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THEREBY BECOME A MONSTER: COMPLEX ORGANIZATIONS AND THE  
TORTURE AT ABU GHRAIB

by

Janine A. Bower

A Dissertation  
Submitted to the  
Faculty of The Graduate College  
in partial fulfillment of the  
requirements for the  
Degree of Doctor of Philosophy  
Department of Sociology  
Dr. Gerald E. Markle, Advisor

Western Michigan University  
Kalamazoo, Michigan  
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Janine A. Bower

## TABLE OF CONTENTS

ACKNOWLEDGMENTS .....	ii
CHAPTER	
I. INTRODUCTION .....	1
Background .....	1
Historical Orientation .....	2
II. REVIEW OF SELECTED LITERATURE AND RESEARCH .....	8
Background .....	8
Organizational Environment .....	9
Organizational Structure and Processes .....	12
Cognition in Context .....	17
III. METHOD OF DATA COLLECTION AND ANALYSIS .....	23
Background .....	23
Case Study Method in Organizational Research .....	23
Ethnographic Content Analysis .....	25
Data Collection and Analysis .....	27
Summary .....	33
IV. THE PRISON'S ENVIRONMENT .....	35
Background .....	35
Sanctioning Authority .....	37
Defining the Enemy .....	42
Delineating Torture and Its Justifications .....	45
Summary .....	51

## Table of Contents – Continued

### CHAPTER

V. THE ABU GRHAIB PRISON.....	52
Background .....	52
Culture.....	53
Mission.....	55
Goals .....	56
Structure .....	61
Rules and Regulations.....	63
Hierarchy.....	69
Complexity and Growth.....	77
Formal and Informal Training .....	80
Summary .....	84
VI. THE STAFF: COGNITION IN CONTEXT.....	85
Background .....	85
Individual Experience.....	86
Socialization .....	87
Defining the Situation.....	87
Defining the Enemy .....	88
Dehumanization and Neutralization .....	89
Anonymity and Occupational Insularity .....	92
Assigned Occupational Roles.....	93
Summary .....	101

## Table of Contents – Continued

CHAPTER	
VII. DISCUSSION, CONCLUSION, AND AREAS FOR FUTURE RESEARCH	104
Discussion .....	104
Historical and Political Influences .....	105
Organizational Influences.....	106
Individual Processes in Context .....	108
Implications .....	109
Areas for Future Research.....	114
Conclusion.....	116
REFERENCES .....	118
APPENDICES .....	124
A. Chronology .....	124
B. List of Key Actors.....	140
C. Data Source List.....	149



## CHAPTER I

### INTRODUCTION

*He who fights with monsters might take care lest he thereby become a monster. – Friedrich Nietzsche*

#### Background

Photographs shown during an April 28, 2004 *60 Minutes II* episode revealed shocking images: American soldiers torturing Iraqi prisoners. There, numerous male detainees, captured following the invasion of Iraq were photographed hooded and naked, piled upon one another. They were leashed like animals. Some had wires attached to genitals and extremities; others were being assaulted by attack dogs. That these abuses occurred at the Iraqi Abu Ghraib prison, infamous as Saddam Huessein's most notorious of prisons added a cruel irony.

Since then, accounts have come to light of similar abuses at American military prisons in Afghanistan and at Guantanamo Bay, Cuba, where prisoners held in the so-called 'war on terror' are detained. More than 135 military personnel have been disciplined or face court martial for abusing detainees as part of a "zero-tolerance" policy against inhumane treatment of detainees. Yet there have only been a handful of criminal trails in which military personnel were charged and convicted. And while investigations into the abuses at Abu Ghraib indicate that both CIA and civilian contractors also bear partial responsibility for the crimes committed at Abu Ghraib , including the murder of at least one detainee at Abu Ghraib, only one civilian -- a CIA contractor -- has been prosecuted in the roughly 20 cases that have been referred to the Department of Justice to date. Other soldiers and officers received non-judicial punishments or official

reprimands, and a number of officers were either suspended or relieved of their duties. In all, not a single military contractor or CIA officer has been charged with a crime in relation to the abuses at Abu Ghraib.

Such abuses often lead to public questions surrounding why seemingly ordinary women and men engage in this type of behavior. Yet individual-level explanations such as deficient moral character or personal psychological defect (the ‘bad apple’ explanation) fail to account for the prevalence of the use of torture.

At the most general level, this dissertation explores the relationship between the state level, U.S. military organizational processes and structure, and torturous acts committed by military personnel. Specifically, I will explore the following: What recent historical and political processes served to influence organizational culture, structure and processes that may facilitate or promote the use of torture on behalf of the organization? What is the role of the military as an organization in defining the problems that it encounters and the tasks performed to manage those problems? What characteristics about the U.S. military are instrumental in promoting a setting for torture, and how do these essentially intersect with individual? How does torture and violence against detainees at Guantanamo, Afghanistan and Abu Ghraib come to be defined as an instrumental means of achieving a means to an end, or the organization’s goal? What are the informal social-psychological processes associated with the organization of work among those within the organization?

### Historical Orientation

Much information and detail has been made available on the recent events at Abu

Ghraid, Guantanamo and Afghanistan. In constructing this historical orientation, I relied upon the narrative and various documents obtained from *The Torture Papers: the Road to Abu Ghraid* edited by Karen J. Greenburg, the *Chain of Command: the Road from 9/11 to Abu Ghraid* by Seymour M. Hersh, and a collection of news articles from the *New York Times* and the *Washington Post*. (See Appendix A for a chronology of events and Appendix B for a listing and brief biography of key players in the events.)

Following the terrorist attacks of September 11 2001, the Bush Administration determined that the United States was waging war against a new kind of enemy. In order to win the war against terrorism, the administration needed to obtain information about the organization and operations of al Qaeda and other identified terrorist networks. In October 2001, President Bush declared that the military had initiated strikes against al Qaeda terrorist camps, and military installations and strongholds of the Taliban in regions of Afghanistan. The bombing of Afghanistan began October 7, and American forces established detention and interrogation centers intending upon obtaining information on terrorist organizations and their activities. But legalistic obstacles appeared to be preventing military units from acting swiftly in response to time sensitive intelligence. The chain of command became a hindrance to those having to obtain prior approval from superiors. Consequently, special operative program (SAP) was created to allow for the blanket pre-approval to capture, interrogate certain targets in the war on terror. The program was deemed a success in Afghanistan by the Pentagon. (Hersh, 2004)

After the March 19, 2003 invasion of Iraq, a number of U.S. military prisons, like that at Abu Ghraid, opened in Iraq for the purposes of detaining and interrogating individuals captured in the “war on terror”. Following the May 2003 decision to use the

Abu Ghraib prison as a military criminal detention by the Coalition Provisional Authority (CPA), the prison began receiving prisoners in June 2003 (Jones & Fay, 2004, p. 1041).

The first Military Intelligence (MI) unit arrived to Abu Ghraib on July 25, 2003. On August 4, 2003, Cpt. Carolyn Wood arrived to assume the responsibility of Interrogation Operations Officer in Charge. At that time, the site was not being used to detain military intelligence holds or security detainees, who were being sent to Camp Cropper, Camp Bucca, or other detention facilities in Iraq. According to Cpt. Wood, the Hard Site building at the Abu Ghraib prison would be useful as an isolation area to house detainees deemed to be of military intelligence value. In her request, initiated through the 205 MI Brigade to the CPA, Cpt. Wood indicated that the availability of an isolation area would enhance the results of intelligence gathering activities within the prison, a proposal that received support from the 205 MI Brigade and Maj. Williams (Jones & Fay, 2004). The 519 MI Brigade was granted permission to use Tier 1A to house detainees, and the Hard Site opened for occupancy on August 25, 2003.

September 2003 marked an important shift for the Abu Ghraib facility. Once considered a tactical interrogation operation, it became a non-doctrinal Joint Interrogation and Debriefing Center (JIDC). The idea for the establishment of the JIDC developed following meetings held from mid-August 2003 through early September 2003 involving Lt. Gen. Sanchez, Maj. Gen. Fast, Col. Pappas and Col. Steven Botlz. These meetings preceded and in part coincided with Maj. Gen. Miller's visit to Abu Ghraib, and his discussions with the Command Joint Task Force and 205 Military Intelligence Brigade not only influenced the establishment of the JIDC, but also its organization. Though there was no official doctrine, training or approved structure for the JIDC at the time of its

establishment and initial operation, there is consensus that its overall purpose was to “enhance the interrogation process with a view toward producing better, timelier, and actionable intelligence” (Jones & Fay 2004, p. 1046).

By late November through early December 2003, operations at the Abu Ghraib prison had increased. As the prison population swelled, interrogator and analyst resources became strained, or were allocated to fill other roles within the organization that were also strained. For instance, interrogators and analysts were sometimes pulled from their roles to identify and screen personnel, whose documentation on capture was either incomplete or missing (Jones & Fay, 2004). The Security Internee Review and Appeal Board established August 15, 2003 to serve as a release authority for security internees, those on Military Intelligence hold, or those of no threat or value, was having difficulty keeping up with the inflow of captured persons. Three senior officers served as voting members – Maj. Gen. Fast, Brig. Gen. Karpinski, and Col. Warren. Due to the difficulty of arranging regular meetings among these senior officers and the necessary supporting staff, an Appellate Review Board – with less authority- was established to review the files prior to their receipt by the senior officers. Nonetheless, between October and November 2003, only 100 detainee files were considered for release. As the detainee population boomed, a standing board was established in 2004 to review detainee release cases.

Intelligence gathering in Iraq proved to be difficult, and assessments of the military operations in Iraq concluded that the U.S. was failing. While insurgents knew quite a bit about U.S. operations, in contrast the U.S. military and intelligence community knew very little about them. A lack of human intelligence was deemed a major problem,

leading to the call for measures to step up intelligence gathering. The solution: to use more aggressive interrogation techniques for prisoners detained in the invasion of Iraq, like those being held at the prison camp at Abu Ghraib. Many of these tactics had been approved for use by commandos on prisoners captured in the war in Afghanistan, and were already being used in military detention and interrogation centers in Afghanistan and at Guantanamo Bay, Cuba.

The administration determined that al Qaeda or Taliban detainees were not protected under the Geneva Convention Relative to the Treatment of Prisoners of War of 1949 (Geneva), because the relevant conflicts are international in scope, and thus does not fall within the scope of Geneva. Furthermore, the administration determined that Taliban detainees were considered “unlawful combatants”, and did not qualify as prisoners of war. Interrogation of these prisoners, the administration concluded, may require the use of certain techniques and torture may be justified. While the military received warnings from the International Red Cross in 2003 on their concerns for prisoner abuses occurring at Guantanamo Bay, techniques of torture continued to be used in prisons at Guantanamo, Afghanistan and Iraq.

The torture at the Abu Ghraib U.S. military prison was exposed over the months following January 13, 2004, when Army Specialist Joseph M. Darby of the 372<sup>nd</sup> Military Police Company assigned to the prison reported abuses of detainees to the Army’s Criminal Investigation Division (CID). Darby turned over a computer disk containing photographs of Iraqi prisoners being subject to various forms of torture and humiliation. Within three days, a report was made to U.S. Defense Secretary Donald Rumsfeld, who then informed President George W. Bush. Investigations into the events at the Abu

Ghraib prison revealed that not only military personnel but also contracted workers serving as interrogators or translators were involved in the prisoner abuses. Further inquiry revealed the role of other intelligence gathering agencies and operations working within the prison that were influential in the abuses.

In the months following the release of the photographs, the Bush Administration issued a public apology on the global stage. It asserted that these events represented the acts of rogue personnel, and not indicative of the U.S. military's policy on the treatment of detainees. The White House claimed that the problems at the prison were immediately fixed, and reassured the global community of its ongoing 'respect' for the protections set forth by the Geneva Conventions, though concluding they did not apply to these prisoners. While the Bush administration claimed the abuses taken place at Abu Ghraib represented an isolated problem, news quickly spread of similar events having occurred in Guantanamo Bay and Afghanistan where "unlawful combatants" have been also been detained in the United States' war on terror. Again, narratives describing the use of extreme tactics of torture, including forms of sexual torture of detainees by American military personnel and private contractors, revealed the prevalent use of these techniques.

## CHAPTER II

### REVIEW OF SELECTED LITERATURE AND RESEARCH

#### Background

Research and theory on organizational crime and deviance suggest organizational offending includes aspects of the environment, organizational characteristics (such as tasks, structure, and processes), and cognition, and is systematically produced by the combination of these three” (Vaughan, 1999). Consequently, it is important to integrate these three levels of analysis in order to make meaningful inferences regarding organizational crime. Taking into account the complexity involved, scholars often find that sources of conditions that produce it include the system, the institution, and the individual.

The sociological literature is rich in concepts and theories that aid in our study and explanation of organizational offending that implicate a dynamic relationship among the organization’s environment, characteristics, and individuals. In this chapter, I discuss the various theoretical frameworks and related concepts gleaned from the literature that will most fruitfully establish the criteria for examining and explaining the events at Abu Ghraib that will be discussed in-depth in the subsequent chapters. Conceptual definitions are elaborated upon throughout the thesis as they are used to interpret the findings in this case.



## Organizational Environment

This thesis places an emphasis upon the importance of the environment in influencing the structure, processes, and behaviors of an organization. The assumption that organizations are open-systems has been widely accepted among organizational scholars since the 1960's. Embedded in the political, legal, and cultural setting, the organization carries out imperatives that reflect the ideologies therein. Organizational structures that permit, encourage and authorize a variety of organizational doctrines and activities are empowered by these environmental forces. Organizational theories that take into account the influence of institutional forces explain that the cause of routine deviance may be found in the environment- not only the organization itself, but also the social context (political, cultural, legal, economic, demographic, and ecological (Vaughan, 1999).

The emergence of the study of organization may be roughly dated to the mid-1940's, upon the translation of separate works on bureaucracy by Weber (1946 trans; 1947 trans.) and Michels's (1981, 1949 trans.). Following the introduction to these works, Robert K. Merton engaged in a succession of influential case studies which involved for the first time the systematic and empirical testing of assumptions about the structure and operation of organizations, from an organizational perspective. The notion that the social structure produces conditions that leads individuals to engage in deviant behavior was also introduced by Merton (1968).

Central to Merton's argument on the relationship between the social structure and deviant behavior are the assumptions of *competition, economic success as a culturally prescribed goal, and the erosion of norms that enforce culturally legitimate means of*

*achieving those goals.* He argued that culturally produced motivation for success combined with a decrease in the power of regulating norms will result in innovation, or the adoption of means that are socially proscribed. Further, Merton's strain theory provides that when opportunities for economic success are blocked, the likelihood of adopting illegitimate means increases. Thus, it is assumed that organizations of marginal or faltering status will be more likely to engage in deviance. This argument may be consistent with Mertonian strain theory about working class and street crime, but inconsistent with research on the elite crimes and deviance committed by the powerful (Vaughan, 1999). Indeed, it may be that like those of the poor and working classes, marginal organizations wielding little power are simply more likely to get caught.

While Merton's ideas aim at uncovering the structural influences that give rise to this form of deviance and may be thought of as a foundation for examining organizational deviance and crime, the scope of his thesis may be too narrow. First, organizational deviance and crime may not only occur in competition of economic resources, but many other types of scarce resources. Second, the competition of resources is not limited to marginal or faltering organizations (See Grabowsky, 1989; Fleischer et. al., 1992; LaFollette, 1992; Simon, 1994; and Zuckerman, 1977). A revision of Merton's theory, however, suggests that regardless of the organizations status within the system of stratification, all organizations may be structurally inclined toward deviance and crime, and will compete for resources in order to maintain position of power, move upward in the rank of organizations, or remain in competition at all.

Though limited in its application to organizational crime, the theory's attention to the normative environment is one which organizational theorists consider essential.

Institutional theory, developed during the mid-1970's, emphasizes that organizations are open systems, and are strongly affected by their environments. Organizational forms and actions often are a reflection of institutionalized ideologies that contextualize the organization (Powell & DiMaggio, 1991). Institutionalized values and beliefs are reflected in organizations, and the legitimacy of goals, and the means by which those goals are pursued, are drawn upon and affect action and meaning at the local level.

When individuals are acting in accord with the dominant coalition's operative goals, we can then assume they are acting 'on behalf' of the organization (Shover, 1978; Sherman, 1980). The "dominant coalition" refers to a process in which persons "powerful enough to participate in any given decision determine the operative organizational goals" (Thompson, 1967, p. 128; Sherman, 1980, p. 480). This not only includes members of the organization, but also "significant outsiders", or significant actors in the organizational environment. Establishing the support of the dominant administrative coalition delineates organizational deviance from individual deviance by delineating deviance committed by individuals on behalf of an organization from those acting as their own actor (Ermann and Lundman, 1979; Sherman, 1978; Shrager and Short, 1978).

These external actors have sufficient control over important resources environmental conditions that contextualize and shape the organization. Political and legal conditions serve to construct not only the goals and mission of an organization, but also the ideology that define the situation and tasks. For this study, the legal conditions- statutes and their interpretation and determination about the war, the enemy, and the applicability of certain laws and protections- influence how the organization's goals are designed and accomplished, and how individuals perform organizational roles (Wilson,

1989). Sufficiently vague statutes can “confer substantial discretion” among roles within the organization (Wilson, 1989, p. 75); while statutory language which embodies the organizations contextual goals can define and enforce the organization’s development, goals, tasks, and norms of the organization. Consequently, it is essential to consider the influence of political ideology, and statutes or legal interpretations and determinations that embody the contextual goals that reflect the political ideology.

Some evidence in this case study will demonstrate that all or portions of statutes and legal interpretations and determinations were clear, and thus their informing of organizational context, structure and processes is obvious. In contrast, there is evidence that statutory words were too vague or undefined, and failed to provide clear guidelines on ‘what to do’. Wilson (1989) argues that membership to a profession is influential in shaping the definition of tasks and roles when statutes are vague. Having reference groups that have undergone similar specialized socialization, professionals may turn to those orientations in order to define tasks and roles. Similarly, military personnel who are operating in statutory mud are left to refer to specialized norms that they have already learned through training and experience, that reflect those of a larger reference group who have undergone similar specialized, formal training (Wilson, 1989). Consequently, the role of specialized training becomes even more important in explaining organizational crime when statutes and legal language is vague.

### Organizational Structure and Processes

While this research integrates three levels of analysis including aspects of the organizational environment, organizational characteristics (structure, processes and

tasks), and social psychological processes, the unit of analysis is the organization itself. Consequently, this focus indicates the organization is central in the intersection of these three levels in the analysis. For example, even as I include a description of the behaviors of small groups and individuals within the organization of the Abu Ghraib facility, I locate these within the organizational processes and structure.

When considering the characteristics about the organization such as its particular structure, processes, goals, and culture, it is essential to consider both the formal and informal. Advocates of the natural systems approach to organizations recognize that “organizations are, first and foremost, collectives” (Scott, 2003, p. 56). While it is important to consider the features that are unique to organizations, that make them different than other types of social groups, these are not the only ones to consider. From this perspective, we assume that the ends to which organizations are designed to operate are not pure and simple, nor are the structures and processes created to achieve them. While formal structures are important variables in influencing the behavior of members of the organization, the informal structures are essential components as well.

For instance, when taking into consideration the role of authority within the prison structure at Abu Ghraib, it is not only important to take into account the collection of rights and responsibilities assigned to a given position, such as a Director, but also the informal authority, such as that acquired by a particular Director because of specific qualities, interpersonal ties, and so forth. In examining organizational goals, it is insufficient to only consider the stated goals, even when they are actually being pursued; rather, it is essential to also take into account other goals that may be directing the behavior of individuals within the organization (Scott, 2003).

Organizations possess unique characteristics in much the same way that individuals have particular qualities and attributes (Champion, 1975). In studying organizational offending, concepts relating to organizational structure are copious. Features such as size, complexity, culture, goals and tasks, centralization of authority, decision-making power, the specialization of tasks, and the complexity and ambiguity about tasks and their interrelationships are important to the study of organizational offending. Some of these concepts, however, have a greater explanatory value than others in the context of this case study. In the paragraphs that follow, I provide a brief introduction to the various concepts that are essential to this analysis in order to provide a foundation for the remainder of this thesis. These concepts will be elaborated on in later chapters as I apply them to the case of Abu Ghriab.

Organizational structure is also central to this analysis particularly how it may promote or increase the likelihood of the events that are the subject of this study. Organizational structure refers to “the distributions, along various lines, of people among social positions that influence the role relations among these people” (Blau, 1974, p.12). Structural forms such as complexity, or the number of functions the organization performs (both formally and informally), can influence factors such as vagueness of roles and role structures within the organization, conflict among subunits within the system, and decreased oversight over operations, factors associated with organizational offending (Champion, 1975; Vaughan, 1999). Not only is the organization of the prison located within a substantially large, complex military institution, the prison itself was horizontally complex as well. With the involvement of multiple and distinct subunits, the small organization had a number of affiliations.

The division of labor enables an organization like a prison to perform complex activities with less skilled operators. Work may not only be divided among roles within the organization, but differentiation may also exist among subunits that are performing tasks interdependently. "The complex structure of interdependent parts resulting from differentiation creates problems of coordination and communication in...organizations" (Blau 1981, 169). The way in which tasks are divided and knowledge is segregated, or the bureaucratization of the organization, contributes to conditions like structural secrecy (Vaughan, 1996), where information is incomplete, and the ability to detect and avoid activities that deviate from standards or expectations are minimized. As information is passed over internal boundaries, information is oftentimes further deleted or distorted, making information even more partial, providing a greater likelihood for offending to occur. The degree of complexity and vagueness create conditions that facilitate the use of torture by providing the opportunity for these acts to occur and mask offenses. Problems such as inadequate training, role assignment, personal insularity, and role and hierarchical uncertainty are revealed when examining the informal and formal structures of decision-making and authority.

Devices such as rules, standards of operation, doctrines are essential components of organizational structure. Their degree of vagueness is important to this analysis. First, ambiguity about these is positively associated with organizational offending, as this provides opportunity for crime as personnel are left to rely upon other devices in decision-making. Furthermore, the complexity of the structure as it relates to the application of rules, standards of operation, and organizational doctrines is also important, as subunits struggle to determine relevance. In addition, the novelty and

relevancy of rules and other formal directives has been associated with organizational crime and deviance, as out-dated or irrelevant standards do not apply to the situation that the organization and its members face.

Organizational processes are also central to the study of organizational crime. Whereas structure refers to the way in which roles are organized, process can be thought of as the way in which they relate. Organizational culture is often referred to as the normative environment. It represents a systematic, patterned and enduring difference in the coordinated action that leads to the particular response of the organization to a given stimuli (Wilson, 1989, p. 93). Organizational culture is one aspect of the organizational processes that has been considered important by scholars studying organizational crime. As it intersect with the organizational environment, pressures materializing from political ideology and legal conditions shape organizational culture and promote achieving the organization's goals through individual acts of crime (Vaughan, 1999). As it intersects with personnel, organizational culture represents patterned way in which members of the organization think about the relationships and tasks that are central to that organization (Wilson, 1989). "Cultural rules constitute actors (states, organizations, professions, and individuals), thus defining legitimate goals for them to pursue and affecting meaning at the local level" (Vaughan, 1999, p. 274).

While some organizations have a more loosely defined culture, organizations such as those of the military have strong cultures, and as a result, the norms, SOP's, and doctrines are widely accepted among members of a military organization. Though the Abu Ghraib prison was composed of subunits from both military and civilian origins, and evidence of multiple cultures within the organization will be demonstrated in later chapters.



Elements of organizational culture, including the organizational mission and the situational imperatives that eventually define critical tasks for individuals within the organization, usually change slowly and tend to persist. Yet in changing or unanticipated environmental conditions, some organizations adopt new ways of defining imperatives and tasks associated with the roles within the organization.

In the case of Abu Ghraib, it is important to consider the role of the organization in its context. Establishing limits on the decision-making of its members by establishing routines, so that their activity is contingent upon habit, or following of a routine, rather than weighing – or even recognizing the availability of – other options (March & Simon, 1958). Though composed of several subunits from military, other-government, and civilian agencies, the prison at Abu Ghraib was a military prison, stocked with military personnel. In indoctrinating members, the highly formal and routinized structure of the military forges reliance upon formal authority structures and standard operating procedures in decision-making.

### Cognition in Context

Within the organization's environment, the organizational system produces a number of social-psychological factors that shape the ideas, perceptions, and behaviors of individuals acting within the organizational structure. There are several theories and concepts that contribute to our understanding of how organizational forces shape these individual-level factors to contribute to the commission of organizational crime.

Though most organizational sociologists contend that past experience and ideology have minimal influence on how tasks are completed when tasks and roles are

clearly defined, many agree that when tasks and roles are weakly defined, attitudes, beliefs and ideology are more influential in the performance of those roles and tasks (Wilson, 1989). In this case study, it becomes evident that tasks and roles within the organization were considerably weakly defined, thus the roles of past experience and ideology are more influential in the performance of tasks.

With this assumption, I establish in a later chapter that certain environmental conditions and organizational conditions lead to individuals' increased reliance upon political ideology, personal beliefs and values, and on-the-job and previous training. Traditions in social learning theory that emphasize the role of social interaction in defining experiences have proven to be useful.

Taking into consideration the role of interaction among individuals within the organizational structure, differential association theory contributes to the study of organizational crime. In addition to the organizational and political-economic and organizational approaches to organizational offending, differential association theory represents a major theoretical approach to the study of this form of crime. In particular, differential association theory addresses the individual level of action within the organization, focusing on the social relationships that give rise to meanings defining individual experiences. According to Sutherland's view (1949), members of an organization are socialized into a group where the norms favor violation of laws, rules, or regulations. Though this orientation is not the focus of this research, it does draw attention to the how the contextual and organizational conditions of the prison, the tasks, and the detainees held there came to be defined, and how techniques to execute tasks were learned and reinforced.

Perhaps the most popular reformulation of Sutherland's theory in the past twenty years has been differential association- reinforcement theory proposed by Akers and his associates. This theory was significantly influenced by Sutherland's theory, but worked to combine them with the principles of operant and respondent conditioning behaviorist propose in learning theory, (Cullen & Agnew, 2003, p. 92). Often referred to as social learning theory, this theoretical framework applies to deviance, criminality, and delinquency in general, and explains this behavior more extensively than does differential association. Furthermore, while it seeks to explain a wide range of individual behavior, it also attempts to explain how the social structure shapes individual action.

