

**Gen. Doug Stone (commanded detention facilities in Iraq and Afghanistan)**  
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A: This has been the subject of 6 books, fairly extensive reports and discussions, all the work that we're doing at the UN, all the work that we're doing at the ICTC—I mean, the Counterterrorism Forum. And then suddenly, you know, we kind of go all the way back, and I'm not saying that it wouldn't repeat itself again, because somehow, somehow, structurally the Army Manuals didn't change. Now, I've been asked as of this last week to contribute to the next COIN Counter-Insurgency Manual, and use this as a vignette, and so I'm trying to write that up. I mean it would be nice and hopeful if that would happen, but I don't know—honestly, what does that mean, you know?

But let's just take, in a nutshell, as I said, what happened. So, I went into detention, and my observation of the detention was that, despite the fact that they were trying to get the numbers down, that General Odierno and the Surge would drive the numbers up. Then you look inside the detainee camps, and they were brought in under a very generic rule that allowed anybody to get thrown into detention for any reason. If they were viewed to be a security threat, then they could go. This was interpreted by the way, inappropriately, by generals who are now involved with doing this on the legal side that, you know, they could go into a town and pull out all the males, and all the eighteen, nineteen, twenty-year-olds. They could roll them all up and put them all into detention, because they might be a threat, in advance of an attack, okay? Again, I mean—so for me, when I looked inside, it was how did they get in, but how did they get out? I mean, what's the Rule of Law that allows them—there's no rule of jurisprudence here, I mean there's no one defending them. There's no—they're not being charged with anything. They're just being held.

So, that creates this whole problem number one, is that essentially the system is designed for you to go in, but never for you to come out. Okay? Even if you shouldn't have been in there, right? I mean, I think most people believed that they all should be in there. The numbers later proved that not more than, you know, a reasonably small percentage at the most—at the most maybe eight out of sixty or seventy thousand, eight thousand—should have actually been in detention for some coherent reason. So, very very small, small number. But, you know, they imprisoned some forty, fifty thousand men, and a handful of women. So that was problem number one.

But problem number two was, inside, the detainees were burning, they were killing each other, they were maiming each other. And that seemed to be—while not a good idea, they would never have talked about it, the press wasn't covering it, maybe because the press couldn't cover it. The lawyers didn't care. Congressmen were either not briefed about it or didn't care. But for me, it was an indicator that something very serious was going on inside the detention center. And in fact, what was going on was, it was an idyllic location for the location, the development of violent Islamic behaviors. (Q: This is what you realize once you get there?) Yeah, right. (Q: Once you're in theater?) (Q: Yeah, I read there was Sharia courts inside the . . . ) Inside there were Sharia courts, all kinds of—I mean—but the Army position or leadership position was, look, we don't violate this anymore. We've got ICRC, they're checking, they're getting their dental, they're getting their letters, you know, if they want them they get

some visitation. I mean, forgetting for the fact that the families were being raped and pillaged when they were coming down to try to visit them, and the place was a long way, there were, I mean, just incredible . . . I don't want to use the word "gang activity," it's not gang activity, it's violent Islamic activity, but you know, and there's a big difference between gang activity and that. But there's this compilation of being in prison and, you know, for guys who were never religious, now becoming religious because they're in detention—that is something that happens in combat anyway. And now these guys were just perfect. And so, essentially guys were getting themselves recruited to come in. And they were intimidating and they were, you know, taking care of the outer population by stripping down the people on the inside and threatening them, etc.

So what I said was, look, this is really where the war's at. It's not on the outside. I mean, one out of every ten Iraqis had a personal experience with detention. So, what is the biggest strategic disadvantage to the Surge, in my judgment? And the answer, to me, was, the biggest strategic disadvantage is if anything goes wrong in that detention camp—and it was already going wrong. They were burning it down, they were killing each other. I mean how could you now double or triple the population and not expect that you wouldn't have some worldwide global incident when the place was basically so broken, and because the guards and intel have now been separated. Whoopie-doo. Okay, on the theory that separating intel from guards was going to permanently fix an Abu-Ghraib like situation—but reality was that they were killing and maiming and influencing population and there wasn't—and you can go to Petraeus about this, or Ambassador Crocker, anybody you want—but they spent 30 percent of their day, maybe, I mean a big percentage of the day, contending with detention issues. So it was clearly a strategic disadvantage.

So what I told General Petraeus was, "Sir, we're just going to make this a strategic advantage. We're going to turn it all around." And I, because he was the author of the COIN manual I decided, you know, it's politics to sort of say, "Let's do the COIN manual, okay?" Because in a sense it was kind of a COIN thing, counterinsurgency thing, but the reality was it was much more and much different than that. But it was helpful, in terms of parlance, to sell the idea internally very quickly. I mean if I'd have gone and said "Ah geez, I want to do a Rule of Law program"—you know, what the hell are you talking about, you know? I don't want to do this. Or better prison management . . . (inaudible)

So, but if you said, look, this is really a counterinsurgency issue, which it was easy to say it was—but my environment was inside the detention center—now let's sort of focus on that. Okay. That was the genesis of all the programs. So, we systematically—and if you look at the numbers, what happened was we went from an average of 15% to 18% recidivist rate down to something that when I left was about 1%. We were releasing more than had ever released before, and they were returning less. The population of the visitation had gone from a few thousand to almost—it was on the rate of more than a hundred thousand families, because we had family programs when they got there and we were, you know, showing them, etc.

The press had never been allowed in, I brought them in. You know, nobody ever spoke to the Arabic press. I flew and spoke to Al-Jazeera in Arabic. I mean, we just sort of opened up the kimono and started talking about it. And, to a point that actually, under the Rule of Law we created these courts that were

not—they were not official courts, because I didn't have any authority to create a court, I mean—what I had was the same—and General Petraeus and I are the only two that had this authority—we could put people in detention or we could release them with our word. So what I said was, look, there's a better way to release people. And that is, let's get some advising. So what I did was create these courts where the detainee would come in, they would have a record, the guards would talk about it, they would go back—we'd have real war fighters sit there in review how in God's name they got there in the first place—and then they would make a recommendation: "This guy should have never been in there." You think? And so, I mean they would go back and review records that got them in, alright, and there are plenty of cases of this where you'd find 33 guys all brought in. You see how I wrote this? And let's just say that I do this, and I read like this, read over here, write like this. The paper is exactly the same, only it's a different signature down here and a different name up here. There was, it was just—"he did this, he did this, he did this, he did this, etc.," but it was nothing. There was no—I just decided you're going in. What's your, how do you say your name? You're Abdul Abdul? Okay, my name's Tony, you're in detention. It was, you know, very arbitrary.

Now people don't like to hear that, but if you ever really sit down with the guys that have gone in and gone out, they'll tell you full well that they just roll people up. They didn't know who they were. Somebody had been killed, somebody had been shot, there was an IED that went off—they just rolled everybody in, they just put them in detention. And they didn't want them back. Because these guys didn't care about the society, that's not what they were trying to do. What they're really trying to do is just get through their tour and advance and move on, in my opinion. That was sort of, it's always been bothersome to me but that's largely how I see it. And I see that behavior in these senior generals all the time, you know? They're not trying to fix any particular organizational issue, they don't care about this, they won't take a risk, they have absolutely no interest in solving fundamental issues. They have an issue with getting in, check, and get back so they can get more and move on.

Q: So, General Stone, one of the questions I had was, how did they select you? I mean, had you had any kind of experience in detention previously?

A: No. So, let's go back to—I mean, my history is pretty straightforward—I went to the Naval Academy, I got out, I spent six years on active duty as a marine. I got out of the Naval Academy as a marine. And during that time, I did—I kind of focused on special ops-like stuff. So I was a ranger, airborne, in charge of the SWAT team in Guam. So I came out of it with a quasi-force recon/special ops-like orientation. I went back, got out, stayed in the Reserves, and went to work for Hewlett-Packard. Worked for electronics companies, formed my own companies. Financially, was a pretty good success in Silicon Valley. Still kind of kept this ranch, and farming it, and my kids, and all that.

And then, in '91, they made an arbitrary decision to—or, a well thought-out decision—to take battalion commanders from the Reserves and the Marine Corps, and for the first time, employ them. (Q: Okay). So I was one of a couple that went over. Our battalion did great, we were gone for a year. Then we came back. They sent me into—they asked me if I wanted to be the only Reservist to go to the Naval War College. And so I went to Active Duty Naval War College, came back out, I was the Colonel, went back out into the electronics industry, and then 9/11 happened. And how I got selected to go to Pakistan, I

don't know. I just know that I got a call—I mean first of all, I'm a little bit of a linguist. I mean, I'm comfortable in multiple languages and maybe that had something to do with it. More likely, it was just somebody contacted somebody and said, "Hey, you know, this guy Stone is available. We ought to send him over."

So I went to Pakistan for a couple of years as the senior guy, working with Musharraf. During that time they were doing the renditions and, you know, I learned the language, and I was watching the process by which the Al-Qaeda was sort of building up. I've got (Q: [inaudible question about which language was spoken]) A: Urdu. (Q: Urdu.) I got somewhat sideways with the Agency because I kept saying that Bin Laden was here in Pakistan. Ultimately, it was, you know, even in my own service ultimately they said, "Well, why are you so concerned about it?" And I said, "Because, well, we're fighting a war and, if Bin Laden's over here, we should be calling it for what it is." You know, but they didn't—nobody wanted to do that, because they had made the decision that they wanted to go to Iraq. So, you know, all of that kind of fell by the wayside, despite the fact that the clear evidence to me, in learning the language and visiting and going out with my teacher, and trying to understand what was going on with the community, was that, that many people thought that Bin Laden was in Pakistan. As it turns out, Bin Laden was in Pakistan. And may well, at that time, have actually been right where I said, and my Two, said he thought he was. So—but nobody wants to believe that. Those are —it's just like they want to believe that detention was just fine, alright? Nobody wants to—you know, I'm an engineer, I'm analytic, I don't—I have the courage and competence and my own way of thinking. I don't kowtow to other people, and I'm not interested in, you know, being subservient to anybody. I just try to do what I think is the right thing to do, and that can be wrong.

So, then, I came out of Pakistan . . .

Q: How long were you there for?

A: Just under two years.

Q: Two years. Okay.

A: Yeah, and so then I came back up, kind of went back to work and had a (inaudible) tour in Afghanistan. Then was asked to, when the massacres took place in Haditha and the Commandant said, "Geez, let's have someone go down and change the way you do training." So, as a Reservist I came and took over all the training for all the Marines and we had an entire culturally-correct program that went—38 battalions went to. And that became somewhat of a—some of its own kind of legacy, you know? Mojave Viper was the name, it became very trendy to talk about it because we were, had real civilians in there. You know, where we're helping with the language skills and—battalion commanders are used to just kind of roll in and say, "Well lets shoot." So, and it was the genesis in many ways of the change of the way the Marine Corps culturally fought in Al-Anbar. Right? So, I had that rep going for me. I was planning to retire, you know, I can't remember if my retirement papers were in, or if they were being submitted. I didn't plan on getting promoted. I was just going to come back, do my—I did my job and come back. And, then the Surge happened. And McCain the (inaudible) Army had sort of constructed the concept of this surge, because it was clear that we were losing and I think they were

quite clear that, to them, they thought the Army would be deeply embarrassed for having lost another war.

