reflect a strong need for a "stand down" day for re-training our MPs on  
>Geneva Convention Human Rights standards, and the use of force in  
>detainee operations. The requirement for such training is apparent  
>from the acknowledged conduct of our soldiers. The training should be  
>administered, or at least overseen, by SJA subject-matter experts. I  
>personally believe that such training such be directed internally  
>within the USAR, before the news of this most recent incident is  
>publicly released. If not applicable for the entire force, then such  
>training at least should be conducted for 88th RRC MPs.

>  
> Prior to directing anything along these lines, and  
>because of the extraordinary sensitivities involved, I wanted to run  
>this training issue by you for review and comment. You also might have  
>useful information regarding how other USAR senior commands have  
>handled similar issues raised over the past year.

>  
> Subject to your availability and recommendations by the  
>USARC SJA, I would be available to visit any of you (with our SJA) to  
>brief what we have found out to date on the 377th MP Company case, and  
>to discuss in more detail the jurisdictional and training issues  
>currently pending. We also could provide direct information to FORSCOM  
>or FUSA, if you think that is appropriate.

>  
> Best regards,

>  
> BG Mike Beasley, CG, 88th RRC

>  
> From: Beasley, Michael W BG (88 CMDGRP CG)

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023474

all (b)(6)z

#1.txt

Sent: Monday, March 08, 2004 9:32 AM  
To: [REDACTED] COL (88SJA); [REDACTED] LTC (88 SJA)  
Subject: FW: MP Investigation Update

Folks,

This is the update. Read it; note the progress; keep close hold; do not distribute further. Communicate anything you see or hear with me first. Keep in close contact with USARC SJA, who clearly will be in the drivers' seat for the USAR responses and options.

Thanks again. Great staff work.

CG

-----Original Message-----

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Monday, March 08, 2004 9:29 AM  
To: Helmly, James LTG (OCAR-ZX); Wilson, Charles MG (USARC CMDGRP); [REDACTED] COL USARC IG  
Cc: Kelley, James A BG USARC CMDGRP; [REDACTED] COL USARC SJA; [REDACTED] COL (OCAR-ZX)  
Subject: RE: MP Investigation Update

Sir,

Received and understood. Thank you.

BG Mike Beasley

-----Original Message-----

From: Helmly, James LTG (OCAR-ZX)  
Sent: Monday, March 08, 2004 6:35 AM  
To: Beasley, Michael W BG (88 CMDGRP CG); Wilson, Charles MG (USARC CMDGRP); [REDACTED] COL USARC IG  
Cc: Kelley, James A BG USARC CMDGRP; [REDACTED] COL USARC SJA; [REDACTED] COL (OCAR-ZX)  
Subject: RE: MP Investigation Update

I received a telephonic de brief by the DCG, CFLCC who as just completed a formal 15-6. After legal sufficiency of his investigation is complete he will de brief several of us in person or by VTC (TBD). I'm not clear whether his investigation includes the cases you are referring to but I would ask our SJA to determine the degree to which there is some overlap of investigations. Further, as these reach a state of completion and decision making we will resolve the jurisdictional issues. The important thing is that justice be served so we will depend upon our SJA for the right counsel to help guide us through this. Chief of Staff, without referring to these cases please ask the G7 to look at the training these MP units have received. I'm also asking the IG to bring me a plan to conduct, over the next year or so, a special review of training for USAR units on the law of land warfare, detainee treatment requirements, ethics, and leadership. IG please shape this and see me with game plan. Thank you, ron helmly

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From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Sunday, March 07, 2004 22:14  
To: Wilson, Charles MG (USARC CMDGRP)  
Cc: Helmly, James LTG (OCAR-ZX); Kelley, James A BG USARC CMDGRP  
Subject: MP Investigation Update

Memo for MG Wilson:

Sir,

#1.txt

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Apparently, neither XVIII Corps (Theater GCM authority) nor Ft. Knox (the General Courts Martial territorial convening authority for the USAR/88th RRC unit most involved, our 377th MP Company) have made any move to assume jurisdiction over these cases. That is relevant because, as of now, apparently I continue to have Special Courts Martial responsibility and the CG, USARC, has GCM responsibility. Obviously, I am not going to get involved in any jurisdictional issue until clear guidance is forthcoming (from DA/FORSCOM/USARC?) as to how the case(s) will be handled.

Disturbing factual information was gathered from this review, however, and I have copies of the CID briefing on the subject. We are forwarding these briefing slides to USARC SJA.

The three primary issues which need resolution are:

1) The need for CID to do some more work prior to issuing their report. The lawyers say that the investigation needs to be put into significant order, and supplemented, before being referred for any criminal action. If the report is finalized now, according to the attorneys, prosecution will be extremely difficult.

2) The jurisdiction (almost certainly GCM) needs to be established for moving towards any prospective disciplinary action. The 88th RRC lawyers (our colonel level SJA and a lieutenant colonel who is an experienced prosecutor) think that neither XVIII Corps nor Ft. Knox wants these cases ... too much expense, and too much publicity.

3) whether any remedial/interim action is necessary.

I will focus on the final point. My observations of the results to date of this current investigation, and my reading about other investigations addressing Army MP mistreatment of detainees, reflect a strong need for a "stand down" day for re-training our MPs on Geneva Convention Human Rights standards, and the use of force in detainee operations. The requirement for such training is apparent from the acknowledged conduct of our soldiers. The training should be administered, or at least overseen, by SJA subject-matter experts. I personally believe that such training such be directed internally within the USAR, before the news of this most recent incident is publicly released. If not applicable for the entire force, then such training at least should be conducted for 88th RRC MPs.

Prior to directing anything along these lines, and because of the extraordinary sensitivities involved, I wanted to run this training issue by you for review and comment. You also might have useful information regarding how other USAR senior commands have handled similar issues raised over the past year.

Subject to your availability and recommendations by the USARC SJA, I would be available to visit any of you (with our SJA) to brief what we have found out to date on the 377th MP Company case, and to discuss in more detail the jurisdictional and training issues currently pending. We also could provide direct information to FORSCOM or FUSA, if you think that is appropriate.

Best regards,

BG Mike Beasley, CG, 88th RRC

Page 125

023476

all (b)(6) 2

#1.txt

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Sunday, March 07, 2004 9:24 PM  
To: [REDACTED] COL (88SJA); [REDACTED] LTC (88 SJA)  
Subject: FW: MP Investigation Update

FYI; an early response from the USARC DCG.

CG

-----Original Message-----

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Sunday, March 07, 2004 9:23 PM  
To: Wilson, Charles MG (USARC CMDGRP)  
Subject: RE: MP Investigation Update

Got it; thanks.

Mike

-----Original Message-----

From: Wilson, Charles MG (USARC CMDGRP)  
Sent: Sunday, March 07, 2004 9:14 PM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Subject: Re: MP Investigation Update

Mike, message rec'd. LTG Helmly informed me that this was coming down the pike. I can't address this until I talk to our SJA staff. Standby more to follow.

MG CEW

-----  
Sent from my BlackBerry wireless Handheld (www.BlackBerry.net)

-----Original Message-----

From: Beasley, Michael W BG (88 CMDGRP CG) <Michael.Beasley1@us.army.mil>  
To: Wilson, Charles MG (USARC CMDGRP) <chuck.wilson1@us.army.mil>  
CC: Helmly, James LTG (OCAR-ZX) <James.Helmly@us.army.mil>; Kelley, James A BG USARC CMDGRP <james.a.kelley@us.army.mil>  
Sent: Sun Mar 07 22:13:48 2004  
Subject: MP Investigation Update

Memo for MG Wilson:

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Best regards,

BG Mike Beasley, CG, 88th RRC

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Friday, March 05, 2004 5:41 PM  
To: [REDACTED] (88 SJA)  
Subject: [REDACTED] RE: LTC [REDACTED] SJA Issues

This is more important than anything else I've got for Saturday morning; squeeze me in sometime after 9 a.m.

CG

-----Original Appointment-----

From: [REDACTED] LTC (88 SJA)  
Sent: Friday, March 05, 2004 3:40 PM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Cc: [REDACTED] COL (88SJA); [REDACTED] CPT (88 SJA)  
Subject: [REDACTED] Accepted: [REDACTED] RE: SJA Issues  
Page 127

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When: Sunday, March 07, 2004 2:30 PM-3:00 PM (GMT-06:00) Central Time (US & Canada).  
Where:

Sir - I've requested this time in the event that you wish to have a briefing on the 377th MPs. Unfortunately [redacted] could not give us an earlier timeframe and I will be on my way to Charlottesville for a week long legal course. COL [redacted] and CPT [redacted] will be available.

V/R, LTC [redacted]  
From: [redacted] CW3 [redacted]@belvoir.army.mil  
Sent: Friday, February 27, 2004 11:03 AM  
To: [redacted] LTC (88 SJA)  
Subject: RE: Most Recent CID Reports on Bagram Deaths

Ma'am,

Our point in contact is Mr [redacted] Deputy Director, Indiana Law Enforcement Academy, Plainview, IN. We wrote him a letter on agency letterhead and asked that he send a copy of the Pressure Point Control Techniques (PPCT) Manual to use for review. You may be able to get this from your reserve units who are teaching the PPCT techniques at Fort Dix, NJ and Camp Atterbury, IN more quickly.

