

INTERROGATION WORLD WAR II VIETNAM AND IRAQ



NATIONAL DEFENSE INTELLIGENCE COLLEGE



Interrogation

World War II, Vietnam, and Iraq

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The National Defense Intelligence College supports and encourages research on intelligence issues that distills lessons and improves Intelligence Community capabilities to policy-level and operational consumers

Interrogation: World War II, Vietnam, and Iraq

This book presents the work of three NDIC graduate students. All three worked under Professor John A. Wahlquist of the College, with external guidance from a group of scholars and recognized subject matter experts under the leadership of Dr. Robert A. Fein of the Massachusetts Institute of Technology. The book follows the NDIC Press's *Educating Information – Interrogation: Science and Art, Foundations for the Future*. By adding historical and practical context going back to U.S. policy and practice in interrogations during World War II, the Vietnam conflict, and the ongoing war in Iraq, this newest volume contributes to the high-profile public dialogue on how U.S. military and civilian agencies can best obtain information from prisoners of war and other categories of legal and illegal combatants without compromising the principles upon which the nation was founded.

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FOREWORD

Robert A. Fein, Ph.D.
Member, Intelligence Science Board
Chairman, ISB Study on Educating Information

In September 2004, the Intelligence Science Board, an advisory board appointed by the Director of National Intelligence, initiated the Study on Educating Information (EI). This study is an ongoing effort to review what is known scientifically about interrogation and other forms of human intelligence collection and to chart a path to the future.

As part of our efforts, we have worked closely with faculty and students of the National Defense Intelligence College. The NDIC Press published *Educating Information: Interrogation: Science and Art, Foundations for the Future*, a book based on Phase I of the Study on EI. Three students, Special Agent James Stone, U.S. Air Force; Special Agent David Shoemaker, U.S. Air Force; and Major Nicholas Dotti, U.S. Army, completed master's thesis studies during Academic Year 2006-07 on topics related to interrogation. Each thesis is a remarkable and useful document.

Special Agent Stone researched U.S. efforts during World War II to develop language and interrogation capacities to deal with our Japanese enemy. He found that military leaders, often working with civilian counterparts, created and implemented successful strategies, building on cultural and linguistic skills that substantially aided the war effort for the U.S. and its Allies.

Special Agent Shoemaker studied the experiences of three successful interrogators during the Vietnam War. Like S/A Stone, S/A Shoemaker suggests that policymakers and practitioners have much to learn from professionals who served effectively for years in the field educating information. And like Stone, Shoemaker highlights the importance of a deep understanding of the language, psychology, and culture of adversaries and potential allies in other countries.

Major Dotti examined recent policy and practice with regard to tactical and field interrogations, especially with regard to the efforts of Special Forces soldiers in Iraq. He concludes that the "letter" of current doctrine contradicts its "intent." Major Dotti offers recommendations that he believes are both consistent with the intent of military doctrine and likely to increase the effectiveness of U.S. interrogation practices in the field.

Each of these studies demonstrates that thoughtful, pragmatic research can produce stimulating and useful knowledge that may aid 21st century decision-makers. Together these reports suggest that, by looking at both the distant and recent past, planners and operators can gain insights that may lead to future successes in educing information from adversaries.

In publishing these studies, the National Defense Intelligence College continues to serve the military, law enforcement, and intelligence communities, and the nation in general, by supporting and disseminating information and perspectives that sharpen and improve our thinking in key national security arenas.

COMMENTARY

Mr. Bryan Vossekuil
Member, ISB Study on Educating Information

From *ad hoc* Interrogation to an Educating Information Profession?

Q: Has the U.S. faced an adversary in the past that appeared unusually and confoundingly alien?

Q: Can one persuade such an adversary to provide useful information after capture?

Q: Can valuable information be obtained using interrogation methods that are consonant with American values? Can one build an effective operational accord with an exceedingly difficult adversary? Are there successful examples from the past that speak to these questions?

Q: Has the U.S. ever had a successful, government-wide, systems approach to educating information—that is, to interrogation?

The answers to these questions all seem to be “yes.”

Special Agent Stone tells us that the Japanese were seen as a formidable and “otherworldly” adversary in 1941. The U.S. was poorly prepared to face such an adversary. Few military or civilian Americans spoke Japanese, which was regarded by many as an impossible language (in 1940, for example, the Navy had only a dozen sailors and officers regarded as fully proficient in Japanese). There were few Americans who understood the culture and psychology of Japan, which was seen as profoundly alien. The Japanese soldier seemed to fight with religious zeal, was willing to be a kamikaze pilot (a suicide bomber), and was feared as one who would rather die than be captured. Gathering vital intelligence through interrogation under these circumstances seemed a nearly impossible challenge. Developing a national program to do so seemed even harder.

Through cooperation of military and civilian counterparts, such a program was created during WW II—a program so successful that it is credited, by some observers, with shortening the war in the Pacific by two years. This program was founded upon knowledge of Japanese culture and psychology, language proficiency—and pointedly humane treatment of those captured. Its success was also largely due to a decision, controversial at the time, to employ Nisei interrogators.

This experience, as described by Special Agent Stone in his essay, implicitly invites comparison to our current conflicts in Iraq and elsewhere.

Special Agent Shoemaker details U.S. interrogation efforts in the insurgent conflict in Vietnam—another conflict in which our country encountered challenges in understanding the enemy’s culture and language. He provides case studies of successful counterinsurgency interrogators. Using their experiences, he describes effective interrogation strategies and highlights a handful of successful interrogators. Interestingly, in a number of examples cited, success seemed to be generated at least in part by what happened *outside* the interrogation session. These stories remind the reader of the power of appealing to individual interests and of cultural understanding, in forming a personal relationship or building an operational accord in order to get information. Shoemaker also argues that our reputation in the international community is strongly influenced by our interrogation practices.

Major Dotti—a highly trained member of Army Special Forces—called himself the “Accidental Interrogator.” He offers a first-person account of some of the challenges of field interrogations in the current conflict in Iraq. He raises specific questions about authorization, preparation, and oversight of interrogations in the field. What is really appropriate? Who is best suited to conduct field interrogations when there are serious time imperatives? How ought interrogators be trained and supported? Do we need some modification of war plans and doctrine to plan for the future?

The three essays taken together remind us that our nation has lost sight of some of the wisdom of the past. The reader may reflect on whether the U.S. needs a government-wide systems approach and long-term strategic planning for future intelligence-driven interviewing efforts.

There are many difficult questions for the future that touch on interrogation, educating information, and intelligence interviewing. For example, who, in addition to uniformed and terrorist combatants, might have critical information? In which countries and cultures will these needs arise *next* year? How can we develop permanent capacities to obtain the information we need, especially from so-called High Value Persons? How should we deal with potentially knowledgeable children, very old people, women, and badly injured civilian casualties? How can we deal with the obvious need for many more professional female interrogators?

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Our nation needs this work to be professionalized in order to educate information effectively over the coming years, in ways consonant with American values. It needs Educating Information Professional Teams, resource planning, case studies, and research for continuous improvement. In all likelihood, we will need to maintain a cadre of highly trained professionals on a robust, ongoing basis. This book from NDIC suggests that the U.S. has had some success in the past that may help inform the future.

Enhancing Interrogation

Introduction

[The] barbarous custom of whipping men suspected of having important secrets to reveal must be abolished. It has always been recognized that this method of interrogation, by putting men to the torture, is useless. The wretches say whatever comes into their heads and whatever they think one wants to believe. Consequently, the Commander-in-Chief forbids the use of a method which is contrary to reason and humanity.

—Napoleon Bonaparte to Major General Louis-Alexandre Berthier, during the French military campaign in Egypt, 1798

Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary. Certainly, extreme physical action can make some “talk;” however, what the individual says may be of questionable value. In fact, our experience in applying the interrogation standards laid out in the Army Field Manual (2-22.3) on *Human Intelligence Collector Operations* that was published last year shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.

—General David H. Petraeus, U.S. Army, Commanding, to Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen serving in Multi-National Force-Iraq, 2007

The issue of so-called “enhanced interrogation techniques” has occupied the national agenda almost continuously since the first public revelations in April 2004 of Iraqi prisoner abuse by U.S. Army soldiers in Baghdad’s Abu Ghraib prison. Intelligence interrogation, as interpreted and applied in a variety of ways

throughout history, is one of humankind's oldest practices.¹ The objective of this volume, *Interrogation: World War II, Vietnam, and Iraq*, based on student research at the National Defense Intelligence College in conjunction with the Director of National Intelligence's ongoing Intelligence Science Board Study on Educating Information, is to inform a broad audience of intelligence professionals, policy-makers, and the general public about intelligence interrogation techniques that truly enhance our chances for success in the Global War on Terrorism. The work reviews the current legal and operational status of enhanced interrogation techniques, as well as their origin. That is the subject of this essay.

A Presidential Veto

On 8 March 2008, President George W. Bush vetoed the proposed *Intelligence Authorization Act of 2008*. In his message to the House of Representatives explaining his veto, the President focused on his disagreement with Congress over its attempt to restrict the Central Intelligence Agency's continued use of enhanced interrogation techniques. Section 327 of the legislation stipulated that all intelligence interrogation methods conform to those currently authorized in U.S. Army Field Manual (FM) 2-22.3 for use by Department of Defense (DoD) interrogators.² Essentially, the intent of the legislation was to extend the same interrogation requirements specified for DoD in the *Detainee Treatment Act of 2005* to all elements of the Intelligence Community.³ In response, President Bush emphasized that accepting such restrictions would jeopardize national security. "It is vitally important that the Central Intelligence Agency (CIA)...conduct a separate and specialized interrogation program for terrorists who possess the most critical information in the War on Terror [which] has helped the United States prevent a number of attacks."⁴

Commenting on the interrogation technique known as "waterboarding" (a harsh procedure simulating drowning that CIA Director Michael Hayden earlier acknowledged his agency has used against certain senior al Qaeda operatives⁵), President Bush clarified that his disagreement was "not over any particular interrogation technique...[but] the need...to shield from disclosure to al Qaeda

¹ Intelligence interrogation is currently defined in U.S. Army Field Manual (FM) 2-22.3 as "the systematic process of using approved interrogation approaches to question a captured or detained person to obtain reliable information to satisfy intelligence requirements, consistent with applicable law and policy." FM 2-22.3, *Human Intelligence Collector Operations* (Washington, DC: Department of the Army, 6 September 2006), 5-13.

2 | ² President George W. Bush, "Message to the House of Representatives," *The White House*, 8 March 2008, <http://www.whitehouse.gov/news/releases/2008/03/20080308-1.html> (accessed 19 July 2008).

³ See SEC. 1002. in the *Detainee Treatment Act of 2005*, as reproduced in Bernard J. Hibbits, ed., *Jurist: Legal News and Research*, 31 December 2005, <http://jurist.law.pitt.edu/gazette/2005/12/detainee-treatment-act-of-2005-white.php> (accessed 19 July 2008).

⁴ President George W. Bush, "Message to the House of Representatives."

⁵ "Hearing of the Senate Select Committee on Intelligence," *Annual Worldwide Threat Assessment*, 5 February 2008, 24, http://www.dni.gov/testimonies/20080205_transcript.pdf (accessed 22 July 2008).

and other terrorists the interrogation techniques they may face upon capture.” Addressing the legal and moral outcry against waterboarding and other enhanced procedures that some have alleged to be torture, President Bush was resolute: “The United States opposes torture, and I remain committed to following international and domestic law regarding the humane treatment of people in its custody.”⁶ In his weekly radio address to the American people that same day, the President intimated that CIA’s special interrogation program was a key factor in the United States escaping further attacks by al Qaeda during the past six and a half years. Conceding to Congress, according to the President, by restricting the “CIA to methods in the Field Manual...could cost American lives. We have no higher responsibility than stopping terrorist attacks. And this is no time for Congress to abandon practices that have a proven track record of keeping America safe.”⁷

Congressional critics immediately challenged the President’s command of the facts regarding how much safer the American people are as a result of the CIA’s aggressive methods. Chairman of the Senate Select Committee on Intelligence, John D. (Jay) Rockefeller IV, claimed that despite the President’s assertions

I have heard nothing to suggest that information obtained from enhanced interrogation techniques has prevented an imminent terrorist attack. And I have heard nothing that makes me think the information obtained from these techniques could not have been obtained through traditional interrogation methods used by military and law enforcement interrogations. On the other hand, I do know that coercive interrogations can lead detainees to provide false information in order to make the interrogation stop.⁸

Milt Bearden, a 30-year veteran of CIA clandestine operations, agrees. Writing in the *Washington Independent*, Bearden takes the administration to task for its repeated assurances that, by revealing terrorist plots before they were hatched, enhanced interrogation techniques have saved American lives. Bearden maintains, “The administration’s claims of having ‘saved thousands of Americans’ can be dismissed out of hand because credible evidence has never been offered—not even an authoritative leak of any major terrorist operation interdicted based on information gathered from these interrogations in the past seven years.” Rather Bearden sees administration statements reflecting the battle raging since 9/11 between the “old

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⁶ President George W. Bush, “Message to the House of Representatives.”

⁷ President George W. Bush, “President’s Radio Address,” *The White House*, 8 March 2008, <http://www.whitehouse.gov/news/releases/2008/03/20080308.html> (accessed 19 July 2008).

⁸ “Bush: Limiting CIA Interrogations ‘Could Cost American Lives,’” *TPM Muckraker*, 8 March 2008, http://tpmmuckraker.talkingpointsmemo.com/2008/03/bush_limiting_cia_interrogatio.php (accessed 20 July 2008).

hands” in CIA, who reject coercive techniques because they consider them ineffective and, even worse, undermining of American values, and the “take off the gloves group,” most of whom are not interrogators, but who rose to positions of prominence after 9/11 by playing to the administration’s desire to get tough with the terrorists.⁹

The Water Cure

According to research by historian Paul Kramer, published in the February 2008 *New Yorker*, recent events are not the first time an American administration has had to account for employing harsh tactics when interrogating enemies, including the practice of waterboarding or, as it was called in 1902, the “water cure.” Beginning in 1901, U.S. soldiers in the Philippines and returning veterans of what was then called the Philippine Insurrection (1899-1902), a conflict between the United States and indigenous Filipinos fighting for independence from U.S. occupation, recounted stories of unflattering conduct by U.S. soldiers. Picked up by anti-imperialists in Congress who were opposed to U.S. colonial aspirations in the Philippines as well as the ensuing war, the stories gained traction with the public. Amid vivid accounts of murder, mayhem, and torture committed by both sides was the description of a specific interrogation technique referred to as the water cure that was generally attributed to U.S. troops. So ubiquitous were these accounts that new U.S. President Theodore Roosevelt, who had replaced the assassinated William McKinley in September 1901, was constrained to allow members of his administration to appear before Congress to answer allegations of torture.¹⁰ At least in terms of its notoriety, the water cure was the Abu Ghraib of its day. However, in spite of being “tolerated and under-punished,” as Kramer points out, the water cure was “not...formally authorized at the highest levels in Washington.”¹¹

Future President and Chief Justice of the Supreme Court William Howard Taft, who was at the time the first civilian Governor-General of the Philippines, testified in early February 1902 to the Senate Committee on the Philippines about “instances of water cure, that torture which I believe involves pouring water down the throat so that the man swells and gets the impression that he is going to be suffocated and then tells what he knows, which was a frequent treatment under the Spaniards.” Despite this lurid account, Taft downplayed the severity of the problem and emphasized that American officials did not tolerate such abuses and swiftly brought those involved to justice.¹²

4 | ⁹ Milt Bearden, “Truth & Consequences on CIA and Torture, Spy Agency Continues to Carry Out White House Policy,” *Washington Independent*, 1 July 2008, <http://washingtonindependent.com/view/the-truth-is-out-on> (accessed 20 July 2008).

¹⁰ Paul Kramer, “The Water Cure: Debating Torture and Counterinsurgency—A Century Ago,” *New Yorker*, 25 February 2008, http://www.newyorker.com/reporting/2008/02/25/080225fa_fact_kramer (accessed 19 July 2008).

¹¹ Paul Kramer, “The Water Cure: An American Debate on Torture and Counterinsurgency in the Philippines—A Century Ago,” *Japan Focus*, 4 March 2008, <http://japanfocus.org/products/topdf/2685> (accessed 25 July 2008).

¹² Kramer, “The Water Cure: Debating Torture and Counterinsurgency—A Century Ago.”

In follow-on testimony, Secretary of War Elihu Root reminded committee members of the “barbarous cruelty common among uncivilized races,” like the Filipino insurgents. The United States, on the other hand, the Secretary said, was conducting its military operations with “scrupulous regard for the rules of civilized warfare, with careful and genuine consideration for the prisoner and the noncombatant, with self-restraint, and with humanity never surpassed, if ever equaled, in any conflict, worthy only of praise, and reflecting credit on the American people.” Undeterred when further accusations surfaced of the alleged use of torture, including the water cure, Root ordered a court martial for the alleged perpetrator. However, before it convened he confided to the presiding officer his belief that “the violations of law and humanity, of which these cases, if true, are examples, will prove to be few and occasional, and not to characterize the conduct of the army generally in Philippines.”¹³ His future counterpart, Secretary of Defense Donald Rumsfeld, made a similar argument in a May 2004 Pentagon news conference referring to the abuse at Abu Ghraib as an “exceptional, isolated...case,”¹⁴ a theme reiterated by President Bush who characterized it as “disgraceful conduct by a few American troops who dishonored our country and disregarded our values.”¹⁵

President Roosevelt, sworn to uphold the law, but angry at his anti-imperialist political opponents who he felt were using the issue of torture to undermine not only his legitimacy but also the country’s moral standing within the international community,¹⁶ was uncertain of how to respond. On one hand he declared, “determined and unswerving effort must be made, and has been and is being made, to find out every instance of barbarity on the part of our troops, to punish those guilty of it, and to take, if possible, even stronger measures than have already been taken to minimize or prevent the occurrence of all such acts in the future.”¹⁷ However, in words echoed over a century later in President Bush’s “forward strategy of freedom” for justifying the U.S. military intervention

¹³ Kramer, “The Water Cure: Debating Torture and Counterinsurgency—A Century Ago.”

¹⁴ Secretary of Defense Donald H. Rumsfeld, “Defense Department Operational Update Briefing,” *News Transcript*, 4 May 2004, <http://www.defenselink.mil/transcripts/transcript.aspx?transcriptid=2973> (accessed 2 August 2008).

¹⁵ President George W. Bush, “President Outlines Steps to Help Iraq Achieve Democracy and Freedom,” *The White House*, U.S. Army War College, Carlisle, PA, 24 May 2004, <http://www.whitehouse.gov/news/releases/2004/05/20040524-10.html> (accessed 2 August 2008).

¹⁶ An example of the widespread public awareness, at the time, of waterboarding is the cover of *Life* magazine for 22 May 1902. On it is a cartoon of an American Army officer overseeing two soldiers administering the water cure to a Filipino. In the background is a collection of European soldiers who are watching. The caption reads: “Those pious Yankees can’t throw stones at us anymore.” See *waterboarding.org*, <http://waterboarding.org/node/20> (accessed 24 July 2008).

¹⁷ Kramer. “The Water Cure: Debating Torture and Counterinsurgency—A Century Ago.”

in Iraq,¹⁸ President Roosevelt explained that “not only the surest but the only effectual way of stopping [cruelties] is by the progress of the American arms.” In a Decoration (Memorial) Day speech at Arlington Cemetery on 30 May 1902, he posed the following question and answer: “Peace and freedom—are there two better objects for which a soldier can fight? Well, these are precisely the objects for which our soldiers are fighting in the Philippines.... [They] do more than bring peace, do more than bring order. They bring freedom.”¹⁹

The Philippine-American War officially ended on 4 July 1902, with the United States declaring victory and offering amnesty to Filipino fighters. This action, plus President Roosevelt’s policy of vigorously prosecuting service members accused of torture, specifically the water cure, sidetracked the momentum of administration critics and ensured that its practice was no longer tolerated within the ranks of the U.S. Army.²⁰ It took over forty years before waterboarding again captured the popular attention of Americans and then it was because they were its victims. The torture and abuse of U.S. and Allied prisoners of war held by the Japanese during World War II was a defining event for the United States. The Japanese Empire, which was not a signatory of the Geneva Convention of 1929, inflicted extreme hardship and suffering on military and civilian prisoners during interrogation and custodial detention. Following the war, the victorious Allies both collectively and individually convened legal proceedings to prosecute Japanese soldiers for violations of the Law of War. According to Judge Evan Wallach, writing in *The Washington Post*, in the 1946-1948 International Military Tribunal for the Far East (Tokyo War Crimes Trials), “leading members of Japan’s military and government elite were charged, among their many crimes, with torturing Allied military personnel and civilians.” In light of current events, it is noteworthy that “the *principal proof* upon which their torture convictions were based was conduct that we would now call waterboarding.”²¹

In stark contrast to the international tribunal’s findings from over sixty years ago was testimony to a subcommittee of the House Judiciary Committee by Steven G. Bradbury, acting chief of the Justice Department’s Office of Legal Counsel, in February 2008. Bradbury testified that, after reviewing the CIA’s plans in 2002 for its enhanced interrogation program, the Department of Justice determined that waterboarding and other enhanced techniques were legal. According to Bradbury, “the historical examples that have been referenced in the public debate [involving Japa-

6 | ¹⁸ See President George W. Bush, “President Bush Discusses Freedom in Iraq and Middle East,” *The White House*, 20th Anniversary of the National Endowment for Democracy, United States Chamber of Commerce, Washington, DC, 6 November 2003, <http://www.whitehouse.gov/news/releases/2003/11/20031106-2.html> (accessed 24 July 2008).

¹⁹ “President Strikes at Army Critics,” *The New York Times*, 31 May 2002, <http://query.nytimes.com/gst/abstract.html?res=9F0DEFDE113DEE32A25752C3A9639C946397D6CF> (accessed 24 July 2008).

²⁰ Paul Kramer, “The Water Cure: Debating Torture and Counterinsurgency—A Century Ago.”

²¹ Evan Wallach, “Waterboarding Used to Be a Crime,” *washingtonpost.com*, 4 November 2007, emphasis added, <http://www.washingtonpost.com/wp-dyn/content/article/2007/11/02/AR2007110201170.html> (accessed 25 July 2008).

nese use of waterboarding during World War II] have all involved a course of conduct that everyone would agree constituted egregious instances of torture.... The only thing in common [with CIA methods] is, I think, the use of water.” Although “something can be quite distressing, uncomfortable, even frightening,” Bradbury said, “if it doesn’t involve severe physical pain, and it doesn’t last very long, it may not constitute severe physical suffering.”²² His testimony is supported by a heavily redacted, recently declassified memo originally issued by Assistant Attorney General Jay S. Bybee to the CIA on 1 August 2002. In it Bybee argued that

to violate the statute [on torture], an individual must have the specific intent to inflict severe pain or suffering. Because specific intent is an element of the offense, the absence of specific intent negates the charge of torture.... Accordingly, if an individual conducting the interrogation has a good faith belief that the procedures he will apply, separately or together, would not result in prolonged mental harm, that individual lacks the requisite specific intent.²³

Tougher Interrogation Equals Better Intelligence?

Human intelligence is the oldest of the intelligence disciplines and the questioning of captured enemies to obtain information of potential intelligence value is equally ancient. Throughout the long history of interrogation there persists the seductive simplicity, especially common among impatient leaders who demand quick solutions to complex problems, that tougher interrogation invariably equals better intelligence. In an October 2006 interview, Vice President Dick Cheney agreed with his host that the use of waterboarding on high value detainees was a “no-brainer” because it “provided us enormously valuable information” that contributed to saving American lives.²⁴ Speaking to the Heritage Foundation on 23 January 2008, the Vice President further elaborated on this subject. “Among the most effective weapons against terrorism is good intelligence—information that helps us figure out the movements of the enemy, the extent of their operations, the location of their cells, the plans that they’re mak-

²² Dan Eggen, “Justice Official Defends Rough CIA Interrogations: Severe, Lasting Pain Is Torture, He Says,” *washingtonpost.com*, 17 February 2008, http://www.washingtonpost.com/wp-dyn/content/article/2008/02/16/AR2008021602634_pf.html (accessed 25 July 2008).

²³ “Memo Dated August 1, 2002 from OLC to CIA,” *American Civil Liberties Union*, Documents Released by the CIA and Justice Department in Response to the ACLU’s Torture FOIA, 24 July 2008, <http://www.aclu.org/safefree/torture/36108prs20080724.html> (accessed 25 July 2008). See also “New Torture Memo from 2002 is Disclosed,” *The Los Angeles Times*, 25 July 2008, <http://www.latimes.com/news/nationworld/nation/la-na-cia25-2008jul25,0,4303614.story> (accessed 25 July 2008).

²⁴ Vice President Richard B. Cheney, “Interview of the Vice President by Scott Hennen, WDAY at Radio Day at the White House,” *The White House*, 24 October 2006, <http://www.whitehouse.gov/news/releases/2006/10/20061024-7.html> (accessed 21 July 2008).

ing, the methods they use, and the targets that they want to strike. Information of this kind is also the very hardest to obtain.” So how does the United States get access to this information? Not surprisingly, according to the Vice President, we get it by talking to the terrorists themselves, specifically “the ones that we’ve captured” and are holding at the detention facility in Guantanamo Bay, Cuba. For the really hard-core terrorists, however, like 9/11 mastermind Khalid Sheikh Mohammed, Mr. Cheney advocates a “tougher program run by the CIA.” The result of this program, the Vice President confided to his audience, is a “wealth of information that has foiled attacks against the United States; information that has saved countless, innocent lives.” The implied connection between coercive interrogations and critical intelligence is clear.²⁵

This connection is not surprising in the wake of President Bush’s issuance in July 2007 of an Executive Order determining “that a program of detention and interrogation approved by the Director of the Central Intelligence Agency fully complies with obligations of the United States under Common Article 3 [of the Geneva Conventions of 1949].” The order essentially confirmed the Director of the CIA’s authority to conduct interrogations under different rules than those governing the Department of Defense.²⁶

The CIA and Special Interrogation Rules

In public remarks to the Council on Foreign Relations in September 2007, the CIA Director, General Michael Hayden, made the case for his agency’s special interrogation rules. According to General Hayden (now retired from the Air Force), over seventy percent of the information used to construct a recent National Intelligence Estimate on terrorist threats to the homeland was gleaned from detainee debriefings. “These programs are targeted and they are selective. They were designed only for the most dangerous terrorists and those believed to have the valuable information, such as knowledge of planned attacks.” Interestingly, despite General Hayden’s spirited defense of the usefulness of the CIA’s special rules, he admitted that “a lot of what you hear about our interrogation and debriefing techniques is not only false, it actually tends to obscure a point that we and our officers understand very well. When face to face with a detained terrorist, the most effective tool bar is knowledge. That means things like familiarity with the subject’s background, knowing the correct questions to ask,

²⁵ Vice President Richard B. Cheney, “Vice President’s Remarks to the Heritage Foundation,” *The White House*, 23 January 2008, <http://www.whitehouse.gov/news/releases/2008/01/20080123-2.html> (accessed 20 July 2008).

²⁶ “President George W. Bush, “Executive Order: Interpretation of the Geneva Conventions Common Article 3 as Applied to a Program of Detention and Interrogation Operated by the Central Intelligence Agency,” *The White House*, 20 July 2007, <http://www.whitehouse.gov/news/releases/2007/07/20070720-4.html>, (accessed 22 July 2008).

countering lies with facts.”²⁷ As any veteran interrogator will attest, the application of superior knowledge in an intelligence interrogation is neither dependent on the coercive interrogation measures the CIA is so reluctant to give up nor restricted in any way by complying with the approved techniques in the Army Field Manual.

Yet, having made his point about the importance of knowledge to successful interrogations (one would surmise he means *all* successful interrogations, not just those conducted by the CIA), it is ironic that General Hayden believes that “what it is we do as an agency is different from what is contained in the Army Field Manual.”²⁸ Elaborating on this theme in later testimony before the Senate Select Committee on Intelligence in February 2008, General Hayden was dismissive of the prescriptions in the Army Field Manual to the point of being condescending:

On the face of it it would make no more sense to apply the Army’s field manual to CIA—the Army Field Manual on interrogations, than it would be to take the Army Field Manual on grooming and apply it to my agency, or the Army Field Manual on recruiting and apply it to my agency, or for that matter, take the Army Field Manual on sexual orientation and apply it to my agency.... We should not confine our universe of lawful interrogation to a subset of those techniques that were developed for one purpose.²⁹

If by “one purpose” General Hayden is referring to the Army’s doctrinal and operational interest in tactical interrogations, which occupies the largest share of the Army’s attention, then he clearly is overlooking the broader intent of FM 2-22.3 to provide guidance for the conduct of interrogations “at all echelons in all operational environments.” In his effort to justify retaining enhanced techniques, General Hayden misses the point that all interrogations, whether done by a CIA officer or an enlisted soldier, share a common purpose—“to procure information to answer specific collection requirements by direct and indirect questioning techniques of a person who is in the custody of the forces

²⁷ “A Conversation with Michael Hayden,” Council on Foreign Relations, New York, NY, 7 September 2007, http://www.cfr.org/publication/14162/conversation_with_michael_hayden_rush_transcript_federal_news_service.html (accessed 22 July 2007). General Hayden made a similar argument in an open letter to CIA employees on 20 July 2007, the same day President Bush signed the Executive Order on Detentions and Interrogations. See Michael V. Hayden, “Director’s Statement on Executive Order on Detentions, Interrogations,” Central Intelligence Agency, 20 July 2007, <https://www.cia.gov/news-information/press-releases-statements/press-release-archive-2007/statement-on-executive-order.html> (accessed 23 July 2008).

²⁸ “A Conversation with Michael Hayden.”

²⁹ “Hearing of the Senate Select Committee on Intelligence,” *Annual Worldwide Threat Assessment*, 5 February 2008, 23.

conducting the questioning.” And, more importantly, *all* interrogations should be “conducted in accordance with the Law of War, regardless of the echelon or operational environment in which the HUMINT collector is operating.”³⁰ Despite General Hayden’s protests, applying the techniques in FM 2-22.3 is less about differences between tactical and strategic interrogation strategies than it is about adopting a common standard of compliance with international and domestic law and policy.

In making his case to the Council on Foreign Relations about the appropriateness of special interrogation rules for the CIA, General Hayden notes that CIA interrogators are older (average age 43) and presumably more experienced than their military counterparts. He also says CIA interrogators get 240 hours of training for this “specific activity.”³¹ What is misleading about these statements is that they suggest CIA had a seasoned corps of veteran interrogators waiting in the wings to question and exploit high-value detainees when the Global War on Terrorism began. The opposite was true. According to investigative reporter and author Jane Mayer, when it took custody of several senior al Qaeda insurgents captured in Afghanistan and Pakistan, “the CIA had no experience really in interrogating prisoners. They had never really held prisoners before. And so, they really had no idea how to go about getting information out of people.” The answer the CIA came up with, Mayer says, was to seek out military and civilian specialists, including behavioral scientists, who train military personnel to resist coercive interrogation techniques that they might encounter if captured by our enemies.³²

In hearings before the Senate Armed Services Committee on 17 June 2008, Senator Carl Levin explained how military students who attend one of the Survival, Evasion, Resistance, and Escape (SERE) schools are subjected to physically abusive treatment such as stress positions, hooding, sleep disruption, temperature extremes, loud music, and even waterboarding. The goal of the training is to prepare service members “so that should they be captured and subject to harsh treatment, they will be better prepared to resist.” The role players who pose as interrogators in administering this training are “not real interrogators—nor are they qualified to be.”³³ Among the documents released as part of Senator Levin’s hearing was an excerpt from a study done for the Air Force in the 1950s by sociologist Albert D. Biderman, examining the efforts by the Chinese Communists to extract false confessions from captured American

³⁰ FM 2-22.3, 1-8.

³¹ “A Conversation with Michael Hayden.”

³² “The Dark Side: Jane Mayer on the Inside Story of How the War on Terror Turned Into a War on American Ideals,” *Democracy Now! The War and Peace Report*, 18 July 2008, http://www.democracynow.org/2008/7/18/the_dark_side_jane_mayer_on (accessed 23 July 2008).

³³ Senate Armed Services Committee, *The Origins of Aggressive Interrogation Techniques: Part I of the Committee’s Inquiry into the Treatment of Detainees in U.S. Custody*, 17 June 2008.

airmen.³⁴ Adopting Biderman's research on how the Communists used coercive methods to elicit compliance, the CIA reverse engineered defensive training into offensive enhanced interrogation techniques for use on detainees. Ironically, what CIA missed in the process was Biderman's overall conclusion that coercive methods primarily produced false confessions.³⁵

General Hayden's implication that CIA interrogators are necessarily better equipped, because of their maturity and training, to extract information of intelligence value from hard-core terrorists, is not supported by the evidence from Senator Levin's investigation nor by new revelations emerging about the interrogations. Based on the declassified documents from Senator Levin's hearing, the 240 hours of training in a "specific activity," which General Hayden referred to above, appears to focus almost exclusively on the dubious application of enhanced interrogation techniques adapted from SERE training to high-value detainees.³⁶ Recently disclosed information about at least one of the CIA officers who interrogated high-profile terrorists such as Khalid Shaikh Mohammed, Zayn al-Abidin Muhammed Hussein (aka Abu Zubaydah), and Ramzi bin al-Shibh suggests those chosen, although older than many of their military counterparts, were not trained or certified as interrogators by the CIA or any other government agency. This information was reported by Scott Shane of *The New York Times*.³⁷

Shane quotes A.B. "Buzzy" Krongard, the CIA's Executive Director, at the time third in the agency hierarchy behind Director George Tenet: "I asked, 'What are we going to do with these guys when we get them?' I said, 'We've never run a prison. We don't have the languages. We don't have the interrogators.'"³⁸ In light of these disclosures, General Hayden's attempt to rationalize why the CIA's program should be exempt from the rules that apply to DoD interrogations seems more like an attempt to conceal the program's inadequacies than to safeguard its special character and capabilities.

In spite of this rough start, the CIA argues that the ad hoc interrogators eventually elicited valuable information from their hard-core al Qaeda interlocutors.³⁹ CIA operations officer John Kiriakou oversaw the capture and interrogation of Abu Zubaydah. This interrogation, according to Kiriakou in an interview with *ABC News* correspondent Brian Ross, led to major intelligence

³⁴ Albert D. Biderman, "Communist Attempts to Elicit False Confessions from Air Force Prisoners of War," *Bulletin of the New York Academy of Medicine* 33, no. 9 (September 1957), 616-625, <http://www.pubmedcentral.nih.gov/pagerender.fcgi?artid=1806204&pageindex=7#page> (accessed 23 July 2008).

³⁵ Biderman, 616-625.

³⁶ Scott Shane, "China Inspired Interrogations at Guantánamo," *The New York Times*, 2 July 2008, <http://www.nytimes.com/2008/07/02/us/02detain.html> (accessed 21 July 2008).

³⁷ Scott Shane, "Inside a 9/11 Mastermind's Interrogation," *The New York Times*, 22 June 2008, <http://www.nytimes.com/2008/06/22/washington/22ksm.html?n=Top/Reference/Times%20Topics/People/S/Shane,%20Scott> (accessed 24 July 2008).

³⁸ Scott Shane, "Inside a 9/11 Mastermind's Interrogation."

³⁹ Scott Shane, "Inside a 9/11 Mastermind's Interrogation."

breakthroughs that “disrupted a number of attacks, maybe dozens of attacks.... Once the information started coming in and we were able to corroborate it with other sources—and able to...disrupt other...al Qaeda operations, that was a big victory.”⁴⁰ The question that remains unanswered is whether “success at building rapport with the most ruthless of terrorists” can be attributed to subjecting them to enhanced interrogation techniques or to the positive relationship interrogators developed with them while using traditional, non-coercive methods.⁴¹ Kiriakou, who chose not to be trained in enhanced techniques,⁴² nonetheless believes their use to break down Abu Zubaydah’s resistance had a powerful emotional effect on convincing him to cooperate. Kiriakou says that shortly after Abu Zubaydah was waterboarded “he told his interrogator that Allah had visited him in his cell during the night and told him to cooperate because his cooperation would make it easier on the other brothers who had been captured. And from that day on he answered every question just like I’m sitting here speaking to you.”⁴³

Reporting by Dan Eggen and Walter Pincus in *The Washington Post* notes that Federal Bureau of Investigation (FBI) officials are skeptical about the accuracy and completeness of the information extracted from Abu Zubaydah after CIA interrogators subjected him to waterboarding and other enhanced techniques. Officials from both the FBI and CIA agree that Abu Zubaydah provided crucial information during earlier non-coercive interrogations. For example, he confirmed the identities of 9/11 operations chief Khalid Shaikh Mohammed and American al Qaeda operative Jose Padilla. However, questions about the truthfulness of information Abu Zubaydah supplied afterward have raised a furor between the two agencies.⁴⁴

Special Agent Dan Coleman, who, until he retired in 2004, was the FBI’s lead investigator on Osama bin Laden and al Qaeda, contradicts former Director of Central Intelligence George Tenet’s contention that “Abu Zubaydah had been at the crossroads of many al-Qaeda operations and was in position to—and did—share critical information with his interrogators.” As a result of the harsh methods used by CIA to interrogate Abu Zubaydah, Coleman declared, “I don’t have confidence in anything he says, because once you go down that road, everything you say is tainted.... He was talking before they did that to him, but they didn’t believe him. The problem is they didn’t realize he didn’t know all that much.” Coleman,

12 | ⁴⁰ Transcript of interview with John Kiriakou by correspondent Brian Ross, “CIA—Abu Zubayda,” *ABC News*, 17, 39, http://abcnews.go.com/images/Blotter/brianross_kiriakou_transcript1_blotter071210.pdf (accessed 27 July 2008).

⁴¹ Scott Shane, “Inside a 9/11 Mastermind’s Interrogation.”

⁴² Scott Shane, “Inside a 9/11 Mastermind’s Interrogation;” Transcript of interview with John Kiriakou by correspondent Brian Ross, 25.

⁴³ Transcript of interview with John Kiriakou by correspondent Brian Ross, 17.

⁴⁴ Dan Eggen and Walter Pincus, “FBI, CIA Debate Significance of Terror Suspect,” *washingtonpost.com*, 18 December 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/12/17/AR2007121702151.html> (accessed 28 July 2008).

having carefully studied Abu Zubaydah's diary, which was confiscated when he was taken into custody, believes he exaggerated his own role in al Qaeda. The CIA, on the other hand, was convinced Abu Zubaydah was just resisting interrogation. When he was not forthcoming with information the CIA expected him to know, CIA interrogators used enhanced techniques to break his spirit. In reality, Coleman contends, after being waterboarded, Abu Zubaydah became more talkative, but not more truthful. The threat information Abu Zubaydah provided post-waterboarding was "crap," according to Coleman. "There's an agency mind-set that there was always some sort of golden apple out there, but there just isn't, especially with guys like him."⁴⁵ Given that the CIA Director of Operations in November 2005 ordered the destruction of videotapes documenting the interrogations of Abu Zubaydah and other alleged senior al Qaeda leaders, the debate as to the significance of their revelations and the value of enhanced interrogation techniques in obtaining them may never be known.

Enhancing Interrogation

It is important to remember that intelligence interrogation is not an end in itself. Adapting a quotation from the classic book *Front-Line Intelligence*, we see that, just like that of all other intelligence personnel, the interrogators' purpose is to "facilitate the accomplishment of the mission, and to save lives. When they fail, all the wrong people are hurt."⁴⁶ Certainly, those who developed enhanced interrogation techniques believed they were serving the mission of the Global War on Terrorism and saving lives; likewise, those who adamantly reject such methods find justification for the same reasons. So how do we know which course to choose? The safe bet is reliance on a standard that keeps interrogators' conduct well away from gray areas that might be interpreted as torture, based on which legal interpretations might currently be fashionable.⁴⁷ That standard, established by the *Detainee Treatment Act of 2005*, is found in FM 2-22.3, *Human Intelligence Collector Operations*.

The danger in not adopting such a standard is that we fall prey to exigencies and rationalizations of the moment that appear to create special cases. Colonel Morris Davis, the Chief Prosecutor for the Military Commissions at Guantanamo Bay, Cuba, from 2005 to 2007, tells this story:

⁴⁵ Dan Eggen and Walter Pincus.

⁴⁶ Lieutenant Colonel Stedman Chandler and Colonel Robert W. Robb, *Front-Line Intelligence* (Washington, DC: Infantry Journal Press, 1946), 7.

⁴⁷ See the legal dilemmas associated with "advice of counsel" in the current debate about what constitutes torture in Daphne Eviatar, "Using Law to Justify Torture: Constitutional Scholars Say Advice of Counsel Is Probably Not a Strong Defense," *Washington Independent*, 23 July 2008, <http://washingtonindependent.com/view/using-law-to-justify> (accessed 29 July 2008).

Twenty-seven year ago, in the final days of the Iran hostage crisis, the C.I.A.'s Tehran station chief, Tom Ahern, faced his principal interrogator for the last time. The interrogator said the abuse Mr. Ahern had suffered was inconsistent with his own personal values and with the values of Islam and, as if to wipe the slate clean, he offered Mr. Ahern a chance to abuse him just as he had abused the hostages. Mr. Ahern looked the interrogator in the eyes and said, "We don't do stuff like that."⁴⁸

Sadly, the record shows what we have done in the past when confronted with enemies we deemed so barbarous and alien to our sensibilities that we consider them beyond humanity's pale. As Paul Kramer implies, Filipino insurgents were widely regarded as such enemies by American soldiers fighting them during the Philippine-American War at the turn of the twentieth century. Not surprisingly, captured insurgents were treated to the water cure. "U.S. military actions are dictated by the mandates of an 'exceptional' kind of war against a uniquely treacherous and broadly-defined 'enemy',...[which] produced a troubling normalization of the atrocious."⁴⁹

More recently, President Bush described our enemies in the Global War on Terrorism and the actions we needed to take to defeat them in "exceptional" terms:

With the Twin Towers and the Pentagon still smoldering, our country on edge, and a stream of intelligence coming in about potential new attacks, my administration faced immediate challenges: We had to respond to the attack on our country. *We had to wage an unprecedented war against an enemy unlike any we had fought before.* We had to find the terrorists hiding in America and across the world, before they were able to strike our country again. So in the early days and weeks after 9/11, I directed our government's senior national security officials to do *everything in their power*, within our laws, to prevent another attack.⁵⁰

⁴⁸ Morris Davis, "Unforgivable Behavior, Inadmissible Evidence," *The New York Times*, 17 February 2008, http://www.nytimes.com/2008/02/17/opinion/17davis.html?_r=1&oref=slogin (accessed 28 July 2008).

⁴⁹ Kramer, "The Water Cure: An American Debate on Torture and Counterinsurgency in the Philippines—a Century Ago."

⁵⁰ President George W. Bush, "President Discusses Creation of Military Commissions to Try Suspected Terrorists," *The White House*, 6 September 2008, emphasis added, <http://www.whitehouse.gov/news/releases/2006/09/print/20060906-3.html> (accessed 29 July 2008).

It is not surprising then to hear John Kiriakou repeat over and over “it’s a different world,” in his interview with ABC’s Brian Ross, unconsciously applying the President’s theme of “exceptional” circumstances to the interrogation of suspected terrorists like Abu Zubaydah, “an enemy unlike any we had [faced] before.” “Al Qaeda is not like a World War Two German POW. *It’s a different world.* These guys hate us more than they love life.... You’re not gonna convince them that because you’re a nice guy and they can trust you and they have a rapport with you that they’re going to confess and—and give you their operations. *It’s—it’s different. It’s a different world.*”⁵¹

Unfortunately, though our enemies have changed over the years, the standard we must uphold in interrogations has not. Perhaps Senator John McCain, no stranger to torture as a POW in North Vietnam from 1967 to 1973, makes the strongest case for firm standards in intelligence interrogation. In a statement to the U.S. Senate in 2005 he said:

The intelligence we collect must be reliable and acquired humanely, under clear standards.... To do differently not only offends our values as Americans, but undermines our war effort.... [Although] the enemy we fight has no respect for human life or human rights...this isn’t about who they are. This is about who *we* are. These are the values that distinguish us from our enemies, and we can never, never allow our enemies to take those values away.⁵²

⁵¹ Transcript of interview with John Kiriakou by correspondent Brian Ross, 28, emphasis added.

⁵² Senator John McCain, “Statement of Senator John McCain Amendment on (1) the Army Field Manual and (2) Cruel, Inhumane, Degrading Treatment,” U.S. Senate, 4 November 2005, emphasis in the original, <http://www.humanrightsfirst.info/pdf/05117-etn-mccain-stat-detain-amdts-auth.pdf> (accessed 29 July 2008).



Interrogation of Japanese POWs in World War II: U.S. Response to a Formidable Challenge

Introduction

This study documents how the U.S. military overcame the challenges of recruiting and preparing Japanese interrogators for service in the Pacific Theater and their remarkable accomplishments in conducting wartime interrogations. Despite numerous obstacles, the Army and Navy designed and implemented effective interrogation programs credited with shortening the Pacific war by two years. Many of the basic principles used to develop and execute these programs still apply today.

The primary objective of the study is to expand the U.S. Intelligence Community's existing body of knowledge concerning interrogation approaches by illuminating past experiences. Numerous lessons can be drawn from the study; in fact, in some cases these lessons echo suggestions and recommendations made by successful interrogators during and immediately following World War II. Targeted recruitment efforts and comprehensive language training, coupled with kind treatment and a thorough understanding of the enemy's culture and psychology by U.S. military interrogators, enabled the U.S. military to penetrate the enemy's psyche and obtain information vital to the war effort.

Gathering vital intelligence through the interrogation of enemy prisoners is one of the greatest challenges our nation faces today in the struggle against terrorism. In many respects, the jihadists we confront in the Global War on Terrorism share many of the attributes of the fanatical enemy encountered in World War II—the Japanese soldier. During the weeks and months following Japan's attack on Pearl Harbor, anti-Japanese hysteria spread throughout the U.S. and wartime propaganda fueled existing prejudices. Many Americans considered the Japanese uncivilized, treacherous fanatics. They were savages or crazed samurai as ready to kill themselves as others.⁵³ The Western media were frequently even more apocalyptic in their expressions. They declared the war in Asia very different from

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⁵³ Ruth Benedict, *The Chrysanthemum and the Sword: Patterns of Japanese Culture* (Boston: First Mariner Books, 2005), viii.

that in Europe, for Japan was a “racial menace” as well as a cultural and religious one, and if Japan proved victorious in the Pacific, there would be “perpetual war between Oriental ideals and Occidental.”⁵⁴ At the time, the war was perceived as a true clash of civilizations and evidence of extremism illuminated the hostility and rage. In various areas of the U.S., Americans boycotted Japanese goods.⁵⁵

Military and civilian leaders faced the difficult challenge of cutting through this wrath to develop realistic responses. This was particularly complicated, as many of these leaders shared the same emotions. The U.S. also faced the dilemma of understanding how this enemy would behave in a time of war and beyond. The Japanese soldier had many characteristics of an ideal fighting man. Among these qualities were courage, endurance, physical strength, no fear of death, and a fanatical sense of patriotism and loyalty to the Emperor.⁵⁶ Still, many unanswered questions remained: Did the Japanese consider themselves a superior race? Would they surrender or fight to the last man? If captured, could they be convinced to talk? Leaders recognized that a more nuanced understanding of the culture and psychology of the Japanese would prove critical to the successful prosecution of the Second World War and the occupation that followed.

To complicate matters further, the U.S. faced an enemy who spoke a remarkably complex language. Japanese officers were not concerned about the security of their sensitive military communications because they thought Westerners could never learn to read and write Japanese, especially the abbreviated styles of writing known as *gyosho* and *sosho*.⁵⁷ These cursive styles of Japanese calligraphy are as similar to the printed Japanese character as a shorthand symbol is to an English word. To read and write anything beyond the simplest and most basic text, one needed knowledge of thousands of Chinese characters. To make matters worse, the written language was not just a visual representation of everyday spoken Japanese, but an intricate system that reflected the influence of Chinese linguistic forms as well as older Japanese forms.⁵⁸

⁵⁴ John W. Dower, *War Without Mercy: Race and Power in the Pacific War* (New York: Pantheon Books, 1986), 7.

⁵⁵ “Wartime Fanaticism,” *Christian Science Monitor* (1908–Current file), 12 December 1941, 24, accessed via ProQuest Historical Newspapers on 27 January 2007.

⁵⁶ Hallett Abend, “Japan’s Soldiers—Unsoldierly Yet Fanatic,” *The New York Times* (1857–Current file), 11 January 1942, SM12, accessed via ProQuest Historical Newspapers on 27 January 2007.

⁵⁷ “The Military Intelligence Service Language School,” n.d.; Correspondence and Reports Relating to the Operation of Language Schools, 1943-1949; Records of the War Department General and Special Staffs; Record Group 165; NARA, College Park, MD, 2. Cited hereafter as “The Military Intelligence Service Language School,” NARA.

⁵⁸ Christopher Seeley, “The 20th Century Japanese Writing System: Reform and Change,” *The Journal of Simplified Spelling Society* J19 (1995), URL: <www.spellingsociety.org/journals/j19/japanese.php>, accessed 5 February 2007.

At the time of the attack on Pearl Harbor, very few Americans of military age were fluent in Japanese. The U.S. relied on previously trained military officers, Caucasian-Americans who had grown up and studied in Japan, and *Nisei* (second generation Japanese-Americans living in the United States) to address this linguistic challenge. Employing *Nisei* presented the greater challenge, as many Americans doubted the *Nisei* could stand the decisive test of battle against their own race and blood. Civilian and military leaders were very suspicious of their loyalty. In fact, on 19 February 1942, President Roosevelt signed the infamous Executive Order (EO) 9066 authorizing the internment of tens of thousands of American citizens of Japanese ancestry.

To develop a comprehensive understanding of Japanese psychology and culture, and address the growing need for qualified linguists, the U.S. Army and Navy established separate Japanese language schools to train military interrogators and interpreters as they deployed military forces across the Pacific. Throughout the war, prisoner of war (POW) interrogation played a crucial role in gathering valuable information about Japanese military operations and intentions. Many senior military officers believed that the Allied success in harvesting this crucial intelligence shortened the war effort by as much as two years.⁵⁹

An evaluation of how U.S. military interrogation methods were used against the Japanese during World War II can assist in identifying costs and benefits associated with modern-day interrogation training and techniques applied during the Global War on Terrorism. In addition, it may help determine whether current U.S. military interrogation training reflects changes in warfare and incorporates lessons learned from past conflicts. This study of World War II interrogation answers a critical question: What can we learn from the U.S. experience during World War II of recruiting and preparing interrogators and conducting interrogations of Japanese POWs that will inform current and future doctrine and practices related to educating information?

Some important historical and cultural context that influenced Japanese soldiers during the war will be provided. The objective is to provide the reader with a sufficient understanding of Japanese thought processes and mental attitudes in order to appreciate the challenges U.S. interrogators faced in executing their mission. This brief historical review also provides insight into Japanese loyalty to the Emperor, the disgrace of surrender, and U.S. expectations of the prisoners' implacability.

Also important is the U.S. Army's experience in preparing for and conducting interrogations of Japanese prisoners. It follows the evolution of the

⁵⁹ Edwin M. Nakasone, *The Nisei Soldier: Historical Essays on World War II and the Korean War*, 2d rev. ed. (Brainerd: J-Press, 1999), 54.

Army's Military Intelligence Service Language School (MISLS), where students received extensive training in language, interrogation, document translation, and cultural awareness. A wartime case study designed to illustrate the Army's methodology is offered.

The U.S. Navy developed a unique training approach. The historical progression of the Navy's Oriental Language School is evaluated, along with details of the Navy's methods of wartime interrogation. Another case study illustrates the Navy's method. The essay concludes with an examination of the numerous lessons drawn from analysis of the Army and Navy case studies presented, plus recommendations for additional research.

Preliminary review of available literature reinforced the need to study the U.S. experience during World War II of recruiting and preparing linguists and conducting interrogations. The case study method was selected as a mechanism to examine and compare these events thoroughly.

Robert K. Yin emphasizes the technically critical features of this strategy in his 2-part definition. The first part begins with the "scope" of the case study:

1. *A case study is an empirical inquiry that*

- investigates a contemporary phenomenon within its real-life context, especially when
- the boundaries between phenomenon and context are not clearly evident.⁶⁰

Second, because context and phenomenon are not always obvious in real-life situations, a set of technical characteristics, including data collection and data analysis strategies, completes the second half of Yin's definition:

2. *The case study inquiry*

- copes with the technically distinctive situation in which there will be many more variables of interest than data points, and as one result
- relies on multiple sources of evidence, with data needing to converge in a triangulating fashion, and as another result
- benefits from the prior development of theoretical propositions to guide data collection and analysis.⁶¹

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The key point Yin makes is that the case study method is much more than a "logic of design," as Jennifer Platt suggests in her historical overview of the case study in American methodological thought. Instead, it represents a delib-

⁶⁰ Robert K. Yin, *Case Study Research: Design and Methods* (Thousand Oaks: Sage Publications, 2003), 13.

⁶¹ Yin, 13-14.

erate approach to covering contextual conditions, as well as the logic of design, data collection techniques, and specific approaches to data analysis.⁶²

The Multiple-Case Design

This study employs a “multiple-case” or “comparative” design methodology, exploring two carefully selected cases to predict similar results (a *literal replication*) or contrasting results for predictable reasons (a *theoretical replication*). This method is often considered more robust than a single-case design, because the evidence is more compelling. On balance, the conduct of a multiple-case study often requires extensive resources and time beyond the means of a single investigator.⁶³ The replication approach applied to this study is illustrated in Figure 2-1.

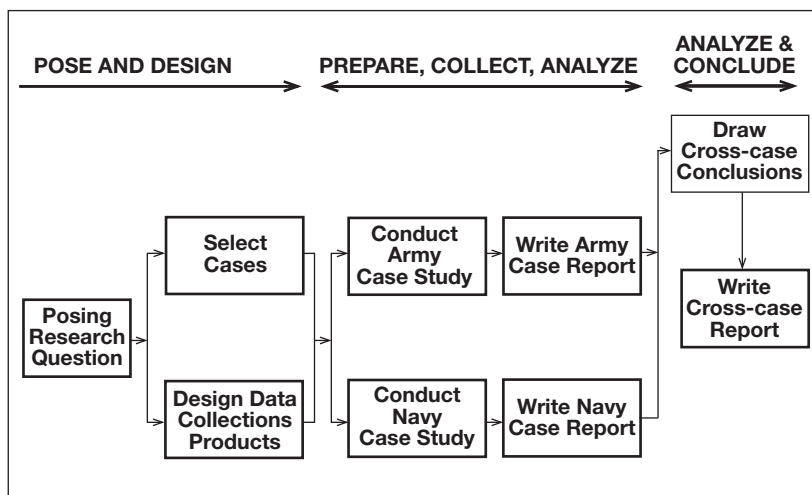


Figure 2-1 Case Study Method.

Source: Author’s modified version of model put forth in Yin, 50. Used with permission of the publisher.

Asking the Right Question

Figure 2-1 indicates that the first step in designing the study consists of posing a key research question: What can we learn from the U.S. experience during World War II of recruiting and preparing interrogators and conducting interrogations of Japanese POWs that will inform current and future doctrine and practices related to educating information?

⁶² Yin, 13-14.

⁶³ Yin, 46-47.

Case Selection and Data Collection

Case selection and definition of specific data measures represent important steps in the design and data collection process. Two cases were chosen for analysis, the U.S. Army and the U.S. Navy, because during World War II the Army and Navy were the only U.S. military services recruiting, preparing, and employing military interrogators.⁶⁴ For the purpose of this study, data collection protocols include an overview of the case study, field procedures (access to case materials, sources of information, etc.), and specific case study questions.

The study relied heavily on previously classified archival records maintained at the National Archives and Records Administration (NARA) in College Park, Maryland. Because of the Nazi War Crimes Disclosure Act of 1998, NARA made thousands of previously classified U.S. military records (from 1939 to 1976) available to the public. These newly released records provide insight into U.S. military intelligence activities in the Pacific during World War II and the subsequent occupation of Japan. NARA's declassification efforts enabled the author to gain access to reports, memoranda, policy documents, prisoner of war interrogation files, training records, various analytical products, and general topics of intelligence interest. To supplement the NARA records, a comprehensive oral history interview was conducted with a veteran interrogator from World War II to provide a firsthand, human interest perspective.

The heart of the protocol encompasses a set of questions developed to guide the investigation, listed below as they relate to the case study project:

⁶⁴ The Marine Corps employed U.S. military interrogators also, but they were organized under the Department of the Navy and, as such, were included in the Navy study.

- How did the Army or Navy project Japanese language requirements in the event of war with Japan?
- What methods of recruitment were employed by each service?
- How did Executive Order 9066 affect recruitment efforts?
- How were U.S. military personnel trained in the Japanese language and interrogation?
- What sources of training material were used?
- Did they receive training in Japanese psychology and culture?
- What role did the Nisei have in training?
- How was training different between the services?
- Were methods taught in the classroom employed in the field?
- Was there debate over interrogation methods or techniques that were more “humane” than others?
- What interrogation methods were employed that proved most successful?
- What lessons learned might apply to current and future educating information doctrine?

Case Study Questions.

Source: Compiled by the Author.

Conducting and Writing the Cases

According to Yin, “Each individual case study consists of a ‘whole’ study, in which convergent evidence is sought regarding the facts and conclusions for the case; each case’s conclusions are then considered to be the information needing replication by other individual cases.”⁶⁵ The first case examines the Army’s approach to recruiting and training *Nisei* as linguists and interrogators. It offers a general assessment of success or failure in convincing enemy prisoners to cooperate and provide information through direct interrogation methods. The second half of the study highlights the wartime experiences of one U.S. hero, Sergeant Grant Hirabayashi, a Japanese-American World War II veteran who served as a Military Intelligence Service interrogator.

The second case illustrates the Navy’s contrasting approach of employing and educating American linguists. Unlike the Army, the Navy focused its recruitment and training efforts on Caucasian-Americans. After the Japanese attack at Pearl Harbor, the Navy refused to recruit *Nisei*, as the Army had done. A presentation of the Navy’s approach is followed by a summary of the experi-

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⁶⁵ Yin, 50.

ences of one of the school's best-known graduates, Lieutenant Otis Cary, the son of a missionary, who was raised in Japan. Cary was commissioned in the U.S. Navy and went on to become one of the most highly successful and well-respected interrogators during the Second World War.

Cross-Case Conclusions and the Summary Report

Following the presentation of the Army and Navy cases, cross-case analysis completes the study. The overall summary report draws conclusions from the findings and reflects the results.

Spirit Warriors: Psychology and Culture of the Japanese During World War II

Know your enemy and know yourself; in a hundred battles, you will never be defeated. When you are ignorant of the enemy but know yourself, your chances of winning or losing are equal. If ignorant both of your enemy and of yourself, you are sure to be defeated in every battle.

—Sun Tzu

Historical Setting

In the early 17th century, Ieyasu Tokugawa, a skilled warrior and first Shogun of the Tokugawa Shogunate that ruled Japan as the true governing power until the 1868 Meiji Restoration, created a plan to bring lasting peace to the nation. His vision focused on a complete reordering of Japanese society and the expulsion of the *gaijin* (outside people). It resulted in *Taihai* (the “Great Peace”)—over 250 years without war. Japan became ideologically sealed, and for nearly two and a half centuries had no standing army or navy. Tokugawa held that large military forces were not necessary because his system guaranteed that no external or internal conflicts would occur. This amazing stretch of absolute peace was unmatched by any other country over a comparable period of time.⁶⁶ Regrettably, it did not last.