So, they decided to construct the Surge, and they hired Dave Petraeus. And Dave Petraeus knew that he needed—knew that he had a soft spot. There were no other Army generals who would be willing—like there's a memo that I actually have, saying the Army can never—cannot take this billet. It was written by the general that I replaced. "Cannot take this billet. Because this is going to burn, and it'll burn the Army." And he knew what was going on, I mean, the place was burning and . . .

Q: Is this Garner?

A: Yeah. Yeah, and so the place was going to be torn down. And so he with the (inaudible) they were going to come under phenomenal scrutiny, and the last thing you want is an Army guy to be in charge of this when Abu-Ghraib number two happens, alright?

So let's get somebody else and—that is not my belief, now, that Petraeus had that view. You know, that's not who Dave Petraeus is. It clearly is the genesis on how they went to join forces and chose, and no Army guys were put forth to head it up, leaving the fact that you could get somebody who was not a combatant, alright, it would have been hard. You know? Like put an Air Force guy, a Navy guy in charge. But at that stage it would have been kind of hard to do that.

So the Marine Corps, you know, was asked to pony somebody up and no regular guy, no active duty guy is going to do it, because he's going to lose his career, right? He's going to be investigated a million times, and knowing that your judgment is going to be subjected to it and you'll be in the newspaper. So, you know, they knew that I had already been a creative thinker and I changed the way it was. So General Mattis, specifically, told Petraeus, "There's this guy. I think he's really qualified. You should interview him." I talked to—interviewed Dave Petraeus. "Assume a very hard job, but, you know, you come with great rep, so, I'd like you to do it." I show up, and the only detention I'd ever done was this little cell that we'd created in the Mojave Viper activity where we held detainees. In fact, if you'd have asked me how many detainees we had in Iraq, at the time that I got the job, I would have been wildly over estimate or wildly under estimate. I didn't (inaudible) about it.

So, I had no background at all in military police or in detention or in prison operation or Rule of Law. So when I got there, it was all creative problem solving built on my understanding of the Constitution. And, I mean, for those that watch me, I had (inaudible). I said, "This is not the way America would treat Americans, and we have a long history in our country of treating combatants from—and I can't tell you how many books I read, I can't tell you. But, I bet you, thirty. I mean, how fast I read up on all this stuff. I read all the psychological aspects, scanned for all of the basic theories about why people do things to people. Prison operations. Fundamentally, the United States and its . . .

Q: And this was all before you left?

A: All before I left. It's military always treated prisoners or detainees, EPWs or detainees, or even those that committed crimes, criminals, fundamentally with the same respect that an American citizen would

receive. I mean, that's not exactly precise, but, if you look at what they really did and how they really did it, it fundamentally was very reflective of the way the American society treated its own citizens. In fact, it was a highlight, and has been a highlight. There have been big mistakes, you know like in Korea where they violated some of the stuff and then a Korean general was taken hostage by his own Korean prisoners, and the list goes on. But, in principle, in the Civil War, American Revolutionary War, the list goes on. I mean the Second World War—even in terms of the detention centers for the Japanese inside California, I mean, you know, whether you agreed with the concept of the Rule of Law or not, at the time, the basic principles by which they managed these systems were very respectful. As if, almost like, "If my fellow citizens were in prison what would I want?"

And that was the approach I took. I said, "Listen, I wouldn't want my people to be intimidated, their families to be hurt, raped, because of—I wouldn't let the operation run it." So when I got there, and I saw that, essentially, the United States had said that we're going to worry about this letter of the law around and after Abu Ghraib, and that these things will never be violated, that's the most important thing, but that we ignore what was really going on inside the detention camps, to me, it was an anathema. And, I just blew a pistol, I mean I was beyond livid.

Q: Were you at all—you talk internally about the debate that was going on internally about this Flag Ops developed that they were going to make joint—did that raise flags in your mind? I mean, like..

A: No. I didn't know about it. No. I didn't know at the time. I just—somebody came to me and said, "Look, we'd like to have you consider this," and I said, "Sure." I had expressed an interest in going to Iraq, but hadn't said what I'd wanted to do.

Q: Right. It wasn't until you got there and saw what the situation was that you suspected maybe that that was why they were bringing you into service?

A: I think I had not—let me answer that question. Yes. That's an accurate statement. I didn't go there thinking that—I mean, there were some leading indicators. My chief-of-staff had just come back—great friend of mine—and been like, essentially my chief-of-staff in Pakistan, and he said, "General," he said, "this is going to go really bad for you. Nobody wants this job. So, why you got it, you need to right now tell them you're not going to take this job because this'll end your career." I said, "Well, Tony, I've already said I'm going, so I'm not going to back out."

Well there were leading indicators that it was bad, but, they were more like, you know, nobody wants to be around anything that was like Abu-Ghraib and what—how are you going to be a hero in war by managing detainees? You know, how are you going to be—all the things that a traditional General would want. I mean, how are you going to be a traditional general? You know? You going to do something really big and important, and go forward? I mean, if Doug Stone had gone in there, they wouldn't have changed the system, and what happened wouldn't have happened, it would have changed the course of the war. Dave Petraeus has been very open about this, you know? He said, Dave has said that—and it's gotten even stronger over the last couple of years in comments that he's made—that I'm probably the one single enduring innovation. The Saudis gave a speech on this about four months ago, that the only enduring change that came from the war, and the Surge, was General Stone,

and what he did, and that is it. Nothing else. And that changed. And that change, and that difference was the only thing that actually quelled the Islamic riots against the United States invading in Iraq. And in fact, [Nouri al-]Maliki himself said, and he has to be careful about this because he's Shia and it's a Sunni thing, but, [Tariq el-]Hashemi and others have all said that, you know, that change is the one change that, from a perspective standpoint, changed the perspective of the United States in this war.

So the rollover effect of that has been, now to the UN and the ICRC—so there's nobody else who can walk in and meet with these Islamic emissaries and immediately have the respect of their nation for what we did. I mean, you think my former commander could do it? No. You think anybody before could do it? Hell no. So Dave Petraeus and Doug Stone are the only ones. Because we didn't go there to kill. We didn't go there to do that—we went there to win a war. We went there to do what was right for the nation, and what is right for our nation, in large part, is to follow our Constitution, because that's the oath we took. Right? I mean, this is not, just because you're here and that's the name of this project. But I mean, you can check any number of the senior officers that I either relived or—I said, I took an oath: support and defend the Constitution of the United States. Period. I mean, that's not complicated. And, my perception, after all the reading and everything is, that the Constitution does not desire that we treat people this way. And we have a history of treating people in detention much like we would our own. So, end of issue. You know, we're going to give them some form of Rule of Law, we're going to give them some form of treatment, we're going to treat their families with respect. We're going to make the prison system, you know, something different.

So I think that the simple answer is, and I don't mean to be gloating because I'm old and nobody's going to come talk to me and it doesn't mean anything anymore, but as a true analytic, really looking at this, we would not be having this discussion—there would be nothing favorable that would have come out of detention had I not have made the change. And oh, by the way, it had to be at that moment. It had to be during the Surge, because there was no time left on the clock.

And I'm going to say this, because I've said it repeatedly: I would not have been able to do what I did if I didn't have Dave Petraeus as my boss. Were it that Dave Petraeus didn't say—you know, that this guy Stone—because I had four-stars trying to get me to relieve the head, you know. Generals getting me investigated. Everything you can imagine coming at me. You can't comprehend it. You don't even want to know it. If I threw it all at you, you'd say, "I'm just going to go be a wallflower someplace." But it—I'm not cut of that stuff. I don't wake up in the morning and say, "Ugh. You know? So you're too chicken to come talk to me, you're just going to have me investigated. Okay? That's your way of doing it. You know what, being a general isn't that important to me. Being a Marine's not that important to me. You know? Being an American is that important to me. And so if I can walk out of this thing and I die at 80, 90, 100, the last thing I'll remember is, as an American, I did the right thing. You know? I don't care whether or not the Marine Corps like it. They by-and-large didn't. I don't care whether or not the Army likes it. They by-and-large didn't. I don't care whether the Department of State, the President of the United States, the Congress, all the Congressional leaders who came over that said, you know, "Why are we hiring Islamic imams? We should be hiring Baptist priests." I mean, all of those numbnuts—I don't care about them either. You know? And I don't care what you write. I mean, I care what you write, but I don't really care—because people have written lies and distortions and—and they've been wrong. But, you know, I

know in my heart, when I went over, what it was, and I know in my heart when I left. And nobody's ever going to convince me—and history is beginning to show, and the history of the Islamic world clearly shows—that what we did was right.

Q: Right. Can you just talk a little bit, General Stone, about specifically what the problems were that you found?

A: the first problem was that the—that there was no coherent Rule of Law. By that I mean, there was a UN mandate that gave Dave Petraeus and Doug Stone delegated permission to throw people in or to take them out. Making me the omnipotent Rule of Law. Now, in combat, in military rule, UCMJ, there are occasions where that can happen. But understand something—I had no review process on what I was doing. No legal review process on what I was doing. I mean, had I violated a human rights law, you know, something by the UN mandate, something from the ICRC, sure there would have been a public rulebook report. Had I done something that violated the UCMJ, for me as an officer, sure, okay? But as it related to detention and that process, there was no coherent Rule of Law.

Q: You mean as far as the decision to lock someone up or not? That's what was not being—

A: Yeah, which is sort of the cradle of this issue. You know, I mean, it's kind of like, okay, if one guy can make that decision, and that guy has no appellate review or even accountable for why—now, understand something. There's two levels, right? There's a level below, and then they get to theater level. That's the tip, alright? You get to the tip, that's when they're held really permanently, because down below, there were timelines. You could only hold them for a couple weeks. So, Stan McChrystal had a separate thing because Stan had special ops and they were doing stuff over there. But I went over and reviewed that with him too. I mean, I was all over him, because I was really fearful, if there was any place where torture was going on, it would be over there. And, I mean, I found no evidence of it and I would show whenever I decided to show up. And Stan McChrystal never got in my way.

Q: You've got a good relationship? That, in terms of—from the standpoint of, was he encouraging of your work? The work that you were doing?

A: Yes. Totally. Stan McChrystal was one-hundred percent supportive of—if Stan McChrystal had known there'd been torture going on anywhere, he would have stopped it in a heartbeat. You don't need to do torture to get what you need to do. Remember, I had all interrogation answering to me. Right? Okay, except for his interrogation. His interrogation was different because he was doing special ops, but after this couple of weeks, I got them all. And I interrogated them all, and we got all kinds of information. The beautiful point, and I'm going to—I'll come back to . . .

Q: When did you come over—when did you go over there? 2007 was it?