"Akers' development of the theory has focused on four major concepts: *differential association, definitions, differential reinforcement, and imitation*, (Cullen & Agnew, 2003, p. 93). Differential association refers to the process described by Sutherland in his articulation of the theory. Definitions, according to Akers, refer to individual's attitudes or meanings attached to a particular behavior, either general or specific. Definitions are a crucial aspect of differential association theory, as they are the moral components of social interaction that communicate rightness or wrongness. General beliefs refer to those conventional values favorable to conformity or unfavorable to committing deviance, whereas specific definitions ground a person to a specific act or set of acts, (Cullen & Agnew, 2003, p. 94). In general, the more a person's attitude is positive toward criminal behavior, the more likely they are to engage in it. Definitions that are favorable to committing crime are generally positive or neutralizing, which make deviant behavior morally desirable or justified/excused, respectively. Differential reinforcement represents the "balance of anticipated or actual rewards and punishments

that follow or are consequences of behavior,” (Cullen & Agnew, 2003, p. 94-95). Here, the likelihood of committing an act increases with positive reinforcement or the ability to escape unpleasant consequences. Finally, imitation refers to the “engaging in behavior after the observation of similar behavior in others,” (Cullen & Agnew, 2003, p. 95). Akers later work emphasized the use of this theory in explaining drug and alcohol behavior, organized, professional and white-collar crime, sexual deviance, violent crime, and mental illness (Cullen & Agnew, 2003, p. 93).

Akers’ (1985) social learning theory states that people learn both deviant behavior and the definitions that go along with it. The society and community, in addition to factors such as social class, age and race, contextualize the learning individuals experience. Akers argues for the inclusion of these social structural variables in his theoretical model as they have an effect on individual behavior by affecting the learning process. The learning can be direct, as through conditioning, or indirect, as through imitation or modeling or imitating. Reflective of operant conditioning, the learned behavior can then be strengthened by reinforcement or weakened by punishment. The continuance of deviant behavior depends on both its own reinforcement and on the quality of reinforcement available for alternative behavior. If the definitions of deviant behavior are reinforcing and if alternative behaviors are not reinforced as strongly, an individual is likely to engage in deviant behavior. The likelihood that a person will engage in deviant behavior rests upon the presence of normative statements, definitions, and verbalizations “that, in the process of differential reinforcement of such behavior over conforming behavior, have acquired discriminative value” (Akers, 1985, p. 66) The strength of the deviance is directly determined by the amount, frequency and likelihood

of the reinforcement. This theory differs from Sutherland's original conception in that these processes do not require the transference of *attitudes* from the model to the observer/modeler.

While differential association and learning theories have largely been used to explain less serious forms of delinquent behavior as indicated by this synopsis, one of the greatest contributions within differential association theory to criminological theoretical literature is in its application to white collar and organizational crime. In addition to the organizational and political-economic approaches to organizational offending, differential association provides for a unique theoretical approach to the study of corporate crime. In particular, differential association theory addresses the individual level of action within the organization, focusing on the social relationships that give rise to meanings defining individual experiences.

The utility of differential association theory in explaining individual level motivations and opportunities is explained by Kramer, Michalowski and Kauzlarich (2002) in their integrated model of state-corporate crime. Factors such as individual goals, competitive individualism, and the emphasis on material success occur through interaction at the individual level of analysis, and the definition of the situation along with the perception of illegal versus legal means are acquired through face-to-face interaction. They argue that "cultural definitions favorable to capitalism along with a conspicuous ambivalence displayed by elites for the safety of workers, consumers, and the natural environment provide fertile ground for [state-corporate] crimes" (2002, p. 63). Consequently, I consider the relevance of concepts that enhance our understandings about

*organizational conditions* under which the role of internalized ideology, personal sets of values and beliefs, and previous training become important.

The concepts of dehumanization and neutralization as first defined by Sykes and Matza (1957, 1964), and later demonstrated in the work of Zimbardo (2002), and Huggins, Haritos, and Zimbardo (2002), are social-psychological processes that are facilitated by organizational conditions. In particular, the condition of occupational anonymity experienced by organization personnel has been associated with minimization and responsibility in organizational crime, and specifically torture committed on behalf of an organization. In these conditions, Anonymity is indicated when personnel operate in obscurity through processes such as always working in groups, hooding detainees, being in a common uniform, and so forth. (Huggins, Haritos, and Zimbardo, 2002).

The sociological literature is rich in concepts and theories that aid in our study and explanation of organizational offending that implicate a dynamic relationship among the organization's environment, characteristics, and individuals. In the remainder of this chapter, I introduce the various theoretical orientations and conceptualizations that are most useful to this study. Conceptual definitions are elaborated upon throughout the thesis as they are used to interpret the findings in this case.

## CHAPTER III

### METHOD OF DATA COLLECTION AND ANALYSIS

#### Background

I selected the case of the torture at Abu Ghraib in order to demonstrate how organizations facilitate violence committed on their behalf. Violence committed by individuals acting in their role within an organization, even more specifically the State, has been illustrated by investigations such as Hersh's (1972) chronicle of the massacre at My Lai by U.S. military, Huggins', Haritos-Fatouros', Zimbardo's (2002) work on torture and murder systematically committed by Brazilian police, and media accounts of the 1991 violent beating of Rodney King by Los Angeles Police. Each of these cases, like that of the torture of detainees at the Iraqi Abu Ghraib prison, represents an event or set of events in which a collection of individuals engaged in brutality while serving in their role with the State organization. Since the revelations of the torture at Abu Ghraib, numerous accounts of similar acts at other sites in Iraq and in U.S. military prisons across Afghanistan and at Guantanamo Bay have surfaced. While Bush Administration officials depicted the events at Abu Ghraib as isolated offenses representative of individual pathologies and deviancies, it has become evident that the brutality witnessed at Abu Ghraib is representative of a wider, systematic practice, suggesting that organizational systems may be fostering and facilitating torture.

#### Case Study Method in Organizational Research

A case study involving ethnographic content analysis of documents was performed to probe organizational culture, structure and processes, and their intersection

with individual biographies and institutional changes in order to explain the prevalence and systematic use of torture at the prison of this study. Yin (1981) states, a “case study does represent a research strategy, to be likened to an experiment, a history, or a simulation, which may be considered alternative research strategies,” (p. 59) while Stake (1995) explains it as “the study of the particularity and complexity of a single case, coming to understand its activity within important circumstances” (p. xi).

When compared to other research strategies such as surveys or experiments, Yin (1984) states that the case study method is preferred when “a ‘how’ or ‘why’ question is being asked about a contemporary set of events over which the investigator has little or no control” (p. 19). Yin clarifies that “as a research strategy, the distinguishing characteristic of the case study is that it attempts to examine: (a) a contemporary phenomenon in its real-life context, especially when, (b) the boundaries between phenomenon and context are not clearly evident” (1981, p. 59). In general, this method allows the researcher to initiate the investigation while yet determining the precise boundaries of the case, and is the most appropriate method for the subject of this study.

Brewer (1971) argues that case studies are useful in studying organizational structures and processes, and can test those hypotheses which “predict the ways in which different components of internal social processes are related to one another in particular structural situations” (p. 477). Indeed, a major strength of case studies is that they provide for a more in-depth examination of organizational behavior, and allow the researcher a *multitude of organizational and interpersonal variables for consideration in explaining organizational problems* (Champion, 1975, ital. added). Diane Vaughn, author of the widely recognized case study of the organizational processes that produced



the Challenger disaster, states “case studies hold memorable lessons about how organizational processes systematically produce unanticipated outcomes” as she cites classic studies on organizational deviance (see Roethlisberger & Dickson, 1947; Burawoy, 1979; Dalton, 1959; and Willis, 1977).

Early in the literature we find indications that case study is a good method for studying organizations. The call for “the situation” rather than individuals as units of analysis, along with the intensity, duration, and complexity of case study analysis indicates this method as being suited for studying organizational processes. Using the case study method affords the researcher the ability to investigate the contextual conditions, to enhance the richness of the data gathered, and identify causal influences and interaction effects that may have otherwise been undetected using alternative methods, making this method most appropriate for the study of organizational culture, structure and processes as they are influencing individual biographies while situated within an institutional context. The case study method has been used in numerous studies examining organizational process and structure. If conducted systematically, the case study method for examining these phenomena may indeed be superior to other methods for reasons clearly stated.

### Ethnographic Content Analysis

The major assumption guiding this work is that those that made possible and perpetrated torturous acts at Abu Ghraib acted within a dynamic organizational system that shaped their interactions and actions. Consequently, this study seeks to illuminate the systematic processes and characteristics about the organization in order to

demonstrate how they served to socialize its actors and structure their activity and interaction thus facilitating these events. I conducted an ethnographic content analysis various documents. Stempel and Westley (1989) state a content analysis is “a research technique for the objective, systematic, and quantitative description of the manifest content of communication” (p. 125).

Though considered an approach that has yet to be clearly defined (Krippendorff, 2004), Altheide (1987) suggests that ethnographic content analysis (ECA) is an effective research approach that allows for a reflexive analysis of documents and is an apparent technique in documents analyses by historians, literary scholars, and social scientists (Plummer, 1983). As a method of fieldwork, it is useful in aiding the researcher in defining patterns of human action, locating the documents within the context of their production, and enhancing the researcher’s ability to validate theoretical inquiry. (Krippendorff, 2004).

Ethnographic content analysis serves to record and understand the meaning that is communicated within documents as well as to demonstrate and verify theoretical relationships (Altheide, 1987). Central to this form of analysis is the idea that many words in a text can be classified into fewer content categories (Weber, 1990). With exception of identifying characteristics (date, author, recipients, document type) documents were viewed without rigid categories for defining relevance. The delineation of conceptual categories was informed by theoretical constructs and concepts and emerged through ongoing discovery and continual comparison of data. In general, the method involves reflexive movement between “concept development, sampling, data collection, data coding, data analysis, and interpretation” (p. 68). In order to strengthen

the study, I use multiple sources for analysis.

### Data Collection and Analysis

I selected to U.S. newspapers noted for their coverage of national and international affairs, the New York Times and The Washington Post, as data source and relied upon Lexis Nexis search engine to select relevant news articles. Lexis Nexis provides access to major newspapers and other news sources, and allows media researchers to download and print selected articles. This search focused on articles published between January 2003 and August 2005. The articles I retrieved were attentive to the allegations and accounts of abuse and torture at detainment facilities at Abu Ghraib, GITMO, and Afghanistan.

Photographs of the abuse at Abu Ghraib were obtained through two news source websites. Initial photographs released to the media in April 2004 containing images of prisoner abuse at Abu Graib were obtained through the New York Times website at [www.nytimes.com](http://www.nytimes.com). The news organization Salon.com news organization released previously undisclosed photographs in March 2006 at their website [www.salon.com](http://www.salon.com).

An additional journalistic piece, Chain of Command: The road from 9/11 to Abu Ghraib by Seymour M. Hersh, was used as a source of data. In 2004, Hersh won a National Magazine Award for Public Interest for his work on the intelligence and the war in Iraq. A widely respected staff reporter for both the New York Times and The New Yorker, Hersh has expert knowledge regarding the intelligence community and had established several sources within government agencies. The author identifies the sources of information by "job title or rank, or by level of expertise or their possible

motivations”, and refrains from revealing source identities citing the sensitivity of the subject on which he is reporting. The author is also noted for his 1972 breaking account of the massacre at My Lai, Vietnam, detailing the U.S. government’s investigation and cover up, for which he was awarded the Pulitzer Prize.

I used an edited volume entitled *The Torture Papers: The Road to Abu Ghraib* as one source of full-text memoranda, reports, interrogation/interview reports, prepared by various U.S. government and military officials and personnel, many declassified through the Freedom of Information Act and pressures from press organizations such as *The Washington Post*. Additional non-governmental agency reports used as sources of data for this study include those prepared by the International Red Cross, the Association of the Bar of the City of New York, the Committee on International Human Rights, and the Committee on Military Affairs and Justice. Edited by Karen Greenburg, Executive Director of the Center on Law and Security at the New York University School of Law and editor of the *NYU Review of Law & Security* and Joshua L. Dratel is President of the New York State Association of Criminal Defense Lawyers and serves on the Board of Directors of the National Association of Criminal Defense Lawyers, this source represented an important collection of classified and declassified documents related to the events at Abu Ghraib produced between September 2001 to August 2004. Documents contained within this volume used as sources of data for this study are identified in Appendix C of this paper.

Miscellaneous official U.S. government documents including memoranda, reports, communications, and transcripts made publicly accessible through declassification or the Freedom of Information Act were obtained at the websites of the

non-partisan, nonprofit organization the American Civil Liberties Union at [www.aclu.org](http://www.aclu.org) and the non-partisan, non-advocacy group the Center for Public Integrity at [www.publicintegrity.org](http://www.publicintegrity.org). Documents selected from these websites and used as sources of data for this study are also identified in Appendix C of this paper.

At their website, the ACLU makes available to researchers numerous classified and declassified government documents pertaining to the Abu Ghraib scandal. The American Civil Liberties Union (ACLU) claims to work to preserve protections and guarantees provided by the Constitution's Bill of Rights, and to extend the rights to segments of the population that have historically been denied these rights and protections. Founded in 1920, the ACLU handles roughly 6,000 court cases annually, and has worked in court and legislatures to force the release of classified documents pertaining to the allegations of prisoner abuse through the Freedom of Information Act. The Freedom of Information Act (FOIA) passed in 1966-67 and amended in 1986, grants citizens the right to examine nearly all government documents, with the exception of those related military, intelligence, trade, or those records that could reasonably be anticipated to constitute an invasion of privacy or jeopardize an official investigation. These exceptions are not unconditional, and some government agencies, such as the FBI and the Department of Defense, have been compelled to provide documents and other materials by the Court. Yet many of the records provided as the result of court decisions in this case have been significantly altered, as these agencies are permitted to black out any information that is "protected".

The Center for Public Integrity, lead by Executive Director Wendell Rawls, Jr., is the recipient of a Pulitzer Prize for investigative reporting, the Robert F. Kennedy

Memorial Journalism Award Grand Prize, the National Headliner Award for Outstanding Public Service, and the Heywood Broun Journalism Award. The Center's declared aim is to produce "original, responsible investigative journalism on issues of public concern." (Center for Public Integrity). In response to ongoing lawsuits, in October 2004 the Department of Defense released roughly 6,000 pages of documents related to the prisoner abuse allegations surrounding prisons in Iraq and Afghanistan. These, and documents made available through previous lawsuits, are available full-text at their website.

U.S. government websites also served as searchable sources of data for this study. Additional reports were produced and posted by the U.S. Department of State at [www.state.gov](http://www.state.gov), Department of Justice at [www.usdoj.gov](http://www.usdoj.gov), and the Department of Defense at [www.usdod.gov](http://www.usdod.gov). Documents from these websites used as sources of data for this study are listed in Appendix C of this paper.

Prior to systematically selecting documents that would represent adequately the reports, memoranda, interview and interrogation reports, miscellaneous communications, I developed a historical account of the events surrounding Abu Ghraib by viewing and analyzing the newspaper accounts from the New York Times and Washington Post January 2003-August 2005, and the textual account in Chain of Command: The road from 9/11 to Abu Ghraib (Hersh, 2004). The resulting detailed timeline provided narrative data with which I began to establish a scope and means of categorization for discovery. These categories assisted in the identification of key individuals, groups, and processes within and characteristics about the organization to initially guide the study. In addition, news stories verified through comparison with official biographies provided much of the basis for individual biographical information important to this study.

Following my review of news stories, documents were sought and initially considered for their relevance to the Abu Ghraib scandal. Documents were determined relevant or irrelevant by determining the source, author(s), recipient(s), topic/purpose, to whom the text refers to or applies, and the date of production. In cases that precluded the researcher from determining relevance, usually due to the deleted or missing information, the documents were eliminated from consideration. After reviewing the news articles and documents to this point, I established a definitive scope for the study. I determined the timeline for discovery begins with the September 11 attack on the World Trade Center in New York City and exhausts with the completion of the military's cases against those enlisted charged with the offenses at Abu Ghraib. Furthermore, because of intraorganizational formal and informal networks, policies and processes essential to contextualizing the case of Abu Ghraib, I include related events occurring and personnel serving in U.S. military prisons in Afghanistan and Guantanamo Bay, Cuba in addition to Abu Ghraib.

With this frame, a purposive sample was developed, and manifestations of the theoretical constructs were identified thus allowing for elaboration. At this stage, my procedure was to examine a few reports, memoranda, and interview transcripts, assess the messages contained therein and note the theoretically conceptual categories for the document and for the review of previous reports. While there were volumes of documents that related to the abuses at Abu Ghraib, many focused upon the nature and description of the alleged abuses, and provided minimal to no information directly related to the focus of this study. Other documents that may have been beneficial were useless due to the elimination of its content through classification. I considered the quality and

volume of information recorded in terms of what was important and unimportant for this study. This process of continual exploration and comparison became an essential component in deriving both a sampling procedure and topical guide.

In the following stage, I deepened the analysis through a process of confirming or disconfirming, allowing for the identification of variation and exceptions and further conceptual refinement. Though some of the documents contained implicit expressions of concepts, generally concepts were categorized by their implicit meaning. For instance, text within a document that reveals CIA officers operating at Abu Ghraib under an alias' while never revealing their true names implies anonymity. Information that there was little to no clarity of how and under what authority the CIA could place prisoners in Abu Ghraib implies organizational vagueness. Based upon the theoretical literature and the above described strategy, I identified the following broad conceptualizations that represent latent concepts from both structural and normative explanatory frameworks:

*State (Institutional level):*

- Claims of threats to national security
- Distinguishing the enemy/other
- Delineating/defining torture
- Delineating/defining application of protections against torture
- Institutional pressures
- Legal sanctioning of special security organizations and squads

*Abu Ghraib U.S. military prison (organizational level):*

- Organizational mission
- Organizational goals
- Contextual goals
- Situational imperatives (component of culture)
- Organizational climate (the degree to which organizational rules are enforced)
- Organizational technology (component of culture)
- Formal and Informal Training
- Routinization of deviance
- Adequacy of resources for goals
- Adequacy of training
- Subunits and Informal group alignments



Organizational insularity  
Organizational vagueness  
Organizational complexity  
Structural secrecy  
Formalization  
Authority leakage  
Arbitrary rule

*Personnel (individual level):*

Critical task  
Extra-service history/individual biography  
Occupational insularity  
Anonymity  
Dehumanization  
Neutralization  
Victim Blaming

These latent concepts, as they are defined and indicated, will be discussed as they are encountered throughout this work.

### Summary

This study seeks to identify and explain the systematic processes and characteristics about the organization in order to demonstrate how they served to facilitate the torture at Abu Ghraib. The underlying assumption here is that organizational system shaped the interactions and actions of those that made possible and perpetrated torturous acts at Abu Ghraib. The ethnographic content analysis of documents of various sources allows for an in-depth, theoretically grounded organizational analysis of this case.

While analyzing documents is fruitful in uncovering the variables of this study, it is important to note the limitations of this method, in this particular case. While many documents have been declassified or released for public scrutiny, it is fully acknowledged that there likely is a wealth of information in document form that is unavailable to this researcher due to its classification. Furthermore, among those documents made available,

many were heavily redacted so that the content was indecipherable, rendering them useless for this study. Finally, while an improbable undertaking, communication with the authors of these documents would have been most desirable in order to fully gain insight into the informal features, processes and structures of the organization, as well as characteristics, experiences, and cognitive processes of the members of the organization.

## CHAPTER IV

### THE PRISON'S ENVIRONMENT

*Sometimes the greater good for society will be accomplished by violating the literal language of the criminal law-* (quote by LaFave and Scott, restated by John S. Bybee, Assistant Attorney General in a memo on Standards of Conduct for Interrogations, August 2002.)

#### Background

In this chapter I discuss the important contextual conditions that influenced the Abu Ghraib prison, particularly those that occurred following September 11, 2001.

Accounting for all of the contextual influences on the organization is not the intent or within the scope of this investigation. Rather, I focus upon the influence of environmental pressures, constraints, and ideology on the sanctioning of organizational structures and processes to carry out activities. Institutionalized values and beliefs are reflected in organizations, and the legitimacy of goals, and the means by which those goals are pursued, are drawn upon and affect action and meaning at the local level. (Powell and DiMaggio, 1991).

National-level legal conditions, and the political conditions that influence them, are a significant part of the organization's environment. When a law is interpreted or modified, organizations must make some important changes as they are relevant (Hall, 1996). At minimum, legal conditions establish many of the conditions under which the organization operates. This includes prescriptions and proscriptions for particular behaviors, requirements for reporting events, and expectations for the chain-of-command. In the case of the Abu Ghraib prison, a number of legal interpretations implicitly and explicitly set organizational conditions that provided not only the opportunity for crime to

manifest, but also set the state in which these behaviors may be perceived as legal if not normative conduct. Research on organizational crime reveals that organizational forces may generate unlawful conduct despite a normative environment that supports compliance with legal norms (see Vaughan, 1983); in this case, we find that the normative environment is supporting compliance with particular broad legal norms whose interpretation left conduct likely considered criminal to now be perceived as legal, legitimate and defensible. The vocabulary that emerged specialized to the war on terror was designed to not only provide the motive but also the neutralization of responsibility.

Publicly, the Administration distinguished the war on terror as a “new kind of war” against a “new kind of enemy” waged in response to an evident and imminent threat to national security and interests. The Administration’s regard of the nature of the war, the enemy combatants, and the threat to national security can be found in the political and legal discourse.

The war on terror waged by the United States brought with it changes in ideology and policy influencing the definition and treatment of “the enemy”. This “new kind of enemy” required a “new kind of war” in which information became the coveted weapon. The search for the legal grounds for using strategies such as those witnessed at the prisons of this study grew from the crisis following the attacks on U.S. soil, as the U.S. waged an undeclared war on Arab states and persons. Laws and treaties were reinterpreted to fit the contours of the United States’ post-September 11th agenda. Determinations made about the statehood of key Arab actors, namely that Afghanistan was a failed state, and al Qaeda a non-state actor, led to the argument that the Taliban and al Qaeda were not protected under Geneva conventions. Coupled with state pressures

concentrated on the acquisition of usable intelligence, we witnessed changes in organizational culture and processes that intersected with actors.

### Sanctioning Authority

Within weeks following the September 11, 2001 attacks, communication between the Deputy Counsel to the President and the U.S. Department of Justice Office of the Legal Counsel focused upon the constitutional authority to take military action in response to the terrorist attacks. In a legal opinion on the matter, Deputy Assistant Attorney General John Yoo argues that it is within the Constitutional authority of the President alone to determine a terrorist threat, the amount of military force to be used in response, the method, timing, and nature of the response (2001). Later that same year the President issued an executive order outlining the detention, treatment, and judicial response to particular non-citizens during the war against terrorism. Arguing it essential for the protection of the U.S. and its citizen, and necessitated by the danger and “extraordinary emergency” the U.S. was facing, the order declared that those individuals who were subject to the order were non-citizen and member of al Qaeda, or had “engaged in, aided or abetted, or conspired to commit, acts of international terrorism, or acts in preparation therefore, that have caused, threaten to cause, or have as their aim to cause, injury to or adverse effects on the United States, its citizens, national security, foreign policy, or economy”, or has knowingly harbored any of the above (Bush, 2001). The order gives authority to the Department of Defense in determining the location of detention facilities, and allocates decision-making to the Secretary of Defense in terms of the conditions under which the non-citizens will be detained. Furthermore, the President

authorized the Department of Defense to appoint military commissions, and issue the orders and regulations thereof, for the trial and sentencing of those non-citizens falling within the scope of the order.

By early 2002, in response to a request by the Department of Defense, a memorandum from General Counsel for the Department of Defense from the Deputy Assistant Attorney General outlined the views of the Office of Legal Counsel, Department of Justice in regard to the application of laws and treaties to al Qaeda and Taliban detainees. Acknowledging the reliance upon Department of Defense assessments about the Taliban, the Deputy Assistant concludes that members of the Taliban, regardless of the organization's compliance with the Geneva Conventions, do not meet the conditions under which they would receive POW status. Reiterating that the opinion is grounded in assumptions gleaned from the information obtained from the Department of Defense, he concludes that the Taliban is not conducting their operations in accordance with the laws and customs of war, and the command structure of the Taliban is not one in which the commander is responsible for his subordinates.

A series of communications followed that more specifically defined the legal dilemma in the conflict in Afghanistan, most of which surrounded arguments as to what grounds the Geneva Conventions might not apply to the conflict in Afghanistan. Most condensed the issue to one of two opinions; the first, to determine the Geneva convention on the treatment of Prisoners of War (GPW) does not apply to the conflict on 'failed state' or some similar grounds, or to determine that the Geneva Convention does apply to the conflict, but that the members of al Qaeda or the Taliban- individually or as a group—are not entitled to POW status under the conventions. In his comment on the

draft memorandum for the President on the application of the Geneva Convention to the Afghanistan conflict, Secretary of State Colin Powell indicates that while either option would lead the conclusion that the Geneva Convention does not apply to the conflict, and to “announce this position publicly”, nonetheless all detainees are to be treated “consistent with the principles of the Geneva convention” ( Powell, no date). Legal Advisor William H. Taft from the U.S. Department of State wrote in a February 2002 memo to the Counsel to the President, “a decision that the Conventions apply provides the best legal basis for treating the al Qaeda and Taliban detainees in the way we intend to treat them” (Taft, 2002). In Taft’s comments, he states:

The President should know that a decision that the Conventions do apply is consistent with the plain language of the Conventions and the unvaried practice of the United States in introducing its forces into conflict over fifty years. It is consistent with the advice of DOS [Department of State] lawyers and, as far as is known, the position of every other party to the Conventions. It is consistent with UN Security Council Resolution 1193 affirming that “All parties to the conflict [in Afghanistan] are bound to comply with their obligations under international humanitarian law and in particular the Geneva Conventions--” It is no inconsistent with the DOJ opinion that the Conventions generally do not apply to our world-wide effort to combat terrorism and to bring al Qaeda members to Justice (Taft, 2002).

Department of Justice lawyers had concluded that as a “matter of law” the U.S. conflict with al Qaeda *regardless of where it is carried out* was not covered by the Geneva Convention POW protections, a position supported by lawyers from the

Department of Defense and the White House Counsel. Many of these lawyers supported the position because it emphasized the global and novel nature of the conflict, and identifies a novel condition under which traditional rules of warfare will not apply. This position came to into conflict with that of the Department of State, who argued that the GPW applied to not only the conflict, but – in theory – the members of al Qaeda who were captured in Afghanistan.

Other communications focused the distinction between Presidential *interpretation* that Taliban are unlawful combatants and therefore not protected by Geneva Convention, and *determination* that the treaty does not apply to the conflict with Afghanistan being a ‘failed state’(2002). Attorney General John Ashcroft argued that to argue that Afghanistan is a failed state would allow for the most legal certainty, and that the alternative would risk criminal liability for U.S. officials. In his view, the option to interpret Taliban members as unlawful combatants carried a greater risk of criminal prosecution and liabilities.

Following this opinion, several communications to the Office of the President or his counsel, including from the Office of the Attorney General and the Department of State, weigh the costs and benefits. “In the circumstances of the current war against al Qaeda and its allies, prosecution under this code may be barred because enforcement of the statute would represent an unconstitutional infringement of the President’s authority to conduct war” (Bybee, 2004, p. 173). The August 2002 memo distinguishes the terrorist attacks of September 11, 2001 from that of the Murrah Building in Oklahoma City in 1994, indicating that in the World Trade Center attacks of 2001 caused thousands of deaths, disrupted U.S. air traffic and communications, impacted the national stock



exchanges, and resulted in roughly ten billion dollars in damages. The memo identifies other attacks in which the United States, or its interests overseas, has been targeted for destruction, and argues impending attacks against the U.S., its interests and nationals by the al Qaeda organization.

