

Anti-Torture Groups and Morally Concerned Interrogators

Jean Maria Arrigo, PhD
Project on Ethics and Art in Testimony

International Seminar on Torture
Center for the Study of Violence / Núcleo de Estudos da Violência
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Overview

As a best practice, anti-torture organizations should consult morally concerned military intelligence professionals when they seek to develop policies to prevent torture. The fundamental reason is that successful policy must address the institutional and operational realities that are only known to the intelligence professionals involved. Although human rights advocates and intelligence professionals are often at odds on national security programs, they have common ground in opposing torture interrogation and can work together fruitfully. This is my thesis.

I develop the rationale for collaboration for between human rights organizations and morally concerned intelligence professionals. I will also describe some of the obstacles to collaboration. And I briefly review one anti-torture project which could have profited from consultation with intelligence professionals and another anti-torture project that did. An appendix lists some resources for human rights advocates wishing to connect with morally concerned intelligence professionals.

Rationale for the Collaboration of Anti-Torture Groups and Interrogators on the Issue of Torture Interrogation

The human rights community and national security community are often divided on moral issues by the so-called “liberty-security dilemma,” that is, the perceived trade-off between the competing goods of civil liberties and national security. The liberty-security dilemma comes into play in political contests over freedom of speech, the military draft, loyalty oaths, government secrecy, and international human rights treaties. During the Cold War, U.S. support for civil liberties in Latin America was pitted against U.S. support for anti-communist dictators. The Bush Administration positions torture interrogation on the liberty-security axis: more torture, more security;

The liberty-security dilemma does not apply though in the matter of torture interrogation, when the goal of interrogation is actually information gathering, as opposed to vengeance or social control. The most successful interrogation techniques, according to expert interrogators, are non-abusive (McCauley 2007). Senior army interrogator Ray Bennett (ret), said: “Everybody wants to talk to someone. My job is to become the person you want to talk to” (Bennett, 2006). This depth of interrogation expertise though is extremely demanding of training, practice, mentorship, social skills, cognitive abilities, tolerance, self-control, flexibility, endurance, and so on. An experienced counterterrorism liaison officer privately remarked on the absurdity of using novice interrogators: “Our [social skills] method has the best chance of working then shortly after capture. When we fail [to obtain the captives first] we get upset as we know the person will be sent to [novice] contract interrogation teams or military interrogators

with their one whole year of intel[ligence] experience including the time spent overseas, [so] we know little will be done to obtain free flowing intel” (5/23/08).

More publicly, on July 31, 2006, 20 former interrogators and interrogator technicians, sent an open letter to the U.S. House Committee on the Armed Services, denouncing “prisoner abuse/torture to be counter-productive to the intelligence gathering mission.” Speaking for active-duty interrogators, they added, “Of the interrogators with whom we have been able to establish contact, 100% expressed agreement....” (Bauer, 2006a). In a message recorded for Bennett similarly asserted publicly: “In my two decades of experience as an interrogator, I know of no competent interrogator that would resort to torture. Not one. Even the harshest approach in our catalogue, the so-called “fear up” approach, is discouraged as ultimately defeating. For once used, it leaves little room for the interrogator to maneuver.”

Apart from the utilitarian contest in the liberty-security dilemma, the military cannot function as an institution without its culture of honor. Torture of captives widely signals corruption of honor—violating the Nuremberg Principles, the Laws of Land Warfare, the Geneva Conventions, and the Core Values of all the U.S. military services. On March 2, 2006, Ray McGovern, a retired, senior CIA analyst who had briefed Presidents Ronald Reagan and the first President George H. W. Bush, returned his Intelligence Commendation Award medallion to Congress, stating, “I do not want to be associated with torture.” He and 15 colleagues demonstrated in Congress, wearing orange jumpsuits similar to those worn by Guantanamo detainees. McGovern is the founder of Veteran Intelligence Professionals for Sanity, a 40-member group of like-minded, former CIA officers. Ten retired U.S. generals and admirals likewise argued for the moral high ground in a January 2008 video titled, “Do We Want Our Kids to Be Torturers?” (Human Rights First, 2008).

It is the political leadership that drives abusive interrogation policy in the U.S. today. Psychological research on political conflict clearly demonstrates that leaders can gain popularity with people of authoritarian disposition by promoting cruelty to enemies (Moghaddam, 2007). And an alarming proportion of the general public favors torture of terrorist suspects [REF].

Anti-torture groups and expert interrogators are on the same side of the torture interrogation issue. Regardless of other ideological differences, they can collaborate on this issue.

