

DEPARTMENT OF THE ARMY  
66th Military Intelligence Company  
3d Squadron, 3d Armored Cavalry Regiment  
Camp Rifles Base  
Al Asad, Iraq

AFZC-R-K-MI

*Death was from asphyxiation!  
I expect better adherence to  
standards in the future!*

11 February 2004

MEMORANDUM FOR Commander 82d ABN DIV, <sup>1 June 04</sup> Champion Base, Iraq 09320

SUBJECT: CW3 Welshofer, Lewis E. Jr., 292-58-7040, Rebuttal to General Letter of Reprimand

1. I take responsibility for all actions concerning the interrogation of MG Mowhoush on 26 November 2003. However, I do not believe that my actions led to the death of the General. I have served as an Interrogator for seventeen years, and the methods I have used have never been deemed excessive. Contrary to what one may believe based on autopsy photographs, I did not beat the General. I believe I used acceptable methods in conducting the interrogations. For the reasons set forth below, I respectfully request that you not place the Letter of Reprimand (LOR), dated 22 January 2004, in my Official Military Personnel File (OMPF). If you decide that a LOR is warranted, I ask that you place it in my local file. I also request that you consider setting aside the LOR.
2. MG Mowhoush was potentially a valuable intelligence source and his death set back our collection efforts. I have not been provided with a copy of the autopsy report concerning the death, so I cannot comment on what killed the General. However, I am aware that the General's body had bruises indicating he had been severely beaten during interrogation. Members of ODA and OGA were involved in this interrogation. However, considering the lack of command relationship between our organizations and circumstances that I was placed in, I did not believe that I had the authority to intervene. Although I truly want all the facts to be known, upon advice of my legal counsel, I am unable to further discuss the specifics of the OGA interrogation.
3. In my attempt to gather intelligence to protect the lives of soldiers, I used stress positions that included kneeling, standing, and placing the detainee in a close confinement stress position that I considered acceptable. This stress position previously aided intelligence collection that targeted anti-Coalition forces and helped further develop the threat picture. The "sleeping bag technique" is a stress position I considered authorized by CJTF-7 in their memo; "CJTF-7 Interrogation and Counter-Resistance Policy", dated 10 SEP 03 which allows "Stress Positions: Use of physical postures (sitting, standing, kneeling, prone etc)". Although a sleeping bag was sometimes used during interrogations, this sleeping bag was porous. The sleeping bag is of Iraqi manufacture and was not much thicker than an ordinary blanket. A cord was used to limit movement within the bag and help bring on claustrophobic conditions. The cord was never placed above the shoulder area. The zipper was broken so the bag was always open from the back allowing air into the bag. The bag is not used to prevent breathing.

In fact, detainees would probably be able to breathe better in the sleeping bag than they would in the sandbag-hooded conditions in which they are frequently brought to the facility. This position is designed to see if a person is claustrophobic.

4. In SERE, this position is called close confinement and can be very effective. While stationed in Hawaii, I was part of a cadre that taught U.S. soldiers how to survive in captivity and what to expect during an enemy interrogation. We frequently used close confinement positions, both as a group and as an individual stress position. The sleeping bag had been used on prior occasions on other detainees without incident. This position capitalizes on the subject's fear of tight places. Anyone who is claustrophobic gives an almost immediate response. While using the sleeping bag technique, someone who squirms or screams and is obviously having an adverse reaction is allowed out as soon as they start to provide information (incentive). Those who are not claustrophobic are able to control their breathing. When the sleeping bag was used on the General, he was able to control his breathing. He was closely monitored and I opened the bag on several occasions to determine what the General was saying during the interrogation. He did not appear to be in any distress. I believe the technique used was acceptable. Again, while I have not examined the autopsy report, I do not believe that the sleeping bag was responsible for his death.

5. I do not believe interrogation guidelines set forth by CJTF-7 were written with sufficient understanding of the type of people we are interrogating in Iraq. While current guidelines do mimic rules set forth by the Geneva Convention for questioning Prisoners of War, these guidelines do not clearly address unlawful combatants who do not follow the Laws of Land Warfare. I always treated detainees humanely, keeping in mind that many detainees, such as the General, concealed information that could potentially save the lives of soldiers. Admittedly, that was my primary concern. It certainly was not my intent to harm the General.

6. Some detainees were questioned through vigorous methods. I always used my best judgment and seventeen years of experience, including what I learned during interrogation operations in Afghanistan, and weighed that against what was acceptable and necessary. I do not believe that I ever operated outside acceptable methods of intelligence collection. While an outside spectator may view the interrogation techniques as being tough, I would point out that these techniques were meant to elicit information from resistant sources.

7. I need to point out that I was in Qatar during the incident involving the death of LTC Jallel. After my return, I learned that LTC Jallel was accused of emplacing IED's. Subsequent questioning by ODA confirmed that suspicion. LTC Jallel took ODA to an IED site where there were three emplaced 155mm artillery shells daisy-chained together. Had LTC Jallel been able to detonate these powerful IEDs, there is no doubt that U.S. soldiers would have died. Additionally, LTC Jallel took ODA to a weapons cache where there were between 50-60,000 pieces of various types of explosives. This cache was capable of providing thousands of potential IEDs and was probably the origin of previous bombs. The bottom line is that what interrogators do is a dirty job but saves lives;

interrogators obtain no pleasure in eliciting information using stress positions. However, I reiterate that these positions are not designed to end lives. They are used to acquire critical information.

8. I fully understand the need to try and bring a civility to this country after the years of oppression. However, I cannot overstate the General's complicity in crimes against humanity. From the intelligence that was set forth by the OGA and ODA during their interrogation, it was revealed that the General was involved with massacres in Basrah that killed thousands of Iraqis. Our own reporting indicated that the General was a leading anti-Coalition figure in the al Qaim area. He and members of his tribe and family were also responsible for calculated and deliberate attacks on U.S. soldiers; some of which cost the lives of U.S. Servicemen. I am aware of what techniques were used during the interrogation of the General. However, based on my own conduct, I will not take personal responsibility for his death. I do not think that a LOR is warranted and ask that you set it aside. Should you proceed with the LOR, I ask that you file it locally and not in my OMPP. I am proud to wear the uniform and want to continue to wear it, but I do not believe that the rights of anyone who poses a threat to American lives take precedence above my moral obligation to do everything I can to protect the lives of my fellow soldiers.



LEWIS E. WELSHOFER JR.  
CW3, USA  
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