

**EXTRAORDINARY TECHNIQUES FOR EXTRAORDINARY  
TIMES: A STUDY OF THE CIA'S USE OF ENHANCED  
INTERROGATION TECHNIQUES AFTER 9/11**

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## **ABSTRACT**

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**Title:** Extraordinary Techniques for Extraordinary Times: A Study of the CIA's Use of Enhanced Interrogation Techniques

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The Enhanced Interrogation Techniques (EITs) used by the Central Intelligence Agency in their Rendition, Detention, and Interrogation (RDI) Program on captured members of al-Qaeda after the September 11, 2001 attacks have been the subject of much scrutiny by politicians and the American public. This paper will study why the CIA chose to use EITs after largely forgoing the use of coercive questioning after the Cold War and to what extent the use of these measures was effective in obtaining unique, actionable intelligence that could be used in the War on Terror to bolster our defense against al-Qaeda. In this paper, I will cite multiple studies conducted on the EIT program and the writing of major figures involved in the design, approval and implementation of these EITs to make the argument that these techniques yielded intelligence that potentially saved countless American lives and led to the capture or killing of many high-level al-Qaeda operatives, including Osama Bin Laden, the mastermind of the 9/11 attacks.

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## Introduction

September 11, 2001 marks one of the most significant dates in the history of the United States intelligence community. Suddenly, a stateless body of seemingly untrained, unorganized, ideologically-motivated individuals became the biggest threat to the United States' security. The CIA and other U.S. intelligence organizations had to swiftly decide how to respond. On September 17, 2001, President George W. Bush signed a Memorandum of Notification (MON) which authorized the CIA to capture and detain persons "who pose a serious, continuing threat of violence or death to U.S. persons and interests or who are planning terrorist activities" (SSCI). Using this authorization, the CIA eventually designed and ran the so-called RDI program in an effort to combat al-Qaeda and Islamic extremism abroad. While many aspects of this program were very controversial both legally and ethically, in this paper, I will focus primarily on the efficacy of EITs at gaining intelligence that the CIA could not have obtained through other means.

This paper will pose two questions: First, why did the CIA decide to use EITs in their pursuit of strategic information on al-Qaeda, as these were similar to earlier CIA interrogation tactics that they taught to soldiers of foreign governments. And, second, to what extent were EITs an effective means of acquiring intelligence from captured al-Qaeda operatives?

I will start by providing background on al-Qaeda, the 9/11 attacks, and EITs. Then, I will explore the initial question of why the decision to employ EITs against terrorists after 9/11 was made. After this, I will examine two opposing primary sources — the Senate Select Committee on Intelligence's (SSCI) Report and CIA's Rebuttal to

that Report — to attempt to gather objective data on the use of EITs against notable detainees. Then, I will explore the differing opinions of major figures and intelligence officers about the effectiveness of EITs. Finally, I will examine EITs from a psychological perspective, outlining general scientific thought on the use of psychological coercion as a means of eliciting information from subjects.

Ultimately, I will argue that the use of EITs on al-Qaeda operatives was successful at gathering valuable intelligence on the locations of senior al-Qaeda leaders, al-Qaeda attack plans, and, most significantly, I will argue that this intelligence eventually facilitated the capture and killing of al-Qaeda leader Osama Bin Laden.

## **Methodology**

The research required to answer the question which is the subject of this paper proved difficult to conduct, as much of the information remains classified due to national security concerns. The original Senate Select Committee on Intelligence Report, which was the largest source of factual data available to me on the topic, was 6,000 pages long. However, only around 500 pages of this report have been released in an Executive Summary with the rest remaining classified (Zenko).

In this study, I also attempted to examine scientific data on coercive interrogation but found that those in the field of psychology have yet to produce experiments that are of value to this paper because the conditions of the Enhanced Interrogation Techniques are very difficult to replicate both due to ethical constraints and difficulty of finding subjects.

The sources I was able to use included many personal accounts of former CIA Officers and government officials who were involved in the development and implementation of EITs or, conversely, that took issue with the Program and have since written about its drawbacks. The nature of these sources meant that I had to navigate the opinions of people who had drawn different conclusions using much of the same evidence and make a determination about who was correct. Biases exist across the political spectrum, as do incentives to make certain claims. The way that I approached my data was primarily through the lens of credibility. I considered the quality of the evidence used to back up claims and simultaneously took into account the possible motivations of the individuals making them.

While the research available to me was ultimately sufficient to answer my initial research question, keep in mind as you read the study that this conclusion was drawn using all available evidence, not necessarily all existing evidence.

## **Chapter One: The Backstory**

### **A. al-Qaeda and the United States**

Al-Qaeda is an Islamic extremist militant organization founded and led by Osama Bin Laden in the 1980s. Al-Qaeda is classified as a foreign terror organization by the United States. Originally engaged in supporting the Afghans' War with the occupying Soviet Army, the organization's purpose morphed significantly over time. Upon the Soviet withdrawal from Afghanistan in 1989, al-Qaeda began to direct their message and resources more globally, recruiting Muslim militants from around the world. In 1998, Bin Laden published a fatwa or religious order "claiming that America had declared war against God and his messenger, and they called for the murder of any American anywhere on earth" (9/11 Commission Report, 47). The first major attacks against the United States by Al-Qaeda were the bombing of U.S. embassies in Kenya and Tanzania and the suicide bombing of the U.S.S. Cole which was refueling in Sana, Yemen (Wright).

