

## **Torture**

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## **Torture**

Where one stands on torture  
depends on where one sits in the torture chamber.

### **Part 1: A Personal Perspective**

During the times I was stationed on U.S. Navy warships (May 1963-April 1966), the ships were home-ported in Subic Bay, Philippines. We spent about 75 percent of the time patrolling the coasts of South Vietnam, South Korea, and Indonesia, which were considered countries of instability or in danger of communist takeovers. Our job was to hold any insurrectionary movement at bay until reinforcements arrived, as well as evacuate U.S. citizens and key, friendly citizens of those countries.

We paid ports of call in places as far south as Singapore and as far north as Yokosuka, Japan. We conducted training exercises, showed the flag, and sometimes rattled our swords in Jakarta, Indonesia, Bangkok, Thailand, Kaohsiung and Taipei, Taiwan, Hong Kong, Inchon and Pusan, Korea, Singapore, and several ports and beaches in Japan and the Philippines.

I served on the staff of a two-star admiral who was commander of the western Pacific amphibious forces. I was a communications officer, cleared for ciphering and deciphering cryptographic traffic that was classified as Top Secret or higher. By higher, it was often restricted to specific “eyes only,” not just any person who held a Top Secret clearance. During my last year at this command, I served as a logistics officer in a department that was responsible for planning and executing amphibious raids, assaults, and Marine/SEAL/UDT (Underwater Demolition Team)-based landings in Vietnam. This last year, I also filled in during emergencies (with associated heavy communications traffic) to cipher and decipher messages.

During 1964, U.S. amphibious forces began to intensify attacks on Viet Cong coastal enclaves and island redoubts. The U.S. Navy amphibious fleet did not venture farther north into seas adjacent to North Vietnam, but we did conduct surveillance trips up the Perfume River to reconnoiter Hue’s facilities, which was near the border between North and South Vietnam.

The purpose of the raids was twofold: first, to destroy Viet Cong facilities, and second, to gather intelligence about the enemy. The latter operation included taking prisoners from land-based enclaves as well as small “fishing boats” (sampans) that operated in the area. I place fishing boats in quotes: While all were outfitted for fishing, navy intelligence in Hawaii informed the amphibious forces operating in the South China Sea that some of these boats were Viet Cong craft in disguise.

These dispatches stated the sampans carried secreted armaments; that they had been deployed to attack U.S. Navy vessels. How the personnel in remote Hawaii knew of these supposed camouflages became a source of scuttlebutt around the officer’s mess table. To this day, I believe the Hawaiian intelligence units were fed erroneous information by faulty sources, or inferred this information from faulty analysis.

I came to think much of this assertion as little more than titillating malarkey. The same sort of situation repeated itself during America’s Iraqi war debacle with the United States relying on Iraqis who made up stories about Saddam and his supposed inventory of atomic weapons. (Bizarrely, Saddam did nothing to squelch this misinformation. Later, he revealed he wished to perpetuate the myth for purposes of enhancing his power and prestige. He was clueless that his deceptions would lead to the overthrow of his repressive regime and his death.)

As a consequence of this information about the suspected sampans, we had the potential to cast a net to snare a suspected enemy over a wide area and a large population. However, during those early stages of the war, the lack of resources prevented the amphibs (as we were called) from capturing many outright enemy combatants or for that matter, suspicious-looking fishermen. We were few in number, and those in our number had little or no knowledge of the enemy or the environment in which he operated.

### **Harbor Surveillance and Intelligence Gathering**

By the time the UDT/SEALs, and Marines had made incursions into enemy zones, the enemy was gone. Regarding the sampans, the fishermen's gear revealed nothing more than fishing nets. Of the sampans that my crew and I searched, not one of them carried anything more lethal than a primitive fishing spear.

As mentioned, I was part of this search-and-deny operation. Even though I had moved from the department of communications to logistics, the sudden escalation of the Vietnam War required all junior officers on the admiral's staff to participate in the sampan searches. We were ill-equipped for war, both in gear and in trained men. I carried a .45 during the patrols. My crew carried M-1s, both used during WWII.

I was well-versed in the use of firearms, which I had used since my youth. Most of the personnel on the ship did not know how to properly handle a pistol or a rifle. After all, they were in the navy and not trained to use light arms. Some of the crew was assigned to man cannon and anti-aircraft guns, which were a part of the ship's armament. But few men knew how to fire small arms effectively. Nonetheless, any port in a storm; any sailor in that storm. All hands, officers and enlisted, had to multi-task different jobs.



The search boat my men and I used was the admiral's barge, normally used only for the admiral's occasional trips back and forth from ship and shore. It carried no on-board armaments, so my .45 and the crew's M-1s constituted our arsenal. As an ancillary duty, I was the officer in charge of a three-man crew for maintaining this boat during normal operations. The photo to the left shows the stern of this boat, and a sampan we searched a few minutes after this picture was taken.

During the sampan search operations, the admiral relinquished his exclusive access to his craft, as we were short of supplies, ships, and boats. Several other crews used the boat as well. The admiral did not board the boat during these times, as he was busy in his quarters managing the overall amphibious warfare affairs in the Western Pacific.