[redacted] (b)(6)-1

CW3, MP  
HQ, USACIDC

703. [redacted] wk  
703. [redacted] Fax  
DSN Prefix: 656  
[redacted] Cell  
[redacted]@belvoir.army.mil

-----Original Message-----

From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Wednesday, February 25, 2004 5:54 PM  
To: [redacted] CW3 (b)(6)-1  
Cc: [redacted] COL (88SJA); [redacted] (88 SJA)  
Subject: RE: Most Recent CID Reports on Bagram Deaths

Agent [redacted] (b)(6)-1 Thanks very much for your time and hospitality. I feel it was well worthwhile. You might have read between the lines that I got a bit of a fright this morning when I saw a Jan 04 ETS date for [redacted] but that's been corrected to Jan 05.

Thanks for the slides and reports. I've inquired about a SIPRnet account. G2 will set me up with one tomorrow and then I'll send you the address so that I can review the 15-6.

Can you give me the name/ # of the Indiana folks who provided the training manuals on compliance blows and the like.

Again, thanks much.

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

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del  
(b)(6) 2  
except as noted

(b)(6) 1

#1.txt

-----Original Message-----

From: [redacted] CW3 [mailto:[redacted]@belvoir.army.mil]  
Sent: Tuesday, February 24, 2004 5:58 PM  
To: [redacted]@us.army.mil  
Cc: [redacted]@us.army.mil  
Subject: Most Recent CID Reports on Bagram Deaths

Sir and Ma'am

As discussed attached please find two CID reports and the PPT we used for this week's talks. More will follow as it becomes available for release. Thank you for taking the time to listen to the case briefing. If we can be of further assistance, please do not hesitate to ask. Please confirm receipt of this message and the file attachments via email.

v/r,

[redacted]  
[redacted]

(b)(6) 1

CW3, MP  
HQ, USACIDC  
703 [redacted] wk  
703 [redacted] Fax  
DSN Prefix: 656  
[redacted] Cell  
[redacted]@belvoir.army.mil

From: [redacted] LTC (88 SJA)  
Sent: Wednesday, February 25, 2004 1:34 PM  
To: [redacted] Mr (88RRC, 300MP) (b)(6)-1  
Cc: Beasley, Michael W BG (88 CMDGRP CG); Payne, James E BG (88RRC, 300MP); [redacted] (88RRC, 785MP); [redacted] LTC (88RRC, 785MP); [redacted] MAJ (88 SJA); [redacted] COL (88SJA); [redacted] CPT (88 SJA); [redacted] (b)(6) -1  
Subject: RE: 377th ETS dates (b)(6)-1

Mr. [redacted] thank you for getting this information to us.

I spoke to SFC [redacted] at the 377th MP Co this morning to verify the ETS date on SPC [redacted] which was listed below as Jan 04. That was a typo. SPC [redacted] (b)(6)-5 ETS is 4 Jan 05, not Jan 04.

SFC [redacted] also provided me with clarifications on the following personnel who have release dates from TPU service prior to their actual ETS (statutory obligation):

SPC [redacted] TPU expires 5 Jan 06; ETS 5 Jan 08  
SPC [redacted] TPU expires 24 Aug 06; ETS 24 Aug 08  
SPC [redacted] TPU expires 1 Aug 07 ETS 1 Aug 09 (b)(6) 5

Further, one soldier we thought was flagged, SPC [redacted] was released from the unit and transferred to the IRR in the fall, upon completion of a 6x2 contract (i.e., 6 years in a drilling unit; now performing 2 years in IRR for his 8 year statutory completion). I'm waiting for a copy of his release order.

SFC [redacted] verified the other soldiers' ETS dates as they are listed below.

(b)(6) -1

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V/R, LTC [REDACTED]  
[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[REDACTED]  
Fax: 612-[REDACTED]

*all  
(b)(6) z*

-----Original Message-----

From: [REDACTED] MAJ (88 SJA)  
Sent: Wednesday, February 25, 2004 9:12 AM  
To: [REDACTED] COL (88SJA)  
Cc: [REDACTED] LTC (88 SJA)  
Subject: [REDACTED] FW: 377th ETS dates

Sir,  
Attached are the individual ETS dates as requested.

MAJ [REDACTED]  
Assistant Staff Judge Advocate  
88th Regional Readiness Command, SJA

E-mail: [REDACTED]@us.army.mil  
Phone: 1-[REDACTED]  
DSN: 783-[REDACTED]  
Fax: 612-[REDACTED]

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-----Original Message-----

From: [REDACTED] Mr (88RRC, 300MP) (b)(6) -1  
Sent: Wednesday, February 25, 2004 6:21 AM  
To: [REDACTED] MAJ (88 SJA)  
Cc: [REDACTED] Beasley, Michael W BG (88 CMDGRP CG); Payne, James E BG (88RRC, 300MP); [REDACTED] LTC (88RRC, 785MP); [REDACTED] Ms (88RRC, 300MP) (b)(6) -1  
Subject: [REDACTED] FW: 377th ETS dates

MAJ [REDACTED]

Forwarded as requested.

[REDACTED]  
SSA, 300th Military Police Brigade  
Telephone: (313) [REDACTED]  
Facsimile: (313) [REDACTED]  
Email: [REDACTED]@usarc-emh2.army.mil  
AKO Email: [REDACTED]@us.army.mil

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#1.txt

-----Original Message-----

From: [REDACTED] (88RRC, 785MP)  
Sent: Tuesday, February 24, 2004 2:11 PM  
To: [REDACTED] (88RRC, 300MP)  
Subject: FW: 377th ETS dates

(b)(6) 1

Here is information you requested.

(b)(6) 1

SSA, 785th MP Bn

-----Original Message-----

From: [REDACTED] SFC (88RRC, 377MP)  
Sent: Tuesday, February 24, 2004 1:51 PM  
To: [REDACTED] Mr (88RRC, 785MP)  
Subject: RE: 377th ETS dates

(b)(6) 1

Sir,  
The following are the names of the flagged soldiers and their ETS dates:

SGT	[REDACTED]	22 AUG 2004
SPC	[REDACTED]	06 JAN 2004
SGT	[REDACTED]	05 JAN 2008
SPC	[REDACTED]	09 AUG 2007
SSG	[REDACTED]	08 JUN 2006
SGT	[REDACTED]	14 JUN 2008
SGT	[REDACTED]	13 JAN 2008
SSG	[REDACTED]	07 DEC 2004
SPC	[REDACTED]	27 AUG 2007
SGT	[REDACTED]	05 MAR 2005
SPC	[REDACTED]	24 AUG 2008
SPC	[REDACTED]	01 AUG 2009
SSG	[REDACTED]	15 MAY 2004
SGT	[REDACTED]	10 MAY 2008
SPC	[REDACTED]	14 JUN 2008

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-----Original Message-----

From: [REDACTED] Mr (88RRC, 785MP)  
Sent: Tuesday, February 24, 2004 12:46 PM  
To: [REDACTED] SFC (88RRC, 377MP)  
Subject: FW: 377th ETS dates

(b)(6) 1

-----Original Message-----

From: [REDACTED] Mr (88RRC, 300MP)  
Sent: Tuesday, February 24, 2004 12:37 PM  
To: [REDACTED] Mr (88RRC, 785MP); [REDACTED] MAJ (88RRC, 785MP)  
Cc: Beasley, Michael W BG (88 CMDGRP CG); Payne, James E BG (88RRC, 300MP); [REDACTED] LTC (88RRC, 785MP); [REDACTED] MS (88RRC, 300MP)  
Subject: FW: 377th ETS dates

(b)(6) 1

(b)(6) 2

Mr. [REDACTED] / MAJ [REDACTED]

Reference below email and previous traffic identifying person's of interest and directed flagging actions.

Provide a by-name ETS roster back to me. I will forward back to the 88th RRC.

#1.txt

SSA, 300th Military Police Brigade  
Telephone: (313) [redacted]  
Facsimile: (313) [redacted]  
Email: [redacted]@usarc-emh2.army.mil  
AKO Email: [redacted]@us.army.mil

} (b)(6)1

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-----Original Message-----

From: [redacted] MAJ (88 SJA)  
Sent: Tuesday, February 24, 2004 12:33 PM  
To: [redacted] Mr (88RRC, 300MP)  
Subject: 377th ETS dates

(b)(6)2

(b)(6)1

Mr [redacted]  
COL [redacted] has asked me to get the ETS dates for all of the flagged members of the 377th. If possible he would like to get this information today as the issue is rather urgent.  
Thanks for your help.

(b)(6)2

MAJ [redacted]  
Assistant Staff Judge Advocate  
88th Regional Readiness Command, SJA

E-mail: [redacted]@us.army.mil  
Phone: 1. [redacted]  
DSN: 783. [redacted]  
Fax: 612. [redacted]

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From: [redacted] MAJ (88 SJA)  
Sent: Wednesday, February 25, 2004 9:12 AM  
To: [redacted] COL (88SJA)  
Cc: [redacted] LTC (88 SJA)  
Subject: FW: 377th ETS dates

Sir,  
Attached are the individual ETS dates as requested.

(b)(6)2

MAJ [redacted]  
Assistant Staff Judge Advocate  
88th Regional Readiness Command, SJA

E-mail: [redacted]@us.army.mil  
Phone: 1. [redacted]  
DSN: 783 [redacted]  
Fax: 612. [redacted]

023483

#1.txt

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-----Original Message-----

From: [redacted] Mr (88RRC, 300MP) (b)(6) 1  
Sent: Wednesday, February 25, 2004 6:21 AM  
To: [redacted] MAJ (88 SJA)  
Cc: Beasley, Michael W BG (88 CMDGRP CG); Payne, James E BG (88RRC, 300MP); [redacted] LTC (88RRC, 785MP); [redacted] MS (88RRC, 300MP)  
Subject: FW: 377th ETS dates

MAJ [redacted] (b)(6) 2

Forwarded as requested.