On September 11, 2001, al-Qaeda carried out their first attack on U.S. soil, killing thousands of Americans. Al-Qaeda operatives hijacked and flew commercial jetliners into the twin towers of the World Trade Center and the Pentagon while a fourth aircraft crashed in a field in Pennsylvania. That plane was intended to hit the Capitol in Washington, D.C. These attacks shook the nation to its core. Never before had a non-state actor been such a major threat to the safety of American citizens, and even more daunting, the U.S. government did not know when it would happen again. For years, people were afraid to attend sports events, amusement parks, and shopping malls. The

Bush administration responded swiftly, decisively, and in a way that would be scrutinized for years to come.

Prior to 9/11, the CIA did not prioritize hunting and destroying al-Qaeda because there had not yet been an attack on the U.S. homeland and because they feared upsetting Saudi Arabia, a close U.S. ally (Wright). The CIA established a U.S.-based unit called ALEC Station to tackle the terror threat of Al-Qaeda, but ALEC Station was rather small and lacked significant funding as well as legal authority to take measures beyond collecting and evaluating information. By authorizing the CIA covertly to detain and question foreign terror targets, the Bush administration allowed the CIA to begin their RDI program. Then, in February 2002, President Bush issued an executive order declaring that Al-Qaeda terrorists did not qualify as prisoners of war and thus were not entitled to the protections afforded by the Geneva conventions (9/11 Commission Report).

### **B. Enhanced Interrogation Techniques**

One of the main components of the RDI program and the one which this paper will focus on is the Enhanced Interrogation Techniques employed by CIA officers to acquire intelligence from terror suspects detained at CIA “black sites” abroad. EITs included the use of physical threats and harm to attempt to induce in the detainees a “learned helplessness” that would cause them to reject Al-Qaeda and provide valuable information. According to the SSCI, these EITs included the following:

1. Slapping and Walling - slamming detainees against a wall or a hard surface to cause immediate pain and minimal physical harm; this was intended to cause disorientation and a feeling of loss of control;

2. Sleep Deprivation - piping loud, jarring music into the detainees' cells for days on end, sometimes keeping the lights on 24/7, and sometimes making them stand for days so as to prevent the detainee from sleeping leading to hallucinations and a feeling of desperation; this could result in up to 180 hours of awake time for the detainee;
3. Nudity - detainees were forced to be nude while chained to the wall and unable to cover themselves in order to degrade the detainee and demonstrate their complete lack of control;
4. Waterboarding - detainees were laid down on their backs with a cloth over their face. Then, water was poured over the rag to simulate the feeling of drowning for the detainee;
5. Confinement - detainees were sometimes threatened with or actually placed in small, dark boxes for hours on end where they could not straighten their legs or arms;
6. Extreme Temperatures - some detainees were forced to take ice baths, and some facilities for detainees were not heated in the winter, causing extremely cold conditions for detainees;
7. Lack of Basic Human Services - detainees were often deprived of food and water for days on end and were sometimes subjected to rectal rehydration or rectal feeding. Detainees also were forced to go to the bathroom on themselves or in a human waste bucket kept in their cells;

8. Isolation - detainees were kept alone and completely isolated from one another with no view of the outside, which contributed to feelings of helplessness and desperation.

From late 2001 to 2005, these techniques were used by the CIA in hopes that the detainees they captured would surrender information regarding attack plans of al-Qaeda or the location of high-level operatives like Bin Laden or 9/11 planner Khalid Sheik Mohammed (KSM). Over 119 al-Qaeda senior figures were captured, held, and interrogated by the CIA at these black sites. At least 39 of them, according to the SSCI report, were subject to some or all of these EITs.

In 2002, the CIA contracted with two psychologists to evaluate and improve their EIT program. They developed these techniques using the logic of “learned helplessness”, a theory that detainees would break down and offer information upon understanding the reality of their situation — that they no longer had power. Later in 2002, the CIA outsourced many of its EIT operations to the company belonging to these two psychologists and signed a contract worth \$180 million for them to implement and fine-tune these interrogation methods (SSCI).

These psychologists developed a comprehensive strategy to hone the use of EITs so that they were as effective as possible. They developed a two-pronged approach. First, because they wanted detainees to cooperate when EITs were not actively being used, the interrogators needed to condition them such that “the mere thought of being deceitful triggered fear and emotional discomfort” (Mitchell 152). Then, in order to reinforce this cooperation, they had to condition them to feel relief upon cooperation. To do so, interrogators used Pavlovian conditioning by timing “the application of an aversive EIT

such as walling to start when they were thinking about withholding information and stop when they were thinking about anything else” (Mitchell 153). To create the sense of relief upon cooperation, psychologists instructed interrogators to use avoidance conditioning, in which they “had to orchestrate events so that (detainees) could escape or avoid the adverse consequences of being deceitful when and only when they actually tried to cooperate, even if in the beginning, that cooperation was miniscule” (Mitchell 154). Typically, after the initiation of EITs, it took a mere 72 hours for detainees to try to cooperate with their interrogators (Mitchell 157).

