

**Human Rights First
Center for Strategic and International Studies**

**EFFECTIVELY INTERROGATING TERRORISM SUSPECTS:
LESSONS FROM THE FIELD – SENIOR LEVEL
INTERROGATORS DISCUSS WHAT WORKS**

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**SPEAKERS:
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GREG MILLER: Good morning, everybody. Can everybody hear me okay? Thank you very much for coming to our panel discussion on the role of interrogation in U.S. counterterrorism policy. My name is Greg Miller and I'm with the Los Angeles Times. I'm going to get to the introductions of our panelists here in a minute, but I wanted to start by thanking our host today, the Center for Strategic and International Studies, and its Human Rights and Security Initiative, which examines the security implications of human rights abuse.

And we'd like to thank the Ford Foundation for their support of the program and two people from CSIS who were particularly helpful in putting all of this together for us. We want to thank Sarah Mendelson and Jessie Scholes.

As a reporter who covers national security issues, I'm acutely aware of the center's contributions to helping the public better understand the threats and challenges we face in this world. Our panelists are here in Washington as part of a two-day conference being hosted by Human Rights First.

In addition to this panel discussion, these interrogators are going to be meeting with presidential campaign advisors and policy-makers to talk about what the president and Congress might do to make interrogators and interrogation more effective. As part of that program, David Danzig, the director of the Primetime Torture Project for Human Rights First, has also been instrumental in putting all of this together. We would like to thank him as well.

U.S. policy on interrogation and detention is poised for a significant reexamination in the very near term no matter who is elected our next president, but the issue of how far the United States is willing to go to get information from captured adversaries is going to be confronting us for a very long time. It seemed clear in the aftermath of 9/11 that the struggle against terrorism was going to emphasize a very different kind of intelligence gathering than the country had relied on during the Cold War.

Technical capabilities were still going to be critical, but understanding an enemy like al Qaeda was going to depend on human intelligence, and because of how difficult it is to penetrate an organization like al Qaeda, much of that human intelligence was going to have to come, and indeed has come, from operatives who were captured.

I guess the reason I was asked to moderate this panel today is that I'm one of many reporters who have written a great deal on this subject over the past six or seven

years including a book called “The Interrogators,” which was the story of the first unit of Army interrogators to hit the ground in Afghanistan after the 9/11 attacks. When I went to Afghanistan, I expected to meet menacing or at least intimidating personalities, people who were drawn to this job of interrogation because of some aptitude or affinity for personal confrontation.

Instead, the interrogators that I meant were completely against type. Among them was a blond female who was 21, but looked about 16 and wanted to be a school teacher when she got out of the army. The senior interrogator was a reservist who had been called away from a career as a tax consultant in London. And when I met him, he was wearing a Brooks Brothers dress shirt and khaki pants and didn’t look anything like the interrogators I expected.

These were smart and very conscientious people, people who – it struck me right away – cared deeply about abiding by the rules of interrogation that they had learned in their training. And at the outset, they were committed to following those rules, but throughout – during their tour, these very nice people employed increasingly harsh interrogation techniques, largely out of their frustration with their lack of success with the techniques that they had been taught.

They started to use stress positions. They embraced a technique called “monsterring” which involved keeping a prisoner awake until he broke. Many interrogators will tell you that torture leads to bad information, that a prisoner will say anything to end the pain, but one of the things I suspect we’ll talk about today is whether there are other points along that continuum. Are certain types of pressure or coercion effective? And if they are effective, are they acceptable?

Now let me introduce our panelists here today. On the far left here is Ken Robinson, who served a 20-year career at a variety of tactical, operational, and strategic assignments including ranger, special forces, and clandestine special operations units. His experience includes service with the National Security Agency, Defense Intelligence Agency, and the Central Intelligence Agency. Since leaving government, I should mention, he is now working as a producer in Hollywood, which means he has managed to find the one profession that is even more ruthless and cutthroat than espionage.

In the middle here is Joe Navarro, who served more than 25 years with the FBI as an interrogator, an agent, and a supervisor working in the area of counterterrorism and counterintelligence. He teaches the advanced interview course, still, for the FBI and also consults with expert poker players on how to read peoples’ body language. (Laughter.)

Closest to me here is Colonel Stuart Herrington who retired after 30 years as an Army Intelligence Officer specializing in human intelligence and counterintelligence. He has extensive interrogation experience from service in Vietnam, Panama, and Operation Desert Storm. He has traveled to Guantanamo and Iraq at the behest of the Army to evaluate detainee exploitation operations and he is also one of three military officers in

the Duquesne University hall of fame. One of the others happens to be the CIA director, Mike Hayden.

So what we thought we would do is let each of our panelists make some introductory remarks and then we'll launch into our discussion. And I think we would like to start with Ken.

KEN ROBINSON: It doesn't work. Terrorism is a complex challenge to America but that we've always had barbarians at the gate; we always will. Terrorism is a tactic. It's not something you can wage war on. It's a process. It's part of a continuum of full-spectrum military analysis that we're seeing right now in two theaters of operation. And we're caught up in that process and the important thing about interrogation operations is information because information is the coin of the realm to informed decisions.

There may not always be accurate information, but there might be a good decision based on accurate or inaccurate information because it's supposed to go to a policy-maker and inform judgment. And then judgment mixed with all sorts of intelligence takes us to the next hour because this is a battle of minds; it's a battle of ideas; it's a huge fog of war and there's a dynamic that occurs. And so the interrogation process serves that beast and it's not a science; it's an art.

And it's not for the faint of heart. It's misunderstood because of the mythology that we have in the United States about good guys and bad guys and how you treat, and good cop and bad cop and how quickly everything can be resolved – just watch an episode of 24 and it's all fixed and everything's good and we sew up the story and we're on to the next thing. The real world doesn't work that way. You may want to talk to these people again.

Information is very perishable from the point of capture, information that could become actionable. If information is going to go to a commander to do something, he needs it quickly – within 24 to 48 hours for it to be worth being actionable to being able to detect, deter, prevent something, or to be able to put fire on some subject or to be able to rescue or stop something.

After that time, the information is still valuable, but now it's becoming historical and analytical to be able to understand and compare and contrast what you know against what you didn't know yesterday because the prisoner you have today is insignificant to you and is not a high-valued target. Eight days from now you find out he's Abu Abu Abu and he's one of the most important person that is a link between us and Osama bin Laden and be the one key that enables us to finally have the a-ha that distributes and drops down an entire network that we can now understand, that we didn't visualize before because we were able to go back in the door.

And I suggest to you that if we start by torture and pain, we close that door. And that's part of the theme that you're going to hear throughout our comments is there is a

better way. There's a proven better way over a long period of time than doing what we're doing right now out of fear. And much of these rules came out of fear of trying to do something. It's time for leadership to pull it back.

MR. MILLER: Thanks, Ken. Joe?

JOE NAVARRO: Well, I come to this as a retired FBI agent and as a professor in academia. And what I see, because I still teach the advanced interview course, is the public, the American public, the world really doesn't understand interviewing. They perceive it as whatever they've seen on television, whether it's "CSI Miami" or "NYPD Blue" and so forth, and it really does shape perceptions of the interview process.