A: April of the beginning of the Surge, March '08. So, yeah. I mean I could go up the, but—but at the end of it, we had detainees giving us more information about where lost Americans were, IED caches, we had—the amount of intelligence we were getting was just over the top. So, you know, the intel component of this, and there is an important intel component of it, that's true even in prison ops, you

know, it worked better when you have a coherent, you know, legal, above-board system, alright? So, the first thing is that—and I don't know that that system is—I don't know what that system is like. I don't approve of it, I don't think that it's right, but it is the system that I inherited and it was mine, okay? It's what I got. The problem was that all of the commanders like Odierno and everybody else, who were running the forts and all his two-stars that ran (inaudible) said, "I want them in detention, they're going in detention." And I mean, so it was just like, no way you're going to override them, alright? So, again, another weird system. I tried to push back and I'd get investigated. I'd get a legal guy and say, "That's not approved." And I'd write a formal paper, and then Mark Martins down there at the, you know, thing—he would override it. So, you know, there was just this massive legal view that this was the right way to do it.

So, I didn't cre—I said, okay, well you know what, inside my system, I don't have to do that. Inside my system, I don't have to be arbitrary. Inside my system, I can do what I want to do, as I see it. I don't care, you want to come investigate me—which they did? They want to do everything you can? Fine. Then I created these courts. Alright? And then, on top of the courts, since I could release them, I decided that these non-official courts, these non-judiciary review courts, sort of said, alright, within this oddball situation where I can put anybody in or take anybody out, I'm going to try to create a semblance of a Rule of Law, that is, this different court. Right? And we're going to create that and we're going to let people come in, and I'm going to have the Army warfighters and the Marine warfighters stand in front of these guys and tell me why they put them there and what the evidence was. I mean, what was the conditions under which they were kept? And why are they here? By—now, they never had—although, at the end, we started the process of an advocate, you know, to help the detainee sort of, you know, help him get his arguments together . . .

Q: Were these JAGs?

A: Yeah, they were. In some cases, yeah, were JAGs. In some cases the better guys were not JAGs, because JAGs don't think this system works. So, you know, I mean they've got a whole different view, right? So in some cases they were just guys who believed like I did and said, "Hey, you know, I'm going to let this guy—I'm going to help this guy. So he's not (inaudible). He's doesn't know how to answer the question." He, you know, the interpreter's not—I had to have interpreters on the interpreters, because the interpreters would—the Army guy would say, "So, where were you on the night of Thursday," and he would go, "How come you don't like your mother?" Well the interpreters, they don't want their guy sitting there. They had no idea what they were talking about, and this guy would say, "well, you know, I have nothing to do with my mother." He says that, you know, he was (inaudible). Because they had the language—so that's another issue, alright? So I had to get interpretation on top of interpretation. Now, my language skills were good enough that I'm amenable to going through (inaudible). Because it was obvious these guys came in with an agenda, and they hold you. If I—[speaking in foreign language] Now, yeah, so you're not going to understand a thing I'm saying. But I can do this entire thing in German. Alright? And you're going to say, "If I could get some translator!" Alright. And when you get a translator okay, on what, just that little bit, you're going to get two translators—they're not going to agree on exactly what I just said. And that's—German is, Deutsche is very simple. So, imagine Arabic, or contextual Arabic, or, you know, tribal Arabic, or whatever, so. Then the problem was that, you know—

and some of these were sins of commission, and some of them were sins of omission—you know, they suck. They were making a lot of money, and they decided that they can never—they want to keep their money flowing. That whole interpretation thing is an area that should be just mass—I mean linguists thing is a massive investigation, as it relates to the Rule of Law. And I think that it's some—these are the things that, you know, I hope guys like you are able to uncover as you go through your thinking. Imagine if the linguists system, even if there was a jurisprudence that we loved and wanted, but the language skills, either on one side or the other, were so inadequate (inaudible) that you could never communicate your case. Would it be fair? The answer there's, "Of course not." Right? And that was the classic case.

So these linguists were not hired correctly, there was no quality control over them. And I mean, to the point where, when I went to go give a speech, I ultimately had three linguists helping me come up with the speech, because neither one of them could come to—well they couldn't agree. And they couldn't agree on the inflection, they couldn't agree on much of anything. And it made a big difference when I was talking about and what I was saying. So, language skills became a big issue. But, I wandered a little bit on that answer. But the fact of the matter is that this system, as I understand it, has not been changed. And, you know, I'm not saying that guys shouldn't be detained. I actually am a huge believer in detention. I'm just not a huge believer in detaining people with no process for release.

Q: Can I ask you something? These sort of informal courts you set up—do you know what the—are there any stats about, like, how many there decided should be there, how many people decided . . .

A: Oh sure, those are all in a presentation I gave on numbers. I've got tons of numbers. I've got tons of numbers about this. They went through them all and, I mean, on balance, it's the problem I got in trouble with the Wall Street Journal, is because we were looking at the release rate after three months, okay? And I apologize because I don't remember how many we had in detention. But let's just say, you know what, I think this is about right—let's just say there were about 24,000 in detention at the time the Wall Street interviewed. And I was letting them coming in for the first time. Right? And I was with Petraeus, and the guy said, "Well, how many do you think ought to actually be in here." And I said, "I don't actually know, yet, because we hadn't gotten through all of the process. But if you were to look at the results of the Tikrit court, that number should be about eight thousand. Five to eight thousand." That didn't get into the newspapers. You know, the commanding general over the thing says, "There should only be eight thousand in there." Oh my God, Odierno flipped a cork. Even Petraeus said, "What in the hell are you talking about?" Because they said, well then, their answer was, "You shouldn't be having the other guys in, right?"

But we were going through a process to get them out. I was just saying numerically, it looked like, that—so, about twenty-five percent of everybody that went into detention—let's say it the other way. Seventy-five percent of everybody that went into detention had very—they shouldn't have been in detention any more than the rioters at the—in Watts. And you remember, during the United States Watts Riot how many hundreds were taken into prison? Probably then we called it a prison. But it was really detention, right? And then they were released within two days, right? The reason that they did that was to quell and calm down the situation so that, frankly, innocents wouldn't be hurt, all right? So they were taken out—I don't want to use the word "martial law" because it's not that, but it's sort of

like a mini-martial law, you know, in extremis, they grab the people, they take them off, now, and then they release them. But even in that situation, I mean almost everybody got released. Even though some of them were probably rock-throwing, gun-shooting—so, the problem in a COIN environment is, the more you hold them, the more they get turned, the more they hate you, the more they come back, the more that when they do release you, everything you've ever hoped for is all reversed. So, it made—a detention system without a Rule of Law and a relief system makes no sense at all.

And that was one of the six major things that I changed. That it is not okay to hold people. You have to release them. And you have to release them in big numbers, because they shouldn't have been held in big groups. Now, you want to make an EPW camp? An EPW camp? You could make another argument, right? You could say, a not—just like we did in the Civil War, or the Revolutionary War or World War II, you could make an argument that, look, there's no judgment against these people. We're not judging them good or bad, we are not judging them one way or the other. We're just going to hold them and get them off the battlefield. Okay? And when there's an armistice, they'll go back. The United States chose not take that approach. So now, since they chose not to call it war, they chose not to have some sort of settlement, they created a media construct, and then they said guys like me could put them in, but you had commanders who didn't want them out—you suddenly are in a very arbitrary situation.

So it starts with the President of the United States not—and the Congress, who declares war—not making it a war that has the right to take people off the battlefield, hold them, and then return them. On the view that it's the "Long War," which is bull. Or the "Global War on Terror," which is bull. Those are all terms that I fought against from the moment they came out. I even said at the President Bush, and I pride myself on the meeting I had with him for thirty minutes, you know, he never used the term "Global War on Terror" after that, to my knowledge. It—I told him why—because terror is a tactic right? And because not all Muslims are terrorists. And the list goes on. And it really—but the guys that I blame for this are the three and four-stars. Because they went to military schools. I went to military school. If you said to me, "We're going to have a Global War on Terror," okay, and I was the Chairman of the Joint Chiefs of Staff, I would have said, "What are you talking about?" I would have had the courage to stand up and say, "We're not calling this war a war on a tactic. We're not doing that. And we are going to declare who the war is, and we're going to go to convince people that these are violent Islamists who are doing this out of, you know, a very religious and strongly held belief that this is what they need to do. And that tactic is the only tactic they can employ." But our warfighters are to blame for allowing the war to go on. Our warfighters are to blame for this Rule of Law. And so as a warfighter I decided to establish my own Rule of Law—to as far as I could go, right? I mean, I can't change Congress, I can't change the President, but in my own construct, in my own little place, I can say, "You're wrong. I'm going to, with every power that I have, try to do the right thing."

Q: So you mention that, like, did you send some proposals to Martins, like, did you try to involve Legal and those proposals just got shot down?

A: Oh, they were all shut down at the beginning and then, after a while, I just said, I've got my own legal opinion and the guy says, "He can't tell you not to do it." So I did it. And then when it became popular, I showed it to Petraeus and Petraeus liked it. Petraeus sat on a court.

Q: When did it start to get popular?

A: Whenever David Petraeus saw it and liked it. Because then Mark Martins would shut up and do a (inaudible). And David likes Mark Martins . . . the reality is, it's just a different viewpoint on life. Different viewpoint on the Constitution. Different viewpoint on how to treat people. Very. Profoundly different. Profoundly different viewpoint on how to win a war. Those guys had no intention of winning a war. They don't want to win war. They wanted it to be what the Commandant said, "Long War." Why? Job security in a long war. This is now the longest war in American history. Why? Because the military leaders have steadfastly—won't define what winning is, go to the President, and win it. What I liked about working with Dave Petraeus is, within our own construct, we defined what winning would look like, and we went after it. It was a year and a half of hard work, called the Surge, that had viable, clear military objectives at the end of it that when we had them, we would say, "We won. We have victory."

And, that's what I said in detention. When I get down to a body of people for whom this society doesn't want. Human, mobile, or inside. And these guys are working for us, in a strategic advantage. We're getting intel, we're working—then I'm going to say I won. And that's the best I can do, and I can leave.

Q: You talked, you mentioned, you know, Rule of Law and you said, you know, one of the six. And of course, all the work that you did, Sir, in terms of the rehabilitation programs that were put into place. Can you briefly tick off how you, kind of in your mind, categorize what the other five are?

A: Yeah I can try to do it. They get a little mixed but the —the first one really is this Rule of Law. And its convoluted because the term Rule of Law means something to us, but it doesn't mean the same—I mean if you're tribal as I really am, and was sort of raised in that as a child, you know the tribal Rule of Law is really the Rule of Law, and it's a very different Rule of Law. The Indian nations here have a very different rule of law, than, you know, than the American Rule of Law, and that's how I was really raised kind of from my early childhood.

So, if you understand Rule of Law has different meanings to different people. But it is a consensus agreement about how human behavior will be governed, for which there are acceptable behaviors and unacceptable behaviors for which there are, you know, restrictions on your liberty, and, you know, increased liberty. I'd say it's kind of that. So that's number one.