### **C. History of Enhanced Interrogation**

Through United States history, different tactics have been used on prisoners of war to elicit information for strategic purposes. The focus of this paper will perhaps be the most controversial of those tactics, post-9/11 EITs, which many believe should be regarded as unlawful torture, though they were judged by the Department of Justice during all periods covered by this paper to be lawful. Prior to 9/11, similar techniques were taught by the CIA in the mid-20th century, specifically in Latin America and Asia. During the 1950s, two neurologists, who were working for the CIA, discovered the Soviet KGB’s “most devastating torture technique involved, not crude physical beatings, but simply forcing the victim to stand for days at a time—while the legs swelled, the skin erupted in suppurating lesions, the kidneys shut down, hallucinations began” (McCoy n.p.). After this, they began to research such interrogation techniques for the CIA’s own use.

After research and codification in CIA rules, starting in the early 1960s, the CIA began teaching certain similar techniques to foreign soldiers in Asia and Latin America,

specifically in Vietnam and Honduras. In Honduras, there is a record of a CIA handbook for training of Honduran soldiers, instructing them to “manipulate the subject’s environment, to create unpleasant or intolerable situations, to disrupt patterns of time, space, and sensory perception” (CIA Human Resources Exploitation Manual – 1983). These techniques would be shelved for years until their later use on Al-Qaeda detainees in the early 2000s, as “this 1983 handbook specified techniques that seem strikingly similar to those outlined 20 years *earlier* in the KUBARK Manual and those that would be used (...) years *later*” (McCoy n.p.).

After the end of the Cold War, and the ratification of the UN Convention Against Torture in 1994, the United States’ endorsement of such tactics was lifted because the United States became very vocal advocates of human rights. However, President Bill Clinton was careful in his signing onto this agreement – making sure to include ‘mental torture’ in his list of diplomatic reservations – ensuring that “sensory deprivation and self-inflicted pain—the very techniques the CIA had refined at such great cost” were excluded from the definition of torture (McCoy). With Clinton’s care to protect these techniques so that they were not off the table for future use, the President could authorize the CIA to resume their use of these tactics whenever he/she found it suitable, but these techniques were not used again until after the fateful day of September 11, 2001, which begs the question: what about 9/11 prompted the United States to resume using interrogation techniques similar to those it had previously shelved?

#### **D. Enhanced Interrogation in the Case of al-Qaeda**

On December 22, 2001, Richard Reid boarded an American Airlines flight intending to blow it up in the name of al-Qaeda using explosives in his shoes. After his

failed attack, he was funneled into the US criminal justice system, affording him the same constitutional protections that a US citizen would have if they held up a convenience store. President Bush cited this case as one of his main motivations for expanding the CIA's overseas detention and interrogation program. He wrote that "Reid's case made clear we needed a new policy for dealing with captured terrorists. In this new kind of war, there is no more valuable source of intelligence on potential attacks than terrorists themselves" (Bush 165). The first al-Qaeda operative for which Bush approved these interrogation techniques was Abu Zubaydah. In describing his decision to approve these techniques for use in Zubaydah's case, Bush explained that "Zubaydah stopped answering questions (...) Zubaydah was our best lead to avoid another catastrophic attack. 'We need to find out what he knows,' I directed the team. (...) CIA experts drew up a list of interrogation techniques that differed from those Zubaydah had successfully resisted." Despite Bush knowing that "an interrogation program this sensitive and controversial would one day become public" and would open his administration "up to criticism that America had compromised our moral values", Bush decided to approve these interrogation methods because of the urgency he felt to prevent another devastating attack on the United States or its allies (Bush 169). Dr. James Mitchell, who was contracted to aid the CIA with the design and administration of these EITs, put the situation into perspective in his book *Enhanced Interrogation*, when he describes the atmosphere at the CIA after 9/11:

It was a year and a half since the 9/11 attacks; while Americans were struggling to get their lives back to normal, at the CIA, things were still in a state of emergency. They were struggling to counter the threat of more mass casualty attacks at home

while undertaking high-risk operations to find, capture, or kill those who had blindsided us on 9/11. They needed to build liaison partnerships in other parts of the world and redirect massive amounts of money and resources. The threat level had not changed significantly since 9/11. In many ways it was the worst case scenario.

- The CIA had reliable intelligence indicating that a catastrophic terror attack, possibly involving a nuclear device, was in the works and could occur at any moment
  - The CIA was under tremendous political and psychological pressure to do ‘whatever it took’ to stop the next attack
  - In order to stop it, the CIA needed perishable, time-urgent information.
- (...)