The best interviews, I can assure you, are ones that are very subtle, that are very nuanced. If those of you who know anything about the brain realize that a relaxed plastic brain is the one that remembers things. A stressed brain – just as when you're stressed and you can't remember where you put the keys – is really the worst brain you can have because it doesn't remember facts and details. We are about facts and details.

We in the FBI have never sought any extraordinary technique, any enhanced technique. We don't subscribe to it. We don't think anybody should subscribe to it. We are of the opinion – I'm outside the Bureau, so I don't speak for the Bureau but I can tell you this – that we are of the opinion that everything we do should be within the context of the law, both the written law and the case law that it should stand up to judicial scrutiny. And that has both a practical application and allows us to put things into court, but it also goes in line with what we find is effective.

There are a lot of people that think that torture and pushing people around and just being nasty gets the work done. I assure you, I have never had anybody confess to me who said, well, I decided to confess to you because you treated me like crap. It just doesn't happen that way. They confess to you because you seduce them into confessing, because you treat them nice, because you hand them a postcard and then you say, write to your mother, let her know how you're doing because you are going to jail, and so forth. And they appreciate these entreaties.

And this is something that we constantly run into as well. What about this situation, what about that situation? We just had a meeting yesterday where we had literally seven to 800 years of experience, and no one in that room suggested in any way using violence, using torture, using pressure, using anything because we know it doesn't work. Now, there are people out there who will anecdotally say, well, we use this technique and the person talked. Well, we question the authenticity of that, number one, and number two is we know that any time you hurt somebody, that's going to make them reticent to cooperate in the future. And as far as we're concerned, we want to be able to talk to sources multiple times, not just one time.

MR. MILLER: Next, Stu?

COLONEL STUART A. HERRINGTON: As a graduate of Duquesne University, one of the courses that I took that I never forgot was a course in ethics, a, by now, regrettably in a lot of schools, arcane subject that not a lot of people take. And our professor taught us the difference between right and wrong and between that and the blessings of having a real great mom and dad, I entered the Army with a very strong moral compass with respect to what I ought to do and what I ought not to do. And my mother used to say, don't you do anything you'd be ashamed for me to know. And I never forgot that.

In my career, not counting my last 10 years at Calloway Golf Company – (chuckles) – in my arduous Army career, it was given to me to interrogate hundreds of people: Vietnamese, North Vietnamese soldiers, Viet Cong political officers, male, female, Panamanian kleptocrats and thugs who worked for Manuel Noriega scarfed up in our liberation of that country, by its invasion, and then Iraqi senior captured officers in the Gulf War. At no time in all of this experience did I or anyone who worked for me ever lay a hostile hand on a source. We regarded them as human beings. They were our adversary; in some cases they were even hateful, such as Manual Noriega's torturer, a major. They were hateful and it was a little bit difficult sometimes to step back and retain that objectivity that this is a human being who has information that it's my job to get. And I need to get that information from him and the last thing I want to do is debase myself and my country by behaving towards him the way he behaved towards others.

So we always extended respect and dignity unconditionally to sources, hundreds of them, in the Middle East, Asia, and Panama. We never laid a hostile glove on them, in so doing pulled the struts right out from under whatever it was they thought about us or what they were taught about what would happen to them if they had the bad luck to fall into the Americans' hands, and in doing so led to a very fertile relationship in almost all cases where we collected the information we needed to collect. So when I learned, after having gone to Guantanamo and given good advice on these methods, and after having gone to Iraq about a year after that and given equally good advice along these lines, that we had this mess on our hands and that it appeared like guidance had come from the top down to people in the field to cross these lines that had been so sacrosanct to me, I was stunned.

I remain incredulous that there should ever even have to be a debate about whether Americans should torture or not and that there are so many people who stand on the side of – who are usually regrettably not experienced interrogators, who are tempted to lean in the direction of, ever since 9/11 the gloves are off, the rules are different. I am totally in solidarity with Joe and with Ken that the way you approach this is by retaining your fundamental humanity and understanding that this person across the table from you is a human being. He is subject to all of the same emotions and all the same stresses and forces as anyone else. And if you are patient and smart and do your homework and retain your professionalism, you will largely, most all of the time, get most of what you want. And if you don't, then it's that person's prerogative to say no, I don't know that, or I'm not going to tell you. And at some point in time, when that happens to you and you come

back from different directions, if you don't get everything, you don't get everything. But the idea of crossing that threshold and brutalizing someone is to me anathema.

So that's why I signed up for the campaign and why I'm traveling with the Human Rights First folks because they are – they've taken up this cause. They brought together people who do understand this discipline, so the debate is an informed debate hopefully, rather than the worst of all possible things in Washington, which is a lot of people talking about a subject about which none of them know much and decisions are then made from that. Thanks.

MR. MILLER: Thank you. Just checking – just reading the newspapers of the past few days tells you how active this debate remains. And I thought that I would kick things off by just going back to testimony that the CIA director gave before the Senate Intelligence Committee just a few months ago on this subject. In February, Hayden acknowledged for the first time publicly that the agency had used a technique called water-boarding on three detainees in 2002 and 2003.

He said that two of these three prisoners, Khalid Sheikh Mohammed and Abu Zubaydah, had accounted for 25 percent of the human intelligence reports on al Qaeda. And he said, if you create a box, we will play inside the box without exception. My view is that would substantially increase the danger to America. I was hoping to ask you if you could sort of try to help explain why a CIA director might hold this position, why, and whether you think there are intelligence collection consequences to reining in the authority of an agency like the CIA. Stu, why don't you –

COL. HERRINGTON: My Duquesne University classmate said that? (Laughter.) He was Air Force ROTC; I was Army. He would expect I would've said that and he would've said the opposite. You know, my sense of this is – and of course I haven't spoken to Mike Hayden in 40 years, 35 years, in fact I may never have spoken to him. He was three years behind me, so we were on campus for a year together. My sense is, first of all, he must be misinformed to say that.

He's a man of honor and dignity and he wouldn't have lied to a congressional committee. So he's telling what he's been told. I'll leave it to Joe because he's far better at it than I to talk about the kinds of information that could have been obtained and what the flaws in that are as a result of water-boarding.

But you know, my sense of this is, and once during the Vietnam War, I witnessed water-boarding by a contract – Vietnamese-contract soldier working for the CIA. I accompanied them on an operation. They got a 19-year-old girl in a village near where the Viet Cong hung out at night. And they thought she knew something and they laid her down with her head down hill and put a poncho over her head and one guy on each of her limbs and started pouring water down her tube to simulate drowning. And she thrashed and she turned ghostly white and I called it off – I was stunned and she looked near death and they didn't get anything from her whether it was she had information and was willing to die rather than give or whether she didn't know.

No one knew, but I told my agency counterpart when I got back that I would never accompany that unit again if they were going to engage in that kind of behavior. Anyone who sees it done or who's ever had it done to them as part of their training is under no question as to whether it's torture or not. It's torture; it's a bridge you've crossed and it's a bridge that we ought not to cross.