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By the mid-1800s, a look across the Sea of Japan made it clear that seclusion and tranquility were a thing of the past. Western merchants had exploited China and imposed opium on its citizens. Farther south, the Dutch had conquered Indonesia; the French ruled Vietnam, Laos, and Cambodia; and the British held colonies in India, Burma, Malaya, Singapore, and Hong Kong. To

⁶⁶ James Bradley, *Flyboys: A True Story of Courage* (Boston: Little, Brown and Company, 2003), 17.

the north, Russia was growing in size and conquering everything in its path.⁶⁷ It is no surprise that Japanese leaders felt obligated to build a strong military to protect their citizens and national sovereignty.

When he came to the throne in 1868, Emperor Meiji declared an imperial “restoration” and stripped the Shogunate of its powers. As a result, a new era of Japanese society began. As in the early days of Japan’s history, the Emperor became a centerpiece of national life and a symbol that united the country ideologically. Emperor Meiji was determined to make Japan a strong and modern nation; however, isolationism was no longer an option for achieving that goal.

In 1894-95, Japan invaded and defeated China, proving to the rest of the world that Japan was a powerful nation. The country’s military obsession did not end with China, but instead continued for nearly 50 years. On 7 December 1941, the Japanese launched the infamous attack on Pearl Harbor, which forced the U.S. into World War II—a conflict that John Dower, professor of Japanese history at the University of California at San Diego, appropriately termed a “War Without Mercy.” The surprise attack and the ruthless war that followed presented unique challenges to educating information from enemy POWs.

To appreciate the challenges faced by U.S. military interrogators in obtaining intelligence from enemy prisoners, it is necessary to examine briefly the rich cultural history and psychology of the Japanese. For simplicity, this discussion is divided into four sections: the Emperor-tradition, the Japanese soldier and armed forces, the shame of capture and surrender, and the fear of torture.

The Emperor-Tradition

One of the critical questions regarding Japanese psychology concerned the head of the Imperial Family, *Tennō* (the Emperor). What control did His Majesty have over the Japanese people? Japan was clearly an Emperor-centered nation with an imperial line extending back farther than the royal line of any other country. Historically, Japan’s citizens viewed the Emperor as the rallying point of devotion and the radiating center of government.⁶⁸ This general sense of unrestricted and unconditional loyalty to the Emperor by the Japanese people was a crucial concern that U.S. military forces needed to understand and address.

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⁶⁷ Bradley, 24.

⁶⁸ Sherwood F. Moran, Major, U.S. Marine Corps, “The Psychology of the Japanese,” 4 June 1942; Training Records of MITC, Camp Ritchie, MD; Records of the War Department General and Special Staffs; Record Group 165; NARA, College Park, MD, 1. Cited hereafter as Moran, “The Psychology of the Japanese,” NARA.

Many Americans believed that the Emperor had been merely an indistinct figurehead throughout Japan's seven feudal centuries. However, those who lived in Japan before World War II knew that nothing infuriated the Japanese, and reinforced their morale, more than a negative comment about the Emperor or an outright attack against him. The testimony of Japanese POWs confirmed this assumption. Many POWs attributed their extreme militarism to the Emperor and claimed they were "carrying out his will" and "dying at the Emperor's command." As one prisoner explained, "The Emperor led the people into war and it was my duty to obey."⁶⁹

The idea that the entire population internalized this view was unprecedented by Western standards; however, prisoner interrogations clearly showed this was the unified viewpoint of Japan, even after its defeat. Interrogators concluded early on in the war that it was unnecessary to write "Refuses to speak against the Emperor" on each interview record. In fact, a survey of POW interrogation records revealed only three interviews that were even mildly anti-Emperor and only one prisoner went so far as to say, "It would be a mistake to leave the Emperor on the throne."⁷⁰

Throughout the Meiji Restoration and the period leading up to the attack on Pearl Harbor, citizens received thorough conditioning from Japanese authorities on providing proper respect to the Emperor. For example, as a form of super-patriotism and super-nationalism, the Japanese government suggested that all public and private schools display a portrait of the Emperor inside their facilities. This was not just any photograph, framed and hung on the wall. This portrait had a certain size requirement, was specially prepared and furnished by the Department of Education, and was installed with a formal ceremony. The case surrounding the portrait had curtained doors and the Japanese considered it a shrine. Schools seldom opened the curtains, but during formal ceremonies they were drawn and students were required to bow in unison at the direction of the staff. As time went on, the imperial portrait assumed even greater significance and the government required schools to house the photograph in an entirely separate fireproof building. This was costly to the schools and took up additional space.⁷¹

26 | The Japanese Soldier and Armed Forces

On 14 December 1941, in a letter to *The Washington Post* titled "Our Enemy's Strength," Seymour DeKoven wrote, "The other night Lieutenant Commander Gene Tunney said something over the air that should make all

⁶⁹ Benedict, 29-31.

⁷⁰ Benedict, 32.

⁷¹ Moran, "The Psychology of the Japanese," NARA, 5-6.

Americans more aware of what lies ahead than most of what we've been hearing of late...He emphasized the fact that the Japs are not only not going to be a pushover, but that unless we learn to modify greatly some of our fighting ethics, we may be in for some severe disappointments." The author goes on to describe the Japanese soldier as having "been trained for decades to be the most ruthless death-dealer on earth." He says, "The nearest things to [the Japanese soldier] might be a Nazi or a jungle head-hunter; but even these latter pale into insignificance when compared with the warrior of the Rising Sun."⁷²

The Japanese Soldier

The true warriors and backbone of the Japanese armed services were the simple country boys. Their superiors commonly referred to these draftees as "*issen gorin*." *Issen gorin* meant "one yen, five rin"—the cost of mailing a draft notice – less than a penny. For most, basic military training resembled a brutal gulag and, in many regards, the Japanese Army they served was like a feudal slave system. At the top were the imperial officers, who demanded the highest level of respect. "The officer class in general had the status and authority of feudal lords. The privates, especially the new recruits, were at the miserable bottom of the pyramid. They had no human rights. They were non-persons."⁷³ "Brutality and cruelty were the rule rather than the exception in the Japanese army. It was the last primitive infantry army of modern times." Officers would slap, kick and beat new recruits on a daily basis.⁷⁴

Since a new recruit's former life on the farm was rigorous and physically demanding, the transition to military life was not overly challenging. Moreover, once he completed training, he became one of the "Emperor's soldiers," establishing him as a model of perfection and discipline within the nation. The fact that each soldier wore the uniform of his Emperor raised his status in his own estimation and in that of his fellow citizens. In keeping with the ethics of his spiritual belief, he considered himself endowed with superhuman power.⁷⁵

On the battlefield, the typical Japanese soldier wore the standard-issue olive-green uniform and a dome-shaped steel helmet. Inside the helmet was a Rising Sun flag presented to the soldier by his friends before leaving home and inscribed with their names. He also wore a bellyband, or *Senminbari* (a belt of

⁷² Seymour DeKoven, "Our Enemy's Strength," *The Washington Post (1877 – 1990)*, 21 December 1941, B6, accessed via ProQuest Historical Newspapers on 21 February 2007.

⁷³ Bradley, 37.

⁷⁴ Bradley, 39.

⁷⁵ H.S. Sewell, Brigadier General, U.S. Army, "The Japanese Soldier," June 1944; Office of the Director of Intelligence Correspondence and Reports; Records of the War Department General and Special Staffs; Record Group 165; NARA, College Park, MD, 2. Cited hereafter as Sewell, "The Japanese Soldier," NARA.

a thousand stitches), which conferred invulnerability, each stitch having been sewn by a different person while he or she prayed for the well-being of the wearer.⁷⁶

In addition to their standard equipment, most soldiers carried a copy of the Imperial Rescript of 1882, the official code of ethics for Japanese military personnel. On January 4, 1882, Emperor Meiji presented this document to the Army Minister in a special ceremony held at the Imperial Palace. This action symbolized the personal bond between the Emperor and the military, making the military, in effect, the Emperor's personal army. By design, the code stressed absolute personal loyalty to the Emperor, which calls to mind one prominent image of loyalty and sacrifice—that of the “*Kamikaze*” pilot.

The *Kamikaze* Pilot

In the latter stages of the war, particularly in the Okinawa campaign, the Japanese Air Force was in dire straits and knew Allied forces were close to invading the Japanese mainland. To compensate for their military inferiority, the Japanese resorted to the most fanatical forms of defense. The employment of “*Kamikaze*” or suicide attacks proved to be the most extreme form of these measures. When Genghis Khan's invading fleet threatened their homeland in the thirteenth century, a “divine wind” drove him back and overturned his ships, but this time the Japanese contrived a “divine wind” of their own—the *Kamikaze* or Special Attack Corps.

In 1944, a Japanese Army plane attacked a ship near the Andaman Islands in the Bay of Bengal. When the pilot ran out of bombs without achieving any hits, he decided to do his part for the Emperor by flying his plane into the target. A Japanese garrison on a neighboring island watched the event unfold, including the resulting explosion, and saw the plane, pilot, and ship disappear. Thereafter, word reached Imperial Headquarters that a secret weapon had been discovered.⁷⁷

Lieutenant Colonel Naomichi Jin, a staff officer at Imperial General Headquarters and a Japanese intelligence officer on Okinawa during the war, explained to his interrogators, “I think there were four main reasons” the Japanese used suicide units:

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- (1) There were no prospects of victory in the air by employment of orthodox methods.

⁷⁶ Sewell, “The Japanese Soldier,” NARA, 1.

⁷⁷ Headquarters Army Air Forces, *Mission Accomplished: Interrogation of Japanese Industrial, Military, and Civil Leaders of World War II* (Washington, DC: GPO, 1946), 34. Cited hereafter as HAAF, *Mission Accomplished*.

(2) Suicide attacks were more effective because the power of impact of the plane was added to that of the bomb, besides which the exploding gasoline caused fire—further, achievement of the proper angle effected greater speed and accuracy than that of normal bombing.

(3) Suicide attacks provided spiritual inspiration to the ground units and to the Japanese public at large.

(4) Suicide attack was the only sure and reliable type of attack at the time such attacks were made (as they had to be) with personnel whose training had been limited because of shortage of fuel.⁷⁸

Lieutenant General Masakazu Kawabe, former Commanding General, Deputy Chief of the Army General Staff, and Director of *Kamikaze* Operations during the Philippine and Okinawa Campaigns, told his interrogators following the occupation of Japan, “The Japanese to the very end, believed that by spiritual means they could fight on equal terms with you, yet by any other comparison it would not appear equal. We believed our spiritual confidences in victory would balance any scientific advantages and we had no intention of giving up the fight.” General Kawabe also cautioned, “I wish to explain something, which is a very difficult thing and which you may not be able to understand. You call our *Kamikaze* attacks ‘suicide’ attacks. This is a misnomer and we feel very badly about you calling them ‘suicide’ attacks. They were in no sense ‘suicide.’ The pilot did not start out on his mission with the intention of committing suicide. He looked upon himself as a human bomb, which would destroy a certain part of the enemy fleet for his country. They considered it a glorious thing, while suicide may not be so glorious.”⁷⁹ Based on their ethics and spiritual beliefs, *Kamikaze* pilots and the traditional Japanese soldier proved formidable adversaries against the U.S. and its Allies.

The Japanese Armed Forces

Major Sherwood F. Moran, a U.S. Marine interrogator who joined the Corps in 1942 at the age of 57, after spending the previous 20 years in Japan, described three groups of Japanese men whom he referred to as the true “hell-bent military”:

(1) Certain higher officers, professional fire-eaters, such as Admiral Suetsugu and General Araki, to mention just two; holding high motives according to their limited light, and thinking of nothing but the national prestige of a Greater Japan, and their Emperor’s expanding glory.

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⁷⁸ HAAF, *Mission Accomplished*, 34.

⁷⁹ HAAF, *Mission Accomplished*, 35.

(2) Groups of younger officers, particularly of the army, itching for action, thinking they could “lick the world,” contemptuous of democracy and modern international obligations, whose only code they express with the phrase the “Imperial Way” (*Kodo*).

(3) Fanatics among the laymen, narrow super-patriots, ranting against any spirit of internationalism, taking the Emperor-myth literally, and witch-hunting for any who do not swallow it whole. The Black Dragon Society⁸⁰ with the elderly fanatic, Tomaya, in Tokyo, is a primary spark plug of this group.⁸¹

Moran explained that these three groups would stop at nothing to accomplish their ends, even against their own government. In fact, a few years before the war, one of the young officers described above killed one of the highest officers in the Army, the Inspector General of Military Training, with his own sword. The young officer declared the Inspector was negligent in his duties in that he did not adequately realize the grievous conditions into which the country was heading. Moreover, the young officer argued that in a time of emergency and danger to the fundamental principles of the Imperial Way the Inspector had no right to hold a position of such importance in His Majesty’s armed services. Regrettably, this group of “hell-bent” military fanatics supplied the leaders who controlled Japan during the Second World War and were responsible for selling the war to its people.⁸²

The Shame of Capture and Surrender

While American forces succeeded in capturing and interrogating some Japanese prisoners, most soldiers fought to the death or committed *hara-kari* (*seppuku*).⁸³ As the Imperial Army and Navy fell on the defensive and began to face defeat in all theaters of the war, groups of armed forces began to kill fellow citizens and take their own lives in desperate acts of suicide. U.S. soldiers witnessed the all-too-familiar “banzai charge” and the reluctance of the Japanese to surrender in battle after battle, from Guadalcanal to Tokyo.⁸⁴

On 9 July 1944, to the horror of American troops advancing on Saipan, mothers clutching their babies hurled themselves off the cliffs to avoid capture. Not only were there virtually no survivors of the 30,000-strong Japanese gari-

⁸⁰ The Black Dragon Society was a prominent paramilitary, ultra-nationalist right-wing group in Japan during the early to mid-1900s.

⁸¹ Moran, “The Psychology of the Japanese,” NARA, 13.

⁸² Moran, “The Psychology of the Japanese,” NARA, 13.

⁸³ *Seppuku* was the more elegant term for suicide according to the samurai code. Warriors would kill themselves by piercing their abdomen. In feudal times, this was the exclusive privilege of the nobles and samurai.

⁸⁴ Dower, 45.

son on Saipan, two out of every three civilians—some 22,000 in all – also died.⁸⁵ The Saipan operation, however, represented the Americans' first experience in the Pacific area in handling a large number of POWs, and they did it without developing a detailed plan before the campaign. Interrogators had to persuade a large percentage of the prisoners to come out of caves, dugouts, and other hiding places.⁸⁶

Several distinct beliefs influenced the decisions of Japanese soldiers and civilians regarding surrender and required a commensurate approach by interrogators. By and large, Japanese citizens feared their family and country would disown them and they would become outcasts. This belief system could be traced back to three contributing factors of daily life: *Shinto*, *Hoko*, and *Bushido*.⁸⁷

Shinto (Way of the Gods)

Among the most prominent factors that shaped the attitude of the Japanese people was Shintoism, the native religion of Japan and the official state religion until the end of World War II. It involved the worship of several different *Kami* (gods). The term *Shinto* was coined in the sixth century using the Chinese characters *shen* (divine being) and *tao* (the way). As such, *Shinto* is commonly translated as, "The Way of the Gods." The origins of *Shinto* are blurred in the fog of the prehistory of Japan. The religion has no founder, no official sacred scriptures, and no fixed system or doctrine.⁸⁸ In effect, *Shinto* provided the underlying value orientation of the Japanese people that formed the foundation of their culture and overall way of thinking.

The *Kojiki*, referred to in English as the "Records of Ancient Matters," maintained that the Japanese people were direct descendants of Amaterasu, the sun goddess, who created Japan. Amaterasu populated this "divine" nation through her direct descendant Jimmu, Japan's first Emperor. According to mythology, Emperor Jimmu assumed the throne in 660 B.C. Fundamentally, therefore, the *Shinto* religion is based on the belief that the Japanese people are

⁸⁵ David Powers, "Japan: No Surrender in World War Two," *BBC* (June 2001), online report, URL: <www.bbc.co.uk/history/worldwars/wwtwo/japan_no_surrender_01.shtml>, accessed 22 February 2007. Cited hereafter as Powers, "No Surrender in World War Two."

⁸⁶ W.A. Tracy, Captain, Headquarters, Army Ground Forces, Assistant Ground Adjutant General, memorandum to the Commanding Generals, subject: "Intelligence Extracts of Special Action Reports - Saipan," 319.1/172, 24 January 1945; Correspondence and Reports Relating to the Operation of Language Schools, 1943 - 1949; Records of the War Department General and Special Staffs; Record Group 165; NARA, College Park, MD, 3. Cited hereafter as Tracy, "Intelligence Extracts of Special Action Reports - Saipan," 319.1/172, NARA.

⁸⁷ "The Psychology of Surrender and the Psychological Approach to Interrogation," 14 August 1946; Office of the Director of Intelligence Correspondence and Reports; Records of the War Department General and Special Staffs; Record Group 165; NARA, College Park, MD, 2. Cited hereafter as "The Psychology of Surrender and the Psychological Approach to Interrogation," NARA.

⁸⁸ *The Oxford Dictionary of World Religions*, 1997, under the term "*Shinto*."

direct descendants of the sun goddess, and therefore divine. According to this belief, the Emperor was the highest-ranking divine person and thereby god of the Japanese people.

Hoko

Hoko, or the communal “spy-hostage” system, was the structure that made all members of every group of ten neighboring houses punishable for a crime or the failure to report any wrongdoing. There was a “warden” for each house, each group of ten houses, and each group of 100 houses. These wardens had to be acceptable to the police and were actually spy-hostages who ensured all required measures were carried out.

Hui-Yu Caroline Ts'ai, a student at Columbia University in New York, wrote a doctoral dissertation centered on the functional organization, development structure, and operational mobilization of the *Hoko* system. Hui-Yu began the study by examining the system as a political mechanism for social control. During peacetime, the system evolved into an “administrative base for local governments.” In the 1930s, Japan used the system as a vehicle for its wartime mobilization. Hui-Yu concludes, however, that the *Hoko* system should be regarded as a social organization as well as a political institution. As such, “the *Hoko* functioned largely within a moral society; the organization relied heavily on the mediating role of a local elite, which shared a set of values based on acknowledged status and established trust with the rest of society.” Consequently, “the system worked less for social reform than for social control and mobilization.”⁸⁹

Bushido (Way of the Samurai)

Along with the religious foundation of Japanese culture, the Japanese developed a unique set of laws during the 11th and 13th centuries known as *Bushido*. This code of conduct involved blind loyalty to superiors, disregard of death in carrying out duty, and continuous attack climaxed by annihilating the enemy in hand-to-hand combat. It taught all Japanese from birth the principles of honor, courage, loyalty, the ability to endure pain, self-sacrifice, reverence for the Emperor, and contempt of death.⁹⁰ The principles of the *Bushido* code formed an integral part of Japan's national identity and its citizens were indoctrinated with the idea that to die for the Emperor was the most glorious achievement to which they could aspire.

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⁸⁹ Hui-Yu Caroline Ts'ai, *One Kind of Control: The 'Hoko' System in Taiwan Under Japanese Rule, 1895-1945*, online Ph.D. Dissertation (New York: Columbia University, 1990), URL: <digitalcommons.libraries.columbia.edu/dissertations/AAI9127988/>, accessed 14 June 2007.

⁹⁰ Nakasone, 75.

Because of the teachings of *Shinto*, *Hoko*, and *Bushido*, the Japanese soldier did not even consider surrender until the instinct of self-preservation overcame his beliefs. As evident from the small number of Japanese prisoners taken during the war, the majority of Japanese soldiers preferred death to capture. Those who did surrender always feared the unknown, and many believed that Americans would kill or torture them.

Fear of Torture

In a report dated June 1945, the U.S. Office of War Information (OWI) noted that 84 percent of one group of interrogated Japanese prisoners (many of them injured or unconscious when captured) said they expected to be killed or tortured by the Allies if taken prisoner. The OWI analyst described this as typical, and concluded that fear of the consequences of surrender, “rather than *Bushido*,” was the motivation for many Japanese battle deaths in hopeless circumstances.⁹¹ As such, fear of torture may have contributed equally or even more than the previously mentioned factors.

Evidence obtained through interrogation of enemy prisoners suggested this fear was not a result of propaganda by the Japanese military but instead arose because most Japanese soldiers had previously served in China and witnessed atrocities firsthand.⁹² The Japanese truly believed the Chinese guerrilla forces took no prisoners, and those captured were tortured and put to death. The Japanese considered the Chinese to be masters in the art of torture. After training and serving under these conditions in China for years, as many Japanese soldiers had, it is hardly surprising these troops expected such a fate, regardless of the opponent.

Actions by U.S. Marine and Army soldiers did little to change this perception. Reports indicated the Japanese were known to come out of the jungle unarmed with their hands raised above their heads, crying, “Mercy, mercy,” only to be mowed down by machine-gun fire.⁹³ In many battles, neither U.S. soldiers nor their commanders wanted to take POWs. Though not official policy, it was common practice in the Pacific. On one occasion, a Marine Raider Battalion on patrol stumbled across a Japanese hospital bivouac area and killed over 400, including patients and corpsmen. During this attack, U.S. Marines took no prisoners. American forces justified this behavior on the basis of stories of Japanese treachery. It was rumored that Japanese soldiers would approach

⁹¹ Dower, 68.

⁹² Burden, “Interrogation of Japanese Prisoners in the Southwest Pacific: Intelligence Memo No. 4,” NARA, 10.

⁹³ Burden, “Interrogation of Japanese Prisoners in the Southwest Pacific: Intelligence Memo No. 4,” NARA, 10.

American lines indicating surrender and ultimately attack using hand grenades when U.S. forces were in range. Another story told of a wounded Japanese soldier who drew a grenade from his pocket while being transported on a stretcher by four American soldiers, and pulled the pin to detonate the device.⁹⁴

Conclusion

During World War II, the conflict in Asia differed greatly from that in Europe, for Japan was considered to be a “racial menace” as well as a cultural and religious one. If Japan proved victorious in the Pacific, there would be “perpetual war between Oriental ideals and Occidental.”⁹⁵ At the time, the conflict was perceived as a true clash of civilizations.

The U.S. thus faced the dilemma of understanding how this enemy would behave in a time of war and beyond. The “divine” citizens of Japan truly believed they were a superior race and forged a powerful sense of super-patriotism. They were raised in a society that prohibited free thought and one in which outside influence was severely limited based on strict immigration laws. The addition of national loyalty to the Emperor and a strong sense of military fanaticism created a cohesive nation whose morale and spirit seemed impossible to undermine.

U.S. military interrogators confronted the remarkably difficult challenge of harvesting vital intelligence from an enemy who would rather fight to the death or commit *hara-kari* (ritualized form of suicide) to avoid capture. A thorough understanding of the rich cultural history and psychology of the Japanese was critical to the collection of human intelligence and to the successful prosecution of the Second World War and the Allied occupation that followed.

⁹⁴ Burden, “Interrogation of Japanese Prisoners in the Southwest Pacific: Intelligence Memo No. 4,” NARA, 10.

⁹⁵ Dower, 7.

Secret Soldiers: Japanese-American Interrogators Serving in the U.S. Army During World War II

One of the great lessons that the Army learned from the last war is the tremendous value of intelligence. Lack of knowledge of the enemy can lead to catastrophe. Efforts to increase have led to the establishment of many agencies and specialties, which were little known prior to the war. These consist of the techniques of photographic interpretation, prisoner of war interrogation, exploitation of signal intelligence, the use of airplanes to gain information, Counterintelligence Corps activities, operation behind the enemy lines, and your own specialty of language interpretation. Each one of these specialties has played a vital role in winning the war, and it is not exaggerated to say that the rapid progression of military events in the Pacific was assisted in no small measure by the timely and accurate intelligence produced by Japanese linguists, most of whom are graduates of this school.

Graduation speech presented to the final class of Military Intelligence Service Language School students, Fort Snelling, Minnesota, 8 June 1946

Forecasting Language Requirements

Before the Japanese attack on Pearl Harbor, a small group of U.S. Army officers working within the War Department's General Staff recognized that few Americans, military or civilian, could speak the Japanese language. As tensions rose between the U.S. and Japan, these former language officers realized the U.S. needed qualified Japanese linguists if the country were to successfully prosecute a war against Japan. Japanese officers had boasted the security of Japanese military documents posed no problem at all, as Westerners could never learn to read or write Japanese, especially the abbreviated style of writing known as *sosho* (Japanese "fluid grass" style).⁹⁶

As tensions escalated, the military had little time to train non-Japanese-speaking personnel. In June 1941, Major Carlisle C. Dusenbury, a former Japanese language student working in the Intelligence Division of the War Department, suggested using *Nisei* to solve the linguist problem. Lieutenant Colonel Wallace Moore, a former missionary who had served in Japan, agreed

⁹⁶ "The Military Intelligence Service Language School," NARA, 2.

and subsequently planned the organization of the Army's first Japanese language school.⁹⁷

The decision to employ *Nisei* personnel was considered risky since many in the U.S., including senior leadership within the Department of the Navy, felt they were not trustworthy. Like other Americans, *Nisei* were subject to the draft of 1940, and many were serving in the Army when the Japanese attacked Pearl Harbor. Shortly after the attack, many *Nisei* soldiers were discharged and reclassified as enemy aliens. Moreover, after the war broke out, some *Nisei* learned their family members were trapped in Japan for the remainder of the war. Although U.S. citizens, the Japanese government treated them as Japanese nationals and many were forced to serve in the Japanese armed forces.⁹⁸

To inaugurate the new school, Lieutenant Colonel (later Lieutenant General) John Weckerling, a linguist and former military attaché in Tokyo, was recalled from duty in Panama. His assistant, Captain (later Colonel) Kai Rasmussen, a West Point graduate, had also served as a military attaché in Tokyo.⁹⁹ Since the majority of Japanese-Americans lived on the West Coast of the U.S. at the time, Colonel Weckerling and Captain Rasmussen decided to open the school in California. Their first task was to locate and recruit qualified students.

In a survey of nearly 4,000 *Nisei*, Colonel Weckerling and Captain Rasmussen discovered that very few had advanced language skills. It was soon evident that many *Nisei* had become "too" Americanized and that those who did speak Japanese had little or no training in military vocabulary or special forms of Japanese writing. On one of the screening tours of *Nisei* already serving in the military, John Fujio Aiso, who was very proficient in Japanese, was discovered. Aiso was a cum laude graduate of Brown University and received a juris doctorate from Harvard. He had studied legal Japanese at Chuo University while working as an attorney for British businesses in Japan. Ironically, the U.S. Army was using him as an enlisted mechanic in a motor maintenance battalion, although he knew little about mechanics. Weckerling and Rasmussen chose Aiso as their Director of Academic Training.¹⁰⁰ Aiso became the heart and soul of the new school, bringing his language skills and cultural understanding of his

⁹⁷ Richard S. Oguro, *Sempai Gumi: Manuscript Collection of the First Group of Americans of Japanese Ancestry from Hawaii and American Concentration Camps to Attend Army Language School at Camp Savage, Minnesota*, Library of Etsu and Mike Masaoka and the University of Utah Libraries, Salt Lake City, Utah, 42.

⁹⁸ Ulrich Straus, *Anguish of Surrender: Japanese POWs of World War II* (Seattle: University of Washington Press, 2003), 95-96.

⁹⁹ Lyn Crost, *Honor by Fire: Japanese Americans at War in Europe and the Pacific* (Novato: Presidio Press, 1994), 22.

¹⁰⁰ Crost, 23.

Japanese ancestors. In addition to Aiso, Weckerling and Rasmussen discovered three other highly qualified Japanese-American civilians eager to help launch the new school: Akira Oshida, Tetsuo Imagawa, and Shigeya Kihara.¹⁰¹

Fourth Army Intelligence School

On 1 November 1941, the Fourth Army Intelligence School began operations in an abandoned airplane hangar on Crissy Field at the Presidio of San Francisco. The War Department began its first Japanese language course with eight instructors and 60 students. 58 of the students were *Nisei*, and two were Caucasians who had studied Japanese at the University of California and the University of Washington.¹⁰² The War Department allocated a meager \$2,000 budget for the new program and essentials needed for instruction were extremely scarce.¹⁰³



Nisei Soldier of the Military Intelligence Service at their lessons in the former Airmail Hangar at Crissy Field.

Source: National Japanese American Historical Society, San Francisco, California. With permission, granted 14 May 2008.

36 days after classes began, the Japanese bombed Pearl Harbor. Immediately following the attack, the War Department issued an order that *Nisei* were not allowed to serve overseas. Since the policy would have crippled the Army's effort to employ *Nisei* linguists, advocates on the G-2 staff fought back in

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¹⁰¹ Crost, 23.

¹⁰² "The Military Intelligence Service Language School," NARA, 4.

¹⁰³ Nobuo Furuie and Clarke M. Brandt, *I am MIS* (Aurora: Defense Printing Service, 1999), 17.

response and the War Department rescinded the order, allowing the new school to proceed as planned.

In May 1942, the first class graduated 45 of its 60 original students; 15 dropped the program after failing to meet academic standards. The Army deployed all but ten of the enlisted students to combat zones in small teams. The remaining ten, all *Kibei* (a *Nisei* sent by his or her parents at a young age to be educated in Japan), stayed on as instructors.¹⁰⁴ The foundation of the Army's language program rested on the rich heritage and cultural experience of these original *Kibei* instructors.

Executive Order 9066 Relocates Japanese

On 19 February 1942, President Franklin D. Roosevelt signed his controversial EO 9066 authorizing the internment of Japanese-Americans. Shortly thereafter, all U.S. citizens of Japanese descent were prohibited from living, working, or traveling on the Pacific Coast. Initially, the exclusion was designed to be a voluntary relocation, but the policy failed and eventually the U.S. Army forcibly removed these citizens from their homes. Lieutenant General John L. DeWitt, the Fourth Army's West Coast military commander responsible for ordering the evacuation, was quoted as saying, "A Jap is a Jap. It makes no difference whether the Jap is a citizen or not."¹⁰⁵

Many of the citizens removed were eventually allowed to leave the camps to join the Army, attend college, or pursue private employment outside the West Coast. In fact, over 33,000 Japanese-Americans joined the armed forces, many serving honorably in the Military Intelligence Service (MIS).¹⁰⁶ A larger number of internees spent the war years behind barbed wire until the order was lifted in December 1944. EO 9066 ultimately led to the detention of 120,000 Japanese-Americans and Japanese residents of the U.S. This made the task of recruiting additional students and instructors from within the military and civilian communities extremely challenging.

Military Intelligence Training Center: Camp Ritchie, Maryland

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On 19 June 1942, shortly after President Roosevelt signed EO 9066, the War Department activated the Military Intelligence Training Center (MITC) at Camp Ritchie, Maryland, to offer specialized intelligence training for qualified commissioned and enlisted personnel (including *Nisei*). The regular course

¹⁰⁴ Furuiye and Brandt, 18.

¹⁰⁵ "The Japanese-Americans," *The Washington Post (1974-Current file)*, 15 July 1981, A22, accessed via ProQuest Historical Newspapers on 16 January 2007.

¹⁰⁶ "The Japanese-Americans," 15 July 1981.

of instruction was eight weeks long and divided into three sections: General Instruction, Specialized Instruction, and Terrain Exercises.¹⁰⁷

The “general instruction” consisted of basic military intelligence training provided to all students as follows:¹⁰⁸

1. Terrain Intelligence	50 hours
2. Signal Intelligence	25 hours
3. Staff Duties	51 hours
4. Counterintelligence in Theater of Operation	21 hours
5. Enemy Armies	42 hours
6. Aerial Photo Interpretation	28 hours
7. Military Intelligence Interpreters and Foreign Maps	28 hours
8. Combat and Operations	27 hours
9. Visual Demonstration	Included above
10. Order of Battle	Included above

The “specialized instruction” consisted of unique training given to qualified groups concurrently with the “general instruction,” which included 82 hours of instruction in the following areas:¹⁰⁹

1. Interrogation of Enemy Prisoners of War and Identification and Translation of Documents
2. Aerial Photo Interpretation
3. Military Intelligence Interpreters (Allied and neutral)
4. Terrain Intelligence
5. Signal Intelligence

¹⁰⁷ Charles Y. Banfill, Brigadier General, Commandant, Military Intelligence Training Center, G-2, memorandum to the Deputy Assistant Chief of Staff, G-2, subject: “Brief of Pertinent Facts and Data Concerning the Military Intelligence Training Center, Camp Ritchie, Maryland,” 3 June 1944; Training Records of the MITC; Records of the War Department General and Special Staffs, Records Group 165; NARA, College Park, MD. Cited hereafter as Banfill, “Brief of Pertinent Facts and Data Concerning the Military Intelligence Training Center, Camp Ritchie, Maryland,” NARA.

¹⁰⁸ Banfill, “Brief of Pertinent Facts and Data Concerning the Military Intelligence Training Center, Camp Ritchie, Maryland,” NARA, 2.

¹⁰⁹ Banfill, “Brief of Pertinent Facts and Data Concerning the Military Intelligence Training Center, Camp Ritchie, Maryland,” NARA, 2.

After 265 hours of general instruction and 82 hours of specialized training, students participated in an 8-day “terrain exercise.” During this training period, students completed 20 intelligence-related problem-and-solution exercises, a 48-hour patrol, and night compass training. Students assumed the roles of various intelligence positions and rotated through each position to enable diverse training.¹¹⁰

The “Visual Demonstration Section” of the training center was particularly interesting. The section was comprised of professional actors who presented a number of theatrical demonstrations to emphasize the most important intelligence lessons. Among the performances was one play focused on POW interrogation designed to illustrate the correct and incorrect methods of search, segregation, and interrogation. By June 1944, the War Department provided this production to approximately 150,000 personnel in Army Maneuver Areas, Special Service Schools, the Command and General Staff College at Fort Leavenworth, Kansas, the U.S. Military Academy at West Point, and the U.S. Marine Base at Quantico, Virginia.¹¹¹

Another production presented by the Visual Demonstration Section staff was a 3-scene play titled “A Scrap of Paper.” The cast included a Caucasian Language/Interrogation Team Captain and a *Nisei* Language/Interrogation Team Sergeant. The stage was set on the island of Formosa (Taiwan). At the beginning of the play, the lights in the theater were dimmed and a spotlight illuminated a Japanese soldier standing center stage at the position of attention. The announcer began:¹¹²

This is a Jap! This is the enemy! Perhaps the chief weapon a soldier can have against his enemy is knowledge of him. This demonstration penetrates into some aspects of his thinking and behavior. The Jap is a person! The Jap is a soldier (lights fade and soldier disappears).

This is a story of a scrap of paper...a Japanese attack order, from the moment it was written to the time when information obtained from it aided our forces in reducing a vital enemy strong-point. Observe the Japanese military behavior, his relationship to people, both his own and others. Watch how a Language Team handles a Japanese prisoner. Notice how the various Intelligence agencies operate in close liaison to make more effective their individual jobs. Observe all this...”

¹¹⁰ Banfill, “Brief of Pertinent Facts and Data Concerning the Military Intelligence Training Center, Camp Ritchie, Maryland,” NARA, 2.

¹¹¹ Banfill, “Brief of Pertinent Facts and Data Concerning the Military Intelligence Training Center, Camp Ritchie, Maryland,” NARA, 4.

¹¹² “A Scrap of Paper,” M14.1, 30 May 1945; Training Records of the MITC; Records of the War Department General and Special Staffs, Records Group 165; NARA, College Park, MD. Cited hereafter as “A Scrap of Paper,” M14.1, NARA.

As the play progresses, the storyline demonstrates the emphasis military leaders placed on humane treatment of Japanese prisoners and the vital importance of the *Nisei* to the war and their loyalty to America. During one exchange between the Caucasian interrogator and another U.S. military officer, the interrogator said, “You can’t interrogate a Jap as you would an Italian or a German...here, our humaneness must be shown. Kindness...just...simple kindness...that’s how you get a Jap to talk.”¹¹³ Equally important, this play illustrates a unique method of training presented to U.S. service members during the Second World War.

Military Intelligence Service Language School: Camp Savage

Because of EO 9066, the Fourth Army Intelligence School was forced to move to Camp Savage, Minnesota, in June 1941. In fact, the school had outgrown its facilities at the Presidio of San Francisco and needed to relocate to a community that would accept Japanese-American citizens. Except for Governor Harold Stassen of Minnesota, every western state governor rejected the transfer of Japanese-Americans to their areas.¹¹⁴ Colonel Rasmussen, the school’s Commandant, said, “We needed room—not just physical room, but room in people’s hearts. We could work here without interruption, or prejudice, or bias.”¹¹⁵

The War Department assumed control of the institution and renamed it the Military Intelligence Service Language School (MISLS). The Army recalled Colonel Weckerling to Washington to serve on the intelligence staff and Captain Rasmussen remained in charge of the school. The MISLS was charged with:

1. Operating a Japanese language school at Camp Savage to prepare Interpreter-Interrogator-Translator Teams and individual Japanese linguists for duty with United States field forces and other special assignments as directed by the Assistant Chief of Staff, G-2.
2. Operating a radio station at Camp Savage to train personnel in radio intercept, radio monitoring, and voice broadcast.
3. Operating an Army language school at the University of Michigan in Ann Arbor to provide officers, warrant officers, and enlisted men with instruction in the Japanese language prior to assignment at Camp Savage.

¹¹³ “A Scrap of Paper,” M14.1, NARA, 20.

¹¹⁴ Crost, 25.

¹¹⁵ “Eyes and Ears of Allied Pacific Drive: Nisei Won Spurs – and Medals,” *ProQuest Historical Newspapers Christian Science Monitor (1908-1993)*, 9 Nov 1945, 11, accessed via ProQuest Historical Newspapers on 17 January 2007.

4. Providing intelligence training to educate intelligence specialists in their duties as intelligence team members (i.e., the collection, evaluation, and dissemination of military intelligence).
5. Conducting courses in specialized intelligence.
6. Coordinating activities with sister and allied services.
7. Making certain students, previously approved by the G-2, available for special missions.
8. Maintaining a complete up-to-date intelligence library on activities in all Pacific Theaters.
9. Conducting experiments in order to develop new methods of intelligence procedure and instruction techniques, offering a basis for improvement.
10. Maintaining a pool of trained language officers.¹¹⁶

The greatest challenge the MISLS faced after moving to Camp Savage was locating and recruiting an adequate number of students to carry on the recently expanded program. Evacuation from the West Coast had been completed and thousands of Japanese-Americans were relocated to internment camps across the U.S. Within these relocation camps, loyal *Nisei* and pro-Japanese elements found themselves in violent conflict over support for the war. Pro-Japanese elements apparently dominated the relocation centers and loyal *Nisei* were reluctant to volunteer for Army service. Furthermore, the *Nisei* felt that placing them and their families in camps surrounded by barbed wire and patrolled by armed soldiers violated their rights as U.S. citizens. After the War Department implemented the policy of recruiting Japanese-American volunteers, many believed the school would never meet its projected goals.¹¹⁷

¹¹⁶ Clayton Bissell, Major General, Assistant Chief of Staff, G-2, memorandum to the Commandant, Military Intelligence Service Language School, subject: "Policy Directive, Military Intelligence Service Language School," MID 908, 22 March 1944; Office of the Director of Intelligence Correspondence and Reports; Records of the War Department General and Special Staffs, Records Group 165; NARA, College Park, MD.

¹¹⁷ "The Military Intelligence Service Language School," NARA, 6.

Recruitment of *Nisei* Linguists

The military's need to recruit personnel proficient in the Japanese language for use as translators and interrogators had reached a critical stage. Japanese was arguably one of the most difficult languages in the world and very few Caucasian-Americans were proficient. Moreover, almost no one was qualified to translate the language.

Based on experience gained in the training and utilization of *Nisei* interpreter, translator, and interrogation teams in the school's first year, along with reports and observations from the Pacific Theaters, the Army estimated that unfilled future demands would reach about 650 Caucasian officers and 2,850 enlisted. The enlisted estimates were based primarily on *Nisei* personnel, and included expected casualties and necessary replacements.¹¹⁸ The total suggested a coming shift of U.S. strength toward Japan and away from Europe. It included the need for a source of qualified personnel who could support additional establishments within the U.S. vital to the war effort.

By early 1943, the Army had furnished Japanese linguists to Great Britain, Australia, New Zealand, the U.S. Marine Corps, and others lacking qualified personnel. The War Department conservatively projected that specially selected Caucasian-Americans required at least two years to learn the language well enough to meet military requirements.¹¹⁹ However, the U.S. Navy would prove that qualified linguists could be trained in 12 months.

Nisei living in the U.S. and Hawaii formed the only pool from which future linguists could be drawn without an unacceptable, long-term training delay. When the Japanese attacked Pearl Harbor, approximately 126,000 persons of Japanese ancestry were living in the continental U.S. and 157,000 in Hawaii. In early 1944 the War Department estimated there were about 900 male Japanese-Americans suitable for intelligence training from all untapped sources.¹²⁰ Officials believed Japanese-American soldiers would find genu-

¹¹⁸ Kai E. Rasmussen, Colonel, Commandant, MISLS, memorandum to the Assistant Chief of Staff, G-2, subject: "Future Requirements of Language Specialists (Japanese)," 20 March 1944; Office of the Director of Intelligence Correspondence and Reports; Records of the War Department General and Special Staffs, Records Group 165; NARA, College Park, MD.

¹¹⁹ Clayton Bissell, Major General, Assistant Chief of Staff, G-2, memorandum to the Chief of Staff, subject: "Procurement of Personnel Proficient in Japanese Language for Employment as Translators, Interpreters and Interrogators," MID 350.03 (Japanese), 22 March 1944; Office of the Director of Intelligence Correspondence and Reports; Records of the War Department General and Special Staffs, Records Group 165; NARA, College Park, MD. Cited hereafter as Bissell, "Procurement of Personnel Proficient in Japanese Language for Employment as Translators, Interpreters and Interrogators," MID 350.03 (Japanese), NARA.

¹²⁰ Bissell, "Procurement of Personnel Proficient in Japanese Language for Employment as Translators, Interpreters and Interrogators," MID 350.03 (Japanese), NARA.

ine acceptance as translators, interpreters, and interrogators in combat areas overseas, as well as in offices within the U.S.

Given these statistics, the Assistant Chief of Staff for Intelligence urged the senior staff to exercise great care so that the small fraction of personnel qualified for development as interrogators and translators would be reserved for this purpose. There were no other practical solutions for meeting the U.S. Army's requirement for such specialists. However, the War Department did propose the use of Japanese-American women to replace male translators in the U.S. and theater rear areas.¹²¹ The Army estimated it could obtain 300 qualified Japanese-American women for this purpose and on 10 April 1944 the Secretary of War approved the recommendation.¹²² Shortly thereafter, the Army recruited the first *Nisei* women into the Women's Army Auxiliary Corps (WAAC) and assigned them to the MISLS at Fort Snelling, Minnesota, where the school relocated in August 1944 after outgrowing its space at Camp Savage. Following graduation, several remained at the school as instructors; others were assigned to Camp Ritchie, Maryland, at the Pacific Military Intelligence Research Section (PACMIRS) and, later, to a document translation center in Washington, DC, where they worked with translators from allied countries deciphering Japanese diaries, journals, manuals, and books. After the war ended, 11 *Nisei* WAACs served in Japan at the Allied Translator and Interpreter Service (ATIS), a joint U.S. and Australian intelligence element under the command of General MacArthur.¹²³

Eventually, between the male and female *Nisei*, the Army had enough volunteers to meet its requirements. The loyal *Nisei* who did volunteer confronted both emotional and physical hardships—in many cases, their *Issei* (first-generation) parents disowned them and pro-Japanese elements within the relocation centers physically attacked them because of their decision. Regardless, they reported by the hundreds. Many of the early volunteers were well over the age of 30, fluent in Japanese, and had an intense desire to clear themselves of any suspicions of disloyalty to America.¹²⁴

Military Intelligence Service Language School: Fort Snelling

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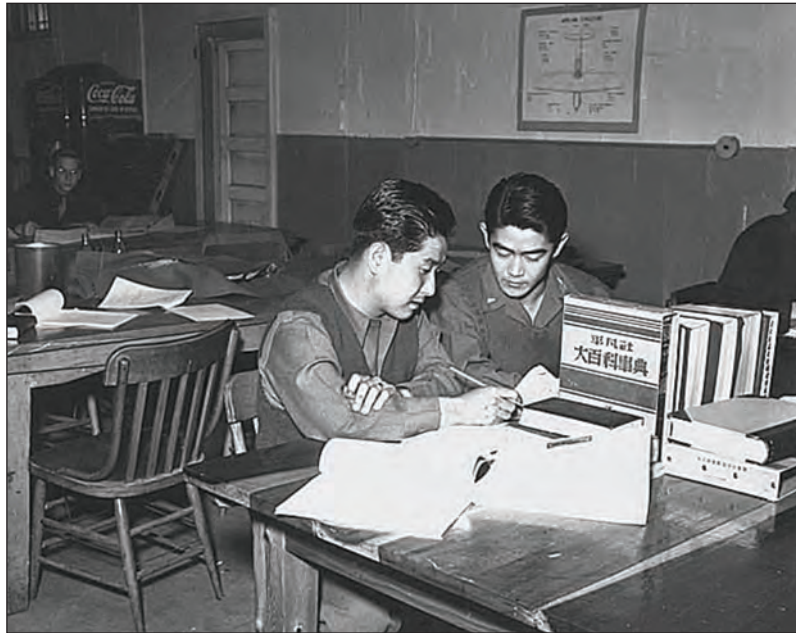
¹²¹ Bissell, "Procurement of Personnel Proficient in Japanese Language for Employment as Translators, Interpreters and Interrogators," MID 350.03 (Japanese), NARA.

¹²² Bissell, "Procurement of Personnel Proficient in Japanese Language for Employment as Translators, Interpreters and Interrogators," MID 350.03 (Japanese), NARA.

¹²³ Brenda L. Moore, *Serving our Country: Japanese American Women in the Military During World War II* (New Brunswick: Rutgers University Press, 2003), 93-123.

¹²⁴ "The Military Intelligence Service Language School," NARA, 6.

few enlisted men of Chinese and Korean descent. The teaching staff included 162 civilian and military members and was composed entirely of *Nisei* born in the U.S. or the Hawaiian Islands.¹²⁵ The campus consisted of 125 classrooms along with the usual administrative support facilities and barracks. In addition to the language training section, the school had translation, research, and liaison sections.



Japanese-American language students at Fort Snelling.

Source: *St. Paul Dispatch & Pioneer Press*, 1945.

The MISLS routine and classroom studies were extremely demanding and constituted total immersion in the Japanese language. When students arrived at the school, they were immediately given language aptitude tests and then divided into 22 different class levels. The curriculum consisted of translation of textbooks from Japanese to English; learning military terminology; interrogating POWs (role-playing); translating intercepted radio communications and captured documents; and learning about Japanese culture, customs, and national characteristics.¹²⁶

Monday through Friday, 8:00 a.m. until 5:00 p.m. and 7:00 p.m. to 9:00 p.m., were devoted to classroom instruction. The staff reserved Saturdays for examinations and the “school of the soldier” – traditional military-related train-

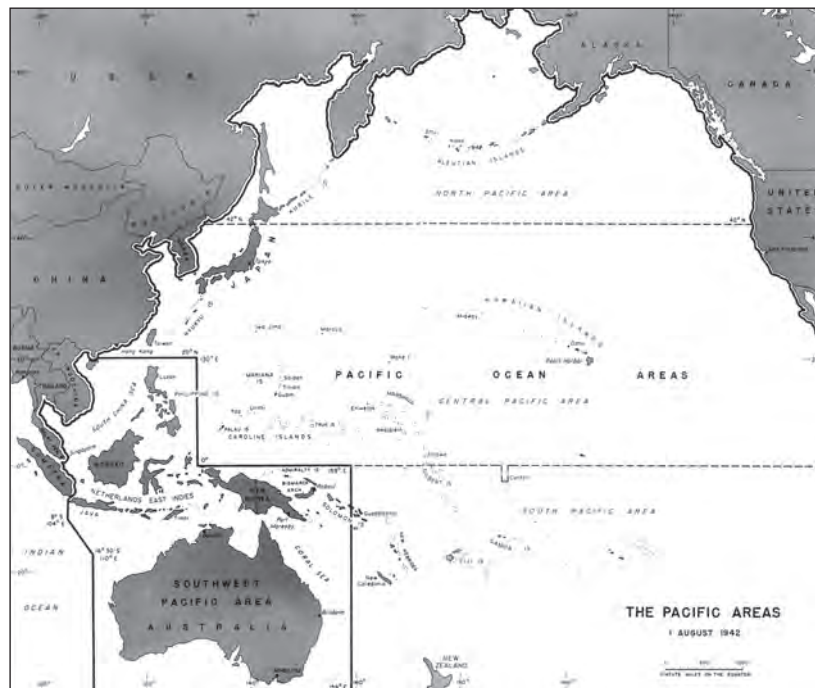
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¹²⁵ “The Military Intelligence Service Language School,” NARA, 7.

¹²⁶ Grant Hirabayashi, graduate of the Military Intelligence Service Language School and Military Intelligence Service interrogator during World War II, interview by the author, 27 January 2007. Cited hereafter as Hirabayashi, interview by the author, 27 January 2007.

ing.¹²⁷ In preparation for examinations, many students stayed up well past their 10:00 p.m. “lights out” curfew to resume their studies in the latrine. “At one time, they had to place a guard [at the latrine], to accommodate those who went there for legitimate reasons,” recalled Sergeant Grant Hirabayashi, a veteran World War II interrogator and a 1942 graduate of the school.¹²⁸ Sunday was a day of rest.

By the end of the war, nearly 6,000 interpreters and interrogators had completed advanced military intelligence and language training at the MISLS. Most of the students were Japanese-American, including a number of female *Nisei* volunteers who served in the WAAC. Upon graduation, these linguists were ordered to various assignments within the Military Intelligence Service, the predecessor of the current U.S. Army Intelligence and Security Command (INSCOM). Their duties consisted of interrogation, translation, radio intercept, radio monitoring, and psychological warfare. Graduates worked quietly with American combat teams at Guadalcanal, Attu, New Georgia, New Britain, the Philippines, Okinawa, Burma, India, China, and Tokyo itself during the occupation. Their efforts saved countless lives and accelerated the U.S. victory in the Pacific.



Southwest Pacific Area during World War II.

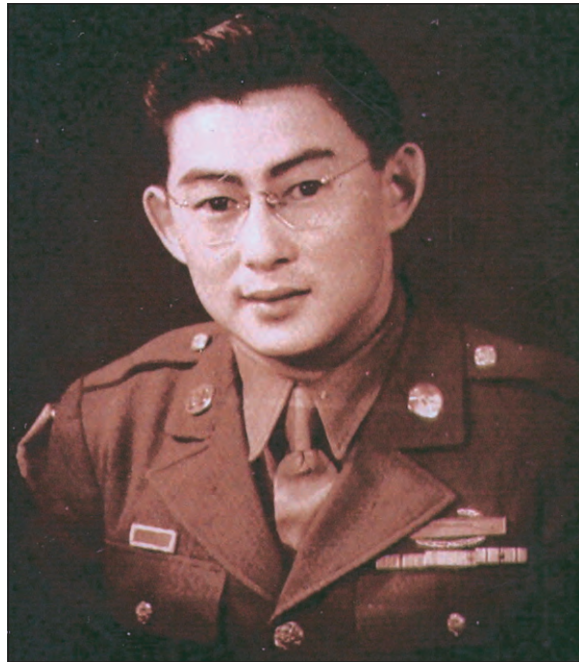
Source: U.S. Army Center of Military History.

¹²⁷ Nakasone, 58.

¹²⁸ Hirabayashi, interview by the author, 27 January 2007.

In July 1946, the school returned to what would be its final home at the Presidio of Monterey, California, the current home of the Defense Language Institute Foreign Language Center. During a graduation ceremony, Major General Clayton Bissell, Chief of the Military Intelligence Division of the War Department General Staff, after reviewing the exploits of MISLS graduates, said, "If you Japanese-Americans are ever questioned as to your loyalty, don't even bother to reply. The magnificent work of the graduates of the Military Intelligence Service Language School in the field has been seen by your fellow Americans of many racial extractions. Their testimony to your gallant deeds under fire will speak so loudly that you need not answer."¹²⁹

**Sergeant Grant Jiro Hirabayashi:
MISLS, Class No. SAV '42-12**



Grant Jiro Hirabayashi, Chungking, China, 1945.

Source: Library of Congress, Experiencing War: Grant Jiro Hirabayashi, URL:<1cweb2.loc.gov/cocoon/vhp-stories/loc.natlib.afc2001001.28498/>, accessed 20 May 2007.

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¹²⁹ "The Military Intelligence Service Language School," NARA, 7.

One distinguished MISLS alumnus, Sergeant Grant Hirabayashi, a top graduate of the class of 1942 at Camp Savage, shared his experiences as an American of Japanese ancestry serving the Army as a Military Intelligence Service interrogator during World War II. Hirabayashi, a native of Kent, Washington, enlisted in the U.S. Army Air Corps three days before the Japanese attack on Pearl Harbor with hopes of becoming an airplane mechanic.¹³⁰ When he reported to Jefferson Barracks in St. Louis, Missouri, the Army placed him in protective custody and confined him along with 22 other Japanese-American soldiers. This was necessary since Caucasian service members harassed the *Nisei*, forcing the Army to segregate them into separate examination rooms. It also provided the FBI an opportunity to conduct background investigations to determine if the *Nisei* posed a threat to national security. At the time, the government had discharged numerous Japanese-American service members and reclassified them as enemy aliens. The Army stripped those who remained, like Hirabayashi, of their weapons and relegated them to menial jobs until the background investigations were complete.

After 40 days, the Army released Hirabayashi and assigned him to his unit, where he worked as a flight clerk and a plans and training technician. In mid-1942, Hirabayashi was released from the Air Corps and reassigned to Fort Leavenworth Station Hospital, Kansas, where he served as a sick and wounded clerk. Unfortunately, he was never able to attend airplane mechanic school. Shortly after beginning his new job, Hirabayashi received a letter from Colonel Kai Rasmussen, Commandant of the MISLS at Camp Savage, Minnesota, asking for his resume with an emphasis on his Japanese language education.

Hirabayashi was a *Kibei* (an American citizen of Japanese ancestry who received his primary education in Japan before returning to the U.S.). When he was a young boy living in Washington State, he had a conversation with two of his closest friends about their experiences visiting Japan during summer vacation. They talked about how the Japanese drove on the wrong side of the street, slept on the floor, took off their shoes when entering their houses, and used an abacus to perform mathematical operations. This discussion aroused his curiosity and inspired him to travel to Japan himself to have the same experience his friends had. After much determination, he finally convinced his father to send him to *chugakko* (Japanese middle school) with the understanding he would study for two years in Japan. When young Grant entered *chugakko*, his father told him his return ticket would be forthcoming after he finished school. In 1940, after eight years of education in Japan, he graduated. At the time, his brother, who was attending Kyoto Imperial University, warned him relations

¹³⁰ Hirabayashi, interview by the author, 27 January 2007. This section was derived entirely, unless otherwise noted, from the aforementioned interview with Mr. Hirabayashi.

between the United States and Japan were deteriorating and that Grant should return home, which he did.

Shortly after receiving the request from Colonel Rasmussen, Hirabayashi mailed off his resume and was subsequently reassigned to the MISLS at Camp Savage. After six months of intense language, culture, and intelligence-related training, he applied for leave to visit his family. Regrettably, his parents and siblings were no longer living at home in Washington State. Soon after the war broke out on 7 December 1941, they had been forcibly evacuated to the Tule Lake internment camp in the northern California desert—the largest and most controversial of the ten War Relocation Authority camps used to carry out the U.S. government’s system of exclusion and detention of persons of Japanese descent.

When Hirabayashi arrived at the camp, he was shocked to see rows and rows of tarpaper barracks behind a perimeter of barbed wire. The feature that troubled him most was that the armed sentries who were guarding the compound were wearing the same uniform he was and facing inward instead of out. Although his visit was brief, he described this event as one of the most unpleasant experiences of his life. He was understandably very confused to find himself, an American soldier who had taken an oath to uphold the Constitution of the United States and fight for liberty and justice, agonizing over the treatment of his family. Remarkably, his parents encouraged him to serve honorably and do his part as a U.S. citizen in defending the nation. It was after this visit that Hirabayashi said he understood the true meaning of freedom and completely realized the challenge ahead.

After returning from leave, Hirabayashi relocated to Fort Snelling along with several other recent MISLS graduates awaiting overseas assignment. Shortly after his arrival, he learned about a call for volunteers for what President Franklin D. Roosevelt described as “a dangerous and hazardous mission.” Over 200 graduates stepped forward to answer the call and the Army selected Hirabayashi, along with 13 other Japanese-Americans, based on their physical stamina and command of the Japanese language, to serve in the Burma Campaign under the command of Brigadier General Frank D. Merrill. The unit was christened “Merrill’s Marauders” and officially designated the 5307th Composite Unit (Provisional)—codenamed *Galahad*.

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Merrill’s Marauders was an elite commando unit responsible for clearing North Burma of Japanese military forces and capturing the town of Myitkyina and its strategic airfield. Control of the town ensured the free flow of war materials by air and surface to Chinese nationalist forces. Over seven months, the Marauders fought their way through 700 miles of Burmese jungle and achieved their mission. They defeated the Japanese 18th Division, the con-

querors of Malaya and Singapore, in five decisive battles and over 30 smaller engagements.

Armed with his firsthand knowledge of the Japanese language and culture, along with the intense training he received at MISLS, Hirabayashi served General Merrill as a Military Intelligence Service interrogator responsible for collecting enemy information crucial to the successful prosecution of the Burma campaign. Surprisingly, he was nearly disqualified from combat duty after discovering he was allergic to K-rations, the primary source of sustenance for an Army soldier, and he fractured his arm during jungle warfare training in India. When the unit declared he was unfit for combat duty, Hirabayashi pleaded with his commander to be allowed to stay on, which was eventually granted.



China-Burma-India Theater during World War II.

Source: U.S. Army Center of Military History.

Throughout the campaign, Hirabayashi interrogated dozens of enemy prisoners. His approach was simple; he always treated POWs with kindness and dignity. First, he made sure prisoners received proper medical care. He frequently offered them cigarettes and asked if they had heard from their families and been able to communicate with them. Many wept because of this unexpected treatment. Hirabayashi explained that prisoners truly believed that U.S. soldiers were going to kill them and noted that the POWs were completely unaware of the rights afforded to them under the rules of international law, codified in the Geneva Convention Relative to the Treatment of Prisoners of War, 27 July 1929 (the Geneva Convention of 1929). The convention set guidelines on how POWs were to be treated by their captors. The U.S. ratified this convention and recognized the rights of all prisoners. The Japanese, however, decided not to ratify the treaty because, “according to the Imperial soldier’s belief, it was contrary to all expectations that he might become a prisoner”—a belief codified in Japanese *Bushido*.¹³¹ The Japanese believed that, while the international treaty was technically reciprocal, in practice only Japan would have to assume obligations under the treaty. Japan would have to provide food and housing for prisoners, while other countries were spared this obligation since there would be no Japanese prisoners. In their eyes, this made the Geneva Convention a unilateral agreement.¹³²

Hirabayashi explained that throughout his time as a student in the Japanese school system he had never once heard about the Geneva Convention and explained, “[Students] were always told to destroy themselves before they were captured, so they didn’t know how to act as a POW.” Prisoners were genuinely ashamed concerning their status as an enemy prisoner and this was at the forefront of their minds. “Knowing how the Japanese POWs felt, I was able to empathize with them by treating them as equals,” he said.