For many at the CIA, it felt like a ticking time bomb scenario. (...) The threat of another catastrophic attack was palpable. (Mitchell 150)

Mitchell goes on to explain that the CIA certainly attempted to use traditional interrogation techniques initially but that these techniques largely failed because these jihadists were “psychologically resilient, highly skilled at protecting information, and tough enough to withstand earlier efforts to coerce” (Mitchell 150). The combined looming threat that al-Qaeda posed, the fear of the unknown, and the unique ability of al-Qaeda members to withstand traditional methods of questioning combined to lead the CIA officers and President Bush to the conclusion that the use of EITs was necessary for the safety of American citizens.

***E. The Senate Select Committee on Intelligence: Committee Study of the Central Intelligence Agency's Detention and Interrogation Program***

The Senate Select Committee on Intelligence (SSCI) published a review of the CIA's RDI program in 2014. The study, which began in 2009, was originally bipartisan with both Democrat and Republican Senate staffers working to write it until the Republican staffers were pulled from the project because it became exceedingly clear that the Democrats had an agenda in publishing the study that was far from bipartisan in nature. In fact, the Democrats' mission became weaponizing the report to use in the next election. A report that portrayed the Bush administration in a negative light would certainly reflect poorly on future Republicans running for office (Brennan 304). Senator Diane Feinstein (D-CA) was the chair of the Committee and supervised the investigation.

I consider the two sections of the SSCI report separately for purposes of this paper. The second part of the SSCI report is a comprehensive description of the origin and operation of the RDI program, which is primarily factual. The first part of the SSCI Report, however, is the section I take issue with, as the first section is where the Report documents its conclusions as to the effectiveness of the program and lays out its reasoning for doing so. The SSCI Report is not entirely bereft of value, as its description of the Program is arguably the most complete, detailed one available to the public. However, my citation of the second part of the Report should not be confused with an endorsement of the Report's conclusions or findings.

While the Report claimed to be a comprehensive review of the CIA's RDI Program, the study was riddled with methodological flaws. According to Brian Greer, a

member of the Senior Intelligence Service and attorney at the CIA's Office of General Counsel for eight years, while there has been much dispute amongst CIA officers as to the ethicality and necessity of the RDI program, one thing that is unanimously agreed upon is that the "SSCI study was a biased, agenda-driven document because of these flaws, and as a result, they found very little utility in it" (Greer). First, the study neglected to interview a single witness who was subject to EITs or who was in the CIA and ordered or conducted these interrogations. The report was based solely on written memos and files from the CIA without verifying the information with any figures who were actually involved in the program.

Additionally, in connection with debate over the Detainee Treatment Act, CIA briefers briefed the chairs and ranking members/vice chairs of the Senate and House intelligence committees 17 times about the EIT program. Republicans, such as Senator Richard Shelby and Representative Porter Goss, have claimed to have received a "full account of the techniques" and that they had a "full understanding of what the CIA was doing" (Zenko). Conversely, the Democrats, such as Senator Bob Graham and Speaker Nancy Pelosi, exercised selective memory, claiming that they had no recollection whatsoever of being briefed on waterboarding or any extraordinary interrogation techniques and said that they were told these "could be used but not that they would." (Zenko) This is significant because one of the major claims of the SSCI report was that the Program was grossly mismanaged and that the CIA lacked significant oversight. However, if major Senate and House figures were informed about the Program, this means that they either "consented to CIA torture without objection or they allowed a highly dysfunctional relationship between Langley and the intelligence committees to

persist, preventing effective oversight. That, or they are lying about what they actually knew” (Zenko). This presents a big problem for the SSCI Report’s narrative that the CIA recklessly and carelessly carried out this program on their own.

The Report’s core claim can best be described as saying that the EITs did not work and that the CIA lied and fabricated evidence in a collective effort to try to justify their use of these techniques by showing that they were effective. However, “the study’s (...) dramatic claim – that EITs produced no valuable intelligence, and that the agency lied about *every single* claim of success was simply not credible” (Greer). Greer claims that the finding of the SSCI report that there was not one single piece of valuable intelligence garnered from the CIA’s use of EITs assumes that “the CIA consistently and deliberately lied about every claim relating to the interrogation program for a 12-year time period (2002-2014)” and that this would have “required a well-coordinated, secret pact that reached all corners of the Agency. Everyone who ever touched information relating to the program would have needed to be in on it. There would have been countless emails, instant messages, edits to memos, and the like documenting the conspiracy—constantly reminding officers of the party-line on “X claim” and the need to consistently support it” (Greer). However, no evidence of any kind to back up this finding made by the SSCI was ever discovered in the nearly 6.3 million page deep-dive done by the Senate staffers.

The study focused primarily on what the CIA did wrong and why the EIT Program was bad without any acknowledgement of the successes of the EIT Program. The CIA captured and detained countless terrorists who had planned or were actively planning mass-casualty terror attacks against the United States and our allies. They

built a program from a nearly non-existent framework in a matter of months and were successful at preventing another mass-casualty attack on U.S. soil.