I have a theory on why the CIA is holding firm that they like this special box for them wherein they get an exception. Everybody else has to go by the Army field manual, but we CIA folks are more sophisticated, more mature, and entrusted with a more sacred mission. So we want this little escape hatch so we can do things like water-boarding. I don't believe Mike Hayden, for a minute, thinks water-boarding is a good idea. He probably goes to bed at night ruing the notion that this all happened and that it became public.

But, there are probably dozens of CIA operatives out there who, during the past four, five, or six years, having been told by their general counsel that it was legal, engaged in such practices. And having engaged in those practices, having been assured that it was all legal and okay, how would you feel if you were one of them and all of a sudden your director got up and said to Congress, this is criminal and illegal? We don't sign up to do this.

So I think there's an issue of the morale of the folks in the field and trying to be loyal to people who went out there and, "in good faith," in quotes, and did something that they were told was okay and the idea of an already demoralized agency like the CIA, having its director stand up and say, well, sorry about that, those guys screwed up, is a pretty tough thing to do. So that's the only way I can account for it. A, he's misinformed and, B, there's a bureaucratic reason and you see why a reason, if you will, as to why we're there.

MR. NAVARRO: You know, there's a real danger in associating correlation and causation. If we take it at face value that this happened, the fact of the matter is that other techniques would most likely have worked – because they have worked. And, you know, one of the problems that we see – we as professionals, we who know how to do this stuff see – is that because of 9/11 and the rush to get people out there to do interviews, there was a massive – they sent a lot of cooks out but they didn't send out a lot of chefs. And we saw the frustration.

Keep in mind that in America, traditionally, we have trained people to interview criminals. We really don't have but very few and I mean very few people who actually know how to interview a terrorist. And there's a big difference – big difference between a criminal and a terrorist. Just to simplify it, criminals don't worry about history. Every terrorist is a mini-historian. Criminals don't – are not wound collectors. Every terrorist is a wound collector and that is presented to you as soon as you do an interview with a terrorist. We just haven't been trained for that. We didn't have people qualified for that so frustration built in and so forth.

The fact of the matter is that most of the terrorist leadership is going to talk anyway because they're narcissists; they're pathological narcissists. That's what drives their behavior – this sense of entitlement, this sense that what they're doing is special and that they have the solution to the world; all narcissists are. That's part of the pathology. So whether it's going to take a day or two or three – if this individual, under initial conditions, was treated right, most likely he was going to talk. So I don't subscribe the notion that, well, this is the only way to get this individual to break.

Look, we in America have been fighting terrorism for a long time. We're dealing with the Symbionese Liberation Army, the Weather Underground, the Macheteros, the FALN, Abu Nihal, all the way up, Islamic jihad right up to al Qaeda. The problem is that we had very few people within the intelligence community that actually had sat in front of a terrorist and knew how to deal with him – how to divest them of that information and this, you know, this is part of what needs to change. So that he testified to this, I mean, I read Tenet's and he said, oh, without water-boarding, we would have never have gotten this information.

One of the things that I find, or have found in working in bureaucracies is rarely does the head of the organization really know what's going on in the field. They're just clueless because no one – no one is willing to pass up that information. It's their job – it's their job. And that's unfortunate.

MR. ROBINSON: Where's the press in the room?

COL. HERRINGTON: Welcome. (Laughter.) Good copy.

MR. ROBINSON: I want to direct my comments to you guys. When I first came to Washington while I was in government service and came into this culture – and that's what I'm going to talk to you about – my boss, very senior person, he looked at me in the face and said, we never lie. And he emphasized that and took a beat and then he said, but, we never tell the whole truth. He said, your job is to answer the question that you're asked. Don't get diarrhea of the mouth. And the reason for that is because of the policy implications of having diarrhea of the mouth because every issue is connected to every other issue and the press can potentially take your comments out of context, as an example, we'll see how this gets written tomorrow. (Laughter.)

But it's really important to understand context in understanding these leaders. They're working under enormous pressure. They have political pressure coming to them and, you know, we always enjoy, in the Central Intelligence Agency, there was a time when it was an independent agency under the National Security Act of 1947 and it was supposed to provide policy-makers with an independent assessment of what's going on in the world. Well that's not really the case at Guan. There's been this politicalization of intelligence over the years and better people than myself can describe that and have written about it. So there's that friction that exists at the national level when a director of national intelligence is called to testify before a committee of Congress.

There's more than one question being asked when a question is asked. And there's more than one answer being given when the answer is given. And the Fourth Estate really are the only ones that can kind of sort it out for all the normal folks who don't live and breathe and eat this stuff. But to do that, we need people who are doing it every day because it's so tricky and it's so artful. And they're so time constrained, that if you have QFRs, questions for the record, that come to a guy like that in a briefing book – he got it the night before. God forbid that his meeting is early in the morning, that man he was getting them – at probably four in the morning.

And in it, someone sent a message to the field looking for statistics. And what do we know about statistics? They're pretty dubious, always and they can make them say or not say whatever you want them to say, like, oh, 25 percent of everything Khalid Sheik Mohammed said blah, blah, blah, blah, this many reports, that many – Well, having seen and written reports like that, knowing how they are created, that's not what's important. What's important is the information and the context in which it was derived and your ability to have reliance on the source. And then your ability to take the information and give it to a policy-maker and have him understand how it fits into or doesn't support whatever the national policy is, and then for him to make a decision that makes sense.

You know, we always say it's a broken intelligence system. No, it's a broken system with judgment on the part of individuals who then receive that information. It's not all science but at some point, the policy-maker has to step up and separate himself from that which got him elected and get on with the business of what he must do to govern, which is different. And in there comes the frictions that have to be watched by all you guys because that's where the conflicts happen.

That's where the conflicts happen with guys like us. We're not a bunch of disgruntled people sitting up here; we're professionals and we're talking about brand and we are American citizens just like every one of you. And we have a place in the world and that place in the world has been diminished. It has been eroded and we've lost high ground – moral high ground. We don't have the right, right now to say anything. So we need to shut up and we need to start doing and what we need to start doing is by our actions – tell everyone that, oh, by the way, we just reread the Constitution and guess what? We're now going to have a baseline of what it is we do and how we do it and we're going to standardize and we're going to get on with it.

That's kind of the framing in a very broad level of what I feel in the short period of time that we're here, you can draw out of us because that's the big issue. A lot of this stuff we'll fight over for the next eight years, but the big issue is, who are we as Americans? And what's our place in the world? And what – it's not could we – it's should we? The issue is not beside the point; it is the point.

MR. MILLER: Let me throw one more question at you and then we're going to take some questions from the audience and Ken already, I think, started to address what I

was going to throw at you, which is you've already met with advisors to the presidential candidates on national security. Let me throw out a scenario.

God forbid, there is another terrorist attack in the United States and the next president is sitting there and on one side of his desk he's got somebody saying that the last time this happened, Mr. President, we captured Abu Zubaydah and he wouldn't talk to us for days and weeks. We subjected him to water-boarding and he broke in 35 seconds and told us everything we wanted to know from him.

If you're on the other side of that desk and advising that president, what is the case that you make?

MR. NAVARRO: Oh, you're looking at me. (Laughter.) I'm sorry.

