

Man: Yeah, we're rolling.

Interviewer: Okay. Good morning.

- Good morning.

Interviewer: Oh, we are very grateful to you for participating in the witness to Guantanamo project. We invite you to speak of your experiences in prominent offense and dealing with Guantanamo issues. We are hoping to provide you with an opportunity to tell your story in your own words people in America and around the world need to know the story of Guantanamo and having you speak will give us an opportunity to understand your perspective what happened and your placement in that story. And we feel that by telling your story, you're contributing to history. So we're very grateful that you're here. And if you want to take a break during this, please let us know and we can take it any time. And if some of you say that you feel shouldn't have been said, we can remove it. If you let us know at the end of the interview.

- Okay. Thank you. Happy to participate.

Interviewer: Thank you very much. And so we'd like to begin by asking you your name, your little background on where you went to school where you were born your age, just to bring us up to date.

- Okay. So my name is Alan Liotta and I was born in upstate New York. I'm 58 years old.

Interviewer: When were you born?

- 1959. So I'm 58 years old. I did my undergraduate work at Wittenberg university in Springfield, Ohio. I was a double major in Political Science, East Asian studies. I took Chinese language through three years at the collegiate level. And then in 1981, when the first 25 students from the United States were selected to study in China, I was the only non Ivy League student selected. Went and studied in China, Beijing university for a semester, for the summer semester, came back finished my graduate school. I finished undergraduate school and then went to George Washington University for my graduate school where I majored in national security politics. And go ahead.

Interviewer: And where did that lead you to?

- So that led me to a job in the federal government. And I joined the federal government in 1983. And then I retired in 2015. So more than 32 years of federal government service all in the national security apparatus, first in the intelligence community, and then in the department of defense and at DOD, I was the Deputy Director for the Defense Prisoner of War missing personnel office. That's the office that does the accounting for all of our men and women who have not returned from previous conflicts. So that led me to a number of

trips throughout Southeast Asia to Vietnam, Laos, Cambodia where we recovered a great number of our missing and were able to determine what happened to them so that we could establish it that there were no American still alive in Vietnam or Laos. And then I opened the door to North Korea. I was able to get former president Jimmy Carter to raise it in the meeting that he had with Kim Sung to allow us to send recovery teams into North Korea, to search for the remains of missing men from the Korean war. And we ultimately got that. I negotiated an agreement that got us access and we made numerous trips and recovered more than 200 sets remains of US soldiers that were still buried in North Korea and brought them home and even identified a great number of those. And that effort still continues today.

Interviewer: And you went eight times to North Korea. Why so many times?

- For negotiations each year, we would have a round... Two or three rounds of negotiations to allow our teams access. So I would go into negotiate the accents for the recovery teams and where we could dig and what we could do and how we would engage the local populace. And we were... Traveled all over the country. I'd say I've been as far north as Pam and John but on the North Korean side, I've also been on South Korean side, but on the North Korean side as far east, as Pusan as far west as Wonsan. So basically to the four corners of North Korea.

Interviewer: And did your language skills help you at all?

- The Chinese language skills helped me when I would come out of North Korea. Because I would always go back to China to brief our embassy in China and meet with Chinese experts on North Korea as well to compare notes things that were going on in North Korea that I was able to see and observe, but I didn't have any Korean background. And I relied on state department translators. I always had a very good state department linguists with me throughout all my negotiations.

Interviewer: I don't want to spend much time on that because it's never really what we do.

- Okay.

Interviewer: I'm just curious what your perceptions of North Korea were, if you can tell us just a little bit, just...

- So it was very intimidating because I consider myself a sinologist and an Asian expert because of my training and my early background and North Korea was a completely different Asian state than any other Asian state that I've been throughout all of Southeast Asia and China and Japan Mongolia. There... I just did not see the same sort of organized activities towards labor, the same sort of work ethics that people would have... Characterized many of the Asian countries with the bustling economies that we see there. And it was all very focused on a very strict political hierarchy and political strictures on studying with the political commissars and your local people on all the spots. I always thought, I like to say I'd like to... Not joke, but I like to say that the... During the food crisis, the great... I talked with the head of the World Food Program who was in Pyongyang, same time I was there one time. We had dinner together and he made the comment

that the food crisis could be easily solved in North Korea, except for one thing, there's only one person that can tell the farmers what to plant, when to plant, and where to plant it. And he's not an agriculture specialist.

Interviewer: What year was it?

- That would have been about 1994, 1993. So after I did that job, then I went... I actually was a mass to take position with the prisoner of war... Not the... With the... I'm sorry, after that position, I was asked to take a new job and that was with the defense POW office, but a new leg of it, which is still looking at Guantanamo. 9/11 had happened. They had opened Guantanamo. I was not familiar with any of it at that time. And then secretary... One of my responsibilities in my previous position, the POWMIA position was helping our men survive captivity and be able to escape if they were ever captured.

Interviewer: This was pre 9/11 or--

- This was pre 9/11.

Interviewer: Could you explain what that means?

- So we were the policy office that developed the policy that the services would use for deter... For helping them train our service personnel so that if they were captured, they could survive in captivity or they could escape and return back to friendly sides, friendly lines

- Was this just with Russia or with any particular countries?

- This was just general training for... So for example, the Air Force trains all of our personnel that are on deep strike missions, that if something should happen to them in a deep strike mission no matter where they're serving and if they get shot down, how do they survive being captured and how is it that they can escape? And the military has a whole separate area of responsibility from the operational side that does this. We're looking at the broader policy side for how how do you do this? And how do we give them the right policy guidance to help them establish programs that would ensure to protect our soldiers? The other thing that I was very interested in doing again I know you don't do the tangent but just the other thing that I was very involved in was the greatest challenge we had in identifying our missing from Vietnam war and why? I think, I believe personally, the perception existed that men were left behind is because the process at that time was if a pilot got shot down, the air force would go to that pilot's family members, his wife, his daughters, his kids, his parents and they would show them possibly a picture that we're taking from the media in North Vietnam. And the picture might've been after he had crashed and he was injured or it might've been after he'd been beaten by the crowds or whatever but they would show him a distorted picture of his face. And they would say, is this your husband? Well, the individual desperately wants to believe their husband wasn't killed in the crash and wants to believe that's the husband. So they can't give you an objective viewpoint. They're telling you what they really hope is the case not what is the case. And so the result is that the military spent a lot of time looking for guys who we subsequently found died, actually died in their crash

and their bodies were in their crash sites. And we were able to recover the remains from those crash sites, but spent a lot of time carrying them is possibly still alive. Cause we didn't know, and we were hinging it on this missing relatives perceptions. So one of the things that I asked... I thought to do is to use technology to eliminate that doubt. And so if we could take a 360 degree panoramic view of the pilot's face computerize that, you can now use technology and software programs to morph that, to show if you got hit in the head by a rifle butt and it crack the skull, what would that look like? And you can morph that until you can not do a computer rendering of what that might look like. And you can compare that computer rendering to his baseline 360 degree picture of him. And you can get a more sterile look at whether or not that's the same person or not. You still might go to the family and that's the family but now you have somebody that's a little more unbiased to be able to give you a technological viewpoint on that. So I wanted to make sure that when we had... If we ever had someone last again behind enemy lines that one, we always knew where they were that we could track them and find them. And we could rescue them right away. Usually within the golden hour the first hour after he was missing. And two, if we couldn't get to them at that time and we started to get propaganda photographs from the holding country that we had a way to technologically evaluate whether or not this was the person that we thought that it was or not. And so it's that type of work that we would do and working with the military to help provide them first, the policy guidance, and then to go to Congress to get the funding that would allow us to do this type of work. So that... My goal was to never have another unaccounted for for America, from any future conflict.

Interviewer: And this was pre 9/11?

- This is all pre nine grade. Well, this is through 9/11. I did this during... I was in that office through nine 11 up until 2002.

Interviewer: Okay. So that's kind of important for us just to see how you moved into Guantanamo. So at 9/11, you were still working in that office.

- That's correct.

Interviewer: Anything changed that they... After for you or you continued network for another few months?

- No, I continued network for another about two more years in that work doing that. And I knew that though did change for us because we were at that point 90%, 95% focused on a historical mission. Now, I knew we were going to be going to war in 2011. And so we were going to become a very contemporary office where we had to make sure that the military was properly situated to be able to do rescues right away. If we were... If someone was lost if we had an individual--

- Lost in Afghanistan?

- Looking in Afghanistan, correct. And in Pakistan, in that region that the tribal areas and the ungoverned areas in Pakistan and Afghanistan where we might have to do rescue operations.

Interviewer: And then could you tell us exactly when you were moved into Guantanamo issues and how that happened?

- So in about 2003, I was brought in and said, "Hey, you've done a great job, helping our... Helping develop the policy for helping our guys survive in a prison camp atmosphere. We have a camp right now, Guantanamo that we are not doing as good a job on as we could be doing. We need to make changes. We need to make improvements. And we'd like you to come over and switch over and help us with this contemporary issue. So..."

Interviewer: Who's telling you this?

- This was the under secretary for policy who we had to had a conversation with Secretary Rumsfeld.

Interviewer: And what were your thoughts about it? Did you know much about Guantanamo at that time?

- So I only knew what I had seen in the paper and knew... I didn't know anything else beyond that because it was completely outside my realm of responsibility and focus. And when the secretary of defense come to you and say, "We have a new assignment for you..." I'm a careerist. I'm a career official. So I say "Yes, okay." And then I also was interested because one, it was the Middle East which was a part of the world where I had not had much experience, all my experience was in Asia. So I knew that it would be mentally challenging to be in a new realm of the globe working on it. It was also my way to contribute into how the nation responded too when we came back from 9/11 and it was very pertinent to the actual war fighting that was going on at that time.

Interviewer: Do you say Rumsfeld himself asked you or was his assistant who asked you?

- Well, the Under Secretary of Defense for Policy is the number three person in the Pentagon under the secretary. And you were going to ask me that, I'm sorry, the name escapes me. So, yeah, I'm sorry.

Interviewer: And he asked you when you moved into that and what was your first--

- So Paul Butler was the Deputy Assistant Secretary, actually at that time, it wasn't even... it was deputy sitting secretary of defense position. So he was the dad's D that was responsible for Guantanamo. That was... And that office itself fell under the special operations low intensity conflict Solak, under the Solak office. And so I came in as a special assistant to Paul Butler. And about four months after I came in, secretary Rumsfeld then pulled Paul up to his office to be a special assistant for him for the Secretary of Defense. And that left the office then without a political appointee. And I was put in charge of the office as the Careerist to bring the office up to speed. And at that time, the primary focus was on the... Our process had just begun. The administrative review board processes had just begun. And so I was hoping to get the administrative review board processes rolling and getting them fully fledged.

Interviewer: Well, could you explain exactly for people who are not as informed as you are what exactly that

meant and what time this was?

- Sure. Let me... So let me...

Interviewer: For the rest of the whole decision?

