



DEPARTMENT OF THE ARMY
OFFICE OF THE STAFF JUDGE ADVOCATE
2387 HATFIELD STREET
FORT HUACHUCA, ARIZONA 85613

ATZS-JA

JUL 13 2007

MEMORANDUM FOR Commander, 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 release of official information and an order for LTC Jeffrey Jennings, 309th Military Intelligence Battalion, 111th Military Intelligence Brigade, to testify in the cases of United States v. Vitale and United States v. Kelly on 13-14 August 2007.

2. BACKGROUND:

a. Vitale and Kelly were arrested for criminal trespass and disobeying the orders of police officers after they refused to comply with directions when they entered Fort Huachuca property. Both defendants argue they were justified because they sought to stop torture training at Fort Huachuca, specifically by delivering a letter to MG Barbara Fast denouncing torture training.

b. The lead federal prosecutor, CPT Evan Seamone, has requested that LTC Jeffrey Jennings be ordered to testify in his official capacity as the Battalion Commander for the 309th Military Intelligence Battalion, regarding unclassified aspects of interrogator training, including the implementation of FM 2-22.3 and DoD Directive 2310.01E in training operations.

3. REGULATORY COMPLIANCE:

The request complies with the requirements of AR 27-40, para. 7-2a and 32 C.F.R. § 516. The request has been made more than 14 days prior to the date of the testimony and explains the nature and relevance of the testimony. The case does not involve intelligence sources and methods and relates only to the release of unclassified information about directives and field manuals that have been released for public distribution. Therefore, I do not find that it is necessary to forward the request to HQDA or the Litigation Division. I find the request acceptable.

4. RECOMMENDATION: Grant the request subject to the limitations on release of classified or privileged information.

EVERETT MAYNARD, Jr.
COL, JA
Staff Judge Advocate

