

ANNALS OF NATIONAL SECURITY

Chain of Command

How the Department of Defense mishandled the disaster at Abu Ghraib.

by Seymour M. Hersh

In his devastating report on conditions at Abu Ghraib prison, in Iraq, Major General Antonio M. Taguba singled out only three military men for praise. One of them, Master-at-Arms William J. Kimbro, a Navy dog handler, should be commended, Taguba wrote, because he “knew his duties and refused to participate in improper interrogations despite significant pressure from the MI”—military intelligence—“personnel at Abu Ghraib.” Elsewhere in the report it became clear what Kimbro would not do: American soldiers, Taguba said, used “military working dogs to frighten and intimidate detainees with threats of attack, and in one instance actually biting a detainee.”

Taguba’s report was triggered by a soldier’s decision to give Army investigators photographs of the sexual humiliation and abuse of prisoners. These images were first broadcast on “60 Minutes II” on April 28th. Seven enlisted members of the 372nd Military Police Company of the 320th Military Police Battalion, an Army reserve unit, are now facing prosecution, and six officers have been reprimanded. Last week, I was given another set of digital photographs, which had been in the possession of a member of the 320th. According to a time sequence embedded in the digital files, the photographs were taken by two different cameras over a twelve-minute period on the evening of December 12, 2003, two months after the military-police unit was assigned to Abu Ghraib.

One of the new photographs shows a young soldier, wearing a dark jacket over his uniform and smiling into the camera, in the corridor of the jail. In the background are two Army dog handlers, in full camouflage combat gear, restraining two German shepherds. The dogs are barking at a man who is partly obscured from the camera’s view by the smiling soldier. Another image shows that the man, an Iraqi prisoner, is naked. His hands are clasped behind his neck and he is leaning against the door to a cell, contorted with terror, as the dogs bark a few feet away. Other photographs show the dogs straining at their leashes and snarling at the prisoner. In another, taken a few minutes later, the Iraqi is lying on the ground, writhing in pain, with a soldier sitting on top of him, knee pressed to his back. Blood is streaming from the inmate’s leg. Another photograph is a closeup of the naked prisoner, from his waist to his ankles, lying on the floor. On his right thigh is what appears to be a bite or a deep scratch. There is another, larger wound on his left leg, covered in blood.

There is at least one other report of violence involving American soldiers, an Army dog, and Iraqi citizens, but it was not in Abu Ghraib. Cliff Kindy, a member of the Christian Peacemaker Teams, a church-supported group that has been monitoring the situation in Iraq, told me that last November G.I.s unleashed a military dog on a group of civilians during a sweep in Ramadi, about thirty miles west of Fallujah. At first, Kindy told me, “the soldiers went house to house, and arrested thirty people.” (One of them was Saad al-Khashab, an attorney with the Organization for Human Rights in Iraq, who told Kindy about the incident.) While the thirty detainees were being handcuffed and laid on the ground, a fire broke out nearby; when it ended, the Iraqis were shoved into a house. Khashab told Kindy that the American soldiers then “turned the dog loose inside the house, and several people were bitten.” (The Defense Department said that it was unable to comment about the incident before *The New Yorker* went to press.)

When I asked retired Major General Charles Hines, who was commandant of the Army’s military-police school during a twenty-eight-year career in military law enforcement, about these reports, he reacted with dismay. “Turning a dog loose in a room of people? Loosing dogs on prisoners of war? I’ve never heard of it, and it would never

have been tolerated,” Hines said. He added that trained police dogs have long been a presence in Army prisons, where they are used for sniffing out narcotics and other contraband among the prisoners, and, occasionally, for riot control. But, he said, “I would never have authorized it for interrogating or coercing prisoners. If I had, I’d have been put in jail or kicked out of the Army.”

The International Red Cross and human-rights groups have repeatedly complained during the past year about the American military’s treatment of Iraqi prisoners, with little success. In one case, disclosed last month by the *Denver Post*, three Army soldiers from a military-intelligence battalion were accused of assaulting a female Iraqi inmate at Abu Ghraib. After an administrative review, the three were fined “at least five hundred dollars and demoted in rank,” the newspaper said.

Army commanders had a different response when, on January 13th, a military policeman presented Army investigators with a computer disk containing graphic photographs. The images were being swapped from computer to computer throughout the 320th Battalion. The Army’s senior commanders immediately understood they had a problem—a looming political and public-relations disaster that would taint America and damage the war effort.