- There's a little bit before that, yeah. So let me back up a little bit, because I think this is an important part of the story that I'm excited that the project is willing to tell because I think the efforts that the department of defense put into and then gradually the entire US government put into doing the review of the detainees is unprecedented in modern warfare. And I think it's been vastly misunderstood and distorted in some ways by other proceedings as to what it really meant. And I think if you actually step back and look at it from a broader perspective, it's really quite, I think amazing. And it's also really the way true governance should work in our government. And we don't see it very much. So let me just do a brief historical timeline if that would be helpful to do that. So 2001, we have the 9/11 attacks and we go into Afghanistan and we begin to capture people and we're holding detainees in Afghanistan. Decision is made by general Tommy Franks that he doesn't want to keep detainees in Afghanistan. He doesn't want to be burdened with the responsibility of having prisoner of war camps. So a decision is made to move the detainees out of Afghanistan. So the war fighting effort is not inhibited by them... By that detention effort. And they select Guantanamo is a place where they want to put the people and they immediately began in 2002 to send detainees to Guantanamo. (clears throat) And then immediately upon the first detainees getting there, they realized some of the detainees should not be there. And so two months later in 2002, the first detainees actually leave Guantanamo and are returned back to Afghanistan. Some people think the detainees have been here the entire time all along, but in fact, there were returns going on very early on.

Interviewer: Two months after they were brought, people were already being--

- Were already being sent back as a new plane would come in with detainees, that plane would return to Afghanistan with detainees on it that were determined they shouldn't be there. So that's a good question. Who vetted that? How is that possible? What's happening? So what happens is go back to the battle scene. We have our forces in kinetic activity, in action and they go into a compound. They're being fired upon, they'll go into a compound. They secure the compound and they have... Let's just say, hypothetically, they have 10 to 12 adult age males in that room that possibly could have been shooting at them. And they are asking... That little unit is asking who fired at us? Who shot at us? Why were you shooting? And a couple of the guys say, "I didn't, it wasn't me. It wasn't me. I was just here." And the unit determines that's true. And they let those guys go. But seven of those guys, they don't really understand what their role was. And they don't understand whether they're of any value or if they're important or not or how much of a threat they are. So they move those people out of that frontline person into a rear position where there's another interrogation that goes on and questioning that goes on. And in that question period of those seven guys they may determine that two or three of those guys, okay really shouldn't have been there and they could be let go as well. They weren't a threat. And they really weren't involved in whatever activity was going on there and they allow them to leave. So now you're down to four or five guys that are left of the original 10, 11 that you captured. And of those four or five guys, two of them, you got some information that you pretty

much know who they are and you know, they a threat and you want a hold on to them. But the other two or three, you don't really know who they are but they're not saying anything. They're not talking. They're not saying boo. So what do you do with them? You could let them go, but it might be somebody important or somebody dangerous, or you could hold onto them and let it go for further vetting. So they opted let's hold on to them for further vetting. Well, amongst those guys, when they get on this plane and they get sent to Guantanamo when they land in Guantanamo, they suddenly realize this is a much bigger thing than I thought it was. And some of those guys guys now start to open their mouth and say who they are and what they were doing and why they were there. And no, they're not a threat and this is why they're not a threat. And we independently can corroborate that. And so we determined, there's no reason for these guys to be at Guantanamo. And they're the ones who are going back immediately afterwards.

Interviewer: Who makes the decision?

- So there at Guantanamo, there were interrogators and there were specialists... Intelligence specialists that were making those determinations at that time. And I know you've had some of those people that have come to the Guantanamo project as well to talk about that. And I'll let them speak for themselves on how well they did that and this was all before I arrived and how I got there before I came to it. So that process started and now they all came in and the defense department started a process because we realized that some of the people that were there didn't need to be there. The defense department started process in 2001 which we called the section one process. And that's because it was the first process. And what that process did was it took the review of the detainees and the process of review out of the hands of the people down on island and back up in Washington where you had people that had more objective view but also had more information available to them than just the information that had come from the capturing unit. And just from the imprints that they'd come from the field. And so they could add a little bit more coloring to the information that was there and they began to review and look to see whether or not detainees still needed to be held. And the other thing they looked at is if we didn't continue to hold them, where would you send them? And if you send them to some other countries, could that country mitigate any potential threat that this individual might represent once released from DOD detention? And so the section one process began to review all those in 2001 and was the process that was in place that ultimately was the process that was reviewed by the Supreme court rulings as to whether or not habeas was necessary and whether or not the department... And whether or not there could be that could be done in the review process. And we needed a more structured, something more akin to the junior conventions requirements or review process that should be done at the time. And so in 2004, the de... we had the Russel decision and you had the Humvee decision. And we had Boumediene, they all came down in that. Boumediene was up to 2008, but you had those decisions that came down that started to say the defense department had to do more than what it was doing. And so in 2004, the defense department created a new position called the administrative review board and it create a second role called the combatant status review tribunal. So the CSRT combatant status review tribunal had one singular purpose. And that was to look at this detainee and say we are right to hold this person. We have enough information. And it shows he represents a continuing threat to the United States government and we have legal authority to hold this individual. And that's the only CSRT did. It was a one-time review to look at each detainee. And at that time there were more than 500 at Guantanamo to look at each detainee and determine whether or not we had sufficient information to hold

this detainee. And we wanted to continue to hold them. Then we began the second process called the administrative review board and the administrator review board's process was then take all the information that it could get its hands on in the US Government's holdings and assess that information and determine whether or not this individual represented a continuing threat particularly if they were to be transferred out of DOD custody. So DOD was already looking at this and why is this? Well, secretary Rumsfeld had made very clear. He did not want to be the world's jailer. He did not want to hold detainees that the United States didn't have to hold that other countries could be responsible for their nationals. Keep in mind, at this point we had almost 50 different nationalities at Guantanamo. So Rumsfeld's view was other countries should step up to the plate and they should mitigate the threat of their own nationals. We, the United States government shouldn't do that. And so the ARB process was designed to have a look at these guys to say, okay if we can't transfer them, who could we transfer? And when can we send them? Deputy Secretary of Defense Gordon England was the principal decision maker. So every art case was reviewed by analysts from joint chiefs of staff, as well as from within DOD and the intelligence community from DIA with information that was available to the ARBs. And that information was then used to make a deci... A recommendation on whether or not this individual should be continued to held, whether they could be transferred. And if they were going to be transferred how would they be transferred? And under what conditions would we need a home country to take measures to help us to ensure they wouldn't get back into the fight. And that process went from 2000. The ARB process went from 2004 to 2009 when president Obama was elected and he discontinued that process. But under the ARB process, we transferred more than 400 detainees out of Guantanamo, I personally was involved in negotiations for almost 300 of those 400 individuals that we transferred back out and it was a review... And it was using that review process to tell us whether the information that we have, whether it shows whether this person is a threat and what information do we have showing whether he be a continued threat if he was released from US custody and if he was going to be a continued threat was that threat so great that only the United States could mitigate it or could some other country mitigate that threat? And if another country could, then what was the country and what would be the measures we'd ask them to take to help mitigate that threat. And those negotiations. As we went from country to country to negotiate, we had an inner agency team and the team included a representative from the Department of Justice, included a representative from the Department of State, included representatives from my office and from the joint chiefs of staff. There were principally former members. Sometimes an NSC member would accompany us to depending on what the countries were that we were going to. And we would then... That team would go... That small team would go and we would negotiate with the countries in order to facilitate the return of detainees. And sometimes they were small, two or three individuals and sometimes they were large. We sent, almost... Well, we sent over 40 Pakistanis back to Pakistan on an individual single transfer that we negotiated with the Pakistani government on how to mitigate their threat when they went back.

Interviewer: Did you yourself travel to these countries?

- I did.

Interviewer: Could you tell us how the process worked?



- So we knew before we went who the individuals were that were up for consideration for transfer, and we knew what we believed was the threat that they might represent or in some cases there may not be any threat. And in fact, when the ARB process first began, they did... We did this through the C cert review. We determined that there were about 22 individuals that we should no longer be holding at Guantanamo. And they were transferred immediately back. And they... And so they weren't... They never even went through the ARB process because we determined through C certs that we didn't need to hold them.

Interviewer: What is C cert?

- The Combatant Status Review Tribunal. And so they went back right away, but for the others then, we do the review and we would look at that. And I was... I did not conduct the review process but I was aware of the review process. And I could ask questions, particularly because I knew if I was going to go and negotiate this individual's return, I wanted to have a good enough background that I could tell the country that was receiving them what type of individual they were going to be receiving and what type of measures they would probably need to take in order to see that their transfer was successful. And that the individual became a constructive member of society and not returned back to the fight. So then when we went overseas in the negotiation, sometimes I would lead the negotiations and sometimes state department would lead the negotiations. It was a country by country decision based largely on our bilateral relationship and who had the stronger part of that relationship. Was it State or DOD? And then we would go in and we would talk to them, well, before we went, we would provide through our embassies a portfolio about the information about this. So we went to the intelligence community and asked to have all the information made available to that country so that we could share as much information as possible with that country about who this individual was, why we believed he was a potential threat, and what measures would be appropriate to mitigate any potential threat. We would send that to the country in advance. And then when we got there, we would go over that folder with them, that portfolio with them, answer questions that they might have about that individual, and that information and where our information came from and how sure we were of the information. And we would provide them then what we thought would be measures that they could take. And they would then tell us whether they could take those measures not based upon their own laws. So some countries, for example, can't do listening, can't do internet monitoring. And so we asked them to monitor the person's internet accounts once he's returned to be sure he's not going to radical Jihadi websites and things like that. Some countries could do it. Some countries could not. So we would have negotiations then about... So that we would know whether or not they could or could not do it and if they couldn't what substitutions could they do or how would they try to do something that would be... Give us the same level of comfort of what we saw. And then if we had... If we finished those negotiations, sometimes there might be two or three rounds of negotiations and sometimes we wouldn't get answers, then we'd come back and we would finish those later through diplomatic channels. But once we got a response and we had a formal response as to whether or not they could do it, if the answer was yes and they said, these are the measures that we could take, then I would go to deputy secretary England and I would sit down with him and I would go over the case. And I would tell him about my negotiations. And I would say, this is where we've ended up. These are the kinds of measures we have in place that they've had. And the measures were not just security measures, they were also humane treatment measures. The state department was responsible for securing humane treatment measures to ensure the person would not be

persecuted when we went... When he was sent back. And then I would make recommendations as to whether the individual should be transferred or not on the conditions we have here. And then secretary England was one who made the decision on whether or not the transfer would occur.

Interviewer: So are there... So first of all, does every person that was sent back under the Bush administration cause that's kind of what you're talking about.

- Right.

Interviewer: Went through this process that he was not sent back before this group of four more people met with the country and asked them to take the person back. Is that--

- So not so not every personal exact there were a few other for the... The four that went back to England was because of the discussion between prime minister Blair and president Bush. So, I mean... So there were a few other outliers, but the vast majority went back as a result of that process, yes.

Interviewer: And if a country was not interested in taking back this "Alleged terrorists," which I'm told some countries didn't want.

- Right

Interviewer: What would you do?

- We would look for alternative places. So we would look to see if it was... If there was another place where they could go. So, I mean, an example for that is Yemen and Saudi Arabia. I mean, we have done a vast number of humanities at Guantanamo, a large number of humanities at Guantanamo who have more ties to Saudi Arabia than they have to Yemen. They lived back and forth across the border, but some served in the Saudi military, some had committed crimes and had been jailed in Saudi Arabia for crimes had committed, non terrorist crimes just regular street kind of crimes, but they had more of a... And most of their families still live in Saudi Arabia. They didn't live in Yemen. So when we would go to Yemen to talk to Yemen about taking some people back, Yemen would say, "Well this guy isn't even ours. I mean, if you put him here in Yemen he's just going to go right back across the border of the Saudi Arabia. You ought to be talking to the Saudis." And we would talk with the government officials from Saudi Arabia and they would look at the cases. And in many of the cases they would say he's a Yemeni. And because they weren't looking to import any many problems into Saudi Arabia, and we understood that. And so that was part of the hard part of the negotiations was trying to find compromises and find ways where we resolve the situation so that people that... And then we had some individuals who we had two or three that were stateless. I mean, they didn't really have a country that they could go back to. And so we had to look to other countries to really try to extend a hand to help us with those individuals. And so we started first in Europe for some of those individuals to... For the European countries to take those countries because we had the greatest confidence in the European security assurances and what they could do to mitigate the threat of this person who's coming in as that sort of a stateless type of person.