The Attorney General's Office argues one of the primary functions of the Commander-in-Chief is to capture, detain, and interrogate the enemy, and that any efforts by Congress to regulate these processes would be a constitutional violation. Further, the Attorney General contends that "the President's power to detain and interrogate enemy combatants arises out of his constitutional authority as Commander-in-Chief...[and that] Congress may no more regulate the President's ability to detain and interrogate enemy combatants than it may regulate his ability to direct troop movement in the battlefield" (2004, p. 203). They conclude that Section 2340A does not apply to the President's detention and interrogation of enemy combatants.

This position is reflected in March 2003 report prepared by a working group to assess the legal, policy and operational issues pertaining to interrogation of detainees held by U.S. armed forces in the 'war on terror' (March, 2003). This report also reiterates the President's determination that these detainees are not entitled to protections under the Geneva Conventions. In its recommendations, the working group argues that exception techniques of interrogation include the use of isolation, prolonged interrogations, forced grooming, prolonged standing, sleep deprivation, physical training, face or stomach slap, removal of clothing, or increasing anxiety by use of aversion) (pp. 357-379). All of these techniques were evaluated as having a high contribution and utility in the collection of intelligence.

## Defining the Enemy

Along with the above constitutional justifications, the memo outlines a number of rationalizations for broad discretion regarding standards of conduct in interrogation. The nature of the war was cited as one justification. “Indeed,” the Attorney General’s Office concludes, “such operations may be *of more importance in a war with international terrorist organization than one with the conventional armed forces of a nation-state*” (2004, p. 207, ital. added).

It became essential to examine the legal positions regarding the capture, detainment and interrogation of individuals deemed targets in the war on terror or having knowledge about terrorist organizations. By November 2001, the administration had authorized the detainment, treatment and trial of certain individuals as part of the war on terror. The first suspected al Qaeda and Taliban prisoners arrived in January 2002 at the Guantanamo Bay, Cuba prison operated by the U.S. military. These prisoners, according to a report by Secretary Donald Rumsfeld to Joint Chief of Staff Richard B. Myers, were not entitled to the protections set forth for prisoners of war by the Geneva Conventions of 1949. Between August 2002 and March 2003, a series of memos and reports lay out the various interrogation techniques that are deemed appropriate for use at Guantanamo Bay, and it is once again affirmed that Taliban detainees do not qualify as prisoners of war, and the other prisoners held at the prison, not acting as state actors, do not qualify for protections set forth under the Geneva Conventions.

In a March 2003 report prepared by a working group to assess the legal, policy and operational issues pertaining to interrogation of detainees held by U.S. armed forces in the ‘war on terror’, it was reiterated that the President’s determination that these

detainees are not entitled to protections under the Geneva Conventions. In its recommendations, the working group argues that exception techniques of interrogation (which include isolation, use of prolonged interrogations, forced grooming, prolonged standing, sleep deprivation, physical training, face or stomach slap, removal of clothing, or increasing anxiety by use of aversion) (pp. 357-379). All of these techniques were evaluated as having a high contribution and utility in the collection of intelligence. In turn, the working group assessed both the legal and political aspects of specific interrogation techniques.

In terms of the legality of the use of these techniques, the working group concluded there were no significant constraints imposed by the Torture Convention. Under the Torture Convention, no person shall be subject to cruel, inhuman, or degrading treatment. In assessing its obligations under the Torture Convention, the U.S. determined that conduct prohibited by the 5<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments to the Constitution is applicable. Implicitly addressing the legitimacy of the use of “exceptional techniques” the working group concluded that according to U.S. court determinations, this can be understood as treatment that inflicts pain or harm *without a legitimate purpose*, for malicious or sadistic reasons, to deny the minimal civilized measures of life’s necessities and such denial reflects deliberate indifference to health and safety, and to *apply force and cause injury so severe and so disproportionate to the legitimate government interest being served that it amounts to brutal and inhumane abuses of official power*” (p. 345). and being consistent with the administration’s prior U.S. public statements on the use of techniques of interrogation.

Only two of the methods, the removal of clothing and increasing anxiety through

aversions, presented “problematic aspects that cannot be eliminated by procedural safeguards” in regard to the Torture Convention, and its prohibition of cruel, inhuman, or degrading treatment (p. 350). The working group also argued that two methods, in addition to forced grooming, may have some “problematic aspects” in terms of U.S. domestic law.

In terms policy, the working group concluded that all nine techniques were consistent with prior U.S. public statements, and that while the removal of clothing and using aversions to increase anxiety were potentially problematic, this should not preclude their use (p. 351).

In their recommendations, the working group approved the exceptional techniques for use with unlawful combatants outside of the U.S., with the condition that interrogations be conducted at strategic interrogation facilities, there is good basis to believe the detainee possesses critical intelligence, the detainee is evaluated – medically and operationally- as suitable, interrogators be technique-specific trained, an interrogation plan be developed, supervision be provided, and “*appropriate specified senior level approval be given for use with any specific detainee (after considering the foregoing and receiving legal advice)*” (p. 347).

By early April 2003, a subsequent report drafted by the Working Group concluded that it may required that detainees be interrogated in a manner beyond that which may be applied to a prisoner of war who is subject to the Geneva Conventions. The report provided possible defenses for the use of torture. Following the working group’s report, Secretary Rumsfeld approved the list of techniques by mid-April, limiting the tactics to the interrogations of unlawful combatants being held at the Guantanamo

Bay detention facility (GITMO). Though the policy was directed specifically at Guantanamo Bay operations, “once signed it became policy at the Joint Task Force at Guantanamo (JTF-G) responsible for operations at GITMO, and “later became the bedrock on which the CJTF-7 [Combined Joint Task Force 7; the forward deployed headquarters for Operation Iraqi Freedom] policies were based” (Jones & Fay, 2004, p. 1035).

Recognizing that the field manual did not adequately provide guidance on detainee operations as they existed in Iraq, CJTF-7 sought to “synchronize detainee operations” which eventually led to the structure and procedures that were directly derived from the Joint Task Force GTMO system. The standard operating procedures presented by Maj. Gen. Geoffrey Miller was used by CJTF-7 to eventually develop the structure and policies for detention and interrogation operations, and the eventual formation of the Joint Interrogation and Detention Center at Abu Ghraib.

Meanwhile, as the list of interrogation techniques were expanding, so were the abuses at GTMO, the prison whose detainee operations served as a structural and policy pattern for other operations. In February 2003, prior to the April 2003 approval of GITMO’s use of more aggressive techniques on “unlawful combatants” and months before Miller’s assessment and training teams ever arrived to Abu Ghraib, the Red Cross officially but confidentially reported the abuses occurring at Guantanamo Bay to the military, warning that the measures implemented there were growing more repressive.

#### Delineating Torture and Its Justifications

Communications not only served to render legal interpretations, but also provided

the legal rational for defenses of necessity and self-defense in order to circumvent criminal liability under the relevant U.S. Codes. In August 2002, a memorandum to the Counsel to the President Alberto R. Gonzales prepared by Assist Attorney General John S. Bybee discussed standards of conduct under the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (as implemented by Sections 3240-2340A of title 18 of the U.S. Code). In the memorandum, Bybee concludes that for an act to be considered torture as defined in this doctrine, “it must inflict pain that is difficult to endure. Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death. For purely mental pain or suffering to amount to torture under Section 2340, it must result in significant psychological harm of significant duration, result from one of the predicate acts listed in the statute, namely: threats of imminent death; threats of infliction of pain that would amount to physical torture; other procedures designed to deeply disrupt the senses, or fundamentally alter an individual’s personality; or threatening to do any of these things to a third party” (Bybee, 2002, p. 172). In the document, the author indicates several times that the torture statute makes clear that it only prohibits extreme acts.

Citing federal case law, the author provides several legal defenses for the use of violence against ‘unlawful combatants’. Having been asked to “address only the elements [of Section 2340 and 2340A] of specific intent and the infliction of severe pain or suffering”, Bybee discusses the requirement of specific intent – that is that severe pain and suffering must be inflicted with specific intent to violate Section 2340A- and the definitional opportunities that exist to escape legal accountability (2002, p. 175).

Drawing upon case history, he states that in cases where the defendant knows that severe pain will result from his actions, if causing such harm is not his objective, he lacks the required specific intent- even if the defendant did not act in good faith. Bybee adds that a demonstration of good faith that a person conduct would not produce consequences that are prohibited by law negates the requisite specific intent. “Where a defendant acts in good faith,” he argues, “he acts with honest belief that he has not engaged in the proscribed conduct...[and that] a good faith belief need not be a reasonable one” (Bybee, 2002, p. 175).

The 2002 memorandum also outlines the availability and applicability of criminal defense (justifications) to potentially eliminate criminal liability. The memo focuses upon the defenses of necessity and self-defense. Often referenced as “the choice of evils”, the necessity defense can be considered conduct deemed necessary by the individual in order to avoid harm or evil to self or another, justified by the harm or evil being greater than the offense taken to avoid it, and under the conditions that other codes or laws that provide exceptions for the offense, situation, or justification do not clearly appear. The author notes that this defense may be particularly applicable in the context of the times, as “the purpose behind necessity is one of public policy.” He cites LaFave and Scott who argued “[t]he law ought to promote the achievement of higher values at the expense of lesser values, and sometimes the greater good for society will be accomplished by violating the literal language of the criminal law” (p. 208).

In addition, Bybee argues that even if conduct in question of violating Section 2340A does not fall within the necessity defense, the situation implies that the claim of self-defense is appropriate. A defense which is deeply embedded in U.S. legal and

culture, Bybee considers that nothing precludes its application to a charge of torture. He argues that a defendant that is accused of violating Section 2340A may have reason to justifiably claim that they were acting in defense of another, thereby meeting one of the elements of the defense. As hundreds if not thousands of American lives are threatened by an impending terrorist attack, Bybee argued that the defendant could claim to believe that force was necessary to avoid imminent, unlawful violence. Noting that the defense requires that the threat be not only imminent, but no less proportional than the conduct or force used to avoid it, the author relates that “[i]f attacks appear increasingly likely, but our intelligence services and armed forces cannot prevent it without information from the interrogation of a specific individual, then the more likely it will appear that the conduct is question will be seen as necessary” (p. 211). In addition, if information support that an attack is increasingly likely, the necessity for interrogation will be considered reasonable. The pretext of attacks by al Qaeda and indications that attacks are likely in the future, he notes, “would justify proportionality of interrogation methods designed to elicit information to prevent such deaths” (p. 211).

Not only were legal interpretations providing opportunity and rational for the use of violence against detainees in the war on terror, but the contradictions that are evident in the legal and political environment creates conditions of environmental uncertainty. While all organizational environments have some degree of uncertainty, perceived uncertainty about the environment may be considered similar to ambiguity in the decision-making structure of the organization.

In late 2002, discussion at GTIMO surrounding the most effective means to conduct interviews of detainees were prompted by “the recognition that members of the



Defense Intelligence Agency's Human Intelligence Services were being encouraged at times to use aggressive interrogation tactics in GITMO which are of questionable effectiveness and subject to uncertain interpretation based on law and regulation" (May, 2003, p. 2). At that time, those personnel employing these tactics appeared to "have little, if any, experience in eliciting information for judicial purposes" and could negatively impact interviews conducted by the FBI for purposes of prosecution (2). It was clear that Maj. Gen. Miller favored the defense agency's interrogation method, "despite FBI assertions that such methods could easily result in the elicitation of unreliable and legally inadmissible information" (4).

Several of the changes in both policy and procedure were intended to respond to the obstacles the administration faced in waging the war on terror. One important change was the establishment of a Special Operatives Program (SAP), authorized by Rumsfeld, to allow for the blanket pre-approval to capture, interrogate or kill targets deemed of "high value" in the war on terror. Capable of responding to time sensitive intelligence, the program was intended for implementation in Afghanistan. The program was quickly deemed a success in Afghanistan by the Pentagon in mid-2003. As the SAP was implemented in Iraq, their activity following the onset of that war proved to be less fruitful. The joint effort of the SAP, CIA and other American Special forces were not successful in stopping the insurgency.

But intelligence gathering in Iraq proved to be difficult. A study prepared for the U.S. military concluded that following the fall of Baghdad, the U.S. has failed, and while the insurgents knew quite a bit about U.S. operations, by contrast the U.S. knew very little about the insurgents. The problem, according to the report, was the lack of human

intelligence and an uncoordinated effort among those gathering intelligence.

The solution endorsed by Rumsfeld and carried out by Cambone was to get tough on detainees in the Army prison system. Maj. Gen. Geoffrey Miller, Commander of the detention and interrogation center at Guantanamo, was ordered to Baghdad to review prisoner interrogation procedures. There, Miller promoted the placement of military intelligence in charge of prison operations, as this would facilitate interrogations. Miller also briefed commanders on methods of interrogation used at the prison in Cuba. In particular, he recommended to Brig. Gen. Janis Karpinski, Commander of the 800<sup>th</sup> Military Police Brigade (MP Bgde.) and operations at the Abu Ghraib prison, consolidate MP and interrogation functions to increase the success of interrogations at the prison. The Abu Ghraib prison had opened August 4, 2003 and operated as an American detention and interrogation facility in Iraq. Following the “get tough” instructions by Miller and Cambone, rules that were previously restricted to use by SAP operatives were now being applied to the prison at Abu Ghraib, and military intelligence officers working under the auspices of the SAP were conducting intelligence gathering operations at the prison, under the order of Cambone.

While individuals were being detained for interrogation at prisons in Afghanistan and Guantanamo Bay, Cuba, the Invasion of Iraq beginning in March 2003 widened the net of the administration in their removal and or detainment of persons for the purposes of interrogation. The Abu Ghraib prison soon began to house not only those deemed priority targets and Baathists but also marginal persons. In addition, the scope of the SAP involvement widened to include Abu Ghraib, where Cambone had authorized commandos to use techniques that had been approved for use in Afghanistan, including

treating prisoners roughly and exposing men to sexual humiliation. By Fall 2003, the CIA pulled their involvement with the SAP working at Abu Ghraib, citing that the operation originally intended for use and had been successful in Afghanistan was at risk of being exposed. From October to December 2003, a series of prisoner abuses such as those revealed in the now infamous photographs took place at the Abu Ghraib facility.

### Summary

In this chapter I have discussed the critical environmental influences, including environmental pressures, constraints, and ideology, and key environmental actors and groups significant to this process, on the sanctioning of organizational structures and processes of Abu Ghraib prison. I identified the institutionalized values and beliefs that come to be reflected in organization itself. Further, I establish how the legitimacy of goals, and the means by which those goals are pursued, is constructed and drawn upon, and affect action and meaning at the local level. In the following chapter, I will describe and discuss in more detail how these influences have manifest particular structures and process at Abu Ghraib prison, and how these organizational features cultivated the use of torture.

## CHAPTER V

### THE ABU GRHAIB PRISON

#### Background

An organizational analysis directs our attention to the various features about the organization in order to explain why individuals acting within their organizational roles operate as they do. For example, were individuals working at the Abu Ghraib prison acting without rule clarity and enforcement or adequate training? Or in contrast, were guards, interrogators and other operatives acting upon established rules, a command structure and training history that reinforced the abuse of prisoners, in response to organizational and contextual goals that would increase the likelihood of the use of these tactics? It is possible that these illustrated conditions existed concurrently, and that structural and instrumental explanations can be forwarded?

In order to answer questions such as these, we must turn to features about the organization of the prison at Abu Ghraib. I begin by examining the role of organizational mission and how this is forged through the widespread definition and acceptance of the critical task within a culture of fear created by real and threatened violence. Following, I discuss the role of mission in organizational culture, and characteristics of culture that are significant to this analysis in explaining the events at Abu Ghraib. Among cultural features explored is the normalization of the use of torture, the role of socialization in shaping both the identity of the trainee as well as that of detainees, the routinization and enculturation of obedience and secrecy. In addition, I outline how organizational structure is also essential to this analysis by exploring structural features that may

promote or increase the likelihood of the events that are the subject of this study.

Furthermore, I discuss how features such as organizational secrecy, isolation, complexity and vagueness create conditions that facilitate the use of torture. Problems such as inadequate training, role assignment, personal insularity, and role and hierarchical uncertainty will also frame our understanding of how seemingly ordinary individuals engage in acts of severe violence on behalf of state organizations.

### Culture

Wilson (1989) claimed that organizations acquire some degree of autonomy in order to redefine critical tasks and forge the definition with a sense of mission (p. 26). “Often what operators do will depend upon the situation they encounter, their prior experiences and personal beliefs, the expectations of their peers, the array of interests in which their agency is embedded, and the impetus given to the organization by its founders” (p. 27). Wilson argues that those in management positions are less influenced by the critical task or the organizational goals while being shaped by constraints placed upon them and the agency; whereas executives tend to respond to threats to autonomy by maintaining their agency and political status (p. 28). These factors, Wilson contends, forge to define the organizational culture, which shapes not only the way the organization and its operators perceive and react to the bureaucratic world, but also the discretion with which the operators may act.

Organizational culture represents a systematic, patterned and enduring difference in the coordinated action that leads to the particular response of the organization to a given stimuli (Wilson, 1989, p. 93). Organizations such as those of the military have

strong cultures. Over time, the military has developed particular norms, standard operating procedures (SOP's) and doctrines that possess underlying attitudes and assumptions. These are integrated into individual behaviors and attitudes as persons within the organization go about their activities therein. Military personnel experience "[v]igorous and effective training and socialization processes that closely resemble indoctrination, intense both psychologically and physically (Payan, 2006, p. 105). As a result, the norms, SOP's, and doctrines are widely accepted among members of a military organization.

Though there may be widespread acceptance of certain norms, doctrines, and operating procedures within a military service branch, the complexity and dispersion of the various organizations within the military leads to the assumption that cultural variation is likely. The culture of the institution of the United States Army, for instance, is different depending upon the location and assignment: those assigned to a prison guard duty at the prison at Abu Ghraib, Iraq will experience a different culture than those assigned to an airborne division exercising overseas. Within the organization of the prison, there may be several cultures, some of which may conflict (Wilson, 1989). While many of the personnel working at the prison had similar indoctrination experiences, there were those, such as civilian contract workers, who had no such cultural reference. In addition, as personnel had been assigned to units specializing in particular skills such as intelligence gathering or policing, their orientations were likely to diverge somewhat. While the emphasis upon the authority and necessity of the chain-of-command, and the importance of regulation and standardization is generally present across organizations within the military, the organizational climate reflected one in which rules and standards

were left un-enforced and largely ambiguous. This particular aspect of organizational culture will be elaborated on in a later discussion on the chain-of-command structure at Abu Ghraib.

### Mission

In order to understand why rank-and-file members and managers act as they do it is essential to understand what they consider to be their central imperative, or “critical task” (Wilson, 1989, p. 38). Critical task refers to those “behaviors that enable the organization to manage its critical environmental problem” (p. 27). In his analysis, which includes an application of his model to both prison and military organizations, Wilson states that organizations work to manage several problems including how to define and perform the critical task. The achievement of widespread endorsement of the critical task creates a mission. The mission not only provides a basis for recruitment and socialization, but also gives its members a feeling of unique value. To create a sense of mission, then, is to create a widely shared and endorsed culture (Wilson, 1989, p. 95). The Army, for instance, recruits and trains inductees with the intention of maintaining its sense of mission. There is an emphasis placed on organizational pride and reliance upon other members of the group. Similarly, the positions with the CIA and government contract agencies providing interrogators or translators are constructed as glamorous, exciting, and as opportunities to travel abroad. These features all contribute to organizational sense of mission (p. 99).

## Goals

One key inquiry at this level of analysis is in regard to the actual goals of the prison. “An agency’s primary goal may be clear or vague, but its primacy usually is not in dispute. “Educate children, prevent crime, maintain relations with other nations – [though ambiguous, these objectives] nonetheless justify the existence of school systems, police forces, and the State Department.” (Wilson, 1989, p. 129). These primary goals, however, are not the only goals an agency is anticipated to serve. Contextual goals, or “descriptions of desired state of affairs other than the one the agency is brought into being to create”, define the context within which the primary goals can be sought (p. 129).

The organization is a social actor in its own right as it constructs orientations that are then reflected in the decisions, behaviors, and attitudes of personnel. Through the routinization of deviance, or where organizational deviance becomes commonplace, violations of the law (or at least moral code) become enmeshed in the goals, processes, and structures of an organization. Here, human action cannot be simply explained as “intending to minimize costs and maximize benefits for the self. Rather... some types of action are clearly norm following” (Elster, 1989; Smith 2003, p. 19).

Deviant organizational patterns may be also be revealed in stages, Ermann and Lundman argued (1982), as organizational elites that are faced with situations or problems they define important create an “atmosphere” within the organization that promotes particular solutions (pp. 92-96). These solutions are not deviant by necessity, but oftentimes are when they represent new or innovative solutions to organizational problems of efficiency or effectiveness. When these patterns of deviance become part of



organizational life, or are institutionalized, individual actors within the organization often do not often consider their own involvement in the deviant behavior. Pressures to perform thus affect individual actions and promote an internal organizational culture that supports meeting organizational goals through illegitimate means (Vaughan, 1999, p. 14). In the war on terror, locating terrorists and determining their future agenda became a paramount organizational goal. This drove the increased pressure to obtain intelligence, with the assumption that winning or losing the war depended upon the acquisition of information. Those working at the operator level were told that their role in obtaining intelligence from detainees has global implications in preventing and responding to terror. This brought about increased pressure on the organization, and its members, to step-up intelligence gathering means.

One means by which misconduct becomes institutionalized as a means of achieving organizational goals is that oftentimes, those that do not comply with the sanctioned behavior are subject to replacement by those willing to engage in the behavior (Wilson, 1989). For instance, Brig. Gen. Rick Baccus, Commander of the military police at Guantanamo's Camp X-Ray and the subsequent Camp Delta prisons developed a reputation for being somewhat "soft" on detainees held at Guantanamo. While Baccus had no prison command experience prior to serving at GITMO, he had experience in a lockdown situation at the Adult Correctional Institute in Cranston, R.I. There, he served as a military liason responding to a call for military assistance from the State Police during a prison riot.

At Guantanamo, Baccus provided copies of the Qur'an to detainees, and distributed "rights cards". He expressed concern regarding accommodating eating rituals

for prisoners during Ramadan. He increased the number of recreation days for prisoners from one day to two days per week. These accommodations, while helping to ensure the smooth running of the facility by decreasing conflict between detention officers and detainees, conflicted with the ideas of military intelligence personnel working at the camp. Baccus was relieved of his duty in October 2002 as part of a reorganization of Camp Delta, and control over all aspects of the prison camp – *even over the MP's*- was transferred to military intelligence (Barry, Hirsh, and Isikoff, 2004). Days after Baccus was relieved of his duty as guard commander at Guantanamo, Maj. Gen. Dunlavey, then Commander of interrogation operations at GITMO, sought approval for the more severe interrogation tactics.

When harsh tactics were in use, however, the response from those higher in the chain-of-command seemed to reflect approval. For instance, in Summer 2003, Rumsfeld expressed frustration over the failure of interrogation efforts in Iraq to resemble the seemingly successful efforts at GITMO, where harsh interrogation tactics were being used. His solution, to “GITMOtize” the operations in Iraq, reinforced the use of these tactics as a means of interrogation. In another illustration, Charles Graner’s superior Capt. Christopher Brinson indicated in a Developmental Counseling form dated November 16, 2003 – following the routinized use of harsh techniques at Abu Ghraib - that Graner is “doing a fine job...[and] received many accolades from the MI units” (p. 1). Brinson goes on to tell Graner to “[c]ontinue to perform at this level and it will help us succeed in our overall mission” (p. 1). As the use of a variety of techniques by MP’s – such as forced standing and positioning, forced nudity, and hooding – were commonplace, particularly at the hard site where valuable detainees were held, it is

unlikely that Graner's superior was unaware of the use of these tactics by Graner and his subordinates. Once organizational crime or deviance becomes institutionalized, it generally persists until challenged by individuals or organizations internal or external to the organization itself.

Administrators are indirectly responsible for establishing goals that are difficult or unlikely while failing to provide adequate resources to achieve them. Furthermore, they are also directly responsible by conceiving and ordaining this behavior by establishing contextual goals. Contextual goals are the constraints on how organizational goals are achieved, and the goals that indicate the context in which the organizational goals are to be attained. For example, it became clear that "pressures for additional intelligence and the more aggressive methods sanctioned by the Secretary of Defense memorandum resulted in stronger interrogation techniques that were believed to be needed and appropriate in the treatment of detainees" (Schlesinger, 2004, p. 911; Strasser, 2000, p. 6).

The multiplicity of goals, and the inconsistency of goals among subunits, also led to problems. For instance, though the military and LEA (CITF and FBI) interrogators shared identical goals of obtaining intelligence to prevent future attacks on Americans, LEA has the additional goal, and thus responsibility, of seeking to obtain reliable information from detainees that would be used in subsequent legal proceedings (Memorandum, 2002, December 12). These incongruent goals led to conflict among these agencies, where the FBI communicated their perception that the harsh techniques approved in the Executive Order that were being used during interrogations at GITMO, and later used in Abu Ghraib, were likely to generate inaccurate information, and that

techniques such as rapport building were much more effective in obtaining usable intelligence (2). There is evidence that Department of Defense CIA operators working at GITMO “represented themselves as officials of the FBI in conjunction with interrogation techniques not endorsed by the FBI” (Memorandum, 2004, May 18), and left the FBI open to being held accountable because the techniques were seemingly being used by “FBI” interrogators. The FBI clearly indicated these tactics produce “no intelligence of a threat neutralizing nature...and have destroyed any chance of prosecut[ion]” (Memorandum, 2004, October 29).

Even when the goal of the organization is clear - such as to obtain information about terrorist organizations and future activity - the circumstances surrounding goal attainment is oftentimes confused or chaotic (Wilson, 1989, p. 37). The circumstances may lead interrogators or military police, for instance, to not only define their job in terms of the organizational goal, but also in terms of “handling the situation” or “taking charge”. Supplemented by the perception of inherent physical danger associated with the job, a central imperative may also include remaining unharmed. These situational imperatives may have their greatest impact on how operators/actors “define their tasks when the organization must deal with uncooperative or threatening clients face-to-face” (p. 40). A Florida corrections officer sent to Abu Ghraib as a reservist with a military police company, one sergeant stated “Most of the time I felt like my life was in danger... I always thought something was going to happen” (Higham, White and Davenport, 2004). Military Intelligence and Military Police personnel at Abu Ghraib reported that they perceived that the outpost had little support from the Army, and assessment that was likely compounded by the routine attacks upon the prison (Jones & Fay, 2004, p. 1049).