In 2007 Hirabayashi called to mind one interrogation from nearly 65 years ago. Late one evening during the Battle of Myitkyina, U.S. soldiers delivered a Japanese lieutenant on a stretcher for interrogation. The Gurkhas, a highly respected group of elite Indian soldiers, had captured the Japanese officer, and when he attempted to escape they stabbed him with a bayonet three different times in his buttocks, arm, and thigh. Consequently, the prisoner was severely wounded and covered in blood. As it was late and the prisoner required medical attention, Hirabayashi instructed the military policemen (MPs) to take the prisoner to the first aid station and bring him back the next morning for questioning.

¹³¹ Straus, 21.

¹³² Straus, 21.

The next morning, the MPs returned the POW for interrogation. Hirabayashi sat him down and began the interview. When asked if he had received proper medical care, the Japanese officer responded, "You're a traitor." The prisoner's response stunned Hirabayashi, who countered, "If we were to cut our veins, the same blood would flow." Hirabayashi told the prisoner, "I am an American soldier. I'm an American fighting for my country and you are fighting for your country." He continued with the interrogation, but the Japanese lieutenant refused to respond. At one point, Hirabayashi raised his voice and, again, the prisoner responded, "You're a traitor." Seeing the interview was going nowhere, Hirabayashi had a guard remove the POW and place him in the center of the enlisted man's stockade.

Sometime later, Hirabayashi approached the prisoner inside the stockade and the officer tugged at his trousers and pleaded, "Mr. Interpreter, I want to die." Hirabayashi asked him how he wished to die and he responded, "I want to be shot." He told the officer he did not have any bullets to waste on him, but that they had captured a sword from another Japanese officer and he could use it to demonstrate how to commit *hara-kari*. He then left. Hirabayashi returned half an hour later and the prisoner admitted he had experienced a change of heart. He asked Hirabayashi to release him from the stockade and promised that, in return, he would cooperate during the interview. From that point forward, the Japanese officer answered all the questions he was asked.

The next day, Hirabayashi ran into his officer-in-charge (OIC), who told him, "Grant, that's what the old man was looking for." He was referring to the intelligence information Hirabayashi developed the day before during the interrogation of the Japanese lieutenant. Hirabayashi said he never followed up on the comment, but recalled this was the first time he had received any feedback following a prisoner interrogation. "Normally...they interrogate, they write a report, they submit it, and that's it. You seldom received feedback."

On 10 August 1944, following victory in the battle of Myitkyina, the Marauders' mission was complete and the unit disbanded. Brigadier General Merrill concluded, "As for the value of the *Nisei*, I couldn't have gotten along without them."¹³³ Hirabayashi returned to India and was sent to the Southeast Asia Translation and Interrogation Center (SEATIC) in New Delhi. At SEATIC, he was assigned to the British Royal Air Force, where he provided translation and interrogation services. Later, the Army reassigned him to the Sino Translation and Interrogation Center (SINTIC) in Chungking, China, as the senior interrogator in charge of Japanese Air Force POWs.

¹³³ "Campaigns of the Pacific" collection, *National Japanese American Historical Society* website, URL: <www.nikkeiheritage.org/misnorcal/campaigns/campaigns_cbi.htm#merrill>, accessed 7 May 2007.

Hirabayashi recalled that during his tour at SINTIC he interrogated another POW, a scientist who had reported that Japan had been researching and developing an atomic weapon. During the interrogation, the scientist pushed a small Chinese matchbox in front of Hirabayashi and told him the bomb was that small and capable of destroying an entire city. The prisoner explained that the research was being conducted at both Imperial Universities in Tokyo and Kyoto, and at Osaka University. He continued to describe the technical aspects of the bomb, but Hirabayashi soon found the discussion beyond his level of technical comprehension. After reporting the interrogation to his superiors in hopes of obtaining assistance in developing further details, they dismissed the report as ludicrous.

World War II ended while Hirabayashi was stationed in Chungking. Five days before the official surrender took place aboard the USS *Missouri* on 13 September 1945, the Army ordered him to Nanking, China, to serve as personal interpreter to Brigadier General McClure, the U.S. observer to the Japanese surrender ceremony in China. Hirabayashi stated, "It was a short, simple and dignified ceremony. It ended with General Ho Ying-chin's radio announcement to the Chinese people of a successful conclusion of the surrender ceremony and of a dawn of peace on earth."

Upon his discharge from the Army on 8 November 1945, Hirabayashi returned to Minneapolis, Minnesota, and took an instructor position with the MISLS at Fort Snelling and later at Monterey, California. Following his service at the schoolhouse, he transferred to the Supreme Commander for the Allied Powers (SCAP) Legal Section, Tokyo, Japan, in November 1947 and worked with the War Crimes Tribunal located in Yokohama. He functioned as an interpreter, translator, interrogator, court interpreter, and court monitor. Upon completion of the trials, he served with the War Crimes Parole Board. In essence, his career had come full circle: he functioned first as an interrogator of war crimes suspects, was then responsible for apprehending them, and finally performed as an officer with the parole board.

After his lengthy deployment in the Pacific, Hirabayashi decided it was time to return to the U.S. to take advantage of the GI Bill. After earning a Bachelor and Master of Arts in International Relations from the University of Southern California, he served with the Department of State, Cultural Exchange Program, Library of Congress, and retired from the National Security Agency in 1979. Today, Mr. Hirabayashi is an active member of the Japanese-American Veterans Association, which promotes the spirit of patriotism and national pride among the younger generation, particularly those of Japanese ancestry.

Sharper than the Sword: U.S. Navy Interrogators in the Pacific During World War II

Knowledge of Japanese will be not only a weapon in wartime, but also a powerful means of establishing international relations again when peace returns.

—*Florence Walne,*
Director of the Oriental Language Department,
University of Colorado at Boulder

Scarcity of Japanese Linguists

The Navy's language program was much smaller than the Army's and, as noted earlier, employed an entirely different strategy in recruiting and training Japanese linguists. The Navy focused its recruitment efforts on male Caucasians who had previously lived and studied in Japan, were college graduates, and were between the ages of 20 and 30. Additionally, the Navy targeted university students with a distinct aptitude for linguistics and individuals of high intelligence.¹³⁴ Unlike the Army, the Navy refused to consider Japanese-Americans for its program, presumably because of the attitude of the Navy's senior leaders following the attack on Pearl Harbor.

In essence, the Navy streamlined a 3-year language course offered to U.S. military attachés in Tokyo since the early 1920s into 12 months of intense class work in the U.S. The school was of incalculable value to the nation during World War II and the occupation of Japan that followed. Graduates also played a crucial role in gathering vital intelligence regarding Japanese intentions and operations through interrogation of POWs.

54 | By December 1940 the U.S. Navy had realized that, although the U.S. was on the verge of war with Japan, the number of Naval officers competent in Japanese was woefully inadequate. The Navy had been sending its officers to a 3-year language program in Tokyo since 1922, but only 65 officers had completed the course by the end of 1940, and of those only a dozen were regarded as "fully proficient" in written and spoken Japanese. It was discouraging that only 12 out of over 200,000 sailors serving at the time were qualified to speak and write Japanese. Equally disappointing was that the Navy had no system

¹³⁴ Lieutenant Albert E. Hindmarsh, the architect of the Navy's Japanese language program, commonly referred to the school's recruits as "Phi Beta Kappa caliber." Phi Beta Kappa is an academic honor society founded at the College of William and Mary on 5 December 1776. Because of its rich history and selectivity, Phi Beta Kappa is generally considered the most prestigious American college honor society and membership is one of the highest honors that can be conferred on undergraduate liberal arts and science students.

to identify or track civilian employees proficient in Japanese. At the time, six American universities were offering Japanese language courses; however, the Navy believed they were impractical for the military's purposes due to their length and focus on the arts.¹³⁵

A Revolutionary Vision

In early December 1940, Lieutenant Albert E. Hindmarsh, a U.S. Naval Reserve (USNR) officer, brought this situation to the attention of the Office of Naval Intelligence (ONI). Hindmarsh suggested the Navy conduct a nationwide survey of Japanese linguists, with a short-term goal of developing a new Japanese language program for the Department of the Navy. He envisioned a program designed to produce junior USNR officers capable of reading, writing, and speaking Japanese at a level sufficient to meet the Navy's potential wartime needs.

Between March and June 1941, Hindmarsh identified 600 men in the U.S. who "allegedly" possessed knowledge of the Chinese or Japanese language. After initial testing, half of those identified were found to be unqualified. Of the remaining 300, only 65 were recognized as having the necessary background and required level of proficiency to form the foundation of the Navy's Japanese language program. Each civilian selected was a white, male, native-born U.S. citizen, who volunteered, once identified, to serve in the Navy. Most had previously resided and studied in Japan or China, had college degrees, and were between 20 and 30 years old.¹³⁶

In July 1941, Hindmarsh attended a conference at Cornell University of all Japanese language teachers in the U.S. along with representatives from the Army, the FBI, the American Council of Learned Societies, and the Rockefeller Foundation. The conference discussed the various methods and techniques for teaching Japanese at the seven universities represented. At the conclusion of the conference, it was obvious that the universities were confused about how to develop an effective Japanese language program. Teachers complained about the scarcity of teaching materials, the lack of students, and alleged lack of interest on the part of the government. At the time, only 60 Caucasian students were studying Japanese in the U.S. and nearly all were studying the language from a literary, artistic, or philosophical point of view. This approach fell short of meeting the government's need for students with a practical working knowledge of the language. Consequently, Hindmarsh outlined a 12-month course

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¹³⁵ Albert E. Hindmarsh, Commander, USNR, "Navy School of Oriental Languages: History, Organization and Administration," n.d.; Historical Files of Navy Training Activities; Records of the Bureau of Naval Personnel, Records Group 24; NARA, College Park, MD.

¹³⁶ Hindmarsh, 2.

designed to produce competent interrogators and translators. His plan specified the necessary teaching materials as well as a detailed day-by-day curriculum. Although the comprehensive plan impressed the teachers, they were skeptical such a course could be taught outside Japan.¹³⁷

Navy School of Oriental Languages

On 26 August 1941, the U.S. Navy approved a plan to establish two training centers, one at Harvard University, the other at the University of California, Berkeley. Serge Elisseeff, chairman of the Oriental Languages Department and a recognized scholar in oriental languages, led the program at Harvard. At Berkeley, Florence Walne, head of the Department of Oriental Languages, a Radcliffe graduate and longtime resident of Japan, directed the studies. By late September 1941, both universities signed contracts governing relations between them and the Navy.

Initially, the Navy invited 56 students to take the intensive language program, which would qualify them as Japanese interpreters and translators. During the 12-month program, students were classified first as “naval agents” under a civilian contract and, as soon as it became feasible (typically after the first month), they were inducted as yeomen second-class, V-4, USNR, and placed on active duty.¹³⁸ In either status, the Navy paid students approximately \$125 per month throughout the duration of the language program. When the students completed the course successfully, the Navy commissioned them as ensigns I-V(S), USNR.¹³⁹

The Naganuma Japanese Language Course

Because of inadequate teaching materials at the universities, the Navy provided textbooks prepared by Naoe Naganuma, a Japanese professor who had trained language officers in Tokyo since the early 1920s. These readers served as the foundation for the Navy’s intensive set of courses.¹⁴⁰

The Navy had been sending its prospective Japanese Language Officers to Japan, providing them a special “allowance” to locate a teacher and fund their education. By about 1925, several students had clustered around one teacher, Naoe Naganuma; all the Naval officers eventually became his students. Naganuma made teaching Japanese a profession, and in 1929 he published the first three volumes of a carefully planned curriculum. He later published another four volumes, which comprised an entire 3-year course. He called the

¹³⁷ Hindmarsh, 3.

¹³⁸ Navy Department, Bureau of Navigation, “Establishment of Japanese Language Course of Instruction at Harvard University and the University of California at Berkeley,” 26 August 1941; Historical Files of Navy Training Activities; Records of the Bureau of Naval Personnel, Records Group 24; NARA, College Park, MD.

¹³⁹ Hindmarsh, 3-4.

¹⁴⁰ Hindmarsh, 3.

course “Hyojun Nihongo Tokuhon,” or “Standard Japanese Readers.”¹⁴¹ The U.S. Naval Attaché in Tokyo sent 50 complete sets of the course to the U.S. The Navy immediately reproduced the materials and provided them to the universities for the beginning of class on 1 October 1941.¹⁴²

The Naganuma course normally required three years in Tokyo, but the Navy streamlined the program into 12 months of intense class work in the U.S. The nature of the new version was quite different from any academic language program offered at the time. Students worked 14 hours a day, six days a week, 50 weeks per year. After the first few lessons, professors eliminated all classroom discussions in English. The program required students to use Japanese outside the classroom as well. At least one meal a day had to be Japanese and be served by a Japanese waiter. In addition, the universities required students to watch Japanese movies for entertainment. Finally, the student newspaper, school song, and daily radio broadcasts were all presented in Japanese.¹⁴³ The two universities limited their class sizes to four or five students per teacher, largely recruited from the *Nisei* population.

During the last two weeks of the program, the schools introduced the students to special materials designed to familiarize them with Japanese military and naval terms. In addition to the Naganuma language readers, the Navy provided supplementary materials to compensate for the lack of military instruction given during the program. Where one or two dictionaries were sufficient for most Western languages, Japanese presented additional problems. Instead of one or two dictionaries, the Navy provided each student an entire reference library with approximately 20 volumes of material. In addition to normal dictionaries, these texts included special dictionaries containing military and naval terms; scientific, engineering, and other specialized vocabularies; books of Japanese surnames and given names; and reading material on the Japanese Navy, Japanese geography, and *sosho*, the Japanese cursive style of writing.

As one might imagine, the process for recruiting students was very selective. The Navy focused its efforts on the brightest college-educated men with a distinct proclivity for language. Others had backgrounds in Japan as newspapermen, missionaries, diplomatic staff members, and students. Nearly all had bachelor’s degrees, some had master’s degrees, and a few even had earned doctorates.¹⁴⁴

¹⁴¹ Hindmarsh, 5.

¹⁴² Hindmarsh, 3.

¹⁴³ Hindmarsh, 6-8.

¹⁴⁴ “Colorful Commencement Held For Naval Japanese Language Students,” *Boulder Camera*, 16 January 1943, 1. Original newspaper clipping obtained from Historical Files of Navy Training Activities; Records of the Bureau of Naval Personnel, Records Group 24; NARA, College Park, MD.

Harvard University

The course at Harvard proved unsuccessful because Professor Elisseeff did not follow the Navy's proposed plan. From the beginning, he was reluctant to use the Navy's materials, as he had just published a Japanese language text of his own and was eager to advance its use. In February 1942, after conducting an inspection of the entire program, the Navy decided to let the Harvard contract expire. The Navy concluded "there was at Harvard a continuing reluctance to recognize the practical needs of the Naval Service and constant underhanded criticism of the whole idea of intensified training because it did not conform to the usual academic set-up as exemplified in the leisurely and highly theoretical teaching of Professor Elisseeff."¹⁴⁵

University of California at Berkeley

On balance, the Berkeley program proved an enormous success for the Navy. The same inspection team that visited Harvard reported the Berkeley teachers and program administrators had "given so wholeheartedly of their time and effort that the students, although in general not so well prepared initially as those sent to Harvard, were making greater progress toward the objective set for the course by the Navy."¹⁴⁶ Unfortunately, Berkeley's success did not lack difficult challenges of its own. When the Berkeley school opened, the Navy decided to make the existence of the program a military secret. Very few people outside the classroom knew the school was teaching these students until after President Roosevelt issued EO 9066 in February 1942, evacuating all persons of Japanese ancestry from western military combat zones, including the entire state of California.¹⁴⁷ Anticipating problems with the California-based program, the Navy began to look for an alternate location. On 23 June 1942, the school was forced to relocate since, at the time, the faculty included 11 professors of Japanese origin who were essential to the program's success.¹⁴⁸

University of Colorado at Boulder

After an exhaustive search effort, the Navy selected the University of Colorado at Boulder as the new site for the program. The Navy drafted a contract for signature by the university president, which guaranteed the employment of Professor Walne and her entire teaching staff from Berkeley. Gradually, the

¹⁴⁵ Hindmarsh, 13.

¹⁴⁶ Hindmarsh, 13.

¹⁴⁷ Bert Bemis, "U.S. Navy Men Learn Japanese at School in Rockies," *Christian Science Monitor* (1908-Current file), 21 August 1942, 13, accessed via ProQuest Historical Newspapers on 3 May 2007.

¹⁴⁸ Hindmarsh, 14.

school overcame administrative difficulties associated with the transition and the University of Colorado program flourished.¹⁴⁹ Boulder ultimately accepted students from the Navy, the Marine Corps, and the Coast Guard, as well as a select number of British and Canadian Naval students.¹⁵⁰

By the spring of 1943, like the Army, the Navy initiated a program to recruit women in the language school for eventual commissioning in the WAVES (the Navy's organization for women).¹⁵¹ From June to July 1943, the Navy interviewed over 600 applicants, many of whom enrolled and later graduated from the Boulder school. These officers went on to serve in a variety of jobs in intelligence, communications, supply, medicine, and administration.

By late 1943, the Navy had received 6,500 applications and interviewed over 3,000 candidates for the Japanese language school. The majority of students selected were of college age, 25 being the average age for all students enrolled. A third of the students had graduate-level college degrees, nearly half had college degrees, and a third were also members of Phi Beta Kappa. It is interesting to note, however, that just over 20 percent of the students had no college degrees. Of these, most had acquired knowledge of Japanese or had been born in Japan.¹⁵²

One of the most intriguing dynamics observed in the Navy's language program was the diversity of its students. The Navy recruited personnel from a wide variety of backgrounds and a broad range of life experiences. Moreover, the diversity went well beyond the traditional creativity, insight, and experiences of people of different race, religion, ethnicity, or gender. With regard to previous occupations, 38 percent were students; the remainder came from all sectors of business and government. Interestingly enough, 13 percent were former teachers. 12 percent of the students were foreign-born and 17 percent were either born in or had lived in the Far East. Many of the students had unusual backgrounds, illustrating the unique composition of the school's student body. For example, one student was secretary to the U.S. Ambassador to Japan. Another was a former cab driver. One was a missionary in China; another was a radio commentator. One student managed a nightclub, and another was an orchestra leader. Others chosen included a ship fitter, an actor, a miner, an artist who spent 19 years in France, a former liquor store proprietor, a banker, and a news-reel camera operator.¹⁵³

¹⁴⁹ Hindmarsh, 14.

¹⁵⁰ Hindmarsh, 21-22.

¹⁵¹ Beginning in 1942, the U.S. Navy recruited women into its Navy Women's Reserve, called Women Accepted for Volunteer Emergency Service (WAVES) and, by the end of World War II, more than 80,000 WAVES filled shore billets in a large variety of jobs.

¹⁵² Hindmarsh, Appendix 42, 6-7.

¹⁵³ Hindmarsh, Appendix 42, 7.

The history of the Japanese Language School illustrates a significant problem the Navy faced regarding language training – the delicate nature of public relations. With feelings running high against the Japanese following the attack on Pearl Harbor, it took all the tact and persuasive powers of the senior administrative staff at Boulder to sell the necessity of the program to local citizens. In the end, the reception accorded the school by the Boulder community was quite different from that in California. In a special article published in the *Christian Science Monitor*, Bert Bemis wrote, “It is obvious that these Japanese are welcome; their presence occasions no surprise, no challenges as enemy aliens. Boulder citizens have for them only the friendliest greetings, for they know them to be loyal subjects of Uncle Sam, doing a difficult and very important work for him and doing it well.”¹⁵⁴

In April 1945, the Navy established an additional Naval School of Oriental Language at Oklahoma A&M College (now Oklahoma State University) in Stillwater. This school received approximately 700 students between April and August of 1945. Because of his long experience and particular success in dealing with Japanese language students, Dr. Glenn Shaw, director of the Boulder school, assumed responsibility as the general advisor to both schools.

The Navy’s Japanese Language School proved its value to the nation during the Second World War and the subsequent occupation of Japan. During the war, employing interrogators and translators with command of the enemy’s language had obvious advantages. By the time they graduated from the school, students were able to read and write approximately 1,800 Japanese characters and maintain a vocabulary of nearly 7,000 words. Graduates played a critical role in gathering valuable intelligence information about Japanese military operations and intentions.

Lieutenant Otis Cary: NSOL Class of 1942

When Otis Cary interrogated Japanese prisoners during World War II, he softened them with gifts of magazines, cigarettes, and chocolates. He broke through their reserve with humor. And he spoke to them in flawless Japanese – shocking from a blond-haired American.

Otis Cary’s Obituary,
—*Honolulu Advertiser, 24 April 2006*

¹⁵⁴ Bemis, “U.S. Navy Men Learn Japanese at School in Rockies,” 13.

The experience of one Boulder graduate, Lieutenant Otis Cary, illustrates the success of the Navy program and its contributions. His deep understanding of the Japanese culture and command of the language enabled him to educe intelligence information vital to the war effort. Cary was born on 20 October 1921 in the city of Otaru on Hokkaido, Japan. As a son and grandson of New England missionaries, he was raised in Japan, which supplied the foundation for his remarkable cultural and linguistic expertise. Cary attended a Japanese school through the fourth grade before returning to the U.S., where he finished grade school and continued his education at Amherst College in Massachusetts. War between the U.S. and Japan broke out while Cary was attending college and, following graduation, he enlisted in the Navy. After completing Japanese language school at Boulder, he was commissioned as an ensign and sent to Hawaii to serve in Admiral Nimitz's Central Pacific Command. Cary went on to become one of the most highly successful and well-respected interrogators in the Navy during World War II.

Like most Boulder graduates, Cary was assigned to the Joint Intelligence Center Pacific Ocean Area (JICPOA), which was responsible for POW interrogation as well as document translation, radio interception, code work, and other intelligence-related activities. While many alumni performed in-garrison work at JICPOA, several of the Naval officers were routinely embedded with Marine Corps units throughout the Pacific. These officers typically landed in the third assault wave to interrogate enemy prisoners and write summaries of captured documents.¹⁵⁵

In May 1943, Cary accompanied U.S. Naval forces in the first offensive operation of the Pacific Theater, the recapture of Attu in the Aleutian Islands.¹⁵⁶ Planners believed a successful assault on Attu would isolate the Japanese on Kiska, Attu's eastern neighbor, and make its strategically significant capture much easier. Bad weather postponed the initial landing until 11 May and, after three weeks of fierce fighting, the 1,000 surviving Japanese soldiers launched a final *banzai* attack toward U.S. positions, killing hundreds on both sides. On 30 May, Japan announced the loss of Attu; each side sustained heavy casualties. Of the 15,000 U.S. troops involved in the operation, 550 died and nearly 1,500 were wounded. On the Japanese side, of a force of nearly 2,500 soldiers, fewer than 30 survived and were taken prisoner; the rest were killed in action or committed *hara-kari*.¹⁵⁷

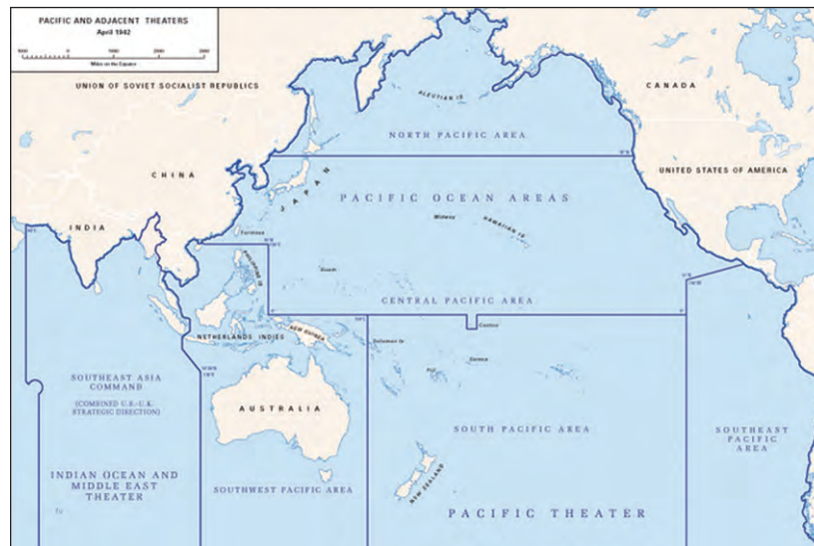
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¹⁵⁵ Straus, 111.

¹⁵⁶ Straus, 112.

¹⁵⁷ Erwin N. Thompson, *Attu Battlefield and U.S. Army and Navy Airfields on Attu: Aleutian Islands*, 1984, URL: <www.cr.nps.gov/nr/TwHP/wwwlps/lessons/7attu/7facts1.htm>, accessed 11 May 2007.

Ironically, the first prisoner Cary interrogated had grown up in Otaru, the city where he was raised as a child, which offered an ideal opportunity to establish instant rapport. As it turned out, the prisoner had returned from nearby Kiska, the focal point of the next U.S. assault, just days before his capture. Consequently, Cary was able to elicit detailed information from the prisoner regarding the status of Japanese military forces on the island.¹⁵⁸ This detailed order of battle was extremely valuable to field commanders preparing to invade Kiska.



Pacific Theater during World War II.

Source: U.S. Army Center of Military History.

Cary's next combat operation took place in June 1944, when American troops invaded Saipan.¹⁵⁹ As mentioned earlier, this was the first time U.S. forces secured a relatively large number of enemy prisoners in the Pacific Theater; between 15 June and 16 July, U.S. forces captured 3,076 native civilians and 79 military POWs.¹⁶⁰ Although efforts by U.S. troops to persuade the Japanese to surrender were mostly futile, Cary did manage to persuade one prisoner to return to a particular cave and convince several civilians hiding there that U.S. soldiers would not kill them if they capitulated.

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Cary's success was due in large part to his ability to communicate with the natives using Japanese slang as opposed to the more formal dialect traditionally taught in Japanese schools. One prisoner wanted to make sure his motivation

¹⁵⁸ Straus, 112.

¹⁵⁹ Straus, 112.

¹⁶⁰ Tracy, "Intelligence Extracts of Special Action Reports - Saipan," 319.1/172, NARA, 3.

to cooperate was clear. He told Cary, “We are doing this for ourselves. It’s not for your side and we are not going to become your pawns. Don’t misunderstand us.” It was evident from Cary’s success in interrogating prisoners throughout the war that he clearly understood the subtext of what this prisoner was saying.¹⁶¹

Cary always dealt with enemy prisoners in a decent, humane manner and treated them not as enemies, but as human beings, who he believed deserved to have a future in a post-war Japan. He pointed out the Japanese were accustomed to resisting the coercive techniques they had witnessed in China; however, they could not resist the humane treatment offered by U.S. interrogators. A review of former Japanese prisoner autobiographies by Ulrich Straus makes no reference to U.S. employment of coercive interrogation techniques and his comprehensive assessment of interrogation records on file at the U.S. National Archives indicated such threats were not made.¹⁶²

In early 1945, the impact of Cary’s kind treatment reached a pinnacle when he influenced a small group of Japanese prisoners held at a POW camp near Pearl Harbor to consider cooperating in America’s war efforts. After convincing his immediate superiors he had the right group of men who could work together, Cary proposed an experiment designed to engage the Japanese prisoners directly in winning the war against their native country, and perhaps provide a foundation for the future “democratization” of Japan. Navy leadership approved the proposed plan and the select group of prisoners was relocated to an isolated site away from other Japanese POWs so they could perform their “mission” in secrecy.¹⁶³

As a first task, the prisoners drafted a constitution articulating the purpose of their newly formed group. They claimed, “We have decided to manifest our unceasing patriotism in a small way by helping the American military campaigns and propaganda wars. When the war ends and Japan resumes its path towards a bright future, we will be in our homeland, and we swear to do our utmost for its reconstruction.” In essence, they were about to embark on a mission their fellow soldiers and nation would classify as treasonous. Regardless, these men trusted Cary and were willing to risk their lives for the future of their country.¹⁶⁴

The first project in which the group participated was improving the effectiveness of an American propaganda newsletter, the *Mariana Jiho* (*Mariana Bulletin*). This particular publication was designed to undermine the morale of Japanese forces at the front. In the past, the U.S. military considered this tool

¹⁶¹ Straus, 113.

¹⁶² Straus, 120.

¹⁶³ Straus, 215.

¹⁶⁴ Straus, 216.

relatively ineffective because of poor translation and limited content. Cary's group added instant credibility and reality by offering a document written by native linguists as opposed to a Japanese translation of a Western-style article. In addition, they made up "advertisements" of well-known Japanese department stores to add further credibility to the façade.¹⁶⁵

While the newsletter was a worthy endeavor, the most significant project the group accepted was the rapid translation of the Potsdam Declaration in July 1945.¹⁶⁶ After Allied leaders defined the terms by which Japan could surrender, the Japanese government prohibited the media from publishing the details in full. When the group completed its Japanese translation, the document was sent to Saipan, printed in leaflet form, and loaded aboard B-29 aircraft for widespread distribution across Japan to inform the public of its lenient terms. Ulrich Straus, author of *Anguish of Surrender*, believed that "the leaflet campaign, by informing the war-weary Japanese public of the Allies' terms, considered lenient and fair compared to what they had feared, contributed to their government's decision, finally, to accept the declaration."¹⁶⁷

On reflection, Cary's "democratization experiment," as labeled by Straus, planted the seeds for a stable and prosperous government and provided a foundation for the future "democratization" of postwar Japan. Six decades after this devastating war, the Japanese constitution, promulgated in 1946 during the occupation by the Allied powers, remains in place. The remarkable efforts of Otis Cary and a few patriotic (although some might argue otherwise) Japanese prisoners serve as a lasting legacy to the people and nation of Japan.

Cary had a distinguished record of treating his prisoners with humanity and respect. His superior Japanese skills and deep understanding of Japanese culture enabled him to get past the psychological barriers that stymied other U.S. military interrogators. Despite strict conditioning, Cary helped many Japanese POWs overcome the shame of surrender and offered them hope for a better Japan. After Cary completed his military service, he returned to Japan, assumed a position as visiting professor at Kyoto's prestigious Doshisha University, and lived in Kyoto until he retired. On 14 April 2006, Cary died of pneumonia at the age of 84. He will be remembered as one of the finest and most compassionate wartime interrogators in U.S. history.

¹⁶⁵ Straus, 216-217.

¹⁶⁶ The Potsdam Declaration was a statement issued on 26 July 1945 by President Harry S. Truman, Winston Churchill, and Chaing Kai-shek, which outlined the terms of Japanese surrender as agreed upon at the Potsdam Conference.

¹⁶⁷ Straus, 217-218.

Historical Perspective: Lessons from World War II

We can learn from history how past generations thought and acted, how they responded to the demands of their time and how they solved their problems. We can learn by analogy, not by example, for our circumstances will always be different than theirs were. The main thing history can teach us is that human actions have consequences and that certain choices, once made, cannot be undone. They foreclose the possibility of making other choices and thus they determine future events.

—*Gerda Lerner, Historian*

Introduction

Following the surprise attack on Pearl Harbor, U.S. military interrogators found themselves face-to-face with an implacable enemy in the brutal, merciless battlefield of the Second World War—the Pacific Theater. The American public reacted to the attack and reports of Japanese atrocities against American prisoners that followed with fear and anger—promptly branding the enemy as subhuman. On the heels of public outrage, U.S. interrogators faced the extraordinary challenge of collecting human intelligence from this seemingly ruthless foe. They encountered an enemy who spoke an impenetrable language and whose culture and psychology were incomprehensible to the Western mind.

The study of this chaotic period in our nation's history provides a unique and practical look at similar challenges faced by U.S. military interrogators operating around the globe today. This study documents how the U.S. Army and Navy overcame these obstacles and illuminates the U.S. military's remarkable accomplishments in conducting wartime interrogations. What can we learn from the U.S. experience during World War II of recruiting and preparing interrogators and conducting interrogations of Japanese POWs that will inform current and future doctrine and practices related to educating information

U.S. Army Recruitment Efforts

Most experienced interrogators agree that successful interrogation of POWs requires command of enemy languages and a genuine appreciation for enemy cultural sensitivities. As such, recruitment efforts must first concentrate on personnel with required language capabilities and a thorough understanding of each enemy's country, folklore and myths, customs, manners, and psychology. During the Second World War, the Army directed its recruitment efforts toward "heritage speakers," a term used by Clifford Porter, Command Historian at the Defense Language Institute Foreign Language Center (DLIFLC) in Monterey, California, the U.S. government's premier institution for foreign language education today. Dr. Porter describes these unique individuals as "U.S. military personnel whose first language is not English or who have acquired foreign language skills outside of the military."¹⁶⁸

Faced with few options, the U.S. Army turned to *Nisei* (second-generation Japanese-Americans) to solve its language problem. Initially, American suspicion of *Nisei* loyalty hindered the Army's recruitment efforts and limited the *Nisei*'s overseas assignments. However, following the *Nisei*'s early success on the battlefield, the Army expanded the program and ultimately trained and employed nearly 6,000 *Nisei* (men and women) by the end of the war.

Strengths of the Army's Recruitment Efforts

The recruitment of *Nisei* presented the Army distinct advantages to alternative options considered in addressing its Japanese language deficiency. The *Nisei*'s greatest benefit was an existing Japanese language capability. Since all *Nisei* recruits spoke some Japanese (although their language skills varied greatly), the required training period for employment was much shorter. This enabled the Army to train new recruits and send them into battle quickly.

66 | The cultural knowledge of the *Nisei* interrogators proved invaluable in dealing with Japanese POWs. In addition to language skills, most *Nisei* had an understanding of Japanese values and psychology not obtainable in a classroom. Many absorbed the Japanese culture in their homes and in after-school Japanese programs, while others experienced it firsthand by spending part of their childhood living and attending school in Japan. The latter, known as *Kibei* (a *Nisei* sent by his parents at a young age to be educated in Japan), were treasured recruits.

¹⁶⁸ Clifford Porter, *Asymmetrical Warfare, Transformation, and Foreign Language Capability* (Fort Leavenworth, KS: U.S. Army Command and General Staff College, Combat Studies Institute, March 2002), 10, URL: <www-cgsc.army.mil/carl/download/csipubs/porter.pdf>, accessed 29 May 2007. Cited hereafter as Porter, *Asymmetrical Warfare, Transformation, and Foreign Language Capability*.

Weaknesses of the Army's Recruitment Efforts

Despite the benefit of recruiting *Nisei* heritage speakers during World War II, there were some drawbacks. First, many Americans considered the *Nisei* a national security risk. Since *Nisei*, like other Americans, were subject to the draft, many were serving in the Army when the Japanese attacked Pearl Harbor. Following the hysteria on the West Coast of the U.S., many *Nisei* soldiers were discharged and reclassified, along with their parents and siblings, as enemy aliens. Those who remained, like Grant Hirabayashi, were stripped of their weapons and relegated to menial jobs until the Army could complete extensive background investigations.

Many Americans also refused to believe the *Nisei* could stand the decisive test of battle against their own race and kindred. Because some *Nisei* family members were trapped in Japan and required to serve in the Japanese armed forces, *Nisei* soldiers might, in essence, be asked to take up arms against their brothers.

Finally, ethnic heritage does not equate to language skill. Many *Nisei* were not sufficiently literate in English or Japanese to translate accurately for the Army's military intelligence program. As indicated by Dr. Porter, "of the 1,400 *Nisei* interviewed in 1941, the Army only found 60 capable of learning Japanese beyond 'kitchen-heritage speaking,' and only two were sufficiently proficient in both Japanese and English to translate accurately, and they were used as instructors." This remains a common problem with Spanish-heritage soldiers today.¹⁶⁹

U.S. Navy Recruitment Efforts

The question of loyalty was the most significant factor contributing to the Navy's decision to recruit solely Caucasian interrogators. While the Navy had been sending language specialists to Japan for language immersion since 1922, fewer than 56 officers trained using this method were available at the outset of World War II.

The Navy's recruitment goals were much lower than the Army's, but even these were difficult to achieve. Although the Navy interviewed thousands of potential applicants, very few met its high academic standards. Of the select number of Caucasian-Americans who could speak and understand Japanese, only a small percentage were also proficient at reading and writing Japanese, a critical skill required at the time.

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¹⁶⁹ Porter, *Asymmetrical Warfare, Transformation, and Foreign Language Capability*, 10.

Strengths of the Navy's Recruitment Efforts

Like the Army's *Nisei*, a large percentage of the Caucasians recruited by the Navy had experienced Japanese culture and had at least limited exposure to the Japanese language. Of the Navy's initial 56 recruits, the majority had lived and studied in Japan. As such, they shared, to a degree, the *Nisei*'s benefit of cultural understanding, which proved very useful when dealing with Japanese POWs. Many interrogators, like Otis Cary, were able to develop close relationships with the Japanese soldiers and earn their respect and cooperation in providing U.S. Naval intelligence with information vital to the war effort.

In addition to possessing language skills and cultural knowledge, most Caucasians, unlike the *Nisei*, were seen to pose little or no security risk and were able to obtain the necessary security clearance with minor difficulty. Most Caucasian recruits, as well as immediate family members, were native-born, which enabled U.S. government officials to conduct background investigations quickly and easily, whereas the *Nisei*'s foreign roots were difficult to verify.

Since most Americans living in the U.S. during World War II were Caucasian, the Navy had a much larger pool of potential applicants than the Army. The Navy could therefore be far more selective in its recruitment efforts and thus targeted potential applicants with college-level educations, prior exposure to Far Eastern culture, and a proclivity for learning a foreign language.

Weaknesses of the Navy's Recruitment Efforts

On balance, because several of the Navy's applicants had limited or no Japanese language proficiency, the time required to bring them up to the necessary skill level was much longer than that needed by the Army. In fact, the Navy's language school took twice as long as the Army's training program, although remarkably the Navy was still able to educate recruits in less than 12 months. This extra time was necessary to develop the students' skills and build a level of confidence necessary to accommodate effective employment in the field.

68 | With exception of the Caucasian recruits who had spent a considerable amount of time in Japan, most had no more than 12 months of Japanese cultural exposure in an academic setting, while the *Nisei* had experienced Japanese culture on a daily basis. No classroom-based education system can substitute for true cultural immersion. However, the Navy went to great lengths to make the students' experience as realistic as possible and was remarkably successful.

The U.S. Army's Japanese Language Program

The Army established its intense, 6-month-long training program to educate soldiers, primarily *Nisei*, in a broad range of topics, ranging from Japanese language and culture to interrogation and translation of Japanese military documents. During the course of the war, the MISLS graduated nearly 6,000 soldiers, enabling the Army to penetrate the enemy's psyche and obtain information vital to the war effort. In essence, the Japanese soldier was no longer able to barricade himself behind the intricate characters and syntax of his complex language.

Strengths of the Army's Language Program

The greatest strength of the Army's Japanese language program rested on the deep heritage and cultural experience of its *Kibei* instructors, who had spent a good portion of their childhood in Japan. While many *Nisei* students learned Japanese from their families and in after-school programs, few had had the opportunity to travel abroad and experience the culture firsthand. This rich, direct exposure was critical to understanding the culture and psychology of the enemy.

Since all students attending the Army's language school spoke at least some Japanese, the Army could focus its instruction on the Japanese military and offer specialized training in topics such as POW interrogation. While interrogation training was largely limited to role-playing and general interrogation principles, it offered graduates an introduction to the type of work expected by field commanders and exposure to techniques that would prove beneficial to the war effort.

Weaknesses of the Army's Language Program

Despite an astute staff and broad range of training topics, the Army's approach had its weaknesses. The compressed 6-month training regimen stretched the students to the absolute limit in order to meet the school's rigorous academic requirements and the service's growing need for qualified linguists on the battlefield. Classes ran from 8:00 a.m. to 9:00 p.m., Monday through Saturday, and many students were forced to stay up well past their 10:00 p.m. curfew to complete required homework and prepare for the next day's lessons. Saturday's "school of the soldier" training and frequent military-type inspections placed additional burdens on the already overtaxed students.

Additionally, the broad range of language proficiency among the student population made it difficult for students to receive focused instruction at the appropriate speed. For some, the pace of instruction was too slow; for many, they had all they could do to keep up with their classmates.

The U.S. Navy's Japanese Language Program

The Navy's Oriental Language School offered, in reality, what amounted to a "fellowship-type" program to educate Caucasians with limited Japanese language capabilities at U.S. universities. Following a rocky start, the Navy developed a revolutionary language school that produced officers thoroughly competent in reading and writing Japanese. Unlike the Army's program, the curriculum focused almost exclusively on mastering the basic Japanese language and postponed any specialized training until students graduated and moved on to their next assignments. The exemplary performance of its graduates testified to the success of the Navy's program.

Strengths of the Navy's Language Program

The Naganuma language course, which served as the foundation for the Navy's intensive set of courses, proved invaluable to the academic curriculum. Although the program typically required three years of instruction in Japan, the Navy streamlined the program to 12 months of intense class work in the U.S. In addition to the effective course of instruction, culture and language immersion offered throughout the program played a significant role in the school's overall success. Finally, the Navy attributed much of the school's accomplishment to the program's concentration on the basic Japanese language (as opposed to military and technical terminology). By offering this academic approach, the faculty was able to provide intense language instruction without distracting students with military inspections or training that interfered with the primary educational goal. Ultimately, the Navy accomplished what many had believed to be an impossible task – training relatively competent Japanese language experts in less than a year's time. Graduates, many of whom started with no Japanese language experience, were able to read and write approximately 1,800 Japanese characters and maintain a vocabulary of nearly 7,000 words.

Weaknesses of the Navy's Language Program

Postponing any specialized or military training until students graduated and moved on to their next assignments did have some drawbacks. The Navy (with the exception of its Marine Corps students) did not anticipate interrogating Japanese prisoners, but instead expected they would employ their graduates at regional intelligence centers translating enemy documents. Although the graduates required these skills, the assumption they would not act as interrogators proved false, as many students, such as Lieutenant Otis Cary, ended up operating in combat zones within Marine units and interrogating Japanese POWs.

In addition, since the Navy's program placed only limited emphasis on military-related education (such as military terminology and general Japanese military instruction), Naval officers deployed to the field were forced to transport trunks full of reference materials to meet the needs of the intelligence service. Much of the tactical intelligence developed through prisoner interrogation included order of battle information such as military unit strength, location, tactics, and equipment condition. Moreover, many graduates were deployed into combat zones without receiving any formal instruction in interrogation.

To remedy this apparent shortcoming, Major Sherwood F. Moran, a senior Marine interrogator who spent 40 years in Japan as a missionary prior to World War II and who supervised numerous Boulder graduates in combat, authored a treatise titled "Suggestions for Japanese Interpreters Based on Work in the Field," and distributed it throughout the Pacific Theater. The essay laid out criteria for an effective interrogator. It concentrated on the attitude of interrogators toward the enemy prisoners and knowledge and use of the enemy's language. Moran opposed stern interviewing tactics and favored talking to prisoners *nin-gen to shite* (human to human). In essence, it provided novice interrogators a series of guiding principles with which to carry out their interviews.¹⁷⁰

Wartime Interrogation of Japanese Prisoners

U.S. military interrogators overcame numerous challenges during the Second World War, not only in developing an effective wartime interrogation system but also in persuading fellow soldiers and field commanders of the intelligence value of enemy prisoners. In early campaigns, Americans captured very few Japanese soldiers, primarily because of the racist attitude of the combat forces, both enlisted and officer.¹⁷¹ Hatred of the enemy was so fierce that many field commanders believed taking prisoners would expose their troops to unnecessary risk. Moreover, military leaders were certain the Japanese would never disclose valuable intelligence information. To overcome this challenge, *Nisei* and Caucasian interrogators personally indoctrinated members of their own units about the enemy's worth to ensure POWs were available for questioning. Eventually, U.S. military leaders came to realize it was not only ethically and legally right (as defined by Geneva Convention) to take prisoners, but that the work of U.S. interrogators was key to American success in the Pacific intel-

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¹⁷⁰ Sherwood F. Moran, Major, U.S. Marine Corps, "Suggestions for Japanese Interpreters Based on Work in the Field," 17 July 1943; Training Records of MITC, Camp Ritchie; Records of the War Department General and Special Staffs; Record Group 165; NARA, College Park, MD, 1.

¹⁷¹ Burden, "Interrogation of Japanese Prisoners in the Southwest Pacific: Intelligence Memo No. 4," NARA, 2.

Wartime experiences in the Pacific Theater revealed that captured Japanese POWs in fact seldom resisted interrogation. My research highlighted several factors that contributed to this phenomenon. The following reasons illustrate why, in my estimate, Japanese prisoners cooperated with American interrogators and provided valuable intelligence information that assisted the war effort.

Reciprocity for Kind and Respectful Treatment

The most successful interrogators during the war treated Japanese prisoners as individual human beings, rather than as animals or fanatical enemy soldiers. These interrogators offered sincere kindness and understanding and ensured timely access to food, clothing, and medical care. Japanese prisoners were truly shocked to learn they were receiving the same food and medical care as their captors and recognition of this common humanity left a lasting impression. Moreover, Japanese society customarily valued reciprocal giving and receiving.

Employment of *Nisei* Interrogators

The U.S. Army's use of *Nisei* as combat interrogators greatly improved the Allied intelligence collection effort. Their linguistic skills were far superior to those of their Caucasian counterparts, and most *Nisei* had a profound appreciation for Japanese culture and psychology. These skills, coupled with their physical resemblance to the enemy, put the Japanese prisoners at ease, which enabled effective interrogation. Major General Charles Willoughby, the top intelligence officer in the Pacific Theater under the command of General MacArthur, summed up the *Nisei* contributions best by stating, "The 6000 *Nisei* shortened the Pacific War by two years."¹⁷²

Reciprocal Curiosity of the Caucasian Linguists

Once Caucasian interrogators established a dialogue with Japanese prisoners, the prisoners were often just as curious to learn about the white Americans who spoke their native tongue as the Caucasian interrogators were to learn about their Japanese captives. The unique ability to carry on informal discussions generally put the POWs at ease. This style of elicitation was not as effective for *Nisei* interrogators. Often times the *Nisei* were regarded with suspicion by the prisoners, as illustrated by Sergeant Hirabayashi's exchange with the Japanese officer who repeatedly called him a "traitor."

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Learning They Were Not Alone

Many Japanese POWs felt isolated when facing U.S. interrogators. Compared to POWs captured in the European Theater, the number of Japanese

¹⁷² Nakasone, 54.

prisoners captured was extremely small. After being cut off from their fellow soldiers, Japanese POWs experienced an overwhelming sense of loneliness and were shocked to learn that other Japanese soldiers had been taken prisoner too. Once they discovered they were not alone, they experienced a sense of relief, which facilitated a sort of “relaxed” state. Being put at ease, coupled with good treatment and medical care, encouraged the POWs to talk freely.

Fear of Dishonoring their Families

The Japanese had a strong sense of national unity; soldiers were very loyal to their country and their Emperor. They lived by the *Bushido* code; they believed death in battle was an honor and that capture and surrender were akin to treason, renunciation of religion, and eternal disgrace to the soul, family, and country. Once captured, Japanese POWs felt abandoned by their country and feared their families would learn of their detention and be disgraced. American interrogators exploited this fear by promising not to send a prisoner’s name back to Japan if he cooperated. This technique, coupled with kind treatment, proved extremely effective as well.

Lack of Security Indoctrination

The Japanese belief that capture and surrender were a disgrace to family and country meant that military leaders considered it unnecessary to give their soldiers security training to ensure that POWs knew how to safeguard classified and sensitive information. Moreover, many Japanese officers were not concerned about the security of their sensitive military communications because they believed Westerners would never learn to read and write Japanese. The lack of security indoctrination, particularly in the earlier campaigns, was very apparent to U.S. interrogators.

Fear of Torture

Many Japanese prisoners told their interrogators they had expected to be killed or tortured if taken prisoner. Evidence obtained through POW interrogation suggested this fear did not result from Japanese propaganda, but from the soldiers’ firsthand experience in China. After training and serving under these conditions for years, as many Japanese soldiers had, it is hardly surprising that these troops expected any opponent to treat them brutally.

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Hope for a Better Tomorrow

Many Japanese POWs felt that the kind and respectful treatment offered by U.S. military interrogators like Otis Cary and Grant Hirabayashi contributed to a realization of their self-worth in the reconstruction of Japan. Ulrich Straus, a former Consul General of Okinawa and U.S. Army language officer

who served in Japan during the occupation, highlighted this recurring theme after he interviewed dozens of former Japanese POWs and studied numerous memoirs reflecting this feeling.

Recommendations for Additional Research

Over four months of research at the National Archives and Records Administration in College Park, Maryland, revealed a treasure trove of information pertaining to World War II interrogation efforts in the Pacific Theater. The volume of materials available surpasses that which could be reasonably addressed by a lone investigator and documented in a single study. This unique source of research material offers numerous opportunities to conduct further examination and develop additional case studies that might inform current and future doctrine and practices related to educing information – an effort currently underway by the Director of National Intelligence-chartered Intelligence Science Board Study on Educting Information, chaired by Robert A. Fein and supported by the National Defense Intelligence College.

One area of research that would offer significant historic value would be an examination of the model of interrogation employed by the British during World War II. In the summer of 1941, the U.S. Office of Naval Intelligence instructed the head of the Special Activities Branch responsible for interrogation to examine and develop an organization for the interrogation of Naval POWs.¹⁷³ In response, the Navy dispatched a reserve officer to the British Admiralty in London to study and receive training in British methods of interrogation. An examination of this study could reveal differences, advantages, and disadvantages between the American and British interrogation programs.

Another promising area of research would be a comprehensive study of Camp Tracy, the U.S. West Coast secret interrogation facility located in Byron Springs, California, used to interrogate Japanese prisoners during World War II. Initial research indicates the facility was less effective than the East Coast facility located at Fort Hunt, Virginia, where information was educed from high-level German POWs during the same period. The interrogation activities at Fort Hunt are well documented by a former graduate of the National Defense Intelligence College, Colonel (then Major) Steven Kleinman, U.S. Air Force Reserve. The Camp Tracy study could reveal additional factors influencing effective interrogation practices.

¹⁷³ The Office of Naval Intelligence unit responsible for developing the Navy's POW interrogation section was called the Special Intelligence Section, Foreign Intelligence Branch, OP-16-F-9, and was established in June 1940.

A final area worth consideration would be to compare and contrast the operational environments present in the Pacific during World War II and the current Global War on Terrorism to determine what parallels might be drawn. Such a study could examine whether prisoners in these settings were similarly influenced by the nature of their delivery into detention (capture or surrender)—an examination that could produce additional lessons learned.



Unveiling Charlie: U.S. Interrogators’ Creative Successes Against Insurgents

Meeting Today’s Interrogation Challenges by Revisiting Our Past

On 6 September 2006 President George Bush delivered a major public address from the East Room of the White House that was designed to explain and defend U.S. interrogation practices in the Global War on Terror (GWOT). Seeking to justify to Americans and a chorus of international critics controversial measures, the President highlighted the sense of urgency which influenced U.S. interrogation practices after the stunning Al Qaeda attacks in New York, Washington, and Pennsylvania. “The attacks of September the 11th horrified our nation. And amid the grief came new fears and urgent questions: Who had attacked us? What did they want? And what else were they planning?”¹⁷⁴

The public’s demands for explanation, justice, and protection presented the U.S. Government with a daunting challenge. Many intelligence collection systems and techniques that had been devised for use against traditional state-based adversaries during the Cold War suddenly had limited utility. A new, shadowy enemy in the form of the Al Qaeda terrorist network presented an elusive target to collectors of signals and imagery intelligence. Instead of observing physical manifestations of enemy intentions and capabilities, U.S. intelligence collectors now had no choice but to speak directly with individuals who belonged to terrorist organizations. Acquisition of human intelligence (HUMINT) via interrogation was recognized as the best means of protecting Americans from further attack. President Bush succinctly explained this new challenge during his address:

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¹⁷⁴ George W. Bush, President of the United States, televised speech from the East Room of the White House, Washington, DC, 6 September 2006, URL: www.npr.org/templates/story/story.php?storyId=5777480, accessed 7 February 2007.

The terrorists who declared war on America represent no nation, they defend no territory, and they wear no uniform. They do not mass armies on borders or flotillas of warships on the high seas. They operate in the shadows of society. They send small teams of operatives to infiltrate free nations. They live quietly among their victims. They conspire in secret, and then they strike without warning. In this new war, the most important source of information on where the terrorists are hiding and what they are planning is the terrorists themselves.... [T]his is intelligence that cannot be found any other place.

While acknowledging the importance of interrogation to U.S. success in the GWOT, many critics have questioned the means by which U.S. interrogators have collected intelligence from alleged terrorist operatives. These questions have largely centered around the moral and political ramifications of coercive interrogation practices, not on whether these practices produce accurate intelligence. While certainly an important ingredient in policy formulation, public debate concerning interrogation techniques has artificially obscured consideration of the many actors and variables in play during an interrogation session.

This study seeks to foster a richer discourse about interrogation. After all, the quantity and quality of intelligence derived from an interrogation session do not depend entirely upon the techniques used. In fact, all interrogation sessions involve at least two human beings with often divergent objectives, loyalties, cultures, and languages. Therefore, at its core, interrogation is a dynamic interaction between an interrogator and a prospective source. The attributes of these two individuals dramatically affect the outcome of an interrogation, regardless of the techniques used.¹⁷⁵

78 | Many factors bear upon the effectiveness of an interrogator, to include motivation, experience, education, training, communications ability, cultural understanding, and personal disposition. Thus, two interrogators employing identical techniques may experience radically different levels of effectiveness with the same source. This being the case, it is natural to ask why some interrogators are more effective than others. Specifically, is it possible to define a general recipe for successful interrogation? This study identifies personal attri-

¹⁷⁵ Steven M. Kleinman, "KUBARK Counterintelligence Interrogation Review: Observations of an Interrogator," in Intelligence Science Board Phase 1 Report, *Educating Information. Interrogation: Science and Art. Foundations for the Future* (Washington DC: National Defense Intelligence College, 2006), 108. Cited hereafter as Kleinman on KUBARK in *Educating Information*.

butes and tradecraft that have advanced the purposes and effectiveness of experienced counterinsurgency interrogators.

Reliving Challenges from the Past

The difficulty of setting out the requirements for a first class interrogator is more apparent than real. In theory, remarkable attainments are essential. In practice an average officer is posted and the best use is made of the limited qualification, enthusiasm and experience. If and when any headway is made he is usually required for service elsewhere or the war comes to an end. Certainly no machinery exists for the retention of his services; he is lost for any future emergency and the lessons must be learnt, in the hard way, by trial and error in time of peril, all over again. In the next war there will be no time for this parlous procedure.¹⁷⁶

—R.W.G Stephens, *British MI5 Interrogator writing after WWII*

From the mid-1960s to 1975, U.S. interrogators in South Vietnam played a critical role in combating an aggressive Vietcong insurgency. They employed a wide array of interrogation strategies in response to challenges similar to those faced by their present-day successors in Iraq and Afghanistan. Unfortunately, generational turnover within the U.S. Intelligence Community (IC) has limited today's application of lessons learned more than three decades ago in Vietnam. Stephens' sobering depiction of Britain's inability to retain interrogation proficiency during the World War II era appears to apply equally well to the U.S. Government of today. For this reason the U.S. interrogation experience in Vietnam was selected for critical examination.

Parallels in Interrogation: Vietnam and Today

Like current conflicts in Iraq and Afghanistan, the Vietnam conflict was characterized by a widespread insurgency. The defining characteristic of insurgents is their ability to transition quickly between the roles of combatant and civilian. In contrast to traditional force-on-force warfare where the enemy wears easily identifiable markings, Vietcong insurgents relied upon their anonymity to neutralize the considerable technical advantages possessed by U.S. and South Vietnamese forces. By waging asymmetric warfare, insurgents prevented U.S. forces from fully capital-

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¹⁷⁶ R.W.G. Stephens, *Camp 020: MI5 and the Nazi Spies*, ed. Oliver Hoare (London: United Kingdom Public Record Office, 2000), 107. Cited hereafter as Camp 020.

izing on their superior technology, discipline, and size. This occurred because U.S. and South Vietnamese forces could not easily identify discrete targets against which to project their superior firepower. As in current conflicts, the value of HUMINT was amplified and interrogators were urgently needed to assist in identifying insurgents as well as their hideouts, plans, targets, tactics, and supply sources.

Interrogation operations in support of counterinsurgency objectives presented unique requirements to curb potential alienation of the contested population. Just as wielders of kinetic weapons must limit collateral damage, interrogators must consciously balance their desire to obtain intelligence quickly with the longer-term objective of winning the hearts and minds of the contested populace. If U.S. interrogations were perceived by the South Vietnamese as unjust or cruel, detainees and their associates were likely to entertain, or increase, support for the Vietcong insurgency. In addition, North Vietnamese and Vietcong claims to moral legitimacy would be bolstered by interrogation strategies that tacitly confirmed communist accusations of cruelty by the U.S.

As in the GWOT, U.S. interrogators in Vietnam were required to tailor their interrogation strategies to the unfamiliar culture, laws, procedures, and language of their host nation ally. As guests of the South Vietnamese government, U.S. interrogators were frequently required to coordinate their operations with South Vietnam counterparts. Often this coordination proved difficult due to divergent interests, jealousies, and dissimilar levels of competency. Collectively, these limitations constituted barriers to effective counterinsurgency interrogation in Vietnam.

Nevertheless, outstanding interrogators managed to surmount these barriers and obtain significant intelligence for the U.S. by creatively exploiting the opportunities and resources available to them. This study seeks to identify the attributes of a successful counterinsurgency interrogator by analyzing the professional development of three U.S. interrogators who published detailed reports on their experiences in Vietnam. The accounts of Orrin DeForest (Central Intelligence Agency), Stuart Herrington (U.S. Army officer), and Sedgwick Tourison (U.S. Army noncommissioned officer) represent the most substantial first-person narratives of U.S. interrogation efforts in Vietnam:

DeForest, Orrin, and David Chanoff. *Slow Burn: The Rise and Bitter Fall of American Intelligence in Vietnam*. New York: Simon and Schuster, 1990.

Herrington, Stuart A. *Silence Was a Weapon: The Vietnam War in the Villages*. Novato, CA: Presidio Press, 1982.

Tourison Jr., Sedgwick D. *Talking with Victor Charlie: An Interrogator's Story*. New York: Ballantine Books, 1991.

In reviewing the interrogators' experiences, this study endeavors to answer the following question: How did U.S. interrogators in Vietnam overcome barriers to effective counterinsurgency interrogation?

- A. What attributes characterized successful counterinsurgency interrogators?
- B. Which interrogation strategies were most effective in producing actionable intelligence on Vietcong insurgents?

The Case Study Approach

In *Case Study Research: Design and Methods*, Robert Yin succinctly defines case studies and indirectly advances the rationale for their use as an appropriate construct to study interrogation:

A case study is an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident.¹⁷⁷

Indeed, the primary challenge when studying interrogation effectiveness is separating the act from its environment. Arguably, it is impossible to do so in light of the pervasive impacts stemming from physical, linguistic, cultural, and intra-/interpersonal factors. For this very reason, case studies are ideally suited to our challenge.

The present research effort features DeForest, Herrington, and Tourison as the subjects of three comparative case studies because of their reported successes as interrogators, proven capacity for introspection, and diverse professional backgrounds. Together, the written works of DeForest, Herrington, and Tourison form the corpus of literature pertaining to interrogation in Vietnam. They offer a nuanced and comprehensive depiction of counterinsurgency interrogation in Vietnam, especially because their operational environs, methods, military ranks, and service periods varied considerably.

Using a Grounded Theory approach, the researcher analyzed the written works of the interrogators to develop hypotheses that suggest which personal attributes and strategies facilitated effective interrogation in Vietnam. The Grounded Theory approach was developed by two psychology researchers, Barney Glaser and Anselm Strauss, to “discover the theory implicit in the data.”¹⁷⁸ To elaborate, Grounded Theory enables a researcher to analyze a set of data for the purpose of explaining the patterns and causal factors present within the data. Resulting hypotheses can then be tested.