Interviewer: So you were on the road a lot, but you didn't go to every one of these countries yourself as part of the team, or did you?

- I did.

Interviewer: Then you'd be flying, you know, non-stop 24-7 right?

- I was gone a lot. Yeah.

Interviewer: Really?

- There was... There were a lot of negotiations that went on frequently. And once we had a baseline established with the country. It didn't require us to have to go back every time for a new group of individuals that might go to that country. We could do that through diplomatic channels because we now saw how they were handling the situation with the ones who had probably sent back. We had confidence in how they're handling them so we could send more, they were willing to accept more, so we could do diplomatic talks through diplomatic channels and agree on the individuals that would go back. And they were also keep in mind at this time, they were also coming to Guantanamo to an interview their detainees at Guantanamo. So they had a baseline understanding of who they were getting coming out of Guantanamo separate and distinct from the information that we were providing them but this was their own observations and their own information that they had available to them.

Interviewer: So when they came to interview their own, which is the next question I was going to ask you, their own residents or citizens, was there any monitoring of their behavior with the detainees in terms of the interrogation that they themselves did?

- Yes. So as a result of the Abu Ghraib prison scandal, one of the changes that... The department has made a number of changes, but one of the changes we made is that if there's ever a negotiation... If there's ever interviews or interrogations happening in a DOD facility, by non DOD people, DOD will have a monitor in those sessions. They'll either monitor it electronically through television and sound or they'll have someone in the room and we will know constantly of what's going on so that there cannot be any mistreatment of individuals in a DOD facility that DOD would not become immediately aware of and could immediately take action to stop.

Interviewer: And what kind of person would the DOD be monitoring with?

- It would be military... It'd be the guards and intelligence officials from... Because we're talking at Guantanamo. And so it would be the military police, the guard force, and it would be intelligence specialists that would monitor it.

Interviewer: So you know much more about this than I do but the issues that surfaced, one has to do with

the Chinese when they came to interview the Uyghurs apparently they knew a lot more about the Uyghurs that we just had revealed a lot about themselves to the Americans. And that apparently the Americans must have told the Chinese acquainted a weakness and we interviewed because then the Chinese knew all this and they threatened the Wiggins about their families as they didn't come back to China, their families might be endangered. And they knew a lot of information about their families. So was that monitored? And did the Chinese have the right to do all that or am I giving the wrong information about the Uyghurs?

- So well, a couple of things one when I came to with this job, I was the only guy in office that knew what a Uyghur was because of my China background. And I actually knew some Uyghurn nationality people in that I knew what that was. And two, the Uyghurs played a role. I mean, they were in Torah Bore for a reason and they were there for training and they were captured guardian active posts and some other things they're not the innocent bystanders that they've been able to portray publicly themselves as doing and looking at that. And there's some other things which I won't get into on camera about the Uyghur experience at Guantanamo but a bit... But the answer to your question is really not about the Uyghurs, it's about the Chinese and what the Chinese did or didn't do. And I don't know if you're aware or not, but I actually testified in Congress about this but was not able to provide any information because it's still all very classified information. And I almost lost my job because the Congress wanted to fire me and disband my office because of what they saw as a willingness not to cooperate with Congress on this issue. When in fact we were cooperating with Congress through the appropriate committees not just the committee that was conducting that hearing at that time, I'm doing that. So, unfortunately I won't be able to provide any of the details for that. I will say though that the timing of what you're looking at, if you look at the timing of that versus the changes that the department of defense made the timing of those events occurred well before the changes that were made the department defense made as a result of Abu Ghraib

Interviewer: You don't... You probably... I'm not sure if he likes this and that but my understanding from everything I've read besides listening to the Uyghurs is that the Uyghurs' issues are with China and not with the US. So were they really considered a threat to the US when they were phrase captured if that's the case?

- Excellent question. And I think it gets to a part of the question that never really got aired publicly very much but it was the... One of the key issues, the dilemmas that policymakers had to face both in the Bush administration and in the Obama administration, neither of whom when they consider whether or not we should allow Uyghurs into the United States. We couldn't return them to China. And we knew what had happened the last time a Uyghur was returned to China which was not a United States returned but another country, how do we go and return them to China? And he got off the airplane and they conducted his trial at the bottom of the steps and executed them on the tarmac. So we had very serious genuine persecution concerns about the Uyghurs. And we knew that China was not an option. We could not send the individuals back to China. So where were you going to send them? Where would you put them? And one of the places was possibly resettlement in the United States that was looked at. But the question that I think ultimately got decision-makers hung up on this is where I wanted to ask the Uyghurs went to Tora Bora to be trained as terrorists, but their fight is against the Chinese. They want to continue with their terrorist attacks against back in China against the Chinese, not against the United States, but if you have a trained terrorist one, he didn't meet the laws had just been passed after 9/11 you had to get boxes. You had to check. And one of

them was have you ever been to a terrorist training camp? Yes. Okay. You don't come to the United States. You need a waiver for that box now because they would be... They would check yes for that box. So you need a waiver. Well, if you get a waiver you have to ask what threat do they represent to the United States directly, no threat. But if they decide to conduct an operation to blow up the Chinese consulate in New York city and they take down the apartment building next to it and kill 1100 New Yorkers, who wants to be the senior policymaker to raise their hand to say, "I thought it was a good idea to bring them here to the United States." Or if they decide to ambush the Chinese ambassador in a gun battle and try to execute them in the streets of DC and shoot up his limousine and bystanders are killed, who wants to be the person that raises their hand. And I think that question and the inability to save from a policy perspective... From a senior policy political perspective, I'm okay with that threat. I'm willing to take that chance is ultimately what can... Lead to the United States, never actually admitting any of the Tora Bora into the United States.

Interviewer: Would you just raise... Was that actually raised among DOD personnel and sanctified personnel? That kind of example you just gave was that racist? What are the reasons not to allow--

- I mean, it was part of the conversation but I think policymakers were for... The policymakers were very, you know, they understood any... Bringing into these guys in the United States represented bringing terrorists in the United States. And you have to sell that politically. And it's going to be a hard sell to make in the United States on the heels of 9/11 even a year or two later after 9/11 it's going to be a difficult sell to make and doing that. And so one of the questions as a policymaker. You're going to have to be able to answer as a senior policy maker. And those questions I think would come to them. But I mean, it was part of the defense and state and justice all raised those kinds of concerns. And keep in mind, the FBI interviewed the Tora Bora when they were being considered... When the Obama administration was considering bringing the United States. The FBI interviewed all the Uyghurs. So the FBI was intimately involved in making recommendations as well.

Interviewer: And when the Canadian officials interrogated Alma Carter and apparently the tapes of that, which I actually even have, were you present in your office at that time?

- I wasn't present. I wasn't in place, that was before I came.

Interviewer: There was some claim then that it was somewhat abusive in the interrogation.

- Right. But I will say all those claims of that type of mistreatment abuse and I won't pass comment on those things because I wasn't there at the time, but I will say this, the measures and the steps that I helped implement in DOD and the changes that we made in DOD both in the military side and on the civilian policy side, all were designed to ensure that no circumstances could ever occur that could possibly lead us down that path again. And those are the processes and the procedures that guide the department of defense today. And interestingly enough, you know, from the European critics who had lots of critics in 2001 through about 2005 or so, and when these changes came through by 2009, 2010, and bill each out had lots of experience with this going to European countries. They were looking to us as the model for them on how they should conduct detention operations. Because they understood the United States government, the

steps we had taken, the measures we taken to ensure that those types of things would not happen again.

Interviewer: Could you tell us, just so we all understand what... How did Abu Ghraib form the change in DOD procedure of these intelligence and interrogation operations? Why... What did Auburn Gray do... What did they do for the DOD to think like that? Because you keep saying Abu Ghraib was the watershed--

- It was the catalyst, yes.

Interviewer: Yeah, what was it that... Because it wasn't Foreign Interrogation, it was just some low level, apparently so they claimed, low level people who were conducting these. So what...

- So there's been big studies written on this. And then in the front, it depends when it was published and you know, 395 changes that were made from a policy and a military implementation perspective after Abu Ghraib and the big review that was done by the Department of Defense and the joint chiefs of staff to ask that question. How did this happen? The biggest question and the biggest concern from secretary Rumsfeld's perspective, one of the biggest concerns was nobody in Washington knew about it. Nobody in Washington had information on it. This had happened in the field and the field had kept it in the field. And hadn't gotten back to us even though there were other people the ICRC and others that were aware or understood something was going on. There was not a chain of command that was bringing this back to the Department of Defense. There wasn't a policy process to bring it back to the department of defense. So the first thing the secretary also did was take the office that we had, that I told you Paul Butler headed which was sort of an amorphous office that was looking at the Guantanamo issue, amidst a lot of other things and created a standalone office focused exclusively on detention operations, both in Iraq and Afghanistan as well as in Guantanamo and to ask what are the things that we're doing here that could get us into trouble, Abu Ghraib type trouble again and then how do we make sure that doesn't happen? How do we codify it? How do we create policy and how do we create military processing procedures? And then how do we do military training so that we can be sure this never happens again, much of Abu... I'm not going to comment, but Abu Ghraib, a big part of Abu Ghraib was because of a lack of military leadership... Effective military leadership and field had nothing to do with policies that were in place and procedures that were in place. It had everything to do with people not doing their jobs. And so... But that still isn't an excuse. That's still gives us an area where you have to focus the kinds of changes that you need to make in order to ensure that we don't have that type of incident again. So I use it as the catalyst because I came to the office just before the Abu Ghraib scandal became public. And then I was part of the task force that was used to try to make all the changes that was there. And so for me, it was everything that we looked in the Department of Defense to be sure this never happened again. And that we would never treat people this way again that we make leaders processes. For me, that was the catalyst, that galvanizing event that I could hold up to anybody, the question why are we going to make this change or that change and say because we're not going to let Abu Ghraib happen again.

Interviewer: Does it make sense to you as someone who's been working with the DOD for 30 plus years, that there's no chain of command and no one's knowing what's going on in Abu Ghraib? I mean, does that seem good?

- So it seems hard to believe. I understand that. But in fact, in a wartime operation with the military units that are operating in there I saw... I mean, there are examples of things that don't make their way back to Washington unless you have reporting requirements that instruct that it has to come back to Washington. So for example, one of the things it was is that the command was aware of ICRC concerns about conditions about Abu Ghraib. The command said they'd handle it. They'd take care of it.

Interviewer: Who's in command? Who's that?

- Cent Com, Central Command. So they would take care of it. They would... They'd... Sanchez. They would take care of it. They would know they would... They knew how to solve the problem. So those ICRC concerns never came back to Washington. The ICRC also made changes in their own structure. The ICRC reporting process, they had their people in Iraq who made the recommendations to the command and they let that... They didn't report that back to Geneva and Geneva which has a different level of conversation with Washington than what Cent Com is having with them out in the field, Geneva was blind, Washington was blind. And so we changed those, but well, in Cent Com's view was this is a military operation. It's a military operation and military process. And we can handle this from a military perspective. And so... And from the Secretary Rumsfeld's perspective and the chairman of joint chiefs, you want to have confidence in your military commanders that they will do the right things, that they will do those things. Abu Ghraib showed that we needed to have more process and procedures in place to be sure that there was other canaries in the mineshaft that could tell us what was happening on site.

