

WRITTEN TESTIMONY OF

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BEFORE

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Mr. Chairman, distinguished members of the Committee. Thank you for allowing me to appear before your committee today. The issue of treatment of detainees in U.S. custody is a critically important matter and I am pleased to provide information and testimony relative to the questions raised in your memo to me dated September 12, 2008.

In accordance with the Committee's specific request, my written testimony today addresses my recollections of: (1) Joint Personnel Recovery Agency (JPRA) support to the Special Mission Unit Task Force (SMU TF) operations, including the September 2003 assistance visit to the SMU TF; (2) the purpose of the September 2003 visit; (3) any discussions I had with the SMU TF Commander relative to that visit; (4) any discussions I had with the JPRA Team Chief during that visit; (5) authorities granted to the JPRA team during that visit; and (6) any discussions I had with the U.S. Joint Forces Command (JFCOM) relative to the September 2003 visit to the SMU TF and other JPRA assistance to interrogation operations.

Before I address these specific questions, I would like to provide a brief background on my service in the United States Air Force, particularly focusing on my time and efforts at JPRA. I graduated from the United States Air Force Academy in 1978 and spent the first ten years of my career in various operational positions as a navigator in weather WC-130s and search and rescue HC-130s. From 1989 to 2000 I served in various command and staff positions to include two assignments to Headquarters, U.S. Air Force, National Defense Fellow at Georgetown University, legislative liaison for the U.S. Special Operations Command, and Director of Operations and Commander of Operational squadrons. In July 2000, I was assigned as the Deputy Commander of JPRA and assumed command in March 2001. I served as the Commander of JPRA until September 2004 and retired from active duty in December 2004.

JPRA's mission is to shape Personnel Recovery (PR) for the DoD, interagency, and partner nations and to enable commanders, forces, and individuals, to effectively accomplish their Personnel Recovery responsibilities. As part of that mission JPRA provides training to DoD personnel on critical tasks essential to survive, evade, resist and escape captivity. JPRA's mission has never been to conduct interrogations of captured personnel nor were the JPRA personnel that I commanded trained to do that mission.

Commanding the professional men and women of JPRA was without a doubt the most rewarding assignment of my career. The value of the myriad services performed by that agency in support of the Department of Defense (DoD) is dwarfed only by the commitment of the men and women working there. Upon assuming command I had three primary goals for my command tenure. First I wanted to restructure the organization to mirror that of other joint commands. This restructuring included placing uniformed personnel in charge of directorates, most of which were previously headed by government civilians. I determined this restructuring to be critical to the accountability associated with our many varied missions. My second priority was to create a Personnel Recovery Academy (PRA) using our training facilities at Fairchild Air Force Base (AFB), Washington as the nucleus and to create a uniformed command position equivalent to that of a squadron commander to oversee their programs and report directly to me. Due to geographic separation and difference in mission from the JPRA headquarters, I determined it was necessary to have full-time oversight by a uniformed officer. This change had nothing to do with any ill perceptions of the personnel working at Fairchild AFB, but rather I believed it would provide them with more unit identity and cohesion. My third priority was to create a core captivity curriculum that would bring all the service survival schools together with one standardized approach to SERE training.

After the events of September 11, 2001, JPRA refocused its attention on the training curriculum and personnel recovery planning essential to support the war fighter in new and ambiguous operating environments. With operations in Afghanistan (and again later for Iraq) we immediately became focused on developing new area survival and evasion charts, “pointy-talkies” (cards that allowed DoD personnel to communicate with indigenous personnel), and trying to develop a survival crib sheet for deploying soldiers, sailors and airmen who had not previously received any SERE training.

JPRA’s mission was especially difficult during this time because we were faced for the first time in the history of the United States with a conflict where our armed forces were in an operational environment where they could find themselves detained as prisoners of war, peacetime governmental detainees, or hostages. Each of these situations requires the detainee to comport himself differently. There are different legal ramifications with each scenario and how U.S. personnel are trained to interact with their captors is also different. Synthesizing these requirements into something junior service members—focused on their primary missions—could easily understand and retain was our most critical task. This requirement resulted in a significant increase deployment operations tempo for JPRA to ensure all forces were trained properly.

As the JPRA Commander, I reported directly to Commander, JFCOM. On a daily basis I worked with the Command primarily through the Chief of Staff and the Director of Operations (J-3). As had been my direction to JPRA staff upon assuming command, all requests for JPRA assistance were required to be forwarded through JFCOM who would then task JPRA after their review and approval. The JFCOM J-3 had an officer in the J-35 who was directly responsible for dealing with the requests from other Combatant Commanders and the Services for JPRA support.