¹⁷⁷ Robert K. Yin, *Case Study Research: Design and Methods* (Thousand Oaks, CA: Sage Publications, 2003), 13.

¹⁷⁸ Barney G. Glaser and Anselm L. Strauss, *Discovery of Grounded Theory: Strategies for Qualitative Research* (New York: Aldine de Gruyter, 1967), 4.

The researcher's generation of hypotheses was informed by a comprehensive literature review, which considered barriers to interrogator success and lessons offered by an array of experienced wartime interrogators. The literature review led the researcher in selecting foci for the three case studies presented subsequently. Although the case studies are designed to elucidate specific topical areas (foci), each is presented chronologically so as to depict seamlessly the professional development of the interrogator described. This chronological focus approach also aids comprehension. Of course, the interrogators' experiences were much greater in number than the few highlighted by the case studies. However, the featured interrogations are particularly instructive thanks to their concise distillation of the interrogators' *modus operandi*.

Methodological Considerations

To contextualize the reported findings accurately, the reader must be mindful of several considerations that are endemic to the methodology:

First, each of the featured interrogators obviously had a vested interest in casting a favorable light upon his interrogation performance. Consequently, they all had reason to relate information selectively in their publications and interview. Such selectivity could potentially alter perceptions of the interrogators' effectiveness, or reduce presentation of coercive interrogation techniques that might be abhorrent to their audiences. Indeed, if the featured interrogators had utilized unreported coercive techniques, they might have feared censure or prosecution for reporting such activities.

The goal of the study is to generate hypotheses as to how the professional development of these interrogators contributed to their effectiveness. Yet, in highlighting the approaches utilized by each interrogator, we must acknowledge that their achievements in Vietnam may not be easily replicated in other operational environments. Cultural and historical peculiarities may preclude full transfer of the interrogators' approaches in an Asian culture to predominantly Arab cultures. For example, religious ideology generally played less of a role in motivating Vietnamese sources than it does for those who are members of Muslim extremist organizations.

We shall consider an interrogator to be *effective* when a source wittingly or unwittingly provides information that an impartial observer would view as detrimental to the welfare of the source's originating combatant organization or cause. Naturally, an interrogator can exhibit varying levels of effectiveness on a continuum ranging from limited to total.

Three case studies do not suffice to *confirm* hypotheses developed through Grounded Research. Instead, these case studies served to *generate* hypotheses for future exploration and testing. Realistically, such testing is only valid with larger data sets than are examined here.

Overview

The first section provides a brief history of U.S. involvement in Vietnam. By extension, it also highlights the complex political and operational environment encountered by DeForest, Herrington, and Tourison in Vietnam.

The next section reviews the existing literature associated with wartime interrogation. In so doing, it identifies the many variables weighing upon the outcome of an interrogation. Many of these variables can best be described as *barriers to success*. Diversification of such barriers has presented unprecedented challenges to U.S. interrogators during the early years of the GWOT. Thus, the literature review focuses on successful interrogators from history who offered informed advice to their present-day counterparts. Specifically, it considers the lessons offered by Hanns Scharff, Sherwood Moran, R.W.G. Stephens, and Michael Koubi. Their observations comprise a helpful context for analyzing the experiences of U.S. interrogators in Vietnam.

The subsequent three sections present individual case studies that narrate the professional development and interrogations of Tourison, Herrington, and DeForest, respectively. The case studies are presented in a manner that highlights the perceived enablers of the interrogators' successes. At the conclusion of each section, the researcher highlights the most prominent of the enabling factors.

The first centers on Sedgwick D. Tourison of the U.S. Army. As a non-commissioned officer assigned to the Combined Intelligence Center-Vietnam (CICV) in Saigon from 1965 to 1967, Tourison interrogated enemy prisoners of war in battlefield and detention center environments. He employed a diverse range of interrogation techniques and relied heavily upon document exploitation to support his efforts.

The second study features Stuart A. Herrington, a captain in the U.S. Army. Herrington served as an intelligence advisor for the Phoenix Program in Hau Nghia province, South Vietnam, from 1971 to 1973. Frustrated by lack of support for the Phoenix Program among his South Vietnamese counterparts, Herrington focused instead on recruitment and operational employment of former NVA and Vietcong operatives for intelligence collection.

The third study focuses on Orrin DeForest, who from 1968 to 1975 served as an interrogator for the Central Intelligence Agency (CIA) in Bien Hoa, South Vietnam. DeForest created and managed an elaborate interrogation center that employed unorthodox techniques to obtain intelligence from persons who defected from the NVA or the Vietcong. He developed a comprehensive intelligence databank to support the interrogations and intelligence collection operations conducted by his subordinates.

The final section advances hypotheses as to why Tourison, Herrington, and DeForest succeeded as interrogators. These hypotheses could inform future research on the effectiveness of interrogation techniques as well as selection criteria for effective interrogators.

U.S. Involvement in Vietnam: The Historical Context¹⁷⁹



84 | South Vietnam prior to Communist victory.

Source: Central Intelligence Agency.

To appreciate the complex operational environment encountered by DeForest, Herrington, and Tourison, the reader must understand the modern

¹⁷⁹ NOTE: The researcher’s general depiction of the Vietnam War was informed by Stanley Karnow, *Vietnam: A History*, 2nd rev ed. (New York: Penguin Books, 1997).

history of Vietnam. The following historical summary provides a context to explain U.S. involvement in Southeast Asia.

At the conclusion of World War II, France sought to reassert control of traditional colonial possessions in Southeast Asia that had fallen under Axis control following France's surrender to Germany in 1940. One of these possessions was Vietnam, which had become a French colony in the late 19th century. In 1946, Vietnamese nationalists (Viet Minh) under the leadership of the communist Ho Chi Minh reacted to French aspirations by undertaking an armed insurrection aimed at expelling the French. This insurrection was eventually supported by the Soviet Union (USSR) and the People's Republic of China (PRC), both of which saw an opportunity to advance communism in Vietnam. Beginning in 1950, the U.S. provided financial, material, and advisory support to France via the Military Assistance Advisory Group, Indochina. Nonetheless, this support was insufficient to prevent the Viet Minh from decisively defeating French forces, which surrendered in 1954 and withdrew per the negotiated terms of the Geneva Accords.

The U.S. supported France for reasons of political expediency. American leaders wished to strengthen their relationship with France in preparation for a potential conflict with the Soviet Bloc in Europe. Furthermore, U.S. leaders subscribed to the then-prevalent belief that French withdrawal from Vietnam would create a power vacuum that would leave the fledgling nation vulnerable to communist takeover. After all, the U.S. was then engaged in a fierce ideological struggle with communism, which it perceived as a growing menace threatening to spread from the Soviet Bloc, China, and North Korea to vulnerable "domino" states in Southeast Asia. Nonetheless, this support did not prevent the French defeat.

The Geneva Accords granted Vietnam independence from France and temporarily partitioned the country at the 17th Parallel, pending the outcome of nationwide democratic elections scheduled for 1956. In the north, Viet Minh leaders established a de facto communist state that was soon recognized by the USSR and the PRC. The south, with the support of the U.S., formed a non-communist government whose leaders later declined to participate in the planned democratic election of 1956. They feared Ho Chi Minh would win the election and southerners would be forced to accept communist rule from the North. Thus, the temporary division of Vietnam led to an ideological fault line, with communist nations supporting North Vietnam and democratic nations supporting South Vietnam.

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Fearful that communists in the North would succeed in their efforts to overthrow the anti-communist government of the South, U.S. President John F. Kennedy pledged military and financial support to President Ngo Dinh Diem in 1961. The newly formed U.S. Military Assistance Command Vietnam (MACV) faced North Vietnamese Army (NVA) forces infiltrating from the North as well as irregular Vietcong forces in the South which sought to overthrow the

notoriously corrupt government through guerrilla warfare. Throughout the early 1960s the U.S. consistently increased its commitments to South Vietnam, but after passage of the Gulf of Tonkin Resolution in August 1964 U.S. forces assumed primary combat responsibilities. Indeed, by 1968 the U.S. had over 537,000 troops in country.¹⁸⁰

MACV forces consistently defeated NVA and organized Vietcong units during infrequent battles between large opposing forces. However, Vietcong insurgents proved an elusive and lethal foe. Using snipers, sappers, assassins, and ambushes, the Vietcong attrited MACV and South Vietnamese forces. Yet, MACV's massive infusion of arms, troops, and training during the administration of President Lyndon B. Johnson enabled the South Vietnamese government to regain daytime control of many rural villages and suppress the Vietcong insurgency. U.S. personnel, such as Army interrogator Sedgwick Tourison, rightly believed the capabilities of communist forces in South Vietnam were steadily diminishing.¹⁸¹ Nonetheless, these gains came at a high cost to the U.S.: in 1967 alone, the nation endured over 11,000 combat deaths, and a growing, but vocal, minority of Americans questioned the wisdom of U.S. involvement.¹⁸²

Frustrated by their lack of military progress, communist leaders in North Vietnam undertook a radical shift in strategy that would stun American leaders and reverse MACV's battlefield successes by shattering U.S. public support for the war. During the Tet holiday of 1968, NVA and Vietcong forces launched a daring nationwide offensive that would prove a tactical military disaster but a strategic psychological victory over their U.S. and South Vietnamese enemies. Told by the Johnson Administration and MACV that NVA and Vietcong forces were in terminal decline due to U.S. successes on the battlefield, the American public was stunned on 30 January when NVA/Vietcong forces launched near-simultaneous attacks on 36 out of 44 provincial capitals, 5 out of 6 major cities, 58 smaller towns, and numerous U.S. military bases in Vietnam.¹⁸³ NVA/Vietcong attackers also penetrated the walls of the U.S. Embassy in Saigon while American news cameras documented the surprise assault. However, the greatest effect of the attack was political. Tet opened a chasm of distrust between the American people and their government. So great was public disillusionment after Tet that it would heavily influence President Johnson's decision not to run for re-election and mark the beginning of the U.S. disengagement from Vietnam.

86 | ¹⁸⁰ U.S. Department of Defense, "Deployment of Military Personnel by Country as of 30 September 1968," URL: <http://siadapp.dmdc.osd.mil/personnel/MILITARY/history/hst0968.xls>, accessed on 11 June 2007.

¹⁸¹ Sedgwick D. Tourison, Jr., *Talking with Victor Charlie: An Interrogator's Story* (New York: Ballantine Books, 1991), 247. Cited hereafter as *Talking with Victor Charlie*.

¹⁸² "Statistical information about casualties of the Vietnam Conflict," *National Archives and Records Administration* website, URL: <http://www.archives.gov/research/vietnam-war/casualty-statistics.html#year>, accessed 12 June 2007.

¹⁸³ John Hughes-Wilson, *Military Intelligence Blunders and Cover-Ups* (New York: Carol & Graf Publishers, 1999), 205.

From 1969 to 1973, U.S. combat forces gradually withdrew from South Vietnam and U.S. personnel resumed the advisory roles they held prior to “Americanization” of the conflict under presidents Kennedy and Johnson. During this “Vietnamization” phase of the conflict, President Nixon dispatched advisors such as Stuart Herrington and Orrin DeForest to prepare their South Vietnamese counterparts for the inevitable onslaught from the North. With the signing of the Paris Peace Accords in January 1973, the U.S. ended all direct military action against North Vietnam and left the South Vietnamese to determine their own fate.

Though they had benefited from U.S. military equipment and many years of joint training, South Vietnamese forces proved inept at stemming NVA offensives during the spring of 1975. On 30 April 1975, NVA forces captured South Vietnam’s capital, Saigon, as Americans and desperate South Vietnamese fled the grounds of the U.S. Embassy by helicopter. Among them were Herrington and DeForest. After immense commitments spanning a quarter century, the U.S.’s frustrating ordeal in Vietnam had finally ended.

While costly to America, the war exacted an even heavier toll on the South Vietnamese, whose unlucky fate placed them on the fault line between competing political ideologies. In all, approximately one-half million died.¹⁸⁴

Barriers to Interrogator Success: A Framework for Viewing Interrogation

Depictions of interrogation on television frequently leave viewers with the impression that interrogators are individuals of uncanny intuition who are singularly capable of tricking or frightening prisoners into revealing information of interest. While an interrogator must indeed be perceptive and assertive, this frequently does not suffice to gain a source’s cooperation. In fact, the wise interrogator seeks to bring many sources of leverage to bear in devising a synergistic interrogation strategy that is sufficient to overcome barriers to success. Most of these barriers arise naturally in a wartime interrogation environment. Consequently, they can be characterized as *endemic*. However, additional barriers are specific to the individual relationship between a particular interrogator and a particular source. The interrogator can directly influence these *relationship-specific* barriers.

Endemic barriers result from the inherently adversarial nature of interrogation. By virtue of their affiliation with an adversarial force or movement, prisoners will almost always seek to withhold information of interest to the interrogator. Often this information would harm the prisoner’s cause if disclosed. Even in instances where the prisoner has no ideological motivations, the revelation of information might endanger the prisoner’s close associates, impli-

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¹⁸⁴ David Martin, “Civilian Casualties: ‘What A Horrendous Number That Is,’” *CBS News*, 9 July 2007, URL: <<http://www.cbsnews.com/blogs/2007/07/09/couricandco/entry3033134.shtml>>, accessed 11 July 2007.

cate the prisoner in illegal acts, or expose a greater degree of subject knowledge than the prisoner wishes to acknowledge.

Compounding the inherently adversarial nature of interrogation are naturally occurring linguistic, cultural, and interpersonal barriers, described by Steven Kleinman in “Barriers to Success: Critical Challenges in Developing a New Educating Information Paradigm.”¹⁸⁵ In their totality these systemic barriers can be represented conceptually as a brick wall separating the interrogator and the prisoner. The wall hides the prisoner’s knowledge from the view of the interrogator. Often the prisoner will seek to heighten the wall’s protective value by personally adding a layer of barriers in the form of bluffs, denial, obfuscation, or vitriol. As we shall see, skilled interrogators can often reduce sources’ motivations for hardening their negotiating positions with these additional relationship-specific barriers.¹⁸⁶

Hoping to scale the wall, prudent interrogators will employ the full array of resources at their disposal. Resources such as analytical support, subject matter experts, intelligence databases, technical surveillance, and informants comprise a ladder upon which interrogators may stand and increase their ability to surmount the barriers to success that prevent access to a source’s knowledge.

Once an interrogation session begins, interrogator and source each has opportunities to create leverage through skillful maneuver. As he/she sees fit, the interrogator controls the prisoner’s physical movements, allows or disallows external stimuli (such as correspondence, news, and companionship), and provides incentives for cooperation and disincentives for resistance. While significant, these sources of leverage are arguably inferior to those controlled by the prisoner.¹⁸⁷

If the interrogator ultimately succeeds in securing the prisoner’s cooperation, the prisoner may remove the personal resistance barriers added to the wall *and* actively assist the interrogator by swiftly dismantling the portions of the wall composed of naturally occurring barriers. For instance, a prisoner may ultimately become an informant and pleasantly surprise the interrogator by revealing that he is fluent in the primary language of the interrogator, yet the informant may choose to keep other sections of the wall in place.

The prisoner’s ability to eliminate naturally occurring barriers to wartime interrogation highlights the advantages of a “pull” vs. “push” interrogation strategy. As Kleinman astutely observes, many benefits potentially accrue to the

¹⁸⁵ Steven M. Kleinman, “Barriers to Success: Critical Challenges in Developing a New Educating Information Paradigm,” in *Educating Information—Interrogation: Science and Art. Foundations for the Future. Phase 1 Report of the Intelligence Science Board*, (Washington: National Defense Intelligence College, 2006), 251. Cited hereafter as Kleinman on “Barriers to Success” in *Educating Information*.

¹⁸⁶ Kleinman on KUBARK in *Educating Information*, 135.

¹⁸⁷ Kleinman on “Barriers to Success” in *Educating Information*, 251

interrogator who attracts, rather than compels, a prisoner's cooperation. Most important, the prisoner can lead the interrogator to information he did not suspect to be within the prisoner's sphere of knowledge.¹⁸⁸

In instances where the source appears to cooperate, the interrogator must realize that his/her cooperation is of an indeterminate duration. A source who loses confidence in the interrogator may revert to an overtly or covertly uncooperative state. Furthermore, the interrogator would be wise to realize that even cooperative sources will likely withhold some information as insurance for the future. By carefully meting out disclosures of desirable information the source can increase his/her leverage and prolong favorable treatment by the interrogator.

Endemic Barriers

Language

Interrogators, or at least their interpreters, must typically possess fluency in the language(s) spoken by their sources;¹⁸⁹ otherwise, the interrogator is irreparably handicapped in his/her efforts to understand and persuade the source. Yet, despite being a superpower with a need to conduct military operations throughout the world, the U.S. frequently struggles to recruit and train an adequate supply of linguistically and culturally qualified interrogators.¹⁹⁰ To rectify this shortfall during the Vietnam War and GWOT, the U.S. Government hired foreign national interpreters on a temporary basis and stepped up efforts to recruit native speakers in the U.S.

Clearly, employment of language-qualified interrogators is preferable to reliance upon interpreters. The use of interpreters creates numerous communications, logistical, and security concerns. First, translation unavoidably slows the flow of communication between the interrogator and the source. Second, an interpreter's imperfect knowledge of the interrogator's intentions can potentially distort communication. Moreover, differences in emphasis and body language mean that even an interpreter with perfect understanding of the interrogator's intentions may not be fully able to convey the interrogator's intended message. Together, these limitations can degrade interrogators' confidence that they can successfully orchestrate a given interrogation strategy. Besides decreasing interrogation effectiveness, reliance on foreign national interpreters increases the logistical and managerial footprint of mobile interrogation teams. Furthermore,

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¹⁸⁸ Kleinman on KUBARK in *Educating Information*, 135.

¹⁸⁹ Kleinman on "Barriers to Success" in *Educating Information*, 237.

¹⁹⁰ Kleinman on "Barriers to Success" in *Educating Information*, 236-244.

security and counterintelligence resources must be allocated toward ensuring the trustworthiness of the interpreters.¹⁹¹

Culture

Regardless of the particulars of an interrogation, a professional interrogator will typically seek to offer sources an attractive rationale for cooperation with the interrogator. However, this fundamental goal of interrogation can be quickly derailed if the interrogator does not possess keen insight into the source's culture. For instance, the guilt-based strategies that many U.S. interrogators consider useful in a Western societal context may have little or no impact upon a source who hails from a shame-based society in Asia or the Middle East.¹⁹² Thus, the interrogator must remain mindful of cultural peculiarities when devising and implementing an interrogation strategy. Nevertheless, the acquisition of cultural intelligence requires considerable exposure to the source's culture and increases the time needed for the U.S. Government to field a large component of proficient interrogators in any given theater of war. This limitation afflicted the U.S. in both Vietnam and the GWOT.¹⁹³

Interpersonal and Intrapersonal Dynamics

Even without barriers of language and culture, a multitude of subtle interpersonal and intrapersonal dynamics inevitably complicates any relationship between two individuals. Throughout the interrogation process, the interrogator must constantly assess the status of the interrogation not only from his/her own perspective, but also from that of the source. Without mentally placing himself in the source's circumstances the interrogator cannot devise an appealing rationale for the source's cooperation. Therefore, the interrogator must strive constantly to understand and exploit the unique "drivers" underpinning the source's negotiating position. Of course, this is easier said than done, for it entails the treacherously imprecise task of anticipating another person's objectives and reactions. After all, the source's verbal and non-verbal feedback to the interrogator may be limited, contradictory, or incomprehensible. Nonetheless, the interrogator has little choice but to rely upon such feedback as a real-time diagnostic assessment of his/her strategy. Upon deciding that a given interrogation strategy is failing, the interrogator must adroitly modify his/her approach while ensuring overall consistency with past and planned statements to the source.¹⁹⁴

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¹⁹¹ Kleinman on "Barriers to Success" in *Educating Information*, 238.

¹⁹² Kleinman on "Barriers to Success" in *Educating Information*, 232.

¹⁹³ Kleinman on "Barriers to Success" in *Educating Information*, 244-246.

¹⁹⁴ Kleinman on "Barriers to Success" in *Educating Information*, 250-259.

The Unknown

Prior to beginning discourse with a prospective source, an interrogator should seek to obtain all available information about the source. By securing basic biographical information the interrogator can assess the likelihood that the source knows information that the interrogator is seeking. In addition, the interrogator's possession of biographical data will reduce the source's latitude to deny his/her true identity or falsely claim ignorance. While the acquisition of simple biographical information would seem easy, it is often surprisingly difficult for a number of reasons. Enemy combatants are often captured in large numbers and have limited identification documentation. Even if a detainee's name is known, it may prove difficult to query intelligence databases because of ambiguities in deciphering foreign naming conventions and distinguishing among common names. In most cases, intelligence databases are unlikely to contain useful information simply because the information has not been developed previously.

Sources of Interrogator Leverage

Teams

Once the source's identity is known the interrogator seeks to obtain specific intelligence data from him/her. Some topics, such as military order of battle, are of a sufficiently general nature that even an inexperienced interrogator can comprehend the information. However, high-ranking or technically-oriented sources possess knowledge about topics that may exceed the expertise and comprehension of the average interrogator. In such cases, the interrogator benefits from access to intensive analytical support and counsel from subject matter experts. Though helpful before and after interrogation sessions, these assisting individuals often cannot provide detailed inputs to the interrogator during the actual interrogation.¹⁹⁵

As an interrogator himself, the researcher can confirm that interrogation is mentally draining for both the source and interrogator. Thus, in many situations it is also advantageous to work jointly with another interrogator. As Kleinman notes, the interrogator must constantly view interrogation proceedings from multiple vantage points. Having a partner eases this strain by reducing the number of conversational, contextual, and informational inputs that a lone interrogator must process in a given period of time. Additionally, using two interrogators gives the source an opportunity to select the one with whom he or she would prefer to converse. If it proves beneficial from a resource or effectiveness standpoint, the less favored interrogator can disengage from subsequent interrogations.

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¹⁹⁵ Kleinman on "Barriers to Success" in *Educating Information*, 248-250.

Technical Monitoring and Informants

In many cases, experienced interrogators turn to a range of specialists for assistance that sometimes yields greater quantities of intelligence than interrogations themselves. When suitable facilities are available, technicians can often install listening devices in detainees' quarters to secretly capture ostensibly private conversations. In instances where the interrogator wishes to prompt a detainee to speak about a specific topic, the interrogator may insert a cooperative detainee (known as a "stool pigeon" or "birdie") into the immediate environment of a targeted detainee. The resulting conversation can be picked up by technicians manning listening equipment; alternatively, the informant can be debriefed and quietly rewarded for his/her betrayal of compatriots.

Review of U.S. Government Research

In view of the considerable barriers to successful wartime interrogation, one might reasonably expect the U.S. Government to have regularly conducted interrogation research to assist its practitioners. However, this is not the case. While it may strain the reader's credulity, it is nonetheless true that the CIA's declassified KUBARK manual of 44 years ago represents the U.S. Government's latest social science research in this field so important for national security.¹⁹⁶

CIA KUBARK Manual

In 1963 the Central Intelligence Agency (CIA) produced the *KUBARK Counterintelligence Interrogation Manual* to guide its interrogators during the height of the Cold War.¹⁹⁷ When declassified in 1997, KUBARK attracted criticism due to its discussion of coercive interrogation techniques.¹⁹⁸ Despite containing contentious material, KUBARK is actually a thoughtful and nuanced guide to interrogation.

In "KUBARK Counterintelligence Interrogation Review: Observations of an Interrogator," Steven Kleinman points out that the KUBARK manual offers numerous lessons to interrogators, particularly by stressing their need to develop rapport with their sources systematically. For instance, KUBARK encourages the interrogator to ask himself the following question before beginning an interrogation: "*How can I make him (the source) want to tell me what he knows?*" rather than "*How can I trap him into disclosing what he knows?*" (emphasis in the original).¹⁹⁹ KUBARK also recommends that interrogators treat each source as a unique individual and tailor interrogation plans in a manner that makes it attractive for the source to provide the intelligence desired.²⁰⁰

¹⁹⁶ Fein in *Educing Information*, xiii.

¹⁹⁷ Central Intelligence Agency, *KUBARK Counterintelligence Interrogation* (Washington, DC, July 1963), 1. Cited hereafter as KUBARK

¹⁹⁸ Kleinman on KUBARK in *Educing Information*, 96.

¹⁹⁹ Kleinman on KUBARK in *Educing Information*, 103.

²⁰⁰ Kleinman on KUBARK in *Educing Information*, 96.

While acknowledging that “some interrogators are more able than others; and some of their superiority may be innate,”²⁰¹ KUBARK identifies four characteristics as essential for an effective interrogator:

(1) enough operational training and experience to permit quick recognition of leads; (2) real familiarity with the language to be used; (3) extensive background knowledge about the interrogatee’s native country; and (4) a genuine understanding of the source as a person....Of the four traits listed, a genuine insight into the source’s character and motives is perhaps most important but least common.²⁰²

With respect to the fourth attribute, KUBARK stresses the importance for the interrogator to have a basic understanding of human psychology, whether he employs it in a conscious or unconscious manner during interrogations.²⁰³

Far from depicting the gathering of intelligence as the sole pursuit of the interrogator, KUBARK stresses the need for subject matter experts, analysts, screeners, and monitoring devices to focus and bolster the interrogator’s personal efforts. The manual counsels the interrogator to exploit every available advantage aggressively, rather than offer his source a “fair” match in the interrogation room. This pragmatic, yet holistic, approach is eloquently stated: “[T]he KUBARK questioner should aim not for a personal triumph but for his true goal—the acquisition of all needed information by any authorized means.”²⁰⁴

Having noted the near absence of formal wartime interrogation research, let us turn our attention to other valuable sources of information—interrogation narratives and interrogators’ observations.

A Vietnam Case Study: Nguyen Tai

“The Man in the Snow White Cell” is an interrogation case study by Merle Pribbenow, formerly a Vietnamese translator and operations officer for the CIA. “Cell” is unusual because it draws upon open source materials written by both the interrogators and their source, Nguyen Tai. The highest-ranking North Vietnamese intelligence officer ever interrogated by the U.S. and South Vietnam, Tai represented a potential treasure trove of information because he knew the identities of communist spies in South Vietnam and was well connected to North Vietnamese elites. In an effort to open this treasure, South Vietnamese and Americans alternately interrogated Tai for more than two years. Whereas American interrogators used polygraph tests and psychological tests, and exploited Tai’s desire

²⁰¹ KUBARK, 1.

²⁰² KUBARK, 10-11.

²⁰³ KUBARK, 1.

²⁰⁴ KUBARK, 14.

for companionship, South Vietnamese interrogators tortured Tai with electric shocks, beatings, simulated drowning, and painful stress positions. Nonetheless, Tai generally succeeded in withstanding these combined pressures by focusing on his desire to honor the communist party and his family. In fact, Tai systematically manipulated his interrogators to misdirect their queries, protect his comrades, and even improve his own conditions in detention. The case study highlights the fundamentally adversarial nature of interrogation, as well as interrogators' limitations when confronting a skilled and motivated source.²⁰⁵

Review of Interrogators' Personal Accounts

A handful of professional wartime interrogators recorded their experiences by writing detailed memoirs or granting in-depth interviews. A review of their accounts provides a useful context for case studies of our three Vietnam-era interrogators. Each of the interrogators selected for this portion of the literature review was a highly experienced, full-time practitioner during wartime or sustained conflict. The interrogators are presented chronologically.



**Lieutenant Colonel R.W.G. Stephens,
Commandant of M15's Camp 020.**

*Source: Photograph courtesy of the
Imperial War Museum, London, UK,
Negative #66769, 26 June 2008.*

²⁰⁵ Merle L. Pribbenow, "The Man in the Snow White Cell: Limits to Interrogation," *Studies in Intelligence* 48, no. 1 (2004).

R.W.G. “Tin Eye” Stephens

During World War II the British counterintelligence service, MI5, detained and interrogated 480 suspected Nazi spies at a specially configured facility in London known as Camp 020.²⁰⁶ Lieutenant Colonel Robin William George (R.W.G.) “Tin Eye” Stephens served as the commandant of Camp 020 throughout its existence and after the war authored a Top Secret account of its accomplishments titled *A Digest of Ham*. Originally written for internal MI5 use, *A Digest of Ham* was released to the British public in 1999 and was soon featured in the book *Camp 020 and the Nazi Spies*.

As commandant, Stephens frequently elected to conduct the initial interrogation of suspected Nazi spies. Without exception, Stephens sought to “break” a source’s initial resistance by creating a tense physical and psychological setting akin to a formal military court-martial. To create this setting, the source was marched into the initial session, ordered to remain standing at attention, and barraged with rapid-fire questions and statements from Stephens. For maximum effect, Stephens was surrounded by a large supporting panel of officers who functioned as an intimidating backdrop. During interrogations, additional Camp 020 staff aided Stephens by fulfilling pre-assigned roles as reports officers, stenographers, and translators.

Stephens believed there were two necessary types of interrogators: “breakers” and “investigators.” Following the initial interrogation by a breaker such as Stephens, subordinates employed as investigators would conduct subsequent sessions. The job of the breaker was to quickly obtain an initial admission of guilt and a written confession from the source, whereas the investigator was to exploit the “break” and obtain detailed intelligence for reports. At this point, the interrogator’s relationship with the source would become less adversarial. Stephens perceived the greater responsibility to be his—that of the breaker. Regardless, the overarching objective of both interrogator types was “Truth in the shortest possible time.”²⁰⁷

Stephens opined that an effective breaker “is born and not made.”²⁰⁸ The breaker must be highly motivated by an “implacable hatred for the enemy,” which results in an “aggressive approach,” “disinclination to believe” without corroboration, and “relentless determination.” Stephens also sought interrogators with “common sense” born of life, travel, and war experiences. He viewed such experiences, along with wide-ranging personal interests, as essential for stimulating and sustaining conversations with sources. Stephens concluded that an interrogator’s effectiveness depended largely upon subjective characteristics

²⁰⁶ *Camp 020*, Appendix.

²⁰⁷ *Camp 020*, 109.

²⁰⁸ *Camp 020*, 107.

such as personality, mood, and acting ability.²⁰⁹ Noting that some interrogators would necessarily be incompatible with certain types of sources, Stephens praised interrogators who, without jealousy, could step aside and allow a colleague to assume control of an interrogation, with the odds of success increased as a result. While all Camp 020 interrogators were bilingual, Stephens noted that linguistic ability was helpful but by itself insufficient to qualify as an interrogator.

In many respects, Stephens described himself. Before assuming command of Camp 020 at age 40, Stephens had traveled to at least fifteen countries and claimed varying levels of proficiency in seven foreign languages. In addition, Stephens had experienced armed combat as a military officer stationed in India and served as a journalist, magistrate, and assistant judge advocate. It is unclear what formal interrogation training Stephens received after joining MI5 in 1939.²¹⁰ However, Stephens' writings leave no doubt that he truly hated the Nazi enemy.

Even though Nazi spies were not considered prisoners of war (POWs), and thus not protected under the Geneva Convention, Stephens refused to authorize or use physical force against them: "For one thing it is the act of a coward. For another, it is unintelligent, for the spy will give an answer to please, an answer to escape punishment."²¹¹

Rather than violence, Stephens considered the information stored in intelligence databases as the interrogator's greatest source of leverage. Such intelligence, typically derived from communications intercepts, captured documents, and interrogations of other spies, was used to refute sources' cover stories and denials. Indeed, Stephens stressed that an interrogation session was only the highlight of a much broader intelligence collection system supported by numerous personnel who spent less time in the limelight than the breaker: "Interrogation is only a part of the pattern.... It is the inexperienced interrogator who arrogates to himself credit for a break."²¹² At Camp 020, the British obtained much intelligence from electronic monitoring of source's private conversations and cultivation of informants within the prison population. In fact, many interrogation sessions were not designed to generate immediate admissions, but to serve as precursors for the sources' resultant conversations with peers.²¹³

96 | Stephens recognized the practical and legal distinction between POWs and spies. The former knew of their protections under the Geneva Convention and thus responded less to pressure. In looking at the Vietcong we will see a class of combatants who often bridged the divide between POWs and spies. As such, Stephens' observations regarding both categories of sources are pertinent.

²⁰⁹ *Camp 020*, 107-109.

²¹⁰ *Camp 020*, 8.

²¹¹ *Camp 020*, 118.

²¹² *Camp 020*, 113.

²¹³ *Camp 020*, 120-124.



Hanns Scharff in 1943 after induction into the German military.

Source: Scharff Collection, with permission, 3 June 2008.

Hanns Scharff

Perhaps the most esteemed of all wartime interrogators, Hanns Joachim Scharff served with the Luftwaffe (German Air Force) during World War II. From 1943 to 1945 Scharff was responsible for interrogating U.S. and British airmen captured during combat missions over German-occupied Europe. Scharff collaborated with author Raymond F. Tolliver to recount his interrogation exploits in a book titled *The Interrogator: The Story of Hanns Scharff, Luftwaffe's Master Interrogator*.

Although the Luftwaffe and Allied POWs came to regard Scharff as a singularly capable interrogator, Scharff's emergence as one was largely accidental. When World War II broke out in 1939, Scharff was happily employed in South Africa as the Director of the Overseas Division of Adlerwerke, a large German manufacturing firm. While vacationing in Germany during the summer of 1939, Scharff was unable to return home after the outbreak of war. He was eventually drafted into the German Army in 1943, then transferred to a translators' school because of his language skills, and ultimately assigned to the Luftwaffe Intelligence and Evaluation Center, Auswertestelle West, near Frankfurt, Germany. There, Scharff would capitalize upon the ten enjoyable years he had previously spent with Britons in England and South Africa. Indeed, Scharff's

understanding of the English language and British culture also stemmed from a more personal source: Scharff was married to the daughter of a British squadron leader who as a fighter pilot had fought against Germany in World War I.

“Poker Face” Scharff was revered for his ability to convince enemy flyers that he possessed encyclopedic information about them and their units. Therefore, he would request prisoners simply “confirm” information he ostensibly possessed in order to verify that they were legitimate POWs, not spies. Indeed, Scharff did know a good deal about the flyers and their units because he was aided by an extensive intelligence apparatus that methodically exploited flyers’ captured documents, intercepted radio transmissions, analyzed crash sites, combed Allied news publications, employed prison “stool pigeons,” and coordinated with German intelligence agents.

With flyers’ identities and truthfulness now “proven” through their disclosure of additional intelligence, Scharff would tell prisoners their interrogations were concluded. Scharff would then disarm and entertain his prisoners by sharing jokes, meals, cigarettes, and outdoor recreation with them. On one occasion, Scharff even arranged for an enemy flyer to pilot a German ME-109 fighter (albeit with little fuel and no armament). With their defenses lowered, flyers would reveal information about themselves and their units that Scharff would use as leverage during later interrogations of future prisoners. So convincing was Scharff’s ruse of “knowing all” that many prisoners mistakenly believed their units in England were thoroughly infiltrated by German spies.

Although Scharff benefited professionally from his collegial relations with prisoners, he appeared to enjoy their company and respect them as equals. So cordial was Scharff that, like one of our featured interrogators, Sedgwick Tourison, he became a counterintelligence concern to his government. Perhaps the greatest validation of Scharff’s collegial approach is that many of his former enemies welcomed him as a compatriot. After the war Scharff emigrated to the U.S., where he pursued a third career and became a renowned mosaic artist.

98 | In commenting on the attributes critical to an interrogator, Scharff listed the following natural qualities: ambition, uprightness, conscientiousness, and a naturally ingratiating demeanor. Scharff’s writings imply an imperative that the interrogator be someone whom a source would view as an intellectual and social equal. Otherwise, the interrogator would have little ability to establish rapport with the source. Thus, Scharff recommended that interrogators pursue a comprehensive general education and gain specialized life experiences of direct benefit to their interrogation responsibilities. Scharff also placed great emphasis on writing abilities, noting that an interrogator’s worth could be measured by the number of quality intelligence reports he produced.²¹⁴

²¹⁴ Raymond F. Toliver with Hanns J. Scharff, *The Interrogator: The Story of Hanns Scharff, Luftwaffe’s Master Interrogator* (1978), 82.



Sherwood Moran (right) interrogating a Japanese aviator captured during the Battle of Guadalcanal, 17 December 1942.

Source: AP photograph, U.S. Marine Corps, used with permission, 9 July 2008.

Sherwood F. Moran

For a quarter century prior to World War II, American Sherwood Moran served as a Christian missionary in Japan. During this lengthy period he developed a sincere love for the Japanese people and their culture. However, he was deeply concerned by Japan's burgeoning militarism and requested a commission in the U.S. Marine Corps following Japan's attack on Pearl Harbor. Moran's intimate knowledge of the enemy made him a rare and tremendous asset to the Marines. Moran excelled as an interrogator during the Guadalcanal campaign and sought to share his approach with colleagues by writing an impassioned letter titled "Suggestions for Japanese Interpreters Based on Work in the Field." The letter, dated 17 July 1943, encouraged interrogators to treat Japanese prisoners with humanity and sincerity since they were no longer active combatants. Moran characterized the ideal interrogator as follows:

He should be a man of culture, insight, resourcefulness, and with real conversational ability. He must have “gags”; he must have a “line.” He must be alive; he must be warm; he must be vivid. But above all he must have integrity, sympathy; yet he must be firm, wise (“Wise as serpents but harmless as doves”). He must have dignity and a proper sense of values, but withal friendly, open and frank. Two characteristics I have not specifically mentioned: patience and tact. ²¹⁵

Moran stressed that it was extraordinarily helpful for the interrogator to have lived in Japan, beyond simply knowing the country’s language. Both attributes were essential to Moran’s strategy of developing relational rapport after getting “into the mind and into the heart of the person being interviewed.”²¹⁶ Moran encouraged interrogators to make the prisoners’ troubles the center of conversation during warm, informal conversations that would be held over cigarettes or tea. In such an environment the interrogator was understandably encouraged to dispense with drab questions in favor of flattering and entertaining ones that would nonetheless elicit desired intelligence. Clearly such animated conversations required a great deal of energy from the interrogator, who was cautioned to limit the duration of each encounter lest he become stale. In the unusual event of a stand-offish prisoner, Moran advised the interrogator to “shame” the prisoner for his/her lack of courtesy, knowing from his experience in Japan that a prisoner would typically strive not to be shamed.



Michael Koubi.

Source: Israel Sun, Ltd., with permission, 11 July 2008.

²¹⁵ Major Sherwood F. Moran, U.S. Marine Corps Reserve, *Suggestions for Japanese Interpreters based on Work in the Field*, 17 July 1943, 2. Cited hereafter as Moran letter.

²¹⁶ Moran letter, 3.

Michael Koubi

For 21 years Michael Koubi served in Israel's General Security Services (Shabak). As the agency's chief interrogator from 1987 to 1993, he interrogated hundreds of Palestinian extremists. Koubi attributes his interrogation successes to four factors: meticulous preparation through review of background materials, mastery of the language spoken by Palestinian prisoners (Arabic), investigative follow-up to interrogations, and theatrics. Koubi explained his interrogation strategy during separate interviews with Michael Bond and Mark Bowden. *New Scientist* published Bond's interview under the title of "The Enforcer."²¹⁷ Bowden's interview formed a part of his larger feature, "The Dark Art of Interrogation," in the journal *Atlantic*.²¹⁸

Prior to beginning an interrogation session, Koubi sought to know everything possible about the prisoner's background, neighborhood, associates, and interests. For example, when Koubi interviewed the former leader of Hamas, Sheikh Yassin, he prepared by memorizing much of the Koran. The purpose of such arduous preparation was to create a sense that the interrogator was all-knowing, wise, and in control. Koubi explained, "It's about making them (prisoners) think they cannot hide anything from you. . . . If you feel your detainee is wiser than you and you cannot stand head to head then you must change interrogators."²¹⁹

In his youth, Koubi discovered a love for language and learned to speak Yiddish, Hebrew, and Arabic. He was so fluent in Arabic that during interrogations he would frequently utilize different regional dialects of Arabic to convince prisoners that he was familiar with the areas from which they hailed. Koubi complemented his language capabilities with an equally impressive penchant for acting and social engineering. For instance, he would cleverly arrange for prisoners to overhear their fellow prisoners making confessions that would seemingly implicate the prisoner under interrogation. In other cases Koubi would engineer ruses to convince prisoners that he would be willing to torture them if they did not cooperate. In fact, Koubi claims he never tortured, although he acknowledges using stress positions, slapping, and shaking to stun or soften prisoners.

Koubi claims that he was able to obtain intelligence from virtually all of the individuals he interrogated. In instances where he could not obtain a confession he would often inform prisoners their interrogations were finished. The prisoner would be returned to the general prison population, where Koubi had planted informants, or "birdies," who would engage the prisoner in conversations that led to disclosure of the information the prisoner had carefully safeguarded from Koubi.

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²¹⁷ Michael Koubi, "The Enforcer," interview by Michael Bond in *New Scientist*, online ed. (22 November 2004), URL: <http://www.freerepublic.com/focus/f-chat/1285748/posts>, accessed 24 May 2007. Cited hereafter as Koubi interview by Bond.

²¹⁸ Mark Bowden, "The Dark Art of Interrogation," *Atlantic Monthly*, (October 2003). URL: www.theatlantic.com, accessed 11 April 2003.

²¹⁹ Koubi interview by Bond.

Common Threads

The literature review suggests wartime interrogators benefit greatly from using supporting assets such as informants, technical monitoring, databases, and background investigation. Also, all of the interrogators acknowledged that for the best results each prisoner must be treated as a unique case.

Scharff, Moran, and Koubi were aided by intimate familiarity with the cultures and languages of their prisoners; Stephens' prisoners generally spoke English by virtue of their assignments as alleged spies in Britain. Nonetheless, Stephens was highly traveled and multilingual. Scharff and Moran clearly felt some affection for their adversaries after having lived in their homelands for many years. Despite lacking intelligence backgrounds, both quickly learned the interrogator's trade.

Unlike his counterparts, Koubi found an advantage in the occasional use of physical violence. Stephens stressed the importance of tense confrontation to generate crippling psychological pressure on enemy spies. By contrast, Moran and Scharff generally focused on the advantages of building warm and collaborative relationships with enemy prisoners. Each of the interrogators found enough merit in his respective approach to advocate it through publication of memoirs, training aids, and interviews.

While the literature review focused upon all types of wartime interrogation, the nature of the Vietnam conflict narrows our focus to interrogation of enemy insurgents who generally waged asymmetrical warfare. Nonetheless, the personal attributes and interrogation techniques identified can be generalized within several broad categories that will inform the case studies of DeForest, Herrington, and Tourison. These general categories, listed below, will comprise the organizing foci for the upcoming case studies.

- *Motivations for Interrogator Success:* What factors motivated the interrogators to excel? Possible findings include professional ambition, mental challenge, ideology, patriotism, competitiveness, and strong feelings toward the enemy.
- *Personal Disposition and Interpersonal Communication Abilities:* What innate talents and life experiences facilitated the interrogators' development of interpersonal communication skills? Possible findings include sheer intellect, acting ability, empathy, academic study, formal training, and participation in complex interpersonal relationships.
- *Cultural and Linguistic Expertise:* Did the interrogators possess unusual insights into the culture and language of their adversaries? If so, possible contributing factors include foreign language training, foreign work experience, and relationships with foreigners.
- *Development of Tradecraft (Training and Experience):* How did the subjects learn to conduct interrogations? Possible influences include

formal interrogation training, self-directed study, law enforcement experience, mentorship by peers, benchmarking of foreign counterparts, and real-world experimentation.

- *Application of Tradecraft*: In what manner did the subjects conduct interrogations? This discussion will highlight the subjects' interrogation abilities and identify the strategies contributing to their successes or failures. Possible findings include use of leverage from external resources such as technical monitoring or informants, unusual rapport with sources, implied or explicit threats of harsh treatment, subversion of sources' ideological assumptions, and use of incentives to manipulate sources' evaluation of alternatives.
- *Diffusion of Knowledge to Peers and Subordinates*: Did the interrogators succeed in teaching peers to replicate their successes? Possible examples of diffusion include mentorship, organizational leadership, formal training venues, publication of memoirs, public commentary on U.S. interrogation practices, and academic teaching.

Sedgwick Tourison: A Case Study



Sedgwick Tourison (left) in Hanoi speaking with Lt. Gen. Nguyen Dinh Uoc, Director of the Institute of Military History, October 2005.

Source: Tourison's personal collection. Used with written permission granted to the author by Mr. Tourison.

[A] persistent shortage of trained, Vietnamese-speaking interrogators had seriously curtailed American efforts to exploit human sources....

Sergeant Sedgwick Tourison deserves special mention. His professionalism and dedication to duty were consistently outstanding. He proved to be invaluable in key interrogations on numerous occasions.²²⁰

— Major General Joseph A. McChristian

A Travelin' Man

In late 1958, young Sedgwick Tourison left Philadelphia, Pennsylvania, to begin his military career as a “ditty bop” trainee (Morse intercept operator) at Fort Devens, Massachusetts. Assigned to the Army Security Agency, Tourison saw much of the world during the next three years. Postings to Italy, Germany, and Turkey enabled him to travel broadly, even leading to an unsuccessful engagement to a lovely resident of Pordenone, Italy.²²¹

In 1961 Tourison reenlisted for a second term of three years. Required to select a crypto-center specialist assignment in Asia, Tourison relied upon the advice of his grandfather in choosing Saigon: “That’s in Indochina, you know... Good looking women, lots of French, you’ll love it!”²²² Shortly after arriving, Tourison celebrated his 21st birthday as one of only several hundred American service personnel then in Vietnam. In hindsight, given the massive U.S. buildup that occurred between late 1965 and 1968, Tourison mused that his Post Exchange (PX) card number indicated that only about 900 Americans had preceded him to Vietnam.²²³

Getting to Know the Vietnamese

104 | In April 1963 Tourison married Ping, a nineteen-year-old Vietnamese native of Chinese ancestry. However, this marriage to a foreign national prohibited Tourison from continuing to work in the sensitive cryptologic world. Therefore, he and Ping left Vietnam for Monterey, California, where Tourison attended one year of Vietnamese language training at the Defense Language Institute (DLI). Learning Vietnamese tapped into Tourison’s love for foreign languages, enabling him for the first time to excel in an academic setting. Previ-

²²⁰ Department of the Army, *Vietnam Studies: The Role of Military Intelligence, 1965-1967*, by Major General Joseph A. McChristian (Washington, DC, 1994), 26-27.

²²¹ *Talking with Victor Charlie*, 3-4.

²²² *Talking with Victor Charlie*, 4.

²²³ *Talking with Victor Charlie*, 4-6.

ously, Tourison had studied French and Spanish at Girard College in Philadelphia, and had mastered Italian thanks to his earlier engagement and his travels in Italy.

Tourison returned to Saigon in July 1965 and initially filled a radio operator position before securing a transfer to a translator position on the intelligence staff (J-2) of MACV. Unlike his service comrades, Tourison was accompanied to the combat zone by his wife and their newborn son, Kenneth. While superiors criticized Tourison's decision, he and his grandfather would have it no other way. After all, Ping was still a Vietnamese citizen and could not be prevented from accompanying her husband at personal expense.²²⁴

Congratulations, Interrogator

After three weeks at MACV J-2, Tourison was detailed as a translator/interrogator to the Vietnamese J-2's Military Interrogation Center (MIC). He prepared for his new interrogator responsibilities by reading interrogation reports, as well as Army field manuals on intelligence interrogation (FM 30-15) and general military intelligence (FM 30-5). Tourison quickly found the interrogation manual was poorly suited to the counterinsurgency environment, since it had been written in preparation for conflicts that resembled World War II. To develop a detailed understanding of the complex political situation involving North Vietnam and the Vietcong, Tourison consulted frequently with an experienced colleague, James Potratz.²²⁵ Despite these consultations, Tourison found he was often hamstrung by his inability to understand the political and battlefield lexicon of the communists.²²⁶

"Linguistically speaking, the United States was not prepared for Vietnam in 1965," notes Tourison.²²⁷ While the U.S. clearly did not have nearly enough Vietnamese linguists, the Defense Department also failed to prepare the few it had to hit the ground running in Vietnam. None of Tourison's instructors at DLI was well-versed in the political and battlefield terminology of the Vietcong. Consequently, Tourison and other colleagues found they needed 6-9 months of in-country on-the-job training to bolster their language abilities and become fully effective interrogators. Considering that standard military tours in Vietnam lasted only 12 months, Tourison found this training lag reduced operational effectiveness. The Army circumvented this delay in 1966 when it eliminated the requirement for deploying interrogators to receive Vietnamese language training.²²⁸

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²²⁴ *Talking with Victor Charlie*, 12-13.

²²⁵ **NOTE:** During his interview with the researcher, Tourison clarified that James Potratz was referred to as "George" in *Talking with Victor Charlie* for identity protection. Potratz is a retired CIA operations officer.

²²⁶ *Talking with Victor Charlie*, 26-30.

²²⁷ *Talking with Victor Charlie*, 30-32.

²²⁸ *Talking with Victor Charlie*, 31.

The First Test

In September 1965 Operation BIG RED, carried out by the U.S. Army's 173rd Airborne Brigade, presented Tourison with his first opportunity to conduct unsupervised interrogations. BIG RED was designed to disrupt Vietcong operations in the Long Nguyen Secret Zone, approximately 45 miles northwest of Saigon. Following the French withdrawal in 1955 the Secret Zone became a command and supply center for the Vietcong, whose firm control of the area was never seriously challenged by Army of the Republic of Vietnam (ARVN) forces. Because the 173rd Brigade lacked any interrogators with Vietnamese language fluency, the MIC contributed a deployable "Go Team" to support the Brigade's assault on the Secret Zone.²²⁹

During the 173rd's initial sweep through a village within the Secret Zone, its troops captured two young girls clad in black pajamas who were blindfolded, restrained, and then transported to the 173rd's forward headquarters. There, Tourison interrogated one of the two girls while an ARVN lieutenant interrogated the other. Tourison began by gathering basic biographical information from his prisoner, who appeared nervous. The prisoner's capture tag indicated her claim to be a 15-year-old cook. Noting the prisoner's unease, Tourison removed her blindfold while leaving her arms tied behind her back.²³⁰

Tourison questioned the prisoner's claimed age, telling her that her developed chest was not that of a fifteen-year-old. The prisoner laughed and promptly admitted she was actually eighteen. The prisoner proceeded to tell Tourison that her presence in the Vietcong village was a result of falling in love with a young Vietcong agent who had withheld his full identity from her. Following her Vietcong boyfriend had resulted in her becoming employed as a cook at his Vietcong camp. Tourison gave the prisoner a piece of paper and pencil and directed her to draw a diagram of the camp where she was captured.

Wishing to coordinate his preliminary findings with the ARVN lieutenant who was interrogating the other girl, Tourison left his prisoner in the care of a military policeman (MP). Tourison found the lieutenant in the midst of screaming, "You're lying, you stupid motherfucker!" at the other girl. Clearly, the interrogation was not going well. The ARVN lieutenant broke off his interrogation and joined Tourison, along with another American and an ARVN interrogator, to discuss strategy over a quick meal.²³¹

²²⁹ *Talking with Victor Charlie*, 39-40.

²³⁰ *Talking with Victor Charlie*, 64.

²³¹ *Talking with Victor Charlie*, 64.

During the meal the ARVN personnel took the liberty of sharing general interrogation tips with their U.S. colleagues. Being new to the field, Tourison listened attentively as his counterparts made the following points:²³²

1. The girls were unlikely to know anything of perishable value.
2. Even truthful Vietcong sources never knowingly provided information that might bring harm to their immediate family or close friends. Therefore, an unspoken accommodation was advisable. Truthful Vietcong sources should not be asked questions pertaining to their inner circle if they disclosed significant information about distant acquaintances.
3. Prisoners' fear level must be carefully regulated. If they became too frightened they would invent false information in hopes of pleasing the interrogator.
4. Civilians in Vietcong territory faced a perilous situation after interrogation by ARVN or U.S. forces. The Vietcong punished villagers for suspected collaboration.
5. The interrogator should seek to learn everything about a source by carefully examining his or her personal possessions, clothing, and physical condition (scars, calluses, tan lines). Such clues often bolstered or undermined sources' claims of identity.

Upon resuming interrogation of the female Vietcong prisoner, Tourison applied the cultural knowledge gained from his ARVN peers. During the first hour of the renewed interrogation, the prisoner proclaimed ignorance of topics about which she was presumably knowledgeable. Tourison recalled another bit of advice previously received from the ARVN lieutenant: Prisoners who claimed the "3 No's" ("Know Nothing. Hear Nothing. See Nothing.") were generally withholding information or claiming a false identity. Realizing he must change course, Tourison began laughing aloud. The prisoner was puzzled but said nothing. "The three no's (*tam khong*)," said Tourison as he continued to laugh. The prisoner smiled girlishly, then began to chuckle as well. Tourison sensed an opportunity and used bluster to enhance his bona fides and leverage.²³³

²³² *Talking with Victor Charlie*, 66-69.

²³³ *Talking with Victor Charlie*, 69-70.

You see, we're not as completely stupid as we might appear. We know the Vietcong very well. We know how they think and what they think. Take me, for example. I was born in Hai Phong. My parents were missionaries and I learned Vietnamese from playing with Vietnamese children. We left with the last group to fly out of the air base at Son Tay in April 1955. So you see, I'm not just another stupid foreigner with a long, high nose. I know you think the information you might give me will cause a lot of your friends to be killed, but let's face it, they're all gone. We aren't going to send bombs down on your old base camp if no one is there. Sure, we have lots of ammunition, but that would be wasteful. *Nothing you can say now will cause any harm to come to your friends*, so I'm going to let you think about what I've said. You know I'm telling the truth, and there is no reason for me to lie to you. You've been captured, and all we're trying to do is determine whether you're the kind of person we want to *treat kindly because you're truthful* or whether you're *a liar who must be dealt with by much harsher means*. The choice is up to you." (Emphasis added)²³⁴

Tourison walked away from the prisoner and left her to contemplate her situation. Meanwhile, Tourison checked the status of document exploitation (DOCEX) efforts underway with materials seized by the 173rd at the camp where the two female Vietcong suspects were captured. Potratz, the other interrogator/interpreter, had determined that the camp in question was likely a provincial headquarters for the military, party committee, and the Liberation Front. Armed with this knowledge, Tourison and Potratz resumed interrogation of the Vietcong suspect.²³⁵

108 | In the ensuing session, the prisoner disclosed that she belonged to the Vietcong and that she and her female colleague had been ordered to remain in the camp because they could not travel as quickly as the other Vietcong personnel, who fled in anticipation of an American raid. Expecting that U.S. forces would not permanently occupy the Vietcong camp and would release the two girls, the Vietcong commander instructed the girls to return to camp the following morning and prepare breakfast for the other Vietcong, who would also return at daybreak. This meant that Vietcong forces would be returning to the camp in less than eight hours.²³⁶

²³⁴ *Talking with Victor Charlie*, 70.

²³⁵ *Talking with Victor Charlie*, 70-72.

²³⁶ *Talking with Victor Charlie*, 71-72.

Tourison rewarded the newly cooperative prisoner with food as he continued eliciting information from her. During a conversation about cooking, the prisoner subsequently disclosed that her Vietcong comrades typically ate breakfast beginning at 0530 hours in a clearing behind the camp's cultural school. Following his conversation with the prisoner, Tourison captured this perishable information in a spot report, which he supported with an oral briefing to the 173rd's intelligence section (S-2). Tourison then concluded a long day's work by falling asleep in his tent.²³⁷

At daybreak Tourison awoke to the sound of outbound mortar and artillery fire. Drawing on his intelligence, the 173rd had shelled the Vietcong camp and subsequently launched a follow-up ground assault. As suspected, U.S. troops found that Vietcong forces had returned to the camp with their documents, equipment, and radios shortly before being savaged by simultaneous rounds of artillery. The U.S. forces found extensive blood trails from wounded Vietcong fighters and captured many items abandoned near the camp. These items were later exploited for their intelligence value. Thus, Tourison's persistent application of his peers' advice had resulted in a prisoner's unwittingly disclosing perishable intelligence that led to a significant tactical defeat for her comrades.²³⁸

Among the many items captured at the camp were personal history statements about the various Vietcong personnel. Among them was a document pertaining to the prisoner Tourison had interrogated. When confronted with her personal history statement, the prisoner began to weep. Slowly, she corrected a variety of untruths she had previously communicated to Tourison. Contrary to her earlier statements, she had been a Vietcong member for three years, and was serving as a cook *and medic* at the Vietcong provincial headquarters. Tourison never sought to force the prisoner to admit she had lied to him. Instead, he allowed her to "correct" her previous statements. Both of them now understood that Tourison's documentary leverage was sufficient that she must cooperate in the hope of securing leniency. Not unexpectedly, the prisoner disclosed far more information than her personal history statement contained, because she could not be certain that other captured documents would not offer additional information about her.²³⁹

Developing Interrogation Expertise

Operation BIG RED was only the first of many in which Tourison would assist before leaving Vietnam in the summer of 1967. By combining interrogation work at the Saigon MIC with tactical interrogation support and DOCEX, Tourison steadily increased his understanding of the Vietcong and interroga-

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²³⁷ *Talking with Victor Charlie*, 72-73.

²³⁸ *Talking with Victor Charlie*, 74-75.

²³⁹ *Talking with Victor Charlie*, 76-77.

tion. He found value in the urgency that combat support gave to his work. As he noted, it was sometimes easy for interrogators in Saigon to forget that less than an hour away U.S. military personnel were engaged in fierce firefights with Vietcong forces. Comprehensive and timely human intelligence could easily spell the difference between life and death in the field. Despite self-imposed pressure for quick results, Tourison almost always relied upon gentle treatment and rapport. In only one interrogation did he report using a physical stress position to coerce tactical information from a defiant source.²⁴⁰

Tourison's cumulative interrogation accounts reveal that he was tenacious and flexible. Using pragmatic psychology and his encyclopedic knowledge of the Vietcong, he frequently baited sources by dangling inflammatory statements before them. Whether questioning their competence or honor, Tourison frequently managed to elicit unexpected amounts of intelligence. Tourison explained:

The first step in breaking your source is getting him to talk. The one who clams up is just passing time; once they start to open up it's a different matter. You have to talk about anything, the more controversial the better, any controversial item is bound to get some type of response.²⁴¹

While operating in the vicinity of Ben Suc the First Division came upon an individual who ran away after seeing the troops. One of the troops pursued and tackled the suspect, who put up such a fight that all his clothes were torn off. After binding the naked prisoner, the First Division delivered him to Tourison. At first, the angry prisoner screamed viciously at Tourison but then subsided into total silence after noting he was not "allowed to talk." This was an unusual development: the suspect was the first in 18 months who had refused to talk with Tourison.²⁴²

On the basis of the prisoner's silence, Tourison suspected he was a communist party member. After all, regular field soldiers were not instructed by their superiors to remain silent in the face of interrogation, for the simple reason that only officers and communist party members were considered knowledgeable enough to warrant silencing.

Noting that the prisoner (P) had a deformed hand of which he was obviously self-conscious, Tourison (TS) asked "What's the matter with your hand?"

P: "Nothing."

TS: "What do you mean 'nothing'? It looks like a claw! What's the matter, can't your stupid Vietcong doctors fix it?"

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²⁴⁰ *Talking with Victor Charlie*, 229-230

²⁴¹ *Talking with Victor Charlie*, 222.

²⁴² *Talking with Victor Charlie*, 222.