After the activities of the crew's protecting surrounding U.S. Navy ships was completed, the men would return to their own ships to continue with their normal duties. During those times, I was engaged in assisting my comrades in directing and monitoring ongoing amphibious operations in the South China Sea, or during an emergency, also helping cipher or decipher classified messages. Every twelve hours around the clock, we would again take on this collateral duty of checking-out sampans, while continuing in-between with our assigned jobs.

Time was short, so were our human resources. As mentioned, I was well-versed in the use of fire-arms. Some of my fellow junior officers, products of the Officer Candidate School (OCS) in Newport, Rhode Island, had been trained to use guns with the firing of ten or so shots

into a bull's-eye target on a firing range. Some of them became confused about which lever to depress to lock or unlock a gun's firing mechanism. I bring up this fact again, because lack of training was emblematic of inexperience we had as actors in the tragic play in which we had been cast. In 1963, the first act of this play had just opened, and we actors did a lot of ad-libbing.

### **Sidebar: Sitting on the Side-lines**

A side-liner named Donald Rumsfeld, one who talked the game but never participated in combat, said: *You go to war with what you have. You?* Never mind that it was not the inclusive *You*. It was in the context of *others* who did not enter into the horrors of some aspects of combat. Therefore, for the Wolfowitzes, Cheneys, Bushes, and Rumsfelds of the world, *you* was someone else, not them. Small wonder they were so brave and war-like.

During late 1964 and early 1965, we discovered our raids were being met with more resistance on shore and the islands. Also, intelligence dispatches informed us to be on the lookout for sampans carrying explosives configured as ship mines. The messages claimed the mines could be attached to the hull of a ship. As a consequence of these increasing threats, on those occasions when our ships anchored off shore, tied up to a pier, or purposely "beached" onto the land itself, we established around-the-clock boat patrols. We cruised nearby our ships to guard against any enemy swimmers who might be attempting to place mines on the ships' hulls.

This precaution was not a reaction to an abstract, imaginary danger. On one occasion, enemy frogmen penetrated our defenses and attacked a navy pontoon pier at Red Beach in the Danang harbor, which was located near our anchorages and one we used every day.

In March 1965, the war in Vietnam intensified with the landing of combat troops on the beaches at Danang. Shortly, we landed other Marines in Chu Lai, and Phu Bai, then later, Hue. With the exception of Hue, I was a participant in these operations and several others. By the time Hue came under assault, I was back in the states.

It was during the larger operations, where scores of ships were involved that required supply vessels to anchor near the beaches where the Marines had landed. They provided food, water, supplies, and medical support. Outside this perimeter light cruisers and destroyers slowly sailed around an area or were anchored to act as high-ordnance backup for the troops ashore if they came under attack.

The attacks came later, after the Marines had settled-in and the support ships had sailed off for another assignment. As time went on, my main concern in being on these beaches was not a massive assault from the enemy, but sniper fire.

In the meantime, our patrol boats (including the boat in which I was the lead officer) picked up a number of fishermen from their sampans and transported them to the ship to which I was assigned. Each of these boats also had a Vietnamese frogman or special services soldier aboard. He had to speak English so that he and the lead officer could communicate. He would question the fisherman, and inform the officer (me, in this example) if we should take the fishermen back to our ship for questioning.

This ship was the flagship for the amphibious forces and had been staffed recently with U.S. civilian intelligence personnel, as well as U.S. and South Vietnamese specialized military personnel. It was their job to debrief the fishermen and glean as much intelligence information from them as possible. The admiral's intelligence staff was not part of this interrogation team.

As I related in the sidebar, Donald Rumsfeld said, *you go to war with what you have*. Our ships were not outfitted with interrogation facilities. I sailed on five different ships while

navigating in Asian waters. Four of them were built before WWII. The brigs were too small for interrogation operations and were usually populated with disobedient sailors and Marines.

An alternative was to take over sections of what was called “sick bay,” which was a mini-hospital. The largest cabin was the main ward where ill sailors and Marines were bedded. It became the interrogation center for the suspected enemy fishermen.

What were the criteria for apprehending fishermen and seizing their boats? Frequent passes near a warship or once boarded, carrying suspicious looking paraphernalia. At times, we simply selected a boat at random to board and inspect, and relied on our South Vietnamese comrades to inform us if the crew was or was not suspicious.

I recall one such incident, in which I was in charge of the boarding crew. We found a diving mask. Some of our intelligence personnel believed these masks were a telling indicator that their possessors were Viet Cong.

This idea was contained in a directive from the on-board intelligence personnel (whom I suspect picked up these jewels of intelligence from their Hawaii counterparts). What was their rationale? They said that peasant Vietnamese fishermen did not have the means to acquire such gear, and given their traditions, they did not use diving masks anyway. Therefore, they could only need this equipment for attaching mines to a ship’s hull.

Their reasoning made no sense. If a man could swim under water for most of his working life hunting fish without aids, why would he need a diving mask to attach a device the size of two six packs of beer to a huge piece of steel? Our Vietnamese comrades informed our suspicious intelligence staff that the possession of a diving mask was no indication that the owner of the mask was mining our ships and docks. So much for intelligent intelligence.