[redacted]  
SSA, 300th Military Police Brigade  
Telephone: (313) [redacted]  
Facsimile: (313) [redacted]  
Email: [redacted]@usarc-emh2.army.mil  
AKO Email: [redacted]@us.army.mil

(b)(6) 1

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-----Original Message-----

From: [redacted] Mr (88RRC, 785MP)  
Sent: Tuesday, February 24, 2004 2:11 PM  
To: [redacted] (88RRC, 300MP)  
Subject: FW: 377th ETS dates

[redacted]  
Here is information you requested.

[redacted]  
SSA, 785th MP Bn

(b)(6) 1

-----Original Message-----

From: [redacted] SFC (88RRC, 377MP)  
Sent: Tuesday, February 24, 2004 1:51 PM  
To: [redacted] Mr (88RRC, 785MP)  
Subject: RE: 377th ETS dates

Sir,  
The following are the names of the flagged soldiers and their ETS dates:

SGT [redacted]	22 AUG 2004
SPC [redacted]	06 JAN 2004
SGT [redacted]	05 JAN 2008
SPC [redacted]	09 AUG 2007
SSG [redacted]	08 JUN 2006
SGT [redacted]	14 JUN 2008

(b)(6) 5

023484

#1.txt

SGT [REDACTED] 13 JAN 2008  
 SSG [REDACTED] 07 DEC 2004  
 SPC [REDACTED] 27 AUG 2007  
 SGT [REDACTED] 05 MAR 2005  
 SPC [REDACTED] 24 AUG 2008  
 SPC [REDACTED] 01 AUG 2009  
 SSG [REDACTED] 15 MAY 2004  
 SGT [REDACTED] 10 MAY 2008  
 SPC [REDACTED] 14 JUN 2008

(b)(6) 5

-----Original Message-----

From: [REDACTED] Mr (88RRC, 785MP)  
 Sent: Tuesday, February 24, 2004 12:46 PM  
 To: [REDACTED] SFC (88RRC, 377MP)  
 Subject: FW: 377th ETS dates

(b)(6) 1

-----Original Message-----

From: [REDACTED] Mr (88RRC, 300MP)  
 Sent: Tuesday, February 24, 2004 12:37 PM  
 To: [REDACTED] Mr (88RRC, 785MP); [REDACTED] MAJ (88RRC, 785MP)  
 Cc: Beasley, Michael W BG (88 CMDGRP CG); Payne, James E BG (88RRC, 300MP);  
 [REDACTED] LTC (88RRC, 785MP); [REDACTED] MS (88RRC, 300MP)  
 Subject: FW: 377th ETS dates

Mr. [REDACTED] / MAJ [REDACTED]

(b)(6) 2

Reference below email and previous traffic identifying person's of interest and directed flagging actions.

Provide a by-name ETS roster back to me. I will forward back to the 88th RRC.

[REDACTED]  
 SSA, 300th Military Police Brigade  
 Telephone: (313) [REDACTED]  
 Facsimile: (313) [REDACTED]  
 Email: [REDACTED]@usarc-emh2.army.mil  
 AKO Email: [REDACTED]@us.army.mil

(b)(6) 1

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(b)(6) 1

-----Original Message-----

From: [REDACTED] MAJ (88 SJA)  
 Sent: Tuesday, February 24, 2004 12:33 PM  
 To: [REDACTED] Mr (88RRC, 300MP)  
 Subject: 377th ETS dates

(b)(6) 2

Mr. [REDACTED]  
 COL [REDACTED] has asked me to get the ETS dates for all of the flagged members of the 377th. If possible he would like to get this information today as the issue is rather urgent.  
 Thanks for your help.

#1.txt

*all  
(b)(6)2  
except as noted*

MAJ [REDACTED]  
Assistant Staff Judge Advocate  
88th Regional Readiness Command, SJA

E-mail: [REDACTED]@us.army.mil  
Phone: 1 [REDACTED]  
DSN: 783 [REDACTED]  
Fax: 612 [REDACTED]

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From: [REDACTED] CW3 [REDACTED]@belvoir.army.mil  
Sent: Tuesday, February 24, 2004 5:58 PM  
To: [REDACTED]@us.army.mil  
Cc: [REDACTED]@us.army.mil  
Subject: Most Recent CID Reports on Bagram Deaths

*(b)(6)-1*

Sir and Ma'am

As discussed attached please find two CID reports and the PPT we used for this week's talks. More will follow as it becomes available for release. Thank you for taking the time to listen to the case briefing. If we can be of further assistance, please do not hesitate to ask. Please confirm receipt of this message and the file attachments via email.

v/r,

[REDACTED]  
[REDACTED]

CW3, MP  
HQ, USACIDC

703 [REDACTED] wk  
703 [REDACTED] Fax  
DSN Prefix: 656  
[REDACTED] Cell  
[REDACTED]@belvoir.army.mil

*(b)(6)1*

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Saturday, February 21, 2004 4:56 PM  
To: [REDACTED] Mr (88PAO)  
Cc: [REDACTED] LTC (88 SJA); [REDACTED] Ms (88 CMDGRP); [REDACTED] MAJ (88 PAO)  
Subject: RE: 88th RSC soldier Flags...

Thanks for the message. AS LTC [REDACTED] knows, I will be OCONUS from Sunday morning (2/22) through next Saturday afternoon (2/28). I'll be on e-mail, or call me on the military cell phone, if anything comes up.

CG

-----Original Message-----

From: [REDACTED] Mr (88PAO)  
Sent: Friday, February 20, 2004 2:44 PM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Cc: [REDACTED] LTC (88 SJA); [REDACTED] Ms (88 CMDGRP); [REDACTED] MAJ (88 PAO)

023486

(b)(6) 2

#1.txt

Subject: FW: 88th RSC Soldier Flags...

Sir

I discussed this with the PAO for CID. He has been keeping the DA- and CENTCOM-level PAOs briefed as to the status of the investigation. We determined that our office will make sure USARC PAO is aware of the investigation (if they aren't already), and brief the unit to forward all media calls to us. We will address only releasable items from soldiers' personnel records, will forward queries relating to the investigation to the CID PAO, and will forward any other queries to DA PAO.

V/R

[Redacted]  
Public Affairs Specialist  
88th Regional Readiness Command Public Affairs Office  
506 Roeder Circle  
Fort Snelling, MN 55111-4009

Comm. (612) [Redacted]  
DSN 783-[Redacted]  
TOLL FREE 1-[Redacted]  
FAX (612) [Redacted]  
[Redacted]@us.army.mil

-----Original Message-----

From: [Redacted] Ms (88 CMDGRP)  
Sent: Thursday, February 19, 2004 3:33 PM  
To: [Redacted] Mr (88PAO)  
Subject: FW: 88th RSC Soldier Flags...

-----Original Message-----

From: [Redacted] LTC (88 SJA)  
Sent: Thursday, February 12, 2004 3:51 PM  
To: [Redacted] Ms (88 CMDGRP); [Redacted] MAJ (88 PAO)  
Subject: FW: 88th RSC Soldier Flags...

PAO for CID is below; they're aware.

[Redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[Redacted]  
Fax: 612-[Redacted]

-----Original Message-----

From: [Redacted] MAJ [mailto:[Redacted]@belvoir.army.mil]  
Sent: Thursday, February 12, 2004 2:57 PM  
To: [Redacted] LTC (88 SJA); [Redacted] CW3  
Subject: RE: 88th RSC Soldier Flags...

Ma'am, have your PAO contact [Redacted]@belvoir.army.mil. He is the Chief of PAO for CID.



except as noted  
(b)(6) 2

#1.txt

VR.

[redacted]  
Major, Judge Advocate  
Legal Advisor  
Field Investigative Unit (CID)  
703-[redacted]  
DSN 328-[redacted]  
Fax [redacted]

-----Original Message-----

From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Thursday, February 12, 2004 3:51 PM  
To: [redacted] CW3  
CC: [redacted] MAJ  
Subject: RE: 88th RSC Soldier Flags...

Got it; if he's still ours I'll make sure he's flagged as well. Thanks.

I just talked briefly to MAJ [redacted]. My PAO was wondering if DA PAO has any knowledge of this yet. My PAO doesn't want to raise it to their attention if they don't have visibility on this yet. [redacted] is checking. Do you know? What about CID's PAO? I've got to assume they're aware of it. If yes, do you have a name and number for them?

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

-----Original Message-----

From: [redacted] CW3 [mailto:[redacted]@belvoir.army.mil] (b)(6) 1  
Sent: Thursday, February 12, 2004 2:36 PM  
To: [redacted] LTC (88 SJA)  
Subject: RE: 88th RSC soldier Flags...

[redacted]; SGT; [redacted] (b)(6) 5

-----Original Message-----

From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Thursday, February 12, 2004 2:56 PM  
To: [redacted] CW3 (b)(6) - 1  
Subject: RE: 88th RSC Soldier Flags...

Thanks; it's me.

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

-----Original Message-----

From: [redacted] CW3 [mailto:[redacted]@belvoir.army.mil]  
Sent: Thursday, February 12, 2004 1:54 PM

023488

#1.txt

(b)(6) ~  
except as noted

To: [redacted]@us.army.mil'  
Subject: 88th RSC Soldier Flags...