P: “If it wasn’t for you Americans, I wouldn’t have my hand looking this way. You and your artillery. Stop! I don’t want to talk about it.”²⁴³

In this fashion, Tourison continued to press his attack against the prisoner’s weakness. Eventually the prisoner began a tirade about being shelled twice by the Americans even though he was only a “journalist.” Alternating between compassionate offers of U.S. medical care and antagonistic questions, Tourison soon obtained information on the location and defenses of a Vietcong hospital.²⁴⁴

Later, Tourison sought to exploit the prisoner’s claimed identity. He challenged the prisoner to prove his journalistic abilities by writing a story describing how he had been wounded. Again, the prisoner took the bait and gave up too much information by placing a masthead at the top of his “newspaper article.” The masthead finally unraveled the identity of the prisoner: he had revealed his office location and his position on its editorial staff.²⁴⁵

The Gulf of Tonkin Incident

As Tourison alternated between tactical and strategic interrogations, many interesting opportunities came his way. In the summer of 1966, General McChristian directed Tourison and a colleague to travel to Da Nang and assist the U.S. Navy, which was holding 19 prisoners from the North Vietnamese Navy (NVN) captured after the U.S. Navy sank their PT boats during an engagement in the Gulf of Tonkin. Tourison and Master Sergeant Grady Stewart traveled to Da Nang and boarded a Navy support ship where the prisoners were detained. Although the Navy had planned to send two additional Marine interrogators, their travel was delayed. Operating on their own, Tourison and Stewart began by collecting the prisoners’ identifying information and reviewing background intelligence on the NVN. Additionally, Tourison and Stewart arranged for the prisoners to receive cigarettes and food more like their normal diet.²⁴⁶

Shortly after beginning their interrogations, they received notice that the highest-ranking prisoner, an NVN division commander named Tran Bao, *requested* to be debriefed by U.S. intelligence. Without further encouragement, the commander provided voluminous information about his navy, including the hidden locations of its vessels. The NVN commander was angry with his government for not seeking a negotiated resolution to disagreements with the U.S. Furthermore, he was influenced by CIA propaganda he had previously received, and doubted that North Vietnam could prevail militarily against the U.S.²⁴⁷

²⁴³ *Talking with Victor Charlie*, 223.

²⁴⁴ *Talking with Victor Charlie*, 224.

²⁴⁵ *Talking with Victor Charlie*, 224-225.

²⁴⁶ Interview of Tourison.

²⁴⁷ Interview of Tourison.

Before Tourison and Stewart could arrange to transmit the intelligence received, the Navy ordered them to cease interrogations and communications until its Marine interrogators arrived 48 hours later. Undeterred, Tourison requested permission to continue “chatting” with the prisoners, rather than interrogating them. The captain of the Navy ship agreed, not recognizing that “chatting” is interrogation. By the time the Marine interrogators arrived, Tourison and Stewart had identified the cooperative prisoners, which left their colleagues with slim pickings and an uphill struggle.

With the Marines now on the scene, the ship’s communications personnel were permitted to transmit the intelligence reports by Tourison and Stewart. The pair’s first report was over 100 pages long and took an entire day to transmit. On the basis of this information, collected in only 72 hours, the U.S. Navy’s 7th Fleet launched air strikes that sank most of the craft operated by the NVN. Following the first wave of air strikes, the prisoners reviewed aerial reconnaissance photos with Tourison and Stewart. Amazingly, they cheerfully identified additional targets and recommended new reconnaissance flight paths for finding the few NVN craft that remained afloat.²⁴⁸

Tourison’s and Stewart’s debriefing of division commander Tran Bao also led them into politically sensitive discussions about the mysterious Gulf of Tonkin incident that first led President Johnson to order air strikes against North Vietnam in August 1964. Bao held unique insights on the incident because he had written the NVN’s After-Action Report. He explained that the U.S. Navy claims of being attacked by NVN torpedo boats in international waters on 4 August were ridiculous. First of all, Bao explained that the NVN attack boats lacked sufficient range to attack in international waters. Second, Bao had been responsible for monitoring NVN torpedo stocks at the time of the incident, and none was expended at the alleged time of the attack.²⁴⁹

After senior U.S. Navy commanders in Hawaii read the details of the incident in Tourison’s and Stewart’s first report, they issued a terse warning message: “YOU WILL NOT REPEAT NOT DEBRIEF FURTHER CONCERNING THE GULF OF TONKIN INCIDENT.”²⁵⁰ Of course, Tourison could not resist the temptation to learn more about the incident from Bao, although he wisely refrained from reporting what he discovered in subsequent intelligence reports.²⁵¹

248 Interview of Tourison.

249 Interview of Tourison.

250 Interview of Tourison.

251 Interview of Tourison.

Focus and Frustration

Tourison's single-minded focus on acquisition and expedient transmittal of intelligence sometimes landed him in trouble with superiors more mindful of military protocol. In one instance, Tourison transmitted time-sensitive intelligence documents under his own signature, rather than that of his supervising officer, because the latter was unavailable to sign the documents. When the supervisor learned of Tourison's action, he lambasted him before recalling the intelligence and signing it personally.²⁵²

Similarly, Tourison became frustrated by his successors' seeming disregard of the lessons he and other Vietnamese linguists had learned through experience. As the U.S. intelligence apparatus expanded throughout 1966 as part of the overall "Americanization" period of the war, U.S. interrogators were transferred to Vietnam from Europe. Though experienced, not a single one spoke Vietnamese or had any significant appreciation of Asian culture. Tourison and his ARVN colleagues came to feel they were being pushed aside as U.S. intelligence became less concerned with Vietnam's cultural and linguistic intricacies and began to conduct a one-size-fits-all intelligence campaign.²⁵³ Forced to share a small pool of female Vietnamese interpreters, the non-fluent interrogators were never able to bond sufficiently with their interpreters to create the shared understanding needed for optimal results. Thus, delays in translation left the interrogators unable to control the atmosphere during interrogations.²⁵⁴

Sharing Interrogation Knowledge

In the summer of 1967 Tourison completed his tour as an interrogator and returned to the U.S. A respected mentor, Colonel Ajima, whom he visited at Fort Holabird in November 1967, suggested that Tourison record all his observations about Vietnam and interrogation before forgetting them. Throughout December 1967 Tourison frenetically drafted the manuscript that would later be titled *Talking with Victor Charlie: An Interrogator's Story*, observing that "[I]f my children and grandchildren learn something from it, it will have served its purpose."²⁵⁵ Yet, for the next 22 years the draft manuscript remained unpublished among Tourison's personal papers. Finally, in 1991, Tourison shared his experiences when Ivy Books published the manuscript for the benefit of his successors, who often had little recollection of Vietnam or the lessons it offered for counterinsurgency interrogation.

Asia—A Lifelong Commitment

Tourison's fascination with Asian culture and language would drive the remainder of his career. Before retiring as a chief warrant officer, Tourison

²⁵² *Talking with Victor Charlie*, 242.

²⁵³ *Talking with Victor Charlie*, 170-173.

²⁵⁴ Interview of Tourison.

²⁵⁵ *Talking with Victor Charlie*, 170-173.

served a third Asian tour in Thailand and Laos from 1970 to 1974. He continued his quest for knowledge by studying Mandarin Chinese at DLI and in 1975 completed his Bachelor of Arts degree in political science (he is currently enrolled in a master's program). As a civilian, Tourison served as a GS-14 civil servant in the Special Office for POW/MIA Affairs at the Defense Intelligence Agency (DIA). Tourison and Ping now live in Maryland, where Tourison works in the court system as a Vietnamese interpreter.²⁵⁶

In retirement, Tourison has frequently commented on issues pertaining to Vietnam and the U.S. veterans who served there. For instance, he has supported requests for compensation submitted by Vietnamese civilians and U.S. veterans exposed to Agent Orange during the war.²⁵⁷ In addition, Tourison has advocated practical improvements to relations between Washington and Hanoi. Specifically, he advocated a constructive (non-punitive) U.S. Government position vis-à-vis Hanoi's requirement that religious organizations in Vietnam register with the government.²⁵⁸ He has also assisted a Vietnamese publishing house obtain the rights to publish Western books for the Vietnamese market. Tourison believes that Vietnam's increasing engagement with the world will lead the country to become a responsible global citizen. In short, Tourison holds no ill will toward the people of Vietnam and welcomes constructive opportunities for Vietnam veterans and their former enemies to heal from the wounds of a long war.²⁵⁹ In Tourison's case, these unseen wounds include a 90 percent official disability due to post-traumatic stress disorder and diabetes, which he believes were caused by exposure to Agent Orange.²⁶⁰

Tourison's Recipe for Success

The classical theorist Sun Tzu encouraged soldiers to know their enemies. This is the primary objective of the intelligence professional, and Sedgwick Tourison pursued it with fervor. His enthusiasm resulted directly from his love for the Vietnamese language and a sincere desire to understand all aspects of Vietnamese society. The resulting knowledge easily offset Tourison's lack of formal interrogation training and made him a precious commodity, as demonstrated by General McChristian's praise.

With his encyclopedic knowledge of the Vietcong and their language, Tourison was adept at reading contextual clues to gauge sources' areas and lev-

114 | ²⁵⁶ *Talking with Victor Charlie*, 260-261, and author's biography.

²⁵⁷ "Veterans Call for Justice for Agent Orange Victims in Vietnam," *Veterans Today*, URL: < <http://www.veteranstoday.com/printout944.html>>, accessed 23 January 2007.

²⁵⁸ Thomas Jandl, "Religious Rights in Vietnam: Dialogue and Engagement Yield Continued Progress," *International Reports.net* by *The Washington Times*, URL: <http://www.international-reports.net/special/vietnam/religion/html>, accessed 23 January 2007.

²⁵⁹ Thomas Jandl, "Vietnam MIAs: A Bargain Kept Paves Way for Cooperation," *International Reports.net* by *The Washington Times*, URL: <http://www.internalreports.net/special/vietnam/mia.html>>, accessed 23 January 2007.

²⁶⁰ Interview of Tourison.

els of knowledge. Skillfully using basic psychology, he convinced sources they would receive better treatment if they cooperated. In cases where this motivation failed to prompt a dialogue, Tourison used carefully calculated mockery and controversy as a catalyst for discussion. Whenever feasible, Tourison also used his linguistic abilities to leverage documentary evidence that would bolster interrogation efforts.

Reflecting upon his interrogation experiences during an interview with the researcher, Tourison highlighted one questioning technique that he found particularly effective for quickly screening large populations that contained suspected insurgents from outside the local area. The “Must Know—Should Know—Could Know” or “Three Questions” technique requires each member of a screened population to answer three questions tailored to their claimed identity. For instance, an individual claiming to be a local rice farmer *must know* how to plant rice, *should know* the name of the local pharmacy, and *could know* the name of the local insurgent commander. Such a screening approach separates “the wheat from the chaff” by focusing the interrogator’s attention upon outsiders who lack the answers they should have known if they were truly locals. Tourison believes the technique might help his successors in Iraq and Afghanistan, if they are not already using it.²⁶¹

Stuart A. Herrington: A Case Study



Then-Captain Herrington and a South Vietnamese Army lieutenant colonel (District Chief) in front of a bunker in Duc Hue District, Nau Nghia Province, in 1973.

Source: Herrington's personal collection. Used with permission of COL (Ret) Herrington granted to the editor, 12 May 08.

²⁶¹ Interview of Tourison.

A Reluctant Warrior

“I didn’t want to go to Vietnam,” admits Stuart Herrington.²⁶² As a student of political science and international relations during his undergraduate and graduate education in Florida, Herrington understood the profound difficulties encountered by French forces in Vietnam during the 1950s. Consequently, he doubted America’s ability to prosecute a war there successfully and counted himself as a “dove” even as America’s involvement began in the early 1960s.²⁶³

In 1967 Herrington completed his university education and was commissioned through the Reserve Officer Training Corps (ROTC) as a military intelligence officer in the Army. While attending the Army’s Infantry School and Intelligence School, Herrington often heard battle-experienced instructors respectfully describe the Vietcong, or “Ol’ Charlie,” as brave and clever. Fully expecting an assignment to Vietnam after training ended, Herrington was surprised and relieved to receive orders for Germany. He greatly enjoyed his two years in Berlin and, after completing his ROTC service commitment, separated from the Army to avoid an assignment to Vietnam.²⁶⁴

After seven mind-numbing months as a Procter & Gamble²⁶⁵ detergent sales manager charged with executing his company’s “Make W.A.R. (We Are Relentless), not Love” campaign, Herrington once again saw the allure of military service and requested a recall to active duty. This time, he vowed to focus diligently upon his career—which he knew would lead him immediately to Vietnam. To prepare, he attended the Tactical Intelligence Officer and Military Assistance Training Advisor (MATA) courses before undertaking eleven weeks of Vietnamese language training. Knowing that his duties as an advisor to the South Vietnamese Army would require in-depth knowledge of the language, Herrington demonstrated his careerist orientation by sacrificing three weeks of leave for additional voluntary language training. Fueling his efforts was a growing interest in Vietnam, despite his continued pessimism as to whether the U.S. would achieve its objectives.²⁶⁶

Unexpected Setbacks

As a Phoenix Program²⁶⁷ advisor in Hau Nghia province, Herrington was responsible for advising the South Vietnamese military and its police

²⁶² Stuart A. Herrington, *Silence Was A Weapon: The Vietnam War in The Villages* (Novato, CA: Presidio Press, 1982), xv. Cited hereafter as *Silence Was a Weapon*.

²⁶³ *Silence Was a Weapon*, xv-xvi.

²⁶⁴ *Silence Was a Weapon*, xvi.

²⁶⁵ **NOTE:** Bryan Vossekuil, a Senior Member of the ISB Educing Information Study, has noted that some Israeli interrogators are specifically recruited from sales and marketing backgrounds. Herrington noted to the researcher that he did not find his Procter & Gamble experience helpful because sales pitches were generally “canned” (scripted).

²⁶⁶ *Silence Was a Weapon*, xvi-xviii.

²⁶⁷ **NOTE:** The Phoenix Program was a joint U.S. and South Vietnamese effort to identify and neutralize members of the rural Vietcong shadow government by fusing the intelligence and operational capabilities of South Vietnam’s local governments, police, and militias. During the “Vietnamization” period of the war, U.S. military officers were assigned as advisors to members of the South Vietnamese government.

counterparts as they coordinated initiatives to “neutralize” (kill, capture, or convince to surrender) Vietcong insurgents in Duc Hue district. Proximity to Vietcong staging areas in Cambodia made his area of responsibility one of the most infiltrated districts in South Vietnam. For instance, Vietcong leaders cited one of Duc Hue’s four villages, Tan My, as a “model revolutionary village.” This proclamation greatly irritated Herrington’s hard-charging boss, Colonel Jack Weissinger, who made it abundantly clear to Herrington that he expected quick and decisive improvements in Tan My.²⁶⁸

Herrington’s hopes for the Phoenix Program quickly vanished. Standing in the way of Vietcong neutralizations were the South Vietnamese government officials Herrington sought to support. However, he would not understand this puzzling lack of dedication among his allies until he cast aside Phoenix responsibilities and began unilateral debriefings of Vietcong defectors. He reasoned that if the South Vietnamese government would not aggressively tackle the Vietcong, he *would*. After all, Colonel Weissinger expected results one way or another. Although Herrington was not trained as an interrogator, his general intelligence training had prepared him to spot, assess, and handle defectors. These mistrusted individuals would open his eyes to the realities of Vietnam.²⁶⁹

Comprehending the Real Vietnam

Nguyen Van Dung (“Hai Chua”) had been the Vietcong village secretary of Hiep Hoa village before defecting to the South Vietnamese government via the *Chieu Hoi* (“Open Arms”) program.²⁷⁰ As a “rallier” to the government, Dung was required to admit his identity and Vietcong position in exchange for amnesty and protection from his former colleagues. To prepare him for life as a productive citizen of the republic, the government gave him months of political indoctrination. However, while the *hoi chanh* (defectors) were potential gold mines of intelligence, the government was generally lukewarm about debriefing these “traitors.” In Dung’s case, South Vietnamese officials briefly questioned him but ceased their efforts when he politely declined knowledge of recent Vietcong operations in his former village.²⁷¹ Herrington hoped that Dung would

²⁶⁸ *Silence Was a Weapon*, 2-7.

²⁶⁹ *Silence Was a Weapon*, 9-18.

²⁷⁰ **NOTE:** The South Vietnamese government created Chieu Hoi “Open Arms” Centers to encourage Vietcong members to defect, or “rally” to the government. “Ralliers” (*hoi chanh*) received protection and amnesty in exchange for providing basic information about their role in the Vietcong insurgency.

²⁷¹ **NOTE:** Despite defecting to the government, many *hoi chanh* were unwilling to jeopardize the lives of their former Vietcong comrades by providing detailed intelligence about them. Other *hoi chanh* did not want to reveal the extent to which they had damaged the government while serving the Vietcong. Yet others were unwilling to inform on the Vietcong because they knew the government was infiltrated by Vietcong informants who might target the most enthusiastic *hoi chanh* collaborators for assassination.

respond to a more assertive debriefing effort by an American and made plans to conduct it himself.²⁷²

Seeking to make Dung comfortable during two months of intensive debriefings, Herrington secured a hospitable facility and modest funds to reimburse Dung for his time and to provide refreshments. Additionally, Herrington wore civilian clothes and worked without the assistance of a translator whenever possible; many sources were uncomfortable speaking through an interpreter because, unlike the American interrogator, the interpreter was perceived as a potential Vietcong informant.²⁷³ To ensure that he would command Dung's respect at their first meeting, Herrington conducted research on the Vietcong movement in the rallier's former village of Hiep Hoa—research that would also lessen the likelihood that Dung could mislead him. In pursuit of this goal, Herrington arranged to debrief simultaneously one of Dung's former associates who had defected during the same time frame. However, Herrington did not immediately inform Dung that his information would be corroborated.²⁷⁴

Herrington's intensive preparation and safeguards proved beneficial, because Dung attempted to lie early in their relationship.²⁷⁵ After Herrington showed that he could not easily be misled, Dung became an invaluable source who opened Herrington's eyes to the harsh, but often hidden, realities of the insurgency in Vietnam. American failures to understand these realities had often hamstrung efforts to build effective collaboration with South Vietnamese allies.

1. Local government officials often chose not to combat the Vietcong presence aggressively for two reasons. First, they feared that acknowledging a strong Vietcong presence in their jurisdiction would reflect poorly upon their leadership performance. Second, officials tacitly accommodated the Vietcong so that they would not be targeted for assassination. Typically, the Vietcong only murdered government officials whom they perceived as threats to their revolutionary goals. Finally, officials wished to preserve an uneasy peace in their villages to protect constituents from bloodshed.²⁷⁶
2. Past occupations and interventions by China, Japan, and France, and now by the U.S., caused Vietnamese villagers to perceive themselves as perpetually under siege by foreigners. They would not report Vietcong actions to the government because doing so could subject a fellow Vietnamese to persecution by the government's foreign allies.²⁷⁷

²⁷² *Silence Was a Weapon*, 19-20.

²⁷³ Herrington interview.

²⁷⁴ *Silence Was a Weapon*, 21.

²⁷⁵ *Silence Was a Weapon*, 23.

²⁷⁶ *Silence Was a Weapon*, 24.

²⁷⁷ *Silence Was a Weapon*, 25-26

3. The “Vietnamese way” demanded that the Vietnamese conceal their contempt for foreigners, such as their U.S. advisors. Therefore, South Vietnamese officials flashed the “Asian smile” and nodded agreement with their advisors’ suggestions, only to disregard them in many cases.²⁷⁸ For example, this had been the case when Herrington proposed expansion of the Phoenix Program to his South Vietnamese counterparts.

4. Most villagers’ loyalties shifted with the political winds. Until it became clear whether the government or the communists would win the war, most villagers would diligently attempt to appease both sides. Thus, a villager might attend a nighttime Vietcong rally and then participate in government elections the next day. Not surprisingly, both the communists and the government held unrealistic views of their popular support.²⁷⁹

5. The corrupt and heavy-handed South Vietnamese government was Hanoi’s best ally. Villagers’ frustration with the national government led most to tolerate, and a few to support, the Vietcong. In particular, the government’s land reform and mandatory relocation policies angered the populace, which had watched its leaders repeatedly raid public funds for personal gain.²⁸⁰

6. The Vietcong strategy allowed a minority of communist elites to control most of South Vietnam’s rural areas by creating the sense that Vietcong were omnipresent. In a figurative sense they were—because villagers could never be certain that their associates were not Vietcong informants. Moreover, fearing for their safety, government officials would frequently allow themselves to be gradually frozen out of areas that the Vietcong could then more easily influence through propaganda and fear. As the Vietcong solidified their control of an area their operatives could tax the harvests of local farmers to support operations elsewhere.²⁸¹

Armed with a new understanding of these realities, Herrington used another *hoi chanh*, Nguyen Van Phich, to create and manage a large network of informants in Tan My, the “model revolutionary village.” As a native of Tan My, Phich was related to many of its inhabitants, and had worked with many of its Vietcong operatives while previously serving as the executive officer for the Vietcong local force company. Wounded twice, Phich had rallied to the South Vietnamese government after his forces were savaged in the Tet Offensive and he became convinced that the communists could not prevail. Beginning in the spring of 1971, Phich traveled almost daily into Tan My to obtain

²⁷⁸ *Silence Was a Weapon*, 25-26.

²⁷⁹ *Silence Was a Weapon*, 28.

²⁸⁰ *Silence Was a Weapon*, 30-31.

²⁸¹ *Silence was a Weapon*, 32.

information in exchange for cigarettes, food, and payments from Herrington. Armed with the resulting intelligence, an aggressive province chief, Colonel Thanh, launched military operations against the Vietcong and succeeded in breaking their hold on Tan My. Sadly, as often happened to those who aggressively pursued the Vietcong, both Thanh and Phich were assassinated shortly thereafter.²⁸²

A Personal War

The deaths of Thanh and Phich weighed heavily upon Herrington, for whom the war had now become very personal. No longer was Herrington simply trying to please his demanding superior officer and return home alive; he was now fiercely committed to preserving the freedom of his South Vietnamese friends:

[M]any of us (Americans) found ourselves undergoing an irresistible tendency to identify with our counterparts. We even came to regard their districts and villages as our own, and to resent the Vietcong interlopers just as much as if they were penetrating the parks in our own hometowns and threatening our own wives and children, rather than the rice farmers of a land thousands of miles from home. (Explanation added to the original in parentheses.)²⁸³

In keeping with his newfound commitment, Herrington voluntarily extended his tour in Vietnam to complete the task of rolling back Vietcong influence in Duc Hue.



Captain Herrington with one of his South Vietnamese Army colleagues in Duc Hue District, 1972.

Source: Herrington's personal collection. Used with permission granted to the editor, 12 May 08.

²⁸² Silence Was a Weapon, 62-75 and 136-138.

²⁸³ Silence Was a Weapon, 73.

Benchmarking Guru DeForest

Herrington's commitment and success were recognized by his new supervisor, Lieutenant Colonel Gerald Bartlett, who requested that Herrington move to Bao Trai and become his advisor at the provincial level. In this new position, Herrington had opportunities to benchmark the accomplishments of another U.S. intelligence officer in his vicinity, Orrin DeForest (see aforementioned case study).²⁸⁴ As the CIA's lead interrogator in Bien Hoa, DeForest enjoyed tremendous success in debriefing Vietcong defectors and prisoners because he earned their trust and affection. DeForest shared his strategy and methods with Herrington, who immediately applied them to a project of his own.²⁸⁵

Befriending the Enemy: Do Van Lanh

As the sole survivor of a decimated North Vietnamese Army unit, Do Van Lanh attracted Herrington's admiration by his bravery and spirit. Despite witnessing the annihilation of his unit, running out of ammunition, and sustaining a head wound, Lanh had surrendered only reluctantly to South Vietnamese troops. He was clearly committed to the powerful Nguyen Hue offensive then threatening South Vietnam's survival.²⁸⁶

Following his capture, Lanh underwent interrogation by a South Vietnamese colonel commanding the ARVN's 25th Division. In front of an audience including Herrington, Lanh made a fool of his haughty interrogator by nonchalantly deflecting incoming questions and then defiantly asking embarrassing questions of the interrogator. Impressed by the plucky NVA prisoner, Herrington requested custody of him for an unorthodox experiment in interrogation and agent recruitment.²⁸⁷

Upon receiving custody of the prisoner one hour later, Herrington extended his hand and introduced himself in Vietnamese. The scrawny 5'4" prisoner was astonished that Herrington spoke his language and planned to take him to his own house for several days. Further, to the amazement of the South Vietnamese captain who released Lanh, Herrington did not want the uncharacteristically reserved Lanh to be shackled. Instead, Herrington motioned for the prisoner to walk with him.²⁸⁸

²⁸⁴ **NOTE:** Before publishing *Silence Was a Weapon* in 1982, Herrington submitted a manuscript to the CIA for pre-publication review. The CIA informed Herrington that references to DeForest's operations in Bien Hoa remained classified at the SECRET level. To accommodate this restriction, Herrington attributed DeForest's successes to Army Captain Tim Miller, a Phoenix advisor in Bien Hoa who was detailed to DeForest's interrogation center.

²⁸⁵ *Silence Was a Weapon*, 109-124.

²⁸⁶ *Silence Was a Weapon*, 164.

²⁸⁷ *Silence Was a Weapon*, 153-155.

²⁸⁸ *Silence Was a Weapon*, 156.

Herrington and Lanh first stopped at the home of a Filipino doctor who treated an undressed shrapnel wound below Lanh's eye. Afterward, Herrington brought Lanh to his personal quarters, where Herrington provided him with a fresh meal, tea, a shower, and new civilian clothes. Herrington then showed Lanh to his room, directly across from Herrington's own. As he entered his new quarters, Lanh became wide-eyed at the sight of a television. Although the TV received only the American Armed Forces station and the Saigon government station, Lanh was enraptured. Needing to return to his workplace, Herrington informed Lanh that he regretted having to lock the bedroom door, but that Lanh could summon one of the house guards if he needed to visit the bathroom. Before he left, Herrington instructed the guard staff to treat Lanh as a member of the family.²⁸⁹

When he returned to his office Herrington retrieved Lanh's South Vietnamese interrogation report. Lanh had claimed he was a nineteen-year-old native of Ha Tinh village in southern North Vietnam who had been drafted into North Vietnam's 271st Regiment one year earlier. He stated that he had attended basic training before his unit began its 100-day infiltration movement into South Vietnam and had contracted malaria while traversing the Ho Chi Minh Trail southward, which sidelined him in a Cambodian dispensary until shortly before his capture. In fact, Lanh asserted he had not yet experienced combat, other than the brief battle leading to his capture.²⁹⁰

During the following week at the villa, Lanh avoided speaking to Herrington because he remained afraid of him. Instead, he struck up conversations with the Vietnamese guards and the maid. Finally, Lanh realized that Herrington would not harm him and began to ask him about his pay, his M-16, and his personal life. Herrington freely answered Lanh's questions but did not ask any himself.²⁹¹

At the end of the first week, Herrington took Lanh to the central market in Bao Trai so he could buy toiletries and even exchanged Lanh's North Vietnamese currency for the local currency. Lanh was astonished by the immense variety of goods at the market; he had never seen anything similar in North Vietnam. After shopping for an hour, Lanh pledged not to attempt escape and the two ate together at a public restaurant.²⁹²

122 | In the face of Herrington's hospitality, Lanh began to relax, smile, and even joke. Nonetheless, he was understandably confused by his unanticipated circumstances. After cornering Herrington at their residence, Lanh asked, "How long will I be living here with you, Dai Uy (Captain)? ... I don't under-

289 *Silence Was a Weapon*, 155-157.

290 *Silence Was a Weapon*, 157-158.

291 *Silence Was a Weapon*, 159.

292 *Silence Was a Weapon*, 159-160.

stand what is going on.”²⁹³ Sitting Lanh down, Herrington took advantage of Lanh’s concern to advance a nuanced recruitment pitch.²⁹⁴

Herrington said that he had been impressed by Lanh’s resilience under interrogation and that his bold performance proved he had the intelligence to perceive the realities of South Vietnam—if only someone took the time to expose him to them. Noting the traumatic nature of Lanh’s capture, Herrington explained that he had not questioned his prisoner because he wanted to facilitate his recovery. He reassured Lanh that he would not be questioned about his comrades because he would obviously not betray his friends. However, he would need Lanh’s help if he were to save him from the POW camps. Herrington elaborated on the kind of help he desired by explaining that he sought to restore peace to Vietnam by first obtaining an understanding of the views held by North Vietnamese soldiers like Lanh.²⁹⁵

Lanh expressed enthusiasm for Herrington’s proposal and thanked his host for not seeking information about his former comrades in the 271st Regiment. He thanked his host for his kind reception and noted that he shared the goal of peace between North and South Vietnam. He agreed to answer all of Herrington’s questions honestly, and subsequently poured out his life story.²⁹⁶

While growing up in the North, Lanh had been indoctrinated continually in the virtues of communism. Teachers had convinced him and his classmates that Southerners lived “under the brutal heel of the Americans and their puppets.” Video footage of abused Southerners and passionate speeches by Ho Chi Minh stirred up patriotic outrage in North Vietnam, and attracted many youngsters to the “solemn mission” of “liberating” their South Vietnamese brothers. At eighteen, Lanh volunteered for the military and began the journey that led him southward into Herrington’s hands.²⁹⁷

Herrington made no effort to correct Lanh’s stated beliefs. Instead, he sought to challenge Lanh’s world view with a strong dose of reality. The television had already begun to shake Lanh’s beliefs, and a trip to Saigon promised to compound his confusion. Days later, as the two drove toward the city in Herrington’s jeep, Herrington suddenly pulled off the highway near a large clay quarry. Stopping, Herrington grabbed his M-16 rifle and climbed out. Lanh remained in the jeep with a puzzled look on his face. Herrington motioned for Lanh to join him but Lanh looked uncertain. Finally, he complied.²⁹⁸

Herrington chambered a round and then shoved the rifle into Lanh’s hands, telling him, “Go ahead and fire it into the quarry. Go ahead. It’s on auto-

²⁹³ *Silence Was a Weapon*, 160.

²⁹⁴ *Silence Was a Weapon*, 160-161.

²⁹⁵ *Silence Was a Weapon*, 161.

²⁹⁶ *Silence Was a Weapon*, 161-163.

²⁹⁷ *Silence Was a Weapon*, 161-163.

²⁹⁸ *Silence Was a Weapon*, 164.

matic. Fire it. We've got to get to Saigon."²⁹⁹ Pivoting toward the quarry, Lanh fired 20 rounds in two quick bursts, laughed, and returned the weapon while commenting "It's light and doesn't kick like my AK-47."³⁰⁰

As they continued their drive to Saigon, Lanh began laughing again and then confided: "Did you know, Dai Uy, that when you stopped the jeep back there, I thought for a second that you were going to shoot me? I was scared to death when I got out of the jeep." In response, Herrington began to laugh as well, "You were scared! What about me? I'm the one who gave a POW a loaded M-16. I was so scared that my hands were sweating. You could have easily killed me on the spot."³⁰¹

Detour aside, the two arrived in Saigon to experience the joys of a cosmopolitan city. Flower-lined streets, music, bustling traffic, beautiful girls, markets overflowing with goods, and a delectable lunch overwhelmed Lanh's senses. He had never experienced anything like Saigon in the police-state North. Herrington's account highlights the trip to Saigon as a pivotal moment in his relationship with Lanh: they now trusted one another.³⁰²

Shortly after returning from Saigon, Lanh and Herrington talked throughout nearly the entire night. Kind treatment, a television, and the sights of Saigon had completely altered Lanh's life-long conception of the South and Americans. Lanh expressed frustration that he had been propagandized in the North. The South was nothing like what he had imagined and its people did not want to be "liberated."³⁰³

To capitalize upon Lanh's dismay, Herrington showed Lanh 8" x 10" photos of 65 North Vietnamese corpses. Lanh recognized many of the men as his former comrades, who had been butchered in battle due to the gross incompetence of their commander. Next, Herrington showed Lanh the captured after-action report of the incompetent commander, who had reported a "great victory" in which NVA troops had "completely overrun" a government outpost and killed "twenty-nine puppet troops." Lanh was sickened by the obvious lies of the NVA commander, who had concealed the self-inflicted slaughter from superiors.³⁰⁴

Herrington explained that Lanh's dead comrades "died for a lie" that had nearly killed Lanh as well. He urged Lanh to help him reverse the North's ongoing Nguyen Hue offensive, of which Lanh was a small part, presenting him with stark alternatives. On the one hand, he could cooperate and retain his freedom; on the other, he could be released into normal POW channels. If he were included in a prisoner exchange, he might even have the pleasure of "carrying an AK-47 down the Ho Chi Minh Trail for the second time." Herrington left Lanh to ponder his choices during the coming day.³⁰⁵

²⁹⁹ *Silence Was a Weapon*, 164.

³⁰⁰ *Silence Was a Weapon*, 164.

³⁰¹ *Silence Was a Weapon*, 164.

³⁰² *Silence Was a Weapon*, 165-166.

³⁰³ *Silence Was a Weapon*, 167-170.

³⁰⁴ *Silence Was a Weapon*, 167-170.

³⁰⁵ *Silence Was a Weapon*, 167-170.



Captain Herrington with a North Vietnamese major in Hanoi in April 1975 only 19 days before the fall of Saigon, visiting as part of his duties with the U.S. Delegation, Four Party Joint Military Team (a POW/MIA negotiations unit).

Source: Herrington's personal collection. Used with permission granted to the editor, 12 May 08.

The Real Do Van Lanh

In the evening, Lanh announced his choice as he sat on a sofa with Herrington. He wanted to help Herrington reverse the Nguyen Hue offensive and bring peace to Vietnam. Moreover, he revealed the *real* Do Van Lanh. In vivid contrast to his previous statements, Lanh disclosed he was really a 22-year-old sergeant, with three years of military experience, which included training in elite sapper-reconnaissance operations. He admitted that he had not sat out the war in a dispensary after contracting malaria.³⁰⁶

Despite misgivings, Lanh helped Herrington to direct air strikes against the locations where his unit had infiltrated into South Vietnam. Soon thereafter, aircraft destroyed a command post, bunker complex, and abandoned rubber plantation inhabited by the NVA. In addition, the strikes savaged a platoon of enemy sappers. On another occasion, Lanh agreed to don his old NVA uniform and become a stool pigeon for Herrington, who needed to obtain order of battle intelligence from a captured NVA prisoner who refused to disclose his unit. Lanh quickly acquired the confidence of the NVA prisoner and after two hours left the prisoner's cell knowing the identity of his unit as well as its objectives

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³⁰⁶ *Silence Was a Weapon*, 171-172.

and remaining capabilities. Lanh took no pleasure in such work and Herrington was careful not to remind him of its grisly results.³⁰⁷

While Lanh's disclosure and elicitation of tactical information were clearly significant, he also gave Herrington and U.S. superiors a new understanding of the enemy's psychology. So novel was the idea of a co-opted NVA soldier that Lanh was invited to share his thoughts with senior U.S. leaders in Vietnam. On one occasion, the former NVA sergeant even briefed President Nixon's personal envoy to Vietnam, Juan Trippe.³⁰⁸

To reward Lanh for his services, Herrington took the unusual step of lobbying the South Vietnamese for Lanh's freedom. However, as the war ground on endlessly, the South Vietnamese government drafted Lanh into its army. As an M-16-carrying rifleman, Lanh was injured during an ambush by his former comrades. Although he survived the attack, it is unlikely that he survived the war. As NVA troops swept through South Vietnam in 1975, they captured records of the defector program in which Lanh had taken part. The NVA forced defectors to return to their original units and receive punishment from their former peers.³⁰⁹

Against his wishes, Herrington was ordered to return to the U.S. in the summer of 1972. While the Army had granted Herrington's requests for tour extensions on two occasions, it now required him to receive additional intelligence training stateside so that he could advance in his career.³¹⁰ Still, Herrington did not put Vietnam aside for long. In 1973 he returned to monitor enforcement of the Paris Peace Accords that ended direct U.S. involvement in South Vietnam. However, the North would have nothing of peace until it completed its relentless drive to "liberate" the South. In April 1975, the communists finally overcame the many setbacks dealt to them by the United States and occupied Saigon. There, Herrington and his former mentor, Orrin DeForest, were busy evacuating their South Vietnamese acquaintances and sources before fleeing from the U.S. Embassy by helicopter.

Sharing Painful Lessons

126 | In 1982 Herrington published *Silence Was a Weapon* to educate Americans about why their nation lost the Vietnam War. Central to Herrington's thesis was analysis of the Vietcong insurgency at the village level. Herrington's keen understanding of the insurgency stemmed from his development of close interpersonal relationships with defectors such as Nguyen Van Dung and Do Van Lanh. These relationships yielded significant intelligence as well. By virtue of fluency in Vietnamese, burning curiosity, and zealous dedication, Herrington came to understand the dilemmas of the Vietnamese people as well as any American reasonably could.

³⁰⁷ *Silence Was a Weapon*, 179-181.

³⁰⁸ *Silence Was a Weapon*, 187-195.

³⁰⁹ *Silence Was a Weapon*, 229.

³¹⁰ *Silence Was a Weapon*, 205-206, 209, and 227.



Herrington's official retirement photograph as a U.S. Army Colonel.

Source: Herrington's personal collection. Used with permission granted to the editor, 12 May 08.

Into the Limelight

Captain Herrington enjoyed a successful military career and quickly became *Colonel* Herrington as he rose to a senior position in the Army's Military Intelligence branch. By directing military interrogation efforts during Operation JUST CAUSE (Panama) and DESERT STORM (Iraq), Herrington had ample opportunity to apply the interrogation lessons he learned in Vietnam. In both instances, he instituted a large-scale "guest house" approach that obtained cooperation from 80–90% of his sources.³¹¹

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After retiring from the Army in 1998, Herrington leveraged his counter-espionage skills to protect the frequently counterfeited technologies of Callaway Golf. In his spare time, Herrington now occasionally writes op-ed pieces regarding the Iraq War and interrogation. These pieces, along with two additional books (*Peace with Honor? An American Reports on Vietnam, 1973–1975*; and

³¹¹ Interview of Herrington.

Traitors Among Us: Inside the Spy Catcher's World) have solidified Herrington's position as an expert on interrogation, counterinsurgency warfare, and counterintelligence. The national media routinely consult Herrington about these topics.³¹²

In November 2006 Herrington lent his expertise to the group Human Rights First when he and a few other experienced U.S. interrogators visited producers of the television show "24." The program distressed Herrington and Human Rights First because it frequently portrayed protagonist Jack Bauer violating U.S. laws by torturing terror suspects. Herrington provided the producers with a list of 17 legal interrogation techniques in an effort to help "24" producers more accurately depict the interrogation techniques typically used by professionals.³¹³

On two occasions, Herrington has accepted U.S. Army requests to assess its interrogation operations. After viewing interrogations at Abu Ghraib and Guantanamo Bay, he became a vocal critic of existing U.S. interrogation strategies. He remains frustrated by his nation's failure to develop a dedicated strategic interrogator corps and eschew the coercive interrogation methods that he believes run directly counter to U.S. strategic objectives in the GWOT.³¹⁴

In the absence of a strategic interrogator corps, Herrington took a practical step to influence U.S. interrogation practices. Herrington recently agreed to assist the Army in training its newly formed interrogation unit, the 201st Military Intelligence Battalion. Created in response to the Abu Ghraib controversy, the 201st MI Battalion consists predominantly of junior enlisted personnel. In the summer of 2006, Herrington helped to prepare these new interrogators for deployment to Iraq by providing them with three full days of training at Fort Hood, TX, where he lectured on his Vietnam experiences, as well as on the lessons offered by Hanns Scharff.³¹⁵

³¹² Interview of Herrington.

³¹³ Jane Mayer, "Whatever it Takes: The Politics of the Man behind '24'," *The New Yorker*, 19 February 2007. URL: <http://www.newyorker.com/reporting/2007/02/19/070219fa_fact_mayer?printable=true>, accessed 16 March 2007.

³¹⁴ Jane Mayer, "Whatever it Takes: The Politics of the Man behind '24'," *The New Yorker*, 19 February 2007. URL: <http://www.newyorker.com/reporting/2007/02/19/070219fa_fact_mayer?printable=true>, accessed 16 March 2007.

³¹⁵ **NOTE:** During his interview with the researcher, Herrington noted that he became aware of Scharff's utility as a teacher/mentor *after* completing his own tour in Vietnam.

Orrin DeForest: A Case Study



Orrin DeForest and wife Lan around 1990.

Source: David Chanoff, PhD, co-author with Orrin DeForest of *Slow Burn: The Rise and Bitter Fall of American Intelligence in Vietnam* (New York: Simon and Schuster, 1990). Used with written permission of the co-author, 30 May 2008.

“So this is how it happens...this is how the United States bugs out,”³¹⁶ thought Orrin DeForest as he surveyed the panicked evacuation of his nation’s embassy in Saigon. On 29 April 1975, DeForest’s Vietnam years came to a disillusioning end despite his brilliant execution of intelligence operations during the preceding seven years. As North Vietnamese troops occupied the city, DeForest and other U.S. personnel escaped by helicopter but, despite his earnest efforts, most of DeForest’s loyal Vietnamese informants and friends were left behind to be executed or condemned to brutal “reeducation” camps by the victorious communists.³¹⁷

Beginning in 1968, DeForest served as a supervisory interrogator and spy handler for the Central Intelligence Agency (CIA) in Vietnam’s Military Region III. With his groundbreaking work during these difficult years, DeForest provided a template for the successful penetration and neutralization of an insurgency. His methodologies came to be widely emulated by his American

³¹⁶ Orrin DeForest and David Chanoff, *Slow Burn: The Rise and Bitter Fall of American Intelligence in Vietnam* (New York: Simon and Schuster, 1990), 277. Cited hereafter as DeForest and Chanoff.

³¹⁷ DeForest and Chanoff, 273-277.

and South Vietnamese peers. As noted earlier, one of those admiring adherents was Stuart Herrington, who credits DeForest with teaching him to interrogate effectively.³¹⁸

Life Experience

When Orrin DeForest began his CIA assignment in Vietnam as a 45-year-old, he brought a great deal of useful life experience to bear. He had begun his military career as a tail-gunner in a B-29 Superfortress assigned to bomb Nazi targets in Europe. After returning to civilian life in a California aircraft factory, the Korean War motivated DeForest to reenlist and become a Special Agent for the Air Force Office of Special Investigations (AFOSI). In this role, he developed skills essential to conducting interrogations, investigations, and counterintelligence operations.³¹⁹

While stationed with AFOSI in Japan, DeForest conducted investigations jointly with the Japanese National Police (JNP), whose counterintelligence mission resembled that of the Federal Bureau of Investigation (FBI) in the U.S. DeForest credited the JNP with teaching him to conduct counterintelligence investigations properly and admired the way in which they pursued “Total Information”³²⁰ in their efforts to undermine Soviet espionage activities. By making extensive use of databanks and wiring diagrams, the JNP detected relationships and trends that otherwise would have escaped their attention. DeForest incorporated such techniques as cornerstones of his intelligence work in Vietnam; today these tools are central to U.S. efforts to identify and track terror networks.³²¹

DeForest’s assignment in Japan ignited a lifelong interest in the Japanese language and in Asian culture. He studied Japanese at the University of Maryland and in a year-long course at the Foreign Language Institute, becoming fluent in the language. Soon thereafter, DeForest obtained his Bachelor of Arts degree in Far Eastern History from Sophia University in Japan. While pursuing the degree he also indulged his lifelong interest in the philosophers Aristotle and Plato.³²²

130 | Following his tenure with AFOSI, DeForest transferred to the Army’s Criminal Investigation Division (CID) as a warrant officer. CID assigned him to Vietnam from 1966 to 1967. As an investigator in Vung Tau, and then an investigative supervisor in Qui Nhon, DeForest came to know the country that would become his home for nine years. However, DeForest never became fluent in Vietnamese as he was in Japanese; at most, he would learn to speak about

³¹⁸ Interview of Herrington.

³¹⁹ DeForest and Chanoff, 23.

³²⁰ DeForest and Chanoff, 75.

³²¹ DeForest and Chanoff, 75.

³²² Jean DeForest and Julie Booth-DeForest, the daughter and former spouse (respectively) of interrogator Orrin DeForest, Petaluma, CA, joint telephonic interview by the researcher, 8 Jul 07.

100 native words. DeForest's tenure with CID marked the completion of his 20-year military career and prepared him for additional service in Vietnam as a contractor to the CIA.³²³

During his first tour in South Vietnam, DeForest was dismayed by the National Police's lack of professionalism. In what proved a precursor to his later experiences with the South Vietnamese government, DeForest found the National Police obstinate in their refusal to employ the modern investigative techniques taught by their American advisors. While this could be attributed to pride, DeForest was amazed to find that most of the National Police spent their supposed duty hours looking after their private business interests rather than those of the Vietnamese public.³²⁴

Breaking a Broken Mold

DeForest came to value his own military, investigative, and academic experience when he joined the CIA in 1968. Expecting to be wowed by the "First Team"³²⁵ of intelligence, DeForest was instead dismayed by the ten weeks of unrealistic and irrelevant training that CIA headquarters provided to the contractors it had hired to work in a war zone. Hoping to be more impressed by the status of CIA operations on the ground in Vietnam, DeForest instead became more concerned as he received briefings at the CIA Station in Saigon. Amazingly, the CIA did not have a single asset within the Vietcong. Instead of obtaining intelligence by penetrating the Vietcong with spies, the CIA had instituted four largely ineffectual programs that made for impressive window dressing during briefings to policymakers: Provincial Reconnaissance Units, the Census Grievance Program, the Rural Development Program, and Special Branch Police Operations and Training.³²⁶

In short order DeForest learned he was to support the last of these programs as the chief interrogator for Military Region Three. In this newly created position, he was charged with standing up the Provincial Interrogation Center (PIC), located 15 minutes north of Saigon in Bien Hoa. As the chief interrogator, he was expected to oversee interrogations of Vietcong prisoners housed at the PIC, train South Vietnamese interrogators, and spot prisoners who could be recruited as informants and used to infiltrate their former Vietcong units.³²⁷

To help him in his work, DeForest was assigned a contingent of four "experts" from the Vietnamese Special Branch. Unfortunately, these "experts" were teenagers. Exasperated, DeForest managed to have them confined to the PIC while he assessed CIA collection efforts throughout Region Three. On one visit to the PIC, DeForest walked in on his "experts" as they interrogated an

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³²³ Interview of Jean and Julie DeForest.

³²⁴ DeForest and Chanoff, 23.

³²⁵ DeForest and Chanoff, 23.

³²⁶ DeForest and Chanoff, 35.

³²⁷ DeForest and Chanoff, 29.

approximately 15-year-old female prisoner. To aid questioning, the experts had forced a broomstick into her vagina.³²⁸ To his disgust, DeForest discovered that torture was a common interrogation technique among his South Vietnamese counterparts in the PICs because their failure to collect and catalogue intelligence for use in interrogations had resulted in a lack of leverage over prisoners. For this reason, DeForest eschewed future joint interrogations with the South Vietnamese.³²⁹

During two weeks of home leave in San Diego, California, DeForest thought extensively about how to develop a successful interrogation and agent recruitment effort in Bien Hoa. He found the answer by reflecting upon the “Total Information” approach espoused by his Japanese mentors. Returning to Vietnam in the spring of 1969, DeForest pitched an ambitious plan to the CIA Chief of Base, Loren Snowcroft, to create and populate a massive intelligence database on the Vietcong. He proposed interrogation of Vietcong defectors (*hoi chanh*).³³⁰

Many thousands of *hoi chanh* were detained in *Chieu Hoi* or “Open Arms” centers after “rallying” to the South Vietnamese government with potentially valuable intelligence information. Previously, the U.S. military had exploited this intelligence opportunity but the CIA had not.³³¹ Without informing CIA superiors in Saigon, Snowcroft and DeForest reallocated resources from the existing CIA programs to establish a small interrogation facility at the Bien Hoa Chieu Hoi Center.³³²

Building the Interrogation and Recruitment Center

DeForest attacked the considerable task of developing an interrogation center with vigor. Using psychological testing derived from the work of Dr. John Gittinger at CIA, DeForest selected Vietnamese personnel for training as interrogators and taught the trainees how to establish relational rapport with interrogatees by treating them with sincerity and kindness. Because interrogatees typically expected at best a lukewarm reception from their former South Vietnamese enemies, the kindly attitude displayed by DeForest’s interrogators was a surprising and welcome relief. As a result, even reluctant defectors would frequently provide intelligence on former comrades still with the Vietcong.³³³

³²⁸ DeForest and Chanoff, 56.

³²⁹ DeForest and Chanoff, 56.

³³⁰ DeForest and Chanoff, 79.

³³¹ Interview of Sedgwick Tourison. **NOTE:** In *Slow Burn* DeForest contends that U.S. interrogators lacked sufficient intelligence to generate leverage against Vietcong suspects near Bien Hoa. Tourison contends that voluminous quantities of detailed Bien Hoa intelligence were available to the CIA at MACV J-2 in Saigon.

³³² DeForest and Chanoff, 83.

³³³ DeForest and Chanoff, 86-88.

DeForest's focus upon cultivating the trust and friendship of interrogatees proved key to obtaining intelligence. Generally, this approach entailed warm meals and recreation for interrogatees. Such empathy and kindness came naturally to DeForest: "[T]his approach was something I felt especially strongly about, partly because I really was sympathetic.... I wasn't at all sure that if I had been in these villagers' places I wouldn't have been VC myself."³³⁴ DeForest clearly understood that the corruption of the South Vietnamese government had driven many decent people to join the Vietcong in the hope of securing a more promising future.

To simplify the process of selecting interrogatees who would likely provide useful information, DeForest developed a biographical screening form that all of the *hoi chanh* filled out prior to interrogation. Often, DeForest would also direct the *hoi chanh* to complete psychological profiles, which would provide interrogators with clues on how to establish rapport with them.³³⁵

As DeForest's interrogators began making inroads with the *hoi chanh*, the benefits of cataloguing the resulting intelligence became obvious. DeForest taught his administrative staff how to build a massive card index database that allowed interrogators to verify and contextualize information provided by interrogatees. Over time, the database evolved into an encyclopedia of knowledge on the Vietcong's structure and personnel. Such knowledge markedly bolstered interrogators' effectiveness because they could focus collections, detect deception, and speak with greater authority.³³⁶

Due to notable interrogation successes, DeForest's operation expanded from a handful of personnel in the summer of 1969 to over 30 staff members. To accommodate the growth, DeForest eventually moved the operation to a new facility known as the Joint Interrogation Center (JIC). Here, four teams of three interrogators and two translators conducted compartmentalized interrogations and asset management under the tutelage of CIA personnel. Ten administrative assistants then added the intelligence to the now massive database. At any one time, the facility housed 50-60 sources and offered medical care as well as entertainment via American television and movies. So advanced was the new facility that DeForest was able to monitor covertly the interrogations conducted by his subordinates, which allowed him to detect the rare occasions when his interrogators fabricated reports.³³⁷

In typically unorthodox fashion, DeForest used his large personal residence as an annex to the JIC. He would frequently invite potential sources and their interrogators to relaxed gatherings at his home, where his live-in Vietnamese mistress, Lan, would prepare drinks and fresh meals. However, as will become apparent, Lan actually served a more important function in the intelligence-

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³³⁴ DeForest and Chanoff, 87.

³³⁵ DeForest and Chanoff, 110-111.

³³⁶ DeForest and Chanoff, 85.

³³⁷ DeForest and Chanoff, 151.

gathering effort by helping to assuage the reservations of prospective female sources who felt uncomfortable speaking to male interrogators. To accomplish this, Lan would host the sources as long-term guests in the DeForest home, assess their personalities, and provide guidance to their interrogators.³³⁸

DeForest's interrogation operation was both comprehensive and effective, as the following section illustrates.

Recruiting “Grandpa”

In 1973 South Vietnamese police conducting routine searches of persons at a checkpoint discovered a young woman who was transporting one million piasters (South Vietnamese currency) hidden under her clothing.³³⁹ After beating her, the South Vietnamese gave the prisoner to DeForest for interrogation. DeForest immediately recognized her importance—she belonged to a secretive courier network known as B-22, which over the past eight years was estimated to have transported roughly \$150 million from Cambodia to Vietcong forces throughout South Vietnam.³⁴⁰ DeForest had known about the network for the preceding 18 months, but despite painstaking investigative efforts he had not identified an opportunity to penetrate it.³⁴¹

To further his objective, DeForest drove the young woman to his residence, where he instructed Lan to take tender care of her. For several days Lan cared for the demure prisoner while engaging her in innocuous conversation. Though casual, this conversation yielded valuable information such as the prisoner's name (Thi Nam) and village.

As Thi Nam's comfort level increased, DeForest introduced her to his most accomplished Vietnamese interrogator, Bingo. In the hope of developing rapport, Bingo discussed only neutral topics with her. After a few days, Thi Nam revealed that she had previously been frightened of Americans and could not believe they had invited her into their home instead of putting her in jail. She asked Bingo to inform her family that she was safe despite her sudden disappearance. As he did in many other cases, DeForest passed a reassuring message to the girl's family.³⁴²

134 | Pleased with Thi Nam's increased receptivity, Bingo made a carefully calculated pitch to her. Bingo told Thi Nam that he would like her to confirm the identities of the other couriers in the B-22 network. In reality, Thi Nam would not be confirming the identities; she would be the first to provide them

338 DeForest and Chanoff, 214.

339 DeForest and Chanoff, 214.

340 DeForest and Chanoff, 221.

341 DeForest and Chanoff, 213.

342 DeForest and Chanoff, 215.

to DeForest's interrogators. Bingo assured Thi Nam that American intelligence had no interest in apprehending her friends in the lowest rungs of the B-22 network, but wanted to identify its senior members. Bingo's pledge was sincere, but it was offered in tandem with an unspoken threat. If Thi Nam did not cooperate she would likely be returned to the South Vietnamese police, who would certainly treat her in a less collegial fashion. Furthermore, if she did not assist the Americans in working their way into the upper echelons of B-22 they were likely to arrest the low-level members they claimed to have already identified, and such an arrest would snare Thi Nam's friends. Faced with this stark choice, Thi Nam identified twelve other couriers and the chief of the network: a seventy-five-year-old man whom DeForest codenamed "Grandpa." So central was Grandpa to the funding of Vietcong operations that he reported directly to a member of the Vietcong's Central Office for South Vietnam (COSVN).³⁴³

As luck would have it, Grandpa's actual grandchild, "Liem," had defected from the Vietcong to the South Vietnamese government 18 months earlier and was one of the guest sources housed at the JIC. Liem had provided some intelligence, but had withheld the fact that his grandfather was a senior Vietcong operative. DeForest now confronted Liem and compelled him to devise a suitable method for contacting Grandpa. Liem did not want to betray his grandfather, but knew that he would have to do so in order to preserve the comfortable lifestyle that DeForest had provided for Liem's immediate family in Bien Hoa. Liem agreed to send his wife, Ly, to visit Grandpa in Cut Trau with a ruse designed to bring Grandpa to a public area in Saigon. Ly was to tell Grandpa that his grandson Liem was ill in a Saigon hospital. There, Grandpa would be quietly arrested by the South Vietnamese Special Police and interrogated by DeForest's team at a safe house.³⁴⁴

Grandpa fell for the ruse and was soon facing DeForest's star interrogator, Bingo. The interrogator could scarcely believe that the man sitting in front of him was the mastermind of the infamous B-22 finance network; Grandpa was "an absolutely typical old peasant—pajamas, straw hat, rubber sandals, teeth stained black from chewing betel. With his wrinkled skin and ruined mouth, he seemed even older than his seventy-five years."³⁴⁵ Even though Grandpa had never attended a single day of school, he was personally entrusted with financing much of the Vietcong war effort and managed B-22 with great skill and diligence. For eight years he had kept his operations from being penetrated; he had evaded South Vietnamese checkpoints by selecting elderly ladies to transport currency. The South Vietnamese did not search these older women because of their low profile, and because Grandpa ensured they possessed identification cards issued by the South Vietnamese government.³⁴⁶

³⁴³ DeForest and Chanoff, 216.

³⁴⁴ DeForest and Chanoff, 220.

³⁴⁵ DeForest and Chanoff, 220.

³⁴⁶ DeForest and Chanoff, 220.

Because Grandpa was a hardline ideologue, Bingo knew that he would have to work a small miracle in order to recruit the older man in only two or three days – before COSVN would realize he had been captured. If this happened, DeForest would have no hope of penetrating COSVN and ascertaining its future war plans. To demonstrate that U.S. intelligence already knew all about B-22, Bingo confronted Grandpa with the extensive information provided by Thi Nam. Even as he did so, Bingo maintained respectful deference to Grandpa, referring to him as *bac* (uncle). To complement his friendly tone, Bingo also ensured that Grandpa was well fed. However, he accompanied the kind treatment with a frank threat to turn Grandpa over to the abusive South Vietnamese police and withhold future access to grandson Liem and his family. He made the thought of never seeing Liem again even more disturbing to Grandpa by not revealing that Liem was not actually ill. Grandpa quickly agreed to become a spy. As a reward, Bingo informed Grandpa that his grandson was not ill after all and allowed him to see Liem and his family.³⁴⁷

After Grandpa had spent several minutes with Liem, DeForest joined the recruitment session. Giving Grandpa an affectionate pat on the shoulder, DeForest expressed professional admiration for the elderly man's skilled management of the B-22 network. Greatly surprising Grandpa, DeForest offered not to arrest members of the network. While the ever-helpful Lan cared for Grandpa's great-grandchildren, DeForest outlined his proposal. Grandpa would continue to operate B-22 as if nothing were amiss, but would be required to provide DeForest with advance notice of COSVN's offensives in the Saigon area. Meanwhile, DeForest would protect Grandpa as well as Liem's family. Grandpa agreed to the arrangement and until war's end in 1975 kept U.S. intelligence apprised of Vietcong funding, operations, and political developments.³⁴⁸

Described by DeForest as an "adrenaline junkie," Grandpa delighted in the intrigue, challenges, and danger of espionage.³⁴⁹ Even as it became obvious in 1975 that South Vietnam was about to fall to invading North Vietnamese forces, Grandpa declined DeForest's offers to evacuate him from Vietnam. Mindful of his age, he pointed out that the Vietcong were unaware of his collaboration with DeForest and would treat him as a hero after the war. Sadly, this was not to be. South Vietnamese forces fled from advancing North Vietnamese forces without destroying their records of Grandpa's collaboration with DeForest. The elderly man was almost certainly killed for his collaboration with the CIA.³⁵⁰

Following his unhappy return to California, DeForest married his beloved Lan and campaigned publicly to ease the suffering of Vietnamese refugees. After making a public address he was approached by a member of the

³⁴⁷ DeForest and Chanoff, 222.

³⁴⁸ DeForest and Chanoff, 224-225.

³⁴⁹ DeForest and Chanoff, 225.

³⁵⁰ DeForest and Chanoff, 261.

audience, David Chanoff. As an accomplished author and biographer, Chanoff immediately recognized that DeForest had a powerful story to tell. “You’ve got a book in you,” Chanoff told DeForest.³⁵¹ Later, the two began collaboration on *Slow Burn: The Rise and Bitter Fall of American Intelligence in Vietnam*.³⁵²

Slow Burn details DeForest’s methodology and accomplishments in an entertaining fashion, although the book is arguably marred by DeForest’s frequent denunciation of personal rivals. Nonetheless, it offers keen insights to a complex man whom his daughter described as “hilarious, personable, likeable, focused and super patriotic.”³⁵³ In fact, DeForest’s former wife amusedly described him as a “master manipulator” who nearly always found an indirect path to his goals.