Interviewer: So analogizing, is it possible that Rumsfeld and people at the top didn't know what was going on in Guantanamo in the early days as well. I know you weren't then in.

- Right, I wasn't then in, but I know the reporting from Guantanamo was a little bit different because it was a... Yeah, two things that are happening, one, it wasn't an active theater of operations like set like a rock was. So you had a little bit more stability in how your reporting went back and a little bit more view of centralized importance from Washington and to well, from Washington's perspective, again, I wasn't there. So I'm only going on things which I've been told and read, but Washington's perspective I think was influenced by the fact that these were the guys that could perpetuate to the next 9/11. So we want to know what's happening. We want to know what's going on in the interviewing process and the interrogation process. So I think there was more... Is it possible that things still didn't get community back? Absolutely. One thing I've learned to say at the department of defense in my 32 years is never say never because as soon as you say never, somebody will prove you wrong. So is it possible? Absolutely. It's possible. Did it happen? Probably quite likely, it happened from time to time. Did it happen as a matter of process in principle? No, it didn't. It happened because of people short terming the system and things like that, but yes, it's possible but that's what we wanted to correct. We wanted to be so recognizing that that's a possibility that could occur at any time in any conflict, in any place. We wanted to be sure that we put in place the policies and the procedures, so that Washington... The secretary of defense personally was remained always informed of what was happening. So for the ICRC reports, for example, now, if the ICRC issues a report that expresses a concern about conditions of detention, the department of defense through the command in the field all the

way up to the special assistant to the secretary defense, has an obligation to get that report to the secretary's eyes in 48 hours. And so that's the kind of changes that we've... That I'm talking about that we put in and I wrote that change. So we wanted to be sure that the secretary was immediately made aware of a situation. And he might just say, okay, tell me how you're going to fix it. Right. But the point was, you can't hide anything. You can't obfuscate anything. It's going to... A report is going to come back down the chain of command very quickly. And it's going to be in front of the secretary very quickly so that he can make the determination as to whether or not he's satisfied with the response he's seen this far or whether more needs to be done.

Interviewer: I want to...

Interviewer: These policies were implemented in 2004 or did it take you awhile to get there?

- It took a little while to get that. It was about 2000, probably about 2006, 2007. By the time all of these went through. I mean, I said there were 368 changes. So they all didn't happen with the flip of the switch. We were working through them. And sometimes there's a sequence of reason why you had to work through them this way and that way. But the point was that they were going to get them all done.

Interviewer: I want to go into some of those changes but I just want to back up, because one of the first things you said it after LMS we captured a lot of these men, people have told us, people we've interviewed on both sides of the wire have told us that a lot of the people in Guantanamo were purchased by the US were sold for bounties by Afghans and Pakistanis who picked them up and sold them to the US, were you aware of that? And was that...

- I can't comment on it because it... Non of that happened during my tenure, my time that was there. I'm aware of it. Yes. Because I'm aware of the newspaper stories the number of the habeas proceedings and others where those types of issues were raised. And they came up on that. And my experience was, in some cases, it might've been some truth to it. And a lot of cases, there was not truth to it.

Interviewer: First thing you said about the Uyghurs, I might want to go back, but can... Let's talk about some of those changes? What are those changes? Something that we would want to know going forward that effect on trying to know, in ways that we might not be aware of? You know, you've told us some, but I don't know if there's any others that I didn't ask you about.

- Well, there's, there's 2068. There's a lot that will take the whole time and reports have been written about it. So you can see them from the reports that are written. But a couple of examples, I think are important. One, I told you already, one about ICRC report and how that gets back to the secretary immediately. Now, one was on interrogations and interrogation techniques. The army has always used the army field manual for interrogations as their guide for how you do interrogations. And that's why there was never waterboarding in Guantanamo because that's not our proof technique. And so all of the techniques the army used were to follow what was in the army field manual. A lot's been written about Secretary Rumsfeld and the enhanced interrogation techniques, and whether the enhanced interrogation techniques should be



used or not used. Enhanced interrogation techniques were part of the discussion, but you can look... The record is showing they were implemented at Guantanamo. They were never used at Guantanamo. So we used the army field manual. When President Obama was elected and came into office, oh, so what is... The point of that is... The reason why I say that is because when we rewrote these rules for interrogations, we said the army field manual is the standard that will be used in DOD detention facilities. No other interrogation techniques can be used in DOD detention facilities other than those authorized under the army field manual in doing that. So...

Interviewer: Do you remember what year that was?

- It would have been in that 0507 timeframe in doing that. Then when President Obama came in, he conducted an independent review of interrogation techniques and an independent review of the army field manual. And president Obama determined that the army field manual was the gold standard, his words. The gold standard for interrogations and that any US agency that was going to do interrogations of foreigners, particularly terrorist. In this case, we're looking at, had to abide by the army field manual. That caused a lot of consternation because the FBI asked, what about us? What do we have to do? And it was determined that they're a domestic organization so that was separate and distinct. They weren't bound by that, but any other and it's very clear who it was meant by any other, but any other agency that was going to do interrogations in a DOD facility had... Or no, in any facility, just DOD interrogations by US interrogators, the army field manual was the standard that was to be followed to doing that. And so we were glad that we had in our procedures and changes the army field manual was what people had to use if they were coming to the DOD facilities, because the president then we thought validated that on our selection and doing that and choosing it to broaden it even more for just all interrogations by US interrogators had to abide by the army field manual.

- The fact that you're saying that implies that prior to your taking office or you're taking that position, the army field manual wasn't necessarily followed in Guantanamo, it certainly wasn't followed in Abu Ghraib

- So... Right. So that's a separate problem, right? You have the process, you have the procedures that should be followed. The second question is, are people following those procedures and their processes? And if they're not, are we holding them accountable for violations for that, which we did. We routinely held people accountable for violations of that. But again, if you have violations, you want to make sure the reporting procedures are such that that information about the violations, get back to people that can take action on it and get back quickly. And that was where some of the other changes that the military instituted on how those reporting chains would come back and who would review interrogation reports and who would review who was involved in the interrogation and things like that.

Interviewer: Do you have another crisis that you want to share with us that is equally interesting and significant?

- Well, the other one is... I think it's what started us down this chain in the beginning was involvement of foreigners and foreigners coming into DOD detention facilities and foreigners interrogating or questioning

their nationals and how that happens. And there were no ground rules for those before we started the process after Abu Ghraib. Now there are procedures and processes and policies in place that govern how to do that. And we've had some countries that wanted to abide by those. And they've been dis-invited from coming to meet nationals.

Interviewer: So you kind of say the US is learning... Learned a lot over the years as to how to manage people they capture, people they hold that they didn't know as well in the beginning. You're kind of you kind of saying that.

- Absolutely, if there's one thing the department does know how to do very well is course correction. And to be sure that never happens again. I mean, seriously, I say that with a smile but I don't say that in jest. I mean, when we have a crash of an aircraft, right? When we have a crash of a helicopter lots of reviews to determine why, what happened? Was it mechanical? Was it pilot? If it was pilot, why was it? Was he tired? Was he exhausted, was he poorly trained? And then how do you make the changes? So we never have another crash like that again, right? To do that. You know, you always have system failure but you won't have that pilot error. You may even decide all those changes. You might still end up with pilot error at some point. Pilot error happens. Same thing here, course corrections. We're never going to let this happen again. Does that mean it will never happen again? I would not be so foolish to sit here and tell you that, right? Because people are people and people will do things that don't conform to policy and procedures. Do we have methods if that happens? Do we have ways to correct it, to be aware of it and correct it that didn't exist before? Absolutely.

Interviewer: A lot of detainees we interviewed describe Guantanamo as a psychological prison, as opposed to physically brutal prison interrogations. And even though there were some brutality at one time, which we don't need to go into, a lot of them describe what they felt was psychological mistreatment. Had you ever heard that for Guantanamo?

- I mean, I've heard it because I've seen habeas proceedings and I've heard other things like that. I mean, it's not my experience. I mean, it's... I mean, detention is not a fun experience. I would not like to be in detention personally. I would probably go crazy and be probably one of the troublemakers if I was in detention of my own accord. Right? I understand that it is a restrictive environment by purpose and by mission in doing that. But it's always interesting to me. You know, I took the Russian Minister of Human Rights and something else. He had a very long title to Guantanamo to meet the only Russian that was remaining at Guantanamo and the detainee... The Russian official introduced himself and said this is who I am. And I'm here to check on your status and how are things going? Are you okay? And he said, "Oh, I'm so glad you're here because my human rights are being violated every day and you need to stop this violation of my human rights." And so the minister got extremely excited and said "Please tell me how are they violating your rights?" And he asked me, he said, "Do you want to stay?" And I said, "Yeah, if he's okay with me staying, if we're violating human rights, I need to know." And I know I wanna know what's going on. So he said, please tell me how are they violating human rights? And he said, "Well, they won't give me a Russian newspaper. I used to get a Russian newspaper and they won't give me Russian newspaper. And they won't give me Russian channels on the TV anymore. I used to be able to watch TV in Russia. They won't give me

the Russian TV channels anymore." And so the Russian minister looked at him and said, "So you understand those aren't human rights." And he said, "But they're my rights here. And I'm being tortured because I'm not getting those opportunities to see that." And then when I went back immediately and talked to the command about why are we not giving him his Russian newspapers? And why is he not getting to watch Russian channel TV? They were all very practical connections. One, he never read the newspapers. He just threw them in the toilet and two the TV channels was he would turn the channel to Russian channels when all the other detainees were watching some other show. So he was constantly being disruptive in the camp because he was making anybody else watch Russian TV when he was the only Russian speaking person there to watch TV. And nobody else wanted to watch that channel. So we had to work the command, then worked with the detainees to work out a schedule so that he would have a few hours a day that he could watch Russian TV to which he objected because he could only watch during those days. But it was one of the restricting factors that we had but it was... To me, it was, I think indicative of how the stories came out. Then they... You know, human rights were being violated but what did he mean by that? And the other example I have for that is there was a Yemeni who I was at the camp one day and a Yemeni came up to me and asked me do I like... I was talking through the fence. He said, "Do you watch soccer?" And I'm a big soccer fan. And I said, yes. And he said, "Are you watching the world cup qualifiers?" And I said, "Yes, I am." And he said, "Well, I'm convinced that the Yemeni team is going to win and we're going to go." And I didn't have the heart to tell him that Yemen hadn't even qualified. They didn't have a team playing in the world cup. And so I said, well, you know, I wish them luck. I hope they did well. And the next time I was down there but weeks later I saw him again by chance. And I asked him, I said, you know have you been following the Yemen national team? And he said, "No." He said, "And that's a complaint I've had I've made this complaint four times with the commanding officer." And he said that the guards are torturing me because they won't bring me... What they do is they bring DVD discs of... They tape the games and they'd bring them on DVD disc. And they would let them watch the DVD disc. He said the guards are torturing me because they won't give me any DVD disc of Yemen in the world cup. And as I said, well, you know, they didn't qualify, right? "No, now you're lying just like them. They won't do this. Why don't you people tell me the truth. I know you're hiding from me to that the Yemen National team has done so well. And he was very, very agitated, very upset and reward back that, you know, he was being tortured because he couldn't... Now I'm not trying to... I don't use these examples to make light of the things that some detainees hadn't experienced while they were in Guantanamo in the early days, particularly. But I mean, I think in the last you know, decade or so the kinds of things that we've seen after the early years are more these types of things, as opposed to real genuine human rights violations, abuses and concerns at Guantanamo you know, I took the Belgian head of prisons to Guantanamo on a trip... On an information trip to see what was that Guantanamo was debating these issues. And he came home from that trip and made a public announcement that Guantanamo was better than any prison in Belgium and got promptly fired

Interviewer: Did he really?