Ma'am,

Please confirm receipt of this test message and I can send you the data on [redacted] (b)(6) s-

[redacted]  
[redacted]  
[redacted]  
[redacted] wk  
[redacted] Fax  
DSN Prefix: 656  
[redacted] Cell  
[redacted]@belvoir.army.mil

(b)(6)-1  
/

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Saturday, February 21, 2004 4:54 PM  
To: [redacted] LTC (88 SJA)  
Cc: [redacted] COL (88SJA)  
Subject: RE: 377th MPs

Thanks. I'll be in Honolulu on business (really) from Sunday morning until next Saturday afternoon (2/28). I should be connected periodically on my e-mail, and you always can reach me via cell phone at [redacted]. Please give me a synopsis of what you see in the files (no further distribution).

Thanks,

CG

-----Original Message-----

From: [redacted] LTC (88 SJA)  
Sent: Friday, February 20, 2004 3:19 PM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Cc: [redacted] COL (88SJA)  
Subject: 377th MPs

sir -

I just wanted to let you know that the CID briefing to MG Ryder apparently went well, and we are set to go to Belvoir for our own extensive look through the files.

COL [redacted], CPT [redacted] and I will arrive in Virginia this Sunday evening and will spend 3 days with CID. We return Wednesday evening 25 Feb unless we finish early or need more time.

USARC OSJA and 18th Airborne Corps OSJA both intend to send someone. Fort Knox OSJA is a maybe.

V/R, LTC [redacted]

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle

023439

#1.txt

(b)(6)z

Ft. Snelling, MN 55102  
Tel: 612-  
Fax: 612-

From: Mr (88PAO)  
Sent: Friday, February 20, 2004 2:44 PM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Cc: LTC (88 SJA); Ms (88 CMDGRP);  
MAJ (88 PAO)  
Subject: FW: 88th RSC soldier Flags...

sir

I discussed this with the PAO for CID. He has been keeping the DA- and CENTCOM-level PAOs briefed as to the status of the investigation. We determined that our office will make sure USARC PAO is aware of the investigation (if they aren't already), and brief the unit to forward all media calls to us. We will address only releasable items from soldiers' personnel records, will forward queries relating to the investigation to the CID PAO, and will forward any other queries to DA PAO.

V/R

Public Affairs Specialist  
88th Regional Readiness Command Public Affairs Office  
506 Roeder Circle  
Fort Snelling, MN 55111-4009

Comm. (612)  
DSN  
TOLL FREE 1-  
FAX (612)  
@us.army.mil

-----Original Message-----  
From: (88 CMDGRP)  
Sent: Thursday, February 19, 2004 3:33 PM  
To: Mr (88PAO)  
Subject: FW: 88th RSC soldier Flags...

-----Original Message-----  
From: LTC (88 SJA)  
Sent: Thursday, February 12, 2004 3:51 PM  
To: Ms (88 CMDGRP); MAJ (88 PAO)  
Subject: FW: 88th RSC Soldier Flags...

PAO for CID is below; they're aware.

LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-  
Fax: 612-

-----Original Message-----  
From: MAJ [mailto:belvoir.army.mil]

023490

unless noted  
(b)(6)2

#1.txt

Sent: Thursday, February 12, 2004 2:57 PM  
To: [redacted] LTC (88 SJA)'; [redacted] CW3 (b)(6)1  
Subject: RE: 88th RSC Soldier Flags...

Ma'am, have your PAO contact [redacted]@belvoir.army.mil. He is the Chief of PAO for CID.

VR,  
[redacted]  
Major, Judge Advocate  
Legal Advisor  
Field Investigative Unit (CID)  
703-[redacted]  
DSN 328-[redacted]  
Fax [redacted]

-----Original Message-----  
From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Thursday, February 12, 2004 3:51 PM  
To: [redacted] CW3 (b)(6)1  
CC: [redacted] MAJ  
Subject: RE: 88th RSC Soldier Flags...

Got it; if he's still ours I'll make sure he's flagged as well. Thanks.

I just talked briefly to MAJ [redacted] My PAO was wondering if DA PAO has any knowledge of this yet. My PAO doesn't want to raise it to their attention if they don't have visibility on this yet. [redacted] is checking. Do you know? what about CID's PAO? I've got to assume they're aware of it. If yes, do you have a name and number for them?

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612 [redacted]  
Fax: 612 [redacted]

-----Original Message-----  
From: [redacted] CW3 [mailto:[redacted]@belvoir.army.mil] (b)(6)-1  
Sent: Thursday, February 12, 2004 2:36 PM  
To: [redacted] LTC (88 SJA)'  
Subject: RE: 88th RSC soldier Flags...

[redacted] SGT; [redacted] (b)(6)5

-----Original Message-----  
From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Thursday, February 12, 2004 2:56 PM  
To: [redacted] CW3 (b)(6)-1  
Subject: RE: 88th RSC Soldier Flags...

Thanks; it's me.

[redacted]  
LTC, JA, Deputy SJA  
88th RRC

#1.txt

506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-  
Fax: 612-

(b)(6)-2

-----Original Message-----

From: [redacted] CW3 [mailto:[redacted]@belvoir.army.mil] (b)(6) 1  
Sent: Thursday, February 12, 2004 1:54 PM  
To: [redacted]@us.army.mil'  
Subject: 88th RSC Soldier Flags... (b)(6)-2

Ma'am,

Please confirm receipt of this test message and I can send you the data on [redacted]

(b)(6) 5

[redacted]  
[redacted]  
CW3, MP  
HQ, USACIDC

(b)(6)-1

703 [redacted] wk  
703 [redacted] Fax  
DSN Prefix: 656  
[redacted] Cell  
[redacted]@belvoir.army.mil

(b)(6) 1

From: [redacted] CW3 [redacted]@belvoir.army.mil]  
Sent: Friday, February 20, 2004 2:01 PM  
To: [redacted] LTC (88 SJA)'  
Cc: [redacted] CW3; [redacted] MAJ (b)(6)-2  
Subject: RE: Investigative Briefing to SJA

Ma'am,

(b)(6)-1

We should have everything you would need, outside of computer support if you feel you need to bring a laptop.

[redacted]  
CW3, MP  
Investigative Operations  
HQ, USACIDC  
6010-6th Street  
Fort Belvoir, VA 22060  
Office - 703-  
Facsimile - 703-  
Cellular -

(b)(6) 1

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except as noted  
(b)(6) 2

#1.txt

-----Original Message-----

From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Friday, February 20, 2004 2:58 PM  
To: [redacted] CW3 (b)(6) 1  
Subject: RE: Investigative Briefing to SJA

Sorry Chief, I told you I'd email you with details yesterday and I forgot to do so. My error.

From my office there will be three personnel attending:  
My SJA, COL [redacted] (pronounced [redacted]),  
Myself,  
CPT [redacted], one of our Mil Justice attorneys

I've been informed that USARC OSJA will send someone, but I haven't heard who yet.

I've also spoken to 18th Airborne Corps OSJA and they are working on getting someone there as well.

A Fort Knox OSJA attendee is a maybe.

COL [redacted], CPT [redacted] and I arrive at National Airport on Sunday evening 22 Feb at 2004 hours. Northwest Flight 1710. We will be staying at the Belvoir Guesthouse. We have a return flight at 1750 on wed 25 February.

Is there anything special that you feel we should bring along?

Thanks. I look forward to meeting you and SA [redacted] (b)(6) 1

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

-----Original Message-----

From: [redacted] CW3 [mailto:[redacted]@belvoir.army.mil]  
Sent: Friday, February 20, 2004 1:25 PM  
To: [redacted]@us.army.mil'; [redacted] MAJ  
Cc: [redacted] CW3  
Subject: Investigative Briefing to SJA

LTC [redacted]  
I wished to take a moment and confirm your attendance at the coordination meeting related to the CID investigation of two detainee deaths which occurred in Bagram, Afghanistan. This meeting will take place at the Fort Belvoir CID Conference room. I will provide a packet of information to include directions to the CID office from the Fort Belvoir billeting office.

Based on our previous conversation, I had anticipated the attendance of yourself along with two colleges. I would appreciate if you could provide a short response to this e-mail with their names as well as your travel arrangements.

(b)(6) 1  
SA [redacted] and I look forward to meeting with you to discuss the investigation. You will find my contact information below, should you need to contact me.

023493

#1.txt

Thank You

[Redacted]  
Special Agent  
Investigative Operations  
HQ, USACIDC  
6010-6th Street  
Fort Belvoir, VA 22060  
Office - 703-[Redacted]  
Facsimile - 703-[Redacted]  
Cellular - [Redacted]

(b)(6) 1

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From: [Redacted] CW3 [Redacted]@belvoir.army.mil  
Sent: Friday, February 20, 2004 1:25 PM  
To: [Redacted]@us.army.mil'; [Redacted] MAJ  
Cc: [Redacted] CW3  
Subject: Investigative Briefing to SJA / (b)(6) 2

(b)(6) 1

LTC [Redacted]  
I wished to take a moment and confirm your attendance at the coordination meeting related to the CID investigation of two detainee deaths which occurred in Bagram, Afghanistan. This meeting will take place at the Fort Belvoir CID Conference room. I will provide a packet of information to include directions to the CID office from the Fort Belvoir billeting office.

Based on our previous conversation, I had anticipated the attendance of yourself along with two colleges. I would appreciate if you could provide a short response to this e-mail with their names as well as your travel arrangements.

SA [Redacted] and I look forward to meeting with you to discuss the investigation. You will find my contact information below, should you need to contact me.

Thank You

[Redacted]  
Special Agent  
Investigative Operations  
HQ, USACIDC  
6010-6th Street  
Fort Belvoir, VA 22060  
Office - 703-[Redacted]  
Facsimile - 703-[Redacted]  
Cellular - [Redacted]

(b)(6) 1

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023494

(b)(6) z  
except as noted

#1.txt

agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply or by telephone (703) [redacted] and immediately delete this message and all its attachments.