As a 4-year-old, the “master manipulator” amazed his parents by exhibiting salesmanship when dealing with his 2-year-old brother, Bud. As the boys played together one day at their home in rural California, Orrin coveted the tricycle Bud was riding. Orrin retrieved a stale piece of bread from their house and offered to trade it to Bud for use of the tricycle. After Bud declined, Orrin returned to the house, where he tore the piece of bread into smaller pieces that completely filled his hands. He then re-approached Bud with his new offering. This time, Bud gave up the tricycle for the same piece of bread. Yet, DeForest’s skill meant that his acquaintances never *felt* manipulated.³⁵⁴

Asked to describe DeForest’s professional demeanor, Herrington affectionately characterized his former mentor as “ingenious, crusty, irascible, blunt, and uncompromising.” He observed that, when DeForest was given a mission he believed in, he “would move mountains to accomplish it.” However, DeForest’s considerable accomplishments and confidence led him to resist supervisors’ oversight, which he saw as petty meddling.³⁵⁵ By contrast, just as DeForest coddled sources, he treated his family gently and rarely argued with loved ones. Julie DeForest notes that her father had absolutely no stomach for disciplining children and was incapable of saying “no.”

His Vietnam experience had ravaged the compassionate side of Orrin DeForest. As his book makes clear, DeForest left the rooftop of the U.S. Embassy in Saigon with feelings of extreme guilt, loss, and anger. DeForest felt personally responsible for the sad fate of his sources and railed against his nation’s abandonment of the South Vietnamese who had helped the U.S. His unhappiness with U.S. political leadership and the CIA led him to resign and enter into a disillusioned retirement. After the USSR’s invasion of Afghanistan in 1979, the CIA contacted DeForest and asked him to organize interrogation operations in that country; he declined. Though writing *Slow Burn* temporarily buoyed

³⁵¹ Interview of Julie DeForest.

³⁵² Joint interview of Jean and Julie DeForest.

³⁵³ Joint interview of Jean and Julie DeForest.

³⁵⁴ Interview of Jean DeForest.

³⁵⁵ Herrington interview.

DeForest's spirits, his depression later returned and possibly exacerbated his declining health throughout the 1990s. DeForest passed away of cancer in 2000. Lan continues to reside in California.³⁵⁶

Distilling DeForest's Recipe for Success

DeForest's methodology for interrogating and recruiting Vietcong operatives stands in stark contrast to the highly coercive interrogation techniques that the U.S. has acknowledged employing in the GWOT. In this sense, DeForest's success reminds us that aggressively collecting intelligence on an insurgency is not necessarily incompatible with simultaneously winning adversaries' hearts and minds. While jihadists almost certainly present a more difficult recruitment profile than the secular Vietcong, DeForest's experience suggests that it is possible to convince some committed insurgents to betray their cause by identifying and exploiting relevant psychological weaknesses. For example, DeForest undermined Thi Nam's and Grandpa's expectations of abusive treatment by U.S. intelligence and capitalized upon their surprise by offering to protect their closest associates in exchange for information on higher-ranking persons of less personal concern to them.

The case study of Orrin DeForest illustrates the value of an interrogator's initiative, life experience, information management skills, and empathy. DeForest could easily have resigned himself to maintaining existing CIA collection programs. Instead, he undertook the difficult task of building a sophisticated interrogation center to produce potential spies. This display of initiative would likely have proven futile if not for DeForest's extensive life experiences with the military, investigations, counterintelligence, and Asian culture. Specifically, DeForest coupled his appreciation of Japanese counterintelligence methods (databases and wiring diagrams) with his appreciation for the power of psychology to overcome adversaries' resistance to interrogation and recruitment. His unusually strong empathy for individual Vietcong operatives made this skillful employment of psychology possible. By approaching each prospective informant as a human being, rather than as an enemy, DeForest greatly increased his effectiveness in gathering intelligence.

Our Journey Thus Far

138 | Early on we identified the pressing need to improve U.S. interrogation practices and obtain the human intelligence essential for victory in the GWOT, and noted the considerable parallels between today's interrogation challenges and those faced during the Vietnam insurgency. A targeted literature review examined the modus operandi of notable wartime interrogators and revealed a range of personal attributes and strategies that enabled interrogators to overcome barriers to success. Mindful of these attributes and strategies, we adopted a case study methodology and created a framework for examining the interroga-

³⁵⁶ Joint interview of Jean and Julie DeForest.

tion experiences of Sedgwick Tourison, Stuart Herrington, and Orrin DeForest. The case studies sought to capture the wisdom of these three U.S. interrogators, who achieved and reported on considerable successes in Vietnam.

The next section discusses the findings of the case studies, all of which were constructed to answer the original research question:

- *How did U.S. interrogators in Vietnam overcome barriers to effective counterinsurgency interrogation?*
 - A. What attributes characterized successful counterinsurgency interrogators?
 - B. Which interrogation strategies were most effective in producing actionable intelligence on Vietcong insurgents?

Synthesizing the Case Studies

Interrogator Attributes

As their case studies illustrate, Tourison, Herrington, and DeForest were all highly motivated interrogators who demonstrated their dedication to U.S. goals in Vietnam when each took the highly unusual step of voluntarily extending his tour. While Herrington acknowledged reservations about U.S. involvement in Vietnam, and initially pursued the Vietcong aggressively to advance his new career, he came to see the South Vietnamese plight as his own. Indeed, each of the interrogators was reluctant to leave Vietnam for home, even after long tours that approached seven years in DeForest's case. In contrast to R.W.G. Stephens, none felt a personal hatred for "Ol' Charlie," although they despised the Vietcong's political objectives and savage tactics. Instead, all three obviously took pride in the improvement of their tradecraft and their service to the cause of preserving South Vietnam's freedom from communist rule.

To meet interrogation challenges, the featured interrogators were able to call upon widely divergent life experiences and education. Whereas the middle-aged DeForest had served in the Army Air Corps during World War II, as a criminal investigator in Vietnam, and as a counterintelligence agent in Japan, his younger counterparts had far less previous experience. However, all three shared a keen appreciation for Asian cultures and languages that dominated much of their scholastic pursuits.

Captain Herrington was armed with a graduate-level education, general military intelligence training, military service in Germany, and seven months of professional sales experience prior to his Vietnam tour. Combined with fluency in Vietnamese and mentoring by former Vietcong members and U.S. interrogators, these experiences were sufficient to make him a highly effective interrogator.

As the youngest of the trio, Tourison demonstrated remarkable maturity and achievements for an interrogator only in his early twenties. After he had traveled

much of the world during his first enlistment, Tourison's academic and cultural development blossomed with exposure to Asian language training. With the rare combination of fluency in Vietnamese and in-house expertise on Asian culture thanks to his Chinese wife, Tourison developed an extensive knowledge of the Vietcong and of interrogation by understudying South Vietnamese and U.S. peers.

Tourison's and Herrington's rapid adaptation to interrogation suggests that their interpersonal, cultural, and language aptitudes were more valuable than formal interrogation training. Granted, neither was required to manage an entire interrogation center such as the one supervised by DeForest. Nonetheless, their success suggests the U.S. could potentially overcome shortages of cultural and linguistic aptitude by recruiting its brightest expatriates as interrogators in times of unforeseen conflict. Such individuals could likely be trained as interrogators more quickly than average interrogators could fully adapt to foreign languages and cultures.

Tourison and Herrington were exceptionally quick to master Vietnamese. However, both had a passion for foreign languages and probably possessed considerable linguistic aptitude; for instance, Herrington had previously attained fluency in German while preparing for his Berlin assignment. Herrington's experience in Germany drove him to seek the immersion opportunities that enabled him to learn Vietnamese.

While Tourison and Herrington highlighted language abilities as pivotal to their accomplishments, DeForest succeeded with a vocabulary of only 100 Vietnamese words. Tourison and Herrington essentially functioned as solo operators within a larger intelligence apparatus, whereas DeForest illustrated his organizational genius by efficiently employing South Vietnamese interrogators to compensate for his limited fluency. Even so, DeForest had a solid understanding of the host culture due to his academic background, extensive time in country, and Lan, his long-term assistant and future wife.

Perhaps the salient attribute of DeForest and Herrington in this regard was their ability to cultivate and sustain productive interpersonal relationships with sources. Both were blessed with the personal disposition and prior training necessary to convince sources they cared about their needs. Then again, in most cases, DeForest and Herrington really *did* care for their sources.

Interrogator Strategies

140 | Each of the featured interrogators developed tradecraft with obvious similarities to those used by the highly experienced interrogators described in the literature review. All took maximum advantage of available sources of leverage, such as databases and DOCEX. Of course, the availability of these resources varied just as the interrogators' operational environments varied. Tourison frequently provided operational support to combatants, where he exploited contextual clues to undermine sources' contrived identities. Once Tourison

determined his source was presenting a false identity, he would use compassion, ridicule, or controversy as appropriate to stimulate dialogue.

Herrington and DeForest were blessed with greater amounts of time, resources, and environmental control than Tourison. With these precious commodities, both ultimately implemented variations on what the researcher refers to as “guest house” interrogation. This approach placed sources in a comfortable long-term environment designed to shatter their preconceived notions about Americans and South Vietnamese in hopes of recruiting them as long-term informants. Herrington attributes his use of the methodology to mentoring he received from DeForest.

The books written by the featured interrogators reveal that each was unusually inquisitive and introspective. The interrogators’ desire to understand individuals’ motivations and needs in a cultural context was a decisive advantage. Each felt that his experiences in Vietnam yielded a unique perspective on the Vietcong insurgency and on interrogation. Just as each learned his trade by understudying respected mentors, all three saw a need to pass along their hard-earned knowledge to future U.S. interrogators. By writing their respective books, these interrogators showed their commitment to the improvement of U.S. wartime interrogation. This commitment continues to shine through as the two surviving interrogators advocate for improvements to GWOT interrogation strategies.

Putting the Pieces Together: The Ideal Counterinsurgency Interrogator

The attributes and strategies of our three counterinsurgency interrogators can be overlaid to create a hypothetical interrogator of extraordinary depth and value.

He or she would be intelligent (*all*), personable (*all*), tenacious (*all*), worldly (*all*), mature (*all*), fluent (*Tourison/Herrington*), humane (*all*), experienced (*DeForest*), managerial (*DeForest*), and encyclopedically knowledgeable of the enemy (*all, Tourison especially*). Importantly, he/she would cultivate friendships (*DeForest/Herrington*) anchored in sincere admiration for the sources’ culture (*all*). Finally, after a long and productive career, the interrogator would educate successors in hopes of improving their interrogation practices (*all*).

While our hypothetical interrogator would bear some resemblance to each of the interrogators discussed in the literature review, it appears we have reincarnated Hanns Scharff. Although Scharff did not manage a large-scale interrogation center, he otherwise embodied all of the other traits identified in the preceding paragraph. It is little wonder, then, that many successors revere him as the modern archetype of a successful interrogator.³⁵⁷

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³⁵⁷ Herrington interview.

To find all of the identified traits in a single interrogator would be exceedingly rare. Fortunately, the case studies illustrate that interrogators can still achieve success in many cases by using the many relevant traits they possess to compensate for those they lack. For instance, DeForest overcame a lack of fluency by relying upon an abundance of the other traits identified.

Adopting a Holistic Perspective

The narratives of Tourison, Herrington, and DeForest significantly improved the researcher's understanding of interrogation. In particular, the researcher now recognizes interrogation should not be isolated from its overall impact on U.S. strategic objectives. The researcher attributes this newfound understanding primarily to lessons learned from the "Guest House" approaches of Herrington and DeForest. They chose this approach for its reported tendency to ease interrogation, yet it arguably yielded far greater benefits *outside* the interrogation room. The "Guest House" strategy is intriguing because it seamlessly blended the disciplines of interrogation, espionage, and ideological reorientation. Indeed, DeForest's and Herrington's accomplishments greatly exceeded the results normally attainable by interrogation alone. Not only did they obtain valuable intelligence during interrogation, but they often recruited sources to work against former comrades. As an added benefit, some of the recruited sources underwent ideological reorientation that erased their desire to wage war against the U.S. following release.

The beauty of the "Guest House" strategy is that it approaches warfare in a holistic, systems-oriented manner. In short, it offers answers to three fundamental questions that demand constant attention during war:

1. *Why have U.S. adversaries chosen to fight?*
2. *How can these adversaries be persuaded not to fight?*
3. *If not persuaded, how may they be neutralized via kinetic means?*

Traditionally, many interrogators have focused their efforts on answering the third question. While this question is certainly important, concentrating on this issue often diverts attention from the two elementary questions preceding it. The answers to those questions might help interrogators to discourage enemy combatants from entering the battlefield in the first place. Consequently, the third question would lose significance thanks to a reduced need for kinetic attacks with all their undesirable costs, controversies, and collateral effects.

A source who is dissuaded from resistance, or better yet recruited to subvert his former comrades, dramatically reduces the enemy's ability to fend off entropy and deny a U.S. victory. Resisting entropy is particularly important to insurgent and terrorist groups because they generally lack the ability to draft combatants as would an organized state military. Instead, terrorists and insurgents must continually energize and attract new combatants, financiers, suppliers, and

supporters by demonstrating battlespace success as well as propagating an ideological message.³⁵⁸

Like a corporation that must answer to profit-oriented shareholders, interrogators respond to their government's demands for timely and accurate intelligence. However, just as a corporation must limit externalities (e.g., pollution, child labor, safety issues) that anger consumers, U.S. government interrogators must ensure that "production" of intelligence via interrogation does not result in externalities that undermine the government's strategic objective—winning the war and winning popular support for its objectives. While interrogators often adopt an interrogation approach they believe will yield maximum intelligence from a source, their choice can easily produce undesirable externalities, or unintended consequences, shared by all citizens in the court of world opinion.

In this sense, the effectiveness of an interrogation cannot be assessed simply by reviewing the intelligence obtained. Consequently, we must revisit the definition of interrogator *effectiveness* that the researcher adopted early: "We shall consider an interrogator to be effective when a source wittingly or unwittingly provides information that an impartial observer would view as detrimental to the welfare of the source's originating organization or cause. Naturally, an interrogator can exhibit varying levels of effectiveness on a continuum ranging from limited to total."

The researcher now believes the above definition is insufficient. It should be supplemented by this stipulation: *Information obtained by an interrogator must be valued in view of all externalities generated by the interrogator's methods.* Such a definition encourages interrogators, or their political masters, to devise strategies that complement overall U.S. strategic objectives. The U.S. must assess the consequences of interrogation methods that validate or increase a source's desire to wage war against the U.S., or risk outraging U.S. adversaries and aiding their recruitment or mobilization of supporters. Moreover, if U.S. interrogation methods disgust Americans they may decrease political support for the war. Merle Pribbenow, whose essay detailed the interrogation of Nguyen Tai, captures the feelings of many compatriots. "[W]e, as Americans, must not let our methods betray our goals.... America is as much an ideal as a place."³⁵⁹ While specific discussions of interrogation morality are outside the scope of this study, practical consequences, such as erosion of U.S. *soft power*,³⁶⁰ are an important consideration.

³⁵⁸ Troy S. Thomas and William D. Casebeer, *Violent Systems: Defeating Terrorists, Insurgents, and Other Non-State Adversaries*, Occasional Paper 52, March 2004, U.S. Air Force Institute for National Security Studies, U.S. Air Force Academy, Colorado Springs, CO.

³⁵⁹ Pribbenow, *The Man in the Snow White Cell*, 9.

³⁶⁰ Joseph S. Nye, *Soft Power: The Means to Success in World Politics* (New York: Public Affairs, 2004).

The foregoing discussion illustrates the potential drawbacks of assessing interrogation effectiveness by considering only those events that occur inside “the box” (interrogation room).³⁶¹ Our featured interrogators designed all of their “outside the box” interactions with sources to advance their interrogation objectives “in the box.” Now, GWOT interrogators must ensure their actions “inside the box” complement U.S. wartime objectives “outside the box.” As Stephen Dorril notes, “We have almost reached the point where there are no secrets any more, only delayed disclosures.”³⁶² Indeed, whistleblowers, investigative reporters, and bloggers have increased transparency of the workings of corporations and governments alike. As a consequence, governments must remain ever mindful of their interrogators’ impact upon the state’s diplomacy. Harsh U.S. interrogation methods potentially have the undesirable effect of motivating combatants to resist interrogation, or increasing the number of enemy combatants whom the U.S. must face on the battlefield, and in the interrogation room.

Looking to the Future: From Interrogation to Educating Information

In December 2006 the Office of the Director of National Intelligence, through its affiliated Intelligence Science Board (ISB), explored the current state of scientific knowledge regarding interrogation and related forms of human intelligence gathering, publishing its findings in a report titled *Educating Information: Interrogation: Science and Art, Foundations for the Future*. The ISB discovered that the U.S. has not conducted rigorous research on interrogation strategies since the 1960s. While laws and agency policies influence U.S. interrogation practices, no definitive standard exists for validating their effectiveness. In effect, individual interrogators have been left with little more than historical precedents, anecdotes, and personal experiences to guide them in the formulation of interrogation strategies.³⁶³

As the literature review demonstrated, interrogators must overcome many significant barriers to their success. While the guest house strategy of Herrington and DeForest arguably eased the challenges of interrogation, it also required the architects to transition seamlessly to the complementary roles of spy handler and marketer. This development is consistent with the ISB’s call to study all opportunities for *educating* information rather than to rely on interrogation alone. As Dr. Robert Fein, the leader of the ISB study, notes, the word “interrogation” can artificially restrict the ability to imagine promising opportunities to obtain human intelligence by immediately calling forth images of

³⁶¹ Professor Richard Walton, oral presentation of Nguyen Tai case study to ISB Educating Information working group at NDIC, 16 December 2006.

³⁶² Stephen Dorril, “The Modern-Day Spy,” *The Observer*, 16 May 1999.

³⁶³ Fein, in *Educating Information*, xiii.

stylized confrontation,³⁶⁴ as depicted in “NYPD Blue,” “24,” and their Hollywood ilk. By contrast, educing information entails a broader range of human intelligence interactions that include debriefing, interviewing, interrogation, and elicitation. Clearly, when intelligence professionals such as DeForest or Herrington “turned” sources into spies, they employed a skill set that exceeded interrogation alone.

Given recent advances in the social sciences and their possible relevance to educing information, the ISB study recommends that the U.S. undertake social science research expeditiously to assess and inform U.S. interrogation practices.³⁶⁵ In the short term, however, U.S. intelligence and law enforcement interrogators confront immense pressure to extract large volumes of actionable intelligence from foreign insurgents captured or detained during the GWOT. Because the U.S. government has not conducted recent academic research to guide its interrogators,³⁶⁶ today’s counterinsurgency interrogators may benefit from examining the strategies employed by their predecessors during the Vietnam War, such as those discussed in this study.

Successfully educing information in the 21st century may depend on stimulating and integrating social science research to transform the field,³⁶⁷ just as U.S. scientists and engineers have exponentially improved technical intelligence collections. Such a radical improvement demands the dedicated attention of fine minds, whether in academe, intelligence, law enforcement, or marketing firms. By applying their efforts eclectically to a field often eschewed out of distaste for its practitioners’ past transgressions, talented professionals will demonstrate foresight and courage. In tackling such an important challenge, they will capitalize upon the lessons offered by Tourison, Herrington, and DeForest, who together showed successors the synergistic power of tenacity, maturity, environmental comprehension, and human understanding, and thus offer a promising preview of the potential for educing information in the future.

³⁶⁴ Dr. Robert Fein, Chair of the Intelligence Science Board Study on Educing Information, unclassified presentation to NDIC, May 2007.

³⁶⁵ Fein, in *Educing Information*, xiii.

³⁶⁶ Fein, in *Educing Information*, xiii.

³⁶⁷ Robert A. Destro, “Foreword,” in *Educing Information*, vii.



The Accidental Interrogator: A Case Study and Review of U.S. Army Special Forces Interrogations

The term “tactical interrogation” has disappeared from the lexicon, replaced by the terms “tactical questioning,” “intelligence interrogation,” and “debriefing.” In the wake of the Abu Ghraib scandal and the resulting flurry of investigations, the Department of Defense has crafted new doctrine on interrogation operations—Army Field Manual (FM) 2-22.3. Areas of the new doctrine have received unprecedented public attention, especially prisoner status and prisoner treatment. Lost in the process, however, are other equally important doctrinal issues, such as the newly imposed strict delineation of who can and cannot conduct interrogations.

Especially in prosecuting the Global War on Terrorism, Special Forces soldiers are on the cutting edge of battle, often the first ones to engage the enemy. Because of this, they are also the first ones to experience the effects of ill-conceived doctrine. Decisions made in Washington restrict the definition of interrogation by narrowly defining who is qualified to conduct interrogations, leaving unconventional warfighters in a precarious position. The question that this study poses is: How can U.S. Army Special Forces accomplish assigned missions while still adhering to DoD doctrine on intelligence interrogation and tactical questioning?

To address this question, the author first explains the evolution of the debate among senior U.S. government officials, including the President, and then the development and distribution of a new manual governing interrogation. The abuses at Abu Ghraib prison and the myriad investigations it spawned form the capstone of this debate. Next the author provides a case study that encapsulates three unique, real-world interrogation scenarios drawn from his experience in Iraq before the Abu Ghraib scandal broke. These firsthand accounts detail all elements surrounding each interrogation event and serve to (1) introduce the need for Special Forces to conduct tactical interrogation, and (2) identify techniques that will be useful to future interrogations, whether strategic, operational, or tactical. The accounts are cumulative and interactive to allow readers to draw their own inferences from the author’s decisions. They

provide insights about how current interrogation policy and doctrine have hamstrung tactical intelligence gathering.

The author concludes that the “letter” of the current doctrine on interrogation contradicts its “intent.” In particular, the doctrine’s apparent reliance on “tactical questioning” to cover all situations where no trained interrogator is available is inadequate. It creates a moral dilemma. The need for the information remains, but the means of obtaining it is thwarted by the doctrine. The key to solving this problem is to integrate interrogation into Special Forces operations and not treat it as something removed from daily operational activities. Instead of restricting access to this tool, interrogation should be incorporated into Special Forces training along with appropriate checks and balances. If Special Forces are given “special authorization” to conduct interrogations, it must be done cautiously given past catastrophic failures in interrogation practices that have led to prisoner abuse and greater public scrutiny. Additionally, to grant authorization and not the requisite training would be a recipe for failure. The need for Special Forces soldiers to conduct interrogations exists; doctrine and training must converge to meet that need.

Tomorrow’s Dilemma Today

Red-faced, and with veins bulging, the guerrilla leader (G chief) erupts in a tirade so close to the Special Forces detachment commander that saliva from the G chief is making the detachment commander wince. In one of his oversized paws the G chief holds the wrist of his cousin, a fighter in his elite commando unit, who was shot in the face and died minutes earlier. In his other manacle he is shaking the very much alive, yet delicate, hand of a well-groomed individual, who was one of a few men captured in the recent fight. The detachment commander does not need to hear the translation to know that the G chief wants to interrogate the “pretty one,” or worse.

148 | Gently the detachment’s warrant officer, a mature, calm soldier with slightly graying hair, places his hand on his commander’s shoulder and rotates him 90 degrees away from the pungent spray. In a calm voice intended to sound like his own conscience, the warrant tells the commander that there is no way they can permit any of the guerrillas with whom they have been working for the past weeks to take control of the detainees or the situation. “Remember what the JAG³⁶⁸ said about detainees before we left?” he questions knowingly. Eyes closed, and with a sharp head nod, the commander signals his agreement.

Turning back to meet the waiting, fiery eyes of the G chief, the commander is still at a loss for words. Help comes in the form of the only other person in a couple of hundred miles who is more physically impressive than

³⁶⁸ Judge Advocate General (JAG), a military lawyer.

the G chief—the detachment’s team sergeant. He is the commander’s equal and together they run the detachment. He lays a poncho over the dead commando, and leads the commander a few feet away from the impatient G chief.

The results-oriented team sergeant lays out the situation: “OK, sir, what are we looking at here? We have one pissed-off G chief, who represents the feelings of his entire battalion-sized element of voracious fighters. Shoot, sir, they’re sure this prisoner knows what is going on in that village over there as much as we do. We all know that of the 13 detainees we now have, there is something not right with him, that one. So far what has he said? He claims he is a construction worker like all the others, but he is from some town far away that no one has heard of. Additionally, his hands look like they haven’t seen a day of hard work in his life. Sir, I will talk to this guy with one of the other team members and we will do an interrogation that won’t abuse him, but we will still find out who this guy is.”

So far the commander has been told nothing that he doesn’t already know. Minutes ago they were all pinned down by the enemy, only to be saved by an AC-130 gunship strike and to feel the elation of victory in battle and the calm that comes after. Then there was the lone building they had to clear, the men and the money they found inside, and now things were escalating again over what to do with the detainees. All 13 detainees swore they were construction workers, and from the look of the half-finished battle emplacements their story was probably true. All save the “pretty one,” who was not captured with the other 12, looked soft and refined, and had a briefcase full of U.S. dollars.

The commander knows that it will not be easy to cool the blood of the guerrillas, who have lost four of their men; one, the G chief’s cousin, was the most charismatic of the entire unit. He also knows what his warrant officer meant about the JAG and the briefing they received on rules of engagement (ROE). Technically, no one in the detachment is authorized to conduct interrogations for a number of reasons. First, no one has been to the Joint Interrogation Course at Fort Huachuca, and even if they had there were no approved U.S. Army interrogation facilities or military police (MPs) anywhere on the continent where they were now fighting. One of the members of the detachment, the team sergeant, had been to an interrogation course, but that course allowed him to conduct interrogations only in the U.S. Central Command (USCENTCOM)³⁶⁹ area of responsibility. Then, of course, there was “tactical questioning.” Tactical questioning could be done by anyone but had to be “*expedient* initial questioning for information of *immediate value* (emphasis added).”³⁷⁰ Even if he could get the guerrillas to buy off on it, the commander knew that the questioning would have to be more than “expedient.” No one had said it yet, but everyone

³⁶⁹ USCENTCOM is the geographic unified command responsible for the Middle East, East Africa, and Central Asia.

³⁷⁰ U.S. Army Special Text (ST) 2-91.6, *Small Unit Support to Intelligence* (Fort Huachuca, AZ: U.S. Army Intelligence Center, March 2004), 2-1. Cited hereafter as ST 2-91.6.

was hoping the “thirteenth prisoner” would have information on HVT29.³⁷¹ This information, what the guerrillas and the detachment really want, although not of “immediate value,” is critical to the team’s mission.

The detachment holds an ad hoc meeting to discuss options. Everyone agrees that this would be the perfect time to have a school-trained, Army-approved interrogator. They also agree it would be nice to have a U.S.-born, vetted interpreter. Another team member says it would be nice to have an anthropologist, clinical psychologist, diesel mechanic, electrical engineer, cook, and veterinarian. “Perhaps that is what we are all supposed to be,” says another member, “a little bit of all of that so we can get by. After all,” he continues, “we are all shooters first and medics, or engineers, or communications geeks second. You can’t go randomly attaching different specialists for ‘wouldn’t it be nice’ situations; this is just something we need to have internal.”

First, the commander decides he must deal with the brooding G chief. If he does not act convincingly, there will be a summary execution and he will not longer have to worry about interrogation versus tactical questioning. Carefully some detachment members pry the detainee away from the G chief while a few of his subordinates and the detachment commander try to calm him down. Now, the G chief is only insisting to “speak” to “the pretty one,” as he is calling the thirteenth prisoner. Once the G chief is convinced that the detachment commander will not let him execute the prisoner, the G chief tries to persuade the detachment commander to allow him to question the prisoners, as long as the questioning is done “his way.”

Remembering current doctrine and the Geneva Convention, the detachment commander is certain that he cannot use physical or mental “torture” to interrogate the prisoners.³⁷² Unable to cite any additional policy or legal convention, the commander decides he cannot “render” or turn custody of the detainee over to the guerrillas. The G chief is commanding a force not recognized by the United Nations, nor does it represent a signatory to the Geneva Convention. The commander reminds the members of the detachment of this fact. He also remembers that any prisoner who is in U.S. Department of Defense (DoD) custody must be treated in accordance with DoD doctrine.³⁷³ “Oh, OK, I am understands, complete,” pronounces the G chief with a wink as he continues to eyeball the prisoners. Finally, when it becomes clear the detachment commander is not going to allow the prisoners to be tortured, the G chief turns and stares at him in disbelief, like a goat looking at a wristwatch. This turn of events both amazes and infuriates the guerrilla unit. Focusing the G chief on his wounded and dead buys the detachment a little more time.

³⁷¹ U.S. Military terminology for High Value Target. These targets are sometimes numbered in priority order. The so-called “deck of cards” for Operation IRAQI FREEDOM is one example.

³⁷² Geneva Convention, Convention III, “Relative to the Treatment of Prisoners of War,” Geneva, Switzerland, 12 August 1949.

³⁷³ U.S. Army Field Manual (FM) 2-22.3, *Human Intelligence Collection Operations* (Washington, DC: Department of the Army, September 2006), 5-15. Cited hereafter as FM 2-22.3.

Since receiving this mission two weeks ago back in Colorado Springs, detachment members have identified HVT 29 as likely working in the sector they were assigned. Up until now they had not noticed how close they were to HVT 29's trail. The thirteenth prisoner was found in a room with another man who was holding an AK-47 and was shot dead when the detachment gained entry to the room. Prisoner 13 and the now-dead man who was with him both look remarkably like HVT 29. While team members joked when they first got into country that "everyone here looks like HVT 29," these two *do* look suspiciously similar to HVT 29. Then there is the briefcase full of money that was found in the clutches of the thirteenth prisoner. Some papers now being translated seem to be instructions, from HVT 29 to the thirteenth prisoner, for paying fighters. The detachment knows there is a link here, but cannot figure out how to get the information from the prisoner without violating DoD doctrine.

The detachment's communications sergeant has been trying to raise higher headquarters on voice and digital channels. So far, any real trouble or issues, like explaining friendly-fire incidents or where you spent your contingency funds (\$75,000 in cold U.S. greenbacks), have been taken care of during breaks in the fighting by calls on a secure satellite phone back to company headquarters, which is anywhere from 6 to 60 miles away. For real problems, the detachment commander has to call the lieutenant colonel in his chain of command, who is a continent away. Even the daily message traffic sent to the company has become a simple cut-and-paste function from previously sent messages: this many bombs dropped, this many enemy killed, no further info on HVT 29, send some Copenhagen chewing tobacco in the next parachute resupply.

Everyone is hoping for some higher-ranking officer to give the order to break with DoD policy and allow interrogation of prisoners. What the detachment knows will happen is that it will receive a message to "stand by" while each commander calls his boss, hoping the next guy up the chain will make that decision. Either way, detachment members know they have little time before the nearby village establishes an offensive or defensive campaign against them and the guerrilla force. They have little time before the G chief becomes agitated again. They have little time to find out if HVT 29 is nearby, in the village maybe. And, if HVT 29 is not in the village, then why not just bypass it? The detachment is in the middle of an austere, asymmetric, rapidly changing environment and the commander knows he cannot wait for approval on a case-by-case basis to conduct interrogations. He also suspects that the current policy on DoD interrogations was created more to satisfy politicians in Washington and lawyers than to provide tactical guidance to soldiers. Born out of a series of often contradictory memoranda granting special exemptions, the detachment is wary of trusting DoD policy in this new conflict. But what else does the team have to go by?

Walking into an enemy bunker after being within 100 meters of an AC-130 strike, and confronting and killing a man with a gun, is no problem for a Special Forces detachment. Typically, an Operational Detachment Alpha (ODA)³⁷⁴ is just mopping up the dead; it rarely is confronted with prisoners. Dealing with a live prisoner of suspicious origin is a problem. The detachment is careful to keep each of the detainees separate. Even before they decide to question them, team members process the detainees as much as they feel is appropriate. They take down basic information on each man and take his photo. The detachment feels confident this does not exceed the restrictions of tactical questioning. After finally establishing communications again, they send these names and digital photos along with an after-action report to the company, which sends it to the battalion, and so on. As detachment members wait to see what higher has to say about any of the detainees, they continue to discuss their current predicament: what to do with 13 live enemy prisoners.

After receiving a legal definition but no clear guidance on whether or not the detachment can conduct an interrogation, the commander assumes risk and takes the following action. He “officially” releases the 12 detained “workers,” while still keeping them in custody as local civilians they might want to “debrief.” Through this loophole the ODA discovers that HVT 29 was recently at this site, and that he and the thirteenth prisoner would talk and travel back and forth to the village regularly. Although the ODA has cleverly gleaned a lot of quality intelligence, it has not been able to find a loophole to interrogate prisoner 13. Again the detachment commander steps up and assumes risk.

He is inspired by the “legal-speak” he received from higher headquarters and remembers a line from the current Army interrogation manual: “Authority for conducting interrogations of personnel detained by military forces rests primarily upon the traditional concept that the commander may use all available resources and lawful means to accomplish the mission and to protect and secure the unit.”³⁷⁵ This flies in the face of the ROE the detachment received and specifically the T.H.I.N.K.³⁷⁶ acronym used to hammer it home: Treat all detainees the same, Humane treatment is the standard, Interrogators interrogate (emphasis added), Need to report abuses, and Know the approved techniques and approval authorities. The “interrogators interrogate” and “approval authorities” are what give them trouble. It is not clear to any of the team members, under the circumstances, if interrogating prisoner 13 is (1) lawful, given the current doctrine; or (2) can be spun to support protecting and securing the unit; but (3) it does speak to accomplishing the mission, because capturing HVT 29 would be an important, though indirect, part of accomplishing their

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³⁷⁴ Throughout this paper I will refer to the basic 12-man SFODA or Special Forces Operational Detachment Alpha as a detachment or ODA. All these terms are used to cover the most essential element of the U.S. Army Special Forces Command, the ODA.

³⁷⁵ FM 2-22.3, 5-17.

³⁷⁶ INSCOM Brief, “Interrogation Law for Interrogators,” 1 February 2005.

mission. So with that rationalization and the confidence (hope?) that a jury in any court-martial would agree with him, the detachment commander gives the order to conduct the interrogation using the approved techniques that the team members learned in uncertified classes and that are covered in the Army interrogation manual. As it turns out, prisoner 13 is a hardened extremist and the detachment's ability to use the shock of capture and its extensive background knowledge of HVT 29 yields actionable intelligence on the composition of the village and HVT 29's whereabouts in the village.

This scenario is completely fictional. . . well, mostly. The part that is most fictional is. . . "usually the ODA is just mopping up the dead; it rarely is confronted with prisoners." U.S. Army Special Forces training provides no interrogation, debriefing, or detainee handling training at any stage. Current exceptions to policy allow for some members to attend a small training event that permits them to conduct limited interrogations in one theater only (USCENTCOM) and only in approved locations. The Army is preparing to introduce a Joint Interrogation Course that would qualify its graduates to conduct interrogation at "approved facilities." If an ODA were to deploy tomorrow to the Philippines, North Korea, Africa, or anywhere in South America, it would face many of the same dilemmas that the fictional ODA faced.

Today in Iraq and Afghanistan there are ODAs operating without a clear understanding of what they can and cannot do with a terrorist suspect they have been looking for and have finally caught. Additionally, the ODAs are the subject matter experts on their environment and on the enemy that operates within that environment. It is my contention that ODA team members are often best equipped intellectually and situationally to interrogate the enemy combatants they capture.

Current doctrine is very ambiguous and, from the rank of general to private, is interpreted differently. Many would argue that "tactical questioning" gives soldiers every tool they need. However, tactical questioning is subject to a very broad or very narrow interpretation based on the situation and mission. Take, for example, the scenario with prisoner 13. Suppose that after the detachment had conducted a three-hour interrogation, using many of the approved techniques in FM 2-22.3, the guerrillas had summarily executed the prisoner. And perhaps one of the guerrillas filmed the execution with his cell phone. In the subsequent investigation, under what authority would the detachment claim it interrogated the prisoner?

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As illustrated, there are obvious loopholes in the current doctrine. Testing these loopholes in the field is not a matter of whether it will happen, but when. Moreover, the current doctrine sends soldiers to the fight questioning its usefulness and, worse, fails to take into account realistic future combat scenarios. Company-level officers will be the ones who end up making the decision as to when to interrogate. They also will be the first ones held responsible when things go awry. To address this sensitive and critical shortfall, I pose the follow-

ing question: How can U.S. Army Special Forces accomplish assigned missions while still adhering to DoD doctrine on intelligence interrogation and tactical questioning?

Overview

The next section is a chronology of interrogation-related events from 11 September 2001 through the fielding of FM 2-22.3 in the fall of 2006. This chronology explains the evolution of the debate on interrogation beginning with prisoner status, to the treatment of prisoners, through Abu Ghraib, and finally to the development and distribution of a new manual governing interrogations. The abuses at Abu Ghraib prison in Iraq and the investigations it spawned are the capstone of the section.

The next section provides a “thick” case study that is the bedrock of the study. It encapsulates three unique, real-world interrogation scenarios drawn from the author’s experience in Iraq before the Abu Ghraib scandal broke. These firsthand accounts detail all the elements surrounding each interrogation event. The accounts are cumulative and interactive to allow the readers to draw their own inferences, as well as evaluate the author’s decisions, from each one.

Then comes an analysis of the current DoD interrogation environment, and how events described earlier reveal the inadequacy of DoD interrogation doctrine. Additionally, the author draws out lessons learned from the case study that can help create more effective interrogations.

Next the author presents the case for allowing U.S. Army Special Forces soldiers to conduct tactical interrogations. A clear line is drawn between tactical questioning, intelligence interrogations, and the more broadly defined tactical interrogation. The issues justifying Special Forces soldiers conducting tactical interrogation include accountability, uniformity, and training.

154 | Finally, the author concludes that the “letter” of the current doctrine on interrogation contradicts its “intent.” In particular, the doctrine’s apparent reliance on “tactical questioning” to cover all situations where no trained interrogator is available yet mission-essential information is required from prisoners is inadequate. The key to solving this problem is to integrate interrogation into Special Forces operations and not treat it as something removed from daily operational activities. Instead of restricting access to this tool, interrogation should be incorporated into Special Forces training along with appropriate checks and balances. If Special Forces are given “special authorization” to conduct interrogations, it must be done cautiously, given past catastrophic failures in interrogation practices that have led to prisoner abuse and greater public scrutiny. Additionally, to grant authorization and not the requisite training would be a recipe for failure. The need for Special Forces soldiers to conduct interrogations exists; doctrine and training must converge to meet that need.

Chronology

Military interrogators and military police, assisted by front-line tactical units, found themselves engaged in detention operations with detention procedures still steeped in the methods of World War II and the Cold War, when those we expected to capture on the battlefield were generally a homogeneous group of enemy soldiers. Yet, this is a new form of war, not at all like Desert Storm nor even analogous to Vietnam or Korea.

—*The Final Report of the Independent Panel to Review DoD Detention Operations*
August 2004

Current problems surrounding detention and interrogation began, unbeknownst to us, on 11 September 2001 (hereafter referred to as 9/11). When the United States was attacked and war was declared, one of the first issues to be recognized as a problem was the detention and treatment of people who fight not for a country but for a belief. On 13 November 2001, the President issued a military order on the “Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism.”³⁷⁷ What followed was a constant back and forth of memoranda, findings, authorizations, and promulgating/rescinding of orders dealing with U.S. policy regarding detention status and interrogation techniques.

The debate over the “status” of our new enemy arose first. Next, as a logical consequence to the answer to that question, came the issue of interrogation techniques. These issues and DoD doctrine on interrogations are central to the issues presented in this paper. It is important, however, to understand the status of the debate in order to determine the causes that have shaped current doctrine.

Status of Prisoners

Following the November 2001 order, the President; the Department of Justice’s Office of Legal Counsel (OLC), which provides legal counsel to the White House and other executive branch agencies; and DoD sent out numerous memoranda dealing with the issue of granting prisoner of war (POW) status to members of Al Qaeda and the Taliban. The facts were clear. To be granted POW status the Geneva Convention states that:

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³⁷⁷ U.S. President, George W. Bush, President’s Military Order re: Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism, 13 November 2001.

Prisoners of war, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy:

(1) Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces.

(2) Members of other militias and members of other volunteer corps, including those of organized resistance movements, belonging to a Party to the conflict and operating in or outside their own territory, even if this territory is occupied, provided that such militias or volunteer corps, including such organized resistance movements, fulfill the following conditions:

(a) that of being commanded by a person responsible for his subordinates;

(b) that of having a fixed distinctive sign recognizable at a distance;

(c) that of carrying arms openly;

(d) that of conducting their operations in accordance with the laws and customs of war.

(3) Members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power.

(4) Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model.

(5) Members of crews, including masters, pilots and apprentices, of the merchant marine and the crews of civil aircraft of the Parties to the conflict, who do not benefit by more favorable treatment under any other provisions of international law.

(6) Inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war.³⁷⁸

³⁷⁸ Geneva Convention, Convention III, "Relative to the Treatment of Prisoners of War," Geneva, 12 August 1949.

The Taliban and Al Qaeda fighters met *none* of these criteria. However, the issues U.S. leaders were trying to clarify were whether or not the U.S. should grant them POW status anyway and, if the fighters were not POWs, how they could be classified. All these questions were addressed in the memoranda discussed below.

On 18 January 2002, President Bush decided that captured members of Al Qaeda and the Taliban were unprotected by the Geneva Convention. That decision was preceded by a memorandum dated 9 January 2002 from the OLC. The memorandum was written by Deputy Assistant Attorney General John Yoo and Special Counsel Robert J. Delahunty and submitted to William J. Haynes II, General Counsel to DoD. The Yoo/Delahunty memorandum provided the analytical basis for all that followed regarding blanket rejection of the applicability of the Third Geneva Convention to captured members of Al Qaeda and the Taliban. Its legitimacy has been analyzed and strongly debated.³⁷⁹

On 11 January 2002, the first detainee arrived at the detention facility at Guantánamo Bay, Cuba (GTMO). At the end of the month the International Committee of the Red Cross (ICRC) made its first visit to GTMO. The ICRC has the unique role of being the sole overseer of rights afforded by the Geneva Convention. During the previous month the ICRC had visited the Bagram detention center in Afghanistan.³⁸⁰

In a memorandum dated 19 January 2002, Secretary of Defense Donald Rumsfeld ordered the Chairman of the Joint Chiefs of Staff to inform combatant commanders that “Al Qaeda and Taliban individuals...are not entitled to prisoner of war status for purposes of the Geneva Conventions of 1949.” He ordered that “commanders should...treat them humanely, and to the extent appropriate and consistent with military necessity, consistent with the Geneva Conventions of 1949.” That order thus gave commanders permission to depart from the provisions of the Geneva Conventions when they deemed it appropriate and a military necessity.

A 22 January 2002 memorandum from Jay Bybee, OLC, for Alberto R. Gonzales, Counsel to the President, and William J. Haynes II, DoD General Counsel, Re: “Application of Treaties and Laws to Al Qaeda and Taliban Detainees,” follows the same structural pattern as the Yoo/Delahunty memorandum, but with additional analysis of certain issues pertaining to international law and the law of war.

On 25 January 2002, White House Counsel Gonzales sent a memorandum to President Bush regarding the Presidential decision on 18 January 2002—that captured members of the Taliban were not protected under the Geneva POW

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³⁷⁹ Jordan Paust, “The Common Plan to Violate the Geneva Conventions,” *Jurist Legal Intelligence*, University of Houston Law Center, 25 May 2004, URL: <jurist.law.pitt.edu/forum/paust2.php>, accessed 1 June 2007.

³⁸⁰ Independent Panel, “Review of DoD Detention Operations,” August 2004, 23. Cited hereafter as Panel, DoD Detention Ops.

Convention (GPW). The legal advisor to the Secretary of State had objected to this decision. Gonzales advised that “there are reasonable grounds for you to conclude that (the) GPW does not apply...to the conflict with the Taliban.”³⁸¹ He then identified what he believed were the ramifications of Mr. Bush’s determination. On a positive note, he felt they preserved flexibility, stating that: “The nature of (a ‘war’ against terrorism) places a high premium on...factors such as the ability to quickly obtain information from captured terrorists and their sponsors...and the need to try terrorists for war crimes.... [T]his new paradigm renders obsolete Geneva’s strict limitations on questioning of enemy prisoners.” His expressed concerns were that certain GPW language such as “outrages upon personal dignity” and “inhuman treatment” are “undefined”; that it is difficult to predict with confidence what actions might constitute violations; and that it would be “difficult to predict the needs and circumstances that could arise in the course of the war on terrorism.” He believed that a determination of inapplicability of the GPW would insulate [the government] against prosecution by future “prosecutors and independent counsels.”³⁸²

Mr. Gonzales then identified the counter-arguments from the Secretary of State, which included:

- Past adherence by the United States to the GPW;
- Possible limitations on invocation by the United States of the GPW in Afghanistan;
- Likely widespread condemnation by allied nations;
- Encouragement of potential enemies to find “loopholes” to not apply the GPW;
- Discouraging turnover of terrorists by other nations;
- Undermining of U.S. military culture, “which emphasizes maintaining the highest standards of conduct in combat.”³⁸³

In response, Mr. Gonzales says, “Even if the GPW is not applicable, we can still bring war crimes charges against anyone who mistreats U.S. personnel.”³⁸⁴ The author finds this explanation especially troubling, as one of the soldiers who might possibly be mistreated (tortured, executed). Would soldiers endure their torture better if they knew that the U.S. could still charge Al Qaeda torturers with war crimes?

³⁸¹ Alberto R. Gonzales, Memorandum for the President, subject: “Decision RE Application of the Geneva Convention on Prisoners of War to the Conflict with Al Qaeda and the Taliban,” 25 January 2005. Cited hereafter as Gonzales Memo, 25 Jan 02.

³⁸² Gonzales Memo, 25 Jan 02.

³⁸³ Colin L. Powell, Memorandum for Assistant to the President for National Security Affairs, subject: “Draft Decision Memorandum for the President on Applicability of the Geneva Convention to the Conflict in Afghanistan,” 26 January 2002.

³⁸⁴ Gonzales Memo, 25 Jan 02.

On 7 February 2002, President Bush signed a landmark order accepting the reasoning of the Yoo and Gonzales memoranda and validating the order issued by Secretary Rumsfeld on 19 January 2002. From the sequence of events and discussion by White House Counsel, it is clear that the decision by President Bush, and the subsequent orders from Rumsfeld, were based on the Yoo/Delahunty memorandum of 9 January 2002.

The legal status of Al Qaeda and Taliban forces remains murky. The Detainee Treatment Act (DTA) of 2005 helped to clarify the issue. However, new questions have arisen over the DTA.³⁸⁵ In Iraq, status was never expected to be an issue and the GPW was to be extended to all detainees. The constant flow of orders and revocations muddied the water to the point where all detainee operations were under scrutiny. The genesis for most of these problems was the November 2001 Presidential order. In August 2002, the focus of the debate moved from prisoner status to treatment.

Treatment of Prisoners

A subsequent memorandum from Gonzales, at the time still Counsel to the President but later Attorney General of the United States, addressed guidelines for interrogations and established what amounts to an immoral standard.³⁸⁶ The memorandum, which has been called the “torture memorandum,” attempts to define the terms “torture” and “pain.” It states:

We conclude that for an act to constitute torture as defined in Section 2340, it must inflict pain that is difficult to endure. Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death. For purely mental pain or suffering to amount to torture... it must result in significant psychological harm of significant duration, e.g., lasting for months or even years.³⁸⁷

When *The Washington Post* exposed this memorandum in June 2004, human rights experts were troubled by the Justice Department’s legal reasoning. Tom Malinowski of Human Rights Watch called the interpretation “by leaps and bounds the worst thing I’ve seen since this whole Abu Ghraib scandal” | 159

³⁸⁵ It is unclear whether the DTA still applies. The DTA was passed in 2005 and held every government agency to the doctrine of FM 34-52. It was not determined for this paper if the DTA still applies because new DoD doctrine in the form of FM 2-22.3 has been released since the DTA was passed.

³⁸⁶ Office of Legal Counsel, Memorandum for Alberto R. Gonzales, Counsel to the President, subject RE: Standards of Conduct for Interrogation under 18 U.S.C. 2340-2340A, 1 August 2002. Cited hereafter as Torture Memo.

³⁸⁷ Torture Memo.

broke....It appears that what they were contemplating was the commission of war crimes and looking for ways to avoid legal accountability. The effect is to throw out years of military doctrine and standards on interrogations.”³⁸⁸

What followed were requests to use techniques not found in the then-current military doctrine on interrogations, Army FM 34-52. In October 2002, U.S. Southern Command (USSOUTHCOM), responsible for the GTMO detention center, requested permission to use additional interrogation techniques. The Secretary of Defense responded by approving 20 new techniques in a memorandum dated 2 December 2002 (see Figure 1, column 2).

These techniques were not approved for long. In a memorandum dated 15 January 2003, Secretary Rumsfeld rescinded almost all of the techniques he approved on 2 December. In the memorandum, Secretary Rumsfeld stated that if a particular technique was determined to be warranted he could approve its use on a case-by-case basis (see Figure 1, column 3). Secretary Rumsfeld directed the DoD General Counsel to establish a working group to study interrogation techniques. The working group, in turn, relied heavily on the OLC.³⁸⁹ The members reviewed 35 techniques and recommended 24 be approved. Those 24 were signed into effect on 16 April 2003.³⁹⁰ This begs the question: What were interrogators at GTMO using between 15 January and 16 April 2003? In fact, the techniques that were approved, but not in FM 34-52, were intended for use only at GTMO.

³⁸⁸ Dana Priest and R. Jeffrey Smith, “Memo Offered Justification for Use of Torture: Justice Dept. Gave Advice in 2002,” *The Washington Post*, 8 June 2004, A01.

³⁸⁹ Panel, DoD Detention Ops, 5.

³⁹⁰ Panel, DoD Detention Ops, 6.

Evolution of Interrogation Techniques - GTMO				
	FM 34-52 (1992)	Secretary of Defense Approved Tiered System	FM 34-52 (1992) with some Cat I	Secretary of Defense Memo
Interrogation Techniques	Jan 02- Dec 02	02 Dec 02- 15 Jan 03	16 Jan 03- 15 Apr 03	16 Apr 03- Present
Direct questioning	X	X	X	X
Incentive/removal of incentive	X	X	X	X
Emotional love	X	X	X	X
Emotional hate	X	X	X	X
Fear up harsh	X	X	X	X
Fear up mild	X	X	X	X
Reduced fear	X	X	X	X
Pride and ego up	X	X	X	X
Pride and ego down	X	X	X	X
Futility	X	X	X	X
We know all	X	X	X	X
Establish your identity	X	X	X	X
Repetition approach	X	X	X	X
File and dossier	X	X	X	X
Mutt and Jeff				X*
Rapid Fire	X	X	X	X
Silence	X	X	X	X
Change of Scene	X	X	X	X
Yelling		X (Cat I)	X	
Deception		X (Cat I)		
Multiple interrogators		X (Cat I)	X	
Interrogator identity		X (Cat I)	X	
Stress positions, like standing		X (Cat II)		
False documents/reports		X (Cat II)		
Isolation for up to 30 days		X (Cat II)		X*
Deprivation of light/auditory stimuli		X (Cat II)		
Hooding (transportation & questioning)		X (Cat II)		
20-interrogations		X (Cat II)		
Removal of ALL comfort items, including religious items		X (Cat II)		
MRE-only diet		X (Cat II)		X*
Removal of clothing		X (Cat II)		
Forced grooming		X (Cat II)		
Exploiting individual phobias, e.g. dogs		X (Cat II)		
Mild, non-injurious physical contact, e.g. grabbing, poking or light pushing		X (Cat III)		
Environmental manipulation				X
Sleep adjustment				X
False flag				X

*Techniques require SOUTHCOM approval and SECDEF notification.

Source: Naval IG Investigation Appendix E

At this point interesting events in the promulgation of interrogation techniques started coming to light. In February 2003, Special Operations Forces (SOF) Standard Operating Procedures (SOP) appeared in Afghanistan that listed “approved” interrogation techniques – techniques not found in FM 34-52.³⁹¹ What is noteworthy is that when the 519th Military Intelligence Com-

³⁹¹ Panel, DoD Detention Ops, 7.

pany arrived at Abu Ghraib in July 2003 the list of interrogation techniques the unit brought with it was not the one in FM 34-52, but almost a “near copy” of those created by SOF in Afghanistan (see Figure 2).³⁹² How these specially approved techniques migrated from GTMO to Afghanistan to Iraq is not clear. Soldiers and civilian interrogators probably carried these techniques around like a virus, infecting units that were not “immunized” against their effects.

Interrogation Policies in Guantanamo, Afghanistan and Iraq											
GTMO						Afghanistan			Iraq		
Number of Authorized Techniques	Policy	Date	Notes	Number of Authorized Techniques	Policy	Date	Notes	Number of Authorized Techniques	Policy	Date	Notes
17	FM 34-52 (1992)	Jan 02-01- Dec 02		17	FM 34-52 (1992)	27 Oct-01- 24 Jan 03		17	FM 34-52 (1992)		
33	Secretary of Defense Approved Tiered System	02 Dec-02- 15 Jan 03	1	33	CJTF 180 Response to Director, Joint Staff	24- Jan-03	1,3,6	29	CJTF-7 Signed Policy	14- Sep-03	1
20	FM 34-52 (1992) with 3 Cat I Techniques	16 Jan-03- 15 Apr 03		32	CJTF 180 Detainee SOP	27-Mar-04	1	19	CJTF-7 Signed Policy	12-Oct-03	4
24	Secretary of Defense Memo	16 Apr-03- Present	1,2	19	CJTF-A Rev 2 Guidance	Jun-04	4	19	CJTF-7 Signed Policy	13-May-03	4

1. Some techniques specifically delineated in this memo are inherent to techniques contained in FM 34-52, e.g. Yelling as a component of Fear Up.
2. Five Approved Techniques require SOUTHCOM approval and SECDEF notification.
3. Figure includes techniques that were not in current use but requested for future use.
4. Figure includes one technique which requires CG approval.
5. Memorandum cited for Afghanistan and Iraq are classified.
6. Figure includes the 17 techniques of FM-34-52, although they are not specified in the Memo.

Source: Naval IG Investigation
Appendix D

Most of these techniques that were for use at GTMO only, and some that the Secretary of Defense had already rescinded, were somehow approved by the CJTF-7 Commander, LTG Ricardo Sanchez, commander of all troops in Iraq, on 14 September 2003.³⁹³ Much as Secretary Rumsfeld issued and then revoked previously authorized techniques, LTG Sanchez rescinded the 14 September memorandum with another memorandum on 12 October 2003. This document should simply have directed the troops to use current doctrine, FM 34-52. However, it described a doctrine that was more in line with the outdated 1987 version of FM 34-52 than with the current (1992) version. The only significant change between the two, which the Army apparently intentionally removed from the 1992 edition and CJTF-7 restored in the 12 October memorandum, authorized interrogators to control all aspects of the interrogation, “includ[ing] lighting and heating, as well as food, clothing, and shelter given to detainees.”³⁹⁴ It is between these dates, 14 September and 12 October, that the photographs were taken that document the abuses at Abu Ghraib.

The abuse of prisoners at Abu Ghraib was revealed on 13 January 2004. SPC Darby of the 372nd MP Company turned in a CD-ROM containing photographs of the abuse to members of the Criminal Investigation Division (CID). Although most people believe that the media, specifically the *New Yorker* and *60 Minutes II*, broke this story in April 2004, the military actually held a press conference on 16 January 2004, just three days after the first evidence was collected, revealing the abuse and the investigation that had been launched.³⁹⁵ The interim report that was filed with CJTF-7 in March 2004 either was not recognized or did not make it “up the chain of command.” This explains why everyone at the Pentagon was so ill prepared when the story—specifically the pictures—appeared in the press in April 2004. A recent article by controversial writer Seymour Hersh³⁹⁶ refutes the assertion that the Pentagon was “ill prepared” to respond to the documented abuse, citing comments from MG Antonio M. Taguba, who wrote one of the Army’s investigative reports on the abuses at Abu Ghraib. However, the official findings of the Independent Panel on DoD Detention Operations do not support Hersh.

So far there have been over 12 separate investigations into DoD detention operations. Of those, eight have centered on Abu Ghraib. Most of these inquiries were initiated in the spring of 2004 and completed before the end of the sum-

³⁹³ LTG Ricardo Sanchez, USA, Memorandum for Commander, U.S. Central Command, subject: CJTF-7 Interrogation and Counter-Resistance Policy, 14 September 2003.

³⁹⁴ LTG Ricardo Sanchez, USA, Memorandum for Combined Joint Task Force Seven, Baghdad, Iraq, and Commander, 205th Military Intelligence Brigade, subject: CJTF-7 Interrogation and Counter-Resistance Policy, 12 October 2003.

³⁹⁵ Panel, DoD Detention Ops, 36, 37.

³⁹⁶ Seymour M. Hersh, “Annals of National Security: The General’s Report,” *New Yorker Magazine*, 25 June 2007.

mer. The resulting reports listed hundreds of issues and recommendations. The reports and investigations found little evidence of problems with interrogations and abuse or any widespread problems: “Conditions at Abu Ghraib reflected an exception to those prevailing at other theater detainee facilities.”³⁹⁷ Additionally the Taguba, Jones/Fay, and Independent Panels all reported that MPs’ “setting favorable conditions” for interrogators had only “some basis in fact at Abu Ghraib, but it was used as an excuse for abusive behavior toward detainees. The events that took place at Abu Ghraib are an aberration when compared to the situation at the other detention operations.”³⁹⁸

The Origins of Army Field Manual 2-22.3

Another set of revocations and declassifications of past memoranda resulted from the many investigations, the crescendo of abuse, and the perceived immorality. In June 2004, the Justice Department announced that the “torture memorandum” was withdrawn and on 30 December 2004 Justice delivered a replacement memorandum explaining the “torture memorandum” of August 2002.³⁹⁹ To implement the recommendations of many of the investigations, DoD realized it needed to draw up new doctrine and stop implementing interrogation doctrine through policy memoranda.

The investigations found that the policy, or lack thereof, or the alternation between policies, set the conditions for abuse. Additionally, the current doctrine guiding interrogators and soldiers did not address many of the most difficult situations soldiers on the ground were faced with. The most complete report is from the Independent Panel on DoD Detention Operations. It compiled all past reports as well as the conclusions of its own investigating body. Its findings included: “The current doctrine and procedures for detaining personnel are inadequate to meet the requirements of these (OIF/OEF) conflicts.”⁴⁰⁰ DoD addressed this issue on 28 April 2005 when Defense Secretary Donald Rumsfeld announced the Army would begin working on a new interrogation manual.

This was the origin of FM 2-22.3. Over the next year and a half the “most senior leaders and combatant commanders”⁴⁰¹ (four-star generals) throughout DoD coordinated on a new manual to guide interrogations. In doing so, they completely disregarded the findings in any of the investigations dealing with the impacts at the tactical level. For example, one of the investigations found:

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³⁹⁷ Panel, DoD Detention Ops, 74.

³⁹⁸ Panel, DoD Detention Ops, 77.

³⁹⁹ Daniel Levin, Office of Legal Counsel, Memorandum Opinion for the Deputy Attorney General, subject: Legal Standards Applicable Under 18 U.S.C.2340-2340A, 30 December 2004.

⁴⁰⁰ Panel, DoD Detention Ops, 53.

⁴⁰¹ “Army Releases New Interrogation manual,” *ARNews*, 6 September 2006, *Army News Service*, URL:<www4.army.mil/ocpa/story_id_key=9525>, accessed 7 September 2006.

At the tactical level, detaining individuals primarily for intelligence collection or because they constitute a potential security threat, *though necessary* [emphasis added], presents units with situations not addressed by current doctrine. Many units adapted their operating procedures for conducting detainee operations to fit an environment not contemplated in the existing doctrinal manuals.⁴⁰²

The new doctrine, FM 2-22.3, does little to address this. It first specifies who can and cannot conduct interrogations. Neither FM 34-52 nor any of the memoranda since 9/11 had raised this issue, nor was it cited in any of the investigations as being the root of abuse or mistreatment. More specifically, the Jacoby review⁴⁰³ of Special Operations Forces detention operations (those disallowed under current doctrine FM 2-22.3) found low levels of abuse, similar to those of conventional interrogation forces.⁴⁰⁴ If the levels of abuse by the trained and the untrained were similar, why should the doctrine exclude the untrained from conducting interrogations at all? No portion of the current doctrine addresses training or preparing Special Forces or infantrymen for detention operations. Again, this ignores the Jacoby investigation recommendations.