Number two really was—I'm going to jump, not in order of importance, but—number two was, we have this massive effect on society. It was painfully obvious to me that the entire Islamic society at large was effected by detention in Iraq. Clearly. I mean, you saw the impact of it on the global community with Abu-Ghraib. So why wouldn't it have a positive effect if you could do something else, right? That was my theory. So we had this massive societal influence and then this massive Iraqi societal influence. So my theory was, if we were to understand the culture better, and provide in the context of that culture a system that seemed fair, that seemed right, that seemed more consistent, frankly, with what Americans have done traditionally in combat, then—and that was the interesting thing about it. I never felt, then or now, what I was doing would be different than if we had done it in World War II. I mean I really genuinely felt that everything I was doing was reasonably consistent with what America had done. It was just, somehow, America had decided not to do it anymore. And that was a bizarre thing to me. That was

a third point I'll come back to it as it relates to imprisonment. So, the second one really was, what I did had an effect with society. So I focused a lot on the families. I focused a lot on the outreach program. I focused a lot on the Islamic civics—the cultural specifics about being an Iraqi. So we did a lot of stuff that was really cool—an Iraqi civics book, which then became all over the place. I mean, hundreds of thousands of those books went out to society, and there were guys, detainees, who were out teaching it, okay? So the second major effect that we had was, in combination with the other things that David Petraeus was doing, I mean, Dave was trying to get the oil to run, and trying to get, you know, the lights get on, and get the generators to go. I mean in the context of all that, I did my societal influence. And then I jumped it to the bigger by going to Al-Jazeera and to Saudi and to others and speak on the topic, okay? And it really worked. I mean, I was front-page news in Islamic papers. Nobody ever knew about it in the United States. But you see, the impact was big, which is warfighting. You should be effecting the communities that you fight, alright? So that was point two.

Point three is that prison management is woefully unenlightened in the United States, and it spills over into Army, who is really the custodian of this military-police prison management. They are, I mean, the United States today has more people in prison per capita than any country on the globe. More, as a percentage, than the Soviet Union even had when they had Gulags. So we are, we are a society that has, oh, about 17% of all black people are imprisoned. And the list goes on. I mean, it's an incredible number that creates an incredible problem for my grandchildren to have to live with, going forward. Because they've created massive detention centers inside the Rule of Law, inside the United States, that have massive deleterious effect on the culture and society of the citizenship of the United States. So prison management itself, to me, seemed entirely broken. And I committed myself to changing that process to being one that culturally seemed correct, but at the same time, was not just, you know, being a silly parrot for a bunch of rules that, to me, didn't seem like they made sense. So, prison management was another one of the third focuses.

The fourth focus was the engagement with the international community that was not Islamic. So, whether that be House of Representatives or that be the ICRC or that be the member nations or the others that were involved including the Iraqis. I spent a lot of time with them trying to make it perfectly clear what we were trying to do, and why we were trying to do it, so that as we went about it, they would either push back or engage, okay? Before—the next one was, I changed the whole nature of prison—I'm sorry, press—management. Nobody was—the theory was, and the biggest rule that Gardner gave me was, "Don't ever invite the press." Press is not allowed to see anything. Never, ever. You know, that will be the end of it. To his everlasting credit, David Petraeus wasn't afraid of the press. Once he understood that I could manage the press, he didn't—he wasn't afraid of them. He was not afraid of them. Because, you know, Dave Petraeus ran me through the wringer on the first program I ever wanted to do. And after that, I mean it was like, just treat it like a business plan to a board. And after that, he just said, "Hey, this guy's got a business background, and an engineering background, and a warfighting background. He knows what he's doing. He's keeping me informed." I never did anything without asking him first, or telling him first. So he came—I think he came to trust me. And so he trusted me in front of the press. And it turned out to be highly positive. I mean, you know, as positive as detention can be positive.

So, we opened it up. We aired the system. So we handled the legal issue, the prison management issue, the society issue, the cultural issue, and then of course we just had, you know, things that were subset. These programs of schooling and—oh, I'm sorry, and then that's the last one of the issues, is that I wasn't afraid to tackle the religious issue, because it was pretty—a societal issue. It was, the religion was the issue, alright? The Rule of Law for a tribal Islamic member is Sharia. It is Sharia. When I was in Pakistan, there were two courts. There was this court, which was put in place by the Brits, and the Sharia court. And, Sharia handled by-and-large all the domestic issues and then the other courts handled kind of the more commercial, business and financial issues. I was never afraid of the Sharia court. I mean, never afraid of Sharia as a system any more than I'm afraid of the Diné or Navajo, you know tribal system that has its own court. I mean, it is well-codified in the Quran and the Hadith. It's been in place longer than our form of government by thousands of years, so, you know, it's just there to be understood. It has threats, it has risks, and it clearly is misinterpreted by Muslims themselves all the time. So I decided that we're going to take that on. We hired imams and interviewed them and engaged with them and I became a quasi-expert. I mean I—it was proven just the other day in (inaudible). I mean I can generally out-quote, sura by sura, the Quran, and give the context and the meaning, than most imams who you will run into. I mean, Mustaf—I mean, I'm not going to give you the names of individuals who clearly that is not the case, but if you pick up the phone and you call them, they'll say to you, "He'll carry his own alongside of everybody else."

And that helped me. I mean, I read the Quran seven times in three different languages, and I came to my own interpretation. And then I would spend a lot of time with the imams or the muftis or whatever term, sheikhs—those terms often get used interchangeably—on certain interpretations, and I came to my own. And I was also able to take the eighty-plus arguments by a [Arabic term] that they use to justify the jihad that they're on, and basically turn those phrases around on them, and that worked. That's how we got people to say, "Oh, you've got to be kidding me. That's not my interpretation at all. That's what you were told. That is the wrong interpretation."

And these men, and I'm going to over-generalize, are generally men of God. I mean, they believe in God. And religion all that is central to their life. You know, just as Americans are mostly Christian. You know? The centrality of the religion to them—because it does have the societal effect through Sharia on all works of life—it's a pretty central thing. And, you know, it's got a very aggressive component to it, and that's not good, but, at the end of the day, it is what it is. And so, you couldn't address fight without addressing that issue. And that is something that, it's why Gitmo—they won't let Gitmo change, because they don't want to address that issue. They're afraid to do it. And for some guys, maybe yourself included, that's viewed as a violation of civil liberties. It's not. It's not at all. No more, no less than you know, having a Christian preacher come into a prison, talk about what the word of God really is. So, you know, those are the major big pillars that I kind of took on, but they're all intertwined together.

Q: Yeah. Are these conversations, I guess going back earlier, to Benjamin at State, is the one you've expressed—have you talked to people about what they need to do at Guantanamo?

A: Oh I haven't been—no not with Benjamin. Benjamin I've never been involved with. Although, the people that answer to him, I have.

Q: You have talked to them?

A: Oh yeah. Michael Roberts, and Jacobson[?] and there are others—but the real thing is when I came back, I've been in the White House six times. I have been presented to Holder four times. And I have read a very concrete, very specific recommendation to Vickers about what to do about Guantanamo. Very specific.

Q: Do you have those papers?

A: Yeah sure. Yeah, I—

Q: Would you? I left you my card.

A: And they have been steadfastly ignored, you know, pushed aside, you know? Inside the Islamic world today, if it weren't for Doug Stone and what we did in the—in Iraq, we couldn't have been at this table today. We couldn't have been at any table, anywhere. Because there's no respect for how we did it then, and what we're doing now. And why the United States of America will not change Guantanamo is—particularly under an administration that touts that it really wants to do it, to me, is just crazy. Crazy. And it's viewed as crazy by everybody else, so it should be—they ought to let somebody come down to me and let me train him for a couple of days. And then they ought to have some courage in their convictions. Or bring me back on active duty for a year and let me go fix that thing for America.

Q: What do you think—could you just briefly sketch out what you think needs to happen there?

A: well, first of all, I'm a little dated here on it because, you know, they have since started releasing people to Yemen, you know, Yemenis to the Saudis, and all the rest of it. But let me tell you what the genesis of the real beginning problems. First of all, go take a look at your own, and what the numbers are for the recidivist rate for Guantanamo guys. They're all made now.

Q: In a bad way?

A: Yeah. Take a look at the guys that came out of the Iraqi detention system, the leaders that were there, and ask yourself, "What are they?" They are positive influences on society.

Q: Yeah.

A: So what Guantanamo does is it creates negative influences on society and engenders a phenomenal cult of individuals who can take the war back to the United States in a phenomenally-effective way. Now, that is producing terrorists. Even when you try to release them, you're trying to produce them. That is no different than what we had before. In the early days, those guys being held by Guantanamo weren't any more guilty than any of the guys that were held in Iraq—the stuff they did. There was no Rule of Law. But, if any of you ignored all the other programs that I had—there's no visitation of the family, there—I mean, all the things, I don't care. I could—if you want me to, I could go through them. But I mean, basically taking my program and lay it against Guantanamo. Okay? Just take it and lay it

against—and you do the analysis, okay? And then you take a look at the results in my program and look at the results of that program. And then take a look at the program I designed for Afghanistan and put it against it—I don't care. Just, make the comparison and you'll see all the holes, okay?

But the one thing that they did that was so confounding to the Islamic nation, in particular, ummah, and particularly the leaders of countries like Saudi and Singapore and others who have committed to trying to work to de-radicalize, is that they—without any context of what they were doing . . . I don't know how much you know about the different forms of beliefs that the Deobandi—are you familiar with them?

Q: No, I'm not.

A: Yeah yeah. So, okay, let's see. I'll just have to generalize, then. I mean, there are multiple schools of the Islamic religion, okay? And they have a very different perspective. I mean at the very very top level, Shia and Sunni have a different perspective than the Fourth Caliph on, okay? But inside that, there are all these different views, okay?

Q: Lutheran, American Baptist, Southern Baptist, with convictions and differences—

A: You know, no. No. It's—because those guys could all be in prison and pretty much agree. I mean, they're not at issue. But, a Catholic and a Baptist might not agree, right? That approaches the disagreement.

So these are very different schools of interpretation of the Holy Quran and Hadith. And they come from different orientations. So the Saudis have a very different perspective than the Pakistanis. And a very—very different perspectives. And they're in the war, fighting Jihad for their own perspective of that perspective. So, and this will sound too esoteric to you, it'll sound like, you know, "Why do you even care?" But, for a guy that's trying to cause the de-radicalization to happen for individuals who shouldn't have gotten themselves in in the first place, you should stop trying to create the problem and you should stop making it worse, so that it can never be unraveled. And that's what they've done. Because they've decided to put Saudis together, whatever—by their threat level—prison thinking, threat level, okay? And so all of them are now interweaving their view of the Muslim religion with that view of the Muslim religion and this view of the Muslim religion. So you take them out and you do what we've done—cowardly, that—cowards that we are. And throw the programs over to the Saudis to sort out. The Saudi imams get them and they go, "What are—where did you get that? How'd you get that idea? Where did that come from?" Okay?