- Yes, he did.

Interviewer: Which year was that?

- That would have been about 2006, maybe eight.

Interviewer: So as you said, and I just think it's important for people that are watching, things did get better after 2004 or after Abu Ghraib, seems like a lot changed in Guantanamo prior to that things might've been different as to--

- I mean, a lot changed across to the entire Department of Defense and Guantanamo was included in those changes. Could we made it involve detention operations and how we did that. And so we just made sure that we were doing things, that A, we had policy and that B, we were conforming with the policy and the procedures and the processes that were the Department of Defense for how we would conduct these types of operations.

Interviewer: And how many times did you go to Guantanamo and when was the first time you went?

- I went a lot. I'm not the most frequent traveler from my office. I had one officer that did the travel regularly down there but I took VIP delegations, I took a lot of foreign delegations. I took a lot of Senior Department Officials and other officials down to Guantanamo a lot of cabinet level officials to Guantanamo. I think the first time I went probably was about 2000, 2004. I think it was only after I came to the office.

Interviewer: Can you recall the first time that you went the sense of guard of the place?

- Actually, I don't, I haven't thought about that. I don't. I mean, I think the... What I recall are discussions that I had with the ICRC because I...

Interviewer: In Washington or in Guantanamo?

- Both, I mean, I'm a big fan of the ICRC. I've always been a very big fan of the ICRC. And the ICRC was instrumental when I was in my previous office in the prisoner of war missing personnel office. We had an unaccounted for, from desert storm and the ICRC played a pivotal role in helping us negotiate with Saddam Hussein so that we could send a recovery team in. When we got information as to where we thought this individual's plane had crashed to find out what had happened to him and the ICRC played a pivotal role and a very difficult role and took extraordinary measures and steps to help us try to answer this question which they we're able to answer. So I'm a big fan of the ICRC I always have been. And when I... And I will say when I first came to the department... When I first came to this position, there was within the Department of Defense, a large mistrust to the ICRC. There was a very combative relationship with the ICRC. And that was one of the things that I sought to change right away. And I tried to persuade people that I see the ICRC very differently and I think we can work constructively with them. And so if they come to us, and they say they have a concern, my first response is not "Thanks very much, I'll get back to you. My first response is to sit down tell me what your concern is and how do we address it." At the same time I was going to the ICRC and I was picking their brains for things that we ought to be doing even when they weren't making recommendations. And it considered in the 0405 timeframe is about the time when the ICRC stopped staying and living at Guantanamo 24/7, because they believe that Guantanamo was on the correct path at

that point. And they didn't need to have a permanent presence there.

Interviewer: They had a permanent presence?

- They had a permanent presence since day one. Absolutely. Absolutely. Yes, indeed. Yes.

- And so they made it... And they made... It was their decision when they wanted to move away from that permanent presence to having a presence in Washington that they could go unannounced anytime they wanted to go to Guantanamo. We... And now, we want to help broker that with the term side which was we would not stop them. And then they could make unannounced representations in Guantanamo at any time and conduct their missions at any time in lieu of their decision not to have a permanent presence there. Because I wanted to make sure that they were there were frequently. And they were there in the role that they should be there in an objective fashion.

Interviewer: Well then is it Colonel super real or I'm not sure what his type of military travel is, but he invited the ICRC. And apparently he got into some difficulty with the DOD in inviting them to Guantanamo. At least that's what he told us on tape. Why would that be--

- So I'm familiar with that. So I'm imagining it predates me. But as I said, when I came, there was a very hostile relationship... Hostile regard with it. I thought a hostile relationship with the ICRC and it just trusted them, that permeated in the Washington area and that I was independent on. And I wanted to change that right away.

- But you understood that there was presence there all the time. That's how you--

- That's how the ICRC describes it. That's how they say it.

Interviewer: And the ICRC was permitted to reveal to you whatever you asked them, they had no restrictions on what they saw?

- No, they... I mean, they had no restricts... The ICRC conducted private interviews with the detainees and they may or may not tell us things that are from those private interviews, that's their decision and their process, their procedures, our request was to them, if you get any information about abuse or mistreatment, we need to know about that immediately. You have to tell you US official, not just a guard on duty, but a senior per official, when you do your reports you have to tell us that immediately. So we need to know that. And they agreed that they would do that. They would, I think, done that anyhow, if there was ever any evidence of they had a report to that. But does that mean they told us everything the detainee said, absolutely not. They had private conversations with detainees that we weren't part of, and that was at their request. And we completely agreed.

Interviewer: This changeover after Abu Ghraib, you keep describing where's that posse coming from? It's coming from Gordon England or from Rumsfeld or from you or... I mean who? Which policy, I'm sorry. When

you say there's this change where now you're going to be much more supervisory over the lower DOD person. Excuse me?

- Yeah, they are in 368 changes that we made. Right? Those... Yeah. So those were across the department of defense. So some... So that came from a taskforce that was headed by Pete Garren and Lieutenant General Maples. That was the Maple Garren's task force. They included the joint chiefs of staff, OSD policy, the office secretary Pence for policy which is my office.

Interviewer: And who created the...

- General counsel. Secretary Rumsfeld. Rumsfeld created it.

Interviewer: So he wanted these changes?

- Yes, absolutely. He created the task force with the sole mission of be sure this doesn't happen again.

Interviewer: Do you to ask a question on that?

Interviewer: There are some detainees who've gone back into the field and committed terrorist acts, where they all before all these policies were implemented or there have been some who--

- Yeah. So not the policies, but the review processes that I described earlier, right? We've had about 30% return to fight rate. That's both known... Factually known, and those that are suspected or not yet confirmed, but we've got multiple sources but we haven't able to confirm it yet. So it's roughly about 30% is the total number that the intelligence community reports out for those. And those are all individuals. They include some that have gone back early in the fight where we didn't do the review process but the vast majority, probably 90, 95% came as a result of the review process. I mean, after not the result, but as after the review processes had cleared them for transfer. And after the secretary of defense or the deputy secretary of defense had made a decision, or even in the PRB process under President Obama where the policy makers, the top cabinet member officials in the national security infrastructure reviewed the case and determined the person could be transferred. And then they went back and then they still reengaged.

Interviewer: And did you suspect that they would re-engage since these countries are expected to be monitoring what's going on with this individual. Was this kind of known and anticipated that some of these folks would go back?

- So, so...

Man: Look up here while you're responding.

- Sure. So in answer to the question is that there was never an issue of whether we had a hundred percent confidence. Someone would not go back to the fight. All the people that we're talking about here there were

concerns that they may or may not. They may go back to the fight, which is why we asked the country to take the types of measures. We asked the country to take in order to prevent them from going back to the fight that said, if we thought someone was going to go back to the fight whose threat we could not mitigate, either we are the receiving country, then we would have asked... We would not have approved the transfer or the secretary would not have approved the transfer. So these are individuals that we made the determination that we thought the returning country could mitigate the fight, or that they themselves were out of the fight and no longer interested in terrorist activities. And then they went back and they subsequently re-engaged.

Interviewer: And can I ask a question about confidentiality and clearance? You must have a very high clearance and the information that you got about suspected detainees as you are clearing them to other countries were you able to share the highest clearance information? Did they know everything there was to know about these folks?

- So... So that's a very good question. And let me just take a minute to talk about that in two phases. One, your question was did they know everything that we knew about the individuals at the highest levels of intelligence? And the answer is not everything because there are some things that we could not get the intelligence community to be able to share with the foreign countries, for any number of reasons largely sources and methods while they couldn't share that information. That said, that was one of... To me, one of the highlights and one of the bright points of the overall review process I describe the types of different review processes. And I actually didn't even get to the end of those, because after we had the ARBs stopped by President Obama, President Obama then conducted the executive order task force review and he established a senior level task force of officials from across six different agencies. And I was the DOD rep to that task force and they did the work and they reviewed all the cases. But the point on intelligence information that I wanted to get through is that this is where I thought good governance again came into play. When you looked at the early section one reviews which was the first review processes that were done, the information that the people had at their disposal was largely the information that came from the field from the capturing unit and from field intelligence. They did not have any exposure to intelligence information from Washington DC's level or from the intelligence community that wasn't being shared outside of what was in the field. And the community at large knows a lot more information than just what's being shared in the field. When the ARB process went into place and the CSR process went in place, that was the first time intelligence information at the Washington level was really introduced into the process. But the intelligence community was judicious in how they released information and what information they use and the people that were outside of it that were receiving the information often didn't know what other intelligence information was out there because they weren't the intelligence specialists they were analysts or they were people that were doing the review process but they weren't intelligence specialist to do that. When president Obama put his task force together, included in an executive order establishing the task force was the requirement that all agencies would produce 100% of all information about the detainees from every agency in the government. And it would be turned over to the task force. And so the task force ended up with much more information much more intelligence information than any of the other previous review processes had been access to before. And it's determining what they could use to then determine the threat the individual might weight. That helped us because at that point, once all that intelligence

information was in the game, then when we had to clear information and get clearances to share with foreign countries, you had a better totality picture of what was... What that information was which allowed the intelligence community, I think to be more forward-leaning and clearing much more information than I ever had when I was doing the negotiations. that I spoke to earlier because the intelligence community broadened its scope as to information that could be released and shared with countries to help them understand the potential threat that a detainee might pose to us.

Interviewer: I have another question. As a policy person, what would you do with the current folks still in Guantanamo. Have you thought about that? There are what 70 left?

Interviewer: 41.

- 41.

Interviewer: 41 left.

- Right, 41.

Interviewer: Five were cleared for release.

- So I'm retired. So that... The issue is not mine, but I will tell you, I mean, yes, it's a concern and we think about it all the time and it's... And you know, it's an interesting be current... Sorry. Because some of the individuals who are there really represent genuinely true high level threats. A lot of the individuals there right now are because there are many and we can't send them back to Yemen. And many other countries have stepped up to the play. Oman and others have stepped up to the play, UAE to help us with this issue and to take detainees back that aren't their nationals to help us do that. But I think that, you know you reach a saturation point at some point. And so it becomes difficult then really to worry how do you transfer these other ones who have who have a threat possibility, but really the the issue that I believe the issue is driving their not being able to return home is because they don't have a home to return back to.

Interviewer: And one last question, when folks were... Detainees were sent to various countries, were they... They were able to say, no? Were they able to say, "No, I won't go to Saudi Arabia?"

- They were in some challenges to the Supreme court. And the Supreme court ruled that the United States government had done due diligence and that they could be sent back and they were.

Interviewer: Could you tell us about your work with Callie Stempsin and what role you had and then you replaced him just so that's on tape.

- Sure. So, so Callie was selected as the deputy secretary of defense for the office of detainee policy. I was, again, the deputy director. I was the ranking career official in the office. And so when Callie ultimately left, resigned and left as I did with all the other deputies and secretaries when they resigned and left, I was the



person in charge of the office until the new political appointee came into place.