The CIA's published rebuttal to the SSCI Report outlines many of these inaccuracies in the report, almost all of which could have easily been corrected by interviewing CIA officers. However, due to the partisan nature of the investigation, there was no incentive for research by the committee for information beyond what was politically advantageous. The SSCI Study on the RDI Program is therefore the only major modern congressional investigation to be conducted without interviewing a single live witness (Greer). Therefore, the conclusions of the Report should be viewed very skeptically, as they show a one-sided perspective on the effectiveness of the EIT Program.

## **Chapter Two: The Science**

This paper also seeks to examine relevant science bearing on the topic, however, there is a dearth of evidence -- and for good reasons. According to Houcke and Repke, a meta-study of research done in the field of coercive interrogation, this acute lack of evidence is due to the ethical considerations that exist when conducting experimental research in the field of coercive interrogation. The restrictions around inflicting pain for research purposes are incredibly stringent, justifiably so. But, there are a few scientific studies that have been conducted which reach differing conclusions. In general, there appear to be two different camps when it comes to scientific conclusions on coercive interrogation: those who think it does not work at all and those that think it works to a certain end (Houcke & Repke 277).

### **A. Coercive Interrogation is Ineffective**

There is limited research which suggests that coercive interrogation techniques similar to the post 9/11 EITs do not work and that interrogators would be much better served using rapport-building tactics in interrogations. However, the scientific basis for these studies is rather slim. The logic behind most of the studies in this field is that there is strong evidence that rapport-building is a successful interrogation strategy and that it is clear that using coercive interrogation ruins any chance at rapport-building, which has been proven to be effective (Houcke & Repke 277). However, these studies fail to consider context. It makes sense that rapport building can work when interrogators are able to appeal to some sense of humanity or common interest in their subject. However, this was not the case with the interrogation of al-Qaeda operatives. These men hate the United States and those who were ideologically different from them, as they had been told that the West had declared war on Allah by a charismatic leader, Bin Laden. I would argue that rapport-building beyond just surface-level was already precluded due to the ideological differences between the detainees and CIA interrogators. Additionally, while rapport-building may be successful in some circumstances, it was even more likely to fail in the case of higher level al-Qaeda operatives who had been specially trained to resist traditional methods of interrogation and had also been religiously conditioned to believe Allah did not want them to reveal information which could hurt their brothers in Allah (SSCI Report 47-48).

One of the main studies which is cited by psychologists to prove that coercive interrogation is ineffective at yielding valuable informational outcomes is the Houck and Conway study published in 2015, which claimed to use a more accurate methodological

approach to the study of torture in interrogations. However, even this “more accurate” approach is still *extremely* distant from the context of the CIA’s EIT program and did an incredibly poor job at replicating those unique conditions. First, the study is careful to only examine coercive interrogation methods that they deem fall within an ‘ethical limit’ of pain. The only actual supposed coercive interrogation method they used was placing the subject’s hand in ice water for a limited period of time, which does not come anywhere close to the methods the CIA was authorized to use (Houck and Gideon 512). This alone invalidates the application of their conclusion to the EIT Program.

Second, the subjects of the experiment were undergraduate psychology students who were aware they were part of a study and were told to protect the location of a marble they’d hidden from their peers, meaning all subjects knew that they would face no immediate harm whatsoever: a condition that also did not exist for detainees of the CIA. The participants were also told that they were allowed to lie and that it would get them out of the pain, which incentivized lying because they knew there would be no more severe repercussions, unlike the repercussions detainees were to face if they lied to CIA interrogators (Houck and Gideon 513).

While this study is supposed to be the closest to replicating the conditions of the CIA’s RDI Program and has been used to claim that the infliction of pain yields inaccurate results, the vastly different context and methodology of the study should render it useless in understanding CIA’s EITs and their efficacy.

## **B. Coercive Interrogation is Effective**

The studies which reach the opposite conclusion are interesting, as well. According to Houcke and Repke, the studies have found coercive interrogation to be

effective and also that coercive interrogation techniques may be successful at eliciting information, but there is a heightened risk that the information shared is untruthful. Two reasons are cited: 1) Those who are subject to interrogation may give false information because they genuinely don't know the answer to a question but want the interrogation to end; or 2) Oftentimes, the infliction of pain or psychological distress can lead to a diminished mental capacity, which can lead to the unintentional disclosure of inaccurate or partially inaccurate information (Houcke & Repke 277).

The CIA after 9/11 was well-equipped to sift through the information given by detainees to discern accurate from inaccurate, and oftentimes, according to Mitchell, detainees told similar false stories because they had received them for this purpose from al-Qaeda seniors. For instance, both Abu Faraj al-Libi and Khalid Sheikh Mohammed downplayed the significance of Abu Ahmed, claiming he had left the organization in 2002. Common misleading narratives are easy for expert interrogators to recognize. Additionally, Mitchell and other interrogators have noted that the body language of the detainees often tipped them off as to whether the detainees were being truthful or purposely deceitful. After spending hours in a room observing a detainee, these interrogators came to know their baseline mannerisms, and when they strayed from them, it became clear they were not surrendering responsive information.