COL. HERRINGTON: Wake up, Joe.

MR. NAVARRO: No, no, no, it's a profound question. Well, first of all, we don't abrogate – we don't change what works. We just simply don't work – change what works. You know, there's a part to this that nobody discusses. Why should we wait until the last minute? Part of intelligence collection is to be in the front, penetrate groups to infiltrate and so forth. Rarely do we talk about that. If we are permitted to go abroad and conduct these investigations and be aggressive and use national technical means to penetrate groups and so forth, we don't have to find ourselves with this situation.

The other thing we rarely talk about is – and you certainly see this in Israel and with all the work I'm doing in London – is they're very measured in their responses to terrorism. We go hysterical. They couldn't believe CNN, when the bombs went off on their property, when their buses blew up, they were watching our CNN and saying why are you guys being hysterical about it? We had a crime, we'll investigate it, it'll get solved, everybody just settle down. And we tend to go into this non-measured mode of, you know, we should always remember that the chances of being hurt by terrorism is actually statistically insignificant. It may be horrific, as happened in 9/11, lots of lives, but when we lose 17,000 people a year to just plain old homicide and when we lose 40,000 to cars and then we look at the numbers, terrorism is, in fact, very small.

So, you know, you're confronted with a situation, we have to talk to a source, we proceed with what works best. The worst thing that you want in dealing with a terrorist is to be misled and Stu and I worked on a case years ago where we had an individual – a woman – who led us astray for a year because we equated chatter with truth and that's not good so when people talk about the ticking time bomb, all you have to do – all the terrorist has to do is – we call it the Joe Pesci effect – is you send people to another place and then they come back and say, well, we didn't find the bomb – it's over here now.

So the torture stops, the chatter – and you can't have this game going back and forth. You have to stick to what works. And, you know, and this is one those wonderful things that both the techniques that we talk about, not only are they efficacious, that they

work, but they also fall under this wonderful umbrella of what is right and what Stu talks about is what is ethical.

Under the right circumstances, with the right interviewer, people will confess. I attest to you that this does work. You know, of the thousands of interviews that I did, I think in the end, I had only two that they wouldn't talk to me. You know what's interesting? They probably would've talked to somebody else. And so we get into this very dangerous area of, well, we need this now, we need this now. That's not really what we're usually confronted with. But even if we we're in theater, with our troops are confronting in Iraq, a lot of it has to do with how these individuals are handled and approached and I would still not change any of the techniques that we feel are efficacious.

COL. HERRINGTON: I would say, Mr. President, your predecessor, when confronted with a situation very similar to this, made an egregious mistake and took a terrible wrong turn for our country which has redounded against our country, cost us the moral high-ground, and made America into an entity that – as opposed to being loved, respected – is feared. You don't want to make that mistake, Mr. President. Your job is not to listen to uneducated or – I wouldn't use uneducated – uninformed rabble, people who clamor for something because it's emotionally satisfying. The job of democratic leadership is to lead. And, in this case, you are informed; we know what happened in the past. The intelligence community doesn't favor these methods, and we shouldn't make that mistake a second time. That's what I'd say to him.

MR. MILLER: Okay. Ken, did you want to say anything?

MR. ROBINSON: Nothing further, no.

MR. MILLER: Okay. We'll take some questions from the audience. You in the front row. Please identify yourself.

Q: Sure. Randall Mikkelsen with Reuters. I'm wondering how you evaluate the current administration's declaration that it does not use torture and what the next administration might say differently about what's gone on in the past and its policies going forward.

MR. ROBINSON: The current administration does not use torture.

Q: That's their rote recitation at every discussion on interrogation techniques, treatment at Guantanamo, Abu Ghraib.

MR. : Defined water-boarding is not torture.

MR. ROBINSON: Yeah, the definition –

COL. HERRINGTON: It's a definitional thing. So they're able to say that because they define as water-boarding as not torture.

MR. ROBINSON: They're taking events –

COL. HERRINGTON: It's the Washington game.

MR. ROBINSON: They're taking events outside of the standards that are in the third Geneva Convention. They've added to it and they've called that, that's a Volkswagen; you're not looking at a Porsche; that's a Volkswagen. So, therefore, we do not drive Porsches; we drive Volkswagens. That's just the game. It's semantics.

MR. NAVARRO: Well, I mean, we've had people down-range who mistakenly, looking at guidelines that were misguided, say that we, in fact, weren't torturing. I mean, you know, there were people that were killed in Afghanistan while they were being questioned, sources of information we'll never have. They were, in fact, tortured. It doesn't serve this country well when the attorney general can't define water-boarding as torture. I was in another country recently teaching and a local – their federal police – and I was asked if I could please teach them what water-boarding is. And I had to actually look it up in Google because I really don't know what the mechanics of it are, not to teach to them, but just to educate myself.

But this is the kind of damage that it does. We're getting mixed messages, which is really unfortunate at many levels. How I handled it – this is my background; this is my life with the current work I do now; I'm a producer in Los Angeles, California. And I have two writers who wanted to write a story for a television show I was doing. And they wanted to write it about torture.

And I said, all right. Let's come in and sit down and we'll break it out and let's talk about the mechanics of it. And as they start sharing that with me, I realized that everything that they were feeding me was not based on research as much as the myth of who we are as Americans and the myth of how this stuff works.

And I asked them both, I said, do you really want to understand water boarding? And they go, absolutely. We'd love to see it. And I go, well, you know, seeing it is not going to really help you. But I said, if you were water-boarded, I think you could write an excellent episode. (Laughter.)

And they said, we would do that. So I said, all right. Get the medic. And we got the medic and we made a plan and I got an ambulance and – because you need those because, guess what? What do you do when you water-board somebody? You're drowning them. Then I got the hold-harmless agreement. (Laughter.) And then we set up cameras. We took them down and we created the same situation that you would find yourself in if you were in a Middle Eastern country because we teach these techniques to our soldiers to prepare them for hostile interrogation. That's where this stuff came from.

It migrated from our own series of schools, teaching other people how to prepare for this: survival, evasion, resistance, escape.

Our special operations soldiers were all trained in what we call (level-C seer ?) because we know that they have the ability to be captured in a hostile country behind enemy lines and we want them to be able to survive detention. That's where it came from. And so it migrated somehow into the process which we're now using to interrogate prisoners that we hold because everyone was used to these techniques.

So I took them, put them on the rack, and water-boarded them. It scared the living daylights out of them. But, guess what? They wrote a great episode and they covered it in a very balanced way to include all of the olfactory things that happen to one when they are laying upside-down and you feel like you're dying, because you do. You feel like you're dying.

Now, they had the psychological benefit of knowing that I've done a lot of due diligence right there with lifesavers, with medics, with a vehicle, with – I mean, every bit of due diligence you could possibly do, I've got everything right there to de-fib anybody, anything that could go wrong. And so they – and they know it's not real torture, that they're just learning the experience. It still mortified them. You should talk to them. To this day, they'll tell you.

But, guess what? What we captured on television was pretty remarkable. And we use it right now. We gave it to the Special Forces school and we gave it to the War College. And we gave those episodes on torture. And they show them now in their classes, the military does; the military gets it. They've made the bump; they're over it. Okay, I got it. The question that we should be talking about today is central intelligence.