From: Beasley, Michael W BG (88 CMDGRP CG)  
Sent: Wednesday, February 18, 2004 7:37 AM  
To: [redacted] LTC (88 SJA)  
Subject: RE: Status of 377th MP Company Investigation

LTC [redacted]

I got your phone message, and understand the basis of the message. Please don't let the procedural curtailment on use of e-mail get in the way of keeping me informed of all key developments, however, particularly on Active Component decisions on jurisdiction, and the evolution of the investigation and briefings. I know that you and I can take adequate precautions to not include improper subject matter.

Thanks,

CG

-----Original Message-----

From: [redacted] LTC (88 SJA) (b)(6)(1)  
Sent: Tuesday, February 17, 2004 7:19 PM  
To: [redacted] Mr (88 CMDGRP DMS); Richardson, Douglas G BG (88 CMDGRP DCG); [redacted] CSM (88 CMDGRP CSM); [redacted] COL (88 CMDGRP COS); Payne, James E BG (88RRC, 300MP); [redacted] COL (88SJA); [redacted] COL (88 DCS, G1); [redacted] (88 DCS, G3); [redacted] (88RRC, 300MP); [redacted] CW3 (88 CMDGRP); [redacted] MAJ (88 DCS, G2); [redacted] (88 PAO); [redacted] Ms (88 CMDGRP); [redacted] (88RRC, 300MP) - (b)(6) 1  
Cc: Beasley, Michael W BG (88 CMDGRP CG)  
Subject: RE: Status of 377th MP Company Investigation

Sirs/Ma'am -

In accordance with the CG's directive that the Office of the Staff Judge Advocate shall be the central point of contact for matters concerning the investigation into the 377th MP Co, I suggest that I be contacted by telephone or in person to discuss developments on this case. Please keep email traffic on this matter to a minimum.

I can be reached day or night as follows:

Home: [redacted]  
Cell: [redacted]

Work Phone listed below.

Thank you all for your cooperation. V/R, LTC [redacted]

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612- [redacted]  
Fax: 612- [redacted]

From: [redacted] CW3 [redacted]@belvoir.army.mil  
Sent: Monday, February 16, 2004 3:10 PM  
To: [redacted] LTC (88 SJA)

(b)(6)-1

023495



except as noted (b)(6)2

(b)(6)1

Cc: [redacted]@belvoir.army.mil' #1.txt  
Subject: RE: 88th RSC Soldier Flags...

Ma'am,

As soon as you know the number of folks, dates of travel and the names of personnel you'll be bringing to Belvoir to be familiar with the case, we'd like to know. This will help myself and SA [redacted] in finding a venue with sufficient room for all and in managing other logistics associated with your travel.

(b)(6)1

v/r,

(b)(6)1

CW3, MP  
HQ, USACIDC

-----Original Message-----

From: [redacted] LTC (88 SJA) (b)(6)1  
To: [redacted] CW3  
Cc: [redacted] V.C. MAJ  
Sent: 2/12/04 3:50 PM  
Subject: RE: 88th RSC Soldier Flags...

Got it; if he's still ours I'll make sure he's flagged as well. Thanks.

I just talked briefly to MAJ [redacted] My PAO was wondering if DA PAO has any knowledge of this yet. My PAO doesn't want to raise it to their attention if they don't have visibility on this yet. [redacted] is checking. Do you know? what about CID's PAO? I've got to assume they're aware of it. If yes, do you have a name and number for them?

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612 [redacted]  
Fax: 612 [redacted]

(b)(6)1

-----Original Message-----

From: [redacted] CW3 [mailto:[redacted]@belvoir.army.mil]  
Sent: Thursday, February 12, 2004 2:36 PM  
To: [redacted] LTC (88 SJA)  
Subject: RE: 88th RSC Soldier Flags...

[redacted]; SGT; [redacted] (b)(6)5

-----Original Message-----

From: [redacted] LTC (88 SJA) [mailto:[redacted]@us.army.mil]  
Sent: Thursday, February 12, 2004 2:56 PM  
To: [redacted] CW3 (b)(6)1  
Subject: RE: 88th RSC Soldier Flags...

Thanks; it's me.

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle

#1.txt

Ft. Snelling, MN 55102

Tel: 612- [redacted] (b)(6)z

Fax: 612- [redacted] (b)(6)1

-----Original Message-----

From: [redacted] CW3 [mailto:[redacted]@belvoir.army.mil]

Sent: Thursday, February 12, 2004 1:54 PM

To: [redacted]@us.army.mil (b)(6)z

Subject: 88th RSC Soldier Flags...

Ma'am,

Please confirm receipt of this test message and I can send you the data on [redacted] (b)(6)5

[redacted]  
[redacted]

(b)(6)1

CW3, MP  
HQ, USACIDC

703. [redacted] wk  
703. [redacted] Fax  
DSN Prefix: 656

[redacted]@belvoir.army.mil <mailto:[redacted]@belvoir.army.mil>

From: Beasley, Michael W BG (88 CMDGRP CG)

Sent: Thursday, February 12, 2004 8:50 PM

To: [redacted] Mr (88RRC, 300MP); [redacted] LTC (88 SJA)

Cc: Payne, James E BG (88RRC, 300MP); [redacted] Ms (88RRC, 300MP)

Subject: RE: 377th MP CO Soldiers

(b)(6)z

Folks:

I want to be personally copied on ALL aspects of this matter.

Thanks,

CG

-----Original Message----- (b)(6)1

From: [redacted] Mr (88RRC, 300MP)

Sent: Thursday, February 12, 2004 12:28 PM

To: [redacted] LTC (88 SJA)

Cc: Payne, James E BG (88RRC, 300MP); [redacted] Ms (88RRC, 300MP)

Subject: FW: 377th MP CO Soldiers

LTC [redacted] (b)(6)z

Forwarded per our conversation.

The flagging actions are in place.

The 377th's next drill is scheduled for 6-7 March.

This information remains close hold, sensitive but unclassified Law Enforcement related.

[redacted] (b)(6)1

#1.txt

SSA, 300th Military Police Brigade  
Telephone: (313) [redacted]  
Facsimile: (313) [redacted]  
Email: [redacted]@usarc-emh2.army.mil  
AKO Email: [redacted]@us.army.mil

(b)(6)1

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(b)(6)1  
-----Original Message-----

From: [redacted] Mr (88RRC, 300MP)  
Sent: Friday, January 30, 2004 3:53 PM  
To: [redacted] MAJ (88RRC, 785MP) (b)(6)2  
Cc: [redacted] Mr (88RRC, 785MP); [redacted] LTC (88RRC, 785MP);  
[redacted] MS (88RRC, 300MP)  
Subject: [redacted] RE: 377th MP CO Soldiers (b)(6)2

Brian:

I have spoken with the lead investigator and BG Payne.

Initiate a non-transferable, adverse action flag on the following individuals:

- SPC [redacted]
- SPC [redacted]
- SGT [redacted]
- SSG [redacted]
- SPC [redacted]
- SPC [redacted]
- SPC [redacted]
- SPC [redacted]
- SSG [redacted]
- SPC [redacted]
- SPC [redacted]
- SSG [redacted]

(b)(6)5

This information is sensitive and is NOT to be discussed with anyone but the individuals listed in this email, the Commander, 377th MP Company, and UA, 377th MP Company; this email may only be forwarded to these same individuals.

The unit will ensure that all of the unit's personnel records are secured in locked containers to prevent unauthorized access to these specific records or the records of any other Soldier.

These flags may or may not be removed; final determination is pending. Other individuals may be added to this list.

Will advise you further as the situation dictates.

SSA, 300th Military Police Brigade  
Telephone: (313) [redacted]  
Facsimile: (313) [redacted]  
Email: [redacted]@usarc-emh2.army.mil

(b)(6)1

023498

(b)(6)1

#1.txt

AKO Email: [redacted]@us.army.mil

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-----Original Message-----

From: [redacted] MAJ (88RRC, 785MP) (b)(6)2  
Sent: Friday, January 30, 2004 2:37 PM  
To: [redacted] Mr (88RRC, 300MP)  
Cc: [redacted] Mr (88RRC, 785MP); [redacted] LTC (88RRC, 785MP)  
Subject: 377th MP Co Soldiers

[redacted] (b)(6)1  
[redacted] called and is asking when/if the soldiers that are the key subjects of the CID investigation should be considered non-deployable (legal processing/commander's discretion). She said it looks like up to 7 soldiers, but not all are still assigned to the 377th (she's going to get me the exact number). They have not been charged, but I guess CID has focused in on this group. My recommendation would be to wait until they are charged, then flag them. If the unit gets alerted before then, we can re-look how to handle the eaches. This may have significant USR/readiness implications, so I wanted to bump it up to your level.

MAJ [redacted] (b)(6)2  
S3/Operations Officer  
785th Military Police Battalion (I/R)

AKO e-mail: [redacted]@us.army.mil  
Phone: 1. [redacted]  
Fax: 1. [redacted]

"Safeguard and Secure"

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From: [redacted] LTC (USARC SJA)  
Sent: Thursday, February 12, 2004 7:50 PM  
To: [redacted] LTC (88 SJA)  
Cc: [redacted] COL (88SJA); [redacted] COL (88SJA); [redacted]  
Subject: RE: Status of 377th MP Company Investigation

LTC [redacted] strongly recommend that any further discussion with your CG of this case be done by oral means. Call me ASAP so we can discuss, please.

