



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
SPECIAL ASSISTANT UNITED STATES ATTORNEY
2387 HATFIELD STREET
FORT HUACHUCA, ARIZONA 85613

ATZS-JA-MJ

JUL 11 2007

MEMORANDUM FOR Commander, United States Army Intelligence Center and Fort Huachuca, Fort Huachuca, Arizona 85613

THRU Staff Judge Advocate, United States Army Intelligence Center and Fort Huachuca, Fort Huachuca, Arizona 85613

SUBJECT: Request for Official Information and Order to Testify at a Judicial Proceeding

1. PURPOSE: To request the attendance of LTC Jeffrey Jennings, Commander, 309th Military Intelligence Battalion, 111th Signal Brigade, Fort Huachuca, Arizona, as a witness for the United States in the joined cases of United States v. Louis Vitale and United States v. Stephen Kelly on 13-14 August 2007 in the United States District Court at Tucson, Arizona. This request originates pursuant to the requirements outlined in AR 27-40, para. 7-2d and codified in 32 C.F.R. § 516, which require parties in litigation to submit a request for the attendance of military personnel at least 14 days before the desired date of production in a specific written request setting forth the nature and relevance of the official information sought.

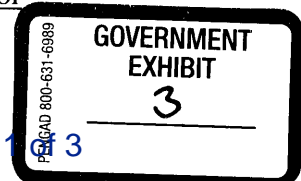
2. BACKGROUND:

a. On 19 November 2006 Friar Louis Vitale and Reverend Stephen Kelly participated in a protest outside the boundaries of Fort Huachuca. They proceeded onto the property of the Fort and refused to comply with the orders of Military Police. They were arrested and subsequently charged with the offenses of criminal trespass and disobeying orders of police. Both men face up to 10 months imprisonment and substantial fines if convicted.

b. Both defendants have submitted pretrial motions alleging that the priests were obligated by international law to trespass on Fort Huachuca or that they were otherwise justified in trespassing because Fort Huachuca trains interrogators to torture detainees. The defendants have cited various reports, newspaper articles, and other publications to suggest that authorities at Fort Huachuca approve of torture and promote violations of human rights as part of its training mission. As part of an aggressive media campaign, the defendants and their attorney have promoted their defense as a method to put "torture on trial." Detailed information about their allegations may be found at the Website www.tortureontrial.com.

3. NATURE OF OFFICIAL INFORMATION SOUGHT:

a. The Government has filed various motions to rebut the defendants' allegations. Foremost, in the reply to the defense motion to dismiss the prosecution, the Government provided the defense excerpts of the unclassified Field Manual 2-22.3, Human Intelligence Collector



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Operations (Sep. 2006) (hereinafter FM 2-22.3) and DoD Directive 2310.01E, The Department of Defense Detainee Program (Sep. 5, 2006), both of which explain the limitations on techniques approved for use by Army interrogators. The Government seeks witness testimony regarding the following information:

- (1) Reliance on FM 2-22.3 and DoD Directive 2310.01E in the training of interrogators.
- (2) The nature of the techniques approved for use in FM 2-22.3 and DoD Directive 2310.01E.
- (3) Limitations on the techniques interrogators can use to obtain information from detainees.
- (4) Legal training that is mandatory for all interrogators regarding their obligations under international law.
- (5) A comparison of FM 2-22.3 and DoD Directive 2310.01E to prior training guidelines at the intelligence school.
- (6) Efforts to notify the public of the training of interrogators.
- (7) Information about interrogator training at Fort Huachuca, including sizes of typical classes, prerequisites to participate in the classes, the length of training, topics covered during training, and qualifications of instructors.
- (8) An explanation of the nature of follow-on training Soldiers may receive at their duty stations following graduation from the course.

b. This request extends to all testimony, except testimony that would reveal any classified information exempt from disclosure by Executive Order 12065, National Security Information (Jun. 28, 1978); the Freedom of Information Act, 5 U.S.C. § 552(b)(1); the Classified Information Procedures Act, 18 U.S.C. app.; Pub. L. No. 96-456, 94 Stat. 2025; DoD Directive 5200.1-R, Department of Defense Information Security Procedure Regulation (Jan. 17, 1997); Army Regulation 27-40, Litigation (Sep. 19, 1994), or a recognized governmental privilege to withhold information that would be damaging to national security.

4. RELEVANCE OF OFFICIAL INFORMATION SOUGHT:

a. The above information is relevant to correct misperceptions of the defendants regarding the nature of interrogator training at Fort Huachuca. LTC Jeffrey Jennings is requested to provide

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such testimony because of his role as commander of interrogator training programs and his knowledge of the implementation of FM 2-22.3 and DoD Directive 2310.01E. All information sought is relevant to establishing findings of fact upon which the Court may rely to rule on motions alleging torture training as a defense to the two charges.

b. Additionally, correct information about the nature of interrogator training at Fort Huachuca can dispel misapprehensions by the public due to the defendants' allegations.

5. POC is the undersigned at (520) 533-0588.

A handwritten signature in black ink, appearing to read "Evan R. Seamone". The signature is stylized with a large, sweeping initial "E" and "S".

EVAN R. SEAMONE
CPT, JA
Chief, Military Justice
Special Assistant United States Attorney