MR. MILLER: Sarah?

Q: Hi. I'm Sarah Mendelson from CSIS and I want to thank Human Rights First and to you three gentlemen for being such persuasive messengers. It's extremely important that the American public and policymakers hear what you have to say. I had the privilege to meet all of you yesterday and hear your other colleagues. And one of the policy recommendations that I took away from the conversation was the need to grow a professional class of interviewers, interrogators, that there needs to be a much broader, widespread program.

And I wonder if you would talk a little bit about that. I am worried that pre-9/11, to the extent that I understand it, the CIA had no interrogation program. It was not involved in interrogation. And then there was this sudden rush to find interrogators and you met, you know, very young people who didn't have the experience. And I worry a little bit that in the post-'09 CIA that there's been an organizational, cultural shift after 9/11 through 2009, when the next administration comes in.

How difficult do you think it's going to be to walk back, essentially, this genie that's been let out of the bottle? Or do you think people are, in the intelligence community, particularly inside the CIA, really want a profound shift and a good program that provides them both legal cover, but is also more effective. And if you could also just refer to the discussion we had a little bit yesterday on the role of taping in interrogation and what you think about that.

MR. NAVARRO: Do it.

MR. ROBINSON: I'm going to hit it technically very fast and then I'll pass for more policy discussion. The CIA did have a program, but the program that they had was a program that I worked very closely with. And that program was taking their non-official cover operatives and preparing them to deploy into a denied area and then to put them through the same type of procedures that we're seeing now being done. And that is a good thing to do. We do it for our special-mission units and we do it for our intelligence operatives so that they have the experience of knowing that they can survive the hostile interrogation, that they have tools by which they can hold onto until they're repatriated.

And in those programs, we have tape-monitoring machines. We would have, behind the windows, a special security officer, because you don't want these people to break. You don't want an intelligence officer that's skilled to take someone to the point of breaking for the same reason you don't take a Mustang and break it unless you don't want it to ever be a Mustang again. You want to take it to the kiddie farm? That's great. But once you break a human mind, you're done.

And so you want to take people in training up to the edge. And so this program has always existed to prepare people for that eventuality. And, as part of that, the thing that you were saying was an interrogation program for strategic debriefing. And the strategic debriefing program was mostly done at the strategic level within defense intelligence. And I'll let somebody else speak to that, if they will.

The culture shift of this, where the boogeyman came from, a lot of these procedures, came out of all of that training that somehow then migrated into – it's now the art of the possible of what we do to them. It was what we were doing to each other in preparation for one day being captured by them. And so, somehow, somehow it got bastardized.

MR. NAVARRO: There's a larger problem in America with the way we interview. As I said it earlier, we train – there are 17,000-plus police departments in the United States; each trains differently. And they train to do criminal interviews. Within the intelligence community, as many as we are, each organization trains its own way, but we've been geared to very specific areas.

During the Cold War, we were dealing with the Soviets and the Soviet threat. And our interviewing techniques were oriented towards that. There was terrorism going on and we had very few people dedicated to that. That's part of the problem.

The other part of the problem is that we don't treasure interviewers in this country. If you're a good interviewer, you're going to be capped out as a GS-13. But you have another baby born and you need more cash, you're going to become a supervisor. That takes you out of the interview loop. We don't – even within the military, we really don't have high officers with a lot of experience conducting interviews. And this is a problem because we have these waves of what we need, these interviewers.

The other thing is lack of language skills. One of the most important things in conducting interviews is to be able to liaise, to be able to talk to that person in their native tongue. And we, to this day, are dealing with legacy issues from when we were fighting the war on drugs. We have X amount of people that were hired that were linguists. Congress allows this many linguists, but they speak Spanish. We haven't budgeted for the new war. We can't get rid of the old ones; they're now federal employees. They're in forever. We can't hire the new ones which speak Farsi, which speak Arabic, which speak any number of other languages.

And so you get into these sort of administrative things which you would think, you know, if somebody puts their head to it, these are really simple to fix. But we don't. And we have a very short life, unfortunately, with good interviewers or they get sent to do other jobs. I mean, I can tell you from my own experience that one day I would be doing interviews and the next day, they say, hey, they need a Spanish speaker in Miami. Can you go down for 60 days and help out on a case? And you say, well, what about the important stuff, needs of the bureau? And so these things happen.

And the other thing is, the way we teach, we don't have a national standard. If you go to any other country, if you go to Canada, you have the RCMP. It covers from one coast to the other. If you go to Germany, you have the BKA; they cover from one end to the other. Any country you go to, they have one police force, one entity. We have 17,000 different entities here, all trained differently. So who gets hired? Who gets hired to go abroad by CIA or contractors? Anybody that raises their hand and says, hey, I was a cop; I did interviews for 15 years, assuming that this is good enough to do a terrorism interview; it is not. And that's part of the problem.

COL. HERRINGTON: You've really posed a very important question. Directly referring to the CIA because that's how you led off, the CIA has had a checkered history in the interrogation business. There are a few of you in the room old enough to remember the Vietnam War. And the CIA advised the South Vietnamese special police. And each province of the 44 provinces, there was a province interrogation center run by the police special branch, advised by the CIA.

And a number of these centers became infamous for torture and mistreatment. The CIA got a real black eye for that, even though they concurrently ran a center in Binua (ph) by one of their very enterprising OSI agents, which was the archetypal model on how to do it, which I based a lot of what I've done in my career on.

Nonetheless, the interrogation word, the "I" word, as I call it, is radioactive by now. It is a radioactive word. And I can imagine that within the ranks of the CIA, a lot of very gifted, talented, language-qualified, area – steeped-in-area-knowledge guys, guys who know the history of this or that region, who the last thing they would want to get would be a phone call telling them they need to go to location X in the Middle East and start interrogating because, again, there's a stigma now because of the wrong turn we took for this field.

But it's more than that. It is, as was alluded to, the fact that there are disincentives across the board for people in the professional intelligence community to want to do what I did. For example, as a major, I expressed my desire to our personnel people that I wanted to remain in the counterintelligence and human intelligence field: spy catching, which I did a lot of with Joe, and human intelligence interrogation. I was immediately told that, with my record, which was – modesty aside – a good record, that would be too bad because there's no real future in CI and HUMINT.

Counterintelligence and human intelligence, as opposed to signals intelligence, the great ear in the sky; imagery intelligence, the great lens in the sky; in the pecking order of the intelligence business, counterintelligence and human intelligence rank dead last. So when we have a Grenada operation, when we have an invasion or a liberation of Panama or Desert Storm, one of the first findings out of it is that we didn't have enough HUMINT; we didn't have human intelligence sources.

We would have known he was going to invade Kuwait if we would have had human intelligence sources. We would have known where Noriega was that night when we jumped in if we would have had good human intelligence and so on. Every conflict that we've ever had ends up with a finding that human intelligence was inadequate and we've got to do something about HUMINT. I wrote the after-action reports from counterintelligence and HUMINT for Panama and Desert Storm.

