

**STATEMENT BEFORE THE
HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CONSTITUTION, CIVIL RIGHTS AND CIVIL
LIBERTIES**

**HEARING ON *TORTURE AND THE CRUEL, INHUMAN, AND
DEGRADING TREATMENT OF DETAINEES: THE EFFECTIVENESS
AND CONSEQUENCES OF “ENHANCED” INTERROGATION***

NOVEMBER 8TH, 2007

**SUBMITTED BY:
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Mr. Chairman, members of the Committee, I would like to begin by expressing my thanks for the privilege to testify before you on this critical subject.

American policy on the interrogation of detainees is an exceptionally complex issue, one that cannot be adequately addressed nor satisfactorily resolved absent a clear understanding of the vital elements involved. The challenge before the three of us then is to respectfully offer for your consideration the insights, concerns, and recommendations informed by our collective professional experience. At the end of the day, if we can advance a more thoughtful and objective examination of U.S. policy in this matter, then our time shall have been worth it.

I am confident my colleagues seated next to me would readily agree that the debate in both the public and private sector over the nature of U.S. policy on the interrogation of detainees has, unfortunately, too often reflected emotion and unfounded presumption rather than experience and rigorous study. A notable example of this emerges during discussions surrounding the so-called “Ticking Bomb” scenario. As the parties argue the legal and moral implications of using coercive methods to extract information that, according to the scenario, would save thousands of lives, there is an erroneous pre-supposition both sides seem too willing to accept: *that coercion is ultimately an effective means of obtaining reliable intelligence information.*

This conclusion is, in my professional opinion, unequivocally false. Nonetheless, many Americans, understandably angry and seeking some manner of revenge after the vicious attacks of 9/11, have fallen prey to the proposition that excessive physical, psychological, and emotional pressures are necessary to compel terrorists or insurgents to answer an interrogator’s questions. Further, this form of interrogation is too often viewed as an inevitable and appropriate means of

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punishment the detainees deserve for their malicious acts. Such beliefs are equally untrue.

Before addressing the concept of what has been described as “enhanced” interrogation methods, I believe it might be useful to present a brief summation of what over twenty years of operational experience has taught me about interrogation, both what it is and, perhaps more importantly, what it is not.

Interrogation is essentially the systematic questioning of a detained individual who is thought to possess information of intelligence value. In instances where that individual resists questioning, the interrogator will seek to shape the nature of the relationship through the use of various principles of persuasion, many of which are little more than highly adapted forms of those creatively incorporated into the ubiquitous advertising campaigns that have become a staple of modern life.

By carefully managing both the competitive exchange of information and the often contentious relationship with the source, the interrogator seeks to attain an operationally constructive level of cooperation or accord from the source. Within the context of interrogation, that cooperation manifests itself in the form of a source’s provision of useful answers to pertinent questions.

While most interrogations bear absolutely no resemblance to that depicted on television or in motion pictures, interrogation does, in fact, have many of the qualities of virtual reality. Within this self-contained scenario, the interrogator plays a multifaceted role wherein he or she must be able to call upon their knowledge of communication, behavior, culture, linguistics, history, politics, negotiation theory, technology, and, depending on the nature of the engagement, a host of other disciplines.

By skillfully blending this broad-based knowledge into a viable strategy, the interrogator seeks to gain access to the source’s accurate and comprehensive memory of personalities, places, plans, and pursuits. Just as signals intelligence seeks to capture electronic emanations from the ether and imagery intelligence seeks to capture photographic or computer-generated images from overhead platforms, interrogation seeks to virtually capture the contents of a source’s memory of selected facts.

One challenge that has been overlooked in the design of interrogation methods is the natural fragility of memory. One need only review the literature on eyewitness testimony to grasp the potential shortfalls that are likely to be encountered when asking an individual to fully and accurately recall specific information. My colleagues in the behavioral sciences have cautioned me that a

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number of factors may significantly undermine an individual's recall ability. Excessive stress, insufficient sleep, poor nutrition, and other environmental influences can result in substantial memory deficits. This is manifested not only as gaps in memory—that is, difficulty in recalling specific events—but also in unintended fabrication. What this suggests is that after exposure to the various environmental stressors, the source will be more likely to report some combination of real and imagined facts, believing sincerely that both are true, but ultimately being sincerely wrong on many counts. From an intelligence collection perspective, this is exceptionally problematic.

With a sense for how coercive forms of interrogation—extensive isolation, forced nudity, stress positions—may substantially diminish a detainee's ability to provide accurate and complete answers, my next concern focuses on the role of coercion in obtaining a constructive level of cooperation.

