4ID 104MI ICE

From: [redacted]
Sent: Thursday, August 14, 2003 11:26 AM
To:
Cc:

b6 b7c

[redacted]

Subject: RE: FW: Taskers

All:

Regarding the tasking--I am not a legal expert, but seems to me that everyone we are detaining at this point is an unpriviledged belligerent, since we have taken over the country and there is no longer any force opposing us that 1) wears recognizable uniform; and 2) bears arms openly. So I think everyone we detain is in that category.

As for "the gloves need to come off..." we need to take a deep breath and remember who we are. Those gloves are most definitely NOT based on Cold War or WWII enemies--they are based on clearly established standards of international law to which we are signatories and in part the originators. Those in turn derive from practices commonly accepted as morally correct, the so-called "usages of war." It comes down to standards of right and wrong--something we cannot just put aside when we find it inconvenient, any more than we can declare that we will "take no prisoners" and therefore shoot those who surrender to us simply because we find prisoners inconvenient.

"The casualties are mounting..." we have taken casualties in every war we have ever fought--that is part of the very nature of war. We also inflict casualties, generally many more than we take. **That in no way justifies letting go of our standards.** We have NEVER considered our enemies justified in doing such things to us. Casualties are part of war--if you cannot take casualties then you cannot engage in war. Period.

BOTTOM LINE: We are American soldiers, heirs of a long tradition of staying on the high ground. We need to stay there.

[redacted] b6 b7c

Psalm 24: 3-8

---Original Message---
From: [redacted] b6 b7c
[mailto:
Sent: Thursday, August 14, 2003 3:56 PM
To:
Cc:

[redacted]

Subject: RE: FW: Taskers

[redacted]

I sent several months in Afghanistan interrogating the Taliban and al Qaeda. Restrictions on interrogation techniques had a negative impact

EXHIBIT A

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on our ability to gather intelligence. Our interrogation doctrine is based on former Cold War amd WWII enemies. Todays enemy, particularly those in SWA, understand force, not psychological mind games or incentives. I would propose a baseline interrogation technique that at a minimum allows for physical contact resembling that used by SERE instructors. This allows open handed facial slaps from a distance of no more than about two feet and back handed blows to the midsection from a distance of about 18 inches. Again, this is open handed. I will not comment on the effectiveness of these techniques as both a control measure and an ability to send a clear message. I also believe that this should be a minimum baseline.

Other techniques would include close confinement quarters, sleep deprivation, white noise, and a litnany of harsher fear-up approaches...fear of dogs and snakes appear to work nicely. I firmly agree that the gloves need to come off.

V/R

[redacted] b62/7c2

---- Original Message ----
From: [redacted] b62/7c2
Date: Thursday, August 14, 2003 2:51 pm
Subject: FW: Taskers

> Sounds crazy, but we're just passing this on.
>
> ----Original Message----
> From: [redacted] b62/7c2
> [mailto:[redacted]
> Sent: Thursday, August 14, 2003 1:51 AM
> To: [redacted] b62/7c2
> Cc:
> Subject: Taskers
>
>
> ALCON
>
> Just wanted to make sure we are all clear on the taskers at hand
>
> 1- A list identifying individuals who we have in detention that
> fall under
> the category of "unlawful combatants" I've included a definition
> form the
> SJA folks:
>
> In order to properly address your request for a legal definition of
> the term "unlawful combatant," I must first provide you with a
> framework of definitions with which to work. According to the Law
> of Land Warfare,
> the term "combatant" is defined as anyone engaging in hostilities
> in an
> armed conflict on behalf of a party to the conflict. Combatants are
> lawful targets, unless out of combat. With that said, "lawful
> combatants" receive protections of the Geneva Conventions and
> gain combat
> immunity for their warlike acts, as well as become prisoners of
> war if
> captured. In comparison, "unprivileged belligerents," commonly
> referred to as "unlawful combatants," may be treated as criminals
> under the
> domestic law of the captor. Unprivileged belligerents may
> include spies,

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> saboteurs, or civilians who are participating in the hostilities.
> The
> term "unlawful combatant" is not referenced, nor is it defined.
> The term
> that properly described these type of individuals is "unprivileged
> belligerents," and as stated before they may be treated as
> criminals under
> domestic law.
>
> As far as an ROE that addresses the treatment of enemy combatants,
> specifically, unprivileged belligerents, we are unaware of any
> but we will
> continue to research the issue for you. I hope this information
> has been
> helpful.
>
> 2- An additional list identifying who we have detained who are
> "Islamicextremist"
>
> 3- Immediately seek input from interrogation elements (Division/Corps)
> concerning what their special interrogation knowledge base is
> and more
> importantly, what techniques would they feel would be effective
> techniques
> that SJA could review (basically provide a list).
>
> Provide interrogation techniques "wish list" by 17 AUG 03.
>
> The gloves are coming off gentleman regarding these detainees, [redacted] b6 27c 2
> [redacted] has
> made it clear that we want these individuals broken. Casualties
> are mounting
> and we need to start gathering info to help protect our fellow
> soldiers from
> any further attacks. I thank you for your hard work and your
> dedication.
> MI ALWAYS OUT FRONT!
>
>
>
> V/r
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> [redacted] b6 27c 2
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