Injuries, and several deaths, to soldiers were the result of frequent and routine mortar attacks waged upon the prison. Having little control over the organizational ecological environment combined with perceived lack of fairness about the conditions under which personnel were operating

Meanwhile, the resources necessary to achieve the organizational goals were admittedly scarce. In October 2003 (about when the abuses were reported to have begun), Abu Ghraib, the largest among 17 detention facilities in Iraq, held upwards of 7,000 detainees with only about 90 personnel from the 800<sup>th</sup> MP Bgde. (Schlesinger, 2004). The prison was “seriously overcrowded, under-resourced, and under continual attack” (p. 913). At some points during its operation, the ratio of military police to detainees was about 1 to 75; this is contrast to the MP to prisoner ratio found at GITMO during points of its operation, one MP for nearly every prisoner (Schlesinger Report, 2004).

### Structure

Like organizational characteristics and processes, organizational structure is an important factor in explaining the events at Abu Ghraib. The complex nature of organizational structures, like that of the U.S. military, creates opportunities for criminal or deviant conduct (Vaughan, 2001). The U.S. military is a complex, highly bureaucratized system composed of isolated agencies, like the prison at Abu Ghraib. Complexity of the agency provides an ideal setting for the isolation of criminal activity, or acts that violate a moral code, and the “masking [of] organizational behavior,” (Vaughan, 2001, p. 326).

In addition to complexity, organizational vagueness and ambiguity were evident

in the structure of the prison. Despite the fact that the prison was considered a military operation, there was no official doctrine, training or approved structure for the JIDC at the time of its establishment and initial operation. In contrast to conventional military operations, the standard operating procedures, tactics, procedures and other directives were not in place when the facility opened. Thus “most of the processes and procedures were developed on the fly based upon the need of the situation” (Jones & Fay, 2004, p. 1047).

“No centralized management system existed to manage interrogation operations” (Jones & Fay, 2004, p. 1051). Rather than establishing a clear chain of command, which would subordinate involved subunits, such as military police and military intelligence, the subunits remained compartmentalized. There was no single individual who was in charge of all aspects of detention and interrogation operations at the Abu Ghraib JIDC.

The creation of the joint task force at Abu Ghraib was not an unusual approach for the organization. However, the lack of a definitive chain of command leading to a single authority was exceptional, when comparing the Abu Ghraib JIDC to others. Having operated JIDC's since 1989, the Army is normally tasked by the Joint Force Commander (in this Lt. Gen. Sanchez, CJTF-7 Commander) to set up and manage prisoner of war and detainee operations for the deployed force. In the case of the JIDC at Abu Ghraib, Col. Pappas, under the command of Lt. Gen. Sanchez, was left to establish the organization. In a critical decision, he decided not to place a battalion commander in charge of the operation. Instead, in setting-up the organization, he decided to rely upon staff personnel to manage the entire operation. Those already at Abu Ghraib were to transition the operation from the current structure to the JIDC, with additional support

imported from other detention operations, like Camp Cropper. The imported personnel included Cpt. Wood, whose leadership was questionable to due abuse under her command; and Lt. Col. Jordan, a Civil Affairs officer since 1993 with no experience in interrogation operations who would be assigned the position of Director of the JIDC. For his role in the Abu Ghraib abuses, Pappas , Commander of the 205<sup>th</sup> Military Intelligence Brigade, was relieved of command on May 13, 2005, received a letter of reprimand, and was fined.

Furthermore, military officials had become aware of the problems resulting from multiple commands executing detention operations in the War on Terrorism as early as August 2002. Following the establishment of two joint task forces at GITMO to operate detention facilities, officials detected “difficulties in command relationships” and the two task forces were reorganized into a single command unit – JTF-G (Schlesinger Report, 2004, p.943). The purpose of the reorganization was to “enhance unity of command and direct all activities in support of interrogation and detention operations” (p. 943).

### Rules and Regulations

Often the vast amount of written rules and procedures, the extent to which they are vague or acceptable, their newness and perceived relevancy have all been associated with the systematic production of organizational deviance (Blau, 1955; Vaughan, 1982; Oliver, 1991; Elsbach and Sutton, 1992). The prison at Abu Ghraib, however, was not characterized has having extensive rules and procedures. Rather, the lack of actual or applicable regulations, and the vagueness about some rules and regulations was paramount. This was a contributing factor to the treatment of detainees in a way which

was later to be determined abusive and/or torturous.

The availability of any explicit policy for the detention and interrogation of “enemy combatants” or those detained at the prison at Abu Ghraib was absent. The most current manual for operations and training in interrogation techniques in 2004 was the Army Field Manual 34-52 “Intelligence Interrogation”, updated in 1992. The military interrogators at Abu Ghraib were trained by this doctrine, which included techniques and restrictions. The manual lists seventeen sanctioned interrogation methods, and “has been the standard source for interrogation doctrine within the Department of Defense” (Schlesinger Report 2004, p. 911). These regulations are considered an adequate *basis* for soldiers, but are out-of-date in its treatment of the management and operation of detainee facilities. In particular, the procedural guidelines were directed at conventional military warfare, and “was not sufficiently or doctrinally clear for the situation in Iraq” (Jones & Fay, 2004, p. 1035).

The provision of an inadequate, out-dated detention and interrogation doctrine left personnel at the Abu Ghraib facility unclear about the standard operating procedures in their theatre of operations. Consequently, the arrival of assessment and/or training teams with established doctrines were likely to influence the development of guidelines for operation. Tracing the evolution of the interrogation guidelines eventually developed and used at the Abu Ghraib facility, an investigating team acknowledged that both interrogators and lists of techniques used in interrogation spread from Guantanamo and Afghanistan to Iraq. In the months of July and August 2003, the 519<sup>th</sup> Military Intelligence Company, which had been assisting Special Operation Forces (SOF) in interrogations, was sent to Abu Ghraib detention facility to conduct interrogation



operations. Lacking any explicit policy or guidance, other than that provided in the field manual (FM34-52), the officer in charge prepared draft interrogation guidelines that were a nearly identical to the Standard Operating Procedures created by Special Operation Forces (SOF) that was published in February 2003 (Schlesinger Report, 2004). This is no surprise considering that prior to their deployment to the Abu Ghraib facility, the 519<sup>th</sup> MI Company assisted in interrogations conducted by SOF, and were therefore fully acquainted with their tactics.

In addition, assessment and training teams led by the Commander of GITMO, Maj. Gen. Geoffrey Miller arrived at Abu Ghraib in August 2003 for the purpose of providing training on such interrogation related issues as screening, prioritizing, planning and preparation, approaches to and questioning during interrogations, detecting deception, interpreter control, and reporting. Miller's purpose there was to address the current ability to exploit detainees quickly for usable intelligence. Miller brought with him the Secretary of Defense's April 16, 2003 memorandum approving of the stronger interrogation techniques. Miller not only provided the written policy to CJTF-7, but also recommended it as a potential model for a theatre-wide policy (Schlesinger Report, 2004, p. 912). It is important to note that Miller indicated to CJTF-7 that the techniques were approved for unlawful combatants at GITMO, and "was not directly applicable to Iraq *where the Geneva Conventions applied*" (p. 912, ital. added).

Using the reasoning from the President's memorandum dated February 7, 2002 which defines unlawful combatants, CJTF-7 Commander Sanchez believed that the tougher measures outlined in the Secretary of Defense's memo were applicable and warranted because there were indeed "unlawful combatants" detained among the

prisoners. Further, after consulting with his Staff Judge Advocate, he reasonably determined that he had implicit authority to make determinations to categorize detainees according to their status under Geneva. His assumption was reasonable, considering that the rank of the determining official was never indicated. If not the senior official in the entire theatre, what other official would have the authority to make such determinations?

But disagreement and uncertainty about the rules for treating detainees erupted with the conflicting orientation of the various subunits. The military police and military intelligence personnel were a significant part of the operations of the organization, yet operated under alternate and often conflicting regulations for the treatment of detainees (Jones & Fay, 2004). Military Police are oriented to the Department of Defense-wide regulations and procedures. These came into conflict with the “theatre-specific, counter-resistance and interrogation policies the Military Intelligence interrogators followed” (Jones & Fay, 2004, p. 1038). For instance, a military intelligence order to use dogs or strip a detainee as interrogation techniques conflicted with army regulations, but was consistent with theatre interrogation and counter-resistance rules. This resulted in a predictable level of strain among military intelligence and military police.

The conflict was further compounded by the inclusion of military police in interrogations, a practice encouraged by Maj. Gen. Miller upon his visit to the Iraqi prisons. This may indeed explain how these harsh interrogation practices moved beyond the scope of interrogation to be included in detention operations. After all, utilizing military police to exploit prisoners for intelligence would provide a seemingly endless form of interrogation, as military police are continuously involved in the management of their detainees.

It is evident that these subunits within the prison organization were unfamiliar with and were uncertain about the boundaries imposed upon their own groups and the other groups working at the facility. Personnel working in roles such as processing and fingerprinting reported never feeling the need to “have an understanding of the Department of Defense and/or Department of Justice authorization for permitted use of certain interrogation techniques....[as their role] was only to process and fingerprint prisoners” (Detainees-3136, 2003, p. 2).

Among those groups resistant to adopting the authorized aggressive interrogation techniques was the FBI. Numerous documents indicate that supervisory agents within the organization warned of utilizing such tactics, and that they “instructed personnel not to participate in interrogations by military personnel which might include techniques authorized by the Executive Order but beyond the bounds of standard FBI practice” (Luckenhoff, 2002, p. 1). In a 2004 memo written by an FBI official reflecting on the FBI’s role in interrogation practices in Iraq, the FBI considered physical beating, sexual humiliation or touching, and other conduct clearly constituting abuse to be prohibited for their agents (Luckenhoff, 2004). The memo acknowledged that there “may be a problem if OGC (Office of the General Counsel) does not draw a clear line between conduct that is clearly abusive and conduct that, while seemingly harsh, is permissible under applicable Executive Orders and other laws” (p. 2). Not only was the FBI indicating a clear delineation between what constitutes as abusive and non-abusive methods, but also making it clear that the General Counsel, charged with determining the legality of particular techniques, left these distinctions undefined. It became clear that the FBI was unsure what techniques other agencies were allowed to use, primarily because the

doctrine being used as policy to guide the use of the techniques in question was ambiguous.

Another apparent illustration of the vagueness and complexity about rules and regulations may be found in the establishment and operation of the JIDC. Standard operating procedures (SOP) are developed in each agency to reduce the chance that an important contextual goal or constraint is not violated. Large bureaucracies have SOP's; public bureaucracies may have more because in addition to managerial problems arising out of size and complexity they must conform to the politically enforceable constraints asserted by external constituencies (Wilson, 1999). Upon the establishment of the JIDC at Abu Ghraib, there was no joint doctrine under which detainee operations were to be conducted. This was despite the fact that the Army has been operating JIDC's since 1989. While the JIDC had no initial doctrine, personnel within the organization had been oriented to their own subunit doctrines particularly addressing interrogation and detention. It was not until October 12, 2003 that standard operating procedures were produced for specifically for the JIDC at Abu Ghraib. These standards, created by Captain Carolyn Wood, addressed "requirements for monitoring interrogations, developing detailed interrogation plans, delegating interrogation plan approval authority to the Interrogation Officer in Charge (OIC), and report writing (Jones & Fay, 2004, p. 1037). It failed to provide direction regarding Interrogation and Counter-resistant Policies, and related approval requirements or procedures. As a result, interrogators would frequently use approaches or techniques without prior approval or authorization, with the knowledge of their immediate supervisors.

Many of the techniques being used on prisoners by military police that were later

revealed in the photographs released to the public are not indicative of a disorganized abuse. Rather, they reveal a calculated use of methods that have been systematically developed and considered effective in the past. For instance, the combined use of stress positions, such as forcing the prisoner to stand or balance on a box for a long duration, is a common technique of torture. The use of forced standing is a technique recognized by intelligence agents across the world, and is popular because it leaves virtually no evidence. The hooding of detainees while exposing them to the threat of or actual electrocution and sensory deprivation as tactics added to forced standing is a combination technique developed by the Brazilian military. Known as “the Vietnam”, it combines the use of an interrogation tactic used during the Vietnam conflict by the North Vietnamese (forced standing) and by both South Vietnamese and American interrogators (electrical torture). A photograph depicting a hooded Abu Ghraib prisoner attached to electrodes while positioned on a box reflects the use of the technique by military police at Abu Ghraib, indicating that those using the technique were trained in this particular tactic.

### Hierarchy

The hierarchy of authority is normally apparent in the military – not only in terms of oversight, but also responsibility. According to the Army Field Manual 27-10, the doctrine of command responsibility a commander is *legally* responsible not only for orders handed down but "if he has actual knowledge, or should have knowledge ... that troops or other persons subject to his control are about to commit or have committed a war crime and he fails to take the necessary and reasonable steps to insure compliance with the law of war or to punish violators thereof" (para. 501).

While the prison at Abu Ghraib was considered an American military facility, the organization of the prison involved groups that originated from non-military sources, including government and non-government agencies. The involvement government agencies outside of the military, such as the CIA and government contracted workers, led the chain-of-command to become confounding and uncertain. There is ample evidence that there was a serious lack of training for guard and interrogation personnel to the prescribed rules and techniques, operational procedures, and roles and responsibilities of others at the Abu Ghraib prison (Jones & Fay, 2005, p. 1050). This led to uncertainty and confusion, particularly among the military intelligence and the military police, and hostility among the two groups due to lack of clarity about duty and work load.

With different sources of command, training experience and doctrinal and regulatory responsibilities, MI personnel were completely ignorant of MP “lanes in the road” or rules of engagement, and vice versa. This type of overlapping and imprecise jurisdiction arrangement within the organization of the prison was precisely the type of arrangement that creates organizational complexity and vagueness, and conflict among formally and informally aligned groups.

For instance, in a legal brief to the Commander of Joint Task Force 170 on proposed counter resistance interrogation techniques, stripping detainees of all clothing was an considered lawful as long as the practice was not used to punish or inflict harm, and could be justified through a “legitimate governmental objective to obtain information” (Beaver, 2004, p. 235). Though how one was to determine what qualified as a legitimate government objective was left undefined, and who possessed the authority to make this assessment was not specified.

Another example of this is found in a critical memorandum issued by Secretary of Defense Rumsfeld, which eventually became the foundation upon which interrogation procedures and policies at GITMO and later other detention/interrogation operations. He orders that “guidance with respect to techniques [including change of scenery, dietary manipulation, environment manipulation, sleep adjustment, false flag, and isolation] will need to be developed by the appropriate authority”, making no direct mention of who that may be (Memorandum, 2003, April 16). While in other sections of the memorandum Rumsfeld refers to senior interrogators as those approving of techniques on a *case-by-case basis*, he makes no mention of their title or ranking, and does not refer to senior interrogators when referencing the decision authority. The exclusion of any definitive authority in the memo is somewhat contradictory to the inclusion of the statement that a strict adherence to the standard operating procedures and policies that regulate interrogation practices and oversight is “essential”. The use of the technique of ‘fear up harsh’, under which the use of dogs was used to significantly increase the level of fear of detainees, required no advanced approval prior to use. In the same memoranda, Secretary of Defense Rumsfeld provided extensive latitude in the application of the approved techniques, and suggested that knowledge of the detainees “culture, strengths, weaknesses, environment, and extent of training in resistance” may require some variation of the endorsed tactics (Memorandum, 2003, April 16). In addition, the directive provided that “reasonable latitude” also depended upon the “urgency of obtaining information the detainee is known to have” (Memorandum, 2003, April 16). To emphasize the potential variation in tactics, he states “[t]he title of a particular technique is not always fully descriptive of a particular technique”; and though he states

in situations where a tactic could produce physical pain or harm the tactic must be clearly delineated and pre-approved by the “decision authority”, there is no direct mention as to who maintains that authority (Memorandum, 3003, April 16). Any standard application of the tactics was not encouraged in the memo, which argued that [d]etainee interrogation involves developing a plan *tailored to an individual* and approved by senior interrogators [no rank or title stated]” (Memorandum, 3003, April 16, ital. added).

It is clear, however, that some tactics used to solicit information, such as sleep deprivation, were left to military police to implement (Pappas, 2004, February). And while there is evidence that the instructions to carry out such tactics were, at least at times, put into writing, the chain through which these instructions were passed was not routinized or clear. In his sworn statement, Col. Pappas (2004) indicated that orders such as these “were probably given to who ever was at the sally port [detention doors] at the time that the interrogators went down to coordinate that action. *There was no formal system that was in place that I am aware of to –that would for example, send it through – guarantee that it was sent through the chain of command* (p. 4, ital. added).”

To complicate the establishment and institutionalization of any detention and/or interrogation policy was the continual, frequent modification of policy. This resulted in multiple policies being circulated simultaneously, and the ongoing changes left personnel uncertain as to the current doctrine.

Confusion about the chain-of-command and communication within the organization was an experience commonly reported by those at varying ranks within the prison, and also those charged with evaluating the processes of the prison organization. One evaluative report concluded, “[i]t is unclear how and under what authority the CIA



could place prisoners...in Abu Ghraib because no memorandums of understanding existed on the subject between the CIA and CJTF-7 [the forward deployed headquarters for Operations Iraqi Freedom].” (Greenberg and Dratel, 2005, p. 1057).

According to the Fay-Jones report issued August 2004, appropriate oversight of contract workers at Abu Ghraib was inadequate, and several of the abuses at Abu Ghraib were committed by government contract workers (Wilson, 1989). Brig. Gen. Janice Karpinski, then commander of the prison, indicated that it was unclear as to her authority in the oversight, management, and chain of command regarding not only government contract workers, but also workers from other government agencies (Copeland, 2004). While she was in charge of the military police at the prison, she had no authority or control over interrogations conducted by military intelligence, CIA, or private contractors.

The ambiguous command structure within the prison was compounded by the confusion on the chain-of-command up the hierarchy. While the 800<sup>th</sup> MP Brigade was originally assigned to the Central Command’s Combined Forces Land Component Commander (CFLCC), CFLCC departed from operations in Iraq and returned to the United States (Schlesinger 2004). Thereafter, the 800<sup>th</sup> MP Brigade worked for CJTF-7, established by CENTCOM following the departure of CFLCC, but was still under the direction of CFLCC (now in Georgia, United States). Sanchez, Commander of CJTF-7 appointed his Deputy, Maj. Gen. Wojdakowski to be responsible for detention operations in Iraq; but the intelligence personnel working at the detention centers like Abu Ghriab reported to CJTF-7-C-2, the Director for Intelligence, not Wojdakowski. In other words, no one individual was responsible for the operation of the prisons.

In the case of government sanctioned authority, decreased accountability of those in positions of authority, and possibly the government agency- at large, is also brought about by the private delivery of public sanctioned services (Wilson, 1989, p. 348). Contractual arrangements with CACI, Inc. and Titan for intelligence related services, including interrogation services, compounded the complexity at Abu Ghraib. Workers from the private sector provided linguist services for intelligence operations at the prison. The contract allowed Titan to provide and manage linguists that served as various levels of security, some requiring background investigations (Jones & Fay, 2004, p. 1052). The second contract agency represented at Abu Ghraib, CACI, Inc. delivered services such as “interrogator support” human intelligence contractors, including “Senior and Junior Counter-Intelligence Agents” and “Tactical/Strategic Interrogators” (p. 1052). According to CACI, the organization had no more than 10 interrogators assigned to the Abu Ghraib prison at any given time, and during that same time CACI maintained approximately 140 other personnel who were working in a wide range of operations – from intelligence to project support work – in Iraq.

While it may be necessary to contract some functions out-of-house, it disables the Army’s ability to manage the operation when all personnel are not directly and clearly subject to the military chain of command and the related criminal and administrative sanctions. The inadequacy of on-site management of contract employees was evident at Abu Ghraib, along with an understanding of the relationship between the roles of contract workers and military and other government personnel.

The Fay Jones (2004) report noted that the contracting system did not ensure that personnel were properly trained, and that management resources were scarce. There

were few “contracting officer representatives”, or those military employees responsible for oversight of contract workers; they hardly had the time to keep up with the necessary paperwork. The report indicated that over half of those serving at Abu Ghraib had insufficient training and a poor fitting background for their assignment. Furthermore, personnel were oftentimes being asked to perform duties that fell outside of the scope of their duties and expertise. According to the Jones and Fay investigation, private employees serving as interrogators and interpreters at Abu Ghraib operating under contract with the Department of Interior participated in the abuses, either in alongside military or other government personnel, or by directing the activities (2004:130-135). Because of the strain placed on interrogators – due to external pressures for intelligence and the lack of adequate resources – contract personnel were routinely conducting interrogations. While it may be argued that commanders are ultimately responsible for the training of personnel, it is nearly impossible for them to keep up with the expanding military and civilian efforts in Iraq.

“Several people indicated in their statements [regarding Abu Ghraib operations] that contractor personnel were ‘supervising’ government personnel or *vice versa*....CACI employees were in positions of authority, and appeared to be supervising government personnel” (Jones & Fay, 2004, p. 1055). There were organizational charts at Abu Ghraib depicting civilian workers who were placed “in charge” of military personnel, who were then subordinate to their authority. Even Captain Wood indicated that CACI personnel supervised military personnel, a practice contrary to military doctrine.

The contracting system, according to the Jones and Fay Report (2004) failed to ensure that linguists and interrogators that were properly trained and evaluated prior to

their being hired for operations at Abu Ghraib. There were too few “contracting officer representatives”, or military representatives who are directly responsible for the oversight of contractor duties. Commanders are ultimately responsible for the training for all military and civilians, and the military is responsible for verifying that contract workers meet the required qualifications. But when new contract workers arrived for duty in Iraq, it was CACI employees, rather than military personnel, that interviewed and assigned them to their duties. This lack of oversight in the appointment process may have contributed to conditions in which contract employees came to be in positions of authority over soldiers, according to the Jones and Fay Report (2004).

The lack of clarity about the chain-of-command at the Abu Ghraib prison resulted in decreased accountability within the organization. In reflecting upon the allocation of responsibility for oversight of operations within the prison, Jones and Fay identified a number of ways in which the chain of command was confounded due to bureaucratization and concentration of authority. For instance, they concluded that staff responsibility for detention and interrogation operations was dispersed among various roles, and the absence of a single CJTF-7 staff proponent for detention and interrogation operations resulted in conditions where no individual staff member focused on these operations (Jones & Fay 2004)

In addition, Jones and Fay illustrate how the chain of command was confounded because roles were not clearly sanctioned. Considering the Abu Ghraib prison organization was largely occupied and managed by military personnel, it is surprising to find that “references to titles is useless as a way to sort through this because there was no actual manning document for reference; *people made up their own titles as things went*

*along*. Some people thought Col. Pappas was the Director; some thought that Lt. Col. Jordan was the director” (Jones & Fay, 2004, p. 1047).

Furthermore, it is clear that individuals were consistently assigned to positions of authority (over operations, personnel and/or detainees) within the organization of the prison for which they were ill-prepared or had no formal training or previous experience, despite the repeated recognition for the importance of training for persons in such positions articulated in the memos on approved techniques.

While it may seem that guards and interrogators may have been in a better position to evaluate prison operation problems versus those in more upper level positions such as Karpinski, the existence of a great number of contextual goals or constraints would demands that authority be pushed toward the top of the chain-of-command. The greater the number of contextual goals there are, the greater the risk in allocating authority to those operating at the “front-line” of the organization (Wilson, 1989, p. 133). Yet there was no centralized authority within this prison organization (Jones & Fay, 2004). In some organizations, such as police departments and public schools, there is less centralization, a coinciding tension between the need for operators to have discretion and the near certainty that those in managerial posts will be held responsible when something goes wrong. A number of documents make evident that the allocation of authority was unclear, and that discretion was left to those working at the operator level, on case-by-case bases.

### Complexity and Growth

Also contributing to the problem of complexity, organizational growth can

create distances between subordinates and those at the top and promote “authority leakage”, or the decreased accountability among those in authority (Vaughan, 2001, p. 327). With growth, subunits within the organization may engage in crime or deviance in order to ensure their own survival despite conflict with larger organizational goals. When these subunits are isolated due to geographic dispersion or other organizational features such as secrecy, as are the prisons subjects of this study, this may lead to an insulation of the behaviors and events within the subunits. Consequently, secrecy about the acts and the accountability of not only the organization but also the direct and indirect actors may increase. Vaughan (2001) points out that “[as] organizations grow larger, specialized subunits result, each providing opportunity to engage in unlawful behavior on the organization’s behalf...” (p. 326). Furthermore, in order to ensure their own survival despite conflict with larger organizational goals, these subunits may engage in illegal behavior, such as falsification of records. As stated earlier, Department of Defense CIA operators working at GITMO represented themselves as FBI interrogators while utilizing interrogation techniques not endorsed by the FBI. Their impersonation of FBI agents allowed them to operate without accountability, as the revelation of their use of these tactics would leave the FBI “holding the bag before the public” (Memorandum, 2004, October 29).

Central Intelligence Agency operatives were not only engaged in impersonating those from other agencies, they also failed to process detainees brought into the Abu Ghraib facility for interrogation purposes. Central Intelligence agents had previously attempted to place high value detainees captured during secret missions at the high-level security prison Camp Cropper near Baghdad International Airport. Yet attempts to house

unnamed prisoners there were met with skepticism, and the MP Commander there argued against detaining the unnamed captured, and eventually turned the operatives away (White, 2005, Mar 24). The CIA then looked to Abu Ghraib as it became transformed into an American detention center for the war. These ‘ghost’ detainees began arriving in September 2003, and were generally not accounted for or unidentified in the Abu Ghraib detention system (Jones, 2004). Known locally as ‘ghost detainees’, these individuals were brought in for interrogation and detention by CIA or “other government agency” personnel. The practice of ghosting detainees was not only known by Col. Pappas at that time, but also Defense Secretary Donald Rumsfeld, who approved the detention of an unregistered detainee who later died in custody (Memorandum, 2005, March 24). In a 2005 interview, one former Justice Department lawyer who left the department in 2002 stated he believed that the administration “had always wanted to leave a loophole where the C.I.A. could engage in actions just up to the line of torture” (Jehl and Johnston, 2005, p. A-1).

Because the CIA did not follow (albeit loosely) established procedures for detainee intake processing, Abu Ghraib personnel were unable to provide any information on those detainees to headquarters. Even if the CIA operatives did provide information on detainees, the information provided, such as the detainees name, was often fabricated (Jones & Fay, 2004). This practice contributed to the loss of accountability and the increasing conflict among subunits at the prison, but also put military personnel in a position that places them at-risk of non-compliance with their independent rules and regulations.

These factors contributed to conditions of structural secrecy. Facilitated by the

division of labor and persistent hierarchy, structural secrecy segregates knowledge about both tasks and goals (Vaughan, 1996). Under these conditions, Vaughan argues, information will always be incomplete and the likelihood of crime or deviance increases when either tasks or information cross internally prescribed boundaries. Furthermore, the ability to both detect and avoid activities that go against the normative standards is reduced by the segregation of knowledge. Classification schemes and the persistence of technical language within organizational structure further prevents the communication of certain information, thus leading to what March and Simon identify as “uncertainty absorption” (1958, p. 165).