Interviewer: So you would never a political appointee--

- I was a careerist. In fact, one of the... If I can boast for a second one of my things that I'm most proud of fact is that I received the highest award recognition you can receive as a career civilian once from President Bush and once from President Obama. And so to me, that's the epitome of what a career should be is you don't care what the party is that's in power. Your job is to execute their policies and procedures and help them be successful.

Interviewer: You were an analyst at some point?

- I was I started my career as an analyst in a totalist community.

Interviewer: And can you explain exactly what that entailed?

- So it's kinda like graduate research work, right? You have access to a lot of information. You're looking at a policy level, problem or issue and you're reviewing that information and then trying to make informed recommendations for policy based on the information that you reviewed.

Interviewer: Is there a procedure, again, since you've been in policy and procedures a lot in this conversation, was there... Is there a procedure in place in how to do that? Or is that up to each analyst?

- No, no, there's very strict guidelines, not strict I mean, there's a lot of very good tools that are made available to the analyst and analytic procedures, lots of study that goes into it large lots of companies out there that do a lot of research based on how the intelligence community assesses and does unbiased unfiltered information. And then how do you take a lot of wide diverse of information, pull it all together in the aggregate and then break it down from there. And so for example, some are codified ways and some are just things that people develop over time. One of the ones that I developed over time as an analyst was if I was going to write a policy paper recommendation for a senior policy maker, if we took all the information that was available to us, let me give you a hypothetical that might be relevant today. Right now I can give you a hypothetical that's different than that. We have a country where we're seeing some agitation of students. And so all of what we saw in Beijing and tenement, we're wondering is it possible that we might see large massive uprising of students and workers combining together and is the country likely to react violently to it the leadership likely to react violently to it. And if so, is it A, gun endangering to US people? And does it have any implications for US policy? And so you go and you get all the information and the data points that you have and you try to be as creative as possible to make sure you've got all the data that you can and you bring all that data in and you review that data and you come up with a conclusion. It's likely, it's not likely and these are the implications if it does or if it doesn't, what happens from there. And then you write that up as a policy recommended... You write that up as an intelligence view of everything and it may include a policy recommendation. Most likely it does not. And most likely it simply says we reviewed all the information. And we think that it's highly likely that within the next three to six months there could be a

violent clash between these protesters and the government that could result in human rights abuses that the US would have to respond to. But when you do that in order... Before you can take that conclusion up to your boss and up to ultimately to the head of the agency and ultimately to the president, you need to... My view was you need to look at this as though you're walking down a hallway with a lot of open doors and every one of those doors is a potential hole to your analysis or a whole to your logic or a hole in the information that you have available to you. That some other... If you had another piece of information that could help you with and what you want is by the time you get to the end of that hallway, you turn around and you see that every one of those doors has slammed, shut and locked. And then, you know, you've written the piece as best... As well as it can be written with... As straightforward and as comprehensive as it can be written with the best recommendation you can make. And then you can take it forward. And that, you know, the work with intelligence is usually gray, not black and white. So you can't always get all those doors closed but you darn well want to make sure you've addressed every one of those doors and looked in it be sure you answered those questions before you go forward so that you can at least answer the questions that come to you about why did you think this? Or why did you rely on this source and not that source?

Interviewer: So then somebody didn't do the job you just described for 9/11, because there were rumors that people had a sense that 9/11 was going to happen in August of that year. And yet no one seemed to act on it.

- So again, I wasn't involved with any of that but I mean, in reviewing the reports that have come out and then the congressional reviews and things like that that was the conclusion that was reached, is that there were, there were holes in peoples and blind spots and how people look at information and what they did with information.

Interviewer: So do you think... I know you haven't worked in other agencies, but do you think the DOD is probably better at coordinating its work and being clear in what processes and policies to follow than some of the other agencies? I mean, you take a lot of pride in it.

- I do take a lot of pride in it and I think we've seen, as I said it, that's it. I mean, I think we've seen a historical change in how the department of defense is conducting detention operations and particularly the review processes that we use to ask the question, do we still need to hold this individual? Or can this individual be returned? That's unprecedented, the closest that you have of anything of a return like this before the end of a conflict is the Korean war. When we did operations, big and little switch and operational little switch involve the exchange of sick and wounded, and then operation big switch with the exchange of prisoners on both sides that both sides were holding, even though we still are at a state of war with North Korea today because we only have an armistice, we don't know... We never had a peace treaty signed. And so, as a result of that, since that time, you haven't had that type of... Those types of exchanges, but that ongoing conflict that's still happening that the enemy still regards as as a valid conflict of what's happening. And so I think that the fact that we have put in place and now regularly exercised and regularly tested in the courts successfully, the processes and the procedures that we have in place that shows a very comprehensive review using all of the information that's available to the intelligence community from the intelligence

community and everybody else all the commands and combatant information, all that information is processed looked at by an inter-agency group not just one agency, but an inter-agency group all of whom have their own perspectives to bring to the information and then make a recommendation on that is light years ahead of where we were before. Even when I was doing the team that I would go negotiate with I think was a starter, a precursor to this process. The process that we have in place, a result of the Obama administration I think significantly strengthened and codified that in a way that we've never seen before.

Interviewer: So then why did Chuck Hagel secretary of defense for a couple of years hesitate to release people after six agencies have vetted the persons so thoroughly the way you just described and everyone really did their homework. What was he concerned about?

- You'd have to... I haven't talked to him about those specific concerns so you'd have to address those to him.

Interviewer: Okay. Did you ever hear about Jose Padilla? Do you know he is, he was in the military break. Did you do any vetting?

- I did not. Cause he was largely through what was going to be the start of the military commissions. He ultimately didn't go through military commissions but through judicial processes with DOJ.

- All of a sudden you started surrounding the military deal.

- Right.

Interviewer: And what about Alma Cada? Were you involved in his release since he was released after when you...

- I joined... Ambassador Freed was our lead negotiator but I joined Dan on the trips to Canada when we negotiated for his transfer, yes.

Interviewer: And we know Carter was accused of killing an American soldier which might or might not be true, could that inform your decision and decisions of people. What did they release him if in fact people believed that?

- So it did inform decisions. And we have, I think very clear evidence as to his role and his participatory role in that is and that was all shared and discussed with the Canadian government as well. And the process that led up to those things. But again, as with any transfer, what it really came down to for us was the question of, is there another country that can mitigate this threat or are we the only country that can mitigate the threat? In Carter's case, once a determination was made that there was not going to be a formal prosecution through military commissions channels, then the question became, okay. What's the likelihood of his returning to the fight and can anybody else besides the United States government mitigate that likelihood? And we determined the government of Canada could mitigate that likelihood. And so that's when

negotiation talks really gained steam.

Interviewer: And you were involved in that and you had that decision too Canada couldn't handle it and therefore it's acceptable. What do you... With your take on military commissions, do you think we should continue them? Have you watched them over a decade?

- I think we missed the boat on military commissions since 2011. I mean, I think there was a time and a place when we could have done it and probably should have done it. But the fact that we didn't do it has led us to a point now where it's I think probably not a useful use of US dollars and pursuing that.

Interviewer: Why do we keep pursuing it, do you think?

- I don't know.

Interviewer: Did you think President Obama was going to close down Guantanamo when he said he would and he was elected? Did you think he would?

- Oh yeah. I mean, he clearly stated that that was going to be his objective and that he intended to close down Guantanamo. I think the hardest thing though was that realizing that one, his team came in without a real solid understanding of a lot of the detainees and who the people were that were there and what they were and then to the transfer processes that were in place already to try to move people out. And so how those processes work and how a change in those processes may help or impede that process in doing that. But ultimately, I think, you know the decision to say I want to close Guantanamo is very different than the policy of why you have a Guantanamo, because at the end of the day you're still going to have a group of individuals who no other country can mitigate the threat that they represent. And that the US government is going to have to continue to hold as long as they continue to represent that level of threat. And so where do you hold them? And, you know, the idea which was looked at and I was involved in the process of finding a facility in the United States where we could transfer those detainees who ultimately would not be transferable. And we would have to continue to mitigate the threat hold them in the United States while that decision would allow you to close the physical structure of Guantanamo, it did not allow you to close the question of Guantanamo. Which is not a question of Guantanamo, it's a question of wartime detention. And is this a legal exercise of wartime detention? Because all that was doing was moving the problem northward moving into the United States. And so I always long believed and still believe to this day that even if we'd gotten to that point it would not have ended the habeas proceedings. It would not have ended the critics that say that we don't have one tunnel, it only would have transplanted the problem someplace different and we'd have a whole new set of issues associated with it when it's transplanted to someplace different be that the United States or any other facility that was chosen to put them in to doing it. And so just closing the facility might have a political value to it but it doesn't help you solve the problem which is what I was trying to do is help solve the problem.

Interviewer: And what did you think America should do with people who we do not have enough evidence to prosecute, but we also think that they are ongoing threat and we can't release them?

- So I think that you know, and Bill will talk eloquent upon this and the rule of law and all, but I'm not a lawyer, I'm a policy person. I just spend my days with lawyers. But I think quite honestly, that's where this got screwed up in the beginning is that the lawyers tie this up in knots by not allowing us to call them POW's. I fully understand why the lawyers made the legal determination that they're not prisoners of war. Right. Department of Justice, and the Department of Defense and Department of State and NSC, white house lawyers in the Bush administration. When the first decisions were made about what are we going to call them? They could have said, we're going to call them POW's. Technically, they're not POW's they don't... The Taliban is not a nation state, does not belong... Is not a signatory to the Geneva Conventions. Is not bound by the Geneva Conventions. You're extending the rules of war to a group that should not be entitled to those doing that but by not doing that, and by coming up with the unlawful enemy combatant description which they use, it completely mired the public discussion and the public debate about whether these guys were... You said, we're not going to prosecute them. Well, we never intended to prosecute them. They were captured in a wartime activity, in an active war by serving a leadership structure that believed they were at war. Some had been on pursue the United States for peace. They wanted to end the war in suit for peace. You don't do that if you don't think you're at war. So this was not a police action. This was not an action by detectives doing a lot of research and going and making an arrest. And now bringing that arrest forward to a prosecution and potential conviction. This is a war time detention and the enemy... And if you're at war you have the legal right to hold people until such time that the war is over or they no longer represent a threat. Actually we've added the element. They no longer represent a threat that you can go ahead and release them to that. Otherwise we could hold them till the end of the conflict. And I'll just... You got me on my hobby horse now, right? But some people say, you know, well how... When's the end of the conflict? And there's not going to be a signing on the USS Missouri showing the end of the conflict with Al-Qaeda or with the Taliban. But the fact is that's the element that we introduced was we don't need to wait for the end of the conflict because we're looking to see when does the conflict end for this individual. And case by case, person by person, are you still in the fight? And the PRB process, I think has done a very good job at looking at the remaining detainees at Guantanamo and asking that question, are you still in the fight? And if you are not in the fight then we're going to transfer you back. And if you are still in the fight then we'll see if someone else can mitigate your threat. And if they can't then the United States government will continue to hold you so long as you're, you are still in that fight. And so it becomes, you know, when you look at and you know, the Americans, I go back to my earlier job. When you look at the Americans who were shot down in Vietnam and, and held captive, they didn't know if they were going to be held by the north Vietnamese for one day, one week, one month, 10 years or the rest of their lives. No one had any idea how the Vietnam war was going to end when it went in, what would happen with it. So there is no guarantee of when the end of conflict is. So what we did was rather than ask an abstract question of when's the end of the conflict with terrorists? We asked when's the end of the conflict for this individual. And then how is it that we can mitigate any potential threat that allows us to no longer have to hold this individual?