Based on the South Vietnamese questioning fisherman, we were ordered to bring them aboard the U.S. ship for questioning or let them go their way. At that time, I did not think it was a big deal to ferry these men to our flagship. A few questions, and off they would go, unless their questions raised the concerns of their interrogators.

While I was participating in these patrols, no rifles, pistols, mines, or flares were found on the sampans. On flimsy evidence, or usually because of random pickups, the men were sent to the interrogation center. There, they were subjected to physical and mental torture, including sleep deprivation. I mention sleep deprivation because of the wide misunderstanding of its effects, which I discuss in Addendum 1 to this article.

### **Obtaining Information?**

I was not part of the interrogation teams, but I was made privy to some of these happenings, which were kept from the ship’s crew. During our meals in junior officers’ mess, I would exchange tidbits of information with some of my fellow officers who were on the interrogation teams. I would tell them about other activities in the South China Sea that I obtained from my activities in the communications center, and they would tell me about their work in sick bay.

I did not share any “eyes only” data with them, even though some were cleared to receive this security level of information. However, their department head (a Lt. Commander.) did not put them on the distribution list because of his determination to compartmentalize intelligence information, some of which was useful to these men in their accomplishing their missions.

If I came across messages in the communications center (nicknamed the Comm Shack) where I stood some of my watches that related to findings of other surveillance operations in the South China Sea, I would pass it to a LTJG pal who was on the interrogation team.

Can you imagine a less efficient and more dangerous way to run a war? Keeping this kind of information from the very men who could use it to counter attacks or even learn from the enemies' ingenuity?

The Lt. Commander's practice of over-compartmentalization was a way for this officer to protect his turf: Knowledge is power, especially in the intelligence community. This perilous practice was pervasive throughout the U.S. intelligence system (not just in the Western Pacific) and led to catastrophic results in Vietnam and later, 9/11. I learned more about this form of ineptitude when I served a two-year stint with the Defense Intelligence Agency (DIA).

With the exception of "eyes only" classified traffic, the crypto officer on watch in the crypto room could pencil-in other officers who could receive a Top Secret message, *if* they were already cleared for this classification level. The Chief-of-Staff (with the rank of Captain) who made this decision was a pragmatist. He said the message would eventually be routed to these officers anyway and gave us the discretion of disseminating the information sooner. The problem was not this Captain, it was the head of the interrogation team, the Lt. Commander.

### **Tell it like it is?**

After several days of interrogating the fishermen we had brought-in, the interrogators revealed that some of the fishermen told them what the interrogators wanted to hear. They said they were involved in whatever the interrogators accused them of doing, specifically placing mines on the hulls of the U.S. ships. I recall this incident well. The comment was not made to me specifically, but to the table at our junior officers' mess. It was an off-the-cuff comment as the potatoes were passed around.

But which ships were mined? The fishermen did not answer this question. Were there other mines that had not been attached to ships? Initially, the fishermen did not respond to this question either.

The interrogators gradually came to understand that after a while, the fishermen caught on to the procedure. The interrogators became resigned to the fact that after a few days of interrogation, "They'll tell you what you want to hear, anything that will give them some shuteye."

As the interrogations pressed onward, and after being asked time-and-again about the mines, some took the tack that they threw the mines overboard from their sampans when they were approached by U.S. patrol craft. Obviously, the cover was to have no armaments aboard.

As a result of these interrogations, Navy frogmen began searching for the supposedly jettisoned mines and examined ships' hulls. Hard-hat divers came over from other ships and walked the bottom of the relatively shallow water where the sampans had been intercepted. Of course, it was a difficult search as GPS was into the future, and the exact location of the intercepted sampan was recorded as sailing around in a "general area." Nonetheless, not one mine was found, nor grenades, nor other explosives. However, the interrogation teams got some forced confessions as a result of their torture.

Because we located none of the supposedly jettisoned mines, I came to believe these men were fishermen and not military personnel. The dots did not connect. But in war, men are often guilty until proven innocent.

Because of torture and fear, they lied about their complicity. However, due to their forced confessions, they could not return to their former lives. They were now branded, a modern day version of a scarlet letter. They lost their boats, their jobs, and their families. We knew where they would be sent: to a Vietnamese prison to await a likely none too pleasant fate.

## **Torture**

### **Part 2: A Moral Responsibility to Torture**

From reading Part 1, it is evident I came to question the effectiveness of using torture to obtain information from anyone. I witnessed how ineffective it was and how it did great damage to what I thought were innocent people (as did my LTJG friend on the interrogation team, who came around to this view). Thus, Parts 2 and 3 of this article are written from a biased view, but I will attempt to describe fairly both sides of the issue of torture.

It is indeed a controversial issue. Many believe torture is effective and that it must be used because it can result in the saving of lives and property of Americans and America's allies. Therefore, there exists a moral responsibility to engage in torture.