But it is because in the prison culture that we created for them, they have now created their own (Q: They've created their own sub--) A: Islamic—Islamist political agenda. Islamist religious (inaudible). And that is deadly, because there is no way to unravel it. Now, this won't seem, like, important to you at all. Okay? And it clearly wasn't important to the United States government, and the guys at Gitmo (inaudible). Because they don't even know it's happening, alright? But the reality is, that is such a difficult thing to unravel. And it creates the ability for somebody to really believe their own bull, the

Islamic—to believe it so much that you can't unravel them, because you can't bring them back to wherever they were to start off with. And nobody can do it. And that's why guys who were reasonably innocent—look at the Yemenis, I mean they're (inaudible). You can't stop them. You've just created an all-new Nazi religion. You know what I mean? It's sort of like how the Nazis transitioned—and it's something I know a lot about because my mother's German, but, you know—they began to create their own interpretation of Aryan and Biblical and cultural and Hedonist and—things—into something that just isn't compatible with society.

So, that's what we've done there. So, of all the things, that's the worst. Of all the things that somebody were to list, they would say, "Wait a minute, you know we give them good medical, you know they go down, they can read books. They want to go—they want to go get clean clothes and they want to walk around." And this is the point. It's not that kind of war. And they're not EPWs. And they'll kill. And they kill innocents for marquee value, which is what terrorism is all about. (Q: Right.) So, there's nothing, I mean—I don't know anymore, because in the time that I was trying to do it, I was trying to create what I'm creating now, but differently. And that is a series of programs, all around the world, in various nations, to deal with this. I'm doing what I said I was going to do, what the nation should have helped support—I'm doing it. But I'm now doing it with and through the American United Nations.

Q: You know you talk about, what they need to do is laying out your program at Gitmo. What did you do differently—what are the differences in taking what you did in Iraq, and what you did in Afghanistan? What were the differences or the changes between Iraq and Afghanistan?

A: Okay, that's a little bit different because I didn't stay in (inaudible) in Afghanistan, so the—and I'm

Q: Based on what you observed.

A: I'm a hundred percent committed to the fact that every detention system needs to have a body of guidelines, which is why we have these guidelines that are now supported, right? I basically authored them, they're basically what we wrote. Although, a wonderful Ph.D. in Holland did just remarkable work through an organization called ICCT to help co-author and turn my somewhat, sort of English engineering mechanical design into something that was really far more robust and readable. And that's really the principles that we had. There've been some that have been added, some deleted, but every culture has to do things differently.

Q: Sorry to interrupt—the psychologist's name? The report?

A: Tinka Veldhause. [Discussion of spelling of the name]. She's Dutch, she's not German.

I just spent three weeks in Holland, training a bomb dog, and he only knows Dutch, and so [gives examples of different Dutch dog commands]. And if I don't say them that way, he looks at me like—give me a hint. What do you mean?

Q: Critiquing your Dutch?

A: Critiquing my Dutch.

Q: Yeah, I have a friend who learned Dutch after learning very fluent German and his—

A: It's very hard. I don't even—I mean I like the language, but I—It's very different, too. By the way, if you're in the airplane, they're speaking very precise Dutch, and actually as a German speaker you can follow what they're talking about. But when they're in the—outside, Swedish is so different from Deutsche that you can't even understand it. But anyway, the differences between the two programs as they've been implemented now, I don't know because I didn't stay over there, I didn't, you know, hang around. I would have liked to but, you know, I sort of had a falling out. Wanted to go back to civilian life. So I kind of—I know that we designed this system to try to be counter-Taliban, and that's a different approach than counter-Al Qaeda. Okay? Because those guys that are being held in Taliban, you know, I view them in many respects like I did in the Vietnam war. Ultimately, the Taliban will win, just like the Vietnamese are going to win. We can lose 58,000 and have them killed over there, but you know, they live there and they're going to rule house.

So to the extent that we have some other theory about why we're there, or what we're doing, or how we're going to do it, you know, I sort of felt the detention system had to be more aligned with the Taliban's interpretation of all the fighting and that's different than in Iraq. I mean, Iraq, the Iraqi formula was in part religious, but it was also pride in their country. That's not exactly the case in Afghanistan. They don't really have pride in their country at all. They very much pride in who they talk to—you know, somebody from their own country, or they prefer their own warlord. So it's a very different set of things, and so the detention system has to be architected for that. I would have enjoyed staying there and trying to do that. I think we could have been very effective. But you also have, there, by the rules, they didn't set it up like we did where the US has any say about it. It really is this Rule of Law that is different than that. And, Karzai can simply come in in a moment and kind of just take them over. So, you can move them into a regular prison, and then Karzai can just release them.

So, not that I care about that—it's not my—not that I lose sleep about that, but it makes it hard to prove or show or numerically gauge whether or not the programs you are doing are being successful. You know what I'm saying? Because the system can kind of just—their Rule of Law, their legitimate Rule of Law by their President, allows them to string up the changes they want.

So you would have had to—I would have had to—spend a lot of time with Karzai and his government to try to articulate what do we want out of these detainees. Where are we trying to take them? Here, and also at Pul-e-Charkhi, and the other regional prisons. And I've spend a lot of time looking at those prisons. I mean, I've gone to a lot of them. Thirty or forty of them. And I would have had to tweak on the edges a lot of the concepts. But I think just as this document that we have from the UN was written to be pretty generic, I think that we would be plus or minus on, in the generic. I don't know what we would emphasize more or less.

Q: Did you have any contact with the NDS [Afghani National Directorate of Security]?

A: Yeah, they ran their own prisons. They came out of a Soviet Union training environment and they were, you know, they—I got to go down there and see that. They always said that they weren't torturing, and I never saw any evidence of it. I didn't even hear people saying that they were really doing

that, because lots of times those times came out and went into other prisons. So, I didn't see much of it when I was there, but that's not been their tradition—their tradition was the Russian tradition of using torture. So—and many of those people are the same guys. So it would have been—from having watched the management of the prisons and the interlacing between—the destructive interlacing between—intelligence gathering and prison management, I would have suspected that some form of torture was going on. I would have suspected that. And when this thing popped up, I don't know what it was, half a year ago or—

Q: The UN report.

A: Yeah, the UN report. When it popped up, I wasn't surprised. But, by the same token I got frequent calling about it, and I—Judith Miller wanted me to consider going on Fox News and talking about it. I said, I can't talk about something I don't know anything about. But the—but I think that that the, that my guess is that the UN report is probably right. It would be just inconsistent. The people themselves were trained on it. So no matter how hard they try not to, they kind of, their whole system is set up down there for it, it's what they know.

I don't know that the detainees didn't particularly think it was odd either—you know, you kind of knew that they were rolled up, what was going to happen. They weren't killed, they weren't maimed, they weren't—I mean, not that that's in any way, shape or form a rationalization, but I'm just saying it wasn't that level of torture. Sleep deprivation, hard stuff.

Q: Did you, was the purpose—

A: And it's not effective. Because they end up getting up what they want, and that's all they really want.

Q: Right, but you didn't have, I mean—did you meet the NDS people, did you work with them?

A: Yeah. Oh yeah. Work with them, no. But meet them? Yeah. Went down and went to the prison, talked to the people, toured it.

Q: Because there's one that they say, I mean, it seems like at least in the past they had close relationships with the US, but not necessarily on the military side, I think more the agency side.

A: Oh I think that would be true. Because they're—remember, they're intelligence. They're not military. So, I—I only, my only involvement was as a matter of writing the recommendation for the creation of the detention system. That was the only context in which I was there. But—there's no question but that, that they're aligned with intelligence agencies. That's what they do. That's who they are. Now, because they're aligned doesn't necessarily mean that the agency was supportive of tactics and techniques . . . I never saw any evidence of that. But, again, that doesn't mean that it didn't happen, it doesn't mean that it does happen. You know, they're not Pollyanna. They're not—I just, I really don't know. Nothing in that environment would surprise me very much, given what I've seen. So, if somebody came and said it happened, I'd say, "Yeah, that makes sense." They came and said it wasn't happening, "Oh, okay." You know, because it's almost personality-based.

Q: The change in focus from counter, you know, AQ to counter-Taliban, did that just—I wanted to make sure I understand, General Stone, that was, you recognized it was necessary. That was your recommendations? Was that your recommendations?

A: Yeah I mean basically, the genesis of the report in Afghanistan was, you were not holding Al Qaeda members. Those guys get shipped out. They don't stay in the country. They—they go. So who you're holding are individuals, predominantly Pashtuns, who—you know, are fighting against the United States because they're there. And we call them, we call them Taliban. Okay, and your point would be right. I mean, you know, the few months I had in Vietnam taught me, you know, Vietcong or ARVN, or whatever, I mean, they're Vietnamese. They don't want you there. You know? And they're going to fight and die until you leave. So, they'll—I had an uncle who was in the, who was in the German army. I mean, you know, technically he was a Nazi, because the Nazi was the party, right? And so technically he was, but I mean, crap, he never felt himself as being a—I mean even when the war was over, he goes, "Oh God, I didn't know they were doing that stuff . . ." I mean, he really didn't know. You know, he just, was going to fight against anybody who—.

So, that's who they are, and that's how I see them, and I would have—I would have architected the program differently. Whether it be the actual rehabilitation programs, or the design work/construction, or the relationship with the families, or whatever. I would have liked to have seen, instead of a central holding location, I would have liked to see them be decentralized. So, there's just a lot of things. Because it's just so hard for families to go commute down to Bagram, primarily. It's like Mission Impossible. They can't even live to do it. So, I just think, I just think I would have ended up doing it differently.

Q: Were any of the six principles different for Afghanistan or different emphasis or anything?

A: No. Oh yeah mean . . .

Q: From Iraq to Afghanistan.

A: If your question is, would each of those six be a focus, I think yes. Regardless, I can't imagine any one of those areas not being something I would have needed to be worked on. But I just think underneath them, we would have had to solve it differently. You know? Because it's not the same. I mean, the American prison system has got fundamentally the same set of issues and, you know, but it's really got to be addressed very differently. Because the guys that are in prison are actually going through a Rule of Law. I mean, they are considered criminals. So, but, and I don't mean "but," like, "I want to see it differently," but I mean, if 17% of all black males are in prison, something societal is kind of screwed up.

Q: I hope that the Bureau of Prisons has contacted you at some point to do consulting work.

A: No.

Q: That's not aspirational?

A: No, they don't—for the same reason Eric Holder ignored me, that we were talking about.

Q: Okay.

A: I mean, I'm not—I would have to be put in a position of power. They would have to appoint me to some (inaudible) where you have a sledgehammer. Because they're not consultative. They're a tightly, they're a tightly—they're just like the Army was in Iraq over the MPs. You know, this is how MPs do it, this is how we do it, they've got their own little . . . It doesn't make any difference. It doesn't make any difference what that general says, this is what you're going to do. "Well fine. You're fired. I'll get somebody else." Now, if you think you keep influence, why'd you fire me? Okay? And then, you know, you can go to the legal thing. Okay fine, I'll get my own lawyer. You know, I mean, you just have to fight the bureaucracy. The prison bureaucracy in the United States is—

Q: Fairly entrenched.

A: Well.

Q: A lot of money. Yeah.

A: And a lot of, probably, drugs, and a lot of corruption. And a lot of guys trying to do the right thing and a lot of guys just trying to retire, and—big, big money from retirement in that business.