#### Formal and Informal Training

Generally speaking, members of the military undergo intense, formal training that represents a form of indoctrination. While I do not argue that the training that military personnel working at Abu Ghraib created torturers, it is arguable that the intense group training and emphasis on the obedience to authority were essential components in bringing about the conditions for the torture at Abu Ghraib. As important is the training that was provided to personnel, the lack of training to prepare them for the conditions and situations they encountered at Abu Ghraib was compounding.

While the intense provision of training is a contributing factor, the lack of training about certain processes and procedures- particular those related to interrogations – was striking. Though military intelligence and military police participated in interrogations, they were provided with minimal training on interrogation policies and practices. The U.S. Army provided interrogation training at the Soldier level as a part of their initial



entry training, with the active component utilizing the same interrogator training program as the reserve component. The 16 ½ week course for those in the initial entry training concentrated on the “conduct of tactical interrogators during a *conventional war*” (Jones & Fay, 2004, p. 1030, ital. added) and consisted of training on the “collection prioritizing, screening, planning and preparation, approaches, questioning, termination of interrogations” (Jones, 2004, p. 1030). This includes some training on and measurement of knowledge and application of Geneva Conventions; interrogators are required by Army regulations to refresh their Geneva Conventions training annually, but follow-up training is difficult and often impossible to obtain once the soldier is deployed. Provided that soldiers, having just completed a basic interrogation course, are being deployed almost immediately following their arrival to their assigned unit, most have had no follow-up training. Indeed, one soldier deployed to Iraq as a member of the 372<sup>nd</sup> Military Police Company indicated that prior to his departure to Iraq, his training on the Geneva Conventions consisted of receiving a card.

At the time of the abuses at Abu Ghraib, there is was formal advanced interrogation training. In fact, there is little, if any, formal training provided to Military Intelligence commanders and supervisors, who are responsible for the oversight and assignment of interrogation units, interrogation training, and deployments (Jones & Fay, 2004, p. 1030). The Department of Defense directed a Strategic Debriefing Course for all services in the military, but only interrogators who were assigned to “strategic debriefing assignments” were permitted to attend the training (Jones & Fay, 2004, p. 1031). Tactical operators, like those at Abu Ghraib, would have been ineligible to participate in this training. Non-commissioned and commissioned officers received very

limited training in interrogation; and the training that provided was generally aimed at training in interrogation *management* rather the operations and margins of legality. As a result, most of the interrogator training was informal, and occurred “on-the-job”.

For soldiers at Abu Ghraib, the interrogator training may have been appropriate for conventional warfare, but was severely insufficient and inapplicable to the War on Terror, and to the organization of the Abu Ghraib prison with its multi-agency composition. In particular, the political and legal events that led captives at Abu Ghraib to be deemed “enemy combatants” and not protected under the Geneva Conventions, made the training poorly suited and thus the soldiers ill-prepared. While the administration indicated the captives would be treated in the spirit of the Geneva Conventions, it clearly sought their exemption from the protection. Having received no training on the treatment of interrogation subjects who were not protected, soldiers were confused about how they should be applied if at all, their duty to report violations, and so forth. While words like “abuse” and phrases such as “humane treatment” were being communicated among political elites, there was no organizational policy (or for that matter national policy) that served to direct or regulate.

The inadequate and arguably inappropriate training of interrogators working at Abu Ghraib, combined with the lack of any consistent standard operating procedure and chain-of-command, the risk for variation in the ambiguous approved techniques increased. There is ample evidence that there was a serious lack of training for guard and interrogation personnel to the prescribed rules and techniques, operational procedures, and roles and responsibilities of others at the Abu Ghraib prison (Jones & Fay, 2005, p. 1050).

It is clear that among Military Police, Military Intelligence, and contract workers assigned to the Abu Ghraib prison, most had little if no training or experience in prison operations. With the exception of the reserve component military police that had previous civilian law enforcement experience, most of the military police had no experience or training in prison work prior to their assignment at Abu Ghraib. While most training occurred informally within the organization of the prison, additional training was provided by mobile training teams, like that from GITMO.

As discussed earlier, the outline of techniques that were approved for use at GITMO in April 2003 eventually came to serve as the basis for approved techniques for the CJTF-7, led by Richardo Sanchez, the senior military officer in Iraq until July 2004 (Jones & Fay, 2004). It is clear that some of the interrogation techniques used at Abu Ghraib that were considered abusive and torturous following the release of the first series of photographs were brought to the Abu Ghraib prison from other prison camps. For instance, the use of nudity as technique of interrogation or incentive to elicit the cooperation of detainees did not originate at Abu Ghraib. Rather, this technique can be traced to operations in Afghanistan and particularly GITMO. Furthermore, the use of dogs and Dog Teams were brought to Abu Ghraib on the recommendation of M.G. Geoffrey Miller's assessment team from GITMO. Miller had suggested that the dogs would be useful in both detainee control and custody issues. In addition, a number of documents discussed the use of dogs to "fear up", or induce fear in detainees. While the approval of this particular use of dogs was rescinded, these documents were considered influential in the decision by prison personnel to use dogs in this fashion (Jones & Fay, 2004, p. 1025).

## Summary

In this chapter, I began by examining the role of organizational mission and culture at the Abu Ghraib prison, and the how particular features of that culture normalized the use of torture. I discussed the role of socialization in shaping both the identity of those working within the organization as well the detainees. In addition, I outlined how the organization's structure promoted or sanctioned the use of torture among personnel. I demonstrated how features such as organizational secrecy, isolation, complexity and vagueness created conditions that facilitated the use of torture. I also identified organizational problems such as inadequate training, role assignment, personal insularity, and role and hierarchical uncertainty as factors contributing to the abuse of detainees. In the following chapter, I consider the intersection of the organization – its context, structure, processes, and features that have been articulated to this point – as it intersects with individual decision-making and action.

## CHAPTER VI

### THE STAFF: COGNITION IN CONTEXT

#### Background

This discussion focuses on the influence of the social context – the environment and the organization in particular – on individual decision process, choice and action. Traditionally, decisions to engage in deviant behavior within the organization has been largely explained in terms of rational choice: decision makers calculate the costs and the benefits of using illegitimate means, and will use those means if the benefits outweigh the costs. Yet, this explanation fails to consider the structural and organizational forces that influence actor's decision making, and rests upon the unsubstantiated assumption that actors make rational choices within the scope of their knowledge. Most significant for understanding individual choice is to situate the actor within the context of the organization, which exists within the organizational environment. Integrating these three levels of analysis, we can examine how institutional and organizational forces influence actors within the organization.

Though actors within a given organization bring with them prior experiences, beliefs and attitudes, the literature suggests that attitudes are less influential than situational imperatives in shaping the way tasks are performed. An attitude may be defined as an individual's evaluation of some entity, such as a policy or another person, in their environment. The behavior we engage in is not only affected by our evaluation of the entity, but also the positive or negative consequences associated with various forms of action. Behavior on the job is not only influenced by attitudes, but also controlled by

persons of authority and co-workers. Even in situations where attitudes may be influential, organizations can alter individual behavior without reshaping attitudes. “Any complex social structure has considerable capability for weakening the connection between individual behavior and individual beliefs and preferences,” (March and Olsen 1981, p. 253). Consequently, a key question in this chapter is whether individuals were adhering to organizational goals and SOP’s (instrumental), were these individuals’ acts manifestations of the structural features (structural), or a combination of both.

### Individual Experience

While most organizational sociologists argue that past experience and ideology to have minimal influence on how tasks are completed when tasks and roles are clearly defined, most agree that when tasks and roles are weakly defined, attitudes, beliefs and ideology are more influential in the performance of those roles and tasks (Wilson, 1989).

Having established that roles and tasks were commonly ambiguous within the Abu Ghraib prison, it is important to consider individual past experiences and how those may have contributed to the outcome. It is not within the scope of this research, however, to address the individual biographies of the approximately 160 personnel, 45 interrogators and 18 linguists/translators that were working at the Abu Ghraib prison at the end of 2003. Rather, the individuals that are the subject of this discussion are those that were working at the Abu Ghraib prison at the time of the abuses and were subsequently held responsible for one or more of the events that took place.

While not exhaustive, this discussion represents an endeavor to explain how aspects of experience may intersect with inter and extra organizational conditions to

facilitate the abuse of detainees. In addition, I shed light on assignment of the individuals, considering their past experiences, to specific roles within the organization, thus providing greater opportunity for and likelihood of crime.

### Socialization

While there are a variety of sources and agents of socialization at work in this case, I have argued earlier in this thesis that the internalization of political ideology that defines the war, the enemy, and the mission were strongly influential. Furthermore, in arguing previous training and experience as important components to defining the situation and tasks, I consider these as sources for defining the situation.

### Defining the Situation

In order to understand why rank-and-file members and managers act as they do it is essential to understand what they consider to be their central imperative, or “critical task” (Wilson, 1989, p. 38). Critical task refers to those “behaviors that enable the organization to manage its critical environmental problem” (p. 27). In his analysis, which includes an application of his model to both prison and military organizations, Wilson states that organizations work to manage several problems including how to define and perform the critical task.

The situational definition, as essential as it may be, does not determine how individuals within the organization of the Abu Ghraib prison will act within the situation. In illustrating the influence of supervision, Wilson states “as a corrections officer...precisely how you go about achieving and maintaining control will vary with

your personality and the administration of the prison. How you perform your task will vary upon how you are supervised, but the central problem will be defined, regardless of the supervision, by the imperatives of the situation you confront daily” (Wilson, 1989, pp. 38-39).

### Defining the Enemy

It is common to find ‘the enemy’ in imagery used by politicians, journalists and scholars. Most social sciences regard the phenomenon as grounded in commonly held stereotypes, or dehumanizing images of the out-group. The concept of the enemy is particular expression of the concept of the other. The other oftentimes represents a neutral or positive individual whose relation to the self promotes a particular identity of the self. These ‘others’ may even be accepted among ‘us’ as normal and having the rights of identity and being.

Yet in some cases, the relationship between us and them may be violent. Indeed, there are some others who are, in hierarchical terms, considered by ‘us’ to be relatively sub-human. The concept of “the enemy” typifies this relationship between ‘us’ and ‘them’. Zur (1987) proposes seven types of warfare have been witnessed among humans, categorized according to a particular type of enemy. Within this typology, Zur recognizes that some enemies are considered to be evil or particularly menacing, or an *evil enemy*. The evil enemy is seen as essentially different from ‘us’; nothing is seen as shared between the evil enemy and ‘us’; and we must abolish this enemy. It is important to recognize this conceptual distinction because the actions that are taken against the evil enemy are legitimized, rewarded, and even glorified, through religious ideology. The



evil enemy is commonly considered, in every way, an enemy of 'our' God.

Consequently, an elimination of the enemy is seen as the will of and in defense of "our" God, (Harle 2000, p. 12).

Harle argues that "the Other is applied to a number of situations where Otherness is connected to the identity-building process" (2000, p. 12). In the case of the evil other, a unique kind of 'the other', imagery emerges through observation of the subject, or through propaganda that tells us what our enemy looks like - its basic nature, and that it is at fault. This process differs significantly than the conceptualization of the 'other', which informs us of our identity through their *exclusion*. The manifestation of the evil other occurs if there is a elemental distinction between 'us' and 'them', in which the conflict can be understood in terms of "good" and "evil". 'We' are a representation of what is good'.

It is clear that through this process, the self identifies the enemy not on the basis of facts. The self interprets what is *perceived* as 'facts' in creating an image of the enemy. The enemy is constructed socially - it is a collectively produced. Though 'the other' does not automatically become the enemy through this process, the socialization process – and the sharing of these traditions in a society - is "the primary source of the Enemy" (Harle, 2000, p. 15).

#### Dehumanization and Neutralization

The process of dehumanization can be understood as "a guilt-reducing mechanism [that] functions to convince interested parties that no real person was, or is being, victimized" (Simon, 2006, p. 291). In the case of the Abu Ghraib prison, the construction

of detainees was not as persons, but as “others” who are a portion of a less-than-human collective, or “the enemy”. Mead used the term *generalized other* while emphasizing the rules used to guide action in society; it is “the law that must be obeyed; it is the system; it is the conscience of the group that individuals are expected to follow in social interaction” (Charon 2004, p. 164-5). The vocabulary used by the Bush Administration and media to describe the detainees – “enemy combatants”, “the enemy”, “terrorists”, “evil”- are symptomatic of stereotyping and dehumanizing. Language such as “counter-resistant techniques/strategies” was used to describe interrogation techniques involving the use of dogs to scare detainees, stripping detainees of all clothing, and 20 hour long interrogations. This special vocabulary is “designed to provide both the motive and neutralization of guilt” (Simon 2006, p. 290). Terms used by members of the Abu Ghraib prison organization reflected the very vocabulary used by policy makers, and provided definite and resounding support for acting violently toward other persons even when it was not required as a form of self-defense or reaction to provocation.

Furthermore, of the practices sanctioned by the Administration in the treatment and interrogation of alleged enemy combatants are likely to have led military, contract, and other agency personnel to dehumanize the detainees and neutralize the harm inflicted upon them. In the Final Report of the Independent Panel to Review DOD (Department of Defense) Detention Operations (The Schlesinger Report), the Independent Panel provided that “while the removal of clothing may have been intended to make detainees feel more vulnerable and therefore more compliant with interrogators, *this practice is likely to have a psychological impact on guards and interrogators as well. The wearing of clothes is an inherently social practice, and therefore stripping away of clothing may have had the*

*unintended consequence of dehumanizing detainees in the eyes of those who interacted with them* (2004, p. 973). Interviews with Abu Ghraib prison personnel revealed that the sight of naked detainees was common within the prison, and the practice of stripping detainees and leaving them naked for extended periods of time was a common practice in conducting interrogations. This technique, “not developed at Abu Ghraib, but rather which was imported and can be traced back through Afghanistan and GITMO”, set the stage for dehumanization, and other abuses to occur (Jones & Fay, 2004, p. 1023).

Countless additional techniques – including forced enemas, forced wearing of women’s clothing, forced masturbation, forced mutual touching, sexual fondling – are techniques that were used at GITMO and/or Abu Ghraib because they are uncomfortable and degrading. One prisoner told investigators that as a prisoner at Abu Ghraib, he was forced to wear women’s underwear, and repeatedly humiliated in front of [other prisoners] and American soldiers (Higham & Stephens, 2004, May 12). Most days, he was allowed to wear nothing else. The same detainee reported that he witnessed a military translator having sexual intercourse with a young male at the prison; hearing the boy’s screams, he climbed a wall to witness the assault, which was being photographed by a female soldier. The recurring themes of humiliation in the form of stripping, sexual assault and degradation, and photographing are indicative to the routinization of dehumanization at the prison through the use of these techniques. The techniques became legitimized as necessary for the defense of a nation. While these techniques may not have been individually and explicitly approved, the language of the memoranda that expanded the leeway of allowable interrogation techniques provided the loophole for these events to definitively ‘slip through’.

## Anonymity and Occupational Insularity

Conditions that allow individuals a sense of anonymity tend to produce de-individuation, where individuals - submerged and anonymous - suffer from a loss of self-awareness (Zimbardo, 1969). Complex organizational structure often provides for impersonal transactions and occupational insularity. Individuals within the organization, adopting normative prescriptions that foster deviant conduct, often act with some anonymity (Wilson, 1989, p. 1058). For instance, CIA officers operating at Abu Ghraib used alias' and rarely, if ever, revealed their true names to detainees, military personnel, contract workers, or others working at the prison. In addition, the practice hooding of detainees during interrogation and transportation at Abu Ghraib, a technique evolved from those used in Guantanamo, also allowed military, other government and contract personnel some anonymity. Furthermore, the wearing of uniforms, such Army-issued standard clothing, and other such organizational practices allowed Army personnel impersonalized interactions with not only detainees, but their colleagues and others at the prison.

Military Intelligence and Military Police personnel at Abu Ghraib reported that they perceived that the outpost had little support from the Army, that they were isolated, and assessment that was likely compounded by the routine attacks upon the prison (Jones & Fay, 2004, p.1049). Injuries, and several deaths, to soldiers were the result of frequent and routine mortar attacks waged upon the prison. The perception of little involvement from the larger military and minimal oversight over prison operations contributed to the insularity of the individuals working there.

## Assigned Occupational Roles

As established in an earlier chapter, the Abu Ghraib prison was manned by personnel with little or no previous training on detention and interrogation operations, particularly in the unconventional, hostile conditions at that prison. It is also evident that several individuals were assigned to key positions and roles within the prison organization for which they had little training or experience, and on occasion ambiguous and contradictory claims about the roles to which they were assigned. Others appointed to supervisory positions within the prison had documented histories of allegedly abusing prisoners in their charge prior to their service at Abu Ghraib. Many of the individuals held responsible in the months and years to follow the breaking of the scandal would be those who were placed in roles for which they were mismatched, due to inadequate training, a history of allegations of abuse, or inadequate information about the role they were to perform. In the following paragraphs, I discuss the appointments of Maj. Gen. Janis Karpinski, Cpt. Carolyn Wood, Lt. Col. Jordan, and Charles Graner to key positions within the organization of the prison.

As commander of the 800<sup>th</sup> Military Police Brigade, Maj. Gen. Janis Karpinski was placed in charge of detention facilities across the southern and central regions in Iraq in June 2003. In addition, Karpinski was given command over National Guard and Army reservists in one Iraqi city. The only female commander in this region of Iraq, she was experienced in operations and intelligence. Yet, prior to her appointment as commander, Karpinski had no prior history in prison management. As commander, she was in charge of personnel who, like her, had little to no experience in prison management and detention operations. Following the investigation into the abuse at Abu Ghraib,

Karpinski was found to have “failed to ensure that MP Soldiers at the theatre-level detention facilities through Iraq had appropriate SOP’s for dealing with detainees and that Commanders and Soldiers had read, understood, and would adhere to these SOP’s” (Tagabu, 2004, p. 439). In addition, it was found that she failed to ensure that those MP’s not only knew of and understood the Geneva Convention Relative to the Treatment of Prisoners of War, but also that they adhered to these standards. This must have seemed somewhat contradictory to Karpinski, who received standards for interrogation from Maj. Gen. Miller, where the tactics recommended included those acts now being considered abuse. Furthermore, it had already been established that many of the prisoners failed to qualify under these protections, so adherence to them was not only unnecessary, but contradictory to administrative direction and rhetoric. Because of her lack of prison system management experience alone, Karpinski’s placement seems at odds with ambitions of running a smooth operating prison system in Iraq. Furthermore, considering the administration’s aim at obtaining usable intelligence as quickly as possible, one would assume a Commander with a history of detention operations would have been appointed to the position.

Aside from these issues, it is now clear that problems such as the lack of widely-known or accepted standard operating procedures and the departures from the Geneva Convention originated in processes and structures that extended beyond the scope of Karpinski’s responsibility and higher in the chain-of-command. Karpinski’s refusal to shoulder the burden of responsibility for the abuse at Abu Ghraib has been routinely accompanied by claims that the Secretary of Defense Donald Rumsfeld authorized the initial departure from the Geneva Conventions in a memo that was posted at the prison at

Abu Ghraib along with a list of approved interrogation techniques, and that she witnesses this memo posted at the prison (Karpinski, 2006).

On August 4, 2003, Cpt. Carolyn Wood assumed the responsibility of Interrogation Operations Officer in Charge (OIC) at the Abu Ghraib prison (Fay & Jones 2004, p. 1044). Aside from administrative support, the JIDC ordinarily consists of two sections: operations and analysis. "The interrogation operations section, normally headed by a senior warrant officer and interrogator, is the heart of JIDC activity. The interrogation operations OIC *is responsible for overseeing the screening process and the assignment and management of interrogators and their interrogation priorities, effecting liaison with the detention facility guards and other agencies, the approval of interrogation plans, and the general supervision of interrogation collection activities*" (Kantwill, Holdaway, and Corn, 2005, p. 17). Captain Wood's unit, the 519 Military Intelligence Brigade, was the first military intelligence unit to arrive at Abu Ghraib prison, on July 25, 2003. At the time of her arrival, the site was not yet being used to detain military intelligence holds or security detainees. These detainees were being sent to Camp Cropper, Camp Bucca, or other detention facilities in Iraq. As the Interrogation Operations OIC, Captain Wood argued that the availability of an isolation area would enhance the results of intelligence gathering activities within the prison, a proposal that received support from the 205 MI Brigade and Maj. Williams (Jones & Fay, 2004). Following, the 519 MI Brigade was granted permission to use Tier 1A to house detainees. Yet prior to her appointment at as OIC at Abu Ghraib, Wood's unit, the 519<sup>th</sup> Military Intelligence Brigade, had been accused of conducting abuse interrogation practices at a detention facility in Bagram, Afghanistan, a charge resulting in a homicide investigation

by the Criminal Investigation Command (Jones & Fay, 2004, p. 1037). In their assessment of the intelligence and interrogation policy development, Fay and Jones (2004) noted that the October 2003 JIDC standard operating procedure that were developed and posted at Abu Ghraib by Wood “was remarkably similar to the Bagram (Afghanistan) Collection Point SOP” (p. 1037).

The lack of previous experience, clearly defined roles, and appropriate training led one member to fall under harsh criticism for his role in the events, despite the fact that his initial assignment to the position was an informed yet poor decision. For instance, “there is a significant difference between what Lt. Col. Jordan claims he was told when sent to Abu Ghraib and what Col. Pappas and Col. Boltz says he was told” (Jones & Fay, 2004, p. 1047). Lt. Col. Jordan, who arrived at Abu Ghraib in September 17, 2003 to become the “Director” of the JIDC, indicated he understood that he was being sent as a “liaison” officer between CJTJ-7 and the Joint Interrogation Detention Center (JIDC). Colonel Pappas and Col. Boltz say that Jordan was sent to Abu Ghraib to be *in charge* of the JIDC. Lt. Col. Jordan stated he never received written orders to be assigned to the JIDC, and that the assignment to the prison was made verbally. The titles references are somewhat useless in helping to sort through the claims, because there was no document that dictated how the JIDC was manned. Yet there does appear to be a common means of manning JIDC’s. While Jordan claims that he was never officially appointed to the position, it is clear that his appointment was inappropriate (Jones & Fay, 2004). Jordan was described as a “very hard working officer who dedicated himself to improving life for all of the Soldiers at Abu Ghraib...[but was a] poor choice to run the JIDC. He was a Civil Affairs officer,” (p. 1048).



Explaining the customary structure and management of JIDC, Kantwill, Holdaway, and Corn (2005) state that “[d]octrinally, the JIDC is “managed” by the joint force’s HUMINT staff....usually utilizing an O-5 staff officer [comparable to the rank of Lt. Colonel] as the officer-in-charge (OIC), rather than a commander (17). While Jordan’s ranking was commensurate with the grade (O-5) typical of the OIC position, prior experience in interrogation and detention operations was nonexistent. In the “management” position, Jordan would not have had full control – or disciplinary control – over JIDC interrogators. The JIDC is manned by various service intelligence units. These units place their interrogators under the *operational* control of the JIDC, while retaining command and administrative authority. “*For instance, in the Army, the corps or theater intelligence brigade commander assigns an interrogation and exploitation battalion commander responsible for exercising administrative control over the JIDC’s Soldiers*”; however, the JIDC OIC would effect the day-to-day management of the interrogators (2005, 16, ital. added).

Following this example, the theater intelligence brigade commander, Col. Pappas Commander of the 205<sup>th</sup> Military Intelligence Brigade, would assign an interrogation and exploitation battalion commander to be responsible for administrative control over the JIDC soldiers. Yet, Pappas placed a staff personnel, Lt. Col. Jordan, to be “in charge” of the entire JIDC operation, serving as the “Director”, with key personnel including Cpt. Wood (Officer in Charge of the interrogation and control element of JIDC), Maj. Thompson (the JIDC operations officer), and Major Price (an additional JIDC operations officer). While Fay and Jones (2004) claim that it was critical for Lt. Col. Jordan to “take control” by setting standards and enforcing discipline and policies by penalizing

offenders, it appears this was outside of Jordan's understood and actual role. Discussing recommended changes to JIDC structure, Kantwell, Holdaway and Corn in 2005 indicate that "[o]ngoing revisions to joint doctrine will likely result in vesting the JIDC commander with full control, including disciplinary control, over JIDC personnel, to include interrogators. In addition, this will provide the JIDC commander with the full complement of staff officers and command resources necessary to better accomplish the interrogation mission" (p. 17, ital. added). Obviously a structure that provides the JIDC commander with full control had not yet taken form in 2005, and was not in place at the time of the JIDC at Abu Ghraib in the fall of 2003.

It is clear that no formal Officer Evaluation Report (OER) support form, Department of Army (DA) Form 67-8-1, was done to delineate Jordan's roles and responsibilities, a practice completed following or near following the appointment. This is particularly essential during combat or other high stress situations; "Abu Ghraib was certainly a place and a situation that required both clear boundaries and clear lanes in the road" (Jones & Fay 2004, p. 1047).

While some personnel working at the Abu Ghraib facility had no prior experience in detention operations, Army Specialist Charles Graner, who served in a supervisory role over the night shift at Abu Ghraib's hard site, had prior experience in working in a prison setting. Prior to serving at Abu Ghraib, U.S. Army reservist Charles Grainer had joined the Marine Corps, and served during the Persian Gulf War in 1991 as a military police officer. Following his Marine Corps service, Graner began working as a guard at Fayette County Jail in Pennsylvania in 1994. There, Graner's dispensed mace into the coffee of a newly hired guard, an act reflecting the reported daily culture of the afternoon shift that

Graner worked. The afternoon shift was known for its “no-nonsense” treatment of prisoners; several guards working at the facility at the time of Graner’s service indicated that the use of violence to control prisoner behavior was commonplace.

Following his term at the Fayette County facility, in 1996, Graner began working at State Correctional Facility Institution-Greene (IG), a maximum security facility in Greene County, PA (Finkel and Davenport, 2004). While serving as a guard at the state prison, Graner was involved in several investigations of prisoner abuse. The first incident occurred in the summer of 1998, when Graner allegedly concealed a razor blade in the food of Horatio Nimley, a prisoner serving time at IG. Upon eating the food, Nimley began to bleed from the mouth, expels the razor blade, and elicits help from the guards who initially ignore his pleas. Nimley was eventually escorted to the nurse by several guards, who allegedly punch and kick him, yelling threats and racial slurs. In 1999, Nimley filed a lawsuit against Graner, five additional guards, and a nurse at the facility alleging mistreatment. Following his release from prison, Nimley failed to follow-through with the lawsuit, and the case was dismissed. While serving as a corrections officer from May 2006 until he was called to active military duty, Graner was disciplined six times for problems at work. Reprimands included two written reprimands, a one-day suspension, two separate five-day suspensions, and a termination that was lessened to a three-day suspension by the aid of an arbitrator.

In addition to a history of poor performance and alleged abuses as a civilian corrections officer, Graner brought to his service at Abu Ghraib a history of violence against his former spouse (Fuoco, Blazina, and Lash, 2004). Between 1997 and 2001, Graner was barred contact with his estranged spouse through a series of three protection-

from-abuse orders. Testimony given by Graner's former wife indicated he engaged in ongoing acts of threats and violence, including stalking and assault. These accounts hardly reflect the personal and work history of a desirable supervisor of a night shift at a geographically and socially isolated corrections facility. Particularly where the risk for prisoner abuse was not only anticipated, as established in documents aimed at establishing the legal boundaries of abuse and torture by military personnel.