One of the first soldiers to be questioned was Ivan Frederick, the M.P. sergeant who was in charge of a night shift at Abu Ghraib. Frederick, who has been ordered to face a court-martial in Iraq for his role in the abuse, kept a running diary that began with a knock on his door by agents of the Army’s Criminal Investigations Division (C.I.D.) at two-thirty in the morning on January 14th. “I was escorted . . . to the front door of our building, out of sight from my room,” Frederick wrote, “while . . . two unidentified males stayed in my room. ‘Are they searching my room?’” He was told yes. Frederick later formally agreed to permit the agents to search for cameras, computers, and storage devices.

On January 16th, three days after the Army received the pictures, Central Command issued a blandly worded, five-sentence press release about an investigation into the mistreatment of prisoners. Secretary of Defense Donald Rumsfeld said last week that it was then that he learned of the allegations. At some point soon afterward, Rumsfeld informed President Bush. On January 19th, Lieutenant General Ricardo S. Sanchez, the officer in charge of American forces in Iraq, ordered a secret investigation into Abu Ghraib. Two weeks later, General Taguba was ordered to conduct his inquiry. He submitted his report on February 26th. By then, according to testimony before the Senate last week by General Richard Myers, chairman of the Joint Chiefs of Staff, people “inside our building” had discussed the photographs. Myers, by his own account, had still not read the Taguba report or seen the photographs, yet he knew enough about the abuses to persuade “60 Minutes II” to delay its story.

At a Pentagon news conference last week, Rumsfeld and Marine General Peter Pace, the Vice-Chairman of the Joint Chiefs of Staff, insisted that the investigation into Abu Ghraib had moved routinely through the chain of command. If the Army had been slow, it was because of built-in safeguards. Pace told the journalists, “It’s important to know that as investigations are completed they come up the chain of command in a very systematic way. So that the individual who reports in writing [sends it] up to the next level commander. But he or she takes time, a week or two weeks, three weeks, whatever it takes, to read all of the documentation, get legal advice [and] make the decisions that are appropriate at his or her level. . . . That way everyone’s rights are protected and we have the opportunity systematically to take a look at the entire process.”

In interviews, however, retired and active-duty officers and Pentagon officials said that the system had not worked. Knowledge of the nature of the abuses—and especially the politically toxic photographs—had been severely, and unusually, restricted. “Everybody I’ve talked to said, ‘We just didn’t know’—not even in the J.C.S.,” one

well-informed former intelligence official told me, emphasizing that he was referring to senior officials with whom such allegations would normally be shared. “I haven’t talked to anybody on the inside who knew—nowhere. It’s got them scratching their heads.” A senior Pentagon official said that many of the senior generals in the Army were similarly out of the loop on the Abu Ghraib allegations.

Within the Pentagon, there was a spate of fingerpointing last week. One top general complained to a colleague that the commanders in Iraq should have taken C4, a powerful explosive, and blown up Abu Ghraib last spring, with all of its “emotional baggage”—the prison was known for its brutality under Saddam Hussein—instead of turning it into an American facility. “This is beyond the pale in terms of lack of command attention,” a retired major general told me, speaking of the abuses at Abu Ghraib. “Where were the flag officers? And I’m not just talking about a one-star,” he added, referring to Brigadier General Janis Karpinski, the commander at Abu Ghraib who was relieved of duty. “This was a huge leadership failure.”

The Pentagon official told me that many senior generals believe that, along with the civilians in Rumsfeld’s office, General Sanchez and General John Abizaid, who is in charge of the Central Command, in Tampa, Florida, had done their best to keep the issue quiet in the first months of the year. The official chain of command flows from General Sanchez, in Iraq, to Abizaid, and on to Rumsfeld and President Bush. “You’ve got to match action, or nonaction, with interests,” the Pentagon official said. “What is the motive for not being forthcoming? They foresaw major diplomatic problems.”

Secrecy and wishful thinking, the Pentagon official said, are defining characteristics of Rumsfeld’s Pentagon, and shaped its response to the reports from Abu Ghraib. “They always want to delay the release of bad news—in the hope that something good will break,” he said. The habit of procrastination in the face of bad news led to disconnects between Rumsfeld and the Army staff officers who were assigned to planning for troop requirements in Iraq. A year ago, the Pentagon official told me, when it became clear that the Army would have to call up more reserve units to deal with the insurgency, “we had call-up orders that languished for thirty or forty days in the office of the Secretary of Defense.” Rumsfeld’s staff always seemed to be waiting for something to turn up—for the problem to take care of itself, without any additional troops. The official explained, “They were hoping that they wouldn’t have to make a decision.” The delay meant that soldiers in some units about to be deployed had only a few days to prepare wills and deal with other family and financial issues.