Experience has taught me that to explore the full scope of individual's knowledgeable ability, that individual must take an active role. I cannot force a source to tell me all he knows; I can, however, foster a relationship wherein the source is, to various degrees, ready and willing to do so. I can learn as much as possible about the individual's interests, his constituencies, and his sources of power and construct a maneuver strategy that aligns his desired outcomes with my own. In many important ways, my approach to winning cooperation is not unlike a recruitment.

Cooperation means that I, as an interrogator, have successfully established a relationship with a source wherein that source has made the decision—or, more correctly, a series of decisions—that his interests will likely be best served by providing accurate and comprehensive answers to my questions. I have not *broken* him. That ill-defined and illusory term does not at all describe what occurs when an interrogator gains the source's cooperation. Rather, an effective interrogation unfolds as a string of *breakthroughs* involving new levels of insight and understanding, the resolution of conflicting perspectives through a manner of negotiation, and, ultimately the establishment of a degree of trust. I am quite certain it will surprise many when I state that in addition to technical competence and enlightened cultural finesse, trust has proven to be one of the most effective means of building an operationally useful relationship with a wide array of sources.

Toward that same end, coercion is decidedly ineffective. Coercive interrogation methods are wholly counterproductive in winning the hearts and minds of detainees and, I might add, the populations from which they emerge. Instead, coercive methods are almost certain to create what is perhaps the most callous form of degradation one human can inflict upon another: humiliation.

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Humiliation is an inevitable product of any form of torture. The intractable link between the two has been explored in a number of excellent books published since 9/11, including *What Terrorists Want* by Dean Louise Richardson of the Radcliffe Institute for Advanced Study and *The Looming Tower* by the journalist Lawrence Wright. Humiliation's insidious effects invariably cascade well beyond the scope of a single event. It first promotes forced compliance rather than cooperation inside the interrogation booth then generates animosity rather than respect on a global scale.

I would like to focus for a moment on the overriding objective of any intelligence interrogation: to solicit *cooperation*...not force *compliance*. It is essential that we understand the profound legal, moral, and operational difference between these two qualities. Cooperation as a desired end state has informed my personal interrogation strategy and it was a foundational teaching point I highlighted for the American and foreign intelligence officers I taught when I served as the director of the Air Force Combat Interrogation Course.

In contrast, compliance is the objective of those who wish to control the thoughts and behavior of the person under interrogation. A prime example of compliance is the production of propaganda. Gaining compliance, vice cooperation, was the driving force behind what the U.S. Intelligence Community once described as the Communist Interrogation Model.

During the conflicts in Korea and Vietnam, our adversaries routinely employed this model in an effort to force American prisoners-of-war to make statements against not only their own interests—admitting, for example, to using nerve gas against civilian populations—but also against the national security interests of the U.S. These alleged *confessions*, however, were largely false. The statements made by these POWs on the world stage contained little more than misinformation. And misinformation is the antithesis of what an interrogator should be pursuing: information of intelligence value.

As knowledge of the dynamics behind the Communist Model of Interrogation emerged, the U.S. Government began to work diligently to develop a body of counter-strategies to aid American servicemen and women who might be subjected to this model while detained by a foreign power. The SERE community (Survival, Evasion, Resistance, and Escape), comprised of some of the most dedicated and focused professionals I've ever had the honor of working with, mastered the nuances of this coercive form of interrogation, enabling U.S. military personnel to gain realistic practical experience in effectively resisting such measures in the course of controlled exercises. Stress positions, isolation,

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exposure to the elements, and even the waterboard were necessary elements of SERE training.

Tragically, many of these same tactics have migrated into the repertoire of interrogators seeking intelligence information. Their place in SERE training is indisputable; their role in interrogation is untenable. As American interrogators, we seek cooperation that leads to intelligence, not compliance that too often leads to misinformation.

In summary, I offer this fundamental construct of intelligence interrogation, one comprised of two overriding tasks:

First, an interrogator must maneuver in a manner that will gain the cooperation of a source so that a full exploration of their knowledgeability can be effected.

Secondly, this task must be achieved in a manner than does not undermine the source's ability to accurately and comprehensively recall information of intelligence value.

My studies of the many of the most effective interrogators in contemporary history—from the legendary *Luftwaffe* interrogator Hanns Scharff and the unsung American heroes of the U.S. strategic interrogation program conducted at nearby Fort Hunt, VA, during World War II to the CIA's Orrin DeForest and Army Colonel Stuart Harrington during the Vietnam War to the exceptionally effective interrogators I've had the honor of serving with in OPERATIONS JUST CAUSE, DESERT STORM and IRAQI FREEDOM—have convinced me that coercion fails miserably on both counts.