So, they're not going to change easy. So you'd have to have somebody who has, who has come in—you would have to do, and change management—a whole new body, a whole different body of theory. Of which, in some respected, what I did in Iraq was that, it was change management—change management, there's—you know there's different ways to approach a change of management? The one—the system is, you would have to put someone in the top level position of authority with someone who is really going to support him, and then you'd have to start cleaning clock. And I think that the system would try to work with you, because, you know, as long as you can threaten their retirement, or do those kinds of things, they'll change. If you want to do different kinds of behaviors—they'll do different kinds of behaviors. They're not that kind of recalcitrant. Whereas, NDS, harder for them to do it right. You know? So.

Q: And if I can briefly focus on interrogation, one of the questions, we haven't really talked about that yet, but obviously you can't really talk about continued treatment. Interrogation plays—you know, it's a big central debate now. What do you think about the current debate today?)

A: I don't know anything about the debate today, per se. But, all interrogation answered to me, except for that which Stan McChrystal was doing. I thought that the rules that we had, which were(inaudible) in book, I thought they were a very effective means of interrogation. I got asked all the time, well, you know, do you think you get to the right answer? Do you think you—and I think my answer was, if they're in an effective detention system and you're complying with that form of interrogation, you're going to get what we got—very positive results. So, I liked those rules. They were easy to understand, they were easy to train to. The—I thought they were respectful of human beings and I thought they became very effective. So I like them. I thought they were right. And, they're all public information, there's no—there's nothing those guys were doing that wasn't out on the internet. It was the same manual. There's

nothing different. I must have watched thousands of interrogations on video or sat in on hundreds, and—you know, I mean I, you know I mean, they were not abusing them. Not when I was there.

Q: Do you have an opinion about the use of advanced interrogation techniques?

A: I think my opinion is that I think I understand why somebody would want to do it, you know, in a moment of crisis. I know why they would be tempted to do it. And I can personalize that. I mean, you know, I'm a part of a big family. Lot of brothers and sisters, and I'm a, you know, and I live on a ranch where all of my children live and all of their children live in their own homes, so there's a lot of people around every day. And we don't like people to lie, because lying creates problems, you know? If you said you closed the gate, and you didn't close the gate, and all the cattle are out on the road, you know, that lie—so it's better, if you feel the need to lie and everybody does it, everybody lies, if you feel the need to do it, think about the consequences of it. Okay, so, sometimes, some moments in time, it is just so critical to the life or death of something else that you have to grab somebody and hold them in your hands and make it very, very uncomfortable for them at that moment. Because if they don't tell you the absolute truth at that exact moment, some terrible, terrible things will happen. I—even though that is not waterboarding your grandchild, or that is not you know, any, one of those things. For our family, grabbing them physically and holding them, looking them in the eye and saying, "Luke, it is not okay. I must know what really is happening. I must know, right now. Because your sister is—something's going to happen." Or whatever. That's an enhanced interrogation by the Stone family, which is normally just, "Hey, you know, come on! You know."

So I really understand it. I was in Ranger School and got waterboarded, you know, went into the thing. Wouldn't want to do it again, but it didn't—it was kind of like, you know, okay, I'll tell you. I mean I'm claustrophobic. You lock me in a box, I'm going to tell you what you want to know. I mean, because I'm just claustrophobic. I mean I can't—I would resist it, you know, but I mean, I can't be locked in tight spaces. I don't know, it doesn't work for me. So, I think the—I think I understand it. I would not want our society to condone it. I wouldn't want it to be in the means of something we said we would authorize and go do. I just wouldn't want that. There are means of interrogation that are probably very aggressive like that, you know, and let me go back to my example: if you take a child who is a six-year-old, and they have locked their sister in the refrigerator, okay, thinking it was fun, okay, and you have six refrigerators on your ranch, okay? Time is very critical to find out where that child is. Okay? Shaking them and making it perfectly clear that you have to know right now is child abuse, by many people's standards. Okay? So it's an extreme means to do that. I wouldn't want to think that as a parenting school, or as a whatever, they taught doing that. Do you see what I'm saying?

So I would rather leave it to the Rule of Law to judge situationally if in that case, that non-prescriptive means to get to a life-saving result was appropriate or not. I believe in the Rule of Law from the human society standpoint. The jury standpoint. I would rather have that case brought before a jury rather than have it codified in law that that's what you do. Do you see my point? And I'm not sure I know how to express it. Because I understand it, and I understand why they do it. I just wouldn't want it to be, you know, okay, you can shake with 6 points of force, you can shake with 9 pounds of force, you can slap with a half a pound of force or you could have slapped—you could have hit him with a hammer, I mean,

no you can't hit them with a hammer. You know, you know what I mean? You kind of—I don't want that. I want our citizens to understand that the Rule of Law is to treat people with dignity and not do that. But by the same token, I would want them to show individual leadership to do what they've got to do and then suffer the consequences. I did what I did in detention, knowing that I would suffer consequences, where people would investigate me. That they would try to relieve me and that all (inaudible). But I would just ultimately say that there's a greater Rule of Law and somebody will look at it and I will be judged. And I would rather that be the society than to have every general go in and say, "Well we're now going to change our rules."

Q: So perhaps you believe that you feel it may be necessary to do in certain circumstances but perhaps it could still be illegal?

A: Yeah. Yeah I think that's right. That's a very good way of saying it. I don't think it should be legal to do that, but I think that if it is done illegally that I would want a court system to judge if, in this situation, it was legal "grievous" or legal "slap on the hand" or legal whatever. I don't like torture because it violates, in my opinion, the Constitution. And it's what the British used to do, and, you know, we don't want it. It's what kings used to do. And we don't want it. And I don't want to think that the police force or the FBI or anybody has it in their set of things that they can do. But I want to know that if they're really trying to do the right thing, and they feel that at that moment they've got to do it, that there will be some appellate process that will help them understand it. That's kind of the way I see it.

Q: One of the things I've just been curious—because I know, General Stone, you've studied, you know, the Islamic faith fairly extensively. Sometimes people that, say, advocate the use of enhanced interrogation techniques or torture on hardcore Islamic fundamentalists will say, "That's what you have to do in order to—because they have to be broken. That's part of their faith." In fact they say that, "Well, now that I've—once I've been broken I can now tell you, you know, everything, you know, I'm released to do that." Is there, just in your study I'd be curious, if you--

A: There's no Quranic or Hadith justification for that. Zero. What—the Quran says that if you learn a different interpretation and you are being true to God in this process, that you may make your change. You can change. So you can change your behavior from before. You can change your belief structure. The right way—I mean obviously, it's what I espouse, it's what I do—the right way would be to tackle the fundamental religious argument for that, and they'll come around a lot faster than if you try to ground them. Now, wait a minute—I used the wrong word there. They will come around more permanently if you do that, they won't come around faster. It's a very slow and in some cases, you know, Khalid Sheikh Mohammed, all of them, they're not going to be changed. It probably—maybe would go away, I don't know. But, some of these guys are not wired that way and they can't really change. Not in this lifetime.

And so I understand why people do it and I understand why they justify that it saved—and it's the same answer I just gave. If one of my grandchildren was locked in—and I mean we probably have twelve refrigerators on my land spread over three miles—you know, you have, depending upon the child, and how they're breathing, and how cold it is and all the rest of that—you don't have ten minutes, fifteen

minutes, before they're going to succumb. So you have to know. And brothers do that sisters, and, you know, sisters do that to brothers. So, you know, you have to be very strong, very hard, very quick. And if, in that situation, somebody was hurt doing that, I would want to know that what I did was technically illegal, but that it had a bigger cause and a bigger reason and somebody judged it later, but I wouldn't want to think that it's an authorized technique.

So those who believe that by breaking somebody that allows them to convert their religious belief and be released are full of shit. That's a sub-rationalization of something that just—it's as corrupt of an interpretation

Q: The Quranic interpretation—

A: As anybody else has. I mean, that's—you know, and again I've heard all kinds of those. I mean, you ought to be around Al Qaeda. I mean, you know, they can interpret stuff—I mean the word Al Qaeda itself is, means two different things, so that's a, you know—they can interpret it. I mean how many people say that the bible says one thing that's—really it says another? You know? So these, you know, it's enough to make you want to be an atheist in that department, because, you know, atheism at least is clear. You know? Whereas the interpretation of a greater power is not.

Q: What—our executive director may actually, he has a trip in the near future to Afghanistan. Is there—are there people, are you still familiar enough with who's there?)

A: No. Not any more. I mean, I know people like the British gal who just left who's working for me in the UN, and I know people who are just—[Assistant Director of ICITAP at Department of Justice] Mike Pannek was an American who was an American who was over there actually running—consulting with the detention system. He's been out about a year now. (Q: And he—those guys were still with you when you were over there?) Oh for sure. Oh, absolutely.

[Discussion of spelling of Mike Pannek's name]

Q: What about the Afghan Human Rights Commission?

A: They were—if you're talking about the one that was formed not too long ago, or are you talking the—there was a human rights group that was there from almost day one. Very powerless, and they're not involved with anything and sort of locked down. There is a, I was told by, let's see, her name's going to come to me. Victoria is her first name.

Q: Victoria Nuland, from the State Department?

A: No. She's a Brit cop. It'll come to me in a second. She just came out of Afghanistan about a year ago and I brought her onto a body of experts for the UN. Those guys know everybody that's over there right now. And that could—I'll remember to send you Victoria's name.

Q: One of the recommendations we have—two questions about Afghanistan. One of the most recent detainee bills had a provision about actually providing for detainees who were going to—had been in

there for a while or were going to be detained for a while—access to an actual military lawyer, judge. Do you think that would be a problem? Do you think that would be a good idea?

A: I think that's a good idea, yeah. I mean I don't know how effective it would be, but I think it's a good idea. I would have liked to amend that in the law. The pushback on that of course would be from the military saying, "Look, I can't be arresting people, you know? I'm not a cop." But, in fact, they are cops. That's what they're doing. So yeah, I think representation for any of the detainees is a good thing.

Q: How long from the time that you got there in '07, you assessed the situation, started implementing—how long was that process? You were there for about a year and a half, right?

A: How long was what process? This is Iraq, right?

Q: Iraq, yeah. In terms of when you first got there, really got to appreciate what the situation was, do an evaluation, what it is you thought needed to be changed, and then started to implement that?

A: About 30 days.

Q: 30 days?

A: Yeah actually, the day that General Gardner left, I said, "All rules that were in place by the former commanding general are now void. None of them are in effect. You will not do anything unless you get my permission," because I wanted everything changed. Virtually everything changed. It was not an insult to him, it's just that I totally believed that he—what he was doing wasn't what I wanted to be doing. Well, it might have been effective for when he was where he was, I mean, you know, I think they thought they were rolling down, they were getting out, you know? I mean, I can't judge him—some other position that I didn't—you know. I would judge him if somebody said, "Come in, you've got to judge him," but, I'm not afraid of making that judgment, I just don't—I don't want to because I don't have enough data behind me, so . . . He was a guy who worked hard to try to do what he did. He had a different commanding general, and he had a different situation. He was very different than mine. Mine was, we're going to build up, we're going to (inaudible). That was not his, so you know, I had to cope with the problem as I saw it.