The CIA in the case of al-Qaeda operative interrogations was uniquely equipped to vet lies that the detainees attempted to tell them. According to Philip Mudd, "Interrogators have a few advantages in slowly weeding out lies that the public-utility debate discounts. If the interrogation team had sufficient information on a detainee — for example, the nature of the detainee's contacts with other al-Qaeda members — the

team can withhold that information over time to determine whether the detainee will offer it. If the detainee begins to provide sensitive information that the team can validate, (...) an interrogation team may start to assess that the detainee is at least partially compliant” (Mudd 243). He also says that the large number of detainees that the CIA had in their custody as the EIT Program expanded allowed them to verify information much more easily than law enforcement interrogators would be able to, which further minimizes the risk of lying greatly affecting the ultimate conclusions drawn from information provided in an interrogation.

### **C. Notes on Scientific Studies**

An important thing to note is that scientific organizations unfortunately are not entirely insulated from the world of politics because the individuals who conduct studies and publish their findings. Especially in a field like psychology which requires the recording of rather subjective data, scientists often have very strong political opinions which can, even if unintentionally, influence the findings of their studies.

When psychological studies in the abstract remain rather inconclusive about whether coercive interrogation is generally a successful strategy, the next best thing to look at is data from when these enhanced interrogation techniques have been used. As previously established in this paper, the CIA has documented multiple instances of valuable, previously unknown information that was obtained through the use of EITs. Though they may not have been perfect, on net, the information gained from these detainees was incredibly valuable to the US government’s understanding of al-Qaeda, which therefore implies that the use of coercive interrogation was successful in this

context. Scientific studies' objectivity of circumstances can be useful sometimes, but in a study such as this one where context is so key because the situation is so unique, it is hard to apply general psychological studies to very specific circumstances, though many of the most vocal anti-coercive interrogation advocates have attempted to.

### **Chapter Three: The Detainees**

There is no comprehensive report on the efficacy of EITs and their utility in intelligence-gathering because much of the information remains classified by the US Government. However, there have been two major unclassified reports assessing their effectiveness: The aforementioned SSCI Report's Part II and the CIA's Rebuttal to this report. I will analyze both of these reports to gather objective information regarding the unique intelligence gained from the interrogation of the detainees.

#### **A. Abu Zubaydah**

The first major terror target captured was Al-Qaeda facilitator, Abu Zubaydah, who was located and detained by CIA working with the Pakistani government. There was much debate within the government over where to hold Zubaydah as the CIA needed to strike the balance between maximum secrecy and security and the maintenance of complete control over the interrogation process. Ultimately, the CIA decided to place him at a covert detention facility in a location classified by the US government but reported to be in Thailand by major media outlets (Johnson). Initially, Zubaydah was questioned by FBI agents who were experienced at questioning Al-Qaeda operatives. After being treated for gunshot wounds, Abu Zubaydah revealed that a man nicknamed Mukhtar (the "Brain") was a major figure responsible for the attacks which

took place on 9/11. The CIA would later find out that this man's real name was Khalid Sheikh Mohammed, and he was already in their database for his involvement in a prior planned terror attack against the United States. Abu Zubaydah reported that KSM trained the men who hijacked the planes on 9/11 and was the man in charge of all of Al-Qaeda's operations outside of Afghanistan (SSCI, Pg. 25).

After Zubaydah's full recovery, the CIA decided to use more coercive interrogation techniques to maintain control over him in order to learn of future terrorist attacks planned against the United States and informed the FBI agents that they would no longer be involved in the interrogation. He was then placed in isolation for 47 days without being questioned. To increase his responsiveness to EITs, Zubaydah was sleep deprived and kept naked. According to the CIA, Zubaydah provided vital intelligence during this phase of interrogation that prevented what they dubbed the "Dirty Bomb Plot" and led to the capture of Jose Padilla by revealing that two men had approached him about detonating a uranium bomb on U.S. soil and that he had sent them to KSM for guidance. Zubaydah also provided intelligence regarding the structure of AQ, their training methods, and their attack tendencies. However, his inability or unwillingness to provide information on terror cells in the United States drove the CIA to persist with their use of EITs in Zubaydah's case. The CIA ultimately employed waterboarding to attempt to gain more information from Zubaydah. In sum, the CIA considered their use of EITs a success in his case partly because his persistent denial of knowledge of US Al-Qaeda cells told the CIA that he was being honest and "had not been withholding the aforementioned information from the interrogators" (SSCI 37). According to the CIA, Zubaydah made a statement to them saying that "brothers who

are captured and interrogated are permitted by Allah to provide information when they believe they have reached their limit of ability to withhold it in the face of psychological and physical hardships” (SSCI Report 47-48). The existence of this statement is questioned in the SSCI report since the CIA did not document it; however, the CIA has maintained that he did indeed say this, and that this is why they used EITs in his interrogation (SSCI Report 47-48).