#### **Executive Order 13491: Banning the Use of Torture**

On January 22, 2009, President Barack Obama issued Executive Order 13491, which banned the use of torture. As part of the order, President Obama stated:

Today's report by the Senate Select Committee on Intelligence details one element of our nation's response to 9/11—the CIA's detention and interrogation program, which I formally ended on one of my first days in office. The report documents a troubling program involving enhanced interrogation techniques on terrorism suspects in secret facilities outside the United States, and it reinforces my long-held view that these harsh methods were not only inconsistent with our values as nation, they did not serve our broader counterterrorism efforts or our national security interests. Moreover, these techniques did significant damage to America's standing in the world and made it harder to pursue our interests with allies and partners. That is why I will continue to use my authority as President to make sure we never resort to those methods again.

The interrogation techniques to which President Obama was referring is summarized by an article in *Foreign Affairs*:

Some of the detainees were shackled in painful positions, locked in boxes the size of coffins, kept awake for over 100 hours at a time, and forced to inhale water in a process known as water boarding. Interrogators sometimes went far beyond what Washington had authorized, sodomizing detainees with blunt instruments, threatening to sexually abuse their family members, and on at least one occasion, freezing a suspect to death by chaining him to an ice-cold floor overnight.<sup>1</sup>

Regardless of this executive order, a substantial number of people believe in the effectiveness of the use of torture and the obligation to use it. One of the notable groups for expressing pro-torture doctrines publish their views on CIASavedLives.com. At this website, they state the program was necessary for the following reasons (Bullet items are direct quotes):

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<sup>1</sup> Douglas A. Johnson, Alberto Mora, and Averell Schmidt, "How 'Enhanced Interrogation' Hurt America," *Foreign Affairs*, September/October 2016, 121.

- It led to the capture of senior al Qaeda operatives, thereby removing them from the battlefield.
- It led to the disruption of terrorist plots and prevented mass casualty attacks, saving American and Allied lives.
- It added enormously to what we knew about al Qaeda as an organization and, therefore, informed our approaches on how best to attack, thwart, and degrade it.

Here are more direct quotes from this website:

A powerful example of the interrogation program's importance is the information obtained from Abu Zubaydah, a senior al Qaeda operative, and from Khalid Sheikh Muhammed, known as KSM, the 9/11 mastermind. We are convinced that both would not have talked absent the interrogation program.

Information provided by Zubaydah through the interrogation program led to the capture in 2002 of KSM associate and post-9/11 plotter Ramzi Bin al-Shibh. Information from both Zubaydah and al-Shibh led us to KSM. KSM then led us to Riduan Isamuddin, aka Hambali, East Asia's chief al Qaeda ally and the perpetrator of the 2002 Bali bombing in Indonesia—in which more than 200 people perished.

The removal of these senior al Qaeda operatives saved thousands of lives because it ended their plotting. KSM, alone, was working on multiple plots when he was captured.

### **Placing the Torture Programs into the Context of the Times**

It is important to keep in mind that the 9/11 attacks created a wide spread fear in America that the four airplanebased assaults might be the precursor of more to come. What could be next? The Lincoln Memorial? Federal Reserve buildings? No one knew, but the list of places for potential terrorists' attacks grew from a few to thousands.

To compound the problem, in hindsight, how could such suspicious characters have been allowed to operate so freely? Why were there no informants about their intents?

For an operation as complex and far-ranging as 9/11, and to thwart future catastrophes, America went into high gear to prevent another such event. Thus, as CIASavedLives.com states:

The detention and interrogation program was formulated in the aftermath of the murders of close to 3,000 people on 9/11. This was a time when we had evidence that al Qaeda was planning a second wave of attacks on the U.S. We had certain knowledge that bin Laden had met with Pakistani nuclear scientists and wanted nuclear weapons.



We had reports that nuclear weapons were being smuggled into New York City. We had hard evidence that al Qaeda was trying to manufacture anthrax.

It felt like the classic “ticking time bomb” scenario—every single day. In this atmosphere, time was of the essence and the CIA felt a deep responsibility to ensure that an attack like 9/11 would never happen again. We designed the detention and interrogation programs at a time when “relationship building” was not working with brutal killers who did not hesitate to behead innocents. These detainees had received highly effective counter-interrogation training while in al Qaeda training camps. And yet it was clear they possessed information that could disrupt plots and save American lives.

Viewed from today, these fears and subsequent actions may seem overblown. Viewed from 2001, they were natural reactions from loyal citizens who felt it their personal and professional responsibility to do anything within their power to protect America. In hindsight, it is easy to say cooler heads should have prevailed during the aftermath of the attacks. But during this time, cooler heads were indeed thought to be prevailing.

As a general observation, only in hindsight do we humans have foresight. But during those times when assessing the impact of our actions in relation to the future, we were often clueless.

Perhaps because of my experiences in Vietnam, I thought the revelations of America’s torture programs revealed a morally perverse national policy and an international relations disaster. Again, I readily admit my bias is evident.

### **Effect of the Movie, *Zero Dark Thirty***

I watched the movie, *Zero Dark Thirty*, a film showing the prolonged and eventually successful hunt for Osama bin Laden, a key plotter in the 9/11 attacks. The movie shows that torture, such as water boarding, “coffin confinement,” and sleep deprivation were instrumental in the discovery of bin Laden’s secret enclave in Pakistan.