V/R,

LTC [redacted]  
Deputy Staff Judge Advocate  
US Army Reserve Command  
(404) [redacted] DSN 367 [redacted]  
Fax: (404) [redacted]  
Secure: (404) [redacted]

(b)(6)2

#1.txt

all (b)(6) z

-----Original Message-----

From: Beasley, Michael W BG (88 CMDGRP CG)

Sent: Wednesday, February 11, 2004 10:12 PM

To: [REDACTED] LTC (88 SJA)

Cc: [REDACTED] COL (88SJA); [REDACTED] COL (88SJA); [REDACTED] LTC (USARC SJA); [REDACTED] COL (USARC SJA)

Subject: RE: Status of 377th MP Company Investigation

LTC [REDACTED] / COL [REDACTED]

Thank you for your quick, deliberate and comprehensive actions on this matter.

I informed MG Wilson, DCG, USARC, with a bare outline of the facts as I understood them following my phone conversation with LTC Lewis, at approximately 1720 hrs. on Wednesday (Eastern time). I am certain that he will be consulting with the USARC SJA as soon as possible for a more comprehensive report -- which I understand was forwarded to USARC by LTC [REDACTED] immediately after our phone conversation.

I would like the names of the 15 soldiers from the 88th RRC as soon as possible; please confirm that the flags are in effect by tomorrow, 12 February. Following my receipt of that list, I will discuss the matter with BG Payne, CG of the 300th MP Brigade.

Please find out when I may review the file at Ft. Belvoir. I would like to do this personally at an early date. Please confirm that I may review the file without jeopardizing my prerogatives as SCMA. I understand that if homicide charges are brought, at least those would certainly be referred to the GCMA, either LTG Helmly or the relevant AC Commander. Even if that step is taken, however, one or more of the subjects may be appropriate for SCMA jurisdiction (or lesser sanctions).

I also would appreciate knowing when the 377th MP Company will be having its next IDT session. I may request that BG Payne attend that drill. I am currently not inclined to delegate disciplinary action to BG Payne on this matter, at least in part because he was mobilized and deployed to Guantanamo at the time of the incidents in question.

Notify both LTC [REDACTED] (Congressional Outreach and CASA/USAR Ambassador Liaison) and MAJ [REDACTED] (PAO) to call me on a conference call on Thursday morning, 12 February. I want to personally notify them how we should proceed with the Public Affairs matters; they will be instructed to coordinate directly with USARC PAO before releasing any information whatsoever. Needless to say, all involved must be sensitive to rumor control and secondary effects of incidents of this nature -- particularly watching for signs of suicide, depression, and stress ... in families as well as soldiers. I may direct that one of our senior Stress Team members attend that next IDT.

I concur that the OSJA is the proper POC for all actions within our Command, with the exception of Command Group involvement, necessary G-1 and G-2 actions, possible Surgeon (Stress Management) involvement, and the aforesaid PAO program. Doing this means that I need periodic and frequent updates regarding all material developments. If I am permitted to review the file, I will request an accompanying member of the OSJA (at least a field grade officer, preferably one of you two) to go with me. I will respect your recommendations of others who should join us.

Again, thank you for your professionalism and sense of urgency. Plan on talking with me tomorrow.

BG M. Beasley, CG, 88th RRC

Page 149

023500

#1.txt

(b)(6) z

-----Original Message-----

From: [redacted] LTC (88 SJA)  
Sent: Wednesday, February 11, 2004 5:37 PM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Cc: [redacted] COL (88SJA); [redacted] COL (88SJA); [redacted]  
LTC (USARC SJA); [redacted] L COL (USARC SJA)  
Subject: RE: Status of 377th MP Company Investigation

BG Beasley-

(b)(6) 1

This is what I know thus far, which was provided to me via telephone today by Special Agent [redacted] of CID HQ in Fort Belvoir:

CID has been investigating the deaths of two detainees in Afghanistan. The deaths occurred in Dec 2002. The two detainees were apparently in the custody of members of our unit - 377th MP Co. According to CID, 15 members of the unit along with additional members of an MI unit (not belonging to us) will be listed as subjects in the report of investigation. The deaths have been ruled homicides and the medical examiner reported the cause of death as blunt force trauma. The two detainees had been in US custody less than 3 days in one case, 5 days in the other case. The detainees apparently received medical examinations upon being taken into custody and were determined to be in good health.

Approximately 81 people have been interviewed. Some of the MPs requested counsel; some made statements, including admissions/confessions. Apparently one MP acknowledged hitting one of the detainees approximately 30 times with his knees.

According to G-3, the 377th is not currently at mob station nor pending re-mobilization. They were released from mobilization approximately March 2003, about the same time that the medical report was released.

I do not have names of individuals but hope to have those by tomorrow.

COL [redacted] is informed; we have been on the phone much of the day. I've also informed LTC [redacted] the 300th's CJA. COL [redacted] suggests that the OSJA become the clearinghouse for handling information and contacts concerning this investigation within the command and with outside agencies, with the exception of any media requests which of course will be referred to PAO. Please let me know if you wish the OSJA to be the POC. I have not cc'ed the other parties listed on MAJ [redacted] email below due to the sensitivity of this matter, but will forward to them upon your directive.

(b)(6) z

At your direction I called USARC OSJA this afternoon. I informed LTC [redacted], Deputy SJA; COL [redacted] (SJA) is on leave. LTC [redacted] will inform LTG Helmly. We discussed the possibility of bringing Fort Leavenworth's OSJA into the picture as that office bears responsibility for court-martial support for the majority of the 88th's geographic region, including Minnesota and Michigan. LTC [redacted] had no objection to that. He also mentioned the possibility that Centcom or CJTF 180 might wish to take up this case, being the AC command responsible for the region where the offenses occurred.

CID Agents will brief MG Ryder, CID Cdr and Provost Marshall of the Army, next Wed, 18 Feb. As noted in MAJ [redacted] email below, they would like to brief you some time after that. They have suggested that someone from our office come to Belvoir to get a more detailed brief including review of the extensive case file, which the agent suggests will take at least a couple of days. LTC [redacted] said his office would likely send a member of their military justice office along. Fort Leavenworth JAG may want to attend as well.

For a quick summary of jurisdictional issues:  
You have Special Court Martial Authority, which allows up to 1 yr. confinement and a Bad Conduct Discharge; General Court-Martial Authority resides with the AC or LTG

023501

all(b)(6)-2

excepts noted

#1.txt

Helmly. However, according to AR 27-10, any involuntary recall to active duty of reservists for the purpose of pursuing court-martial or Art 32 investigation (preliminary requirement to a General Court-Martial) requires the order of an AC GCMCA. In addition, before any reservists can be confined, either pre- or post-trial, the Sec Army or his delegate must give authorization, which in practical effect means requesting Sec Army approval prior to bringing any reservist on active duty for the purpose of pursuing court-martial.

My apologies for being this lengthy. I await your questions and directives.  
V/R, LTC [redacted]

PS. My cell phone is [redacted] if you wish to speak to me during off-duty hours.

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
Fax: 612-[redacted]

-----Original Message-----

From: [redacted] MAJ (88 DCS, G2)  
Sent: Wednesday, February 11, 2004 10:09 AM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Cc: [redacted] Mr (88 CMDGRP DMS); Richardson, Douglas G BG (88 CMDGRP DCG); [redacted] CSM (88 CMDGRP CSM); [redacted] COL (88 CMDGRP COS); Payne, James E BG (88RRC, 300MP); [redacted] LTC (88 SJA); [redacted] COL (88SJA); [redacted] COL (88 DCS, G1); [redacted] (88 DCS, G3); [redacted] (88RRC, 300MP); [redacted] CW5 (88 CMDGRP)  
Subject: Status of 377th MP Company Investigation  
Importance: High

Sir,

(b)(6) |

The preliminary investigation by CID Command of the 377th MP is complete. The investigating agents will present the case to MG Ryder, the Provost Marshal General on or about 15 Feb 04. Near the end of Feb, they intend to brief BG Payne. I informed CID that you most likely would want to take authority for any UCMJ actions arising from the investigation, or alternatively, you would make the call whether BG Payne should retain it. The lead CID Agent, Angela [redacted] suggested SJA and PMO participation in the briefing when it occurs. Agent [redacted] also suggested our SJA travel to Fort Belvoir at some point prior to their briefing of you, to review the entire file to better advise you on potential Courts Martial and/or non-judicial punishment.

Further CID investigation of this matter will depend on whether you decide to pursue Courts Martial on any of the suspects. Their further investigations will be to support those Court Martial proceedings.

On another related issue, the names of 15 persons who are suspects in this case were provided to Mr. [redacted] for flagging actions, pending resolution. I will continue to follow-up with CID and appropriate internal elements to coordinate and further advise you on this matter.

MAJ [redacted]  
Deputy Provost Marshal  
88th Regional Readiness Command

E-mail: [redacted]@usarc-emh2.army.mil  
DSN: 783-[redacted]  
Phone: 1-[redacted]  
Fax: (612) [redacted]

all (b)(6)z

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cell: (612) [redacted]

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From: [redacted] Ms (88 CMDGRP)  
Sent: Thursday, February 12, 2004 2:03 PM  
To: [redacted] LTC (88 SJA)  
Cc: [redacted] Mr (88PAO)  
Subject: RE: CG Guidance

OK, thanks. I'll be gone tomorrow but Mr. [redacted] will be here to get any info you may have. Thanks

-----Original Message-----

From: [redacted] LTC (88 SJA)  
Sent: Thursday, February 12, 2004 1:56 PM  
To: [redacted] Ms (88 CMDGRP)  
Subject: RE: CG Guidance

Will call and ask. I expect yes, because the special Agent said that the deaths were noted by the media at the time they occurred, and that there was a 15-6 investigation done in Afghanistan that didn't focus directly on the deaths, but on the treatment of detainees generally. Human Rights watch, Amnesty International and th ACLU have all asked for the release of the 15-6 but apparently it hasn't been released yet. I'll pass this info on to BG Beasley this afternoon in my email update.