Charles Graner claimed that he and other military police were ordered to engage in acts against detainees that violated Geneva. Indeed, those working at the Abu Ghraib facility consistently report that prisoner nudity and hooding were so commonplace it became a part of daily life at the prison. As a result, it is unlikely that individuals working at the prison, particularly those responsible for subordinates there, were unaware of these and other techniques being employed. Indeed, Graner's superior Capt. Christopher Brinson indicated on November 16, 2003 that Graner is "doing a fine job...[and] received many accolades from the MI units" (p. 1). Brinson goes on to tell Graner to "[c]ontinue to perform at this level and it will help us succeed in our overall mission" (p. 1). During his court martial, Graner identified several senior officers within the military, ranking from a lieutenant to a colonel, that gave orders to abuse prisoners, particularly those known as 'intelligence holds' – or those suspected of having actionable intelligence. Among those identified by were Graner, Col. Thomas M. Pappas, commander of the 205th Military Intelligence Brigade who was ultimately in charge of the prison; Lt. Col. Steven Jordan, the senior Military Intelligence officer at the site; Capt. Donald J. Reese, commander of the 372nd Military Police Company deployed to Abu Ghraib; Capt. Christopher Brinson, platoon leader; and 1st Lt. Lewis Raeder,

platoon leader in the 372nd military police command.

While a single inappropriate appointment may not raise scrutiny beyond the individual case, the pattern of unscrupulous appointments to key, supervisory roles within the prison is revealing a “darker side” of the motives guiding the operation of the organization. With ill-prepared supervisors operating under poorly defined roles and operating procedures, and some with histories of abusing prisoners, abuses of prisoners under the auspices of obtaining intelligence necessary for the self-defense of the United States would likely go unchallenged. Indeed, they became commonplace.

### Summary

There is every indication that the use of stripping detainees, frightening detainees with dogs, utilizing culturally taboo sexual behaviors in interrogating detainees, are methods that had been either recommended or approved for use at Guantanamo Bay. It is also evident that personnel of the Guantanamo Bay military prison were charged with introducing members of the Abu Ghraib prison to techniques of interrogation in order to improve upon information gathering during interrogations. Even though written and oral communications indicated the *principles* of the Geneva Convention shall be applied, legal interpretations concluded that these do not apply to suspects collected in Afghanistan and Iraq in the war on terror, and the situation warranted the use of extreme techniques of interrogation. This suggests that rather than military police, interrogators, and other agents within the Abu Ghraib organization engaging in *non-conformity* with organizational rules and goals, they were acting in consistency with rules and goals.

Indeed, the legal and political language contextualizing the organization provided for not only the rationale but also the defense for the use of techniques like stripping

detainees, frightening detainees with attack dogs, and those that elicit sexual humiliation on the part of detainees. The legal interpretations were purposeful in creating a context in which activities considered illegal in warfare under a variety of statutes and codes were to be considered lawful and justified in the war on terror. The legal and political environment provided the normative support for carrying out the activities, the mechanisms for doing so, and the means by which to minimize criminal liability. The precise *extent* to which these techniques may be applied was left unattended, and the decision to use these techniques was left to the discretion of those working within the prison organization, on a case-by-case basis.

For the most part, the legal memoranda and reports that were prepared as interpretations and determinations of statutes and standard procedures did not make apparent who, or what role, within the prison's chain-of-command was authorized to make these decisions. The omission of these essential directives seems exceptionally irregular in a highly formalized system that relies upon strict adherence to and enforcement of a set of widely known rules and chain-of-command. It is anticipated that under these environmental conditions, those working within the organization of the prison would not only likely conform to the legal interpretations and applications and perceive them as normative, but also act without clarity about legal and normative boundaries within which they may act.

Without formal training on the use of these techniques, and no legal clarification on these points, individuals and groups within the organization were left to their own interpretations. To what extent may a dog be used to frighten a prison into providing information? To what intensity is heat or cold to be used as an environmental

discomfort? How long should detainees be left unclothed, and under what conditions? How does the value of the information weigh against the severity of the techniques used in interrogation, and who makes this decision? The combination of this ambiguity and the dehumanizing, neutralizing, and legitimizing effects discussed earlier, makes the events that took place at the Abu Ghraib prison seem foreseeable.

The routinization of these behaviors is evident from the numerous accounts described by prison workers, commanders, detainees, and external evaluators. At the individual actor level, occupational roles are segmented among and within the subunits of the organization – CIA operatives, Military Police, government contractors, Military Intelligence, processing and fingerprinting personnel, and so forth – diffusing responsibility and limiting the scope of decision making. At the organizational level, the process itself carried out by different units as they carry out their tasks reinforces the perspective that what is occurring must be legitimate, normal, and abiding by some regulation. (Kelman & Hamilton, 1992, p. 161).

## CHAPTER VII

### DISCUSSION, CONCLUSION, AND AREAS FOR FUTURE RESEARCH

#### Discussion

This paper has built upon existing research on organizational crime and misconduct by integrating theories and concepts from organizational and criminological literatures. The findings in this case study support the claim that organizational features such as hierarchy and organizational culture are complex rather than unidimensional. I locate the relationships between multiple levels of analysis, and consider how assuming an organizational perspective encourages a closer examination of organizational transactions to explain organizational misconduct.

In order to establish a case of organizational deviance the actions must be supported by internal operating norms of the agency, justified through a process of socialization infusing those norms, and they must be supported by both fellow workers and the dominant administrative coalition (Ermann and Lundman, 1978, 7-9). While these criteria may be helpful in explaining why organizational deviance occurs, the last condition is paramount in determining organizational deviance in that it delineates organizational deviance from individual deviance (Sherman, 1978; Sherman, 1980; Shrager and Short, 1978). In other words, when individuals are acting in accord with the dominant coalition's operative goals, we can then assume they are acting 'on behalf' of the organization (Shover, 1978; Sherman, 1980). The support by the organization's 'dominant administrative coalition' distinguishes deviance committed by individuals on behalf of an organization from those acting as their own actor (Ermann and Lundman, 1979; Sherman, 1978). Therefore, whether or not an act represents organizational



deviance is determined by its operative organizational goals (Shover, 1978; Sherman, 1980).

This approach has proven fruitful in revealing particular organizational conditions under which organizational misconduct takes place. Applying this approach to the case of Abu Ghraib not only affirms its utility, but improves upon theory by demonstrating potential for the examination of misconduct in organizations that are composed of military and non-military subunits. In addition, several key findings from the study have implications for controlling organizational misconduct, and direct attention to environmental actors and factors in shaping the deviant organization.

#### Historical and Political Influences

I argue that there were a number of forces at the organizational level that failed to constrain the behavior of its members; the organizational system shaped and facilitated the interactions and actions of those that made possible and perpetrated torturous acts at Abu Ghraib. I established that these acts of torture were not isolated incidences, and not “easily comprehensible within the normal standards of criminal responsibility as applied to the individual” (Cohen, 1999, p. 53). The pattern of abuse at Abu Ghraib represents *bureaucratic* activity, made feasible by the association of complex organizations in carrying out policies initiated at the highest levels of government (Cohen, 1999). Drawing upon criminological and organizational literature in my analysis, several central findings stand out.

The abuse that occurred at Abu Ghraib was preceded by a highly publicized national security ideology that included constructions about the nature of the enemy and the threat at hand. The rhetorical image of the enemy constructed by environmental

actors as an evil and elusive threat to the security of the United States provided for the dehumanization of the detainees at Abu Ghraib by the organizational actors. The abuse was ideologically justified by dominant administrative actors through a process of socialization, and sanctioned and supported operationally by environmental actors. Actors using these harsh methods drew upon such legal rationalizations to justify their ultimate use of tactics identified as a necessary tool for 'protecting' the U.S. and its citizens. This ideology is also reflected in policies and procedures that made possible the harsh treatment of detainees who were deemed undeserving of protections afforded prisoners of war since Geneva.

#### Organizational Influences

There were several changes in both policy and procedure endorsed by high ranking environmental actors that together provided the basis for the use of techniques and served as templates for action at the organizational level. While the approved techniques and legal renderings drafted among external administrative actors served as guidelines and templates, the intently vague definitions about them left organizational actors uncertain. Such ambiguity about these procedures and policies created opportunity for misconduct in working toward operative goals. The constructs that dominated the political discourse regarding the nature of both the enemy and the 'war on terror' served to legitimize policies and procedures that allowed for, even proscribed, acts of torture against prisoners at the Abu Ghraib prison. The constructions informed organizational mission and culture, and influenced the understanding of critical tasks among personnel.

As the war on terror continued, pressure on the organization and its members to achieve the dominant organizational goal of extracting intelligence from those captured

in the war on terror was amplified. This goal was not only established by environmental actors, but also reaffirmed when it appeared that efforts to gain intelligence in Iraq were failing. Environmental actors established the (albeit vaguely) defined tactics that could be used by organizational actors to achieve this operative goal. And when it was determined that the goal of gaining intelligence was not being met, environmental actors created conditions to socialize those working at Abu Ghraib to the harsh tactics of interrogation and treatment of prisoners used at the Guantanamo Bay facility. For instance, culturally specific imagery surrounding the enemy fostered culturally deliberate ways of committing the violence, such as inducing target detainees to engage in culturally proscribed rituals and acts. Despite the provision of 'conscious disinformation' by the administration indicating that these acts represented the unsanctioned behavior of rogue soldiers, the techniques used at Abu Ghraib were precisely devised, systematically used tactics.

Considering the pressures on the organization in working toward the overarching operative goal of obtaining intelligence from detainees in the war on terror, personnel working the day-to-day operations at Abu Ghraib did so in an environment with little supervisory oversight and a lack of clarity about roles and obligations. Furthermore, the members of the organization had inconsistent, unclear, and conflicting rules about how to produce usable intelligence. And while the problem of ambiguity about the roles and rules cannot be overstated in this case study, it is essential to recognize that personnel were also acting in conjunction with elements of policies and procedures that they perceived – with reasonable expectation – to be applicable to the situation. This was often with the support of, or without negative sanction from, most co-workers.

## Individual Processes in Context

The ambiguously defined tasks and roles, and the lack of clarity about organizational rules that governed interaction therein, also increased the likelihood that individuals within the organization would draw upon personal experience, attitudes, and beliefs. As individuals working within the organization sought to meet critical tasks and organizational goals they faced multiple constraints and conditions, including inadequate resources, limited knowledge and training, and hierarchical and role uncertainty. In addition to these conditions, facing environmental pressures to achieve operational goals, the assignment of particular personnel to key roles within the organization provided a greater likelihood of misconduct. Roles should be filled with personnel that have adequate training and preparation for the post so that individuals filling those organizational roles will be socialized to common set of rules and norms to draw from in carrying out their tasks.

The personnel selected for key positions (roles) contributed to the overall shaping of organizational culture (Sherman, 1980). The control over jobs, and who will fill them, is a basic tool for other environmental actors that control the organizational resources. In this case, it is evident that individuals who either had historically used or approved of the use of harsh tactics, or were considerably lacking in the training and experience customarily associated with their position, were systematically installed in positions of authority that allowed the environmental actors greater power to influence the decision-making process within the Abu Ghraib organization.

It was clear that within this organization, subunits and individuals were installed into positions for which they were not trained or oriented. Considering the histories of

key individuals within the organization, it is likely that either the lack of experience or a previous history of misconduct contributed to the outcome. It became evident that there was a systematic assignment of *individuals* having either little to no training or preparation for their position or a history of abusing those under their supervision, to important, supervisory roles within the organization. Furthermore, there was a systematic assignment of *groups* to organizational task for which they little to no training or experience. For instance, personnel serving in the 372<sup>nd</sup> MP Brigade, who were trained as combat support, were not prepared through military training to serve as military prison guards, particularly in an isolated region like Abu Ghraib.

#### Implications

In articulating theoretical models for analyzing *organizational corruption*, Sherman (1980) introduces the concept of 'capture' to describe the exploitation of an organization's authority by outsiders who control the agency's resources. Sherman indicated a motive of financial gain among environmental actors/outside, which would be challenging to establish in this case. Yet this model predicts that in cases where personnel decisions are vulnerable to external manipulation will produce organizational deviance, through the capture of the agency for political (not exclusively financial) gain seems promising.

The findings imply that external oversight allowing for an evaluation of the entire chain of command, extending from the military police involved in the everyday detention of the prisoners to those in the highest reaches of our government, is a necessary component in controlling this type of misconduct. The agency and the individuals assigned to either the oversight of the organization or to investigations should not have a

stake in the outcome of any evaluation. Oversight and evaluation should be conducted by an investigative body impervious to political manipulation and reprisal.

The ability of an organization to make norms or rules effective refers to the agency's ability to exercise social control over its members (Reiss, 1951). This perspective assumes that the use of torture among members of the organization occurred because of lack of personal and social controls. Controlling deviance through socializing workers to values and standards of conduct that are non-deviant, along with establishing and reinforcing rules (including negative sanctioning of violations along with the reinforcement for conventional behavior), are among the recommendations made in reports following investigations into abuse Abu Ghraib. (see Jones & Fay, 2004 and Tagabu, 2004).

Another finding of importance was that individuals were largely unaware of the doctrinal constraints of those working alongside them. The rules and chain-of-command structure were unclear and ambiguous, and created conditions that promoted the use of torture. While some of these factors may be seemingly insignificant in isolation, collectively they represent a patterned way of structuring the organization that facilitated the use of torture among its members. Most of those working at the prison camp, including military personnel and private contractors, were oriented toward rules of interrogation or standards of operation that were outdated and not applicable for this type of warfare. Rules should be updated to reflect the current climate in which conflict is waged rather than one of conventional warfare; these rules must be *unambiguous* in their definitions and application.

Personnel should fall under a unified chain-of-command that establishes authority and accountability. The manning of organizations with multiple subunits operating alongside one another under different and oftentimes conflicting standards of conduct clearly is a condition that promotes organizational misconduct. It is therefore implicit that organizations like the prison at Abu Ghraib, characterized by these structural features, require a unifying command structure that clarifies oversight, under which all personnel operating within the unifying organization are constrained and held accountable. After all, standard operation procedures are developed in an organization “to reduce the chance that an important contextual goal or constraint is not violated” (Wilson, 1989, p. 133). In essence, the organization should adopt a single set of rules of engagement in which parameters are clearly defined, to which personnel in all subunits are oriented and held accountable.

Concern about abuses committed by private actors in performing roles on behalf of the state has been raised by scholars addressing the privatization of domestic prisons, schools, and healthcare organizations. In this case study, privatization, or the installing of private contract workers in roles traditionally served by the personnel from the government sector, was an important factor in creating conditions that supported the use of torture among personnel at Abu Ghraib. The findings from this research bring to light how factors, such as privatization in military organizations not only contributes to ambiguity about the chain-of-command, it also leads to inadequate oversight and accountability of organizational members. For instance, I have demonstrated that in organizations where multiple subunits are not subject to a unified chain of command (like that of Abu Ghraib composed of military police, military intelligence, other government

organizations and private contractors) conditions are conducive for misconduct. And when these subunits are oriented to different, or in particular conflicting rules and standard operating procedures, there is an increasing likelihood of organizational offending.

The use of private contractors to supplement U.S. armed forces has become increasingly commonplace. The outsourcing of work to private contractors has increased following the end of the Cold War. Civilian contractors have traditionally been hired by the military to provide technical or service support, such as computer system maintenance or food services; however, the use of private contract workers to fill roles during military conflict has expanded since the decline in the number of U.S. armed forces. The shortage of military trained interrogators and translators contributed to the military's contracting with the private sector to fill these roles. In a letter to the House Armed Services Committee, Secretary of Defense Donald Rumsfeld reported that as of May 2004, there were approximately 20,000 private security workers employed and serving in Iraq. This number does not include the thousands of contract workers involved in the reconstruction of the infrastructure in Iraq.

The relationship between private contract workers and the military command structure was undefined at Abu Ghraib. Privatization of roles traditionally filled by military personnel, while working alongside military personnel within in military led operation, seriously compromises the organizational structure. The legal and administrative constraints imposed upon military and other government agencies and personnel often have little or no application to private organizations performing outsourced work, or individuals acting on their behalf.



Private contract workers, for example, cannot be tried in a military court. Furthermore, the Coalition Provision Authority (primarily funded and charged by the Department of Defense and US Central Command), which served as the transitional government following the overthrow of the Saddam Hussein's regime, determined that foreign civilians in Iraq cannot be held accountable in Iraqi courts (Dickinson, 2005). And, there is no precedent for demanding the extradition of private contract workers to compel them to face criminal prosecution in the United States. Therefore, if in the face of prosecution, contract workers can establish that their actions were the direct result of government directives, they may invoke the "government contractor defense" which protects them from criminal liability.

By integrating private workers and other non-military personnel into a military organization, the organizational hierarchy - in this case the chain-of-command - becomes unclear and undefined. As a result, members - especially those at the operator level - experience diminished accountability and oversight in their role performance while decision makers - often external to the immediate organization - are then able to publicly locate the problem in the individual (the 'bad' apple), or even within organizational strains (such as lack of resources or adequate training), citing these consequences as the extent of responsibility. The implications follow that if private contractors are essential in filling supportive roles for the U.S. military, their operators should fall under the authority and supervision of military personnel under a unified chain-of-command. They should be oriented and held to the rules of engagement set forth by the military organization most senior to the operation. A system of sanctions must be established in order to enforce these rules.

Following, there should be a clearer understanding about how to apply legal and administrative constraints and norms to private contractors. For instance, to date, the best avenue for legal action for holding private contract workers accountable is through domestic law. As stated earlier, the U.S. military justice system is not intended or available to try civilians outside of the declaration of war. The Military Extraterritorial Jurisdiction Act was enacted exactly because of the limits placed on military courts in dealing with civilian contractors working abroad, and is extended to those contractors operating in facilities run by the U.S. in overseas locations (Dickinson, 2005). While some argue that military privatization may not necessarily “jeopardize the possibility of holding human rights abusers accountable for their actions,” the findings of this research indicate that currently the inclusion of non-military groups in a military organization confounds the command structure to the extent that organizational misconduct will likely result.

#### Areas for Future Research

Although this analysis provides some answers, other questions remain. In addition to those aforementioned in this chapter, future research might consider addressing the following:

- When military and non-military organizations are used to staff an organization (such as the JIDC at Abu Ghraib), to what extent are military hierarchy structures maintained or departed from? To what extent does role ambiguity, and ambiguity about the relationship between intra-organizational roles, affect the maintenance

of the hierarchy of authority within the military organization working there, both in name and in practice?

- This research focused on upon the events that led up to and included the abuses at the Abu Ghraib detention and interrogation facility. In most organizational settings, misconduct is generally met with efforts to keep it from becoming publicly defined as such. What is the social-organization of those efforts, and what impact did this have on the social structure?
- This research revealed numerous conditions that combined to produce organizational deviance. The variable relationship between these conditions and the frequency and probability of organizational crime is an important inquiry.
- Previous research has established the reinforcing effect of the system of sanctions, including but not limited to appointments and promotions, on deviance committed on behalf of the organization. The findings in this research suggests a system of appointment centered on the reinforcement of the use of harsh tactics, the adoption of values and beliefs that supported the use of such tactics, and well as the management of scrutiny and the subsequent scandal. Future research should include tracing the installation of subunits and individuals to the Abu Ghraib facility in order to determine the influence of administrative officials on the manning of the organization at Abu Ghraib.
- One of the key problems observed at the Abu Ghraib prison was the convergence of different, oftentimes conflicting, goals and critical tasks within the organization that exist among its staff. To what extent does conflict in goals among organizational subunits contribute to how clearly or ambiguously roles and

rules are defined? Furthermore, to what extent does this have causal implications for how deviance comes to be defined and controlled?

- An implication of the findings is that the assignment and promotion were politically controlled. Future research should include a more rigorous examination of the installation of subunits and individuals to the Abu Ghraib facility in order to determine the influence of administrative officials on the manning of the organization.

Essentially, a research agenda that examines the conjunction between contextual, organizational, and social-psychological factors would draw upon historical, legal, psychological, economic, and anthropological concepts, theories and principles to answer questions about social definitions of deviance at particular points in history, the elements that contribute to differences in individual role performance, and how environmental pressures may be mediated by organizational structures or processes to reduce the likelihood of organizational misconduct. In other words, in order to answer questions about deviance occurring in complex systems, scholars will necessarily draw upon and integrate knowledge from a variety of fields.

### Conclusion

The principal objective of this paper has been to explain the systematic processes and characteristics about the prison at Abu Ghraib in order to demonstrate how they served to facilitate the use of torture. An ethnographic content analysis of documents from numerous sources allowed for an in-depth, theoretically grounded organizational analysis of this case. Using an inductive case study method that identifies various organizational features of the Abu Ghraib prison by focusing on organizational structure

and processes, I unmasked factors that contributed to the abuse at Abu Ghraib.

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## **APPENDIX A**

### **Chronology**

APPENDIX A  
CHRONOLOGY

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2001

- Oct. 7      Bombing in Afghanistan began. Alleged failure to bomb tracked automobile convey that AI believed contained Mullah Muhammad Omar, a Taliban leader. Legislative hurdles continue to interfere with acquisition of senior Al Qaeda and Taliban members.
- Fall 2001      Rumsfeld authorized establishment of program that was afforded blanket advance approval to kill or capture and if possible interrogate high value targets in the Bush Administration's war on terror. This was a SAP (special access program) subject to the Defense Department's most stringent level of security. Operation had across board approval from Rumsfeld and Rice (NSA). Bush was informed of the existence of the program
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2002

- Jan. 9      US DOJ lawyers send a memo to Pentagon arguing that Geneva Conventions do not apply to the war in Afghanistan nor to the members of Al Qaeda or the Taliban.
- Jan. 25      Alberto Gonzales, White House legal counsel, sends a memo to Pres. Bush urging him to declare the Taliban and AQ outside of Geneva conventions.
- Aug. 1      US DOJ lawyers tell CIA that only severe physical injury and/or long term psychological trauma constitutes trauma.
- Aug. 2002      Washington Post alleges that a memo from Justice Dept. advised the White House that torturing al Qaeda terrorists may be justified and international laws against torture may be unconstitutionally applied when applied to interrogations conducted as part of the Global War on Terrorism.
- Late 2002      FBI Agent at the American detention center at GB sends a colleague an email message complaining about the military's "coercive tactics" with detainees. (This particular story broke in NYT Jan. 6, 2005).

Dec. 2002      Def. Sec. Donald Rumsfeld approves a number of severe measures for interrogation, including the stripping of prisoners at Guantanamo Bay, and using dogs to frighten prisoners. In addition, he approves the use of exceptional techniques, such as 20-hour long interrogations, face slapping, and stripping detainees to create a sense of helplessness, and using dogs to increase anxiety.

Dec. 2002 - Jan 7, 2004

CPT Donald Reese serves as the Company Commander of the MP Company, which is in charge of guarding the detainees at the FOB Abu Ghraib.

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2003

Jan. 2002      Report made by the International Committee of the Red Cross about abuses at GB. Report indicated the use of medical personnel to help interrogators get information, beatings, lengthy isolation, sexual humiliation and prolonged stress positions for prisoners.

Jan. 15          Secretary of Defense Donald Rumsfeld directs the General Counsel of the Department of Defense (DOD GC) to establish a working group within the Department of Defense (DOD) to assess the legal, policy, and operational issues relating to the interrogations of detainees held by the US Armed Forces in the war on terrorism.

Jan. 16          DOD GC requests General Counsel of the Department of the Air Force to convene this working group, representing the following entities: 1) Office of the Undersecretary of Defense (Policy), 2) Defense Intelligence Agency, 3) General Counsels of the Air Force, Army, and Navy and Counsel to the Commandant of the Marine Corps, 4) Judge Advocates General of the Air Force, Army, Navy and Marines, and 5) Joint Staff Legal Counsel and J5.

Pre invasion    Pro-war Washington conservatives discuss the notion that Arabs are particularly vulnerable to sexual humiliation. Book *The Arab Mind* (Patai, 1973), a study of Arab culture and psychology was a commonly cited source, which included a 25-page chapter on Arabs and sex, depicting sex as a taboo vested with shame and repression. Patai wrote that sex is a prime mental preoccupation in the Arab world, citing the separation of sexes, the veiling of women, and other "minute" rules that govern contact between men and women. Homosexual activity is never given any publicity. This book was "the bible of the neocons on Arab behavior". Two themes emerged during these discussions- that Arabs only understand force, and that their biggest weakness is shame and humiliation. Note: The purpose of the photographs - it is thought that some prisoners would do anything to avoid the dissemination of these photos to family and

friends. The photos created an army of loyal informants that you could insert back into the population motivated by fear of exposure.

- Mar. 2002      WP alleges that team of Bush Admin. lawyers prepare a Mar. 2003 memo indicating the Pres. Bush not bound by international treaty prohibiting torture or federal antitorture law because he had authority as CIC to approve technique needed to protect national security.
- Mar. 6          Lawyers from White House and DOJ and Defense draft recommendations for detainee interrogations, noting President's exemption from laws prohibiting torture.
- Mar. 7          Stephen Cambone named Under-Secretary of Defense of Intelligence (new office created by Rumsfeld in his reorganization of the Pentagon). Cambone was an unpopular choice among military and civilian intelligence bureaucrats in the Pentagon because he had little experience in running these programs. (Known for his closeness to Rumsfeld.).
- Mar. 19        Invasion of Iraq.
- Apr. 4          Working group report on detainee on the use of interrogation of unlawful combatants under DOD control outside of the United States, "Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical, Policy, and Operational Considerations".
- Apr. 16        Memo from Rumsfeld to Gen James Hill outlined 24 permitted interrogation techniques, four of which required Rumsfeld's imprimatur.
- May 12        Four soldiers from 320<sup>th</sup> MP Battalion (led by LTC Jerry Phillabaum from 02/03-01/17/04) abused detainees at the Theater Internment Facility at Camp Bucca, Iraq following a transport mission.
- May 25        General Officer Memorandum of Reprimand given to MSG Maffet, MAJ Di Nenna, and MAJ Garrity by LTG McKiernan.
- Mid 2003      Special Access Program touted as a success story in the war on terror by intelligence. It was involved in some assignments in Iraq.
- Spr. 2003     Red Cross files additional report on abuses at GB, indicating that the regime was more refined and repressive.
- Jun. 2003     Marine ordered four Iraqi children who had been detained to stand in a hole, then fired a pistol in a mock execution.
- Jun. 8        CID (Criminal Investigation Division) Report on abuse of detainees at Camp Bucca.

Jun. 30 - Jun. 24, 2004

BG Janis Karpinski served as Commander of 800<sup>th</sup> MP Brigade.