While JPRA routinely provided support teams in theater to conduct SERE training and also supported other DoD organizations with subject matter experts on captivity psychology and

counter-resistance prior to September 2003, I am not aware of any other direct support to interrogation operations in the field. Throughout my tenure, I had discussions with JFCOM leadership about our mission and my reservations about extending support to interrogation operations. I believe there was consensus among JFCOM leadership and my staff that JPRA as an organization was limited by its authorities. There was also common agreement that the only personnel within DoD with subject matter expertise on captivity psychology and counter-resistance were the training instructors assigned to JPRA and the service SERE schools. The dilemma we faced was how to provide support on these areas while not extending past JPRA's charter. My recommendation to senior leadership at JFCOM as early as February 2002 was to support requests by having individuals serve as subject matter experts (SME). This approach was endorsed by JFCOM and followed throughout my tenure in command.

The request for support from the SMU TF came in late July or early August 2003 when I received a call from the TF Commander. We had served together off and on during our careers. The purpose of his call was to enlist JPRA's assistance in identifying resistance techniques being used by some of the high value target detainees they were capturing. I relayed to the TF commander that if he wanted assistance he would have to request SME support through the proper channels. In this case the request went through the U.S. Central Command (CENTCOM) chain of command, to the Joint Staff, and then down through JFCOM to JPRA.

After receiving the call from the SMU TF Commander, I notified the JFCOM J-3. In a follow-up email to the J-3, dated September 9, 2003, I reiterated and clarified my intent not to pursue an expansive JPRA role (to avoid the risk of mission creep). When the request for support came down from JFCOM, we identified a three person team to deploy. I specifically asked by name for Lt Col Kleinman to lead the group so I would have an experienced, uniformed officer on the ground. JFCOM leadership was briefed and after their approval the team departed.

At some point during the trip I was called by Lt Col Kleinman on my secure phone at my personal residence. Lt Col Kleinman relayed that the SMU TF wanted training on counter-resistance measures, something we had not planned for. I asked Lt Col Kleinman what the legal status of the detainees was and what techniques the TF wanted to see demonstrated. I was told that the detainees were designated unlawful combatants and that the techniques being requested were ones used by JPRA personnel during Survival, Evasion, Resistance, and Escape (SERE) training. Lt Col Kleinman did mention he had some reservations and I asked him to talk with the TF legal adviser. I then discussed the request with JFCOM senior leadership. The decision was made to have Lt Col Kleinman check again with the SMU TF legal advisor and support, if the request for training was given the okay.

Later, I received another request from Lt Col Kleinman. He said the TF was now asking for the JPRA instructors to demonstrate the counter-resistance techniques with a detainee. Again Lt Col Kleinman expressed his concern. I again contacted JFCOM leadership and relayed the request and Lt Col Kleinman's concerns. The JFCOM decision was to permit the demonstrations to proceed, but only after coordinating with the TF legal adviser. I relayed this to Lt Col Kleinman who again voiced his concern. I relayed the directions from JFCOM and said something to the effect that he was there on the ground and if he thought it was going beyond what he felt comfortable with that he could make the call on whether to proceed.

At some point during the demonstration, Lt Col Kleinman did intercede and stopped it. Shortly thereafter, the JPRA personnel were sent back home. I called the TF commander back to inquire about the support provided by my team and he indicated the team had delivered to his expectations and that he was satisfied with the support he got. I asked for and got after action reports from all the team members. While recollections differed, I got the sense from these reports that the TF Director of Intelligence (J-2) desired more participation from the deployed

personnel than they were prepared to provide and the mission was terminated. I had no further contact with the TF commander on this matter after I got his feedback.

I do not recall providing a formal debriefing to JFCOM leadership, but the trip was covered in my weekly classified updates to JFCOM Commander. The after action reports were forwarded to JFCOM through secure channels to the J-35.

I believe now as I did during these events that JPRA should not be in the business of conducting interrogations or interrogator training. Our personnel were not trained interrogators and JPRA is not organized, manned or equipped to perform that mission. However, the unique knowledge and expertise of JPRA professionals did provide invaluable support to DoD's intelligence collection efforts. At the time, the confluence of events, especially the infusion of unlawful combatants into the conflict, the lack of clear guidance on their legal status and written operating procedures, and the lack of knowledge within the intelligence community about the psychology of captivity required tough decisions to be made. I believe that JPRA's efforts expanded the knowledge of captivity psychology which led to improvements in the collection of actionable human intelligence. I appreciate the opportunity to speak with you today and look forward to answering any questions you may have.