Abu Zubaydah is a notable detainee because he was the first al-Qaeda operative to be subject to waterboarding as a form of interrogation. On August 3, 2002, the CIA informed the interrogators in Thailand that they had received authorization to use waterboarding against Abu Zubaydah (SSCI 40). This is significant, as he was one of only four detainees to actually have been subjected to waterboarding out of more than one hundred who were held at these black sites because he was the first detainee that was deemed high enough up in the organization to potentially have significant information on both Bin Laden and on potential future attacks. He is also significant because the CIA used his interrogation as “a template for future interrogation of high value captives” (SSCI Report 46).

## **B. DETENTION SITE COBALT**

Ridha Ahmed al-Najjar is another significant detainee, as he was suspected by the CIA to be Bin Laden’s former bodyguard. The CIA’s plan for questioning Al-Najjar was recorded in a CIA cable, which included instructions to use loud music 24 hours a day to disrupt thinking and sleep, worsen the quality and amount of food to the point where it reached minimal standards for nutritional adequacy, isolate him in complete darkness, keep him in cold temperatures, and keep him shackled and hooded at all times.

Additionally, al-Najjar was reportedly not given access to any bathroom facility and was forced to wear a diaper (SSCI 53). Al-Najjar was held at a notorious black site called “DETENTION SITE COBALT” that is widely reported to have been in Afghanistan (Rushe et al.). And reportedly, this interrogation plan for al-Najjar “became the model for handling other CIA detainees at DETENTION SITE COBALT” (SSCI 54).

Detention Site Cobalt is important because it gained notoriety as the site of the first reported death in the RDI program. In November 2002, a contract interrogator for the CIA, Hammond Dunbar, was sent to Afghanistan to assess Gul Rahman, another member of al-Qaeda who had been captured and detained by the CIA, for the potential use of EITs. This interrogation reportedly included “48 hours of sleep deprivation, auditory overload, total darkness, isolation, a cold shower, and rough treatment” to gain compliance by Rahman (SSCI 54). Later in November 2002, a CIA officer left Gul Rahman shackled to his cell wall, resting on the concrete floor and almost completely naked because he had not cooperated during an interrogation that day. The following day, when guards entered his cell, they found Gul Rahman dead, which an autopsy later assessed was due to hypothermia after having to sit on a bare concrete floor without pants in a freezing cold room (SSCI 54).

This is significant because after the death of Gul Rahman, a series of measures was taken to create increased accountability and guidelines within the program. In January 2003, CIA Inspector General John Helgerson reviewed the death of Rahman and discovered that there was a severe lack of guidelines for the CIA’s use of EITs at COBALT and that interrogators with no training were the ones carrying out the EITs without supervision. In late January 2003, Director of Central Intelligence (DCI)

George Tenet issued the first formal interrogation and confinement guidelines for the EIT program (SSCI 62). These guidelines established basic standards for detention facilities at which detainees would be held; the standards required that the facility be sufficient to meet basic health needs. They also required that there be quarterly assessments of the conditions at detention facilities for accountability purposes. Improvements were made at facilities to allow detainees bi-weekly or weekly medical evaluations, the opportunity to brush their teeth and wash their hands prior to meals, and occasionally, even bathe. The new guidelines by the DCI also listed 12 new "enhanced techniques" which could be used only with express approval before use by the director of the CTC (Counterterrorism Center) and established a list of standard enhanced interrogation methods which could be used without prior approval (SSCI 63).

### **C. Khalid Sheikh Mohammed**

KSM was originally held in Pakistani custody and was subject to sleep deprivation by the Pakistani government. While in custody, he lied about knowledge of attack plans and the locations of Bin Laden and al-Qaida Number Two Aymin al-Zawahiri. According to the SSCI, he provided limited information on various al-Qaeda operatives who had already been captured, which they inferred meant that KSM was willing to discuss operatives throughout his detention (SSCI 81). This, however, is a misleading assessment. KSM was known to be one of the top leaders of al-Qaeda by the time he was captured, as he was one of the masterminds of 9/11 and because Bin Laden at this point was in hiding. This means that KSM likely knew exactly which operatives had been captured and whether each of them would be valuable at all to US efforts to dismantle al-Qaeda and to locate Bin Laden. The CIA noted that KSM was selective about which

information he revealed, often intentionally sending interrogators down useless paths to get a reprieve from interrogation and to confuse them. So, the Senate Report's vague statement that he was willing to give up information prior to receiving EITs is intentionally misleading because the information KSM gave to the Pakistanis was information he knew would not cause much harm, as the operatives he discussed were already detained.

The SSCI report makes vague, rather misleading, statements like these throughout its descriptions of detainees' interrogations because they apparently sought to fundamentally mischaracterize the purpose of EITs. As noted in Chapter One, the purpose of EITs, as conceived by the CIA, was not to elicit accurate information from detainees immediately. Rather, it was to, over time, induce detainees into a state of learned helplessness and thereby facilitate compliance after multiple sessions of interrogation. The SSCI Report notes that KSM was subjected to EITs during questioning including "facial and abdominal slaps, the facial grab, stress positions, standing sleep deprivation, nudity, water dousing, and rectal dehydration", but all he did was provide throwaway information (SSCI 82). This pattern would make sense under the CIA's theory of learned helplessness. None of the EIT defenders in the CIA believed that one session would break an al-Qaeda operative as well-trained and senior as KSM, but the SSCI report argues that the lack of concessions by KSM after only one day of EITs indicates the techniques were ineffective. In fact, part of the reason EITs were used on KSM was because he was so stubborn in yielding information.