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612- [redacted]  
Fax: 612- [redacted]

-----Original Message-----

From: [redacted] Ms (88 CMDGRP)  
Sent: Thursday, February 12, 2004 1:53 PM  
To: [redacted] LTC (88 SJA)  
Subject: CG Guidance

Re: Our conversation this morning. The CG would like you to ask your POC at the CID Command if the DA PAO has been apprised of the situation. We don't say anything to anyone before we need to.

[redacted]  
Civil Military Project Officer/Public Affairs Officer  
1- [redacted]  
HQs, 88th Regional Readiness Command



#1.txt

From: [redacted] CW3 [redacted]@belvoir.army.mil]  
Sent: Thursday, February 12, 2004 1:54 PM  
To: [redacted]@us.army.mil  
Subject: 88th RSC Soldier Flags...

Ma'am,

Please confirm receipt of this test message and I can send you the data on [redacted]

(b)(6)5

[redacted]  
[redacted]  
CW3, MP  
HQ, USACIDC

703- [redacted] wk  
703- [redacted] Fax  
DSN Prefix: 656  
[redacted] Cell  
[redacted]@belvoir.army.mil

From: [redacted] L MS (88 CMDGRP)  
Sent: Thursday, February 12, 2004 1:53 PM  
To: [redacted] LTC (88 SJA)  
Subject: CG Guidance

Re: Our conversation this morning. The CG would like you to ask your POC at the CID Command if the DA PAO has been apprised of the situation. We don't say anything to anyone before we need to.

(b)(6)2

[redacted]  
Civil Military Project Officer/Public Affairs officer  
1- [redacted]  
HQs, 88th Regional Readiness Command

From: [redacted] Mr (88RRC, 300MP) (b)(6)1  
Sent: Thursday, February 12, 2004 12:28 PM  
To: [redacted] LTC (88 SJA)  
Cc: Payne, James E BG (88RRC, 300MP); [redacted] Ms (88RRC, 300MP)  
Subject: FW: 377th MP CO Soldiers

LTC [redacted]

(b)(6)2

Forwarded per our conversation.

The flagging actions are in place.

The 377th's next drill is scheduled for 6-7 March.

This information remains close hold, sensitive but unclassified Law Enforcement related.

[redacted]  
SSA, 300th Military Police Brigade  
Telephone: (313) [redacted]  
Facsimile: (313) [redacted]  
Email: [redacted]@usarc-emh2.army.mil

(b)(6)1

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#1.txt

AKO Email: [redacted]@us.army.mil

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-----Original Message-----

From: [redacted] Mr (88RRC, 300MP) (b)(6)2  
Sent: Friday, January 30, 2004 3:53 PM  
To: [redacted] K MAJ (88RRC, 785MP)  
Cc: [redacted] Mr (88RRC, 785MP); [redacted] (88RRC, 785MP); [redacted] MS (88RRC, 300MP)  
Subject: [redacted] RE: 377th MP CO soldiers

Brian:

I have spoken with the lead investigator and BG Payne.

Initiate a non-transferable, adverse action flag on the following individuals:

- SPC [redacted]
- SPC [redacted]
- SGT [redacted]
- SSG [redacted]
- SPC [redacted]
- SPC [redacted]
- SPC [redacted]
- SPC [redacted]
- SPC [redacted]
- SSG [redacted]
- SPC [redacted]
- SPC [redacted]
- SSG [redacted]

(b)(6)5

This information is sensitive and is NOT to be discussed with anyone but the individuals listed in this email, the Commander, 377th MP Company, and UA, 377th MP Company; this email may only be forwarded to these same individuals.

The unit will ensure that all of the unit's personnel records are secured in locked containers to prevent unauthorized access to these specific records or the records of any other Soldier.

These flags may or may not be removed; final determination is pending. Other individuals may be added to this list.

Will advise you further as the situation dictates.

[redacted]  
Lawrence  
SSA, 300th Military Police Brigade  
Telephone: (313) [redacted]  
Facsimile: (313) [redacted]  
Email: [redacted]@usarc-emh2.army.mil  
AKO Email: [redacted]@us.army.mil

(b)(6)1

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#1.txt

distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

-----Original Message-----

From: [redacted] MAJ (88RRC, 785MP) (b)(6) z  
Sent: Friday, January 30, 2004 2:37 PM  
To: [redacted] Mr (88RRC, 300MP)  
Cc: [redacted] Mr (88RRC, 785MP); [redacted] (88RRC, 785MP)  
Subject: [redacted] MP Co Soldiers

[redacted] (b)(6) z  
[redacted] called and is asking when/if the soldiers that are the key subjects of the CID investigation should be considered non-deployable (legal processing/commander's discretion). She said it looks like up to 7 soldiers, but not all are still assigned to the 377th (she's going to get me the exact number). They have not been charged, but I guess CID has focused in on this group. My recommendation would be to wait until they are charged, then flag them. If the unit gets alerted before then, we can re-look how to handle the eaches. This may have significant USR/readiness implications, so I wanted to bump it up to your level.

MAJ [redacted] (b)(6) z  
S3/Operations Officer  
785th Military Police Battalion (I/R)

AKO e-mail: [redacted]@us.army.mil  
Phone: 1. [redacted]  
Fax: 1. [redacted]

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From: Beasley, Michael W BG (88 CMDGRP CG) (b)(6) z  
Sent: Wednesday, February 11, 2004 11:27 PM  
To: [redacted] MAJ (88 DCS, G2)  
Cc: [redacted] MP (88 CMDGRP DMS); Richardson Douglas G BG (88 CMDGRP DCG); [redacted] CSM (88 CMDGRP CSM); [redacted] R COL (88 CMDGRP COS); Payne, James E BG (88RRC, 300MP); [redacted] LTC (88 SJA); [redacted] COL (88SJA); [redacted] COL (88 DCS, G1); [redacted] Mr (88 DCS, G3); [redacted] MP (88RRC, 300MP); [redacted] CW5 (88 CMDGRP)  
Subject: [redacted] RE: Status of 377th MP/Company Investigation (b)(6) z

I SHOULD HAVE BEEN CALLED DIRECTLY AS SOON AS THIS INFORMATION WAS RECEIVED. YOU MUST, REPEAT MUST, STOP SENDING ME E-MAILS WHEN A PHONE CALL MORE PROPERLY REFLECTS THE URGENCY OF THE SITUATION. GOT IT???

EVERYONE ELSE: PLEASE HEED.

Thanks,

CG

-----Original Message-----

#1.txt

(b)(6) z

From: [redacted] MAJ (88 DCS, G2)  
 Sent: Wednesday, February 11, 2004 10:09 AM  
 To: Beasley, Michael W BG (88 CMDGRP CG)  
 Cc: [redacted] Mr (88 CMDGRP DMS); Richardson, Douglas G BG (88 CMDGRP DCG); [redacted] CSM (88 CMDGRP CSM); [redacted] COL (88 CMDGRP COS); Payne, James E BG (88RRC, 300MP); [redacted] LTC (88 SJA); [redacted] COL (88SJA); [redacted] COL (88 DCS, G1); [redacted] Mr (88 DCS, G3); [redacted] MP (88RRC, 300MP); [redacted] CW5 (88 CMDGRP)  
 Subject: Status of 377th MP Company Investigation  
 Importance: High

(b)(6) 1

Sir,

The preliminary investigation by CID Command of the 377th MP is complete. The investigating agents will present the case to MG Ryder, the Provost Marshal General on or about 15 Feb 04. Near the end of Feb, they intend to brief BG Payne. I informed CID that you most likely would want to take authority for any UCMJ actions arising from the investigation, or alternatively, you would make the call whether BG Payne should retain it. The lead CID Agent, [redacted] suggested SJA and PMO participation in the briefing when it occurs. [redacted] also suggested our SJA travel to Fort Belvoir at some point prior to their briefing of you, to review the entire file to better advise you on potential Courts Martial and/or non-judicial punishment. (b)(6) 1

Further CID investigation of this matter will depend on whether you decide to pursue Courts Martial on any of the suspects. Their further investigations will be to support those Court Martial proceedings.

On another related issue, the names of 15 persons who are suspects in this case were provided to Mr. [redacted] for flagging actions, pending resolution. I will continue to follow-up with CID and appropriate internal elements to coordinate and further advise you on this matter.

MAJ [redacted]  
 Deputy Provost Marshal  
 88th Regional Readiness Command

(b)(6) 1

E-mail: [redacted]@usarc-emh2.army.mil  
 DSN: 783-[redacted]  
 Phone: 1(800)-[redacted]  
 Fax: (612)-[redacted]  
 Cell: (612)-[redacted]

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(b)(6) z

From: Beasley, Michael W BG (88 CMDGRP CG)  
 Sent: Wednesday, February 11, 2004 9:12 PM  
 To: [redacted] LTC (88 SJA)  
 Cc: [redacted] COL (88SJA); [redacted] COL (88SJA); [redacted] LTC (USARC SJA); [redacted] COL (USARC SJA)  
 Subject: RE: Status of 377th MP Company Investigation

LTC [redacted] COL [redacted]

Thank you for your quick, deliberate and comprehensive actions on this  
 Page 156

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matter.