In spite of my opposition to torture, based to a great extent on my experiences in Vietnam, I came away from this movie harboring doubts about my beliefs. A question I posed to myself was disturbing to my long held beliefs on the subject: *Was the torture of known terrorists and others who were sympathetic to anti-American attacks worth the price of killing the principal architect of 9/11?*

Shortly after seeing the movie, I read: “Acting CIA director Michael Morell stated, ‘The film creates the strong impression that the enhanced interrogation techniques ... were the key to finding bin Laden. That impression is false.’”<sup>2</sup>

Mr. Morell conceded that enhanced interrogation techniques were indeed part of the picture, but he states that many other factors came into play. To muddy the waters, others contend that torture was the key to finding bin Laden. For example, former CIA director, Michael V. Hayden, claims that torture on three detainees was instrumental in obtaining information about the location of bin Laden.<sup>3</sup>

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<sup>2</sup> Scott Shane, “Acting CIA Chief Critical of Film ‘Zero Dark Thirty’,” *The New York Times*, December 22, 2012.

<sup>3</sup> <http://www.newyorker.com/magazine/2016/03/07/michael-hayden-comes-out-of-the-shadows>.

Others support Mr. Hayden's assertions. Consequently, when one views the opinions expressed above, one might conclude---as painful as it might be to one's conscience---that human torture is worth saving other humans.

## **Torture**

### **Part 3: A Moral Responsibility Not to Torture**

Others disagree. To make certain the reader knows of this writer's belief: I repeat that I also disagree. I organize my arguments in three categories: (1) the effectiveness of torture, (2) its consequences, and (3) its morality.

#### **Effectiveness**

In Part 1 of this article, I made the claim that physical torture did not gain the results that made it worthwhile during the U.S. amphibious navy's initial, ad-hoc efforts. My claim is not based on an abstract theory, or the side-lined ruminations of a Michael Hayden or Donald Rumsfeld. It is a claim that I make based on what I witnessed in the South China Sea.

Granted, my stand is anecdotal, and not based on accepted research and verification procedures. Nevertheless, my stand is based on observations and not some endowment-funded, abstract statistical analysis.

As stated in part two of this article, there are proponents of torture who deeply believe in their cause. No amount of counter arguments (including this article) will persuade them to sway from their beliefs. It will only harden those beliefs.

But what are the results of torture? There are four outcomes: (a) Telling the interrogators what they want to hear (lying).<sup>4</sup> (b) Telling them the truth, (c) Something in between, or (d) Telling them nothing.

For outcomes (a) and (c), the interrogators can be led astray:

In November 2001, Pakistani authorities captured Ibn al-Shaykh al-Libi, a suspected leader of an al Qaeda training camp in Afghanistan. U.S. officials moved him to Egypt, where, after local interrogators tortured him, he claimed that Iraq had trained al Qaeda members to use chemical and biological weapons. Although the CIA ultimately renounced Libi's testimony, the Bush administration cited it as evidence of the link between Saddam Hussein and al Qaeda in the months leading up to the U.S. invasion of Iraq... . A false confession played a critical role in the disastrous decision to invade Iraq, a choice that cost the United States over \$3 trillion and thousands of American and Iraqi lives.<sup>5</sup>

Even people sitting on the sidelines knew that Hussein and al Qaeda were not on friendly terms; that Osama bin Laden considered Hussein as a religious apostate. Yet, time and again, we citizens read or heard that intelligence sources revealed visits taking place between these two camps, even that they were coordinating the use of weapons of mass destruction. I read about

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<sup>4</sup> In other words, lying to get off the hook, as was done by the Vietnamese fishermen.

<sup>5</sup> Johnson, Mora, and Schmidt, "Enhanced Interrogation," *Foreign Affairs*, Sept./Oct. 2016, 131-132.

these wild assertions in dismay and disbelief, yet their very existence was a key component in the United States going into the second Iraqi War.<sup>6</sup>

Could information be obtained by other means? The CIA has claimed, "...information obtained from CIA interrogations produced unique intelligence that helped the [United States] disrupt plots, capture terrorists, better understand the enemy, prevent another mass casualty attack, and save lives."<sup>7</sup>

But it is unknown if non-torture interrogations would have resulted in the same or similar results. Some experts in this field claim they can glean the same quality of information (often, but not always) from a suspect with the use of psychology tools that do not include torture. One prominent example is the extraction of considerable (and surprising) information from Saddam Hussein after his capture.

Patrick Skinner operated as a CIA case officer. He "spent a year in Afghanistan...and returned several times in the next decade," as described by the journalist, Ben Taub.<sup>8</sup> Here are some quotes from Mr. Taub's interviews with Mr. Skinner:

Skinner...got results through "rapport-based elicitation." "You can build great relationships with some unsavory people," he said. ... "In any terrorist group, there's dysfunction, usually some jealousy. It's literally a job---they get a salary. So you're looking for the guy who feels underappreciated, the guy who's getting dicked on expenses."

[Contradicting the claims made in part 2 of this article], According to the CIA's inspector general, the torture sessions had extracted no actionable intelligence.

## Recent Studies

*The Scientific American* cited a study in the journal *Applied Cognitive Psychology* ("The Who, What, and Why of Human Intelligence Gathering"). It surveyed 152 interrogators, concluding "rapport and relationship-building techniques were employed most often and perceived as the most effective regardless of context and intended outcome, particularly in comparison to confrontational techniques."

