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Memo Shows Officer's Shift on Use of Dogs

Abu Ghraib Commander Urged End to Tactic but No Punishment for Guards

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The top military intelligence officer at the Abu Ghraib prison in Iraq recommended in early 2004 that Army dog handlers not be disciplined for allegedly abusing detainees, urging commanders to immediately suspend the approved use of dogs in interrogations.

Col. Thomas M. Pappas's Feb. 15, 2004, memo to officials in Iraq is the first solid evidence that top officials believed that low-ranking soldiers should not be held responsible for using military dogs to intimidate high-value detainees. The two-page memo shows that Pappas initially believed the use of dogs -- first approved for the interrogation of an important detainee held in Guantanamo Bay, Cuba, more than a year earlier -- was a tactic his soldiers could employ. It also highlights a lack of guidance then for how dogs should have been used.

The memo was written about a month after graphic photographs of detainee abuse were turned in to Army investigators but months before the public was aware of them. It shows that Pappas allowed the use of dogs without proper safeguards but later had serious concerns about their use in interrogations. The use of dogs was suggested by a team of intelligence officials, including Maj. Gen. Geoffrey D. Miller, the commander of Guantanamo Bay, who traveled to the Iraqi prison from Cuba with suggestions about how to improve intelligence-gathering for the war.

The same tactic was used in interrogating Mohamed al-Qahtani, who military officials allege was a would-be Sept. 11 hijacker, during severe questioning in Cuba in late 2002 and early 2003. An Army inspector general's investigation has found that Miller was highly involved in monitoring Qahtani's interrogations and that he was regularly briefing Defense Secretary Donald H. Rumsfeld on their progress, according to a report posted yesterday on Salon.com based on materials obtained through a Freedom of Information Act request.

Miller is waiting to retire from the Army, but members of the Senate Armed Services Committee have delayed the process and intend to call him to testify again about his possible connection to the abuse. A team investigating abuse at Guantanamo recommended that Miller be disciplined for failing to properly supervise Qahtani's interrogations, but a top general decided not to impose a punishment.

Prosecutions arising out of the abuse at Abu Ghraib have focused on low-ranking soldiers, who have been accused by the government of being a rogue group that was running wild on the nightshift. The abuse depicted in notorious photographs at Abu Ghraib, however, mirrored the tactics used against Qahtani in a highly structured interrogation, including putting him on a dog leash, interrogating him while he was naked and using military dogs to scare him. Pappas was relieved of command and fined \$8,000 for allowing the use of the dogs on high-value detainees without first getting approval from senior commanders in Baghdad, something he then thought he could do.

In his 2004 memo, Pappas made it clear that military dog handlers who were participating in the questionable acts at Abu Ghraib should not bear responsibility for them, writing that he believed "pursuing disciplinary action against soldiers would not be useful," according to a copy of the memo obtained by The Washington Post. He also wrote that he wanted to "immediately suspend the use of MWD [military working dogs] for interrogations" and wanted intelligence commanders

to "eliminate this [as] an approved alternative for interrogation tactics, techniques and procedures."

Pappas's belief that the dog handlers should not be punished was based in part on an initial criminal investigation, finished on Jan. 28, 2004, that found a further inquiry into the soldiers' actions was unwarranted. Charges against two military dog handlers were revived only after photographs of the dogs frightening detainees were published in the U.S. news media.

Sgt. Michael J. Smith, a dog handler who was depicted using his black Belgian shepherd to intimidate detainees in digital photographs that emerged from Abu Ghraib, was found guilty of abuse last month and was sentenced to six months in prison. But the memo was not presented as evidence in his defense, and Pappas was not asked about the document. Sgt. Santos A. Cardona, another Army dog handler, faces similar charges at a court-martial next month, where he could be sentenced to more than 16 years in prison.

Pappas testified under a grant of immunity at Smith's trial and said that he mistakenly approved the use of military dogs for use on high-value detainees who were captured at about the same time as Saddam Hussein, in December 2003, and that he failed to properly ensure the tactic was being used appropriately. He said, however, that he never approved the use of the dogs outside of interrogation cells and said such conduct would be "illegal."

In his memo, Pappas wrote that dogs should not be used in interrogations, should be muzzled and on a short leash, and should "not be used to put detainees in fear of their lives, injury nor have detainees perceive any threat of bodily harm."

Capt. Gisela Westwater, a military defense lawyer at Fort Knox, Ky., who represents Pappas, declined to comment on the memo and said Pappas has not wanted to make any public statements about the investigation.

Harvey Volzer, a civilian lawyer representing Cardona, said he obtained the memo on his own recently and believes military prosecutors knew about it but failed to provide it to him. Volzer said he plans to file a motion to dismiss the charges against his client before his court-martial in May.

Maj. Christopher Graveline, who is prosecuting the case, did not return phone calls and e-mail messages to his office. An Army spokesman declined to comment.

"This clearly says that everything was authorized," Volzer said. "How are these two guys supposed to know that what they were doing was wrong? It plays into the theory that the gloves were off as far as interrogation techniques were concerned."