After Operation Iraqi Freedom, you could have just taken out my recommendations and dusted them off and turned them in because it was the same thing: we don't have linguists; we don't have interrogators; there are career disincentives to pursue this discipline, et cetera. And, yeah, the only way to get certain kinds of information – you know, a satellite can tell you that there's a division along a front line in a bunch of trenches on the Kuwait-Saudi Arabian border. It can't tell you whether those men are hungry, happy, unhappy, poor morale, high morale, what the intentions of their commander is, nothing.

Human intelligence is the kind of window that, without it, you have an emasculated capability with respect to what's called all-source intelligence. It's that

critical, it's that vital. Everyone agrees on that, but when it comes time to make the investment into building up a professional corps of de-briefers, interviewers, interrogators, you choose the word, then something happens.

For example, it occurred to me, since we have members of the media in the room, and this morning we were talking about, you know, who could we get, because we need desperately to ramp up our capability in interviewing. And someone said, well, we could train all of the interpreters to be interrogators because they have the language and it's not too tough to train an interrogator. And someone else said, yeah, but, you know what? It is tough to train an interrogator; it takes special skills.

Think about the skills that you need in order to ascend in a one-on-one with someone where you have recruited him and you now have control of him and he trusts you. These are: understanding human nature, being able to read body language, verbal skills, language area, historical-knowledge skills, and interviewing techniques. What profession that's currently taught all over the United States teaches those things to thousands of young people all over the United States? Syracuse University's school is one of the finest journalism schools. Journalism schools. The skill sets of a good journalist are very similar to the skill sets that we need in our discipline.

Everybody wants to be a journalist and nobody wants to be an interrogator. Or those who want to be an interrogator want to be an interrogator because they saw 24 and it looks exciting. It looks exciting. So I'm venting a bit, but the challenge is, how do you build a corps of professional interrogators, interviewers, de-briefers? And given the fact that the areas which threaten us are areas with very illusive languages to learn and, you know, deeply mired, enmeshed in historical wound accumulating – you know, you ask a guy from Iraq about the Kuwaitis, he'll tell you, for the last 300 years, every insult and affront that ever came at him from somebody who lived in Kuwait or what he calls the 19th province of Iraq.

If you ask a Bosnian or a Croatian about Serbia, they'll tell you how they killed him great uncle – great, great, great uncle in 1400. So getting people who know these things, who have these language skills, and who are willing to take on this task is difficult. How much more difficult is it when you take a wrong turn like we just did and stigmatize the whole discipline? Big mistake.

MR. MILLER: Well, as it turns out, we journalists might need some of those jobs not very long from now, but – (laughter). Ken, you wanted to add something?

MR. ROBINSON: I just wanted – a tight point on that at the foot-stomp on the subject, you know, why is it that after every war, there's this after-action report? Why is it that we keep doing this? What's wrong with America? Are we stupid?

No, it's how we find and fund military operations. There's a legacy program for a tank. It has a congressional district. It has someone on the Armed Services Committee that benefits from that tank being built. And that tank is built in probably seven different

states that build votes; same thing with an airplane, same thing with a battleship. There is no constituency; there is no data – (inaudible) – for HUMINT. And so, therefore, it's about money.

And it's about getting it into the force structure in a way that it can sustain those times between allegedly, supposed peace dividends. And that's why they fall through the cracks, every single time, because they don't have a congressional-constituency relationship like all other force-modernization issues do. And the only way to fix that is somebody's got to write about it because, otherwise, we'll continue to repeat this mistake and repeat it and we'll pay for it in blood.

MR. MILLER: Did you still have a question here in the second row?

Q: My name is Gregorio Veraz (ph). I'm a reporter from Television News Network (ph). I wanted to ask you, do you think the memorandum of Alberto Gonzalez redefining the torture has been more harmful for the United States in the world, that used to be more respected because the promotion of human rights? And, second, do you – can you elaborate a little bit more on more techniques to interrogate instead of torture, maybe something that is more effective?

COL. HERRINGTON: I'll start, if you want. Can we qualify that the memorandum written by Alberto Gonzales was really written by David Addington?

COL. HERRINGTON: My first thought is – oh, go ahead.

MR. ROBINSON: His signature is on it but he didn't write it. It was written by David S. Addington who always get a pass, who always gets to hide behind other people's efforts. If you don't know who he is, check with me afterwards.

(Laughter.)

COL. HERRINGTON: Yeah, obviously, that memo and a number of other memos largely signed by or penned by attorneys, which is kind of an irony if you think about it, has been harmful, because those are basically the signposts at the wrong turn, which said go this way, and which gave legal – in quotes – “cover” for the people who went out there and did the bidding of their superiors. So I couldn't agree with you more. I think that document and a number of others are more than a bit regrettable.

It does underscore, however – and I just worked 10 years in Calloway (sp) Gulf and I worked in the legal department as the director of global security and investigations. But I worked with lawyers every day, so I bear no malice towards lawyers. But lawyers are like psychiatrists. You can find a lawyer who will write you a brief giving you a rationale as to why activity x, action x, is arguably legal. And you can find another lawyer within 10 minutes who will look at the same challenge and write you a memo, which says it's illegal, just as you can find a psychiatrist who says this gentleman didn't

know right from wrong when he murdered that poor woman and then the defense comes in and says, I interviewed him and it was clear that he didn't know right from wrong.

So lawyers have a place in our system. And it's regrettable and ironic that they should be at the birth point of this wrong turn.

MR. NAVARRO: You know, that document that you are talking about and others, they were politically obsequious. But they didn't rise to legal eminence. The fact of the matter is that it hurt us in many ways because a lot of young people who were trying to do the right thing – because a soldier will only do that which he is permitted to do, just as an FBI agent only does what he is instructed to do or what the law permits – created this vagary, which shouldn't have existed.

The United States is signatory to a lot of conventions. What people don't realize – and young people don't realize – is that this is federal law. It's not to be played with. It's not fungible. It's not elastic. It is federal law. It's not to be stretched or played with. And to have someone come in and begin to play word games with it only adds to the confusion at lower levels of people who are just trying to do the right thing.

And actually, what we need is a more clear policy that goes back to the statutes that, for instance, deal with terror, that deal with the conventions that we've signed.

MR. MILLER: Let me add one thing. Part of his question was, can we talk about methods that are effective? And let me throw in something here. Last summer, President Bush signed a new executive order which was designed to place new restrictions on what the CIA can do. The CIA has said it doesn't do – hasn't done water-boarding in four or five years, but it does reserve certain enhanced interrogation techniques that it doesn't publicly acknowledge what they are.

But the executive order talked about that prisoners ought to have guaranteed the basic necessities of life, including adequate food and water, shelter from the elements, necessary clothing, protection from extremes of heat and cold, and essential medical care. There are a few things that seem to have been overlooked in that section, one of which is perhaps sleep. (Laughter.) Sleep deprivation is a technique that the Army embraced in Afghanistan and that the CIA, some believe, continues to use. Is that a technique that is effective? Is that a technique that is ever acceptable?