Another 2014 study in the same journal---"Interviewing high Value Detainees"---sampled 64 practitioners and detainees and found that detainees were more likely to disclose meaningful information...and earlier in the interview when rapport building techniques were used.

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<sup>6</sup> One idea is that torture might have been used on people to obtain information favoring the commitment of the United States to the second Iraqi War. The idea struck me and led to more study. After doing this research, I do not think so. Bush and his minions relied on a faulty National Security Estimate (NIE) and their misplaced ideology as a basis for launching this catastrophic war, one that still resonates into the Syria/ISIS debacle.

The reason for the ascension of ISIS was not just the withdrawal of U.S. troops from Iraq. It was precipitated long before, with the refusal (and acquiescence of the U.S.) of the Iraqi regime to integrate (and stop the abuse) of the Sunnis into the mainstream of the Shia-dominated government. The Sunni populated army, confronted by an ISIS-dominated army of Sunni adherents, would in no way fight to support a Shia-based regime...regardless of how many U.S. troops may have been behind them.

<sup>7</sup> *Ibid.*, 131.

<sup>8</sup> Ben Taub, "The Spy Who Came Home," *The New Yorker*, May 7, 2018, 42.

Finally, an exhaustive 2024 report by the Senate Select Committee of Intelligence analyzed millions of internal CIA documents related to the torture of terrorism suspects, concluding that “the CIA’s use of its enhanced interrogation techniques was not an effective means of acquiring intelligence or gaining cooperation of detainees. It adds that “multiple CIA detainees fabricated information, resulting in faulty intelligence.”<sup>9</sup>

### **Historical Perspectives: Catherine the Great and Peter the Great**

In 1765, Catherine, the empress of Russia (later dubbed by her Russian court as Catherine the Great) began working on a two-year project called the *Nakaz*. It was a monumental feat for the time. It sought, unsuccessfully, to bring some of Western Europe’s emerging liberalism into Russia’s backward, repressed serfs as well as its fantastically rich and corrupt nobility. For this article, it is pertinent to note her observations about torture, which at that time, was a routine procedure for interrogating many Russian citizens (serfs, soldiers, as well as nobility).

Catherine writes about obtaining a confession about the guilt of a supposed crime. It is relevant now: the possible guilt about an act or knowledge of terrorism. She writes about the primary instrument of torture: the rack. It pertains today to the various instruments of torture, such as sleep deprivation and water boarding.

What right can give anyone authority to inflict torture upon a citizen when it is still unknown whether he is innocent or guilty? By law, every person is innocent until his crime is proved. ...The accused party on the rack, while in the agonies of torture, is not master enough of himself to be able to declare the truth. ...The sensation of pain may rise to such a height, that it will leave him no longer the liberty of producing any proper act of will except what at that very instant he believes may release him from that pain. In such an extremity, even an innocent person will cry out, “Guilty!” provided they cease to torture him. ...Then the judges will be uncertain whether they have an innocent or guilty person before them. The rack, therefore, is a sure method of condemning an innocent person whose constitution is weak and of acquitting the guilty who depends upon his bodily strength.<sup>10</sup>

Catherine was writing about her citizens and relatively non-threatening situations. It could be argued that her thoughts do not pertain to the modern world of non-citizens conducting nearly world-wide acts of terrorism that affect thousands of people. I disagree. The same principles hold today as they did for Catherine almost two and one-half centuries ago.

Her last sentence bears re-reading: She is saying a strong person (in today’s parlance, a committed terrorist) will not succumb to torture, but a weak person will---and likely give the interrogator false information. Time and again, torture experts have said that ideologues cannot be broken.

Russia has a long history of torture. (Catherine was an exception.) I got chills while reading about Peter the Great’s torture methods. And he was not alone. Stalin was in a league by himself. Aleksandr Solzhenitsyn, in this masterful *The Gulag Archipelago*, describes scores of methods used on the prisoners of the Gulag; one started by that jewel of humanism, Lenin.

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<sup>9</sup> Michael Shermer, “On Witches and Terrorists,” *Scientific American*, May 2017, 77.

<sup>10</sup> <https://www.georgevecsey.com/home/what-catherine-the-great-had-to-say-about-torture>

## **Consequences**

Here is a partial list of the consequences of America's torture programs.<sup>11</sup>