Interviewer: So that's great. That's really interesting, but I just want to confirm what you said at the beginning of this, you feel and obviously many other people feel that we made a mistake or the US government made a mistake and not declared them to be POW's prisoners of war at the beginning, when we first held them

- I wouldn't use the word mistake. I would just say that my view is that I think we vastly complicated the process and we confused a lot of people. And by allowing the lawyers to determine that and that again, you asked for another one of the other 368 changes, right? Is that early on through pre Guantanamo and early one Iraq, policy did not play a big role in detention. It was the lawyers that played a big role in and making those policies speeches, and lawyers aren't policy people. I'm going to speak for prejudice but they're not policy people, they're lawyers. And they're looking at that. They should look at the law and tell you are your actions conforming with the law or not conforming with the law and what do you need to do to change them if they aren't conforming? One of the changes that came through is the established of the office that I used to head as a permanent office a full structured office that looked from a policy perspective, just at this question for the secretary of defense to be sure that they were looking ahead, looking around the curves, looking for the next conflict and the next battle. And are we properly situated so that we don't repeat mistakes from the past?

Interviewer: And you said something else that I hadn't heard of before, you said that Bin Ladin suit for peace?

- Yes.

Interviewer: Could you tell us something about--

- I only know... I just read that it was a New York times article long time ago, like, oh it was after an... It was like six to eight months after 9/11, when he sued for peace.

Interviewer: Did you get a sense when you travel overseas that other countries somewhat kind of Mo as are staying on America and that when you said, you know, if we close it on some level of Guantanamo moves to the US and some other prison but maybe it's a good thing because the image of Guantanamo was harming the US?

- So the sense that I had was that it wasn't the facility that was harming US. It was the policy of detention that people were critical... That the Europeans were most upset about. It was the... Indefinite was their words, indefinite detention, without an end of sight where we would be holding people without an ability for them to prosecute, or be prosecuted for those things. And it was that question we just discussed, I think is what drove that, that perception on that.

Interviewer: And do people actually articulate that to you when you saw these other countries?

- Not really because I was there for a different purpose. I was there to negotiate specific transfers of individuals. So the broader policy question of should we have a Guantanamo or not have a Guantanamo and we... I mean, I knew I knew the country's view because I knew their perspective on it. And some might... We might bring it up and say. But I never had someone say to me directly, you know if you just got rid of this Guantanamo it would improve our bilateral relationship at that. But they may not have that conversation

with me. They may have that with others.

Interviewer: Did they ever say to you why won't you the US take these people and you're asking us to take them?

- Yes, frequently.

Interviewer: And how did you answer that?

- It would depend on where we were in the timing but part of the answer could be, you know we're on the heels of 9/11 and it's untenable to talk about bringing terrorists in the United States at this time with the US populace the way it is in the aftermath of 9/11. Some of it could be that, you know they wanted to know why we weren't... I mean, we have... A question that was frequently asked particularly at the DOJ representatives on my negotiating team was, "Why aren't you prosecuting them?" Why aren't you, you know... "Why do you want us to prosecute them if we can, why aren't you prosecuting? And you probably have more information to prosecute them than we do." And the answer would frequently come back to the, well we don't have any information that from a crime perspective that they can be prosecuted. We're holding them on a wartime detention. So we spent a lot of time educating other countries about that dichotomy between the law of war and more time detention versus potentially being held for persons to be prosecuted. But that didn't mean that some of those other countries didn't have a way to prosecute a lot of those countries. You know, these guys left illegally false passports other kinds of things, they had reasons. And most of the prosecutions that they did do they would prosecute for things like that, for offenses for leaving their entering the country illegally and passport fraud, passport violations. And that gave them an opportunity then to incarcerate the individual. And then they could look and see if there's any other things that ground truth to some of the other terrorists type information that could give them something else. And so many of these cases they were successful able to do that. And other cases they weren't, and they, you know after they served their minimum amount of time from the initial one, then they were released. But at that time they were still now on that government's books. So to say, because, you know having been prosecuted and confined at some point

Interviewer: Were you involved in sending the French de Kaneese back to France because they were incarcerated as soon as they went back right?

- They were, but the French system's a little bit different than a lot of the other European systems that they can they can incarcerate throughout the investigative period when they do that. And so they frequently will incarcerate for a lengthy period of time while they investigate. And they ultimately determined that there's nothing to prosecute, but they will have had a year more of incarceration when we're doing that which is completely different than us than others.

Interviewer: You know that was true when you send them back to France. So you weren't enrolled in that?

- Yes.

Interviewer: So that made it easier for you?

- Well, it was a factor in determining whether or not they could mitigate the individual's threat. Yes.

Johnny: And you have 12 minutes.

Interviewer: Okay. Thanks, Johnny. When you were involved in sending the first group of Uyghurs to Albania.

- Yes.

Interviewer: Could you... Did you negotiate the Albania on that or did you--

- Oh yeah, the state department had the lead but I was involved in the negotiations. It was a inner agency process for that. Yes.

Interviewer: What were your thoughts about Albania? Did it seem like inappropriate place for the Uyghurs or it didn't really matter because there was no place that would take--

- No. I mean, we were very pleased with Albania because we... The measures, the social infrastructure safety net that they were going to install below the Uyghurs to ensure they didn't fall through the cracks was quite honestly quite impressive. And so we thought we had the best bet of seeing the workers have a successful re-entry in that country than we did any place else, because of the measures that the Albanian government was going to take.

Interviewer: Do you look at the housing and the facilities and perhaps counseling, or... Do you look at those kinds of factors?

- I never did. No.

- I mean, we looked at the factor, you know, are we going to... The purpose of transfer was not to have the person fail and return to the fight. The purpose of transfer was to have the person become a successful constructive member of society wherever he was going to be. And so in some countries, you're going to need more of a safety net than you would in other countries particularly if the detainee has less of an acquaintance with that country or no family and things like that. So you have to have a better safety net that's there. And so all those issues of what type of safety net and what's the appropriate safety net that you would need always, were part of the conversation and the discussions.

- You would be involved in that.

- Depending, I mean, sometimes state, as I said before sometimes state had lead in them. And in the later



years particularly during the Obama administration state always had the lead for those things. So I know you've talked with cliff and and I think Lee also, but they had the lead for those things in doing that. But back when, earlier that with Dan freed, Dan freed and I frequently traveled together, Dan did Europe on his own, but every place he went outside of Europe I always went with Dan on negotiating those things.

Interviewer: I have one more question. We're going to need to take a break to change the card but do the US ever give money to these countries? Or what did... What was the incentive for these countries to take these people?

- So we did give money to some of the countries in a way in order to help establish that social safety net that I referred to. Right? So if they're going to provide housing or things like that, it's enough to get them started. Certainly not enough. That's going to last them for a long period of time because by then the individual hopefully will become a constructive member of the society. So it was, it was basically feed money startup money to get the individual transfers successfully and to relieve the burden. Because many of the countries we were sending them to Plough and others. They don't have a lot of resources themselves. And so the idea was we want this to be a success. We don't want this to be a failure, so we can... We will see that startup in order to get this off to a successful start.

Interviewer: Why don't we take a break? I have a question I'll pull out that we can--

- Okay.

Interviewer: Thank you. Okay. Let's take a break.

Man: Okay. We're rolling.

Interviewer: Speaking since you mentioned Poli before we had to take a break, my understanding from several people is that the man who was sent to pull out the Uyghurs is a six no longer there, but it had gone on to another country. And so people had told me it was Turkey that been our Turkey. So I just wanted the... No one has.. Either no one is monitoring them or the US assisted that going there or how did that happen if in fact they're supposed to be monitored when they're released to the countries.

- So yeah, I've been away from it for some time now. So I'm not following the individuals that were formally implied that left Pilou. There were a number of individual circumstances for some of them. One of them lost a son in an accident and some other circumstances that happened. So, you know, I think we were aware that they had left. Palauan where they had gone back to Turkey. We didn't have a lot of influence over the decision at that time where they're going is my understanding from state department.

Interviewer: But you don't... I know you don't want to say much about this, Alan I don't... I'm not asking you to, but the US had to be aware of it either before it happened or became way after, because they didn't really care that much about the wig as something but I'm just... The reason why I'm asking you this is because Levalasky told us that no one's really monitoring the people now because Trump doesn't have

anybody in office to do that. And I'm wondering if they even monitor them, then if in fact, they were able to just leave and go to another country.

- So I can't comment to state and state's ability to monitor or watch over people and where they're doing that. But I mean, there are mechanisms and procedures in place that are not effected by who President Trump has appointed or not appointed in terms of normal process, work, intelligence work and things like that, it happens that, you know, should be keeping track on somebody on the individuals. There are a lot of people that went back and does that mean that every country is, you know, we rely on state department for regular interventions, with the countries where we send people to be sure that they're doing fine. I mean, state has an obligation as well to be sure they're not being mistreated. And then maybe they mistreat them initially. But if they'd done something down the road so I know the state department takes that obligation seriously and how they look at that and whether or not it's affected by theirs there is, or there isn't a head of that office and say, tomorrow there are other offices as well that have some of that responsibility.

Interviewer: So the DOD have somehow monitored on its own separate from state? Or you can't tell us, I'm just curious.

- Yeah, well it's a whole of government approach and we rely on whole of government approach to do that. So it's not something that DOD does exclusively. It's not something that we could do exclusive. We don't operate in some of the countries where detainees have gone back. So it's a whole of government approach

Interviewer: But the DOD and again, you don't have to say anything more but I'm just to understand the DOD might have some monitoring or might be involved somehow to watch some of these people who are released

- I'm not aware of duty that's involved in monitoring of any of the detainees that have gone back.

Interviewer: And when you had your group of six agencies that veteran the men when Obama became president, the CIA was one of those six agencies, right? So the CIA now gave you information that you might not have had access to before?

- So there were seven agencies together, six voting agencies and one consulting agency which was the CIA's role would be a consulting agency. So they didn't have a vote to do that. And then they were... And their role is as a consultant. And she was to be sure that the group had all the information that was available including all the information that was available throughout the intelligence community.

Interviewer: And why wouldn't they give it a vote?

- It's not... They're not a policy office there. Their job is to provide information but not to make policy recommendations.

Interviewer: And when you had a vote, did you need unanimous for the six agencies?

- We did not need unanimous but we almost always had unanimous.

Interviewer: And did the personal change of the six agencies in terms of the meetings to review each person? Or was it always the same?

- By large it was the same individuals though. You had substituted. We don't want the process to stop because then we took vacation. So you had people that could stand in for others, but not by and large, it was the same individuals.

Interviewer: And you represented DOD in these eight...

- I did both for the executive order task force. And then for the follow-on periodic review boards to PRBS I was the initial senior representative from the Department of Defense.

- Okay. I don't have any more questions, but nothing that you raised that I really interested in is you mentioned you spoke to some detainees when you went to Guantanamo. How common was that for you to go up to a detainee and start talking to them? Why did you do that?

- It wasn't common, but it wasn't isolated. I mean, I did on occasion, depending on what the circumstances and why, you know, what I was there and when... How long my visit was. Most times my visits were such that they... I didn't have the opportunity to do that, which is why I relish the opportunities. When I did have the chance to do that to talk to people, to see that perspective

Interviewer: And what... Will you be talking to people who would be released soon and you want to see who they are?

- No, I... In fact, generally, I didn't know who they were that I was talking to because they were just just a detainee on the other side of the fence that I saw that I was talking to.

Interviewer: And what was your take on that? What were you... Why did you want to do that? And what were you getting out of that?