National Security Perspectives on Human Rights Groups

But I don’t want to minimize the obstacles to anti-torture groups engaging with morally concerned intelligence professionals. Here I outline the general intelligence perspective on altruistic, nongovernmental organizations (NGOs), so anti-torture groups can take precautions.

Supporters tend to idealize NGOs because of their altruistic missions. Intelligence agencies, however, regard NGOs primarily as resources. The intelligence literature matter-of-factly recommends NGO publications among other sources of “open intelligence,” such as television broadcasts and financial newsletters (Prillaman & Dempsey, 2004). When the military arrives in an unfamiliar area, “In most cases, ... NGOs... will have been in the area long before any military deployment ... making them an excellent intelligence source” (Cline, 2002). Indeed, an article in the *International Journal of Intelligence and Counterintelligence* stated:

The information known to the UN, the Red Cross, Doctors Without Borders, the International Crisis Group, Amnesty International, and to the many thousands of other NGOs...has the potential to make the most secret intelligence irrelevant and unaffordable. NGOs are the real information leaders in today’s world, and their “eyes on target,”

whatever the deficiencies of some of their people, are the gold standard for Global Coverage (Steele, 2004).

Although deemed useful as information sources, NGOs are often portrayed as ineffective in their own pursuits. For example, an empirical analysis of the success of oil firms, NGOs, and environmental groups, in controlling local violence showed that humanitarian groups were no more effective than self-interested corporations (Botea, 2006).

Short-term peace activists in Third World settings are particularly charged with incompetence in language, culture, and survival skills, as in this diatribe from a U.S. counterintelligence liaison officer working in the Middle East (Anonymous, ___):

I asked one AI [Amnesty International] clown to accompany us to an interrogation but he refused, saying that we "would probably use actors to show how innocent" we were. ... [H]e had no military/police/or even Middle Eastern terrorism field experience or area specific knowledge of his own by which to judge us rationally. Still, we were guilty of something of which he accused us. When we refused his entry into [the town] he accused us of hiding facts from him.... He did not speak or understand Arabic, Farsi, Kurdish or Turkish, but did not want us to translate for him. He could not come up with any real reason to be there as a "newsman," and could not take care of himself alone, so we sent him away.... Later he insisted on stomping into a mosque in his Israeli desert boots; he began taking photos without permission.... An enraged mullah began screaming at him and he fled to us—the "evil military goons," as he called us.

Two interrogators more politely characterized such activists as having "moral convictions without operational knowledge" (Bennett & duForest, 2007). They noted an important institutional difference between the national security system and the peace community. The national security system has a command structure; only certain authorities can say, "This is what we stand for, and this is what we do not stand for." The peace community, in contrast, does not have a command structure, so any person can pose as a representative, leading to problems with extremists, fundamentalists, and provocateurs. The interrogators stated that the human rights community needs a clearinghouse for clarity of representation.

From the intelligence perspective, the problem of NGO incompetence grades into the general problem of gullibility on the Left. As a famous example, in 1939, 400 leading American intellectuals published in a progressive magazine a letter "To All Active Supporters of Democracy and Peace" (1939). These intellectuals extolled the Soviet Union as a "bulwark against war and aggression" and a model of civil liberties and social welfare, and they condemned those who sowed suspicion against the Soviet Union. Then and now, according to intelligence professionals, intellectuals and activists on the political Left are easy dupes of progressive propaganda by enemies (e.g., Rood, 1998).

Intelligence professionals decry the naivete of NGOs and admonish them to understand, and counteract manipulative tactics (Leriche, 2004). At the extreme, intelligence agencies infiltrate and run dissident organizations whose formation they cannot control. Many intelligence professionals believe that Amnesty International, Human Rights Watch, and other major human rights monitors are infiltrated by enemy intelligence agencies (Rood, 1998; (Anonymous, 2004-2010).

When NGOs monitor and reveal intelligence operations, they are perceived as enemies. For example, a categorization of factors contributing to intelligence failures includes, “*innocent enemies*: those who unintentionally impose restraints on intelligence and threaten its effectiveness” (Liaropoulos, 2008, p. 406). The previously quoted counterintelligence liaison officer in the Middle East wrote sarcastically: “Of course, Amnesty International does want us to be effective in preventing terrorist attacks in-country, or in the US for that matter.... I saw a whole terrorist cell released due to [Amnesty International’s] efforts that ended up with a few Americans and many foreign nationals killed before their recapture” (Anonymous, 2004-2010).

But it is the unequal application of human rights standards that really grates on intelligence professionals. The liaison officer complained (whether or not accurately): “Amnesty International ... constantly whined about the Shah mistreating prisoners. And then when the Ayatollah took over, he tortured to death hundreds of thousands and held mass executions of entire pro-Shah towns and villages. Amnesty did not say a thing” (Anonymous, 2004-2010).