- Abu Ghraib and Guantanamo provided unpaid advertising for Islamic extremists to recruit insurgents. A meeting of senior U.S. officials in Kuwait to examine how to reduce the flow of these recruits were informed the incidences at Abu Ghraib and the warrantless detention of men at Guantanamo was the most important motivating factor in persuading people to join in wars against the United States.
- China's state news agency, Xinhua, ran an article titled "How long can the US pretend to be a human rights champion?" Yes, China, noted for its lack of the rule of (fair) law.
- After the photographs came out about the abuse of prisoners at Abu Ghraib, many Iraqis turned against the United States. General Stanley McChrystal, former head of the U.S. Joint Special Operations Command, said, "...it was proof positive that the Americans were doing exactly what Saddam Hussein had done."
- In the Netherlands, these tortures delayed the commitment of this ally to America's fight in Iraq. The head of state warned that if America was not forthcoming about its torture programs, the country might not deploy troops to Afghanistan.
- The British army captured an enemy in Basra, Iraq, but released him because it did not have adequate facilities and would not turn him over to the U.S. or Iraqi forces for fear he would not be treated humanely. According to Taub's interviews of Patrick Skinner, CIA kidnapped suspected terrorists and sent them to third countries (black sites), who had "abysmal human-rights records. That way, the CIA could claim to have no knowledge of specific allegations of torture."<sup>12</sup>
- Australia, Canada, and New Zealand (three of our most stalwart allies) informed the United States their participation in the war of terror would decline "so long as Washington persisted in torture."
- The Finnish parliament delayed a treaty with the U.S. on extradition over concerns of United States' torture operations.
- The Irish government imposed rules to prevent the United States from using its airports (Shannon in particular) because of America's torture programs.
- Spain annulled a six-year prison sentence of a convicted terrorist, because some of the evidence against him had been obtained at Guantanamo.

These examples are just a few of many.

## **Morality**

Peter the Great condoned roasting humans over a large spit-fire, a big BBQ pit. Donald Trump is in favor of more use of torture. In a statement displaying amazing obtuseness, he says,

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<sup>11</sup> Obtained from (principally) Shermer and several websites.

<sup>12</sup> Taub, 43.

“We have to beat the savages.” ...by making us more savage than they are. He said he would seek to broaden the laws to allow torture, in spite of the world’s almost universal condemnation of the practice.<sup>13</sup>

Trump also says, "We have to play the game the way they're playing the game. You're not going to win if we're soft, and...they have no rules." Trump discounted the argument that American hostages could be treated worse by America's enemies if the U.S. engaged in torture, insisting that "they're doing that anyway."<sup>14</sup> He is correct in this last assertion, but that does not make it justifiable.

Take a look at the three photos below, taken at the Abu Ghraib prison. I was shocked to near nausea when I saw these pictures. Many years earlier, one of my ancillary duties as a U.S. Navy officer was to head the local U.S. Navy Shore Patrol units walking the streets during our visits to foreign ports. We ended an inevitable wild night at a wild navy town with the incarceration of U.S. Navy personnel as well as locals who had become embroiled in one way or another with our boys.



Working with the local constabulary, our Shore Patrol units were given a directive (of many): Make sure anyone you lockup, us or them, are given fair treatment. Both are under your care. Both may have committed crimes. For now, your job is to arrest them, and make sure their jail time (while you are on duty) is one that no one will beat them up.

I took this order to heart. I believe other Shore Patrol officers did, too. Certainly, there were exceptions, but the scope of their defilement on fellow humans was limited to the extent that during my four-hour watches on several occasions, I did not witness mental or physical assault.

Not so for the Abu Ghraib prison. My god, look at the three photos again. They were taken at an American military prison. I remain sick to my heart about America when I view them. What has happened to my country, when our warriors can snap these kinds of photos? How can anyone gain satisfaction from such debasement of another human?

### **He knows where and when the Bomb will be Dropped**

The proponents of torture bring up this point: The interrogators have become aware that their prisoner knows the details about when and where America will be subjected to an attack with weapons of mass destruction. Their job is to obtain this information and will use torture as one of their tools.

<sup>13</sup>[https://www.google.com/search?q=trump%3A+We+have+to+beat+the+savages."&aq=chrome.3.0j69i60j0j69i59j69i57j0.5274j0j7&sourceid=chrom](https://www.google.com/search?q=trump%3A+We+have+to+beat+the+savages.)

<sup>14</sup>[http://www.cnn.com/2016/03/06/politics/donald-trump-torture/.](http://www.cnn.com/2016/03/06/politics/donald-trump-torture/)

For this scenario, it is not necessary to know how the interrogators came to their conclusion. The cogent point is that a person with this level of knowledge---and commensurate commitment because of his belief in his cause and his hatred of America---will not tell the truth. He will refuse to answer, but more likely, he will tell lies to throw-off the interrogators' plans. Again, ideologues rarely break.

On many occasions, I have listened to friends and colleagues present this argument to justify torturing such a person. The argument is so abstract and theoretical that one cannot possibly argue against it. Of equal importance, this hypothetical scenario can be handled on a case-by-case basis, one being an exception instead of the rule.

Instead, we have been torturing peasant and peon, privates and corporals, fishermen and farmers, as if they had the code to a nearby weapon of mass destruction. For a while, America institutionalized torture.

### **Self-degradation**

Systemic torture gets in the way of an important point about human torture: By this act, we humans degrade ourselves. By America abandoning its overall philosophy of not torturing fellow humans, we have gained very little information and lost a great deal of our morality.

Practically speaking, torture is not cost effective. Its ROI (return on investment) would be rejected by any prescient insurance company. Morally speaking, my bias about seeing those fishermen in Vietnam stays in my mind: It is not worth destroying the lives of so many innocent people to gain almost nothing in return. (Also see Addendum 2 for a personal experience.)