I informed MG Wilson, DCG, USARC, with a bare outline of the facts as I understood them following my phone conversation with LTC [redacted] at approximately 1720 hrs. on Wednesday (Eastern time). I am certain that he will be consulting with the USARC SJA as soon as possible for a more comprehensive report -- which I understand was forwarded to USARC by LTC [redacted] immediately after our phone conversation.

I would like the names of the 15 soldiers from the 88th RRC as soon as possible; please confirm that the flags are in effect by tomorrow, 12 February. Following my receipt of that list, I will discuss the matter with BG Payne, CG of the 300th MP Brigade.

Please find out when I may review the file at Ft. Belvoir. I would like to do this personally at an early date. Please confirm that I may review the file without jeopardizing my prerogatives as SCMA. I understand that if homicide charges are brought, at least those would certainly be referred to the GCMA, either LTC Helmly or the relevant AC Commander. Even if that step is taken, however, one or more of the subjects may be appropriate for SCMA jurisdiction (or lesser sanctions).

I also would appreciate knowing when the 377th MP Company will be having its next IDT session. I may request that BG Payne attend that drill. I am currently not inclined to delegate disciplinary action to BG Payne on this matter, at least in part because he was mobilized and deployed to Guantanamo at the time of the incidents in question.

Notify both LTC [redacted] (Congressional Outreach and CASA/USAR Ambassador Liaison) and MAJ [redacted] (PAO) to call me on a conference call on Thursday morning, 12 February. I want to personally notify them how we should proceed with the Public Affairs matters; they will be instructed to coordinate directly with USARC PAO before releasing any information whatsoever. Needless to say, all involved must be sensitive to rumor control and secondary effects of incidents of this nature -- particularly watching for signs of suicide, depression, and stress ... in families as well as soldiers. I may direct that one of our senior Stress Team members attend that next IDT.

I concur that the OSJA is the proper POC for all actions within our Command, with the exception of Command Group involvement, necessary G-1 and G-2 actions, possible Surgeon (Stress Management) involvement, and the aforesaid PAO program. Doing this means that I need periodic and frequent updates regarding all material developments. If I am permitted to review the file, I will request an accompanying member of the OSJA (at least a field grade officer, preferably one of you two) to go with me. I will respect your recommendations of others who should join us.

Again, thank you for your professionalism and sense of urgency. Plan on talking with me tomorrow.

BG M. Beasley, CG, 88th RRC

-----Original Message-----

From: [redacted] LTC (88 SJA)  
Sent: Wednesday, February 11, 2004 5:37 PM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Cc: [redacted] COL (88SJA); [redacted] COL (88SJA); [redacted]  
LTC (USARC SJA); [redacted] COL (USARC SJA)  
Subject: RE: Status of 377th MP Company Investigation

BG Beasley-

This is what I know thus far, which was provided to me via telephone today by Special Agent [redacted] of CID HQ in Fort Belvoir:

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CID has been investigating the deaths of two detainees in Afghanistan. The deaths occurred in Dec 2002. The two detainees were apparently in the custody of members of our unit - 377th MP Co. According to CID, 15 members of the unit along with additional members of an MI unit (not belonging to us) will be listed as subjects in the report of investigation. The deaths have been ruled homicides and the medical examiner reported the cause of death as blunt force trauma. The two detainees had been in US custody less than 3 days in one case, 5 days in the other case. The detainees apparently received medical examinations upon being taken into custody and were determined to be in good health.

Approximately 81 people have been interviewed. Some of the MPs requested counsel; some made statements, including admissions/confessions. Apparently one MP acknowledged hitting one of the detainees approximately 30 times with his knees.

According to G-3, the 377th is not currently at mob station nor pending re-mobilization. They were released from mobilization approximately March 2003, about the same time that the medical report was released.

I do not have names of individuals but hope to have those by tomorrow.

COL [redacted] is informed; we have been on the phone much of the day. I've also informed LTC [redacted] the 300th's CJA. COL [redacted] suggests that the OSJA become the clearinghouse for handling information and contacts concerning this investigation within the command and with outside agencies, with the exception of any media requests which of course will be referred to PAO. Please let me know if you wish the OSJA to be the POC. I have not cc'ed the other parties listed on MAJ Ryan's email below due to the sensitivity of this matter, but will forward to them upon your directive.

At your direction I called USARC OSJA this afternoon. I informed LTC [redacted] Deputy SJA; COL [redacted] (SJA) is on leave. LTC [redacted] will inform LTG Helmly. We discussed the possibility of bringing Fort Leavenworth's OSJA into the picture as that office bears responsibility for court-martial support for the majority of the 88th's geographic region, including Minnesota and Michigan. LTC [redacted] had no objection to that. He also mentioned the possibility that Centcom or CJTF 180 might wish to take up this case, being the AC command responsible for the region where the offenses occurred.

CID Agents will brief MG Ryder, CID Cdr and Provost Marshall of the Army, next wed, 18 Feb. As noted in MAJ [redacted] email below, they would like to brief you some time after that. They have suggested that someone from our office come to Belvoir to get a more detailed brief including review of the extensive case file, which the agent suggests will take at least a couple of days. LTC [redacted] said his office would likely send a member of their military justice office along. Fort Leavenworth JAG may want to attend as well.

For a quick summary of jurisdictional issues:  
You have Special Court Martial Authority, which allows up to 1 yr. confinement and a Bad Conduct Discharge; General Court-Martial Authority resides with the AC or LTG Helmly. However, according to AR 27-10, any involuntary recall to active duty of reservists for the purpose of pursuing court-martial or Art 32 investigation (preliminary requirement to a General Court-Martial) requires the order of an AC GCMCA. In addition, before any reservists can be confined, either pre- or post-trial, the Sec Army or his delegate must give authorization, which in practical effect means requesting Sec Army approval prior to bringing any reservist on active duty for the purpose of pursuing court-martial.

My apologies for being this lengthy. I await your questions and directives.  
V/R, LTC [redacted]

PS. My cell phone is [redacted] if you wish to speak to me during off-duty hours.

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[REDACTED]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[REDACTED]  
Fax: 612-[REDACTED]

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-----Original Message-----

From: [REDACTED] MAJ (88 DCS, G2)  
Sent: Wednesday, February 11, 2004 10:09 AM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Cc: [REDACTED] Mr (88 CMDGRP DMS); Richardson, Douglas G BG (88 CMDGRP DCG); [REDACTED] CSM (88 CMDGRP CSM); [REDACTED] COL (88 CMDGRP COS); Payne, James E BG (88RRC, 300MP); [REDACTED] LTC (88 SJA); [REDACTED] COL (88SJA); [REDACTED] COL (88 DCS, G1); [REDACTED] Mr (88 DCS, G3); [REDACTED] Mr (88RRC, 300MP); [REDACTED] CW5 (88 CMDGRP)  
Subject: Status of 377th MP Company Investigation  
Importance: High

(b)(6)

Sir,

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Further CID investigation of this matter will depend on whether you decide to pursue Courts Martial on any of the suspects. Their further investigations will be to support those Court Martial proceedings.

On another related issue, the names of 15 persons who are suspects in this case were provided to Mr. [REDACTED] for flagging actions, pending resolution. I will continue to follow-up with CID and appropriate internal elements to coordinate and further advise you on this matter.

MAJ [REDACTED]  
Deputy Provost Marshal  
88th Regional Readiness Command

E-mail: [REDACTED]@usarc-emh2.army.mil  
DSN: 783-[REDACTED]  
Phone: 1-[REDACTED]  
Fax: (612) [REDACTED]  
cell: (612) [REDACTED]

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From: [REDACTED] LTC (USARC SJA)

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except as noted  
(b)(6)2

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Sent: Wednesday, February 11, 2004 6:20 PM  
To: [redacted] LTC (88 SJA)  
Cc: [redacted] COL (88SJA); [redacted] COL (88SJA); [redacted]  
[redacted] COL (USARC SJA)  
Subject: RE: Status of 377th MP Company Investigation

LTC [redacted] thanks. I'm trying to get a hold of LTG Helmly to brief him on this issue via phone. Will keep you updated.

V/R,

LTC [redacted]  
Deputy Staff Judge Advocate  
US Army Reserve Command  
(404) [redacted] DSN 367-8058  
Fax: (404) [redacted]  
Secure: (404) [redacted]

-----Original Message-----

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Sent: Wednesday, February 11, 2004 6:37 PM  
To: Beasley, Michael W BG (88 CMDGRP CG)  
Cc: [redacted] COL (88SJA); [redacted] COL (88SJA); [redacted] LTC (USARC SJA); [redacted] COL (USARC SJA)  
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PS. My cell phone is [redacted], if you wish to speak to me during off-duty hours.

[redacted]  
LTC, JA, Deputy SJA  
88th RRC  
506 Roeder Circle  
Ft. Snelling, MN 55102  
Tel: 612-[redacted]  
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Subject: Status of 377th MP Company Investigation  
Importance: High

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MAJ [redacted]  
Deputy Provost Marshal  
88th Regional Readiness Command

E-mail: [redacted]@usarc-emh2.army.mil  
DSN: 783-[redacted]  
Phone: 1-[redacted]  
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Subject: Status of 377th MP Company Investigation

Importance: High

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023513

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MAJ [REDACTED]  
Deputy Provost Marshal  
88th Regional Readiness Command

E-mail: [REDACTED]@usarc-emh2.army.mil  
DSN: 783-[REDACTED]  
Phone: 1-[REDACTED]  
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