DEFENSE EXHIBITS
NOT ADMITTED
MEMORANDUM FOR Commander, 82d ABN DIV, Champion Base, Iraq 09320

SUBJECT: MAJ [REDACTED] - Rebuttal of General Officer Letter of Reprimand

1. As the 66th Military Intelligence Company commander I fully understand I am accountable for all actions my soldiers do or fail to do. With 150 soldiers currently spread over my Regiment's AO, I command the active Army's largest tactical Military Intelligence Company. I respectfully request you set aside my letter of reprimand (LOR), dated 22 January 2004. I do not believe I did anything wrong. In the paragraphs below I will explain my actions as the commander as to why I felt the "sleeping bag" technique abided by the parameters set forth from CJSF-7 and the Laws of Warfare. If, after you read this rebuttal, you feel I warrant a LOR, I request this LOR be placed in my local file.

2. My company has 6 distinctly different Platoons each with a different mission. My Platoons are Headquarters, Service Support, Collection, Jamming, Analysis Control Element, and Ground Surveillance Radar. Due to the extreme variety of missions my company must execute to support the Regiment, I could not always be present at the Regiment's Detention Facility. Since I have no formalized training in interrogation operations, I fully relied on the recommendations made by CW3 [REDACTED], my senior interrogator, to execute proper interrogations. The "sleeping bag" technique is a stress position we considered authorized by CJSF-7 as noted in memos: CJSF-7 Interrogation and Counter-Resistance Policy, dated 10 Sep 03 which states "Stress Positions Use of Physical Postures (sitting, standing, kneeling, prone, etc". Utilizing the "sleeping bag" technique is a stress position which was used to bring about claustrophobic conditions. This technique uses the Iraqi's fear of being in confined spaces and was never used as a tool to prevent breathing. When CW3 [REDACTED] approached me and explained the "sleeping bag" technique, I assessed the use of this technique as an appropriate method to be used to glean intelligence from detainees. At no time did I perceive any violations of CJSF-7 policy or Laws of War. I determined this based on the facts that the "sleeping bag" technique: 1. Does not physically harm the detainee; 2. Allows for a legal practice of interrogations; 3. Exploits an identified weakness without harming the detainee in any way. This technique was only used as a last resort. The purpose and parameters of this technique was clearly understood by all of my interrogators. At no time was this technique used to endanger a detainee's life.

3. As the commander, I do not believe I neglected my duties and obligations as the commander. I made the decision to use this technique based on a recommendation by an experienced interrogator with the desired end state of gaining actionable intelligence in
Subject: Rebuttal Statement; MAJ [redacted]

order to protect and ultimately save American and Coalition lives. As the commander I take full responsibility for any excessive force used by the interrogators. However, I am still not aware of any specific evidence that would indicate the interrogators used unlawful or excessive techniques. Detainees who were interrogated by my soldiers were treated humanely and at no time do I believe their lives were placed in jeopardy. It is important to note that since the incident of MG [redacted], I have reviewed the interrogators standard operating procedure and have made the necessary changes to ensure my interrogators only use approved interrogation methods.

4. I ask that the LOR be set aside based on the fact that I intentionally did no wrongdoing. If after having considered the facts listed above you still feel I still deserve the LOR, I ask that it get filed in my local file. I have been serving my country in the Army for close to 14 years. If this reprimand gets filed in my official file, I can no longer pursue my desire to make the Army my career and I will be forced to leave the Army. I believe I am an extremely valuable member of the Army and I know I can still contribute to this outstanding institution. The lessons I have learned in this extremely challenging environment will allow me to effectively train leaders and soldiers in the future. My lessons learned range from interrogations conducted at the detention facility to all aspects of ACB operations to establishing a PROPHET baseline to properly managing THTs. I can share this knowledge with the intelligence and operations community and make a difference in the Army’s training to assist us in becoming better equipped to fight this enemy in the future.