Intelligence professionals are quick to identify manipulative actions by human rights groups. Consider the case of two North American priests who attempted to deliver an anti-torture letter, in November 2006, to the commander of U.S. Army Military Intelligence Headquarters. “The priests were arrested while kneeling in prayer halfway up the driveway.” A senior interrogator who is deeply opposed to torture commented:

I see it this way. The priests ... wanted to "deliver a letter" to General Fast on Fort Huachuca. This stated objective is disingenuous, slighting for one, as it does, the postal service, and, for the other, obscuring the fact that the form that the priests took to deliver the message (kneeling down in prayer halfway up the driveway to Fort Huachuca) points more to an attempt to draw attention than to carry a missive from point A to point B. File under "S" for "stunt comma publicity." I applaud their motives, but not their means. I just feel that the "story" is now how priests have been ... disrespected rather than the issue [of torture]. (Bennett, 2007 b).

Intelligence agencies are often faulted for moral reasoning that the end justifies the means. In this case, interrogators assert that the means ought at least be directed to the ends (Bennett & DuForest, 2007). They ask why anti-torture groups are so careless about the effects of their demonstrations. A demonstration is a symbolic act. The activists should verify the intended consequences with a sample from the target audience, namely, the military, in this case.—Or the interrogators may interpret the demonstration simply as a ploy to unite the anti-torture group’s supporters and raise funds, not actually to accomplish the mission of the group.—Dramatic actions indeed bring issues to the public eye, but media attention also has a polarizing effect. The “name, shame, and blame” tactic is only good for the present moment, the interrogators say.

This is a sample of the complaints I have heard from intelligence professionals. For NGO readers, no doubt, retorts quickly come to mind: yes, NGO staff may arrive in the field without language and cultural training, but they do not have the Monterey Language Institute and a billion dollar budget behind them like the military—which can also arrive unprepared linguistically and culturally; yes, NGOs can be infiltrated by the enemy, but intelligence agencies are routinely infiltrated; yes, NGO tactics often do not achieve their ends, but the same is true of intelligence tactics, as illustrated by some infamous covert operations. Yet intelligence professionals’ criticisms of NGOs are instructive and have some validity. It behooves anti-torture groups to keep in mind this intelligence perspective on NGOs in approaching morally concerned intelligence professionals.

A Case Study: The California State Ridley-Thomas Resolution on Health Professionals' Participation in Torture

Now I turn to a case in which I believe anti-torture groups might have profited by morally concerned interrogators: the California State Resolution on Health Professionals' Participation in Torture. This resolution is grounded in irrefutable evidence of the involvement of doctors and psychologists in torture interrogation in the U.S.-led "war on terror" (Miles, 2005). Physicians, nurses, clinical psychologists, and other health professionals in the United States are licensed by the states in which the individuals practice. The Department of Defense requires the health professionals they employ to be licensed in the states in which they officially reside. So state licensing agencies offer a point of public access to health professionals' involvement in national security interrogations.

In January 2008, California State Senator Mark Ridley-Thomas introduced a Resolution (SJR19) on behalf of 28 anti-torture groups, led by the American Friends Service Committee, the Los Angeles Program for Torture Victims, and Physicians for Social Responsibility, sponsored a Resolution. Among other actions, the Resolution mandated that state licensing agencies for health care providers (REF):

Request that the DOD [Department of Defense] and the Central Intelligence Agency (CIA) remove all California-licensed health professionals from participating in any way in prisoner and detainee interrogation.

The sponsoring anti-torture groups spent two years preparing the resolution. They lobbied the state senators indefatigably; raised public support; brought human rights, religious, and legal experts to testify for the Resolution at the preliminary, January 2008 hearing of the California Senate Business Professions and Economic Development Committee; and negotiated persistently with the Ethics Office of the American Psychological Association, which attempted to gut the Resolution in draft after draft (Soldz, 2008). The Resolution passed in the California State Senate in April 2008 and will soon go before the larger California State House of Representatives (American Friends Service Committee, 2008).

Passage of this Resolution, although nonbinding, would represent extraordinary progress for anti-torture groups, and all the more because California is a large state known as a trendsetter in progressive movements. The question would then arise as to *how* the Department of Defense and CIA might implement the Resolution.