The Panel also recommended: “The nation needs more specialists for detention/ interrogation operations.... Accompanying professional development and career field management systems must be put in place concurrently.”⁴⁰⁵ The new FM does authorize this, but only for a select few. As noted earlier, past doctrine did not specify who could conduct an interrogation. Now that this has been specified, the nation has fewer specialists who can conduct these valuable operations. At the very least, the FM should have addressed the second part of the recommendation and authorized some professional development for the soldier. Well-documented policy and procedures on approved interrogation techniques are imperative to counter the current chilling effect the reaction to the abuses have had on the collection of valuable intelligence through interrogations.⁴⁰⁶

The above quotation from the Independent Panel cannot be emphasized enough. It is a point that must always be considered when discussing any aspect of

⁴⁰² Panel, DoD Detention Ops, 69.

⁴⁰³ A classified report conducted by Army BG Charles H. Jacoby, Jr., on detention operations in Afghanistan. According to three unnamed officials later interviewed by *The Washington Post*, Jacoby finds that U.S. detention facilities in Afghanistan are plagued with many of the same problems present in Iraq. There is a special section of the report that discusses Special Forces detention operations.

⁴⁰⁴ Panel, DoD Detention Ops, 13.

⁴⁰⁵ Panel, DoD Detention Ops, 90.

⁴⁰⁶ Panel, DoD Detention Ops, 91.

detention operations, specifically interrogations. Some might argue that the intent of the new FM is not to disempower Special Forces operators who (1) rely heavily on interrogation operations and (2) find themselves in unique situations where interrogation operations are a necessity. However, referring soldiers to the intent of the law regarding interrogation operations is no longer viable. In the “current chilling” environment, we must not ask soldiers to analyze the intent of doctrine rather than follow the letter of the law. In a unique instance the “most senior leaders” paid close attention to the Panel’s words, but proposed an unfortunate remedy:

Instead of capturing and rapidly moving detainees to secure collection points as prescribed by doctrine, units tended to retain the detainees and attempted to exploit their tactical intelligence value without the required training or infrastructure. Current doctrine specifies that line combat units hold detainees no longer than 12–24 hours to extract immediately useful intelligence.⁴⁰⁷

The current doctrine states that the “evacuation of detainees from the combat zone should be effected within the minimum time after capture.”⁴⁰⁸ The manual goes even further. Instead of allowing for more time in an austere environment, in which troops might be under attack with the nearest detention center hundreds of miles away, it states that “the fluidity of operations, the wide dispersion of units, and the austerity of facilities may necessitate their *rapid* [emphasis added] evacuation⁴⁰⁹”—not their *delayed* evacuation. The doctrine suggests that in an austere environment the time it might take to evacuate a detainee would be under greater scrutiny. Thus, the authors of the manual ignored the reason and necessity for tactical units to keep and interrogate the detainees themselves. Instead of recognizing the need and providing for the appropriate training, they opted to reiterate the rapid movement of detainees to collection points. By emphasizing the bottom-up movement of detainees, they did nothing to address the complete lack of top-down information flow of the results from strategic/operational-level interrogations. Just as FM 34-52 has been criticized for being too “Cold War,”⁴¹⁰ FM 2-22.3 will soon face the same scrutiny for being “too OIF”

Instead of fixing the inadequacies of past doctrine, current doctrine focuses on detention in fixed facilities and a concrete list of approved techniques. This list was essential to interrogators and policymakers. However, the focus on “techniques” and paragraphs in the manual that deal with extravagant collection operations bog down the document and ignore the tactical application of the subject. Meanwhile, soldiers on the ground still face the issues outlined by the different investigating officers and committees.

⁴⁰⁷ Panel, DoD Detention Ops, 57-58.

⁴⁰⁸ FM 2-22.3, D-4.

⁴⁰⁹ FM 2-22.3, D-4.

⁴¹⁰ Panel, DoD Detention Ops, 23.

Abuse of Detainees: The Reality

The U.S. has created its own interrogation nightmare. There is a worldwide perception that America sanctions torture and that it is a common feature of the Global War on Terror.⁴¹¹ The facts, however, are different. Since the country was attacked on 9/11 there have been 300 incidents of alleged detainee abuse across the Joint Operations Area (GTMO, Iraq, Afghanistan).⁴¹² Investigations of 155 of those have been completed, and 66 resulted in a determination that detainees under the control of U.S. forces were abused.⁴¹³ If we assume the same rate of abuse for the other 145 cases, that hypothetical number is 64. Comparing that number to the total number of detainees—over 50,000⁴¹⁴—the percentage of abused detainees under the control of U.S. forces is 0.26 percent. Without question, anything over 0.00 percent is unacceptable.

Other facts support the argument that abuse occurs only in very rare instances. Those who still believe that U.S. forces have committed and continue to commit abuse on a wide scale, and that policy is to blame, should consider that in June 2006 the U.S. Supreme Court ruled in favor of—that is to say, sided with—Osama Bin Laden’s bodyguard and personal driver in the case of *Ramdan v. Rumsfeld*.⁴¹⁵ In other words, a man who lived with and was one of the most trusted confidants of one of the most vilified men in history sued the U.S. and the Secretary of Defense, in the U.S., during a time of war, and won.

These facts illustrate that, even though memoranda to the President and from the most senior military leadership seemed to sanction abuse, or “severe pain,” troops on the ground, both interrogators and soldiers, still conducted themselves according to a higher moral standard—all except for that 0.26 percent. In the debate over rights and status, the *Ramdan v. Rumsfeld* case sheds a bright light on how that debate has unfolded. The press has diligently reported on U.S. abuses of detainees. The media have been the major drivers in swinging the pendulum away from any method that even resembles abuse.

In fear of appearing to condone abuse, DoD has pushed the pendulum even farther. On 14 December 2005, *The New York Times* reported that the Pentagon had rewritten the Army Field Manual, and that the old manual’s interrogation techniques section could be read freely on the Internet. The new edition would include 10 classified pages in the interrogation techniques section. The reporter speculated this would leave the public with no indication about what | 167

⁴¹¹ Susan Sontag, “Regarding the Torture of Others,” *New York Times Magazine*, 23 May 2004.

⁴¹² Panel, DoD Detention Ops, 12-13.

⁴¹³ Panel, DoD Detention Ops, 12-13.

⁴¹⁴ Panel, DoD Detention Ops, 12-13.

⁴¹⁵ Supreme Court of the United States, “*Hamdan V. Rumsfeld, Secretary Of Defense, Et Al.*” Certiorari to the United States Court of Appeals for the District of Columbia Circuit, No. 05-184. Argued March 28, 2006—Decided June 29, 2006, October Term, 2005.

the government considers not to be torture.⁴¹⁶ Instead, the manual was published in its entirety as an unclassified document.

Later, on 5 June 2006, *The Los Angeles Times* reported that the Pentagon's revisions would remove the proscription against "humiliating and degrading treatment" and other proscriptions from Article 3 of the Third Geneva Convention.⁴¹⁷ When published, the manual listed the entire Third and Fourth Articles of the Geneva Convention, as well as numerous paragraphs throughout the manual reiterating that physical and mental abuse is not tolerated.

One would hope that the press did not influence these decisions and that the Army decided on its own to release the manual unclassified and include articles of the Geneva Convention. In either case, the new manual represents the end point of a grand pendulum swing that started in November 2002 over debates on detainee status, then was transformed into the definition of torture and approved techniques, and culminated in abuse that might or might not have been the result of unclear policy. The major lesson learned is that DoD had to improve its doctrine so that it could provide an appropriate standard for military operations. Issuing reactive policy and a new memorandum for every new obstacle is ineffective, and at a minimum sets conditions for abuse.

Debates over detention operations have centered on status (where, when), treatment (why), and approved techniques (what). The next debate, and much of the discussion in the following sections, will focus on who is authorized to conduct interrogations.

FM 2-22.3 stipulates, "Interrogations may only be conducted by personnel trained and certified in the interrogation methodology, including personnel in MOSs [military occupational specialties] 97E, 351M (351E), or select others as may be approved by DoD policy."⁴¹⁸ Therefore, if members of any MOS not listed above need to conduct interrogation operations they would require a special policy, which would probably come in a memorandum format, probably be rescinded, added to, and then adjusted—and finally tried by court-martial.

Well-documented policy and procedures on approved interrogations techniques are imperative to counter the current chilling effect the reaction to the abuses have had on the collection of valuable intelligence through interrogations.⁴¹⁹

⁴¹⁶ Eric Schmitt, "New Army Rules May Snarl Talks With McCain on Detainee Issue," *The New York Times*, 14 December 2005, URL:< www.nytimes.com/2005/12/14/politics/14detain.html>, Accessed 13 June 2007.

⁴¹⁷ Julian E. Barnes, "Army Manual to Skip Geneva Detainee Rule," *The Los Angeles Times*, 5 June 2006, A-1.

⁴¹⁸ FM 2-22.3, 1-8.

⁴¹⁹ Panel, DoD Detention Ops, 91.

Postscript

It should be noted that another interrogation manual recently has been uncovered: Al Qaeda's interrogation/torture manual. This manual sheds light on the subject and serves to educate the reader. It was found in Iraq and was being employed by Al Qaeda forces there. Along with the manual, U.S. forces found some of Al Qaeda's victims, including a 13-year-old boy with burns thought to be from a blowtorch.⁴²⁰ The manual's importance cannot be overstated, but the find was reported only by CNN, Fox News, and a number of blog sites.



Drilling hands



Severing limbs



Dragging victims behind cars



Eye removal

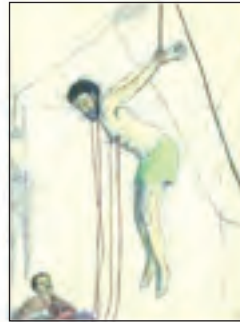
Al-Qaeda Torture Methods.

Source: U.S. Department of Defense press release, May 2007.

⁴²⁰ "How-to' Manual Found in Al Qaeda Safe House Shows Disturbing Torture Methods," *Fox News*, 27 May 2007, URL:< www.foxnews.com/story/0,2933,275341,00.html>, Accessed 28 May 2007.



Blowtorch to the skin



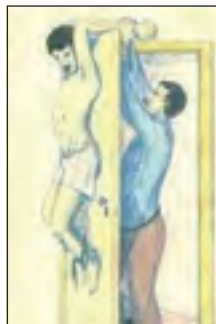
Suspending from ceiling and electrocuting



Suspending and whipping



Clothes iron to skin



Breaking limbs and restricting breath



Binding and beating

Al-Qaeda Torture Methods (Continued).

Source: U.S. Department of Defense press release, May 2007.



Electric drills
Hammers
Blow torches
Meat cleavers
Pliers and wire cutters
Files
Cables and chains



Screwdrivers
Electric cables
Vices
Scissors
Handcuffs
Whips

Al-Qaeda torture tools captured with the torture drawings.

Source: U.S. Department of Defense press release, May 2007.

The Accidental Interrogator: A “Thick” Case Study

The Trouble with Adieb

“He’s freaking catatonic,” I announced to the Army medic still looking at Adieb, a 30-year-old Iraqi we had recently detained for having five 155mm howitzer rounds in his trunk—materials most commonly used for making Improvised Explosive Devices (IEDs). Adieb had gone white as a sheet from the moment we entered his house and had yet to regain control of his faculties. I assumed he must have had some control, due to the fact he didn’t flinch when Gary took the *Stihl* “quicky saw” and cut unknowingly into a trunk full of explosives. Good old Adieb stood right next to the trunk as Gary sent sparks flying while gaining entry to the black Mercedes that Adieb had “lost the keys to.” We were all about as white as Adieb was when we saw what was in the trunk and how close Gary had come to cutting into an explosive projectile. Given Adieb’s current disposition, which was scared silly, we all thought that building and playing on that fear would be the best way to extract information from Adieb. We wanted to know where he got the howitzer rounds. Whom was he giving them to? Did he really expect us to believe they were for fishing?



An Iraqi 155mm High-Explosive (HE) howitzer round, like the ones in Adieb's trunk. If you walked into the desert in Iraq and started digging there is a good chance you would find some buried howitzer rounds.

Source: Author's personal photo collection.



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Gary cutting into Adieb's trunk.

Source: Author.

We moved Adieb to a very intimidating environment: one of Saddam's old airfields that was now occupied by a U.S. armored battalion and still had many abandoned buildings that looked like they had seen a war. When the

Iraqis fled this base in an awful hurry, they did their best to trash everything they left behind. In the building to which we took Adieb there were smashed electronics, piles of papers and books in a wet slurry everywhere you stepped, and defecation. This might have been one of the best feats of coordination the Iraqi army pulled off against the U.S. forces. I could only imagine how they did it, but in every room and in every building on this base some Iraqi had left a special present for the Americans and in most cases it was more than one “present” per room. Of course by “present” I mean a ripe, stinking pile of feces. The small room we selected had only one “present.” After all, we had to be in there too. We set up three chairs and cleared a little section in the debris for Adieb to sit/squat. Jay, Gary, and our interpreter, Samir, took their chairs. We marched Adieb in and took his hood off.

The men I worked with were outstanding professional soldiers. At 30 years old I, the commander, was the youngest. I trusted all of them completely and never had a second thought about delegating any authority to them. We had found ourselves in many situations in Iraq for which we were not specifically trained. To accomplish the mission we improvised or adapted. So, when we found ourselves with more and more detainees and no way to question them, we naturally assumed the mission. Although we hadn’t been trained in interrogations, or been given the mission to specifically conduct them, interrogations just became an essential aspect of our operational cycle, which looked like this:

- (1) Gather information about a target;
- (2) Interdict the target;
- (3) Develop information from the interdiction (question the detainee);
- (4) Look to identify new targets from information provided by the detainee.

It was cyclical, and if you took any one of those pieces out then it was back to square one.

For a number of reasons I was the most involved in the interrogations phase. I think I had a desire almost to micromanage this aspect of the operation because I thought it was the most pivotal to “keeping the ball rolling.” I was both fascinated with the machinations of questioning detainees and concerned. As much as I trusted the other members of the detachment, and could never imagine one of them abusing someone in custody, I wanted to be sure. I made sure that even if I was not in the room I was right outside the room where an interrogation was ongoing. At the time I was not consciously making this choice, and was passing off my continuous presence

under the guise of “the importance of intelligence collection.” However, in hindsight, I believe there were some subconscious reasons for my persistent involvement.

None of this was in my head as I stood in the dark outside the room where Gary and Jay were questioning Adieb. The light from that room was providing some illumination, but there were only two *Dewalt* flashlights in the room, casting ghastly shadows among the debris and the faces of the players. I would like to say that we had set this stage like Wes Craven and that we were masterful interrogators; however, that simply isn't true. We stumbled through interrogations. We would conduct them in whatever room we could find and clean up the room as much as we thought needed to present the desired environment. That environment was usually agreed upon five minutes prior to starting and we kind of thought, “Yeah, OK, let's try that.” The room Adieb was now in had the look of a place not of this earth, and not being of this earth it was meant to give the impression that this room was a different place, a place where rules and laws did not exist. The effect on Adieb would attest to that.

“What's your name?” shouted Gary.

“Shooismak?” shouted Samir.

Adieb mumbled, “Adieb.”

“Adieb, what?” Gary persisted.

“Adieb, shinoo?” shouted Samir.

“Adieb Muhammed,” said Adieb as his eyes welled with tears.

174 | And so it went, from Gary to Samir to Adieb back to Samir, back to Gary or sometimes Jay. Tedious, frustrating. Fifteen minutes in and we had Adieb's name, his occupation (taxi driver), and his father's name. All the while Gary and Jay were trying to keep Adieb on his heels. Adieb's crying was making it hard for Samir to translate. Gary and Jay became so frustrated that they skipped the normal protocol of getting all the background information first, and they went right for the meat. I was OK with this, as we had all agreed that we needed to take advantage of Adieb's current emotional state and couldn't allow him to get his feet under him. If he did, he could possibly start employing resistance techniques that would cripple anything we amateurs could throw at him.

“What were you doing with all the explosives?” Gary would yell.

The translation would come back “I fish.”

Jay would jump up, making a show of anger, disgust, and frustration.

“You have to help us here, Adieb,” Gary would say, trying to reassure Adieb. “Guys with that many bombs go to Abu Ghraib or GTMO. I will have no choice but to send you there.”

“I fish...,” Adieb would try and respond.

Back and forth Jay and Gary went with Adieb. By now the room was a real sty. The yelling and four bodies packed into the small area raised the temperature at least 10 degrees. Jay’s constant up and down kicked up a bunch of slop on the ground and dispersed particles in the air. I could see the environment was taking its toll on Jay, Gary, and especially Samir. Adieb was even more fragile now than when we started and he appeared to be at the brink of “breaking.” I called Jay, Gary, and Samir out of the room. I told Samir to tell Adieb that his chance to cooperate had passed and that we would be back shortly. While Samir translated, I gave Adieb the most mischievous smile I could muster. He appeared unfazed. I took one of the flashlights and gave it to Jay and Samir. Gary put in a dip of tobacco and I lit a cigarette outside of the room to keep an eye on Adieb, while Jay and Samir got some water and fresh air. I wanted our whispers to let Adieb know we were close and that his future was uncertain. Gary and I talked about questions to bring up in the next round. The first round had lasted all of 30 minutes and had exhausted the team. We didn’t think we could do another 30 minutes, and little did we know what a testament that was to our lack of understanding of interrogations. After the cigarette, about five to ten minutes, the team went back in. The three were all smiling and Gary started:

“We know you didn’t want to transport the explosives.” This was Gary just throwing out anything. After Samir translated, Adieb just stared at the ground. “Ask him again, Samir,” Gary continued. Samir did, and still nothing.

“Hello,” Jay sang.

Nothing.

“Samir, ask him anything,” Gary ordered.

Samir rattled off a few phrases; nothing.

By now I am in the doorway observing.

“Tell him we know who gave him the artillery rounds.” Samir did and Adieb did not move, did not blink, nothing. Jay moved in close and pushed his fingers into the air in front of Adieb’s shoulder in a way to gesture to me, “Is it OK to touch him?” I quickly nodded my head approvingly. Jay placed two fin-

gertips just below Adieb's clavicle and gently pushed him. Adieb rocked slightly and continued to sit slumped on the floor staring at what we could only guess. Samir told him to stand up and Adieb unsurprisingly didn't move. Gary and Jay got on either side of him and lifted him up. Adieb was as lifeless as is humanly possible. Until now I was sure this was all an act. I was now faced with this either being an Oscar-winning performance or something "short-circuited" in this guy.

"Jay, treat him," I said.

Jay is also a trained medic and a very proficient one at that.

"Well, sir, we really need to get him outta here," Jay suggested.

"OK, let's move him." The four of us struggled to get him out of the room, down the hall, and into the cool night air. Each one of us was visibly refreshed when we exited the decrepit building—all of us except Adieb. I called over Cory, the highest-ranking non-commissioned officer (NCO), and Andy, the other medic. Andy and Jay both instantly assessed that the best thing we could probably do for the detainee was give him intravenous (IV) fluids. That sounded great, as I thought about having the guy that was just interrogating the prisoner now shoving needles in his arm. A prisoner who cannot understand "stand up" would now be asked to understand "My name is Jay. I am an American medical professional. I am going to give you fluids through an artery in your arm. I am doing this to help you and this will in no way harm you. These are just normal fluids and no drugs or medication will be pumped into your system." We all knew that this guy needed medical help and I instructed the guys to load Adieb back onto one of the vehicles. The Army medical station was a few hundred meters away and it would be best for Adieb to be seen by someone not affiliated with the detachment. When we carried Adieb in, the reaction on the faces of the staff was unremarkable.

"So, what's with this guy?" the first medic asked.

"You got me," Jay artfully explained.

176 | There were now a few medics gathered around Adieb, who was lying on a gurney and staring at the ceiling. I finally broke up a long discussion of what to do.

"I don't care what you do, but I know one thing... he's freaking catatonic."

Adieb spent the night in U.S. care and in his own cell of the armored battalion's austere detention facility. We spent the night typing up reports and trying to make a strong packet that would lock Adieb up for a while. The next day

he was processed up to Division level and we never heard a thing. Adieb could have been back on the street in a week, making up for the bombs he lost, or he could still be in an Iraqi jail.

There was never an investigation into our interrogation of Adieb or into what made him absolutely shut down. As much as I didn't fear an investigation, I didn't expect one either. I didn't expect anyone from higher headquarters to ask questions, just as I knew that as soon as a detainee left my custody he was out of my hands. I would never know if a terrorist I captured provided strategic-level actionable intelligence or was released the next day. My assumption is that most of the enemies I captured only had intelligence that would have been valuable to me. Without any training in interrogations, I was incapable of getting that information, and the trained interrogators, positioned up the chain of command, who were capable, were only asking one question: "Where is Saddam?"

The Accident

I carried the memories of Adieb with me, wanting to do better. I was determined not to make the same mistakes with Hadr. Even though I had forgotten about Hadr and he was now probably suffering from the very early stages of hypothermia in the back of our HMMWV ("Humvee"), I thought about all we had done wrong with Adieb and yet I still knew we could effectively question Hadr.

Hadr was an accident in every aspect. On a cold and rainy night in the desert we all put on our "business suits" and went to work with the zeal of an insurance salesman who goes to a seminar on a sunny spring day in the country. We had been planning to conduct this mission for a while and had just got the word that the right mix of vehicles was outside Ali Saloom's house. I would have loved to have waited for a warmer, drier night but we knew this might be our only opportunity. So, with four HMMWVs, each with open cargo areas and no doors or windows, we started our short movement to Saloom's house.



The author preparing to go on patrol with the standard SF “Gun Truck” configuration of the time. We preferred to be porcupines, with our barbs being our weapons poking out in every direction, as opposed to turtles. The development of advanced IEDs in Iraq has made moving in this configuration no longer viable.

Source: Author.

We had done so many of these missions by now they were part of our muscle memory. We all knew our jobs; talking and emotions were kept to a minimum. I have heard of some units listening to heavy metal music on the way to their objective or holding football-style motivation huddles. This simply wasn't us.

I drove through the front gate. Bravo Team moved in first and secured the courtyard. Alpha teams moved directly to the front door and entered the house. Whether it was a mansion in Samarra or a shack in Baghdad, if it was in a city, it had a gate, a courtyard, and a front door close by. Tonight we had another detachment paying us back for some support we had lent them. They were providing an outer cordon to ensure no one who was on the objective could get out or squirt away. We called these people “squirters.” They also made sure no one outside the objective area got in. We called these people “suicide bombers.”

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From the moment we breached the gate until we had the entire area secure was under five minutes. The objective consisted of a three-room, single-story “living area” and an unattached shed. The rain had turned the streets into a milkshake-like slop that only slightly hardened from the street to the front door and into the house. The typical Iraqi would wear slip-off shoes or sandals and bear the slop in the street for the ease of slipping off his shoes when he walked into his “house.” The average American wore the rugged desert combat

boot. These boots are great defense against dry or wet desert conditions, but the boots and the missions are not conducive to checking your footwear at the door. Therefore, we were always bringing this dripping muddy milkshake with us into all the homes. Given that the Iraqis both eat and sleep on the floor, they must have found our muddy boots infuriating, although not one Iraqi, whether I was in his house to arrest him or reward him, ever mentioned the filth I was leaving behind.

The squalor of Saloom's house started in the street and came right in the front door. It was unclear where the dirt ended and where the floor began. On this same dirt floor, seconds ago, everyone in the house had their two-inch-thick foam sleeping mats sprawled over. Everything was orange – the floors, the walls, the ceiling. It all seemed to be made from what looked like the same earth. There were no paintings or pictures on the walls and there were no windows. One room had a cord hanging from the ceiling with a single light bulb. The other room was lit with a large flashlight. The lighting and barren earthen walls cast ominous shadows. The floor heater made the place reek and unbearably hot, especially compared to the cold night. The icy wet night air was a welcome escape from the heat, dirt, mud, and people in the structure. There was only one man at the house (there should have been more), two women, and three children. The man was not Saloom, our target, but some guy we had never seen or heard of before. His name was Hadr.

My frustration at missing Saloom was quickly quelled when Samir showed me the gym bag he found. The bag was black with white stripes and made of hard fake leather. It almost looked like a bowling ball bag, and it was full of dirty laundry, thankfully. Inside were scraps of paper of all sorts with handwritten notes on them. Samir held one up and said, "Sir, this one says '5 RPG = 2,000 Dinar'; this one says 'to Abu, 20 AK-47, 20 120mm rockets, 3 mortars'; this one is his master price list for explosives." As I peered through the bag I asked him if there was anything else. He said just one thing, "This was on top," and he handed me a photo ID of Ali Saloom. To date we had no picture of Saloom or any confirmation that he lived in this house. We also had no evidence to show culpability for the shady business in which Saloom dealt. Of course, this bag would have been much sweeter if Saloom had been sitting a few feet away with an empty sandbag over his head and his hands in a pair of flex-cuffs.

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After combing through the rest of the house, we left with our bag of evidence and some guy named Hadr. We hoped we would be getting something out of him shortly. Nevertheless, at that point I wasn't thinking about Hadr's upcoming interrogation. I was more worried about making sure we had everybody we came with and that there was a big sewage hole that Jonah had stepped in and I wanted to avoid. Just as I stepped shin-high in a hole of sludge, Cory called me over to his vehicle with Samir and an Iraqi policeman.

“Sir, this guy says he knows where Saloom is... right now,” exclaimed Cory.

“Wait, what? How? Who?” I questioned.

It turns out that the same lineup of vehicles in front of Saloom’s house meant that he would go to a farmhouse out in the desert and pick up a shipment of arms to be sent out with the day’s highest bidder. There was still a lot about Saloom we were figuring out. All we really knew at this point was that he was bad. It was theorized that since Saloom was not there he must be at this farmhouse, and he couldn’t even know we were hot on his trail. He would certainly be hip to that in a few hours.

“Where is this farmhouse?” I asked.

“Well, he says you have to go out of town, then at the place the goats cross you turn left. There is not really a road there; you just turn off the paved road into the desert. Then after you drive west for about a mile you will hit a dirt road, go right, and once you pass the house that is covered over and looks like a mound of sand...”

“OK, tell him he is coming with us and he better know where this place is,” I ordered. “Cory, pass the word to the boys, we just got a change to the mission. I will call higher and let them know. We should be ready to roll in five minutes.”

Five minutes later we were heading to find a real bad dude, a middle-level financier who never gets his hands dirty. Now, not only were we going to catch him in the act, but we also had a bunch of receipts with his name on them, in presumably his handwriting. If we were really lucky we might even catch him with a weapon in his hand and therefore be able to dispatch him more efficiently under the rules of engagement. This incessant capturing of bad guys and their tactic of dropping their weapons and surrendering was utterly frustrating. In direct opposition to the conventional wisdom, killing a terrorist was much cleaner than capturing one. The night had gotten colder, and there wasn’t one member of our team whose boots and pants weren’t caked in thick, goopy mud from the Iraqi street. There was still a light mist falling. However, our spirits were lifted with the extension of our mission; we were off the playbook a little and it heightened everyone’s senses. We also really wanted to get this Saloom dirtball.

It always felt good to me to leave the close confines of the city. I would constantly have to go between having my night vision goggles on to see down a street and having them “wash out” under a street light. This night, heading out of a city to do a mission was a welcome change. It was past curfew and there were no cars or people. The busy highway on the north side of town was

eerily empty. Suddenly we got an “I think we turn here” from our Iraqi policeman who “knew exactly where the farmhouse was.” Now the Detachment was really switched on. We were driving through the open desert, in the pitch black of night. Everyone was cold and wet and at any point we could be told that our objective was right beside us. After a period of time that can only be described as “too long,” we were all wondering what we were doing or where we were going. Like when you know you should have turned around miles ago, but no one wants to give up all that you have invested in this wrong way.

Everyone’s patience was wearing thin as we covered what felt like every square inch of Iraqi desert. In my vehicle, the gunner standing in the middle and protruding from the roof to man the .50cal-mounted M-2 heavy machine gun stooped down from time to time to make eye contact with our Iraqi policeman. His stares summed up the atmosphere in our group. Our Iraqi policeman, I believe, could actually feel the stares of these “12 angry men” bearing down on him, when suddenly we heard “Stop, this is it.” The policeman was not convincing in his delivery.

“This is *what?!?*” I said in my head a split second before yelling it into the night.

Beside us were two mounds of sand. Each looked the same as the other and like every other mound of sand in all Mesopotamia. However, upon further inspection these two were a little squared. While Cory, Gary, and I all gave the Iraqi policeman a piece of our mind for leading us on this wild goat chase, a few other guys broke out shovels and started digging away at this mound. The sound of the shovels hitting wood distracted us only slightly from making the policeman feel like the ass he was.

As it turned out, the guys digging found what used to be a window to a shed or house that was... completely empty. Our time in the desert tonight, measured in hours, all the ups and downs of emotions, from driving in the rain to raiding a house, to adding on a mission, to not knowing where we were, had taken its toll. “Alright, that’s freaking it. Everyone follow me. Let’s get back to the team house. This night is over.” I said the words in a crescendo that fell flat at the end.

Cory and I looked over our GPS and reexamined the criss-cross route we had taken and picked the best way back to the main hardball road. Cory made sure everyone was ready to go while I jumped behind the driver’s seat of one of the trucks and rested my forehead against the steering wheel. Samir, who had been sitting on a plywood slat in the seat right behind me, touched me on the shoulder and asked, “Uh, sir, what about him?”

Without lifting my head I questioned back, “Who?”

“The guy from Saloom’s house.”

“Who?!”

“That guy we grabbed from Saloom’s house. We were going to bring him right back and ask about the bag, but then the police guy took us out here, and... man, he seems pretty freaking cold, sir.”

My head was off the steering wheel now and the only two thoughts in my head were “Oh, yeah” and “Oh, shit.”

“Andy!” I yelled.

“Whoa, sir, what’s up?”

“Hey, remember that guy we grabbed from the first house?”

“Him, oh yeah, sir, why, do we still... shit, do we still got’m?” Andy laughed, and then, realizing what he was saying, instantly switched on his medic hat.

Hadr looked like an Iraqi Tom Hanks—taller than your average Iraqi at close to six feet and probably weighing in around 175 pounds. He had no muscular definition and that was what kept him from looking like the cold night winds were freezing his bone marrow. He wore plastic sandals. One had fallen off when he was helped into the vehicle and he had somehow located it with his bound hands and placed it under his butt to keep him off the frigid metal truck floor. The other sandal was caked with the same mud that covered us all. His thin worn sweatpants were the warmest article of clothing he had on. His shirt looked like a homemade set of hospital scrubs, only with lighter material. Surprisingly for an Iraqi, he had no facial hair. Hadr was in his late twenties to early thirties.

“Ask him if he’s cold,” I said. And then to refute the looks I whispered, “Well, I know, but we have to at least ask.”

“Yyyyyes.” Hadr shivered.

I quickly fired back with “Ask him why he hasn’t been talking!”

182 | The question was born out of my disappointment with myself at forgetting about him. It was then manifested in frustration with Hadr for not telling anybody that he was freezing. Just as an Iraqi would never complain to the guys with guns who just rammmed his front gate that he was perturbed they were tracking mud on his “bed,” Hadr would never have complained he was dangerously cold to his captors – again, not because he would be showing weakness, but because he feared something worse, something that happened to people all the time under Saddam’s rule. This also led to what he must have been thinking as we drove him,

alone, out into the desert, broke out shovels, and started digging. I could only picture what games his own imagination was playing with him.

All these thoughts came rushing to my head. Meanwhile, somehow in the situation or translation it got lost that I was asking about him not reminding us he was still in the vehicle, and became why he wasn't talking about Saloom's operation. You could imagine our faces when the translation came back as a stream of information.

"I didn't know you wanted me to talk. I am here visiting from Baghdad. I got here two days ago. I came in a Mazda van with some of Ali's friends. I am his wife's brother. Ali said he would have a job for me. He ran out the back just as you arrived. I think he went to a friend's house near the pool hall. I would like to get married soon. Girls don't seem to like me. I have a key to one of Ali's taxis in my pocket you didn't find when you searched me..."

It didn't take long for me to realize how Hadr had interpreted the last few hours and how he interpreted my question. I told Hadr that was good and I hung an insulated field jacket liner on his shoulders. We moved the policeman to the back, exposed part of the truck where Hadr was, and moved Hadr to the seat opposite Samir behind the front passenger's seat.

On par for the course of the night, one of the vehicles got a flat tire on the way back to the team house. I still wasn't sure how to handle Hadr, so I just made sure he was safe and feeling better while we changed the tire. I made no attempt to question him, but I also did not tell him anything about where he was or what was going on. Additionally, I still had his hands bound and eyes covered. After the tire change, the other team thanked us for a lovely evening, and split to get back to their own town.

Our team house was a dark, quiet, welcoming sight. The small security element we had left behind knew we were coming and soon had the place lit up like a Christmas tree as we pulled around the serpentine and through the gates. Both trucks pulled right up to the front door. Each man dismounted, took a stretch, and looked at me. I pointed at Chris to stay with Hadr and motioned to the rest of the team with my head to move inside. There was no talking, although no one was told to "shut up" or keep quiet. Simultaneously, we all tromped across the gravel drive, up the short steps, and past the metal doors. Like Saloom's house, there was nothing on the walls and they had a heavy solid rock look to them. Our walls, however, were painted white and lacked the rough, bare, earthen tones of Saloom's house. The fluorescent lighting seemed a bit industrial to us for a home. Yet, it was far better than a single bulb dangling from the ceiling. In this front entryway we all gathered, standing or sitting on plastic chairs, still in full kit with the desert's cold and rain visible on all of us.

After briefly talking through the events of the night and thanking everyone for being safe, I brought up Hadr.

I wanted Hadr's questioning to be different. But that falsely suggests that I can be credited with the positive outcome of Hadr's interrogation. I cannot. My first concern was I wanted to get Hadr warmed up. I did not anticipate his physical warming to manifest itself in such positive ways. I selected Cory and Jonah to conduct the interview. Truth be told, I really wanted to handle it myself, but I knew that as the leader I couldn't afford to tie myself to that. Cory was mature and not your typical kill'em all, A+ type, Green Beret, Johnny Rambo personality. Jonah, who would take the lead, was chosen because he was the most adaptable. As a communications sergeant he was not one of the best, but he was very affable and had shown the ability to think constructively and improvise while still achieving the desired end state.

Instead of using the intimidating, hollowed-out building that was the armored battalion's holding area to question Hadr, as we had used with every other interrogation, I wanted to use our basement. Our basement was the most American room in the house. There were wide stairs that curved down from the entryway to the basement. The walls down there were also painted a flat white and the tile floor was shiny. The hardness of the floor and walls was made soft by the extremely large Persian rug that sprawled almost to each corner. The rug was mostly shades of blue and ivory. At the far end of the room was a large-screen TV with a local Iraqi satellite dish connection, DVD, and Sony Playstation II. The TV was surrounded by one soft, winding sectional and another matching full couch. In the middle was a mirrored coffee table. Continuing back toward the stairs and directly behind the sectional was a large table with six comfortable chairs. There were remnants of a poker game that had been conducted there nights before. At the base of the stairs were a treadmill, elliptical machine, and Bowflex.

184 | I had one of the other interpreters put on a brew of Iraqi tea and assemble some snacks. I grabbed an extra blanket while Cory, Jonah, and Samir grabbed paper, pens, and sterilized maps. They began to discuss their plan for talking to Hadr. Then, I went outside and had Chris guide Hadr inside, down the stairs, and onto a seat at the end of the couch. Once he was seated Chris removed the sandbag that was still on his head. As the sandbag came off the blanket went right over his shoulders. Not that I wanted or needed it back, but because I wanted to see his reaction, I asked Hadr if I could have my jacket liner back. I told him it was my only one and that I was very cold. As we all had hoped and expected, Hadr thanked me profusely for it and touched his heart as he handed it to me. I said nothing, smiled, and took a seat at the back of the room so that I could hear, but Hadr would not know that I was still in the room.



Besides the feel of the warm blanket, Hadr also had in front of him two trays, one with little pickles and olives, and the other with an assortment of nuts. There was also an ashtray and a pack of my favorite local cigarette, *Pine Lights*. We did not leave a lighter there so that Hadr would have to ask for one. Jonah had been given my prized golden Saddam lighter I had taken off Saddam's first cousin when we captured him. Hadr went right past the food and took a cigarette. Jonah was right there with the light and Hadr reached in and touched Jonah's hand when

he offered the flame. On the opposing couch sat Cory and Jonah. Samir sat right next to Hadr. Though it took a while for Hadr to figure out, he learned that it was better to give his attention to Jonah on the couch to his right than constantly shift his body between Jonah on his right front and Samir on his back left.

Five minutes later, when the tea was brought down, Jonah had yet to ask a question. Hadr had been talking nonstop about how he got to Saloom's house. Without being asked, Hadr was going into important details that were so hard to uncover in an interrogation. Hadr talked about the man that Saloom had put him in touch with to get to his house, where in Baghdad they met, who the other men in the van were, that he was pretty sure they were all involved in anti-coalition activity, and that two of the guys in the van had tried to keep quiet but he still thought they wanted everyone else to hear that they were having a conversation about how to hide IEDs along roads. On and on Hadr went. This was all excellent stuff, but (1) it was not actionable. It was good stuff to know for people responsible for Hadr's neighborhood, but not for us, and (2) it all came back to Saloom as the central figure whom Hadr had yet to volunteer any information about. It was almost an hour into Hadr's ranting before Jonah interrupted him in mid-sentence. Jonah hated to stop a detainee from talking but he had to get a question in somewhere. Given the tone so far he didn't mince words.

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"Can you tell me about Saloom? What is his business? Where does he hang out? Do you know those sorts of things?"

Hadr went quiet, and took a deep breath. Later we all admitted that we thought “Oh, no!”—that asking Hadr to betray a specific older relative was too much of an offense. He threw down a mouthful of nuts, finished his tea, and put out his cigarette. The smile on Samir’s face foretold of something substantial coming in the following translation. Hadr continued with information on Saloom, or Ali, as Hadr called him, just as in-depth as he had before. We did not call anyone “Ali” or “Muhammad” whenever possible. Ali is the equivalent of John, James, Michael, Joe, Bill, and Chris all rolled up into one.

First Hadr said he lied to us about Saloom. He said that Saloom was not at any “friend’s house near a pool hall.” He admitted to saying that he wanted us to believe he knew exactly where Saloom was so that we would let him go and he could find a place to get warm. However, if he had to guess—and this is why Samir was smiling—Saloom was probably making his way to a farmhouse where he kept his stash of weapons. In fact, Saloom had taken Hadr and two other men out to the farmhouse earlier that day.

“So, you know where the farmhouse is?” questioned Jonah.

“Exactly,” responded Hadr.

“Can you show us on this map?” Jonah asked, plopping down a rather large map of the area.

After Hadr took it and turned it 720 degrees, folded it a few times, and made faces of excitement followed by looks of uncertainty, he handed the map back to Jonah and proclaimed, “I can’t read maps.” Jonah, with the help of Samir, painstakingly talked Hadr through the map. “This is the house were you where captured. This is the one main north/south road; here is the river, etc.” Hadr’s only response was, “I don’t understand.” As we all scratched our heads for a second, Hadr broke the silence. Samir’s second big smile of the night had all of us grinning before we even received the translation. “He says, ‘Why doesn’t he just show you where it is? That way he can also show you Saloom’s hangouts and where they all have been going the past few days.’”

186 | So, after hearing from Hadr that Saloom was a known weapons dealer, a fact that we knew and now had a mound of evidence to prove, we tried to end the evening/early morning. A few hours ago we had switched from tea to Red Bull and Hadr insisted that he try some. Hadr loved the stuff and had just finished his third bottle when Jonah tried to close the conversation. It took another 45 minutes to get Hadr to shut up about whom Saloom was meeting with and about people in his neighborhood in Baghdad.

We coordinated with the armored battalion to give Hadr his own cell and to treat him like a VIP. We liked Hadr, but his information had not yet been validated, although the bit about the farmhouse served as temporary bona fides. I still wasn’t

going to let him sleep in my secured house. I gave him a fresh pack of cigarettes, told him to get some sleep, and that we would be back to get him in a few hours. After the sun was up and our reports were “good enough,” we all climbed onto our two-inch-thick sleeping mats—the same type we had stomped on in Saloom’s house and pulled Hadr off of. They were probably bought at the same shop in town. Ours, instead of being on the floor, were on individual sleeping units made from framing lumber and plywood, which had a desk and closet built into them. Home, sweet home.

Just Browsing

That afternoon, after a few hours of sleep, we gathered our gear and prepared for our CTR (close target recon), of a pool hall, mosque, truck stop, two houses of Saloom’s associates, and the infamous farmhouse. Rolling past any of these places in a couple of HMMWVs was no problem, as U.S. vehicles were constantly rolling through the busy town. However the farmhouse posed a problem. A U.S. military vehicle, coincidentally driving past a random farmhouse in the middle of the desert that just happens to be a large weapons cache, would probably tip off whoever was living there. Then there was the fact that we didn’t know what or who was there, how well it was defended, or what the likely course of action would be if two highly armored vehicles started making their way across wide-open terrain with 12 men on board who didn’t give the impression that they were “just browsing.”



Left: The author with “Bad Day.”
Source: Author.

At our house we kept a few vehicles covered and hidden in the back for just such situations. The plan was that all 6'4" of my blond-haired, blue-eyed, Aryan frame would try and dress like an Iraqi and drive the van with Samir in the passenger seat. Samir is a native Iraqi whose family moved to Dearborn, Michigan, after the first Gulf War. He looks and acts young, speaks Arabic with a Baghdad accent and, more importantly, also speaks excellent English. Under our Iraqi clothes we both had on body armor. My rifle was on the floor by my side, I had a pistol in a concealed holster on my waist, and my favorite, "Bad Day," was on my lap. Bad Day was a 14-inch, sawed-off, Remington 870 Wingmaster 12-gauge shotgun with Pachmayr grips. The weapon was given to us as a breaching tool to disable locks. On this day, Bad Day would be a great intimidator for anyone who might want to get a closer look at this weird-looking Iraqi behind the wheel. It was also a tool that could be brought to bear quickly in a tight situation. I called it "Bad Day" not only because anyone on the receiving end was going to have a bad day, but also because if you are using a 14-inch shotgun to defend yourself in Iraq, rest assured that you too are having a very bad day.

In the back of the van, which had curtains over the windows, were Jonah and Hadr. Jonah was in his uniform and full kit. His primary job was to be in constant communication with the two fully-loaded gun trucks that would be shadowing our every move 10 to 30 seconds away. Jonah was also sniper-qualified and the best shooter on our team. I wasn't sure what would happen to Hadr if things went bad but I knew the rest of us would be fine. Well, maybe I mean that Jonah and I would make it until the rest of the team arrived. Actually, Jonah was the only one who stood any real chance of putting up a fight and surviving if we got hit.



Who is that masked man? The author preparing to conduct the CTR with covered windows and "Bad Day."

Source: Author.

The recon went smoothly. We quickly moved through the city and the skills I learned driving on the streets of New Jersey came in handy. The hairiest part, without exception, was the farmhouse. During that phase we were the farthest from the supporting gun trucks we had been all day, but the terrain was wide open and they could have engaged from a much greater distance. The two cancelled each other out. That didn't make me feel any safer, though. Luckily, we were in the van because the ramshackle road brought us way too close to Saloom's farmhouse, which was abuzz with activity. We saw their guns before Hadr positively identified the house, and my jaw tightened as the road kept taking us closer and closer. It appeared for an uncomfortable while that we were not on a road but on a driveway and would not be able to turn around before the men at the farmhouse realized that an American had just driven up to their front door... alone. Luckily the road, and our van, turned just as one man started to make his way down to the road to intercept the incoming van.

The tires started to spin in the mud about 50 meters from a hardball road. The only path leading us back was through a small collection of a dozen houses. For a few precarious seconds I switched the transmission from reverse to forward, trying to rock the van over a slippery bump of mud. The van was sliding perpendicular to the road like a pendulum. Although they were now well in the distance, men from the farmhouse were still watching us. Forget about a U.S. vehicle; any vehicle on those roads was cause for suspicion. Jonah and I were hesitant to call for support. We couldn't have the vehicle that had just driven past the farmhouse be seen with U.S. Army vehicles. To make matters worse, a few of the locals who lived in the house 20 meters in front of us started to approach our vehicles. I was seconds away from giving Jonah the order to call up the trucks and stick Bad Day out the window at the inquisitive Iraqis when the wheels gained traction. I was able to turn the van so that the villagers got a better look at Samir than at me. Less than 60 seconds later we had the gun trucks in sight and they were escorting us from a distance back to the team house.

It was time to say farewell to Hadr. We had recorded all the information he provided and were already putting him in touch with other teams closer to his home. Reportedly, Saloom had already skipped town. UAV overflights of the farmhouse the next couple of days revealed no movement at all. We could only sit on Saloom's target packet and hope we hadn't scared him off for good. If he was as dumb as we hoped, he would be back in a few weeks.

Going on faith and gut that Hadr had not been an incredible storyteller, we handed him some traveling money and sent him on his way. Hadr was eventually contacted by a team in Baghdad, after we insisted he was a good source of

information. Hadr would later provide crucial information on the bombing of the UN building in Baghdad.

Twelve Angry Men

A few weeks later, we executed the plan to raid the farmhouse. We still had not yet moved on Saloom and we had no intelligence to indicate he had moved back to the area. The plan was simple but the timing critical. When raiding a house in the city, you can use the daily presence of HMMWVs as cover. Any convoy of HMMWVs looks just like the next. Add in the fact many of our targets lived minutes, if not seconds, from our front gate and the enemy had little to no time to react when the routine patrol was suddenly coming through their front door. The farmhouse was different in that patrols were extremely rare out there. Additionally, the approach to the farmhouse was exposed for over a mile. The obvious solution was to go in the dark to mask our approach. However, since we anticipated a lengthy search of the surrounding area for buried weapons, it would be advantageous for us to have some light.

Tactically, the farmhouse would be our easiest raid yet. Not only could they see us on the approach but we could also observe them and there was no chance of someone slipping out of the objective and into the clamor of the city. If needed, we could use our superior firepower to engage the enemy from a greater distance and we wouldn't have to worry about adjacent friendly buildings or teenagers with automatic weapons popping up around walls and on rooftops. Finally, the open terrain also allowed us to secure the objective from farther away, which meant we could physically see everyone in both the group that would be going into the structures and the group providing the outer cordon. As commander, this was the most satisfying aspect as it greatly reduced the risk of fratricide.

Although it caused some initial grumbling, everyone knew that a sunrise raid would be the only way to make everything work. For a week, we logged the time in the morning one could just begin to see. Those few minutes between ambient light and actual sunrise would be our golden time. This data could be found in Army operations orders and online. It is called Beginning of Morning Nautical Twilight, or BMNT. We knew it is better to actually know the time for ourselves and see the conditions on the ground than to blindly use a set time given to us.

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We departed our team house with a platoon of infantrymen in the pitch black of early morning. The moon was already down and absolute darkness was something we all embraced. I reassured myself that the HMMWVs would not be too loud because everyone on the objective had to be asleep.

Just as I slammed the HMMWV into "park" and stepped onto the farm there was enough light beginning to fill the air that I could see the first stack of guys from the team filing into the main house. On the objective there were what

appeared to be two semi-attached living quarters, a barn with attached goat stable, a dilapidated shed, and an unidentified shed/building off to the side. I was standing directly in front of the latter watching the team and ensuring the cordon was in its correct position, as I could see them now without my night vision goggles. My HMMWV with the gunner still manning the .50 cal machine gun was over my right shoulder. Suddenly, a full-grown adult male was standing in the doorway of this smaller, unremarkable building. Then another and another. I found myself suddenly and very unexpectedly having six fighting-age males 20 feet in front of me with the majority of my team in the process of going room to room in the house 50 feet away. The .50 cal machine gun, even though it would have burst my eardrums and possibly knocked me unconscious from the overpressure since I was directly in front of and below the barrel, was the only thing that allowed me to keep my cool. I was able to get on the radio quickly and the team shifted to my location as the last two men were coming out of the small single-room structure.



The farmhouse with six of the eight men who surprised me from the building to their front. The four soldiers on the left side of the photo are infantrymen from the cordon element. The Toyota Hilux truck in the back belonged to the detachment. It was used as an auxiliary truck and would be sandwiched between two real trucks with guns on them during movement.

Source: Author.



Two of the other suspicious men at the farmhouse digging. We are having them dig up some freshly covered ground. Note the random hole. Most likely this is a site that was recently dug up and not filled in. Samir is at left (yes, with a Red Bull). Detachment members are providing security.

Source: Author.

In the farmhouse, we found the head of the house, who was a big man in his 60s, one of his sons who wasn't yet 20, and his two wives. In the other building were eight men, none of them related to the family who owned the farm, as some of them claimed, and all from Baghdad. We immediately separated everyone and began the interrogations right on the objective. Again, this was possible only because of the unique terrain of the farmhouse. Typically we did not like to hang out in one area for too long because any raid broadcasts your position and allows anyone the opportunity to take some shots at you, knowing it would be difficult for us to break off and pursue them. Anyone feeling bold could also quickly organize an attack on our hasty position. The farmhouse was different in that we could see anyone approaching, as the sun was already up. I made sure we had 360 degrees of security and we got to the business of breaking out metal detectors to look for weapons while also trying to figure out who everyone was.

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We first talked separately to the two women. They both independently gave us the same history of the farm and confirmed the name and age of their husband and youngest son. When it came to the other eight men, each woman gave an entirely different story for each one of them. The farm owner gave a different story and each one of the men gave a different name and reason for being

at the farm. I was instantly happy that we had moved to segregate all of them so quickly, something we had not always been able to do in the past.

It became instantly clear that this was a safe house. The location of the farmhouse offered open access to the desert and possible training facilities. It also had direct access to the major north-south highway in the country. In an interesting paradox, we found no weapons. There were two rather fresh graves allegedly for the parents of the owner of the house, the man in his 60s. The graves just seemed out of place and, as much as I was tempted, I just couldn't give the order to dig up a grave. Plus, I had obviously found something nefarious with all these unrelated 20-something males.

The problem was that weapons are direct, and concrete. Having 8 or 20 males with suspicious stories was still just circumstantial. If weapons are found it's a closed case. You cannot, nor do you need to, interrogate a pile of explosives. I would argue that a pile of fighters is more incriminating than a pile of weapons. Any Iraqi can get a pile of weapons and we caught many. However, our mission was to go after the mid- to high-level facilitators of the insurgency. (At the time we—SF—were the only ones calling it an “insurgency.”) The situation at the farmhouse was one of two possible scenarios. One was that the man who ran the house was a low- to mid-level operative who was part of a much larger network of insurgents. The other was that there was no network, which would have meant the owner of the farm established everything and therefore was in the mid- to possibly high-level category.

Unfortunately, we never found out. Due to our austere capabilities we could really only take the owner and four of the strange men. The ones who had displayed the most advanced capability to resist questioning were chosen, and we moved them back to our team house to see what else we could extract from them.

Maybe it was because we could not instill shock or fear as we had unintentionally with Hadr, or because they were more loyal to their cause or felt they risked more by talking to us, but none of them incriminated himself or anyone else. Each man was assigned a lengthy packet detailing the events leading to his capture, and we sent them off to the division holding area. I never heard back as to their fate. This section, which started with a lookout for an arms trader in the local market, who identified a combination of cars that would be parked in front of Saloom's house when a deal was about to go down, which led to Hadr, and then to the farmhouse, had come to an end. Unless we could get our hands on Saloom.



Members of the Detachment processing detainees from the farmhouse at the Armored Battalion's holding facility.

Source: Author.

From Small Talk to Policy, or How I Finally Received Interrogation Training

The following month, all the Special Forces detachments in the area got together for a rare meeting. Due to so many variables such meetings almost never took place. This meeting was called because the commanding general was flying in from Fort Bragg to talk and pat us on the back. The meeting was very informal; each detachment gave a prepared five- to ten-minute spiel on current operations and an assessment of its sector.

In keeping with the laid-back nature of the meeting, the general held a huddle out front before he departed. As generals usually do, or I should say as *good* generals usually do, he asked us what we needed, what he could do for us.

194 | A salty old veteran was the first to announce that the grain of our “green tip” 5.56mm rifle ammunition was too high. In engagements under 100m (I would say 97% of them), the rounds would be traveling too fast and just smoke right through the enemy. The sergeant gave an informative, technically competent dissertation on ballistics and the need for a lower grain round.

“Good, good stuff,” the general said. “Make sure you got all of that,” he said to his aide. Next, a younger guy, in a clumsy attempt to be heard, announced that “we needed more intel support.” He then went on to fail spectacularly when pushed for specifics. The general was about to leave when he looked toward me

and I blurted out, “Interrogation support.” With a raised inquisitive eyebrow, the general asked me to elaborate.

“Well, sir,” I said, “everything I know about interrogations I learned at SERE* school.” (*Editor’s Note: Survival, Evasion, Resistance, and Escape, a course taught by the U.S. Air Force at Fairchild AFB, Washington) The expression on his face told me I probably could have stopped there, but the nods of my peers encouraged me to continue. I extrapolated on this and, although we all knew it, I had to state the obvious. I had not learned a thing about interrogations at SERE school. What I was trying to point out is that we were not instructed in *any way* to conduct interrogations or questioning. In fact, the only way we had ever been a party to any interrogation was to our own, and in ways that were not meant to extract intelligence from us. SERE, after all, was training and we didn’t even have any real intelligence to offer in the SERE scenario. Without getting into too much detail, SERE is meant to induce stress so one can realize how he might react when faced with capture. Therefore, SERE tactics are in direct opposition to actual intelligence interrogations, tactical questioning, or debriefing.

As we all had brought up in each of our five-minute spiels, interrogations played an important part in our operational cycle. However, none of us discussed that we were fumbling through it and it would be nice if we could get some people in here to support us. Additionally, we all agreed that all Special Forces soldiers need training in interrogations before coming to Iraq, probably during the units’ Pre-Mission Training (PMT). I could tell as I laid this all out in a very ad hoc manner that the general understood what I was trying to say.

His last words as he left assured us that we would get the interrogation support in combat and in training. We never saw any lower grain 5.56 rounds. However, when I was holding Saloom’s ID card up to his face in the back of my vehicle on a warm night a few days later, I was excited at the prospect of having him questioned by a member of a Mobile Interrogation Team (MIT). I don’t know where the MITs came from or how we got connected with them so fast, but when the decision was made to go for Saloom again, we made sure to have a MIT available.

Saloom went down like clockwork; after all, we had already taken down his house once before. Four weeks later, almost to the night, I was driving the HMMWV back through his front gate. Inside his house were two women, two children, and one man. The man, who looked just like Saloom, gave us some weird name. Even with us holding his ID card right next to his face, he would not admit he was Ali Saloom. After he was cuffed and driven onto the Armored Battalion’s base and right before we handed him over to the MIT, he finally admitted what was obvious to all of us: he was our Saloom.

It was so good to hear him say it. Even this tiniest of victories felt good. I knew without a doubt that this was him. It was frustrating to hear him use the same lame excuses and ridiculous lies and alibis as all the other detainees had used. What was more offensive was that Saloom tried to deny who he was with his ID card right in front of him. It felt good to get this man, whom I was hunting for months, to make the smallest of admissions—the man whose name I had typed into countless reports, the man whom I had arrested and had talked to his family and friends about. It was good to know that he knew that I got him and that if he would admit his true name he might admit more. The best part about capturing Saloom was that it meant we could then start developing the information he gave us and hopefully working on his boss. It was with the information from guys like Saloom that I felt we could really make a lasting difference instead of just rearranging deck chairs on the Titanic.

We had already given the MIT all we had on Saloom, including the bag with the weapons receipt and the information from Hadr. As I watched them escort him into the interrogation room they had set up, I leaned back with a Pine Light and a Diet Coke and joked cheerfully with Cory, Jonah, and Dave. Fifteen minutes later, when one of the two members of the team came out of the room, I was prepared to provide him the smallest bit of information I might know about Saloom that you can't just pass on in a report.

“This guy is good” or “this guy is clean” or “his story sounds legit” – something to that effect—is what the graying, older, fat, dopey-looking, professional interrogator said. He went on, after our restrained demand for an explanation, that Saloom had said he was the best taxi driver in town and that many people were jealous of him and would lie about him to Coalition forces. When we asked about the bag with the weapons receipts, with his name all over them, and in what looked like his handwriting, I almost had to be physically restrained when the interrogator said the receipts were just some papers he said he found in one of the buildings on the base that the Armored Battalion now occupied. Saloom thought they were cool and wanted to keep them. He also thought they were so cool he wanted to write his name on a few. Finally the interrogator said, “There is no way to ‘prove’ that was his handwriting.” Dave, a burly 240-lb ex-Division I NCAA football player, did have to be physically restrained. I thanked the MIT for their time—about 2 hours with the packet they didn't read and 15 minutes total with Saloom—and told them to make sure the door didn't hit them in the butt on the way out.

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Over the next 30 hours I attempted to question Saloom three times. The first time he was brimming with confidence. Though he didn't speak English and was barely literate in Arabic, he knew some gullible American had bought the ridiculous story he had spun. I think that by the third session I might have

broken down his instilled perception that all Americans were gullible. The audacity of his lies returned and frustrated me more than before.

There was more than enough information to keep Saloom locked up for a while, and I am fairly certain he spent a good amount of time in jail. We were left with nothing. We had come as far up the food chain as we could go. The next day I did two things. First, I sat down with the detachment and looked at any information we had on low-level arms dealers or fighters to target so we could start working back up the chain of terrorists in Iraq. By this time the satellite Internet system we bought on the local economy was finally up and running. I went on 'Amazon.com' and bought a book on interrogations.

Postscript

After I was back from Iraq for a few months, another group of teams from my unit was preparing to go over. As part of their training they had been told to conduct a block of interrogation training. I was lucky enough to piggyback onto this training. It was a 40-hour course taught by a former FBI interrogator. Later we would certify most of our people conducting interrogations on the Reid Technique. Although these law enforcement models did not fit well in Iraq, they still built confidence in the team members and helped fill an obvious need.

A Tactical Soldier's Insights—Current Atmosphere

If our professionals don't have clear standards in the law, the program (Detainee Detention Act) is not going to go forward. You cannot ask a young intelligence officer to violate the law. And they're not going to. They will not violate the law.... You can't ask a young professional on the front line of protecting this country to violate the law.... I got to give them the tools they need. And that is clear law.⁴²¹

— *President George W. Bush*
September, 2006

Ignorantia Juris Non Excusat

President Bush made these comments in a Rose Garden address in defense of his Detainee Detention Act. The much-needed and well-intentioned act brought clarity to Common Article III of the Geneva Convention and helped define terms such as “outrages upon human dignity.” However, those making

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⁴²¹ George W. Bush, President of the United States, “Press Conference of the President,” speech presented at the Rose Garden of the White House, Washington, DC, 15 September 2006, URL: <www.whitehouse.gov/news/release/2006/09.html>, accessed 18 September 2006.

decisions at, and for, the strategic level on interrogations have done nothing to help the ground soldier. Worse, their decisions have had a ripple effect that has degraded U.S. intelligence-gathering efforts.