MAJ, MI
Commanding

DEFENSE EXHIBIT  B
for ID

08283

11263
Defense Exhibit C for Identification is classified and is located in Volume 3 of 3 of the record of trial.
SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSNI).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION
   2. DATE (YYYYMMDD) 3. TIME
   Img Vic of Fg Tiger 2023 11 08 12 00

5. LAST NAME, FIRST NAME, MIDDLE NAME
   Loper, Jerry Leonidas Jr

8. ORGANIZATION OR ADDRESS
   4th MP Bn, SP 545d, 3rd ACR, Fort Carson, CO

9. Jerry L. Loper Jr. WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

   2 days ago I was called on the radio to escort number 126 to room number 2. I proceeded to an area (the General) to go to interrogation room number 6. I proceeded to an area (the General) to get the General. About 50 to 75 feet from the cage I said "General, let's go!" in a very friendly way. Just like I do to all the Isabel. He was breathing short and heavy with little air and his hand was..." (the General was waiting. The Chief was a little man, short, with little hair and arms over mine. When I got up to the Chief he was sitting in a chair. He told me to take him to room six. I took him there and waited there while I was told..."

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ______ TAKEN AT ______ DATE ________"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE
a few more questions. The same thing “I don't know.” Big Chief picked up the sleeping bag and wrapped it around the General's body and I tied it up with electrical cord. Big Chief told me to make sure that it was tight. So I did. I was still wrapping the chord around his thigh and I asked Chief how long do you want me to go. He replied ‘A little longer.” So I did. After that Chief asked me if it was tight, and I said yes. We held onto the General, and tried to turn him around a couple of times, but he was too big to turn. I tried to turn him around a couple of times, but he was too big to turn. Me, Big Chief, little Chief, and Interpreter #2 all layed the General down on his back. After laying him down Big Chief sat on his chest and stomach. Big Chief asked him a few questions and the same thing, “I don't know!” Big Chief put his hand over the face of the General and held it there for a few seconds and then released, asked him a few more questions and the same answer. Big Chief took both his hands and pushed down on the sleeping bag on both sides and held it there. Meanwhile me and little Chief sat on both sides and held it there. I saw that about 15 to 20 seconds he made a deep breath. Big Chief then said “Thank God! I was worried but after about 10 to 20 seconds he made a deep breath. Big Chief then said “Thank God! I was worried.” Big Chief then told us to roll him over. I rolled him over. We all really thought nothing of it. He rolled him about 20 seconds. We all really thought nothing of it. We all really thought nothing of it.
S. STATEMENT (Continued)

runs over and starts doing her thing.

2 days before that I was told to escort 1076 to the back cave. I did and the General was taken from me by some of the SF personnel. They kept him for about an hour to an hour and a half. When the General came back out it took 4 or 5 of us to practically carry him back to the cage. He was in the General had no energy. No breath. It was almost as if he was about to die. Excuse the pun.

Q: Describe the big chief.
A: He is tall. He wears glasses. He speaks Russian and works at the P-H and EPN site.

Q: Describe the little chief.
A: He is a coward. Short and stocky. He always wears sunglasses. I think he has blonde hair.

Q: Describe Interpreter #1.
A: Short, skinny. He has gray hair and wears glasses. He is a SF.

Q: Describe Interpreter #2.
A: Tall. Brown hair. Glasses. He is the driver.

Q: Were there any weapons in Room 6 on 26 Nov 05?
A: No.

Q: Did you ever hit the general?
A: No.

Q: Did you ever see anyone hit the general?
A: No.

DEFENSE EXHIBIT D
STATEMENT OF Jerry L. Loper
TAKEN AT Vic of FOB Tiger, Dated 2003 11/28

9. STATEMENT (Continued)
A: I never saw it, but I did hear someone hit him.
Q: Describe what happened when you heard the general being hit.
A: The day I escorted the general to SF I waited about 40 feet
from the door to the room he was in. I heard smacking sounds and
the general screaming. It sounded like the general was being hit
with an object. The sound lasted five to ten minutes. That was the
day we tried to carry the general back to the cage.
Q: Are you sure it was the general you heard screaming?
A: Yes.
Q: Do you know who was in the room with the general?
A: No. They were all wearing masks.
Q: Did the general ever ask to see a doctor?
A: No.
Q: Did the general ever complain about anything?
A: Sometimes he would complain when we made him get up.
He was like that from when he first got here.

End of Statement

AFFIDAVIT

I, Jerry L. Loper, Jr., have read or have had read to me this statement
which begins on page 1, and ends on page 9. I fully understand the contents of the entire statement made
by me. The statement is true. I have initialed all corrections and have initialed the bottom of each page
containing the statement. I have made this statement freely without hope of benefit or reward, without
threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

(Signature of Person Making Statement)

WITNESSES:

________________________________________

ORGANIZATION OR ADDRESS

________________________________________

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

11268

SUBP. 1345-2004

DEFENSE EXHIBIT D

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