For securing a score on a small number of bad actors, we humans have denigrated, even destroyed thousands of lives and parts of our soul.

An old saying goes something like this: *Where one stands on an issue depends on where one sits.* An employee sitting at the front of the desk of the boss likely has a different view than the boss, who is sitting on the other side of the desk. A prisoner has a different view of life than a prison guard. I've altered the saying that I placed at the beginning of this article with: *Where one stands on torture depends on where one sits in the torture chamber.*

## **Addendum 1: Benevolent Interrogation?**

During the episodes described in Part 1 of this article, the interrogators of the fishermen relied heavily on depriving the men of sleep. They believed it was not torture in the sense of damaging a person's physical or mental faculties. These interrogators believed it broke down the fishermen's resistances, leading them to cast aside their defenses and reveal *what were later judged as falsities*. So much for the effectiveness of sleep deprivation.

Nonetheless, without doing harm to the person, an interrogator can avoid those messy international laws that forbid torture. After all, water boarding may be banished. So might applying electrical charges to testicles, or sodomizing the detainee with a broom handle. But not sleep deprivation. The interrogator is home free.

It turns out that this supposition is incorrect. My Navy mates were possibly doing greater harm to the fisherman by denying them sleep than if they were slapping them around or water boarding them.

### **Lack of Sleep can be Deadly**

During the past few years, scientists have learned that the human adult brain "eliminates a quarter of an ounce of worn-out proteins that must be replaced with newly made ones, a figure that translates into the replacement of half a pound of detritus a month and three pounds, the brain's own weight, over the course of a year."<sup>15</sup>

It was also determined that the brain's waste removal system is most active when a person is sleeping. Indeed, some researchers now believe that is one reason we sleep for a third of our lives. Here is another quote from the article in *Scientific American*:

Even healthy individuals who are forced to stay awake exhibit symptoms more typical of neurological disease and mental illness---poor concentration, memory lapses, fatigue, irritability, and emotional ups and downs. Profound sleep deprivation may produce confusion and hallucinations, potentially leading to epileptic seizures and even death. Indeed, lab animals may die when deprived of sleep for as little as several days and humans are no more resilient. In humans, fatal familial insomnia is an inherited disease that causes patients to sleep progressively less until they die, usually within 18 months of diagnosis.<sup>16</sup>

As stated in this article, Donald Trump is in favor of using torture on America's enemies. The chances are that Mr. Trump will never read what I have written here. If he does, I hope he loses a bit of sleep because of his deeply mistaken belief. But not enough to kill the man. After all, I do not believe in torture, although Donald Trump is likely to torture me for at least four years, maybe even eight.

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<sup>15</sup> Maiken Nedergaard and Steven A. Goldman, "Brain Drain," *Scientific American*, March 2016, 46.

<sup>16</sup> Ibid.



## **Addendum 2: A Personal Experience**

We humans likely come across as bad actors during some of our time on earth. I cannot make this assertion with assurance because I do not live in the skins of others. But I can say with assurance that I have come across a number of bad actors. For this piece, they will remain anonymous as their innocent relatives may still be alive.

Some of the academic studies on water boarding have concluded that the exercise does no lasting harm. The subjects of the project were volunteers. Consequently, they knew they were not going to face drowning and subsequent death but only some extremely unpleasant experiences.

Water boarding victims under torture conditions do not undergo water boarding with the assurance that it is just a game. Try this situation---which happened to me when I was a child---and then determine if you can relate to what I say:

- Have your face pushed into the bottom of a toilet bowl by a group of perverted boys.
- Have your face kept there for a while, holding your breath for who knows how long your head will be under water.
- Have the toilet flushed, giving you a brief respite to gain some air as the water recedes in the bowl.
- Have the toilet bowl gradually begin to fill, slowly cutting off your supply of air.
- Try to time your last grasp of air before the water rises to your nose and mouth.
- Have this process repeated, time-and-again, until your tormenters grow weary of their play and release you.
- (My only recompense for these deeds was that the thugs used clean toilet water.)

What societal sin was I guilty of? None. I was a victim of the caprice of bullies in my youth. I was small for my grade-school age. Some boys in my hometown got their kicks from my misery. They were the playground bullies.

One day, they caught me returning from school through a short cut next to one of their homes. They taunted me for a while then performed their version of water boarding, the toilet bowl treatment described above.

The experience terrified me. It also infuriated me, especially to hear their derisive remarks and laughter. It happened over 70 years ago. I recovered, but to this day, I still feel repulsed and violated by the attack. In the back of my mind, I held on to the thought that they would not kill me on purpose. But how were they to know how long I could hold my breath? I cannot imagine what goes through the mind of a person undergoing water boarding in a torture situation.

Mr. Trump (as well as Messrs. Cheney, Rumsfeld, and other water boarding proponents), before you offer your off-the-cuff opinions about torture, have someone torture you. Better yet, have it performed on your loved ones, say your children. After so-doing, let your public know your thoughts about torture.

Turning the tables, let's assume you or your loved ones are not the victims. You are now the torturers. Assume you have failed to elicit any information from those you tortured, yet damaged the psychological and physical compositions of your victims. How is your sleep coming along? Be careful, sleep deprivation can be deadly.