The same deliberate indifference to bad news was evident in the past year, the Pentagon official said, when the Army conducted a series of elaborate war games. Planners would present best-case, moderate-case, and worst-case scenarios, in an effort to assess where the Iraq war was headed and to estimate future troop needs. In every case, the number of troops actually required exceeded the worst-case analysis. Nevertheless, the Joint Chiefs of Staff and civilian officials in the Pentagon continued to insist that future planning be based on the most optimistic scenario. “The optimistic estimate was that at this point in time”—mid-2004—“the U.S. Army would need only a handful of combat brigades in Iraq,” the Pentagon official said. “There are nearly twenty now, with the international coalition drying up. They were wildly off the mark.” The official added, “From the beginning, the Army community was saying that the projections and estimates were unrealistic.” Now, he said, “we’re struggling to maintain a hundred and thirty-five thousand troops while allowing soldiers enough time back home.”

In his news conference last Tuesday, Rumsfeld, when asked whether he thought the photographs and stories from Abu Ghraib were a setback for American policy in Iraq, still seemed to be in denial. “Oh, I’m not one for instant history,” he responded. By Friday, however, with some members of Congress and with editorials calling for his resignation, Rumsfeld testified at length before House and Senate committees and

apologized for what he said was “fundamentally un-American” wrongdoing at Abu Ghraib. He also warned that more, and even uglier, disclosures were to come. Rumsfeld said that he had not actually looked at any of the Abu Ghraib photographs until some of them appeared in press accounts, and hadn’t reviewed the Army’s copies until the day before. When he did, they were “hard to believe,” he said. “There are other photos that depict . . . acts that can only be described as blatantly sadistic, cruel, and inhuman.” Later, he said, “It’s going to get still more terrible, I’m afraid.” Rumsfeld added, “I failed to recognize how important it was.”

NBC News later quoted U.S. military officials as saying that the unreleased photographs showed American soldiers “severely beating an Iraqi prisoner nearly to death, having sex with a female Iraqi prisoner, and ‘acting inappropriately with a dead body.’ The officials said there also was a videotape, apparently shot by U.S. personnel, showing Iraqi guards raping young boys.”

No amount of apologetic testimony or political spin last week could mask the fact that, since the attacks of September 11th, President Bush and his top aides have seen themselves as engaged in a war against terrorism in which the old rules did not apply. In the privacy of his office, Rumsfeld chafed over what he saw as the reluctance of senior Pentagon generals and admirals to act aggressively. By mid-2002, he and his senior aides were exchanging secret memorandums on modifying the culture of the military leaders and finding ways to encourage them “to take greater risks.” One memo spoke derisively of the generals in the Pentagon, and said, “Our prerequisite of perfection for ‘actionable intelligence’ has paralyzed us. We must accept that we may have to take action before every question can be answered.” The Defense Secretary was told that he should “break the ‘belt-and-suspenders’ mindset within today’s military . . . we ‘over-plan’ for every contingency. . . . We must be willing to accept the risks.” With operations involving the death of foreign enemies, the memo went on, the planning should not be carried out in the Pentagon: “The result will be decision by committee.”

The Pentagon’s impatience with military protocol extended to questions about the treatment of prisoners caught in the course of its military operations. Soon after 9/11, as the war on terror got under way, Donald Rumsfeld repeatedly made public his disdain for the Geneva conventions. Complaints about America’s treatment of prisoners, Rumsfeld said in early 2002, amounted to “isolated pockets of international hyperventilation.”

The effort to determine what happened at Abu Ghraib has evolved into a sprawling set of related investigations, some of them hastily put together, including inquiries into twenty-five suspicious deaths. Investigators have become increasingly concerned with the role played not only by military and intelligence officials but also by C.I.A. agents and private-contract employees. In a statement, the C.I.A. acknowledged that its Inspector General had an investigation under way into abuses at Abu Ghraib, which extended to the death of a prisoner. A source familiar with one of the investigations told me that the victim was the man whose photograph, which shows his battered body packed in ice, has circulated around the world. A Justice Department prosecutor has been assigned to the case. The source also told me that an Army intelligence operative and a judge advocate general were seeking, through their lawyers, to negotiate immunity from prosecution in return for testimony.