Soldiers in the field, those “young professional[s] on the front line of protecting this country” that President Bush referred to, do not and cannot follow what is happening in Washington. The Detainee Detention Act pertained only to a select group of high-level detainees and was intended for the Central Intelligence Agency (CIA) and lawmakers, not for the soldier. What the soldier needed then and still needs today are clear rules on who can conduct an interrogation and where, when, and under what circumstances he can conduct an interrogation. This all presupposes that the soldier can distinguish right from wrong, and does not need a moral code dictated to him. The abuse and mistreatment of detainees is a separate issue. The President’s leadership on this issue was and is needed, although that leadership is echelons above reality for a soldier who is not empowered to do his job.

At least one senior-level official stated that the new Army FM 2-22.3 contains all the answers regarding interrogation and that the category “tactical questioning” should cover everything else that tactical soldiers might face.⁴²² This approach disregards the intricacies that soldiers, especially Special Forces soldiers, face on today’s battlefields.

198 | Based on the author’s experience, most commanders have not read, nor do they understand, the current doctrine with regard to who can conduct interrogations. As a result, soldiers and commanders are now conducting interrogations in ignorance of current doctrine. In many cases, the mindset among commanders is one of intentionally not wanting to know the current doctrine on interrogations, out of fear that once they do know they will lose the ad hoc capability to conduct interrogations and therefore mission effectiveness will be degraded. At the same time, commanders are nervous about the rules governing interrogations because they have read the headlines and are aware of the debate. Interrogations not conforming to current doctrine are being conducted under a veil of secrecy, because to discuss interrogation doctrine would lead to tacit acknowledgment of violating it. If the unit or previous commander got away with skirting the rules, then such behavior may appear to be tolerated, as long as the mission succeeds. This is especially true for interrogations because the information they provide is so vital to operations. However, once a commander scratches the surface of the doctrine and realizes it prohibits his men from conducting interrogations, it creates a moral dilemma for him and his men. The need for the information remains, but their means of obtaining it is

⁴²² A high-level intelligence professional at a national intelligence organization, who was interviewed on a non-attribution basis in September 2006.

circumvented by the doctrine. Therefore, the current doctrine creates an unintentional but real quandary for tactical soldiers that must be resolved. No act in warfare should ever be carried out in an atmosphere of fear, concern, and secrecy. The Latin phrase *ignorantia juris non excusat* (“ignorance of the law does not excuse”) serves as warning.

In the course of his research the author talked with two Special Forces group commanders (both colonels, O-6), one acting group commander, a colonel in charge of Special Forces training, a Special Forces sergeant major in charge of training soldiers deploying to Iraq and Afghanistan, a Special Forces group JAG officer, and countless team- and company-level Special Forces soldiers. All of these men were certain that they or their men were authorized to conduct interrogations. None of them could cite the authority giving them this confidence. Some discussed interrogation training they had conducted at the group level. All of them viewed it as simply an integral part of fighting a war.

The only official pre-mission training on interrogations that covered who is authorized to interrogate simply stated, “Interrogators interrogate (period),”⁴²³ with emphasis on the period. The military services have Army FM 2-22.3 today because of the linkages explained earlier. Most of the current doctrine results in large part from the abuses perpetrated at Abu Ghraib. Even though investigations found only questionable, non-linear links between intelligence interrogations and the abuses at Abu Ghraib,⁴²⁴ the Pentagon’s reaction was swift and sweeping. Additionally, almost all the behavior shown in the photographs occurred in the dead of night among military police, wholly separate from interrogations. Most abuse victims were not even scheduled to be interrogated, because they were of no intelligence value.⁴²⁵

The best known and most discussed results of changes to U.S. military interrogation tactics in the wake of Abu Ghraib were that interrogators could no longer use stress positions and many controversial techniques. A lesser known issue is that additional rules were now published as to who is authorized to interrogate a detainee. Currently, for both the professional interrogator and the soldiers in harm’s way, “red tape now entangles the interrogation process, and detainees know that their adversaries’ hands are tied.”⁴²⁶

⁴²³ Colonel Richard Pregent, Staff Judge Advocate, U.S. Army Intelligence and Security Command, “Interrogation Law for Interrogators,” 1 February 2005.

⁴²⁴ Mark Danner, *Torture and Truth: America, Abu Ghraib, and the War on Terror*, New York: New York, 2004.

⁴²⁵ Heather MacDonald, “How to Interrogate Terrorists,” *City Journal*, Winter 2005, URL: <www.city-journal.org/html/15_1_terrorists.html>, accessed 16 March 2007. Cited hereafter as MacDonald, Interrogate.

⁴²⁶ MacDonald, Interrogate.

This entanglement stems from the inability of senior-ranking officers to understand the tactical level and the differences between the tactical and strategic levels. Every policy set forth on interrogations, every speech lawmakers and national leaders give, actually deals with strategic interrogations. However, these leaders extrapolate the presentations to the tactical framework, as though average soldiers, or even average military interrogators, would normally encounter the issues that arise in strategic interrogation. This simply does not happen.

The differences between a tactical-level interrogation (a real tactical level, as discussed below) and a strategic-level interrogation are gargantuan. Yet interrogation plans are still written to encompass interrogations at every level. They must be triple-checked all the way up to the Pentagon by officers who have never conducted an interrogation.⁴²⁷ To complicate matters further, many of these officers have never had tactical combat experience. In layman's terms, they have "never heard a shot fired in anger." They are the ones now shaping the doctrine that guides the members of our military who possess tactical-level war experience.

Strategic vs. Tactical Interrogations

Let us compare the characteristics of a strategic-level interrogation to those of a tactical-level interrogation. The cases presented earlier should provide a clear baseline of a "real" tactical interrogation. Strategic interrogations most closely resemble Hadr's interrogation, but include far more support and time. The defining aspect of a strategic interrogation as compared to a tactical one is time. Tactical interrogations must be expedient, whereas strategic interrogations take place over months and years. In these months the interrogator can draw on a much larger array of tools, the most obvious, of course, being time.

Another important difference is that strategic interrogations are performed by a team. An interrogation team might include as many as three interrogators, each with skills in the prisoner's language. Additional members of the team are the MPs who relieve the interrogators of any additional security responsibility. The interrogators might also have the direct support of a behavioral psychologist, a lawyer, an anthropologist, and a supervisor, all contributing to exploiting the prisoner. Unlike tactical interrogations, strategic interrogations are carried out in fixed facilities, and security is rarely an issue.

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The cases cited earlier portray tactical interrogation. This study uses the term "real" tactical interrogations to counter the images of such interrogations presented in the press and shared by policymakers at the strategic level. For example, in reporting on the interrogations that led to identifying the whereabouts of Abu Musab al-Zarqawi, Mark Bowden describes a special operations

⁴²⁷ MacDonald, *Interrogate*.

interrogation task force as working in a “Battlefield Interrogation Facility.”⁴²⁸ A battlefield interrogation represents the lowest of tactical-level interrogations. However, Bowden later describes this facility as being on the 15-square-mile Balad Air Base, one of the largest in Iraq, complete with a Green Bean coffee shop, Pizza Hut, and Burger King open around the clock.⁴²⁹ The base is also known as Camp Anaconda.

Heather MacDonald came a little closer to reality in her description of tactical debriefing. She described a “ramshackle detention facility” outside Kandahar airport.⁴³⁰ She noted that the interrogation task force in Afghanistan would determine which prisoners were significant enough to be shipped to Guantanamo Bay. Tactical interrogations are conducted in places far removed from the nearest Burger King, however, and the results do not determine if the prisoner is of significant value to be shipped off to GTMO.

The Pentagon might believe interrogations described by Bowden and MacDonald are tactical interrogations, although they are really operational-level interactions. Regrettably, that misunderstanding only serves to highlight policymakers’ ignorance of a very complex series of events taking place at the tactical level. It also displays their lack of knowledge about the value of interrogations such as those described earlier.

We hear a lot these days about America’s overpowering military technology; about the professionalism of its warriors; about the sophistication of its weaponry, eavesdropping, and telemetry; but right now the most vital weapon in its arsenal may well be the art of interrogation.⁴³¹

Current doctrine has robbed tactical forces of this “most vital weapon.” Those conducting strategic interrogations and those making policy decisions in Washington know the importance of interrogations at the strategic level. However, they are failing to recognize the impact of interrogations at the tactical level.

One tenet applying to all interrogations is that some detainees are “lockboxes containing potentially life-saving information,”⁴³² and we pay for their silence with our blood.⁴³³ Because of either ignorance or lack of trust, the Pentagon does not believe these tenets apply equally to tactical and strategic interrogations. While a tactical interrogation carried out on the battlefield will not reveal details of the next major terrorist attack coming to U.S. soil, it can reveal

⁴²⁸ Mark Bowden, The Ploy, *The Atlantic*, May 2003, 55. Cited hereafter as Bowden, The Ploy.

⁴²⁹ Bowden, The Ploy, 56.

⁴³⁰ MacDonald, Interrogate.

⁴³¹ Mark Bowden, “The Dark Art of Interrogation,” *The Atlantic Monthly Online*, October 2003, URL:<www.theatlantic.com/200310/bowden>, accessed 16 March 2007. Cited hereafter as Bowden, The Dark Art.

⁴³² Bowden, The Dark Art.

⁴³³ Bowden, The Dark Art.

intelligence to stabilize the local town or information that will save the life of the interrogator. Even so, the Pentagon feels compelled to differentiate between intelligence interrogations and tactical questioning. The rules allow only “professional” interrogators to conduct intelligence interrogations and leave everyone else—from a truck driver to a Special Forces intelligence sergeant—with only the tool of tactical questioning, which restricts them to asking expedient initial questions to discover information of only immediate value.

A Lesson from Tactical Interrogations: The Shock of Capture

Just as strategic interrogations have many tangible facets that make tactical interrogations look paltry, tactical interrogations have a great intangible advantage that strategic-level interrogators would be overjoyed to possess. The greatest advantage of a tactical interrogation is leveraging the shock of capture:

The frustrated interrogators constantly discussed how to get it. The best hope, they agreed, was to re-create the “shock of capture”—that vulnerable mental state when a prisoner is most frightened, most uncertain, and most likely to respond to questioning. Uncertainty is an interrogator’s most powerful ally; exploited wisely, it can lead the detainee to believe that the interrogator is in total control and holds the key to his future.⁴³⁴

The maximum opportunity for intelligence gathering comes in the first hours after an arrest, before others in a group can possibly know that their walls have been breached.⁴³⁵

The bottom line is fear works. The best way to use this fear is when it is genuine and originates with the source. Fear that is not introduced artificially, but originates solely in the mind of the prisoner, is the most effective. However, it is when an interrogator tries to re-create the fear that can only accompany the shock of capture that he runs the risk of crossing the line into abuse.

An interrogator who has missed the opportunity to leverage the shock of capture has two options. The first option is to try to re-create that fear. The longer the time elapsed between capture and the first real interrogation the harder it will be to return the prisoner to that pinnacle of fear he felt hours or days ago. Therefore, the interrogator must try other techniques to frighten the detainee. The most desirable method is for the interrogator to suggest harsher conditions and cause the detainee to create his own fear. Stress positions, which have been outlawed, and “advanced techniques” are other, more controversial, ways to make the detainee think his future is uncertain.

⁴³⁴ MacDonald, *Interrogate*.

⁴³⁵ Bowden, *The Dark Art*.

However, even the least aggressive of these techniques has come into question. FBI agents at GTMO could not even suggest to the people whom they interrogated that they might possibly be sentenced to death, because “That would be a violation of the Convention Against Torture.”⁴³⁶ They theorized that any covert threat might inflict “severe mental pain.” Given this precedent, one is left to ponder alternative circumstances under which an interrogator could induce, or try to employ the tactic of, fear other than on initial capture. We have not reached the point where a rational person could argue we should not capture terrorists because it could inflict “severe mental pain”—yet.

Shock

Adieb and Hadr both serve as stark examples of the effects of capture. Adieb presents a case where the interrogators did not need to play on his fear. The fear Adieb felt was all too real from the minute the Special Forces team appeared, since he knew he had bomb-making material in his possession. Moreover, he stood 5-10 feet away from the material when a shower of sparks filled the area of his trunk containing the explosives. In the author’s opinion, it was that brush with death that pushed him over the edge into hysteria. Then the team intentionally added to that fear, not realizing Adieb’s already unstable mental state. This combination of events led to his extreme reaction.⁴³⁷ He was no longer able to process his fear. Had the team possibly played on these fears to a lesser degree and then treated him in the same way they treated Hadr, that hot-to-cold effect could have resulted in an uncontrollable flow of information from the prisoner instead of his uncontrollable mental shutdown.

The shock of capture can play out two ways. The first results from the effect of getting the suspect on his heels. It is the act of getting inside the target’s decision cycle. It keeps him in a state of observing and orienting and keeping him from making a thoroughly considered decision. An example is the abrupt transition from being asleep to being bound and traveling to an unknown destination with a group of armed men. The second, which has received less attention, is the shock a prisoner experiences when his captors treat him in a way that is diametrically opposed to his expectations. This second aspect is also affected greatly by the time between the actual capture and the time of the first interview, i.e., the time between the first and the second shock. The intent should be to minimize the time that elapses between the two.

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Essential to producing the effect is the dissociation of the interrogator from the prisoner’s fear. If the interrogator created the fear, the shift to kinder treatment or a better environment will seem unnatural to all parties involved.

⁴³⁶ MacDonald, Interrogate.

⁴³⁷ Andrew K. Moskowitz, “‘Scared Stiff’: Catatonia as an Evolutionary-Based Fear Response,” *Psychological Review*, 2004, Vol. 111, No. 4, 984.

If, however, the fear comes from uncontrollable events, such as the weather, a long drive, or a near-death experience, then the interrogator and prisoner can empathize with each other at least on some level. It may also allow the interrogator to play the role of a savior and authority figure who can control everything about the detainee's environment. Both are very powerful tools. Of course, if the change from a hostile environment to a comfortable one (and one could theorize vice versa) is drawn out over even a few minutes, the shock could lose its effectiveness.

Hadr's case presents the best example. Hadr's fear came solely from himself. Once his captors recognized he was frightened, his anxieties were not abated until his interrogators were ready to remove them. The team could have exacerbated them by doing anything from staging a mock execution to simply leaving him in the desert, keeping him blindfolded and bound, and watching him from a distance for a few minutes. Because he was already frightened, because he was still operating under the shock of capture, they did not need to resort to any of those questionable tactics. Instead, the team adopted a policy guided by a recognition that "the more we interact and involve ourselves in the detainee's thought process during this period, the more we could push him over the edge," as had happened with Adieb. The team members also believed the more interaction they had with Hadr during this phase the more it might facilitate his associating his fear with the individuals on the team. Conversely, the team could make a mistake and possibly relieve him of his fears.

The team did not know why Hadr was so terrified. Was it the cold, the unknown, the capture, not knowing what was next, the fear of being murdered? One could assume that if the team had tried to frighten Hadr further by mentioning his coming torture back at the base, it might actually have caused him to become more calm by removing his fear of being executed or abandoned.

Hadr's offer to accompany the team the next day is difficult to analyze. One possibility is that from early in the night Hadr was so entirely wrapped up in the events of the evening, the highs and lows, that he was no longer thinking before he spoke. The author believes that Hadr did not even realize the extent to which he had capitulated. His continued assistance the next day and his later assistance to the coalition in Baghdad came about either because of a sudden reformation or because he realized he had unconsciously switched teams and decided there was no turning back.

"An unfrightened prisoner makes an unlikely informer."⁴³⁸ Saloom was certainly frightened when the detachment finally captured him. As his paltry resistance withered ("he was not the man we were looking for"), he was unable

⁴³⁸ Bowden, *The Dark Art*.

to devise an alternate tactic while the team kept him on the defensive. Out of fear, Saloom decided to use the “it wasn’t me” defense, but under the shock of capture he could not persevere in maintaining it. Only when he realized that the MIT team would accept his story did he not merely lose all fear, but actually become cocky, confident, and arrogant. This dynamic shift occurred in a matter of a few minutes. Thereafter it took almost a day and a half to convince him that he was not invulnerable.

The Interrogator’s Options

Two basic rules govern the ways of leveraging the shock of capture in the tactical environment. First, if the prisoner is already frightened and the team wants information from him, they should not try to affect the fear. They should not try to play on it and heighten it, but should also not try to remove this burden from him... yet. The second rule is that the interrogators must be the ones who determine when the prisoner is freed of his fear. This not only demonstrates that the interrogators are in complete control of the environment but also conveys the subconscious notion that they are in control of the prisoner’s emotions. If this belief can take root in the prisoner’s mind, then it creates the conditions for the prisoner to capitulate. Time is of the essence, and the tactical team cannot risk keeping a detainee in the panic zone long enough to allow him to calm himself on his own and give him confidence that he could relieve himself of his own fear. Therefore, relying on an interrogator who may be hours if not days away is impractical.

Captors can alleviate a prisoner’s fear through an improved environment, a tone of voice, some choice words, or a friendly gesture. To augment the shock of capture in a different way and keep the detainee “off balance,” interrogators should apply all of these techniques and confront the prisoner with a flood of the unexpected. Additionally, they should keep questions to a minimum. The goal would be to convey to the detainee that as long as he talks about topics that hold the interrogator’s interest he could remain warm and comfortable and have food, Red Bull, and cigarettes. Hadr’s torrent of conversation was difficult to stop because he knew that what he was experiencing was far better than whatever might happen next, even release into a cold, wet night.

Some, maybe even most, of what a prisoner might say will be of no intelligence value. However, experience has shown that merely getting a detainee to communicate with his captors is sometimes the most difficult step. Additionally, the detainee can only guess what his interrogators do and do not know. He may be describing something he believes to be common knowledge or already known to the interrogators, while they in fact are discovering or confirming actionable intelligence.

The most difficult part of implementing this tactic is treating the prisoner kindly. The team had no qualms about heightening Adieb's fears; after all, Adieb had almost allowed them to be blown up. Conversely, the team found it easy to be pleasant to Hadr, primarily because they genuinely regretted that they had allowed him to become so cold. Moreover, they had little information about him or what he had done; they did not know if he was simply in the wrong place or was a cold-blooded killer. Finally, it was very difficult to treat Saloom decently. Even after the positive experience with Hadr, the team could not bring themselves to pander to a terrorist who now was sitting comfortably in his tower after his victory over the MIT.

People are afraid of the unknown. They are afraid of being tortured, of being held for a long time. Try to see what it is like to sit with a hood over your head for four hours, when you are hungry and tired and afraid, when you are isolated from everything and have no clue what is going on. When the captive believes that anything could happen... the interrogator can go to work.⁴³⁹

Imagine what happens in the prisoner's mind when the isolation and hunger end. No matter how they end, a progression has taken place. If the prisoner is tortured, he understands what his life will be like in captivity. If he is questioned in a stern manner and then returned to his cell or treated with kindness, some of the unknowns have been resolved.

If the interrogation begins with torture or the most extreme measure permissible, what other options does the interrogator have? For a while the prisoner will not know that the interrogator has exhausted his options, but he will discover it soon. What avenues remain? Conversely, if the interrogator answers the prisoner's questions about the unknown with the unexpected, he can obtain some expedient results. The key difference is that if the unexpected is at the farthest possible end of the spectrum from torture, then the interrogator still has many potential methods left to exploit. If the detainee becomes too comfortable or complacent, nothing in regulations or custom prevents the interrogator from making his circumstances far worse.

The emphasis should not be on the extent to which the interrogator can make the detainee uncomfortable, cause him physical pain, or increase his fear. Instead, it should be on the degree of change from one environment to the next.

⁴³⁹ Bowden, *The Dark Art*.

For example, if a prisoner sleeps in a cell that contains a pot and a mat and the interrogator removes the mat, the prisoner's environment has changed. The small mat probably had great importance for him. An interrogator might give the prisoner only a pot for the first few days of his captivity and ask no more than the prisoner's name and the names of his family members for the first week. Then, if the interrogator suddenly provided the prisoner with a bed, a shower, a toilet, and hot food, and seemed ready to listen to anything the prisoner wanted to discuss, the abrupt change might allow the interrogator to learn volumes about the enemy. This is merely one illustration of the methods recommended. The underlying premise is grounded at the tactical level. Soldiers could apply it over the course of a few hours; strategic-level interrogators could hone it to their own purposes.

The insights in this section apply specifically to troops without interrogator support at the tactical level. There are a lot of emotions at the tactical level that can hamper effective interrogations. Controlling those emotions and channeling behavior in ways known to be effective are not easy, but with proper training can be accomplished. Those who draw up doctrine must understand the intricacies and emotions involved. Decision makers, who decide which tools to provide the "young professional[s] on the front line of protecting this country," must understand the environment in which the tools will be employed.

The Case for Special Forces Interrogations

The Special Forces are mysterious, and the number of civilians who do not understand their mission is proportional to the number in the military's own ranks who do not understand how they accomplish the mission. The popular view is accurate: Special Forces will be tasked to conduct daring raids to capture a specific individual at a specific place and time. They will receive a thick packet of intelligence and a complete plan for how the operation will take place. They are a football team executing a play the coaches drew up. These, however, do not constitute the majority of Special Forces missions.

Special Forces are known as force multipliers; they do more with less. The typical mission involves living in the community and assimilating into the culture as much as possible to allow Special Forces to generate their own intelligence and develop their own plays. This very attractive feature of the Special Forces community draws many soldiers to its ranks from the lock-step "Big Army" lifestyle. It also creates a highly effective force that is not a burden to support. Without the ability to conduct interrogations at the tactical level, however, Special Forces are hamstrung.

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Why does current doctrine not allow Special Forces operators to interrogate? Why did the Pentagon change the new Field Manual by specifying who can conduct interrogation? And why do policymakers not clarify the letter of the doctrine to reflect its intent?

The three reasons why interrogation operations were made more restrictive are *accountability*, *uniformity*, and *training*. The subsections below summarize the standard arguments for each rationale and then offer counterarguments.

Accountability

To allow Special Forces and units with similar missions to conduct interrogations is to give a very sensitive tool to a type of unit that operates in the shadows. ODAs receive little to no oversight. Their reporting and chain of command are sometimes hidden and evolve spontaneously on the battlefield. Conventional commanders are often confused about who “owns” these forces. At first glance, allowing Special Forces to conduct their own interrogations would constitute a recipe for potential abuse.

However, these soldiers are already allowed considerable flexibility and autonomy in their daily operations. Do interrogations fall into such a sensitive category that they are potentially riskier than conducting raids, advising regional government officials, or overseeing large construction projects? These are all normal activities for Special Operators, if there were a “normal” operation for these unconventional troops.

Interrogators at fixed detention sites in Afghanistan also struggled to determine what was authorized under the rules for interrogations.⁴⁴⁰ Like a Special Forces team, these interrogators often operate as small independent groups; however, they are not nearly as senior or mature as Special Forces teams. While they debated what was allowed, a similar debate took place in Washington. Memoranda from the Pentagon, the CIA, the White House and, most notoriously, from the Justice Department allowed far more latitude than the soldiers had adopted.⁴⁴¹ According to one commentator, “Looking back through the lens of Abu Ghraib, the debates that took place among the interrogators at Bagram in early 2002 seem enlightened.”⁴⁴² It is misguided to believe that a unit the Army has deemed more mature and better trained than most soldiers would abuse its authority when conducting interrogations merely because it operates independently.

Uniformity

208 | Interrogators in Afghanistan derived the tactics they used from their own training experiences. They theorized that if the interrogator was enduring the

⁴⁴⁰ Chris Mackey and Greg Miller, “The Interrogators: Task Force 500 and America’s Secret War Against Al Qaeda,” New York: Little, Brown and Company, July, 2004. Cited hereafter as Mackey, *Interrogators*.

⁴⁴¹ Greg Miller, “Bound by Convention,” *Stanford Magazine*, November/December 2004. Cited hereafter as Miller, *Convention*.

⁴⁴² Miller, *Convention*.

same sleeplessness as the detainees then the method could not be considered “torture.” They called their techniques “Monstering.”⁴⁴³ The hardened soldiers of the Special Forces might adopt this thought process and disrupt the uniformity of interrogations, because these men are not representative of the average soldier. What they could endure and what a detainee could endure would be dramatically different. Moreover, the sheer physical endurance is not as important as the mental endurance they possess. Special Forces soldiers do not think of themselves as extraordinary, but they have a “suck it up and drive on” mentality that might prove dangerous in an interrogation room. Certainly, the term “outrages upon human dignity” would elicit an array of colorful responses from a Special Forces team.

However, Special Forces soldiers have another key characteristic—their drive to win. Special Forces soldiers are extremely outgoing. On tests such as the Myers-Briggs and Thomas-Kilmann they score off the charts in the extrovert, assertive category. Put bluntly, they are Lee Cobb’s character in “12 Angry Men.”⁴⁴⁴ This trait of Special Forces would override any desire to treat the detainee as harshly as they were treated in their own training. If these soldiers were shown a way to conduct an effective interrogation, then that would be the method they would use, because they would know that it represented their best chance of winning. That is also why such soldiers are probably conducting interrogations in Iraq now without the appropriate authority.

Training

Training, or the lack thereof, is paramount among the concerns. “Preparing an interrogator means arming him beforehand.”⁴⁴⁵ Clearly, there are good reasons for not letting Special Forces soldiers—or anyone—conduct interrogations unless they are trained to do so. Nevertheless, establishing selective, competitive, difficult-to-attend schooling does not constitute a reasonable approach to training them or allowing them to conduct interrogations. Interrogations play so important a role on today’s battlefield and have become so politically sensitive that they must be addressed on a much larger scale.

The number of enemy captured exceeds the number of enemy killed. By design, Special Forces training does not include a detainee-related exercise or dilemma. With interrogations becoming such a sensitive issue over the past few years, the U.S. Army Special Forces Command has intentionally distanced itself from interrogations.⁴⁴⁶ Yet, it should embrace the challenge, rather than evade it.

⁴⁴³ Mackey, *Interrogators*.

⁴⁴⁴ “12 Angry Men,” starring Henry Fonda and Lee J. Cobb, directed by Sidney Lumet, distributed by MGM Studios, Hollywood, CA, 1957, DVD.

⁴⁴⁵ Bowden, *The Dark Art*.

⁴⁴⁶ A high-level Special Forces officer serving in a position that oversees SF training, who was interviewed on a non-attribution basis by the author in November 2006.

First, the Army should add a detainee treatment overview to the Special Forces Qualification Course (SFQC), the course that makes Green Berets. This course is already brimming with skills the students must master in a very short period of time. Additional classes on detainee handling have joined a long list of suggestions that simply were not included in the lengthy, trying course that produces some of our country's greatest defenders. However, if one examines the amount of time a Special Forces soldier spends in Iraq dealing with detainees and how much he relies on them for information, adding a half-day class on detainee operations would inform the soldier and protect the command.

The best option would be to modify the culminating exercise, "Robin Sage," so that rather than making each mission one in which the trainees kill large numbers of the enemy they confront more realistic detainee-related dilemmas. These soldiers should see in training the questions that actually arise when processing and questioning a detainee on an asymmetric battlefield.

The focal points of a Special Forces team's interrogation training should be the team's warrant officer and intelligence sergeant. Both of these positions require additional training. During these additional courses, soldiers should receive approximately 40 hours of interrogation training that would qualify and authorize them to conduct interrogations and supervise interrogations conducted by other graduates of the SFQC. Each Special Forces team has two of every specialty. Having both the team's warrant officer and intelligence sergeant qualified for this task would provide the needed redundancy. Warrant officers who eventually leave the team could then apply their knowledge of interrogations to oversight at the company and battalion levels.

The recommended training must focus on intelligence interrogations and not on law enforcement interrogations, which have vastly different goals. In an attempt to train soldiers on this much-needed skill set, individual Special Forces groups have contracted for instruction on interrogations based on methods such as the Reid Technique. This is clear evidence Special Forces recognized a gap prior to the introduction of FM 2-22.3. While this was a satisfactory stop-gap measure when it was authorized, this technique should not be viewed as the panacea to the much more complex issue.

210 | Allowing Special Forces to conduct their own training and interrogations would greatly enhance mission effectiveness. More important, it would provide much-needed protection against possible inquiries and prosecution. There is already too much misunderstanding about interrogation from the highest to the lowest level. For that reason, soldiers are told the only tool available to them is tactical questioning: expedient questioning to obtain information. At

the same time, the top U.S. commander in Iraq has stated the military does not sanction “expedient methods to obtain information.”⁴⁴⁷

Conclusion: The Letter versus the Intent

How can U.S. Army Special Forces accomplish assigned missions while still adhering to DoD doctrine on intelligence interrogation and tactical questioning?

Consider a situation like Hadr’s in light of today’s doctrine. A Special Forces team does not include anyone authorized to conduct interrogations in Iraq. The team captures a prisoner and encounters delays in moving him to an approved detention facility and turning him over to the MPs, as is required by doctrine.⁴⁴⁸ Moreover, even if the team included an approved interrogator it would still be forced to wait until it reached an approved facility before questioning him. It is rainy and dark, the team is having vehicle problems, and the town between it and the detention facility is currently the location of a fire. Therefore, the team decides to risk holding the prisoner overnight. During the “expedient initial questioning” of the detainee for the purpose of gathering “information of immediate value,” which is allowed under the narrow definition of tactical questioning, the detainee begins to reveal who bombed the team’s base last month. The detainee also wants to tell them who has been paying and supplying all anti-coalition forces in the area. What should the team do? This information is not of immediate value and needs more than expedient questioning to elicit.

Any general in Washington would look at this example and say, “Of course they should get all the information they can.” This would be especially true in cases such as Hadr’s, where the team could not stop the detainee from talking. Would the team be allowed to keep the detainee for another day to assist in the reconnaissance of local terrorist safe houses? Does the team leadership have the authority to release the detainee of its own accord? The doctrine is unclear on all these specifics, but the restrictive wording of current doctrine would suggest that the team would have none of these options available to it. In other words, the generals in Washington would want the team to “feel” that it could pursue intelligence obtained during expedient questioning even though it is not “of immediate value.” However, those same generals have written doctrine that does not allow this. Thus, the letter of the law contradicts the intent of the law.

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⁴⁴⁷ Laura Blumenfeld, “The Tortured Lives of Interrogators,” *The Washington Post*, 4 June 2007, URL: www.washingtonpost.com/wp-dyn/content/article/2007/06/03/AR2007060301121.html, accessed 4 June 2007. Cited hereafter as Blumenfeld, Tortured.

⁴⁴⁸ FM 2-22.3, 5-15.

The intent of the law is to prevent individual teams from hosting private detention facilities and using tactics that are not approved. An additional intent of the law is probably to enable Pentagon spokespersons to assure the media that only specially trained “interrogators” have access to detainees. For this reason FM 2-22.3 reads as if it were written by lawyers for lawyers, rather than by soldiers for soldiers.

The letter of the law is clearer. “Interrogations may only be conducted by personnel trained and certified in the interrogation methodology, including personnel in MOSs 97E, 351M (351E), or select others as may be approved by DOD policy.”⁴⁴⁹ Current research has found only three programs that would certify a soldier as trained. The first is the interrogator course at Fort Huachuca, which is restricted to the MOSs listed above. The second is another course at Fort Huachuca, the Joint Interrogation Course (JIC), which is not yet officially receiving students.⁴⁵⁰ This course is designed for soldiers whose primary job is not interrogation, and would fill much of the need identified in this study. However, it is rumored the JIC will still only allow interrogations to take place at an “approved facility,” which creates numerous problems. Moreover, every unit in the Army would try to enroll its soldiers in that course, and it would be overwhelmed immediately unless it had very selective admission criteria.

Very little information is available about the third course, which is run by USCENTCOM and only approves soldiers to conduct interrogations in that area of operations. This is an effective, albeit stopgap, measure to allow a select few—only those who can manage an assignment to attend the course—to conduct interrogations in the current fight. It fails to address the greater issue or any current or future operations outside USCENTCOM’s area of responsibility.

212 | Even if a soldier has received the requisite training, he still lacks coherent guidance on how to put it into practice. FM 2-22.3 only briefly discusses tactical questioning and then directs the reader to ST 2-91, which provides no information about the use of tactical questioning as a tool to gather intelligence from a detainee. Instead, it offers a detailed discussion of a patrol’s use of tactical questioning in random conversation with locals who are not being detained. The level of guidance on tactical questioning was designed for members of a patrol. It is a good tool and a worthwhile text for a private in Advanced Individual Training (AIT). For a Special Forces team the text covers topics that have been part of Special Forces standard operating pro-

⁴⁴⁹ FM 2-22.3, 1-8 & 5-13.

⁴⁵⁰ A source interviewed by the author in September 2006 but due to deployment scheduling not available for a follow-up interview.

cedures (SOPs) since the 1940s. Moreover, tactical questioning restricts the type and duration of any interaction resembling a tactical interrogation. A soldier's concept of the "field" differs greatly from what the authors of FM 2-22.3 believe the field to be:

Although field interrogations are conducted at all echelons and during all operations in which there are detainees, detention facilities where interrogation operations occur are normally located only at theater or JTF level.⁴⁵¹

In fact, the theater level is greatly removed from the level at which Special Forces teams operate. Although they are involved in producing effects at the theater or strategic level, these teams move too fast or are dug in too deeply to have direct interaction with theater-level commanders or staff. The letter of the law states that interrogations can happen at "all levels" and during "all operations," but only in rare cases is a soldier who is authorized to conduct them available at the tactical level. However, even if an interrogator is available, rarely would it be a viable option to insert any "specialist" into a Special Forces Detachment who does not have the basic skills all the organic detachment members possess. Rare exceptions to this "rule" are the Air Force's Combat Control Teams (CCTs) and some other unique servicemen who are occasionally attached to Special Forces teams. The CCTs and others are already well-versed in small unit tactics, amplify the team's capabilities, and do not get in the team's way.

The scenario returns to the dilemma confronting the Special Forces team which has been in the desert for a long time on a cold, rainy night and has been seeking a new interrogation doctrine that conforms to its needs. The team has found only FM 2-22.3, and although it is ambiguous and disempowering, the Pentagon has invested too much effort in developing it to discard it now.

The words of "James," one of Britain's most experienced interrogators in Northern Ireland, should serve as a warning. Due to fear of reprisals, James now lives in an undisclosed location along the Mediterranean. James had no interrogation training and proudly boasts that "We did not torture." In 1979 the British government decided to reform its interrogation practices in Northern Ireland and introduced restrictions:

| 213

⁴⁵¹ FM 2-22.3, 5-14.

“Every time they changed the rules, it was to benefit murdering terrorists,” James said, grinding the word “terrorists” with his teeth. “We got no protection. Next we’ll be tried as war criminals.”⁴⁵²

Our own most recent rule change limiting who can conduct interrogations has benefited the terrorists. It is now time to make a change to our doctrine that benefits our soldiers and our war effort.

Unfortunate Reality

The scenario described above is the same one Mark Bowen discussed in his article “The Dark Art of Interrogation,” in which he interviews Jessica Montell, the executive director of B’Tselem, a human rights advocacy group in Jerusalem.

If I as an interrogator feel that the person in front of me has information that can prevent a catastrophe from happening... I imagine that I would do what I would have to do in order to prevent that catastrophe from happening. The state’s obligation is then to put me on trial, for breaking the law. Then I come and say these are the facts that I had at my disposal. This is what I believed at the time. This is what I thought necessary to do. I can evoke the defense of necessity, and then the court decides whether or not it’s reasonable that I broke the law in order to avert this catastrophe. But it has to be that I broke the law. It can’t be that there’s some prior license for me to abuse people.⁴⁵³

214 | In the situation confronting our Special Forces soldiers, the act of conducting an interrogation is the offense, not the use of torture. As long as it remains against doctrine for soldiers to conduct interrogations, the soldier who engages in such operations must accept the risk. He must be prepared to stand up in court or before Congress, if necessary, and defend his actions. Special Forces soldiers will still use interrogation, because in some cases they will deem it worth the consequences. Still, many of them do not even fully understand the policy. This does not mean they will necessarily be punished. In any nation the decision to prosecute a crime is an executive one. A prosecutor, commander, or lawmaker must decide to press charges, and the likelihood that a soldier who

⁴⁵² Blumenfeld, Tortured.

⁴⁵³ Bowden, The Dark Art.

conducted a humane interrogation would be prosecuted, much less convicted, is very small.⁴⁵⁴

This debate is not about torture. Torture must remain illegal. Any interrogators who engage in torture would do so at their own risk, knowing they would be accountable to the full weight of the law. Instead, the issue raised in this study centers on allowing one group of soldiers to do what another group is already authorized to do. The current doctrine does not meet the President's promise of "give[ing] them the tools they need. And that is clear law." The law is now clear; current DoD doctrine is not.

⁴⁵⁴ Bowden, *The Dark Art*.



APPENDIX A

~~SECRET~~ UNCLASSIFIED
SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JAN 19 2002

MEMORANDUM FOR CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SUBJECT: Status of Taliban and Al Qaida

(U) Transmit the following to the Combatant Commanders:

u

(S) The United States has determined that Al Qaida and Taliban individuals under the control of the Department of Defense are not entitled to prisoner of war status for purposes of the Geneva Conventions of 1949.

(U) The Combatant Commanders shall, in detaining Al Qaida and Taliban individuals under the control of the Department of Defense, treat them humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions of 1949.

(U) The Combatant Commanders shall transmit this order to subordinate commanders, including Commander, Joint Task Force 160, for implementation.

(U) Keep me appropriately informed of the implementation of this order.

D. M. [Signature]

383.6
14 JAN 02
Page 1 of 1

Declassified by: Sactef
Reason: 1.5(d)
Declassify on: OI/19/12

DECLASSIFIED ON 4 FEB 2002
PER DOD GENERAL COUNCIL MEMO
Please Notify All Recipients to downgrade this Memorandum to Unclassified



APPENDIX B

DRAFT
1/25/2002 - 3:30 pm

January 25, 2002

MEMORANDUM FOR THE PRESIDENT

FROM: ALBERTO R. GONZALES

SUBJECT: DECISION RE APPLICATION OF THE GENEVA CONVENTION ON PRISONERS OF WAR TO THE CONFLICT WITH AL QAEDA AND THE TALIBAN

Purpose

On January 18, I advised you that the Department of Justice had issued a formal legal opinion concluding that the Geneva Convention III on the Treatment of Prisoners of War (GPW) does not apply to the conflict with al Qaeda. I also advised you that DOJ's opinion concludes that there are reasonable grounds for you to conclude that GPW does not apply with respect to the conflict with the Taliban. I understand that you decided that GPW does not apply and, accordingly, that al Qaeda and Taliban detainees are not prisoners of war under the GPW.

The Secretary of State has requested that you reconsider that decision. Specifically, he has asked that you conclude that GPW does apply to both al Qaeda and the Taliban. I understand, however, that he would agree that al Qaeda and Taliban fighters could be determined not to be prisoners of war (POW) but only on a case-by-case basis following individual hearings before a military board.

This memorandum outlines the ramifications of your decision and the Secretary's request for reconsideration.

Legal Background

As an initial matter, I note that you have the constitutional authority to make the determination you made on January 18 that the GPW does not apply to al Qaeda and the Taliban. (Of course, you could nevertheless, as a matter of policy, decide to apply the principles of GPW to the conflict with al Qaeda and the Taliban.) The Office of Legal Counsel of the Department of Justice has opined that, as a matter of international and domestic law, GPW does not apply to the conflict with al Qaeda. OLC has further opined that you have the authority to determine that GPW does not apply to the Taliban. As I discussed with you, the grounds for such a determination may include:

- A determination that Afghanistan was a failed state because the Taliban did not exercise full control over the territory and people, was not recognized by the international community, and was not capable of fulfilling its international obligations (e.g., was in widespread material breach of its international obligations).
- A determination that the Taliban and its forces were, in fact, not a government, but a militant, terrorist-like group.

OLC's interpretation of this legal issue is definitive. (The Attorney General is charged by statute with interpreting the law for the Executive Branch. This interpretive authority extends to both domestic and international law. He has, in turn, delegated this role to OLC. Nevertheless, you should be aware that the Legal Advisor to the Secretary of State has expressed a different view.



APPENDIX C

JUN 17 2004 2:27PM LEGAL NO. 499

[REDACTED] UNCLASSIFIED

THE WHITE HOUSE
WASHINGTON
February 7, 2002

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
CHIEF OF STAFF TO THE PRESIDENT
DIRECTOR OF CENTRAL INTELLIGENCE
ASSISTANT TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SUBJECT: Humane Treatment of al Qaeda and Taliban Detainees

1. Our recent extensive discussions regarding the status of al Qaeda and Taliban detainees confirm that the application of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 (Geneva) to the conflict with al Qaeda and the Taliban involves complex legal questions. By its terms, Geneva applies to conflicts involving "High Contracting Parties," which can only be states. Moreover, it assumes the existence of "regular" armed forces fighting on behalf of states. However, the war against terrorism ushers in a new paradigm, one in which groups with broad, international reach commit horrific acts against innocent civilians, sometimes with the direct support of states. Our Nation recognizes that this new paradigm -- ushered in not by us, but by terrorists -- requires new thinking in the law of war, but thinking that should nevertheless be consistent with the principles of Geneva.
2. Pursuant to my authority as Commander in Chief and Chief Executive of the United States, and relying on the opinion of the Department of Justice dated January 22, 2002, and on the legal opinion rendered by the Attorney General in his letter of February 1, 2002, I hereby determine as follows:
 - a. I accept the legal conclusion of the Department of Justice and determine that none of the provisions of Geneva apply to our conflict with al Qaeda in Afghanistan or elsewhere throughout the world because, among other reasons, al Qaeda is not a High Contracting Party to Geneva.
 - b. I accept the legal conclusion of the Attorney General and the Department of Justice that I have the authority under the Constitution to suspend Geneva as between the United States and Afghanistan, but I decline to

[REDACTED] NSC DECLASSIFICATION REVIEW [E.O. 12958 as amended]
DECLASSIFIED IN FULL ON 6/17/2004
by R.Soubers

Reason: 1.5 (d)
Declassify on: 02/07/12

APPENDIX C (Continued)

JUN 17 2004 2:27PM LEGAL

NO. 499


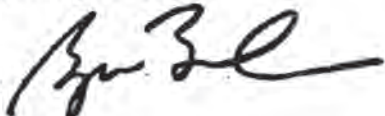
UNCLASSIFIED

2


exercise that authority at this time. Accordingly, I determine that the provisions of Geneva will apply to our present conflict with the Taliban. I reserve the right to exercise this authority in this or future conflicts.

- c. I also accept the legal conclusion of the Department of Justice and determine that common Article 3 of Geneva does not apply to either al Qaeda or Taliban detainees, because, among other reasons, the relevant conflicts are international in scope and common Article 3 applies only to "armed conflict not of an international character."
- d. Based on the facts supplied by the Department of Defense and the recommendation of the Department of Justice, I determine that the Taliban detainees are unlawful combatants and, therefore, do not qualify as prisoners of war under Article 4 of Geneva. I note that, because Geneva does not apply to our conflict with al Qaeda, al Qaeda detainees also do not qualify as prisoners of war.

3. Of course, our values as a Nation, values that we share with many nations in the world, call for us to treat detainees humanely, including those who are not legally entitled to such treatment. Our Nation has been and will continue to be a strong supporter of Geneva and its principles. As a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.
4. The United States will hold states, organizations, and individuals who gain control of United States personnel responsible for treating such personnel humanely and consistent with applicable law.
5. I hereby reaffirm the order previously issued by the Secretary of Defense to the United States Armed Forces requiring that the detainees be treated humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.
6. I hereby direct the Secretary of State to communicate my determinations in an appropriate manner to our allies and other countries and international organizations cooperating in the war against terrorism of global reach.

APPENDIX D

	U.S. Department of Justice Office of Legal Counsel
Office of the Assistant Attorney General	Washington, D.C. 20530
August 1, 2002	
Memorandum for Alberto R. Gonzales Counsel to the President	
<i>Re: Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A</i>	
<p>You have asked for our Office's views regarding the standards of conduct under the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment as implemented by Sections 2340-2340A of title 18 of the United States Code. As we understand it, this question has arisen in the context of the conduct of interrogations outside of the United States. We conclude below that Section 2340A proscribes acts inflicting, and that are specifically intended to inflict, severe pain or suffering, whether mental or physical. <u>Those acts must be of an extreme nature to rise to the level of torture within the meaning of Section 2340A and the Convention. We further conclude that certain acts may be cruel, inhuman, or degrading, but still not produce pain and suffering of the requisite intensity to fall within Section 2340A's proscription against torture. We conclude by examining possible defenses that would negate any claim that certain interrogation methods violate the statute.</u></p>	
<p>In Part I, we examine the criminal statute's text and history. We conclude that for an act to constitute <u>torture as defined in Section 2340, it must inflict pain that is difficult to endure. Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death. For purely mental pain or suffering to amount to torture under Section 2340, it must result in significant psychological harm of significant duration, e.g., lasting for months or even years. We conclude that the mental harm also must result from one of the predicate acts listed in the statute, namely: threats of imminent death; threats of infliction of the kind of pain that would amount to physical torture; infliction of such physical pain as a means of psychological torture; use of drugs or other procedures designed to deeply disrupt the senses, or fundamentally alter an individual's personality; or threatening to do any of these things to a third party.</u> The legislative history simply reveals that Congress intended for the statute's definition to track the Convention's definition of torture and the reservations, understandings, and declarations that the United States submitted with its ratification. <u>We conclude that the statute, taken as a whole, makes plain that it prohibits only extreme acts.</u></p>	
<p>In Part II, we examine the text, ratification history, and negotiating history of the Torture Convention. We conclude that the treaty's text prohibits only the <u>most extreme</u></p>	



APPENDIX E

UNCLASSIFIED

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1800 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1800

- 21
- 10

702 DEC -2 AM 11: 03
OFFICE OF THE SECRETARY OF DEFENSE

ACTION MEMO

November 27, 2002 (1:00 PM)

DEPSBC _____

FOR: SECRETARY OF DEFENSE

FROM: William J. Haynes II, General Counsel *WJH*

SUBJECT: Counter-Resistance Techniques

- The Commander of USSOUTHCOM has forwarded a request by the Commander of Joint Task Force 170 (now JTF GTMO) for approval of counter-resistance techniques to aid in the interrogation of detainees at Guantanamo Bay (Tab A).
- The request contains three categories of counter-resistance techniques, with the first category the least aggressive and the third category the most aggressive (Tab B).
- I have discussed this with the Deputy, Doug Feith and General Myers. I believe that all join in my recommendation that, as a matter of policy, you authorize the Commander of USSOUTHCOM to employ, in his discretion, only Categories I and II and the fourth technique listed in Category III ("Use of mild, non-injurious physical contact such as grabbing, poking in the chest with the finger, and light pushing").
- While all Category III techniques may be legally available, we believe that, as a matter of policy, a blanket approval of Category III techniques is not warranted at this time. Our Armed Forces are trained to a standard of interrogation that reflects a tradition of restraint.

RECOMMENDATION: That SECDEF approve the USSOUTHCOM Commander's use of those counter-resistance techniques listed in Categories I and II and the fourth technique listed in Category III during the interrogation of detainees at Guantanamo Bay.

SECDEF DECISION:

Approved *WJH* Disapproved _____ Other _____

Attachments: As stated

cc: CICS, USD(P) *However, I stand for 8-10 hours a day. Why is stand, limited to 4 hours?*

D.R. DEC 0 2 2002

X04036-02

Unclassified State Authority of Executive Order 12958
by Executive Secretary, Office of the Secretary of Defense
William P. Mikoyan, CAPT, USA
June 18, 2004


UNCLASSIFIED



APPENDIX F

~~UNCLASSIFIED~~
~~SECRET//NOFORN~~

SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000



MEMORANDUM FOR COMMANDER USSOUTHCOM JAN 15 2003

SUBJECT: Counter-Resistance Techniques (U)

(S) My December 2, 2002, approval of the use of all Category II techniques and one Category III technique during interrogations at Guantanamo is hereby rescinded. Should you determine that particular techniques in either of these categories are warranted in an individual case, you should forward that request to me. Such a request should include a thorough justification for the employment of those techniques and a detailed plan for the use of such techniques.

(U) In all interrogations, you should continue the humane treatment of detainees, regardless of the type of interrogation technique employed.

(U) Attached is a memo to the General Counsel setting in motion a study to be completed within 15 days. After my review, I will provide further guidance.

[Handwritten Signature]

383.0

15 JAN 03

Classified by: Secretary Rumsfeld
Reason: 1.5(c)
Declassify on: 10 years

UNCLASSIFIED

Declassify Under the Authority of Executive Order 12958
By Executive Secretary, Office of the Secretary of Defense
By William P. Marston, CAPT, USN
June 21, 2004



APPENDIX G

~~UNCLASSIFIED~~
~~SECRET//NOFORN~~
THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

APR 16 2003

MEMORANDUM FOR THE COMMANDER, US SOUTHERN COMMAND

SUBJECT: Counter-Resistance Techniques in the War on Terrorism (S)

(U) I have considered the report of the Working Group that I directed be established on January 15, 2003.

(S//NF) I approve the use of specified counter-resistance techniques, subject to the following:

(U) a. The techniques I authorize are those lettered A-X, set out at Tab A.

(U) b. These techniques must be used with all the safeguards described at Tab B.

(U)(S) c. Use of these techniques is limited to interrogations of unlawful combatants held at Guantanamo Bay, Cuba.

(U)(S) d. Prior to the use of these techniques, the Chairman of the Working Group on Detainee Interrogations in the Global War on Terrorism must brief you and your staff.

(U) I reiterate that US Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions. In addition, if you intend to use techniques B, I, O, or X, you must specifically determine that military necessity requires its use and notify me in advance.

(U) If, in your view, you require additional interrogation techniques for a particular detainee, you should provide me, via the Chairman of the Joint Chiefs of Staff, a written request describing the proposed technique, recommended safeguards, and the rationale for applying it with an identified detainee.

(U)(S) Nothing in this memorandum in any way restricts your existing authority to maintain good order and discipline among detainees.

Attachments:
As stated

R. R. [Signature]

Justified Under Authority of Executive Order 12958
Executive Secretary, Office of the Secretary of Defense
Jan P. Harwood, CAPT, USN
11, 2004

NOT RELEASABLE TO
FOREIGN NATIONALS

UNCLASSIFIED

Classified By: Secretary of Defense
Reason: 1.5(e)
Declassify On: 2 April 2013



APPENDIX H

UNCLASSIFIED

 DEPARTMENT OF THE ARMY
HEADQUARTERS, COMBINED JOINT TASK FORCE SEVEN
CAMP VICTORY, BAGHDAD, IRAQ
APO AE 98463

CJTF-7 CG 14 SEP 2003

MEMORANDUM FOR Commander, U.S. Central Command, 7115 South Boundary Boulevard,
MacDill Air Force Base, Florida 33621-5101

SUBJECT: CJTF-7 Interrogation and Counter-Resistance Policy

Enclosed is the CJTF-7 Interrogation and Counter-Resistance Policy, modeled on the one implemented for interrogations conducted at Guantanamo Bay, but modified for applicability to a theater of war in which the Geneva Conventions apply. Unless otherwise directed, my intent is to implement this policy immediately.

Encl
as


RICARDO S. SANCHEZ
Lieutenant General, U.S. Army
Commanding



APPENDIX I

HR-25-2009 16-03 US ATTORNEY'S OFFICE 210 F.03/12

UNCLASSIFIED

HEADQUARTERS
COMBINED JOINT TASK FORCE SEVEN
BAGHDAD, IRAQ
APO AE 0931

11 OCT 2009

CJTF-7 CO

MEMORANDUM FOR:

C2, Combined Joint Task Force Seven, Baghdad, Iraq 09315
C3, Combined Joint Task Force Seven, Baghdad, Iraq 09315
Commander, 750th Military Intelligence Brigade, Baghdad, Iraq 09315

SUBJECT: CJTF-7 Interrogation and Counter-Resistance Policy

1. (S//NF) This memorandum establishes the interrogation and counter-resistance policy for security interests under the control of CJTF-7. Security interests are civilians who are detained pursuant to Articles 3 and 78 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949 (hereinafter, Geneva Convention).

2. (S//NF) I approve the set of specified interrogation and counter-resistance approaches A-G, as described in Enclosure 1, relating to security interests, subject to the following:

- a. (S//NF) Use of these approaches is limited to interrogations of security interests under the control of CJTF-7.
- b. (S//NF) These approaches must be used in combination with the safeguards described in Enclosure 2.
- c. (S//NF) Segregation of security interests will be required in many instances to ensure the success of interrogations and to prevent the sharing of interrogation methods among interests. Segregation may also be necessary to protect sources from other detainees or otherwise provide for their security. Additionally, the Geneva Convention provides that security interests under definite suspicion of activity hostile to the security of Coalition forces shall, where absolute military necessity requires, be regarded as having forfeited rights of communication. Accordingly, these security interests may be segregated. I must approve segregation in all cases where such segregation will exceed 30 days in duration, whether consecutive or nonconsecutive. Submit written requests with supporting rationale to me through the CJTF-7 C2. A legal review from the CJTF-7 SIA must accompany each request.
- d. (S//NF) In employing each of the authorized approaches, the interrogator must maintain control of the interrogation. The interrogator should appear to be the one who controls all aspects of the interrogation, to include the lighting, hearing and configuration of the interrogation room, as well as the food, clothing and shelter given to the security interest.

UNCLASSIFIED

APPENDIX I (Continued)

MAR-25-2005 16:03 US ATTORNEYS OFFICE 212 P.04/13

UNCLASSIFIED
~~SECRET//NOFORN//X-1~~

CJTF-7 CG
SUBJECT: CJTF-7 Interrogation and Counter-Resistance Policy


3. (S//NF) Requests for use of approaches not listed in Enclosure 1 will be submitted to me through CJTF-7 C2, and will include a description of the proposed approach and recommended safeguards. A legal review from the CJTF-7 SIA will accompany each request.

4. (S//NF) Nothing in this policy limits existing authority for maintenance of good order and discipline among persons under Coalition control.

5. (S//NF) This policy supersedes the CJTF-7 Interrogation and Counter-Resistance Policy signed on 14 September 2003.

6. (S//NF) POC is [REDACTED] DNYT [REDACTED] DSN [REDACTED]

2 Encls
1. Interrogation Approaches (SI)
2. General Safeguards


RICARDO S. SANCHEZ
Lieutenant General, USA
Commanding

CP: Commander, US Central Command

APPENDIX J



U.S. Department of Justice
Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

December 30, 2004

MEMORANDUM FOR JAMES B. COMEY DEPUTY ATTORNEY GENERAL

Re: *Legal Standards Applicable Under 18 U.S.C. §§ 2340-2340A*

Torture is abhorrent both to American law and values and to international norms. This universal repudiation of torture is reflected in our criminal law, for example, 18 U.S.C. §§ 2340-2340A; international agreements, exemplified by the United Nations Convention Against Torture (the "CAT"); customary international law¹; centuries of Anglo-American law²; and the longstanding policy of the United States, repeatedly and recently reaffirmed by the President.³

This Office interpreted the federal criminal prohibition against torture—codified at 18 U.S.C. §§ 2340-2340A—in *Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A* (Aug. 1, 2002) ("August 2002 Memorandum"). The August 2002 Memorandum also addressed a number of issues beyond interpretation of those statutory provisions, including the President's Commander-in-Chief power, and various defenses that might be asserted to avoid potential liability under sections 2340-2340A. See *id.* at 31-46.

Questions have since been raised, both by this Office and by others, about the

¹ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 D.N.T.S. 85. See also, e.g., International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.

² It has been suggested that the prohibition against torture has achieved the status of *ius cogens* (i.e., a peremptory norm) under international law. See, e.g., *Siderman de Blake v. Republic of Argentina*, 965 F.2d 692, 714 (9th Cir. 1992); *Regina v. Bow Street Metro. Stipendiary Magistrate Ex Parte Pinochet Ugarte (No. 3)*, [2000] 1 A.C. 147, 156; see also Restatement (Third) of Foreign Relations Law of the United States § 702 reporters' note 3.

³ See generally John H. Langbein, *Torture and the Law of Proof: Europe and England in the Antebellum Period* (1977).

⁴ See, e.g., Statement on United Nations International Day in Support of Victims of Torture, 40 Weekly Comp. Pres. Doc. 1167 (July 5, 2004) ("Freedom from torture is an inalienable human right . . ."); Statement on United Nations International Day in Support of Victims of Torture, 29 Weekly Comp. Pres. Doc. 624 (June 30, 2003) ("Torture anywhere is an affront to human dignity everywhere."); see also *Letter of Transmittal from President Ronald Reagan to the Senate* (May 20, 1988), in *Message from the President of the United States Transmitting the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, S. Treaty Doc. No. 100-20, at 41 (1988) ("Ratification of the Convention by the United States will clearly express United States opposition to torture, an abhorrent practice unfortunately still prevalent in the world today.")

APPENDIX J (Continued)

appropriateness and relevance of the non-statutory discussion in the August 2002 Memorandum, and also about various aspects of the statutory analysis, in particular the statement that “severe” pain under the statute was limited to pain “equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.” *Id.* at 1.³ We decided to withdraw the August 2002 Memorandum, a decision you announced in June 2004. At that time, you directed this Office to prepare a replacement memorandum. Because of the importance of—and public interest in—these issues, you asked that this memorandum be prepared in a form that could be released to the public so that interested parties could understand our analysis of the statute.

This memorandum supersedes the August 2002 Memorandum in its entirety.⁴ Because the discussion in that memorandum concerning the President’s Commander-in-Chief power and the potential defenses to liability was—and remains—unnecessary, it has been eliminated from the analysis that follows. Consideration of the bounds of any such authority would be inconsistent with the President’s unequivocal directive that United States personnel not engage in torture.⁷

We have also modified in some important respects our analysis of the legal standards applicable under 18 U.S.C. §§ 2340-2340A. For example, we disagree with statements in the August 2002 Memorandum limiting “severe” pain under the statute to “excruciating and agonizing” pain, *id.* at 19, or to pain “equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death,” *id.* at 1. There are additional areas where we disagree with or modify the analysis in the August 2002 Memorandum, as identified in the discussion below.⁵

The Criminal Division of the Department of Justice has reviewed this memorandum and concurs in the analysis set forth below.

³ See, e.g., Anthony Lewis, *Making Torture Legal*, N.Y. Rev. of Books, July 15, 2004; R. Jeffrey Smith, *Slim Legal Grounds for Torture Memos*, Wash. Post, July 4, 2004, at A12; Kathleen Clark & Julie Merus, *Torturing the Law: the Justice Department’s Legal Contortions on Interrogation*, Wash. Post, June 20, 2004, at B3; Derek Jinks & David Sloss, *Is the President Bound by the Geneva Conventions?*, 90 Cornell L. Rev. 97 (2004).

⁴ This memorandum necessarily discusses the prohibition against torture in sections 2340-2340A in somewhat abstract and general terms. In applying this criminal prohibition to particular circumstances, great care must be taken to avoid approving as lawful any conduct that might constitute torture. In addition, this memorandum does not address the many other sources of law that may apply, depending on the circumstances, to the detention or interrogation of detainees (for example, the Geneva Conventions; the Uniform Code of Military Justice, 10 U.S.C. § 801 et seq.; the Military Extraterritorial Jurisdiction Act, 18 U.S.C. §§ 3261-3267; and the War Crimes Act, 18 U.S.C. § 2441, among others). Any analysis of particular facts must, of course, ensure that the United States complies with all applicable legal obligations.

⁷ See, e.g., Statement on United Nations International Day in Support of Victims of Torture, 40 Weekly Comp. Pres. Doc. 1167-68 (July 5, 2004) (“America stands against and will not tolerate torture. We will investigate and prosecute all acts of torture . . . in all territory under our jurisdiction Torture is wrong no matter where it occurs, and the United States will continue to lead the fight to eliminate it everywhere.”).

⁸ While we have identified various disagreements with the August 2002 Memorandum, we have reviewed this Office’s prior opinions addressing issues involving treatment of detainees and do not believe that any of their conclusions would be different under the standards set forth in this memorandum.

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