But I think that the problems associated with that system lingered on during his tour unabated. And many of those things, you know if there was to be a judgment the judgment would be, he had a chance to aggressively go after it. But, he had a different general. And I mean, as I said repeatedly, I mean if Dave Petraeus were not to have endorsed what I did, I couldn't have made a change. I mean he'd say no. Dave is very smart cookie, and, you know, looking back on it, he set it up so that if I was to fall, I'd fall on my own. I don't know—Dave Petraeus wouldn't take the fall for me. That's—I mean he wouldn't say, "Oh my God. You know, I quit in Iraq because we fired Stone!" I mean, not only that, he's an American, he's a warfighter, but, you know, but he did stand up to four-stars who wanted me fired. He said, "No. That isn't going to happen." Because they didn't like what it said about how we'd been running the war. They didn't like how it'd been said—or what was going on in the Army. They didn't like anything about it. And it was viewed to be coddling people, you know? But there's nobody that coddled

people less than me. My argument was, you know, you're—you've got (inaudible). My argument was—was then, is now, has always been—that it's a violation of the Constitution as I understand it. The Constitution is a living document that you as a citizen have to believe. And as somebody who takes an oath to do it at a senior position, it's not okay to simply say, "Yeah, I took the oath." You have to live the oath. And you have to live the oath in what you do. And when you're living the oath in what you do, it means you will be challenged every day. That's what the Constitution does. The Constitution challenges our form of government. And you either succumb to the temptations to not follow it, or you don't.

Or you can do what (inaudible) does and say, "You know what? That's really not a function of the Constitution. Do you know why it's not a function of the Constitution? Because we're not in America. And these are not American citizens." I understand that. That's what the Constitution says. I get it. But it doesn't mean that Americans don't—conduct themselves that way. And that's a—perhaps a more liberal interpretation of it, but it's not a historically inaccurate interpretation of it. Not based on warfighting before.

Q: In Afghanistan, one of your recommendations was, how does ICRC notification and access work?

A: Yeah, that's an interesting . . . I, I frankly, very much like Dave Petraeus, although I was far more aggressive on this, I really like the ICRC. Before the ICRC was, don't ever, you know, let them in. You know? Being obstructionist as much as you can. But I think if you were to go to the ICRC guys that were around when I was there, in both nations, you would say, "This guy booked it." I mean, hell, I went to their headquarters and briefed them on what I was doing. I went there and briefed them.

Now, they are wrong in a lot of the things that they want. They are far, far, far, far too liberal on some things. I mean, they would much rather have families be killed by people than they would, you know, some things in detention. I mean they really, really are too far to one side of the—

Q: What do you mean specifically on?

A: Oh they have all kinds of rules about, you know, treating the various symptoms of things and, I mean, they, I'd have to go down specifics, but—they just, in many situations they go too far. But the vast majority of what they do is spot on. And I loved the fact that I could bring them in. I brought them in, had them—showed them around. I took their recommendations. I thought—I mean, most people have never reported this, but the reality is that many of the objections of the ICRC had were so well-founded in, what I would just call "human rights" . . . I don't know if the word is "Rule of Law," but "human rights," that I really took it for face value. You know, they were missing a bunch of things. You know, for example, they took no position on detainees killing each other, and they were—all the time. It was like, you know, you've got to be kidding me. What, you don't have a position? No. That's like a big deal. Detainees getting their eyes cut out by other detainees.

Q: So you were saying, like, in some cases, security measures just to prevent violence against detainees and families, they didn't really either oppose for other reasons, or—

A: Yeah, yeah, they would just have a different perspective, and—with their charter, they are an organization that needs to upgrade their understanding of who they are as an organization in the context of where they're at today, okay, in my opinion. But that's a very minor criticism on a really important function, and I loved everything about what they did. I mean, I was as open as I could be, and I took their recommendations to heart. And I probably, I mean I wouldn't know the actual percentage but, let me just say that I would clearly change the majority of the—I would clearly adopt and make the changes to the vast majority of the recommendations that they would make. I mean, and one recommendation that they wanted was an advocate for the detainees. I did too, okay? So I created the Tikrit court and they went down, and they said, "Yeah, but it's not really an independent advocate." And they're right. So we just had to agree to disagree. Because I couldn't do anything different. There's nothing that I could do. I mean that really was, you know, I mean I can't change what the President of the United States and Congress has done. I mean, the President of the United States and Congress need to approach warfighting for what it is.

Q: I think my understanding is, the—where I asked about the release rate is, the procedures in Iraq and Afghanistan are somewhat informal hearings, look a lot like the Guantanamo hearings, except the Guantanamo hearings except the Guantanamo hearings were sort of set out to find people guilty, and 90% of them did. And I have the impression that the results in Afghanistan and Iraq were actually pretty different.

A: Yeah, I think that's a—I like that perspective, because that actually is very true. Now I—not speaking to Gitmo, I genuinely believe that the people who were in there were innocent. That there had to be some coherent argument to why they were there that was compelling, to deprive them of being—from their families, or their families having them in, or all the rest of the stuff that was going on in the society. The better societal good was—yeah actually I hadn't—it's fun and interesting, the personal revelation, because I don't think I've ever verbalized that before. And I think that's right. I mean we clearly—the instruction I gave in the write-up was—

Q: I got it from the State Department.

A: Oh okay, yeah I think—but if you saw the instructions I gave to different board guys, it was embedded in that that you have to make an assumption that unless this individual has some compelling reason why they should be detained, they shouldn't be. Okay, which is really, you're innocent until proven guilty.

I actually never thought about it that way, but that's, I think, very true. And I believe Guantanamo has—does everything—you know, the guide for this country right now is a big part of that, I mean, you know. They believe these guys are guilty no matter what. Furthermore they feel that they're guilty for something that they may not even be guilty of. I mean, what a religious warrior is doing is not a crime. The fact that they have a religious belief to implement—that itself is not a crime. The behavior that kills innocents is a crime. And because we treat them like religious warriors, we now try them in a military court, with a military judge, and a military panel, without any context upon which the religious connotation of what they're doing, would—in my opinion, based on my own personal research of the exact same trials that took place in the United States in the Revolutionary War, would ultimately end in

all American revolutionaries being confined for life or killed. And I—although I haven't studied it as extensively, I—the cursory review of court records from the American Civil War, between the North and the South, reflect a similar conclusion. Although, there was a—there appears to be a more respectful understanding of “brotherhood” there than, maybe, before, because the Brits, by the time they actually had the Revolutionary War, they didn't think of themselves as brothers anymore. Whereas the North and South did. But I mean, look what Lincoln did, you know, how he treated all those—those courts were—how he treated the armistice committee, they were very different approaches than what I see going on in Guantanamo. And I'm opposed to it.

I'm opposed to it less about what happens to the individuals—though that sounds reasonably inhumane—but more for what it does to our nation. And clearly what it does to our nation on a global basis. I mean, I get it's a big argument.

Q: What were some of the specific recommendations that you made about Guantanamo?

A: Well, the first was that we needed to address the violent Islamists attitudes, and they don't do that. They steadfastly will not even—and it goes to the point that I think, this is where I really disagree with them—I think they think these guys are criminals, and—Bin Laden's driver, a criminal. And he's a criminal because he's Bin Laden's driver. You see the association? I mean, even the Nuremburg courts didn't do that. Even after the Second World War, we didn't do that to the Nazis. We didn't do that. General Patton didn't do that. Marshall didn't do that. They didn't do any of that.

Again, very poor senior military leadership. Gutless, risk averse careerists, to a tee. All of them. Every one of them will not make a decision unless their lawyers tell them what it is. And the lawyers are then running the military. Lawyers—there's nothing wrong with lawyers running the military except lawyers are going to protect their client. And you can't protect your client and take a risk. Can't be a leader that way, and so, I fault senior leadership in the military for causing this problem. Not having the courage to stand up to their civilian leadership and say, “This is not right.” I did it. Every time somebody came to me and said—I said, “This is the right thing to do.” And you know what? The civilian leadership ultimately came around. The John McCains, the Lindsay Grahams, the Joe Liebermans, the—they all came around. They came around hard.

Q: I was going to tell you, but we met with Senator Graham last week and he said, you know, Doug Stone—we need to talk to Doug Stone. Because he singlehandedly won the war for us. So he sang your praises.

A: Yeah. That's a fairly common thing. Dave Petraeus was saying that. There was a private meeting, I was told, I got a very nice call from somebody that I can't really say who it is, but, it sort of, at the very highest level of the country, said that they were at a meeting, and President Bush—I can't say everybody who was there, because A) I don't know really know but B) I just know some of the people, but I was told that President Bush said that, “Look, when I look back and reflect on it all right now, I think this guy Stone probably won the war.” And Petraeus is the guy that says, “There's no question that the enduring—single most enduring value of what happened is this guy Stone and what he did.” Now, Marine Corp really shoved John Conway and those commandants into me having to go back to do

Afghanistan—I wouldn't, you know, it wouldn't be continual because for their own personal reasons, they wouldn't agree with that. But they're not warfighters. They don't care about winning the war. They care about running an organization.

But I think that to your point, you know—Guantanamo set the wrong tone and tenor. And, even though I agree that these are military warfighters, and I do not believe that they can be tried in a civilian court—it would be worse to try them in a civilian court—it would totally corrupt our civilian legal system, because they know how to do that. I mean, they'll really confound the thing. Unless they really were, you know, guilty of something that they did inside the United States, you know, coming to our country and bombing our buildings as a person, that's a civilian crime—you're going to go to a civilian court for that. You, you couldn't convince me from day one that you ought to be tried by a military tribunal for that. But some of the other guys that were in other nations, that were fighting in those nations, and what they were doing—I mean I guess there's an argument for, "You've got to try them." If you've got to try them, you know, try them in the military court. The problem is that the military court guys are just as bad as the MPs that have been running the system. They have no concept of why they're fighting or what they're fighting. And I don't know that the defense attorneys can verbalize that. If I stood up, for each one of them I would say, you know, first and foremost, you know, men and women who believe in their God and believe in their cause, fight. They fight for it.

I fought for what I thought was right against my own country. Against my own leadership—civilian and military. In a war. I fought against them to do what I thought was right. They would have court-martialed me. And I would have had to say—so they would have said, "Internally, you're at war with your own nation." And I would have to say, "Yeah, that's probably very true." Because I fundamentally believe in the Constitution. I mean I believe in that. I believe it. I want to live it, you know. I'm not interested in being a Soviet, or—you know, I want to live it. And I know that living something that you believe in is just torturous. It's just—it's hard. And living what you believe in is hard—and then when you lead in it, it's impossible. It's just—now you have to put your own ass on the line and go do stuff, okay? And that is painful because your own family will turn against you and everything else. But it just is the nature—and I'm not alone. It's not like Doug Stone did anything. There have always been Americans who have been willing to do it. Right? But they've got to be so entrenched in the belief of the Constitution that they're willing to put everything on the line.