The relationship between military policing and intelligence forces inside the Army prison system reached a turning point last fall in response to the insurgency against the Coalition Provisional Authority. “This is a fight for intelligence,” Brigadier General Martin Dempsey, commander of the 1st Armored Division, told a reporter at a Baghdad press briefing in November. “Do I have enough soldiers? The answer is absolutely yes. The larger issue is, how do I use them and on what basis? And the answer to that is intelligence . . . to try to figure out how to take all this human intelligence as it comes in to us [and] turn it into something that’s actionable.” The Army prison system would

now be asked to play its part.

Two months earlier, Major General Geoffrey Miller, the commander of the task force in charge of the prison at Guantánamo, had brought a team of experts to Iraq to review the Army program. His recommendation was radical: that Army prisons be geared, first and foremost, to interrogations and the gathering of information needed for the war effort. “Detention operations must act as an enabler for interrogation . . . to provide a safe, secure and humane environment that supports the expeditious collection of intelligence,” Miller wrote. The military police on guard duty at the prisons should make support of military intelligence a priority.

General Sanchez agreed, and on November 19th his headquarters issued an order formally giving the 205th Military Intelligence Brigade tactical control over the prison. General Taguba fearlessly took issue with the Sanchez orders, which, he wrote in his report, “effectively made an MI Officer, rather than an MP officer, responsible for the MP units conducting detainee operations at that facility. This is not doctrinally sound due to the different missions and agenda assigned to each of these respective specialties.”

Taguba also criticized Miller’s report, noting that “the intelligence value of detainees held at . . . Guantánamo is different than that of the detainees/internees held at Abu Ghraib and other detention facilities in Iraq. . . . There are a large number of Iraqi criminals held at Abu Ghraib. These are not believed to be international terrorists or members of Al Qaeda.” Taguba noted that Miller’s recommendations “appear to be in conflict” with other studies and with Army regulations that call for military-police units to have control of the prison system. By placing military-intelligence operatives in control instead, Miller’s recommendations and Sanchez’s change in policy undoubtedly played a role in the abuses at Abu Ghraib. General Taguba concluded that certain military-intelligence officers and civilian contractors at Abu Ghraib were “either directly or indirectly responsible” for the abuses, and urged that they be subjected to disciplinary action.

In late March, before the Abu Ghraib scandal became publicly known, Geoffrey Miller was transferred from Guantánamo and named head of prison operations in Iraq. “We have changed this—trust us,” Miller told reporters in early May. “There were errors made. We have corrected those. We will make sure that they do not happen again.”

Military-intelligence personnel assigned to Abu Ghraib repeatedly wore “sterile,” or unmarked, uniforms or civilian clothes while on duty. “You couldn’t tell them apart,” the source familiar with the investigation said. The blurring of identities and organizations meant that it was impossible for the prisoners, or, significantly, the military policemen on duty, to know who was doing what to whom, and who had the authority to give orders. Civilian employees at the prison were not bound by the Uniform Code of Military Justice, but they were bound by civilian law—though it is unclear whether American or Iraqi law would apply.

One of the employees involved in the interrogations at Abu Ghraib, according to the Taguba report, was Steven Stefanowicz, a civilian working for CACI International, a Virginia-based company. Private companies like CACI and Titan Corp. could pay salaries of well over a hundred thousand dollars for the dangerous work in Iraq, far more than the Army pays, and were permitted, as never before in U.S. military history, to handle sensitive jobs. (In a briefing last week, General Miller confirmed that Stefanowicz had been reassigned to administrative duties. A CACI spokeswoman declined to comment on any employee in Iraq, citing safety concerns, but said that the company still had not heard anything directly from the government about Stefanowicz.)

Stefanowicz and his colleagues conducted most, if not all, of their interrogations in the Abu Ghraib facilities known to the soldiers as the Wood Building and the Steel Building. The interrogation centers were rarely visited by the M.P.s, a source familiar with the investigation said. The most important prisoners—the suspected insurgency members deemed to be High Value Detainees—were housed at Camp Cropper, near

the Baghdad airport, but the pressure on soldiers to accede to requests from military intelligence was felt throughout the system.

Not everybody went along. A company captain in a military-police unit in Baghdad told me last week that he was approached by a junior intelligence officer who requested that his M.P.s keep a group of detainees awake around the clock until they began talking. “I said, ‘No, we will not do that,’” the captain said. “The M.I. commander comes to me and says, ‘What is the problem? We’re stressed, and all we are asking you to do is to keep them awake.’ I ask, ‘How? You’ve received training on that, but my soldiers don’t know how to do it. And when you ask an eighteen-year-old kid to keep someone awake, and he doesn’t know how to do it, he’s going to get creative.’” The M.I. officer took the request to the captain’s commander, but, the captain said, “he backed me up.