- It just gave me an opportunity to I mean, they knew I was official from Washington. So if they wanted to complain about something or express concern about something, it was an opportunity for them to do that in an unfiltered way.

Interviewer: And military had no right to stop you from doing that because you were DOD, I guess.

- Well, they could've stopped me from doing it but there was nobody needed a reason to stop it. My just having a casual interaction with a detainee was not disruptive to the overall camp procedures. I wouldn't want to do anything that was disruptive to camp procedures, but I mean, it wasn't, you know, it wasn't

disruptive. So they had no reason to question, you know... And I was with the guard force anyhow, I wasn't just strolling through the camps by myself. So...

Interviewer: And did you go to your isolation? Did ever see men in isolation?

- There was no isolation at Guantanamo.

Interviewer: There was no isolation in Guantanamo?

- No.

Interviewer: So when people said they were held in isolation, what were they saying?

- I don't know. For the times that I heard that, but the times that I've been there, there was no ice. I mean, some people misrepresent being in a single cell as isolation, but that's not the case at all. They communicate to each other, they can talk up and down the hallways, they recreate together. It's not what people think of is, you know isolation or the black hole or anything like that, that, that just doesn't exist. And in fact, when I went with the white house lawyers the first time with Greg Craig, Greg Craig asked, "Can I see where we put people in solitary confinement?" And the commander said, there is no place here for solitary confinement. We don't have solitary confinement. And Greg Craig said, no, no. I mean, and he went like five different descriptions of what he was trying to say. And the commander was very frustrated. He says, "You're not understanding we don't have that. There is no solitary confinement. There is no isolation. There is no... We just don't have that here."

Interviewer: Did you go to Camp Echo with Leslie and also while we'll be held, they were not considered in isolation from the rest of the camp, or...

- They were not they never considered themselves that way either.

Interviewer: Did you think there was isolation at that point in time before you went down there?

- I didn't think that there was, because I was aware of how we're doing things and what we were doing, but I mean, it's always good. That's one of the reasons why I would make visits is to double check and just make sure that everything was in Washington understood the way we wanted. It was the same as what was happening on the ground.

Interviewer: Do you think there was any before you kind of got involved in Guantanamo because the men who told us that were there in the early years again.

- Right. So I can't talk about that cause I wasn't there then, but I mean I do know that there was some things that were done that we changed those procedures. So, I mean, is it possible again? I say never say never, but I mean, I'm not... That's not an... It's not an advocacy that it did happen. I'm just saying, I don't know.

Interviewer: And so one lawyer told us that his client was put in isolation. He couldn't talk to anybody and then they have a big fan blowing. So that they'd be noisy. We try to yell to someone else. He couldn't hear it. You've heard nothing like that.

- I've heard those things from the lawyers and habeas but I mean, those, those concerns have been addressed in habeas and they've generally been found, not true. So... But I don't know the specific circumstances here and I wouldn't be able to address it even if I did know the specific ones you're talking about. But I'm just saying in terms of how things were done in Guantanamo, that's not the case.

Interviewer: And for camp seven where the high value detainees they held have you been there? You can't describe it. I know, but...

- I'm not going to be able to answer any Camp Seven questions at all. So for purposes of this interview

Interviewer: Yeah. That that's a separate, is there something that I didn't ask you that you were hoping to tell us when you had or when you thought about coming here, just in terms of understanding Guantanamo.

- No, I mean, I think that I'm glad to participate. I think it was very thorough. I mean, I guess at the point of emphasis, the one thing I'd like to come back through is that I really do believe and I think it was probably come through with my overall enthusiasm that we've used this process to create a government structure and a government interaction in a way that I've never seen before in my 30 plus years in government service. The whole of government approach that I spoke to and using six agencies and all the information available and just collecting all the information. I mean, just imagine the amount of effort that goes into asking every agency to go through their files and over you know, some files, a decade old or more depending on if there had been intelligence reporting about an individual even before 9/11 and to bring all that information forward so that it's available for this. And to make that information some of which is extremely high classified some of which is operational in nature to make all that information available so that it can be reviewed by a group of abstract brokers to make recommendations to their superiors. And then their superiors who are all cabinet level officers are reviewing the cases individually to make a determination as to whether they go or not. I don't know another country in the world that spends that type of time, effort, or energy to make sure that they're doing it as comprehensively as we're doing it and to ensure they're doing it as well as we're doing it. And I take great pride in that. I think that we have, we have crafted a system born out of necessity that established the best whole of government approach that could be that's unparalleled anywhere else in across the globe.

Interviewer: Do you credit Obama for that. Or do you credit someone else for that.

- Well, I mean the process he started that the whole of government approach started before Obama president Obama. But what I do give him credit for is that the effort that he put in to ensure that the totality of the information and the totality of the review was unparalleled because I do believe that that's true that the the level of effort that's been put in and the level of review that's been given, and the level of

information that's been assessed was far greater than was ever done under the Bush administration

Interviewer: The six to eight months, the process didn't begin till he became president. Is that true? Or was it there before

- It was there, but more informally? And it was primarily four agencies, really. Joint chiefs of staff and Homeland security Homeland security didn't really exist and the joint chiefs of staff didn't really play. So they weren't really involved in the process and the intelligence community as a whole wasn't wasn't involved in the process. Those were all brought on by his changes

Interviewer: But I'm not trying to blow smoke in and make you look good, but I just want it... But it's... But I think you said, I just want to have it for history. You were instrumental in creating the four agency process. Is that fair to say?

- Yes, I would think that's fair. In fact, that's what I was recognized by the president for.

Interviewer: That was the... And that had then expanded to the associated disease. But essentially this price is largely because of I'm one of your 368 changes.

- Yes, it is. Right.

Interviewer: And who brought in the other two agencies?

- The president did. I mean, there... While the Homeland screen was not involved, but the joint chiefs of staff and the agency, the intelligence community, they were involved in the process anyhow, but more informally. And what president Obama did was codified all that and to get all the right players in the room together so that they would have that total approach.

Interviewer: So we can look to you. And I'm really glad you came as a President who kind of started cleaning this up and having a reasonable approach to looking at these men and releasing them and--

- Not just me. I mean, there's Matt Waxman. And many of the people that you interviewed that you've talked to have been involved in the process no one person runs the United States government no matter how hard they might try. It's effort that puts a lot of people working together. I'm proud of the fact of the role that I played in bringing people together and providing a whole government approach that really was unparalleled to anything else I'd ever seen in my government career that persist today. And that I believe will carry us into. I mean, we, you know, we were also asking the question what about the next conflict? What about the next war? Whether it's in North Korea or someplace else, you know how do we take a command command like Pacific command? That's had no involvement in this really whatsoever except maybe tangentially with plow and have really no involvement in this question at all but never even really thinks about the tension. I wanted to make sure that they were thinking about the tension today, so that they've got policies and procedures in place that when detention... And then they've got guidance from

Washington to follow and that they're training their people so that when the balloon goes up, if it ever goes up but when the balloon goes up they don't have to go reinvent the wheel. They've got it there. The department of defense has got them in place and they know how to conduct attention operations in the best possible manner possible.

Interviewer: Was that also considering sending men mentored Guantanamo? Cause since 2008, no one has been sent there. So was that also one of the processes that it was considered?

- So it's different both by the administrations. I mean the Bush administration, they look to see if there are other countries that could handle the threat of the individual whether we had to send them to Guantanamo. And they ultimately only sent a couple, but really no more. And then president Obama, he made it clear. He was closing. So he was not going to send anybody there. And he came up with a new process, right? Which is to really focus on prosecution to try to nab the culprit at where he is and then use that apprehension in an illegal way and use clean teams and things like that. So they could do that. And that's now being tested in the courts. It'll be very interesting to see what happens if the courts determined that we violated the due process when we violated the person whose criminal, their rights in that regard then that whole process could get thrown out and then we'd be left with only other option is, you know... And we didn't get into this really cause I left it for others. But I mean I think the one thing that people forget about on detention and capturing people is what's the alternative and the alternative is to kill them. Right? You have to give your forces the capability to capture people, because if you don't give them the capability to capture people, you're going to result in many more killings happened on the battlefield. And so if you capture them you can't expect them to capture them. And then they go through a legal process. They captured them operating under the laws of war in a war time, kinetic activity. And it's going down from there. So people, sometimes it's easy to say we can just get rid of detention and we could just get rid of this, but there's consequences to that, serious consequences to that. And beliefs on others can wax more eloquently than I on that. But it's a very serious concern that we've looked at and been very concerned about that. Look at that. We want to make sure that we never take away the detention aspect from a commander, his ability to conduct his operation because otherwise we could put him in his units at risk of committing more crimes and other things.

Interviewer: Well, the drones would follow up on what you just described.

- Right, and I won't go into... I mean, that's not my scope but I mean, the fact is that under the Obama administration we had many more people killed by drones and that possibly could have been captured and held in detention. And if we had captured them and held them detention is that more of a human rights violation than killing them with a drone while they're cars driving down the road? There are a lot of lawyers that can answer that question.

Interviewer: That was another question that you dealt with. And you probably don't want to say anything about the Trump administration but do you, before we shut down, is there...

- No, there's not enough of a track record. And I, you know... My view is not just to the traumatization but

with any of you, you can't... When a candidate campaigns on and what a campaign can... A governance on once elected oftentimes are very different. And then they, they learn those lessons one way or another.

Interviewer: So are you saying that you don't necessarily see a value in closing down Guantanamo? Cause we need a detention center to hold people that we capture in whatever battles we might fight in the future?

- So I never opined on whether or not I thought it was valuable to close Guantanamo or not, what I did say was that I do believe we need a facility that allows us to hold people from the battlefield whose threat otherwise cannot be mitigated by anybody else. My own personal view. Again, not that any way government policy. And again, my personal view is it's what I call the Elba island solution. If you remember. The Elba island solution, right? Where Napoleon was put... When no country wanted to hold Napoleon and where they sent Napoleon. We a international agreement international facility that countries can come to terms and have a understanding of who could be detained there, what's a threat they represent, who's that threat against and you have to... And that will be very difficult, right? Cause you've got... Some people will want Tamil tigers in there and some people will want Slovaks in there. And some people will want Chechens in there. I mean, it's going to be very difficult. I understand that. But ideally, if you could establish a universal definition of a threat that can't be mitigated by anybody else and then establish the conditions of detention that everybody would abide by and then establish a review process for reviewing individuals there. So they're just not put someplace and never thought of again. And you could do that at an international level. Then I think the world would actually comprehensively address this problem which doesn't have a global answer right now and the United States is the only country that truly stepped up to that responsibility. Despite all the criticism about it, to doing that

Interviewer: What is your mission? What are you doing that--

- I'll leave that for someone else, but--

Interviewer: Are you doing anything that we might be interested in during you're retire, or...

- Just traveling with my wife.

Interviewer: Well, there you are get some funding. And...

- My wife always complained that the place is not for camera. My wife always complained that the places that I always went where the places that she had no desire to go Yemen Saudi Arabia and similar. So despite and getting lots of invitations to accompany you go to those places. She never wanted to go. So she's happy now to name places that we can go together. So... Right. Exactly.

Interviewer: Did you have anything else before we shut down?

Interviewer: No... (sound drowns in the background)



Interviewer: Okay. So we need 20 seconds of room tone where we just sit here with no quiet and then we'll skip that. So...

- All right. Okay, great. I can drink right now--

Interviewer: Absolutely.

Man: Yeah, you can drink.

Interviewer: Okay. Who's next?