COL. HERRINGTON: If you would have come to me in one of my centers, my guest centers, as I call them, and all of the people who resided under the roof under my charge were called guests, not prisoners, and they were treated with, as I said earlier, dignity and respect. If you were one of my interrogators and you came to me and said, we want to crank the temperature way down in this guy's room because, you know, I had a hard time with him today or I want the guard to wake him up every 30 minutes and not let him get a night's sleep because I want to soften him up, I would have immediately, first of all, told you you're nuts, no way. And, secondly, if you did those things and I

found out about it, even short of laying a hostile hand on somebody, I would have gotten rid of you.

That shows me, when you want to do those kinds of things, that you simply don't get it. You don't understand that an interrogation or an interview, as Joe likes to call it, and I prefer to call them de-briefing, but these are an interpersonal relationship between you and another person where you're trying to gain ascendancy over that person and that all sorts of ruses and poses are okay. I can be your best friend. I can say I'm worried about you because you have a difficulty; you're facing 18 counts of torture when we turn you over to your government. And you need help and I think I can help you; let's talk about it.

I can say to you, why are you so upset and why are you crying? And it comes out that it's your birthday and you're lonesome and you have an 18-month-old son at home and your wife doesn't know if you're dead or alive. And I could say to you, that's unthinkable. I know how I'd feel if that were me. Let's find a satellite phone and let's call your wife; let's do that. It's the right thing to do and maybe you'll feel better, a birthday present, let's call it. That kind of a thing.

That's the way you deal with it. I can't give you an enumeration of the approaches because, in this job, you have to be a chameleon; you have to be able to adopt whatever it is and adapt to whatever it is that the conditions of the person you're dealing with tell you about him: the documents you have on him, other reports by other guests about him, what he's done in the past, what his beliefs are, what his culture is, what his strengths, fears, hopes, weaknesses are, and you adopt yourself to that so that, at some point in time, this process, which one CIA gentleman this morning described as a seduction, takes place.

So, again, the list of approaches is as long as the number of people there are in the world. Joe would look at someone and he would spot something about a source, as he did once, where he realized that this person had a vulnerability and he could get this person talking because this person's ego was wounded, for example. And when you're talking to Joe, who is a federal agent, and you talk, you go to prison. And he let people talk themselves into prison.

MR. NAVARRO: That doesn't apply to you here.

(Laughter.)

COL. HERRINGTON: – by the way he treated them, by the way you treat them. How would anybody in their right mind, looking across the table at this gentle soul who's wearing a federal shield give information that will lead them straight to prison? Whereas, if they just zip their lip, they wouldn't say a word, and not say a word, nothing happens. He did it. He did it. He did it by being a compelling personality and by understanding who he was dealing with. And, above all, he didn't do it by threatening thug-like tactics and by doing things that he'd be ashamed of for his mother to know that he did.

MR. ROBINSON: There's a headline to this, though. And the headline is, if you're an American and you hear this, it's not fitting your myth, it's not fitting your culture, it sounds Pollyanna-ish. You're like, please. We're going to have tea with these people? They're killers, killers, I tell you! And, you know, then we get the Fox-CNN thing going back and forth, which is unhelpful. (Laughter.)

But, in reality, we're telling you that we're using what works and what keeps the nation safe and what enables us to go back and exploit those sources. You know, the unprofessional who doesn't know and has an expectation of what they've seen in popular culture or myth, they're misinformed.

MR. NAVARRO: Yeah, to answer your question, and I appreciate Stu, who I have tremendous respect for because he ran one of the finest intelligence centers probably in the history of the United States during the Cold War, is number one is, to answer your question, is we must never use the Gestapo playbook to conduct these operations. First of all, if you go back to – even the Nazis would tell you – because they did after-action reports – that torture, most of the time, was, in fact, not working. They were having to kill whole villages. Sleep deprivation, according to their own reporting, sleep deprivation, within three days, started to cause delusions and other mental problems.

And it's interesting; we can live without food for almost two weeks, but right at the edge of three days to four days, we cannot live, we literally die without sleep. So does that rise to torture? I would argue that it does. As for cold rooms, I'm cold right now – (laughter) – so I'm prepared to charge somebody here with malevolence. (Laughter.)

But we really have to be very careful and, unfortunately, we have that record from the Nazis who did terrible things and they even recognize that some of these things don't work. The most successful German interviewer, Hans Scharf (ph), didn't use any technique that employed any kind of torture or so forth and he was able to produce more intelligence, more information than anybody else within the German intelligence industry.

And it says a lot about – you know, a lot of times – and I see this because I've talked to the public and they say, well, you know, if you just shoot the guy next to him, the other guy will talk. There's a lot of anger and we want to hurt somebody because we've been hurt, but that doesn't – you know, we are about collecting information. We've heard the term “interview interrogation.” There's other techniques: there's elicitation; there's observation; there's conversation. There's other techniques that are very useful to us that are familiar to us in the intelligence community. It doesn't have to rise to interview and interrogation.

MR. ROBINSON: It doesn't have to be a false choice. Often times, the media has issued and reports on a false choice that's been delivered by a politician. I'd rather have neither than either of the choices that the politician is pointing out and stick with

something that makes sense and works. And it's recognizing the false choice and being able to bring the conversation back to what works which is really important, especially in an election year.

MR. MILLER: Front row.

Q: David Rosen (sp), Vanity Fair magazine. Just a quick comment on sleep deprivation. In the early 17th century in England, James I said up the office of the witchfinder general with very strict instructions not to use any method of interrogation other than sleep deprivation. And the result was the greatest and most terrible wave of witch-burning that England ever saw. I suppose you could say it worked and that we don't have a witch problem any longer, but – (laughter) –

COL. HERRINGTON: Only Joe is old enough to remember that.

(Laughter.)

MR. NAVARRO: Nor do we have that problem in Massachusetts. (Laughter.) We got rid of our witches, too.

Q: And, indeed, they used the same method in Salem, as did the Stasi. But I just wanted to look at a transatlantic – ask you a transatlantic question here. As you can hear, I come from England. In the United Kingdom, in the last few years, the police and MI-5 have broken some very serious terrorist plots, for example, Operation Crevice. And the Operation Crevice trial, you don't get better evidence. The guys were in their lock-up garage being filmed on a hidden camera with a huge explosive. Well, it hadn't been made into a device yet, but a huge quantity of explosives, detonators, and they were bugged saying they were going to blow up a shopping mall and a nightclub. And there was Darin Barrett (sp) who was caught, you know, he basically got on the plane to do a shoe bomb like Richard Reed and then, basically, lost his bottle, as we say in Britain, and decided not to do it.

As far as I'm aware, none of these conspiracies – and there were others in the works; there are trials pending – were broken as a result of coercive interrogation methods or torture. And none of the original leads that led the authorities to make those arrests resulted from that kind of lead from Guantanamo or anywhere else, CIA black sites.

In contrast, the kinds of plots that we're told were thwarted by the use of torture, of Abu Zubaida or KSM or whomever, appear to somewhat vaguer. Yeah, we'd like to do the Sears Tower in Chicago. Wouldn't it be great to blow up a nuclear power station? And I wondered if you could comment – particularly, perhaps, you, Joe – on this contrast between the recent experience in the United Kingdom, where there's no suggestion that coercive interrogation has been used at all and these rather vaguer chimerical plots, perhaps, in the U.S.?