“It’s all about people. The M.P.s at Abu Ghraib were failed by their commanders—both low-ranking and high,” the captain said. “The system is broken—no doubt about it. But the Army is made up of people, and we’ve got to depend on them to do the right thing.”

In his report, Taguba strongly suggested that there was a link between the interrogation process in Afghanistan and the abuses at Abu Ghraib. A few months after General Miller’s report, Taguba wrote, General Sanchez, apparently troubled by reports of wrongdoing in Army jails in Iraq, asked Army Provost Marshal Donald Ryder, a major general, to carry out a study of military prisons. In the resulting study, which is still classified, Ryder identified a conflict between military policing and military intelligence dating back to the Afghan war. He wrote, “Recent intelligence collection in support of Operation Enduring Freedom posited a template whereby military police actively set favorable conditions for subsequent interviews.”

One of the most prominent prisoners of the Afghan war was John Walker Lindh, the twenty-one-year-old Californian who was captured in December, 2001. Lindh was accused of training with Al Qaeda terrorists and conspiring to kill Americans. A few days after his arrest, according to a federal-court affidavit filed by his attorney, James Brosnahan, a group of armed American soldiers “blindfolded Mr. Lindh, and took several pictures of Mr. Lindh and themselves with Mr. Lindh. In one, the soldiers scrawled ‘shithead’ across Mr. Lindh’s blindfold and posed with him. . . . Another told Mr. Lindh that he was ‘going to hang’ for his actions and that after he was dead, the soldiers would sell the photographs and give the money to a Christian organization.” Some of the photographs later made their way to the American media. Lindh was later stripped naked, bound to a stretcher with duct tape, and placed in a windowless shipping container. Once again, the affidavit said, “military personnel photographed Mr. Lindh as he lay on the stretcher.” On July 15, 2002, Lindh agreed to plead guilty to carrying a gun while serving in the Taliban and received a twenty-year jail term. During that process, Brosnahan told me, “the Department of Defense insisted that we state that there was ‘no deliberate’ mistreatment of John.” His client agreed to do so, but, the attorney noted, “Against that, you have that photograph of a naked John on that stretcher.”

The photographing of prisoners, both in Afghanistan and in Iraq, seems to have been not random but, rather, part of the dehumanizing interrogation process. The *Times* published an interview last week with Hayder Sabbar Abd, who claimed, convincingly, to be one of the mistreated Iraqi prisoners in the Abu Ghraib photographs. Abd told Ian Fisher, the *Times* reporter, that his ordeal had been recorded, almost constantly, by cameras, which added to his humiliation. He remembered how the camera flashed repeatedly as soldiers told to him to masturbate and beat him when he refused.

One lingering mystery is how Ryder could have conducted his review last fall, in the midst of the prisoner abuse at Abu Ghraib, without managing to catch it. (Ryder told a Pentagon press briefing last week that his trip to Iraq “was not an inspection or an investigation. . . . It was an assessment.”) In his report to Sanchez, Ryder flatly declared

that “there were no military police units purposely applying inappropriate confinement practices.” Willie J. Rowell, who served for thirty-six years as an agent of the C.I.D., told me that Ryder was in a bureaucratic bind. The Army had revised its command structure last fall, and Ryder, as provost marshal, was now the commanding general of all military-police units as well as of the C.I.D. He was, in essence, being asked to investigate himself. “What Ryder should have done was set up a C.I.D. task force headed by an O-6”—full colonel—“with fifteen agents, and begin interviewing everybody and taking sworn statements,” Rowell said. “He had to answer questions about the prisons in September, when Sanchez asked for an assessment.” At the time, Rowell added, the Army prison system was unprepared for the demands the insurgency placed on it. “Ryder was a man in a no-win situation,” Rowell said. “As provost marshal, if he’d turned a C.I.D. task force loose, he could be in harm’s way—because he’s also boss of the military police. He was being eaten alive.”

Ryder may have protected himself, but Taguba did not. “He’s not regarded as a hero in some circles in the Pentagon,” a retired Army major general said of Taguba. “He’s the guy who blew the whistle, and the Army will pay the price for his integrity. The leadership does not like to have people make bad news public.”