Jul. 15      Battlefield Interrogation Team and Facility Policy drafted by Joint Task Force 121 which was given the task of locating former government members in Iraq. This policy was adopted by the 519<sup>th</sup> Military Intelligence Battalion which played a leading role in the interrogations at AG. These policies included the use of dogs, isolation, light control, loud music, yelling. Authorized for use by Gen. Sanchez in Iraq. in Sept. memo.

Aug. 4      Abu Ghraib Prison opened.

Aug. 11      CJTF-7 (Combined Joint Task Force) requests assessment team; MG Ryder is appointed.

Aug. 20      Karpinski gives GOMR's to several commanders and command sergeants.

Aug. 2003      Bombings in Baghdad at Jordanian Embassy and the UN headquarters. American military and intelligence communities having little success penetrating the insurgency in Iraq.

Marine squirted a flammable liquid on an Iraqi detainee's hand and lit it with a match

Aug. 31 - Sept 9

Major General Geoffrey Miller (the commander of the detention center and interrogation center at Guantanamo) summoned to Baghdad to review prisoner interrogation procedures. Miller urges commanders in Baghdad to change policy and place military intelligence in charge of prison. Miller states "detention operations must act as an enabler [sic] for interrogation" (Hersh, New Yorker, 05/24/04). Miller briefed military commanders on interrogation methods used in Cuba, methods that could be used with special approval, such as sleep deprivation, exposure to extreme temp conditions, placing prisoners in "stressed positions" for agonizing lengths of time. (Bush Admin. had unilaterally declared Al Qaeda and other captured members of international terrorist networks to be illegal combatants, and not eligible for the protection of the Geneva Conventions). Miller recommends Karpinski consolidate MP and interrogation functions, permitting MP's to set "conditions for the successful interrogation and exploitation" of the prisoners. Miller recommends closing of Camp Cropper Prison in Iraq. Camp Cropper closed.



- Sept 2003 A soldier shot and killed an Iraqi prisoner. Investigators found PC to charge him with murder. The soldier was demoted and discharged instead.
- Sum. 2003 Cambone reportedly frustrated with failure to obtain intelligence from prisoners. Cambone beings using SAP rules and some of the Army military intelligence officers working inside the prison under the SAP auspices, and the intelligence improves. Increase in number of prisoners in Iraqi prisons. Among those working in the prison include special operatives who operate under aliases. Many wore civilian clothing, making it difficult to know who was in charge. Brigadier Gen. Janis Karpinski later reported many of these civilians were bringing people in or collecting people for interrogation. She was unsure who was really running the prison she was in charge of.
- Unknown 2003 Senior military legal officers from the Judge Advocate General's Corp (JAG) reported to Scott Horton (then chairman of the NYC Bar Assoc. Committee on International Human Rights) seeking their participation in challenging the Bush Administration's standards of detention and interrogation. Two such visits occurred within a five month time period. Officials were alarmed at the number of civilian workers involved in the interrogation process. Concern of legal ambiguity.
- Fall 2003 Internal report prepared by US military concluded insurgents strategic and operational intelligence was quite good. Study concludes that politically, US has failed to date. By contrast, American and coalition forces knew little about the insurgency. Success of war was at risk. *This was likely the report submitted by MG Ryder on Nov. 6, 2003. Need to verify this.*
- Endorsed by Rumsfeld and carried out by Stephen Cambone, strategy to get tough with Iraqis in the Army prison system suspected of being insurgents.
- CIA pulls their involvement with the secret SAP involvement in Abu Ghraib. SAP was originally to be in Afghanistan, now being used for people being pulled of the streets in Iraq. CIA officials feared situation in Abu Ghraib would lead to exposure of secret SAP program which was working in Afghanistan.
- Sept. 2003 Memo by Sanchez authorizing use of measures in task force policy. Revoked one month later by Sanchez.
- Oct. 13 Maj. Gen. Donald Ryder's inspection team arrives to AG prison. Ryder is the provost marshal in charge of the Army military police. Ryder

conducts a comprehensive review of entire detainee and correction system. Noted many flaws, including lack of training, improper restraint techniques, inadequate prisoner classification system, poor guard to prisoner ratio, not designed for criminals or high-risk security detainees. Ryder found not military police units purposefully applying inappropriate confinement practices. (At the time, guard to prisoner ratio was about 1 to 15. In civilian prisons, 1 to 3 is considered ideal.

- Oct. 15      372<sup>nd</sup> Military Police Company commanded by Donald J. Reese (a segment of the 320<sup>th</sup> Battalion based in Cresaptown, MD) took over Abu Ghraib from a military police company based in Henderson, NV. The 372<sup>nd</sup> soldiers were reservists, not trained to be prison guards. They were given control over Tier 1A, where high priority detainees were held for interrogation by military and civilian intelligence. Tier 1A and 1B had 203 cells (1B was for the identified trouble makers or high risk detainees).
  
- Nov. 6      Ryder submits report recommending military police not participate in military intelligence supervised interrogation sessions, indicating doing so runs counter to the smooth operations of a detention facility.
  
- Fall 2003    Numerous photographed incidents inflicted on detainees at Abu Ghraib Confinement Facility.
  
- Oct. 17      Earliest abuse photos. Naked man handcuffed to door.
  
- Oct. 18      Naked man handcuffed to a cut with women's underwear stretched over his head.
  
- Oct. 24      Pfc. Lynndie England holds a chain or strap that is wrapped around the neck of a naked man outside of a cell.
  
- Oct. 25      Photograph of pile of naked men.
  
- Military investigators later reported soldiers kept some detainees naked for days and forced others to masturbate in front of female soldiers. Attached wires to fingers and genitals of a man and threatened him with electrocution. One male MP had sex with a female detainees. A detainee was severely injured during a dog attack. MP 's broke chemical lights and poured phosphoric liquid on detainees. One prisoner was sodomized with a chemical light.
  
- Nov 10      Jerry Phillabaum, Commander 320<sup>th</sup> MP Battalion is given a GOMOR from BG Karpinski for lack of leadership.

Nov 19 CJTF-7 Fragmentary Order (FRAGO) 1108 gave the commander of the 205<sup>th</sup> MI brigade control of Forwarding Operating Base (FOB) until Transfer of Authority (TOA) on Feb. 6 2004.

Dec. 2003 Memo sent by an agent (FBI?) expressing concern about military interrogators' posing as FBI agents at GB and the "torture techniques" used

Dec. 13 Saddam Hussein is captured.

Dec. 24 BG Karpinski sends a letter to International Committee on the Red Cross arguing that the isolation of specific detainees was a necessity.

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## 2004

Jan. 13 Joseph Darby, a military policeman assigned to Abu Ghraib, reported abuses to Army's Criminal Investigation Division. He turned over a CD full of photographs. Within three days a report was made to Rumsfeld, who informed Pres. Bush.

Jan. 14-25 CID conducts interviews.

Jan. 16 BG Kimmit notifies reporters that an investigation of alleged abuse at an unspecified Iraqi prison has been opened.

Jan. 17 CPT Donald Reese ceased command of the 372<sup>nd</sup> MP Company.

BG Janis Karpinski received a Memorandum of Admonishment by LTG Sanchez, Commander, CJTF-7. Phillabaum Commander, 320<sup>th</sup> MP Battalion suspended of duties by Sanchez.

Jan. 19 Sanchez requests appointment of IO in the grade of Major General or above to investigate conduct of operations within the 800<sup>th</sup> Military Police from Nov 1, 2003 to present. This report was separate from other investigation. LTG David McKiernan appointed to conduct investigation on Jan 24.

Jan. 28 CID report on criminal abuses a AG

Jan. 31 MG Antoino Tagabu assigned to investigate the officers involved in the AG prison abuses.

Feb. 2004 MG Antonio Tagabu visits Baghdad, AG, Camp Bucca. At Camp Dohu, Kuwait, Tagabu and team conduct training sessions on detention practices.

Team collects documents, compiles references, interviews. Interviews of witnesses from 800<sup>th</sup> MP Brigade.

International Committee of the Red Cross provides Coalition Authority with confidential report on violations and problems of conduct in Iraq, titled "Report of the International Committee of the Red Cross (ICRC) on the Treatment by the Coalition Forces (CF) of Prisoners of War and Other Protected Persons by the Geneva Conventions in Iraq During Arrest, Internment and Interrogation".

- Feb. 10      Memo issued for the Inspector General directing the establishment of an Assessment Team to complete a functional analysis of the Department of the Army's internment, enemy prisoner of war, and detention policies, practices and procedures as the Army executes its role as DOD Executive Agent for Enemy Prisoner of War and Detention Program.
- Feb. 24      Seventeen US soldiers suspended pending outcome of investigation.
- Feb. 26      310<sup>th</sup> MP Battalion and 800<sup>th</sup> MP Brigade tasked with detainee operations and Forward Operating Base (FOB) Operations at Camp Bucca Detention Facility until TOA.
- Mar. 3      Tagabu team present out-brief to appointing authority LTG McKiernan.
- Mar. 9      Team submitted AR 15-6 written report with findings and recommendations to CFLCC Deputy SJA, LTC Mark Johnson for legal sufficiency review. Tagabu recommends relieving the duties of Reese, Karpinski, Phillabaum, and Col. Thomas Pappas (commander of the 250<sup>th</sup> Military Intelligence Brigade) and his liaison officer Lt. Col. Steven Jordan. Recommended administrative action be taken against seven officers, three sergeants, and two employees of CACI International. The employees were Steven Stephanowicz (interrogator) and John Israel (translator) who worked with military intel. officers. Note: overall, 37 civilian interrogators worked with the military in Iraq.
- Mar. 12      Tagabu briefs CJTF-7.
- Mar. 15      530<sup>th</sup> MP Battalion, 800<sup>th</sup> MP Brigade ceased command of detainee operations and FOB operations at the MEK holding facility.
- Mar. 20      Charged made against sex accused MP NCO's. BG Kimmit gives press conference.
- Apr. 2004    Marines use an electric transformer to shock a detainee at Mahmudiya, south of Baghdad.

Association of the Bar of the City of New York Committee on International Human Rights Committee on Military Affairs and Justice's Report. Human Rights Standards Applicable to the United States' Interrogation of Detainees. Report argues that under the U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which has been ratified by the US, prohibition against torture is absolute. Under Geneva Conventions and in application to the Afghan conflict, Afghanistan is a party to the Geneva Conventions. However, 'protected persons' does not include nationalists of a State that is not bound by the Conventions. The report concludes that none of the detainees from the War in Afghanistan or the ongoing conflict in Afghanistan fall outside of international humanitarian law. Those persons detained during the conflict - whether it is an international or national conflict- is either protected by Geneva III as a POW, by Geneva IV as a civilian 'protected person', or at the very minimum, by Common Article 3 and Article 75 of Additional Protocol I. In addition, all detainees are entitled to protection of human rights law under CAT and ICCPR and customary international law.

- Apr. 6           CG CFLCC approves MG Tagabu investigation.
- Apr. 2004       Gen Richard Meyers asks CBS to delay airing photos. CBS does so for 2 weeks.
- Apr. 15         MG Fay MI investigation initiated.
- Apr. 2004       Gen. Miller returned to Baghdad to assume control of Iraqi prisons. New head of Iraqi Prison System.
- Apr. 28         BG Kimmit updates public on status of investigation.  
60 Minutes II broadcasts photos taken in late 2003 at AG prison.
- May 1           New Yorker article includes portions of Tagabu's report.  
Pres. Bush declares end to major combat operations in Iraq.  
CJTF-7 approves Tagabu recommendations.
- May 2           Defense contractor CACI International, Inc. launches an independent investigation of its employees connection with the allegations that Iraqi prisoners were abused. CACI obtains about 64% of its revenue from the Pentagon.
- May 5           Pres. Bush pledges on Arab TV that the soldiers responsible will be punished.

- May 7 Wall Street Journal publishes report by International Committee of the Red Cross; Rumsfeld testifies before Congress.
- May 11 Tagabu testifies before Congress detailing findings in report.
- May 13 Rumsfeld visits Abu Ghraib.
- May 15 New Yorker writer Seymour Hersch alleges Rumsfeld authorized use of questionable techniques through SAP (special access program).
- May 19 First court martial decision related to scandal. Spc. Jeremy Sivits receives max. penalty one year in prison, reduction in rank and a bad conduct discharge.
- May 24 Karpinski relieved of command.
- Jun. 2004 Report by Red Cross about practices at GB; less frequent complaints from prisoners at GB about female interrogators who exposed their breasts, kissed prisoners, touched them sexually and showed them porn. Hard to see this as progress. Report made was confidential, indicating techniques military uses were “tantamount to torture”.
- Jun. 1 Two defense intelligence agents report observing brutal treatment of Iraqi insurgents captured in Baghdad. Army report investigating the death of a prisoner in Afghanistan identifies Capt. Christopher Beiring of the 377<sup>th</sup> MPC as having been “culpably inefficient in performing of his duties” which allowed a number of his soldiers to mistreat detainees leading to the prisoners homicide (negligent).
- Jun. 3 IC of Red Cross said it had repeatedly warned the US to take corrective action over prisoner abuses at AG
- Jun. 9 Washington Post article stating Rumsfeld ordered interrogators to “take gloves off” in search for information on Taliban recruit John Walker Lindh.
- Jun. 10 NYT writes that CENTCOM Commander Gen. Abizaid requested that an officer more senior than the Current Investigating Officer MG George Fay lead the military investigation in to the prison abuse scandal. (higher access).
- Jun. 21 US military judge rules that Abu Ghraib prison is a crime scene and must not be torn down, which Pres. Bush had earlier offered to do.
- Jun. 22 Washington releases memo on prisoner interrogation techniques approved for use at AG and Guantanamo Bay; GTMO interrogation techniques.

- Jun. 23      Legislation introduced to create a select committee in the House to investigate abuses of detainees held in US custody at AG prison and elsewhere.
- Jul. 21      The Mikolashek Report filed. Inspection report responds to Feb. 10 directive to conduct a functional analysis. Report concludes that abuses should be viewed as unauthorized actions taken by a few individuals, in some cases coupled with the failure of a few leaders to provide adequate supervision. As of Jun. 9, 2004, the report concluded, there were 94 cases of confirmed or possible abuse of any type, which include theft, physical or sexual assault, and death.
- Aug 2004      Message sent to FBI officials by an agent reporting detainees chained in uncomfortable positions for up to 24 hours at GB.
- Aug. 20      Prof Steven Miles of U of Minnesota publishes an article in the Lancet indicating military doctors were complicit in the abuse of prisoners at AG.
- Aug. 2004      Fay-Jones Report released. Investigation into Abu Grhaib Prison, 205<sup>th</sup> Military Intelligence Brigade and Intelligence activities. Rationale for abuses ranged from inadequate resources, personnel and training, and moral corruption and poor leadership and supervision. Report states clearly that no policy supported or caused, either indirectly or directly, violent or sexual abuse.
- Aug. 24      Final Report of the Independent Panel to Review DOD Detention Operations Issued. At the writing of the report, about 300 allegations of abuse in Afghanistan, Iraq, or GB have arisen; 155 investigations have been completed, and 66 cases have been substantiated. The report contends there is institutional and personal responsibility at higher levels.
- Sept. 11      US military court in Baghdad sentences Spec. Armin J. Cruz to 8 months in prison. First military intelligence officer to stand trial.
- Sept. 24      Pte. 1<sup>st</sup> Class Lynndie England is arraigned, facing 19 counts of abuse. England does not enter a plea.
- Oct. 2004      C. Rice National Security Advisor sent a memo to congress expressing opposition to measures to place restrictions on use of extreme interrogation procedures on the grounds that it “provides legal protections to foreign prisons to which they are not now entitled under applicable law and policy”
- Oct. 20      US Army reservist Staff Sgt. Ivan Fredrick pleads guilty to five charges of abusing prisoners at AG, including dereliction of duty, assault and

committing an indecent act. Highest ranking soldier charged in scandal. Later sentenced to 8 years in prison.

Nov. 3 NYT report that Pvt. Megan M Ambuhl plead guilty to a charge of dereliction of duty. Sentenced to reduction in rank and forfeiture of ½ months salary.

Nov. 11 WP reports that trials of Davis, Harman and Graner will be transferred to Fort Hood, TX from Baghdad in change of venue.

Dec.2004 Release of Book Torture and Truth by Mark Danner.

At urging of WH, Congress scraps legislative measures imposing new restrictions on use of extreme interrogation practices by US intelligence officers. Measures had passed Senate in a 96 to 2 vote.

Dec.1 NYT reports that in an article by Neil A. Lewis of The Times, it is reported that the International Committee of the Red Cross reports that prisoners at GB (where men captured in Afghanistan are detained) have been subject to abuse “tantamount to torture”. First complaints by the organization were made in Jan. 2003.

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2005

Jan. 1 NYT reports that Justice Dept. has broadened definition of torture, retreating from Aug 2004 memo that narrowly defined torture. (First reported in WSJ and Wash. Post).

Jan. 6 NYT reports Brig. Gen John T. Furlow will lead investigation at GB

Jan. 2005 Pentagon reports that currently 137 military members have been disciplined or face court martials for abusing detainees. Separate investigation in Virginia is looking at abuses by civilian contractors hired as interrogators. Part of a “zero-tolerance” attitude toward abuse, say officials. Pentagon spokesperson Lt. Col John A Skinner states “Our policy is clear, it has always been the humane treatment of detainees.”

Jan. 14 Army Reserve Spec. Charles A. Graner, Jr. convicted on five counts of assault, maltreatment and conspiracy in connection with the beating and humiliation of Iraqi detainees. (note: no officer at Abu Ghraib, nor anyone higher in the chain of command, has faced criminal charges to date). Jan. 15 Graner sentenced to 10 years in prison after convicted on five charges.

Jan. 18 Scheduled date for court martial of Lyndie England.



- Jan. 19 US District Judge Richard Leon dismisses seven Guantanamo prisoners habeas petitions, ruling that Pres. Bush's war powers permit the Pentagon to hold enemy combatants and review the detentions on their own.
- Jan. 28 NYT reports that Army Sgt. Erik R. Saar, Arabic Translator at Guantanamo from Dec. 2002-Jun. 2003, has drafted a manuscript detailing abuses at that prison.
- Jan. 31 US District Judge Joyce Hens Green rules the opposite of Leon saying GB captives can sue for their freedom, and specifically cites torture allegations and criticizes the CSRT's as fundamentally flawed.
- Feb. 2005 Pfc. Willie V. Brand and Stg. James P. Boland charged with manslaughter in a closed hearing in connection with a death of a prisoner being held in American custody in a prison in Afghanistan in Dec., 2002. Willie Brnd was a member of Company A of the 519<sup>th</sup> Military Intelligence Battalion from Fort Bragg, NC.
- Feb. 18 ACLU releases US Army documents showing photos of American soldiers posing with hooded and bound prisoners in Afghanistan were destroyed after the Abu Ghraib scandal.
- Feb. 25 Report prepared through the office of the Justice Department inspector general on the screening process employed by subcontractors for Iraq prisons released. Report states inadequacies in background checks and new procedures recommended.
- Mar. 12 NYT article revealed that Capt. Carolyn Wood, who commanded company A in Afghanistan and helped to establish the interrogation and debriefing center at AG lied to investigators by stating that the shackling of prisoners was intended to protect them from harm.
- Apr. 22 Four top Army officers overseeing prison policies and practices in Iraq are cleared in a high-level Army investigation. Among those cleared: Lt. Gen. Ricardo S. Sanchez, the highest ranking officer to face allegations of leadership failure, was not accused of any criminal misconduct. Sanchez's deputy, Maj. Gen. Walter Wojdakowski was also cleared. Maj. Gen. Barbara Fast, the former chief intelligence officer in Iraq who oversaw the interrogation center at Abu Grhraib was also cleared, as there were only "unsubstantiated allegations against her. The only officer to receive any punishment, Brig. Gen. Janis Karpinski was relieved of command and given a written reprimand.
- May 2 Pfc. Lyndie England pleaded guilty to seven criminal counts

- May 16      Newsweek releases a retraction regarding a flawed story that sparked deadly rioting in Afghanistan and other countries. The article claimed that US military investigators confirmed that interrogators at Guantanamo Bay had flushed a copy of the Koran down the toilet.
- May 17      Spc. Sabrina Harmon sentenced to 6 mos. in prison. Second guard convicted in military court.
- May 24      Lt. Andrew K. Ledford, member of elite Seal commando force, charged with dereliction of duty, assault and battery, making false statements to investigators, and conducting unbecoming an officer for his involvement in the death of a detainee at Abu Grhaib.
- May 25      Internal FBI memos and summaries of interrogations released by the ACLU reveal government officials were made aware of allegations of prisoner abuse and Koran mistreatment within months of opening GB in early 2002.
- Jun. 13      VP Dick Chaney publicly defends the American prison at GB, saying it is essential to the administration's efforts to combat terrorism.
- Jun. 20      Article published in The New England Journal of Medicine revealed that doctors helped devise and supervise interrogations that were intended to increase fear and distress among detainees to obtain intelligence. The use of medical records to exploit prisoner fears, for instance, was practiced.
- Jun. 29      New York Times reports that two senior officers who oversaw or advised detention operations at the AG prison were promoted or nominated for promotion. The promotions coming from Def. Sec. Donald Rumsfeld includes the elevating of Lt. Gen. Ricardo Sanchez to a four-star rank. In addition, Maj. Gen. Walter Wodjakowski, was promoted by the Army to head the Army's infantry training school at Fort Benning, GA. Col. Marc Warren, who was a top military lawyer for the American command in Bagdad at the time of AG prison abuses, has been nominated to be a one-star (brig) general.
- Jul. 12      Washington Post reports that report by Brig. Gen. John T. Furlow and Randall M. Schmidt investigating alleged misconduct witnessed by FBI agents working at GB concluded that there is no link between the misconduct and Defense Department policy. Report is classified. Recommendations were made for the reprimand of former commander of GB Maj. Gen. Geoffrey Miller.
- Jul. 26      A military interrogator testifies in a preliminary hearing for two dog handlers at AG that the use of dogs for interrogation was recommended by

**Maj. Gen. Geoffrey Miller. Miller's sworn testimony to Congress in 2004 denied that he recommended the use of dogs.**

**Aug. 2005 Agreement announced that allows the gradual transfer of Afghan detainees held by the DOD at GB and Afghanistan to Afghanistan authorities.**

## **APPENDIX B**

### **List of Key Actors**

## APPENDIX B

### LIST OF KEY ACTORS

Donald Rumsfeld

*Secretary of Defense, U.S. Department of Defense*

Sworn in as Secretary of Defense under the G.W. Bush Administration in January 2001 through 2006. Prior to his appointment, he served as Chief Executive Officer for two Fortune 500 companies from 1977-2000, Secretary of Defense under President Gerald Ford from 1975-1977, and White House Chief of Staff from 1974-1975, and U.S. Ambassador to NATO between 1973-1974. Rumsfeld approved the harsh interrogation techniques Guantanamo Bay, Cuba that were subsequently used at detention facilities in Afghanistan and Iraq.

Jay Bybee

*Assistant Attorney General, U.S. Department of Justice*

Bybee was appointed to his position in 2001 by President G. W. Bush. Prior to his appointment, Bybee served the Department of Justice working in the Office of Legal Policy, and then on the Appellate Staff of the Civil Division. Bybee served at the White House from 1989-91 as Associate Counsel to the President, and has held positions as faculty teaching various topics in constitutional and administrative law.

Stephen Cambone

*Undersecretary of Defense for Intelligence, U.S. Department of Defense*

Named to the office newly created by Rumsfeld as part of his reorganization of the Pentagon. Cambone's appointment was unpopular among military intelligence officials who deemed him inappropriate for the position due to his lack of experience in running intelligence programs.

Alberto Gonzales

*Assistant to the President and White House Counsel*

Appointed to the White House Counsel in January 2001 by G. W. Bush, Gonzales had served as Justice of the Supreme Court of Texas (appointed 1999). Prior to his appointment as White House Counsel, Gonzales also served as Texas Secretary of State and General Counsel to then Governor Bush. Gonzales advised the president that the U.S. could legally ignore the Geneva Convention under circumstances, and provided the legal rationale for bypassing the treaty. This advice trickled down through the chain of command, and contributed to the abuse of prisoners at Abu Ghraib.

William Haynes II

*General Counsel, Department of Defense*

Haynes served as the General Counsel of the Department of Defense since May 2001. Appointed by President G. W. Bush, Haynes is the chief legal officer of the Department of Defense and the legal advisor to the Secretary of Defense. Prior to serving as the

General counsel of the Department of Defense, Haynes was a partner in a private practice where he provided legal services to corporate and individual clients. From 1996 to 1999, he served as staff vice president and associate general counsel of General Dynamics Corporation, and as general counsel of General Dynamics Corporation's Marine Group. Following Haynes' Senate confirmation in 1990, he was appointed General Counsel of the Department of the Army, a post he held for three years. As General Counsel, he was responsible for all legal matters related to the Department of the Army, and oversight of the military and civilian lawyers in the Department of the Army.

**Richard Myers (General)**

*Chairman of the U.S. Joint Chief of Staff*

General Myers was appointed Chairman of the Joint Chiefs of staff in October 2001. He served as the principal military advisor to the President, Secretary of Defense, and the National Security Council. Prior to his appointment as Chairman, he served as Vice Chairman of the Joint Chiefs of Staff for nineteen months. Between August 1998 and February 2000, Myers was Commander in Chief of North American Aerospace Defense Command and U.S. Space Command; Commander, Air Force Space Command; and Department of Defense manager, space transportation system contingency support at Peterson Air Force Base, Colorado. From July 1997 to July 1998 he served as Commander, Pacific Air Forces, Hickam Air Force Base, Hawaii, and Assistant to the Chairman of the Joint Chiefs of Staff, the Pentagon from July 1996 to July 1997. From November 1993 to June 1996 General Myers was Commander of U.S. Forces Japan and 5th Air Force at Yokota Air Base in Japan.

**James Hill (General)**

*Commander U.S. Southern Command*

Hill served as Commander of the U.S. Southern Command in Miami, Florida, and was responsible for the oversight of operations at Guantanamo Bay, Cuba. Appointed to the position on August 18, 2002, Hill assumes control over the Southern Command, which is responsible for all U.S. military activities in Central and South America, and the Caribbean. In the War on Terrorism, Southern Command has been by operating a terrorist detention and intelligence operations facility at Guantanamo Bay, Cuba since January 2002. Hill has a extensive history of military service. He served in WWII as a commander pilot. Following WWII, he served at various bases throughout the U.S. and abroad in numerous Air Force positions. Hill assumed the position of Deputy Director of programs at the Pentagon in March 1971, and the Director of the Pentagon in December of the same year. He was assigned as Assistant Deputy Chief of Staff, Programs and Resources in July 1974. In 1977, General Hill became Commander in Chief, Pacific Air Forces, Hickam Air Base, Hawaii, and Vice Chief of Staff in July 1978.

**Rick Baccus (Brigadier General)**

*Commander of CJTF-170; Commander, 43rd Military Police Brigade*

In March 2002, Baccus assumed command of Joint Task Force 160, Guantanamo Bay, Cuba, in Operation Enduring Freedom. As commander of a 1,500 member task force, he was in charge of receiving and holding detainees in support of the global war on

terrorism. He was relieved of duties there later in 2002 upon the restructuring of the detention and interrogation facility at Guantanamo Bay.