MR. NAVARRO: Well, I think we should all comment on this. You know, when you hear these statements that are made: well, so-and-so broke because of, you know, I would say, as attorneys often say, so say you. I would have to really look at that. Having the de-briefers and what's working in theater, in country and so forth, I can tell you that these coercive techniques are not working and they're not necessary. And having dealt with MI-5 and MI-6, once again, it demonstrates that these traditional non-aggressive techniques do work.

We in the FBI have at least 40 years of doing this sort of thing. You know, remember, the KKK was the largest terrorist organization in America. We penetrated that. We recruited that. And you talk about individuals that hated, these people really hated. They didn't want the South to change. They didn't want blacks to vote. We penetrated that. We recruited them and so forth. We've done that with every group.

That some people now – and it's striking, as Ken said – that one organization, one of all of them is asking for extraordinary techniques, is just mind-blowing. Why is it that only one organization is asking for these techniques? And that's what's astounding because nobody else is – the FBI isn't asking for it.

COL. HERRINGTON: The Army isn't asking for it.

MR. NAVARRO: The Army's not asking it. You would think the Marines would? They're opposed to it. So you have to ask, what is going on here? What is the reality behind this, because we don't need this and, frankly, we don't want it.

MR. MILLER: It's coming up on 11:30. We have time for one more question. How about all the way in the back?

Q: Mark Jacobsen (ph), I'm a staffer up on Capitol Hill. I have two questions: one for Ken and one for the rest of the panel. Right now, Congress is considering whether or not the detainee – the interrogation techniques in the new Army field manual 2-223 should apply to organizations outside the Department of Defense and intel community, be that CIA, FBI, anyone else you can think of. And what I'm wondering is whether or not you feel that this blanket approach – and I don't mean that to be a pejorative term – is the right way to go. Are we okay with the techniques that are now federal law in the Army FM or should we have specific techniques for each agency?

And, for Ken, and, again, for Stu and Joe, if they wish to comment, how do we break the myth? We can create all of the great policies in the world we want to next year, but how do we break this myth in the public that if we do it the correct way, it's the Pollyanna-ish way?

MR. ROBINSON: Part of breaking the myth is getting it into popular culture. Human Rights First actually has taken a lead on that and has really penetrated that in terms of – they've gone in with an engagement plan of public information and have gone out and sat down and met with producers in Hollywood, all of the big studios, all of

major successful shows and really delivered some convincing messages about this and really had an impact and caused a debate. But they shouldn't – that shouldn't be the only thing; it has to be repetitive and you have to continue it because they have a short memory out there.

The other issue is, I think, the director of the agencies needs to speak candidly about this, more than they do. Unfortunately, we are living in a politics of fear and in the worst times right now because we're in an election year where everyone is told, you know, six months prior to six months after, no decisions are being made on anything because nobody wants to screw up, nobody wants to be the guy that lit the fuse of the October surprise, whatever that's going to be. So people are afraid to touch any major issues. They're afraid to fund anything. They're afraid to move the ball forward in any way. And these are issues that should transcend party.

These are issues that should be taken out of the political context and put into the it's-in-the-national-interest, because both presidents face – both candidates face the exact same choices in – when they're elected: bad and worse. And so, ostensibly, both are facing bad and worse, and both of those choices that are on their short list, they're pretty much aligned on. They're not that – there's not that much distance between them. Is then, how do we help them get on with the bad so we can maybe prevent the worst from happening?

That's – in the short term, that's kind of my shtick. The other thing is to find groups like this, people who actually have done it and have some legitimacy and encourage them in the forums because a lot of these things, you know, we're citizens; we're not in any democracy; we're in a republic. And we've got an opportunity to get up and say something. And we need to find all of the right forums in which to articulate it and that's really important, to have those voices not be drowned out. But, again, with the politics of fear that's occurred, what you've had is you've had really good men and women who've been silenced because an administration has created an environment where, if you question the government, you are therefore resigning yourself as a loyal American citizen. It's un-American. We have an unalienable right to bitch. (Laughter.) Everybody has it.

And in the last few years, that has gone away and then there are attack groups, which are very professional, I tip my hat to them. I've never seen a group that was better than the attack groups that exist right now in the campaigns. They've really gotten sophisticated about it. But Americans have got to have a right to bitch. And they have to be heard. And, right now, what we've done is we've allowed just one thing in “The Lord of the Flies” to hold the conch (ph). And there's just not one. I mean, we've got to pass that thing around. And to do that, we have to have help of the Fourth Estate.

MR. MILLER: Joe, can you touch on the question of whether the Army field manual ought to apply to all of the other agencies?

MR. NAVARRO: The – I think it's unfortunate to use the Army field manual. You know, it's – had we not had all of these problems, had we not had the confusion caused by Rumsfeld's memo and the attorney general's vagaries and so forth, we wouldn't need this because there was stuff in place. Number one is we had federal laws to what conduct is permissible. More importantly, we had case law from the Supreme Court and appellate courts that said, you know, you as an investigator are allowed to do this and this, but not that. To now further restrict yourself with a bullet list, I suspect, will be used against you by defense attorneys and so forth – and say, well, you know, you did something that wasn't written in the bible. As an investigator, I don't think it helps things. I think things were fine before, but because all of this vagary was created, it's now brought us to this, which I think will have unfortunate consequences.

COL. HERRINGTON: The quest for a single standard so that everyone knows if you're an agent of the United States government, be it a uniformed guy like me, an FBI agent like him, or a CIA case officer, the quest for that single standard is a good idea; it's a good idea. Thinking that, given its culture and its unique history, that the CIA is going to be enthralled with being told that you follow an Army field manual is a bad idea. (Laughter.) It's a bad idea.

We need a single standard, but I'm kind of on Joe's side that we've always had – until the recent aberration – my phase, the wrong turn – until this recent aberration, there was no issue here. Everyone knew what the do's and the don'ts were and it was never, ever, ever in my mind's eye for a nanosecond when I went to Vietnam as a young officer that I would mistreat prisoners. In fact, there was a Mackabee (ph) regulation that told us clearly, if we witnessed torture that we should try to stop it, absent ourselves from the scene, and report it.

MR. ROBINSON: That's military law of comportsment.

COL. HERRINGTON: Yeah, it's in the uniform code of military justice. So the long and short of it is, there needs to be a single, agreed-upon standard of what we do and what we don't do. There's plenty of statutory devices out there to do it that would be better than the Army field manual with its, you know, fear up, fear down, and all of that other stuff. I never read it, by the way. (Laughter.) In my whole career as an interrogator, I never read the interrogation manual. I didn't need to look at a manual to give me, oh, am I going to use fear up or fear down or what have you. I looked at the person across the table. And I looked at everything I knew about him and tried real hard to figure out what fit. And I never had an issue about something being wrong because my moral compass guided me. And I think we need to go back to that.

MR. MILLER: Well, that's about all of the time we have. Thank you very much for coming. Thank you to our panelists. (Applause.) And thank you to CSIS and to Human Rights First.

(END)