Consider the U.S. Army Interrogation Plan form [show slide here] (Martin, 2008), prerequisite to any official interrogation (a unclassified document sent to me by a morally concerned interrogator). The first box asks for the name of the medical authority who has cleared the detainee, or "source," for interrogation. The source may have been injured in combat preceding capture, necessitating care. Or the source may have a pre-existing medical condition such as asthma or diabetes, which constrains conditions of interrogation. In field conditions, there may well be no medical personnel, but someone *has* to take medical responsibility for the prisoner prior to interrogation. Another interrogator elaborated (Bennett, 2008, January 28):

"...[I]f there's no medic available, that doesn't mean questioning does not take place.... [T]he interrogator can be the medical authority. That is, you cannot willingly deny medical attention. If it is apparent ... that that person needs medical attention, then you must give it to him. And you cannot interrogate until you do so and reevaluate.

Thus all grades of medical expertise and responsibility come to be intertwined.

This next vignette from a retired interrogator, referring back to the Vietnam War, illustrates one of the risks to interrogators of having no medical expertise on hand (Martin, 2007):

So there was a fight. They captured this guy.... And I get a call ... wire-to-wire. And they says, "There's a helicopter coming in. There's a prisoner on it. We want him interrogated right away." So when the helicopter landed, this guy got off.... Sit him right there in the tent. Talk to him. Get some information. Walked him back over [to the cage] Well, about an hour later, this lieutenant comes over and he's got two big MPs [military policemen] with him. And he said [to me], ... "You're going to jail, mister. I knew you guys were beating people up.... I got the proof now...."

... So we went over and [my Major] brings this [prisoner] out of the cage. And he's got a big black eye. He's got a bruise on his cheek....

[The Major] points at me..., and says [to the prisoner], "Did this American do it?"

And [the prisoner] looked at me, he goes, "No... Those guys that captured me.... I was trying to stick them with my bayonet, when this other guy hit me with his rifle."

... [W]hat had happened was he had been bruised in the act of battle.... And I had gotten [him] ... within minutes, I spoke with him, and then put him back. And then the bruises came to full bloom.

The medical complexities are endless in interrogation scenarios. Health professionals must be available. But once they are available, it is difficult to distinguish between involvement and noninvolvement in interrogations. The Ridley-Thomas Resolution gives no assistance. If the anti-torture groups that authored the Resolution had consulted with intelligence professionals, they might have foreseen the problems and proposed a solution—possibly only through back channels, so as not to demand too much—thus strengthening the Resolution with a means of implementation. For example, retired counterintelligence operative, David DeBatto, suggested removing health professionals involved in interrogations from the authority of field commanders so they cannot be pressured to assist in interrogations (DeBatto, 2007).

DeBatto and interrogators who participated in the 2006 Seminar for Psychologists and Interrogators on Rethinking the Psychology of Torture (Arrigo & Wagner, 2007) stood ready to advise. But the chasm between human rights advocates and intelligence professionals appeared too wide. My goal in this essay has been to bridge the chasm. Appendix B lists resources for human rights advocates who wish to connect with morally concerned intelligence professionals.

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Appendix

Resources for connection with morally concerned military intelligence professionals

The long-established International Society of Military Ethics (<http://www.usafa.edu/ismec/>)

and the new International Intelligence Ethics Association (<http://www.intelligence-ethics.org>) hold open conferences each year in the United States. The International Studies Association (ISA) (<http://www.isanet.org/>) also holds annual conferences with increasing attention to ethics by the ISA Intelligence Study Section (<http://iss.loyola.edu/>).

Scholarly queries can be posted on Intelforum (<http://www.intelforum.org/>), “A forum dedicated to scholarly study of intelligence theory, history, and practice.” The Intelligence Ethics Forum listserv is also open to scholars (iieaforum@yahoogroups.com).

Three European organizations that address issues of intelligence ethics are the Geneva Center for the Democratic Control of the Armed Forces; the Human Rights Centre Department of Law, University of Durham; and the Norwegian parliamentary Intelligence Oversight Committee. Review of the staff of some NGOs may identify former intelligence personnel who work with NGOs, for example, Marc Galasco, Senior Military Analyst at Human Rights Watch (<http://www.hrw.org/about/info/staff.html>). The small Project on Ethics and Art in Testimony (<http://www.peat-intel.org/>), “advancing the ethics of intelligence and weapons development through social science research, testimony, can creative arts,” may serve as a liaison. Michael Andregg, an Intelligence Reform Consultant on the Justice and Peace Studies Faculty at St. Thomas University (<http://www.stthomas.edu/justpeace/FAC-AN.HTM>) may also serve as a liaison.

The *Journal of Military Ethics*, as its name suggests, address many human rights issues, and *Parameters: The U.S. War College Quarterly* sometimes even takes the lead in identifying human rights issues from a military perspective. The following intelligence journals carry articles pertinent to human rights issues (both intentionally and unintentionally), with author contact information: *The Defense Intelligence Journal*; *Intelligence and National Security*; and *International Journal of Intelligence and Counterintelligence*.