Janis Karpinski (Brigadier General)

*Commander, 800<sup>th</sup> Military Police Brigade*

Karpinski was in charge of the military police at the prison, she had no control over interrogations being handled by military intelligence, the CIA or even private contractors. Karpinski contends that as the chain of command and the policies regarding the security detainees at Abu Ghraib became increasingly ambiguous.

Anthony Jones (Lieutenant General)

*Deputy Commanding General/Chief of Staff U.S. Army Training and Doctrine Command*

As a co-author of The Fay-Jones Report, Jones was instrumental in the investigation of the Abu Ghraib prison and the 205<sup>th</sup> Military Intelligence Brigade. He assumed his duties as the Deputy Commanding General and Chief of Staff for Headquarters, U.S. Army Training and Doctrine Command in June 2003. Prior to this appointment, he had been assigned to a variety of staff and command positions. He served in the Pentagon with both the Office of the Deputy Chief of Staff for Operations and Plans, the Department of the Army, and the Joint Staff. He served abroad in Germany, Korea, Desert Shield and Desert Storm in Saudi Arabia, and in Bosnia.

Ricardo Sanchez (Lieutenant General)

*Commander, CJTF-7*

Sanchez served as Commander of Joint Task Force 7 and senior military official in Iraq until July 2004. In July 2001, Lieutenant General Sanchez assumed command of America's First Armored Division in Wiesbaden, Germany. There, for two years he trained, prepared, and then deployed the division to Iraq in April 2003 to serve in Operation Iraqi Freedom. Sanchez assumed command of V Corps in Baghdad and subsequently became Commander of the Combined and Joint Task Force 7. Between June 2003 to June 2004, Sanchez was responsible for the restoration and reconstruction operations related to Iraq's infrastructure and security forces.

Albert Church III (Vice Admiral)

*Director of Navy Staff*

Under the direction of Secretary of Defense Donald Rumsfeld, Vice Admiral Church prepared a brief in May 2004 following his investigation into allegations of abuse of prisoners at Guantanamo Bay, Cuba, Iraq, and Afghanistan. Vice Admiral Church's appointments include (but are not limited to): From July 1988 to March 2003, Church served in two Director positions with the U.S. Navy: Director of the Office of Budget in the Office of the Assistant Secretary of the Navy and Director of Fiscal Management Division in the Office of the Chief of Naval Operations. Prior to this appointment, Church commanded Naval Station Norfolk from August 1992 to August 1994. He was then appointed as Program and Budget Analysis Division Chief, Force Structure

Resources and served as Assessment Directorate on the Joint Staff from August 1994 through July 1996. He served as Deputy Chief of Staff for Shore Installation Management, U.S. Pacific Fleet from September 1996 until June 1998.

Barbara Fast (Major General)

*Command, Intelligence Officer CJTF-7 in Baghdad, Iraq.*

Maj. Gen. Barbara G. Fast, C2 intelligence officer Combined Joint Task Force 7 (CJTF7), was investigated for dereliction of duties, but the allegations were deemed unsubstantiated.

Michael Dunlavey (Major General)

*Operations Commander, JTF 170*

As Commander of Joint Task Force 170, the intelligence task force at Guantanamo Bay, Cuba, Dunlavey requested that the SOUTHCOM Commander approve a list of counter-resistance techniques. Dunlavey also served as assistant deputy chief of staff for Intelligence (IMA), Office of the Deputy Chief of Staff for Intelligence, Washington, D.C. and designated as the Army Reserve member of the Reserve Forces Policy Board in December 1997. The board serves as the primary policy advisor to the secretary of Defense on reserve component matters. Dunlavey was responsible for setting up the interrogations at GITMO until relieved of his position following the appointment of Major General Geoffrey Miller as unifying commander at GITMO.

Geoffrey Miller (Major General)

*Commander of Detention and Interrogation Center at Guantanamo Bay*

Miller headed the detention and interrogation systems at Guantanamo Bay prior to his appointment as the new U.S. chief of prisons in Iraq in April 2004.

Thomas Pappas (Colonel)

*Commander of the 205<sup>th</sup> Military Intelligence Brigade*

Pappas commanded the unit that conducted the interrogations in Abu Ghraib Block 1A when and where the abuses occurred. Pappas believed that "policies and procedures" at Abu Ghraib were made implicit at the recommendations made by Maj. Gen. Geoffrey Miller, the former commander at Guantanamo. For his role in the Abu Ghraib abuses, which was tantamount to lack of oversight, Pappas, Commander of the 205<sup>th</sup> Military Intelligence Brigade, was relieved of command on May 13, 2005, received a letter of reprimand, and was fined.

Steven Jordan (Lieutenant Colonel)

*Director/Liaison Officer, Joint Interrogation and Detention Center at Abu Ghraib, Iraq*

A Civil Affairs officer since 1993, Jordan was verbally appointed Director of the Joint Interrogation and Debriefing Center and Liaison Officer to the 205<sup>th</sup> Military Intelligence Brigade in September 2003.



Jerry Phillabaum (Lieutenant Colonel)

*Commander of the 320<sup>th</sup> Military Police Battalion*

Commander to the 320<sup>th</sup> Military Police Battalion deployed to Abu Ghraib October 2003. Reprimanded and relieved of command at the recommendation of Maj. General Tagabu. (The 320<sup>th</sup> MP Battalion reports to J. Karpinski.)

Donald Reese (Captain)

*Commander of the 372<sup>nd</sup> Military Police Company*

Effectively served as 'warden' of the Abu Ghraib prison, Reese has continuously denied any knowledge of abuses during his service there. (372<sup>nd</sup> MP Company reports to J. Karpinski).

Christopher Brison (Captain)

*Platoon Leader of the 372<sup>nd</sup> Military Police Company (attached to the 320<sup>th</sup> MP Battalion)*

Assigned as Officer in Charge of the Hard Site at Abu Ghraib by Captain Donald Reese in October 2003. He supervised Charles Graner and others who were eventually identified as those carrying out the abuses at Abu Ghraib.

Carolyn Wood (Captain)

*519<sup>th</sup> Military Intelligence Battalion*

Captain Wood's unit, the 519 Military Intelligence Brigade, was the first military intelligence unit to arrive at Abu Ghraib prison, on July 25, 2003, when the site was not yet being used to detain military intelligence holds or security detainees. She obtained permission for the 519 MI Brigade was granted permission to use Tier 1A at the Hard Site at Abu Ghraib to house detainees. Yet prior to her appointment as OIC at Abu Ghraib, Wood's unit, the 519<sup>th</sup> Military Intelligence Brigade, had been accused of conducting abuse interrogation practices at a detention facility in Bagram, Afghanistan.

Diane E. Beaver (Lieutenant Colonel)

*Staff Judge Advocate at the US Army*

Prepared legal memoranda regarding the application of interrogation techniques.

### **Enlisted**

Ivan "Chip" Frederick (Staff Sergeant)

*372<sup>nd</sup> Military Police Company*

Senior enlisted soldier at Abu Ghraib between October 2003 and December 2003. Graner pleaded guilty in October 2004 to conspiracy, dereliction of duty, maltreatment of detainees, assault, and committing indecent act. He was sentenced to eight years in prison, a reduction in rank, forfeiture of pay, and dishonorable discharge. The charges against Frederick was involved in the arranging of naked detainees into a human pyramid. He also ordered detainees to strip and masturbate, and forced two detainees to simulate fellatio. He also participated in the hooding of a detainee who was placed on a box with wires attached to his hands and told that falling off of the box would result in the detainee's electrocution. Frederick was sentenced to eight years in prison and the full

forfeiture of pay. He received a dishonorable discharge and a reduction in rank to Private. Prior to his deployment to Iraq, Frederick served as a corrections officer at Buckingham Correctional Center, a state prison in Dillwyn, VA

Joseph Darby (Specialist)

*372<sup>nd</sup> Military Police Company*

Darby served in the 372<sup>nd</sup> Military Police Company based in Cumberland, MD. The whistleblower of the prison abuse at Abu Ghraib. Gave now infamous photograph of military posed with detainees to investigators on January 13, 2004.

Jeremy Sivits (Specialist)

*372<sup>nd</sup> Military Police Company*

Sivits was the first soldier to be brought to trial for the abuses at Abu Ghraib. Court martial May 2004, at which time he was sentenced to one year in prison, a reduction in rank, and a bad conduct discharge. Sivits' Army training consisted primarily of a truck mechanic.

Charles Graner, Jr. (Specialist)

*372<sup>nd</sup> Military Police Company*

Graner participated in the stacking of naked prisoners, and ordered detainees to masturbate at the Abu Ghraib prison. Graner was romantically involved with Pfc. Lynndie England, also stationed at Abu Ghraib. Convicted January 2005 for conspiracy, assault, maltreatment of prisoners, dereliction of duty, and committing indecent act. Sentenced to 10 years in prison, reduction in rank, forfeiture of pay, and dishonorable discharge.

Sabrina Harmon (Specialist)

*372<sup>nd</sup> Military Police Company*

Harmon appeared in the infamous photograph of dead prisoner packed in ice at the Abu Ghraib prison, giving a 'thumbs-up' next to the dead detainee brought into the prison by other government agencies. She photographed and videotaped detainees as they were forced to masturbate, and wrote "rapeist" (sic) on a detainee's leg. Harmon was a participant in the incident in which a hooded detainee was wired and placed on a box, and told that if he fell off of the box, he would be electrocuted. Harmon was convicted by a general court-martial in May 2005 of conspiracy, maltreating detainees and dereliction of duty. She was sentenced to six months in prison and received a bad-conduct discharge.

Javal Davis (Sergeant)

*372<sup>nd</sup> Military Police Company*

Plead guilty before a general court-martial in February 2005 to dereliction of duty, assault, and making false statements to military investigators for his role at Abu Ghraib. Davis was sentenced to six months in jail after admitting to having deliberately stepped on the hands and feet of handcuffed prisoners. As a result of his plea, Davis received a reduction in rank, was sentenced to six months in prison and received a bad-conduct discharge.

Lynndie England (Private First Class)  
*372<sup>nd</sup> Military Police Company*

Appeared in photographs with naked detainees, pointing at genitals of detainees and stacks of naked prisoners, and holding a naked prisoner on a leash. England was romantically involved with Spc. Charles Graner, also stationed at Abu Ghraib. England was convicted by a general court-martial in September 2005 on one count of conspiracy, four counts of mistreating detainees and one count of committing an indecent act. She was sentenced to three years in prison and received a dishonorable discharge.

Meghan Ambuhl (Private First Class)  
*372<sup>nd</sup> Military Police Company*

Pleaded guilty to a charge of dereliction of duty and sentenced to a reduction in rank and the forfeiture of half-month's salary for her role in the events at Abu Ghraib.

Armin J. Cruz, Jr. (Specialist)  
*325<sup>th</sup> Military Intelligence Brigade*

Pleaded guilty before a special court-martial in September 2004 to conspiracy and mistreating prisoners. Cruz admitted that he forced to strip and to crawl on their hands and knees. He confessed to pouring cold water on detainees, and to participating in the positioning detainees for a photograph that simulating the detainees sodomizing one another. Cruz was sentenced to eight months in prison, was reduced in rank to private and received a bad-conduct discharge.

Roman Krol (Specialist)  
*325<sup>th</sup> Military Intelligence Brigade*

Pleaded guilty before a general court-martial in February 2005 to two counts of abusing detainees and one charge of conspiracy abuse. Krol admitted to pouring water on naked detainees, forcing them to crawl around on the floor and throwing a foam football at them while they were handcuffed. Krol was sentenced to 10 months in prison, received a bad-conduct discharge and was reduced in rank to private.

### **Civilian Contractors**

CACI International, Inc.  
*Defense Contractor*

Arlington, TX based defense contractor and information technology and network solutions company. CACI provided the US Army with over three dozen interrogators in Iraq since August 2003 as part of a \$23 million technology contract awarded to the company. On August 12, 2004 CACI was awarded a no-bid extension from the Army, for up to another \$23 million, to continue its work in Iraq. Also in 2004, CACI won a five year, \$75 million contract from the Naval Sea System Command to provide systems

integration and support for all Navy shipyards. Two of its contractors were named as participants of the abuses at Abu Ghraib.

**Titan Corporation**

*Defense Contractor*

The Titan Corp. sells information and communication services to military and intelligence agencies, and to date has been the largest supplier of translators and linguists to the U.S. military. The Army suspended 10% of Titan's payment for current work in Iraq pending an examination of employment practices, while Securities and Exchange Commission (SEC) is investigating bribery charges against the company in their operations in Africa and Far East. Recently awarded a \$38 million contract by Federal Aviation Administration for providing support in engineering and analysis. In March 2005, Titan reached a settlement with the SEC without admitting to denying any of the allegations put forth by the SEC. The company recently pleaded guilty in criminal courts, including bribery in the 2001 presidential campaign in the West African nation of Benin, in their agreement with the Department of Justice.

**Stephen Stehpanowicz**

CACI interrogator assigned to work with the 205<sup>th</sup> Military Intelligence Brigade under the command of Colonel Thomas Pappas. Stephanowicz was reprimanded and released from his position.

**John Israel**

Employed by CACI and assigned to work as an interpreter with the 205<sup>th</sup> Military Intelligence Brigade under the command of Colonel Thomas Pappas.

**Torin Nelson**

One of the most experienced interrogators at Abu Ghraib, Nelson served as a military intelligence officer at Guantánamo Bay prior to serving as a private contractor at the prison at Abu Ghraib. Employed by CACI, Nelson was assigned to work with the 205<sup>th</sup> Military Intelligence Brigade under the command of Colonel Thomas Pappas.

**Adel Nakhla**

Translator employed by a Titan subcontractor and assigned to work with the 205<sup>th</sup> Military Intelligence Brigade under the command of Colonel Thomas Pappas.

## APPENDIX C

### Data Source List

## APPENDIX C

## DATA SOURCE LIST

150

Document Type	Source	Retrieval Date*	Title/Reason	Author	Date Prepared	Agency/ Office
Memorandum	Torture Papers		Working Group Report on Detainee Interrogation in the Global War on Terrorism: Assessment of Legal, Historical, Policy and Operational Considerations	Classified by Donald Rumsfeld	04/04/03	Sec. of Defense
Report	Torture Papers		Report of the International Committee of the Red Cross	n/a	02/00/04	ICRC
Report	Torture Papers		The Tagabu Report (Investigation of the 800 <sup>th</sup> MP Brigade)	Maj. Gen. Antonio Tagabu	03/00/04	
Report	Torture Papers		Psychological Assessment of Allegations of Detainee Abuse at Abu Ghraib	Col. Henry Nelson	Undated	USAF
Report	Torture Papers		Assessment regarding interrogation and intelligence operations in Iraq	Maj. Gen. Geoffrey Miller	09/00/03	
Vitae	Torture Papers		CV for Brig. Gen. Janice Karpinski, Commander 800 <sup>th</sup> MP Brigade	Janice Karpinski		
Report	Torture Papers		Human Rights Standards Applicable to the US's Interrogation of Detainees	Committee on International Human Rights, Committee on Military Affairs and Justice's Report	04/00/04	Assoc. of the Bar of the City of New York
Report	Torture Papers		The Mikolashek Report		07/00/04	Dept. of the Army
Report	Torture Papers		The Schlesinger Report	Independent Panel to Review DOD Detention Operations	08/00/04	
Report	Torture Papers		DOD Response to the Associated Press	DOD	10/00/04	DOD
Report	Torture Papers		Faye-Jones Report	Maj. Gen. George R. Faye	08/00/04	INSCOM
Memorandum	Torture Papers		Opinion for the Deputy Council to the President	John Yoo	09/25/01	USDOJ
Memorandum	Torture Papers		Military Order of Nov. 13, 2001	Pres. George W. Bush	11/13/01	Exec. Office
Memorandum	Torture Papers		Habeas Jurisdiction over Aliens Held at GITMO	Patrick Philbin	12/28/01	DOD
Memorandum	Torture Papers		Application of Treaties and Laws to al Qaeda and Taliban Detainees	John Yoo, Robert Delahunty	01/09/02	USDOJ
Memorandum	Torture Papers		Status of Taliban and al Qaeda	Donald Rumsfeld	01/19/02	Sec. of Defense
Memorandum	Torture Papers		Application of Treaties and Laws to al Qaeda and Taliban Detainees	Jay S. Bybee	01/22/02	USDOJ
Memorandum	Torture Papers		Decision Re Application of Treaties and Laws to al Qaeda and Taliban Detainees	Alberto R. Gonzales	01/25/02	Counsel to President
Memorandum	Torture Papers		Draft Decision Memorandum for the President on the Applicability of the Geneva Convention to the Conflict in Afghanistan	Colin L. Powell	01/26/02	US Dept. of State
Memorandum	Torture Papers		Justice Department's position on why the Geneva Convention did not apply to al Qaeda and Taliban detainees	John Ashcroft	02/01/02	Attorney General

Memorandum	Torture Papers	Comments on Your Paper on the Geneva Convention	William H. Taft IV	02/02/02	US Dept. of State
Memorandum	Torture Papers	Humane Treatment of al Qaeda and Taliban Detainees	Pres. George W. Bush	02/07/02	Exec. Office
Memorandum	Torture Papers	Status of Taliban Forces Under Article 4 of the Third Geneva Convention of 1949	Jay S. Bybee	02/07/02	USDOJ
Memorandum	Torture Papers	Potential Legal Constraints Applicable to Interrogations of Persons Captured by U.S. Armed Forces in Afghanistan	Jay S. Bybee	02/26/02	USDOJ
Memorandum	Torture Papers	Counter-Resistance Techniques in the War on Terror	Donald Rumsfeld	04/16/02	Sec. of Defense
Memorandum	Torture Papers	Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A	Jay S. Bybee	08/01/02	USDOJ
Memorandum	Torture Papers	Letter regarding "the views of our Office concerning the legality, under international law, of interrogation methods to be used on captured al Qaeda operatives"	John Yoo	08/01/02	USDOJ
Memorandum	Torture Papers	Counter Resistance Strategies	Maj. Gen. Michael Dunlavey	10/11/02	DOD
Memorandum	Torture Papers	Legal Review of Aggressive Interrogation Techniques	Diane Beaver	10/11/02	DOD
Memorandum	Torture Papers	Request for Approval of Counter-Resistance Strategies	Jerald Phifer	10/11/02	DOD
Memorandum	Torture Papers	Legal Brief on Proposed Counter-Resistance Strategies	Diane Beaver	10/11/02	DOD
Memorandum	Torture Papers	Counter-Resistance Techniques	Gen. James T. Hill	10/25/02	DOD
Memorandum	Torture Papers	Counter-Resistance Techniques	William J. Haynes II	11/27/02	DOD
Memorandum	Torture Papers	Detainee Interrogations	Donald Rumsfeld	01/15/03	Sec. of Defense
Memorandum	Torture Papers	Counter-Resistance Techniques	Donald Rumsfeld	01/15/03	Sec. of Defense
Memorandum	Torture Papers	Working Group to Assess (Interrogation Issues)	William J. Haynes II	01/17/03	DOD
Memorandum	Torture Papers	Working Group Report on Detainee Interrogation in the Global War on Terrorism: Assessment of Legal, Historical, Policy and Operational Considerations (draft)	Classified by Donald Rumsfeld	03/06/03	Sec. of Defense
Memorandum	Torture Papers	Interrogation and Counter Resistance Policy	Ricardo S. Sanchez	10/12/03	USA Commanding
Memorandum	Torture Papers	Request for Exception to CJTF-7 Interrogation and Counter-Resistance Policy	Thomas M. Pappas	11/30/03	MI Commanding
Memorandum	Torture Papers	Request for Investigating Officer	Ricardo S. Sanchez	01/19/04	USA Commanding
Report	Torture Papers	Report on Allegations of Prisoner Abuse at Abu Ghraib		01/28/04	CID (Army)
Memorandum	Torture Papers	Draft of an opinion concerning the meaning of Article 49 of the Fourth Geneva Convention as it applies in occupied Iraq.	Jack Goldsmith III	03/19/04	Office of Legal Counsel
Memorandum	ACLU	Detainees - 1640 Guidance Regarding OGC EC	Edward H. Lueckenhoff	05/25/04	FBI
Memorandum	ACLU	Detainees - 2773 Impersonating FBI at GITMO	[Redacted]	12/05/03	FBI
Memorandum	ACLU	Detainees - 2611 Military Liaison & Detainee Unit	Counterterrorism MLDU	05/18/04	FBI
Memorandum	ACLU	Detainees - 3464 GITMO-Intel	CIRG	04/10/03	FBI
Memorandum	ACLU	Detainees- 3527 RE Post Report (FBI involvement in abuse at AG)	Steven McCraw	05/22/04	FBI
Memorandum	ACLU	Detainees - 1264	CIPG	05/30/02	FBI
Memorandum	ACLU	DOD - 45202 JTF GITMO "SERE" Interrogation SOP DTD 10 Dec 02	[Redacted]	12/17/02	DOD
Memorandum	ACLU	Detainees - 1181 297-HQ-A13276697-E	Inspection	05/19/04	FBI
Memorandum	ACLU	Detainees- 1262 265A-MM-C99102	CIRG	05/30/03	FBI
Memorandum	ACLU	Detainees - 2619 GITMO use of aggressive interrogation	Valerie Caproni	05/22/04	FBI

Memorandum	ACLU		Humane Treatment of al Qaeda and Taliban Detainees	White House	02/07/02	White House
Memorandum	ACLU		Draft Decision Memorandum for the President on the Applicability...	Colin Powell	[no date]	Dept. of State
Memorandum	DOD		Legal Brief on Proposed Counter-Resistance Strategies	Diane Beaver	10/11/02	DOD
Memorandum	ACLU		Comments on Your Paper on the Geneva Convention	William Taft	02/02/02	Dept. of State
Memorandum	DOD		Request for Approval of Counter-Resistance Strategies	Jerald Phifer	10/11/02	DOD
Letter	ACLU		National Security Council's discussion on Taliban detainees	John Ashcroft	02/01/02	Office of Atty. General
Statement	Torture Papers		Sworn Statement of Sgt. Michael Joseph Smith		01/27/04	Deputy Chief of Staff of Personnel
Statement	Torture Papers		Sworn Statement of Steven A. Stefanowicz, CACI		01/22/04	ODCSOPS
Statement	Torture Papers		Sworn Statement of Spc. Luciana Spencer		01/21/04	ODCSOPS
Statement	Torture Papers		Sworn Statement of Samuel Jefferson Provance		01/21/04	ODCSOPS
Statement	Torture Papers		Sworn Statement of Abu Ghraib Detainee # 151365		01/21/04	CID
Statement	Torture Papers		Sworn Statement of Adel L. Nakhla, Titan Corp.		01/18/04	Deputy of Chief of Staff for Personnel
Statement	Torture Papers		Statement of Abu Ghraib Detainee # 19446		01/18/04	CID
Statement	DOD		Statement of Abu Ghraib Detainee # 151108		01/18/04	CID
Statement	ACLU		DOD-043463 Sworn Statement of Member of 372 <sup>nd</sup> MP Company		05/11/04	DOD
Statement	<a href="http://www.publicintegrity.org/docs/AbuGhrai/Abu32.pdf">http://www.publicintegrity.org/docs/AbuGhrai/Abu32.pdf</a>	01/30/05	Sworn Statement of Steven L. Jordan	S.L. Jordan	02/24/04	
Statement	<a href="http://www.publicintegrity.org/docs/AbuGhrai/Abu14.pdf">http://www.publicintegrity.org/docs/AbuGhrai/Abu14.pdf</a>	01/30/05	Sworn Statement of Thomas M. Pappas	T. M. Pappas	02/00/04	
Statement	<a href="http://www.publicintegrity.org/docs/AbuGhrai/Abu10.pdf">http://www.publicintegrity.org/docs/AbuGhrai/Abu10.pdf</a>	01/30/05	Sworn Statement of D. J. Reese	D.J. Reese	01/18/04	
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Report	Office of the High Commissioner for Human Rights	04/08/06	Geneva Convention relative to the Treatment of Prisoners of War			
Photographs	<a href="http://www.nytimes.com">www.nytimes.com</a>	12/19/04				
Photographs	<a href="http://www.salon.com">www.salon.com</a>	03/15/06				



News Article	LEXIS-NEXIS; Washington Post	06/30/05	A prison on the brink: usual military checks and balances went missing	A. Higham, J. White, and C. Davenport	05/19/05
News Article	LEXIS NEXIS; The New Yorker	01/04/05	The grey zone: how secret pentagon program came to Abu Ghraib	S. M. Hersh	05/24/04
News Article	LEXIS NEXIS; The New Yorker	01/04/05	Torture at Abu Ghraib: American soldiers brutalize Iraqis. How far up does the responsibility go?	S. M. Hersh	05/10/04
News Article	LEXIS NEXIS; The Washington Post	03/31/05	New details of prison abuse emerge	S. Higham and J. Stephens	05/21/04
News Article	LEXIS NEXIS; The New York Times	02/09/05	Newly released reports show early concerns on prison abuse	K. Zernike	01/06/05
News Article	LEXIS NEXIS; The New York Times	03/31/05	US Military says 26 inmate deaths may be homicide	D. Jehl and E. Schmitt	03/16/05
News Article	LEXIS NEXIS; The Washington Post	01/27/05	Changes behind the barbed wire: new standards are in place for the oversight of contract workers at Abu Ghraib prison	E. McCarthy	12/13/04
News Article	LEXIS NEXIS; The Washington Post	04/04/05	Army documents shed light on CIA 'ghosting': systematic concealment of detainees is found	J. White	03/24/05
News Article	LEXIS NEXIS; The Washington Post	01/27/05	Military court hears Abu Ghraib testimony	T. R. Reid	01/11/05
News Article	LEXIS NEXIS; The Washington Post	01/27/05	Brig. Gen. Janis Karpinski says the Abu Ghriab investigation is about scapegoating, but she's having none of it	L. Copeland	05/10/04
News Article	LEXIS NEXIS; The New York Times	01/04/05	GI's are accused of abusing Iraqi captives	J. Risen	04/29/04
News Article	LEXIS NEXIS; The New York Times	09/21/05	Army moves to advance 2 linked to Abu Ghraib	E. Schmitt	06/29/05
News Article	LEXIS NEXIS; The New York Times	01/04/05	Army's report faults General in prison abuse	D. Jehl and E. Schmitt	08/27/04

News Article	LEXIS NEXIS; The Washington Post	01/26/05	Guard convicted in the first trial from Abu Ghraib	T. R. Reid	01/15/05
News Article	LEXIS NEXIS; The New York Times	02/02/05	Fresh details emerge on harsh methods at Guantanamo	N. A. Lewis	01/01/05
News Article	LEXIS NEXIS; The Washington Post	01/26/05	MP pleads guilty to abuses at Iraq prison	J. Spinner	10/21/04
News Article	LEXIS NEXIS; The New York Times	02/09/05	White House fought new curbs on interrogations, official say	D. Jehl and D. Johnston	01/13/05