And so, when they say that about what we—what I did or what we did—it is actually tangibly true. I mean, I have—I'm not in the military, I'm not going to get an award, I never had any retirement ceremony, I just came home. I just literally left, came home, somebody mailed me, in a brown paper bag, my retirement and I went back to form a business. I've never had a ceremony, never received a medal for getting out, nothing. Just came home. And I'm happy about that. Honestly for me, this is the perfect environment. I'm not looking for anything different. But I'm just trying to say, I don't have anything that anybody is going to give me, either. Right, you know? I'm not a Republican. I'm not a Democrat. You know? I don't have a party. You know, I'm a grandfather, and I have my kids, and I run a business. And I, you know, run good dogs and have a cattle business. But I—I wish that the judges—so if sit in front of them, I'd say, "Look, that's who these guys are. And God bless them for being who they are. God bless that God created human beings who, for whatever value it has, believed. And then they

acted on their belief.” I say this even about the suicide bombers. I mean, not all of them, some of them are chained down, didn’t work out. But I mean a lot of the suicide bombers—it’s very hard to understand what it takes to make that level of commitment, okay? And we have to be careful not to applaud what they did, but to not discount why they did it. And I think these trials may—these trials run the risk of doing that.

If you sat with these individuals, and then changed that thinking about it and worked with them, as we’ve done, now, hundreds of thousands of times, they come off that ledge. They come off it. Because they really do get that the behavior that they’re so committed to is deleterious to the ummah and to the region—they get it. Some of them, not all of them, some of them. And, because that form of religious rehabilitation is so important, the trial doesn’t help. So what I—one of the things I said in this paper, well, you’ll get it, is, you ought to give these guys mandatory rehabilitation. Mandatory. It’s not—you know, I mean, the point that I made to Holder was, and I made this big deal about, you know, Ku Klux Klan, or sex offenders, or drug addicts, or whatever—I told him, I said, you know, “The recidivist rate in the United States prison system approaches 70%. And that is true for people who have committed thievery, or battery, or, you know, assault—all of them, okay. But do you know why it’s that high?” And he didn’t answer that. Because do you know why it’s that high? Because they have a drug problem. And, however they need to get back to their drug, their preferred crime may be carjacking or gang activity, or rape, or—not all, okay, is that way—but drugs relate to those things. So if you solve the drug problem, you reduce the recidivist rate. So these—the prison systems don’t solve that. In many ways they aid and abet it. Because they think that calmer prisoners are better. Let them be high. Who cares? So, they don’t do any good for society. So, in the outcome of these religions, you should have mandatory religious—.

Q: So you’re saying that, like, the religions—religious indoctrination is the equivalent of the drug problem?

A: Yeah. Yeah. It’s—it’s a certainly non-perfect —because that’s a chemical addiction, but—but you chemically addict yourself to belief structures. I mean your brain actually cycles differently. That’s that Stanford research—really quite interesting, by the way—but, there is, it’s not the same. I mean, of course, a drug dependency is not a religious dependency—But, the commitment to it is even greater. Because if you’re really committed to doing something and you’re lucid and you’re not chemically altered, it’s an even greater commitment. I mean Patrick Henry was committed to the Constitution—I’m sorry, the birth of the nation, and those freedoms. And he said “I’d rather die. I’d rather—,” and then they killed him. I’d rather die, you know. John Brown—“I’m more committed to the Constitution, and to the Bible, than I am to this form of current government.” You know, he believed in—John Brown believed in two things, right? You know, all men should be treated equal, right? And the Golden Rule. One was Biblical and one was constitutional. And he said, “That leads me to the belief that Blacks shouldn’t be treated this way.” He created a crime. He started shooting people, alright, to do it. But you can’t walk away from the fact that that belief structure is not something to be revered. And I—I don’t revere violent Islamists. I do everything I can in my part-time to stop them. But I’m not going to ignore their commitment, and I think this trial and this belief that we have in the process that we manage these people in the prison system is completely avoidable. And because of it, they don’t address the problem.

And we're going to be at this war, fighting what they're doing in stupid ways for another fifty years. And it's not—it's just going to tear down the Constitution. It's going to tear down the country.

Because it's not approaching it the right way. Now that's again, I blame the warfighters. I mean, the four-stars and three-stars that I've seen—they couldn't get this. They couldn't understand their way out of a wet paper bag. They don't speak the language. You go back and look at your records in World War II—how many officers were trained to speak German? And then you ask them how many speak Arabic today? You can't read the Quran unless you know (inaudible). So—they don't exist. And, I mean this is a reasonably important "and," and how many of them think when we're warfighting, we're supposed to be following the Constitution? They're going to say, "No." Now we discard the Constitution and we just do this (inaudible). That's not true. And no leader should ever let that happen.

Now, maybe I'm sounding too liberal on that topic but I really believe it. And I believe you can be hard and be compliant.

Q: So with the ICRC notification—did the ICRC only get notified when people get to the theater internment?

A: Yeah. Again, I think that is correct. What I do know for a fact is that as a part of the intake process to the (inaudible), the ICRC was never called. Now, the big issue as I recall was, war special-ops guys who took somebody for their two week holding or—you know, it's equivalent to the division CGs—did they report them to the ICRC? And, I don't think they had a responsibility to report them any longer—any more than a division CG had in their own internment facilities. But once they got to me, the ICRC had everything I had.

Q: So there's not a different one for special ops.

A: There shouldn't have been. Not to my knowledge. I mean every time I got somebody from special ops that had been over there, they were notified—ICRC. And ICRC interviewed them, okay? And then when the ICRC interviewed them, if this guy talked about torture or something— I was down in McChrystal's face. But the fact of the matter is that while I was there, once, did that happen, or something? They never complained coming out of Stan McChrystal's. They never complained about torture, ever. You know they said, the cells were quieter or something. Or the food was better. They always like to feed them better with them than they did with us. That's more personal. You know when they got to us they went in a cell with others, but, you know, when they were with them, they were by themselves.

Q: Was there anything that we haven't asked you today, that you think, you know, as this task force works on issuing their report, that we should know?

A: I can't think of anything. I applaud it, I hope—I don't know what its ultimate impact will be, or hopeful impact will be. You've been around long enough to know you write the reports and they don't mean anything and—I think in the light of being gone for a long time and not trying to—not caring about who Doug Stone is, and just really trying to be as I am most of the time, rather clinical, just sort of, you know, looking at it clinic—I mean I would be, and I am, highly critical of my own behavior when its outside

what I thought I could do or should do, so . . . I mean I—you just don't know me well enough that people do (inaudible). Well, you know, if this guy thought I screwed up he'd have been writing books about how I screwed up a lot. But I think in this particular case something very important did happen. And I think—I hope—that the culmination of all the questions that come about this, point to what I think happens in our nation on occasion. And that is, that it isn't the group in our society that protects our Constitution as much as it is the individual citizens, who by their actions, protect the Constitution. And therefore, it's the individuals who also violate the Constitution. The higher they are in the organization, the more their individual behavior is deleterious towards the Constitution or advances its fundamental precepts. And you can't become a military leader in combat or a civilian leader or citizen in the local neighborhood, or a father, mother, or grandfather—you can't do that without knowing you have effect. The higher you go, the more important the moment is in time, the more, the bigger the test is.

So I would hope that a conclusion you come out with is that individuals protect the Constitution. And that somehow we have to always remember, as a society, on big questions about, you know, your liberty or your justice and the Rule of Law, in a surprising and somewhat unique way, individuals keep it sound. Do you know what I'm saying? And I think that you can never discount that. You can never say, "Let's try to change the law to fix those claims. You can never change certain things. You need to change the law to do something, you need to make an observation. But one of the observations I've made is that individuals who are heartfelt about it, and who are unwilling to bend no matter what the pressure is, because they're not a careerist, because they're not an anything, whatever the "it" is in that sentence—that's important. And the Constitution is protected by individuals is, I guess, my point. And individuals can destroy the constitution, too. And I see individuals try all the time. And I don't care who they are—they may stand up and say, "I'm trying to do the right thing." But they're not. They're not doing the right thing. Not according to Doug Stone's interpretation, so—and then let the debate go on.

I mean, you know, people find fault, they do all kinds of things. But as it relates to this, I mean, you know, torture was basically not an existent—at the level and then what you're talking about—unless, and I think it's an important interpretation for you to consider—is it torture if I put you in a place where I can be so intimidated I can be killed? Doug Stone's opinion is, that's torture. If I put a—create a system of detention that puts you with tribal leaders of violent Islamists—I don't supervise it, I don't manage it, I don't pretend to care—such that I can have your eyes gouged out—how is that any different? Any different, any less culpable, any less accountable for torture? For allowing it to happen? Than if I did it myself? It's not okay. If we don't believe in torture, then we shouldn't let other prisoners torture other prisoners. Right? I mean the system was in place.

So I think that many of these things, that we talk about, whether they be liberties or torture or whatever, they've got to be looked at the other way around, too. If you create a system that you think it's perfectly fine for the United States of America, but it's happening inside—it's not okay. It's not okay. If individual rights are completely violated because of the system, and you rationalize it—it's not okay.

You know, if your interrogations are such that they force somebody to give you an answer that they wouldn't have otherwise given because of torture, it's not okay. If you set them up in an environment

where they're getting the shit kicked out of them and killed if they don't come and talk to you, but you have nothing to do with it, it's not okay.

And so the responsibility of leadership is to see the bigger thing. And I'd take it all the way to the President. The President of the United States must call it for what it is, a war. And then be clear about what the war is. And the Congress, who declares the war, has to decide either it is or it isn't and what the terms and conditions are over there. And in the absence of all of that, because warfighters are run by warfighters, we have to have a whole-scale lift in leadership and integrity and risk-taking and less careerism from every four-star and three-star down.

Q: What was the biggest change as far as reducing the violence within the prisons? How did you disrupt that? Was it just a question of getting enough people out that there wasn't a critical mass, or—

A: No. Actually, there were four means that I employed very quickly. Number one is, I started running internal intelligence about who was doing what, so intel-gathering. The second one is, I separated them. I separated the guys who were genuinely the thugs. So separation. The third thing was, we started working on the population themselves and getting them some Rule of Law that allowed them to see, "I can get out of this. I can get away from this." So now they have hope to leave, they have hope to be separated from it, which is really creating—you know what it was, it was really creating a clear society that was present inside, that had all the attributes. And that my family would be involved. So, to the extent I could get my family involved, understand what the threat is, separate those real—kind of be fair and balanced about it. Be really understanding, you know, who the threats are—and then allowing them some path out, some Rule of Law, some mechanism. That separated it right away. I mean, there are stats, numbers, I don't know if you've ever seen them, but I mean, it just went right down. It just cratered. Crushed it. Probably the most tangible thing was, we build those new systems, those modular detainee units that were allowed to take people and separate them, instead of putting them in mass things.

Q: You mean just, like, individual cells? Or . . .

A: No, they were—the MDHU [Modular Detainee Housing Unit] was a kind of like a small cell, you know? Ten, fifteen—in other words, we would take the guys who were killing other guys and put them all in the same room. And say, "Now what?"

Q: I guess the tents had been huge, right? Like—

A: Thousand people. Thousand people in a compound.

Q: With guards on the outside, nothing inside?

Yeah. Oh, you've never seen them? Oh. Yeah. You have to know the architecture of it. You have to see it. Tunneling, bury people underground. Chop them up and send them out a little at a time. Pretty nasty stuff.

--END OF INTERVIEW--