The attacks thwarted by information revealed by KSM after the use of EITs will be discussed later in the paper.

#### **D. EITs and the Hunt for Bin Laden**

One of the major accomplishments cited by CIA for the EIT program was in gathering information that would eventually lead to the location of Osama Bin Laden. Bin Laden's courier and most trusted subordinate, Abu Ahmed al-Kuwaiti, had been identified by multiple detainees as very important to Bin Laden and someone who was consistently in contact with him. Ammar al-Baluchi and Hassan Gul, two CIA detainees, both confirmed the importance of Abu Ahmed to Bin Laden. Though the CIA knew of Abu Ahmed before these detainees named him, they had no idea of his importance since they were so inundated with the names of low-level al-Qaeda operatives that it was hard to distinguish those who played key roles. Ammar, after being subject to extensive use of EITs, informed his interrogators that a man with the kunya (or family honorific) of Abu Ahmed al-Kuwaiti delivered messages from Bin Laden to Abu Faraj al-Libi, a fact that was kept very secret within Al Qaeda. Additionally, KSM, the most senior Al-Qaeda operative to be captured and interrogated, lied about Abu Ahmed after being subject to EITs, claiming that Abu Ahmed had left the organization in 2002. Then, after being subjected to EITs, another detainee, Hassan Ghul, confirmed direct knowledge of a message passed from Bin Laden to Abu Faraj in Pakistan in 2003, corroborating what Abu Ahmed had previously told them and confirming that KSM had deliberately lied about Abu Ahmed's departure from Al Qaeda in 2002. When Abu Faraj was captured, he denied even knowing Abu Ahmed, once again confirming the importance of Abu Ahmed (CIA Comments on SSCI Report on the RDI Program 39). Thus, the use of EITs in the cases of Abu Faraj, KSM, Ammar, and Hassan Gul contributed to an accurate understanding of the connections between Abu Ahmed and Bin Laden.

After the CIA learned of Abu Ahmed's importance to Bin Laden, they attempted to learn his true identity from all their detainees. One detainee gave them Abu Ahmed's real name but claimed that he had buried him in Afghanistan in 2001. The CIA then investigated this claim via signals intelligence and found that the detainee had confused Abu Ahmed for his brother who had indeed died. Using other means of intelligence gathering, the CIA located a compound in Abbottabad, Pakistan that they believed had been leased by Abu Ahmed. Information from a detainee, Ahmad Ghailani, helped them confirm this judgment because he told them that Abu Ahmed spoke with a speech impediment and frequently mixed "Pakistani words" with Arabic (CIA Comments on SSCI Report on the RDI Program 38).

Once they had located the compound in Abbottabad, the CIA had to determine with certainty that Bin Laden was, in fact, residing there. This proved to be a difficult task as the compound had high walls, barbed wire fences, lacked an Internet connection, and residents burned all of the trash. Another detainee, Khallad Bin Attash revealed after receiving EITs that Bin Laden no longer met with Al-Qaeda members in person, never left the house where he was living, and used couriers to deliver his messages to members of Al-Qaeda. These all corroborated the fact that Bin Laden was living in this Abbottabad compound with Abu Ahmed (CIA Comments on SSCI Report on the RDI Program 39).

While the SSCI report claims that the Agency already had information on Abu Ahmed, the CIA rebuttal stated that the "intelligence the Agency had on Abu Ahmed before acquiring information on him from detainees in CIA custody was insufficient to distinguish him from many other Bin Laden associates until additional information on

him from detainees put it into context and allowed CIA to better understand his true role and potential in the hunt for Bin Laden” (CIA Comments on SSCI Report on the RDI Program 14).

This is an interesting nuance in assessing the utility of the CIA’s RDI program at gathering unique intelligence. Prior to Ammar’s revelation about the ongoing nature of the relationship between Bin Laden and Abu Ahmed, all the CIA knew about him was that “Abu Ahmed had briefly interacted with Bin Laden before the group’s retreat from Tora Bora, Afghanistan in late 2001, when Bin Laden was relatively accessible to a number of Al-Qaeda figures” (CIA Comments on SSCI Report on the RDI Program 38). So interrogations linked to EITs did not yield the first intelligence on Abu Ahmed, but they still helped uncover valuable, unique information, which would lead to the eventual location of Bin Laden. In their Rebuttal to the SSCI Report, the CIA answered the following claims made in the SSCI Report:

1. Abu Ahmed was a known close associate of Bin Laden in 2002 prior to the extensive use of EITs.
2. The CIA knew that Abu Ahmed had interacted with Osama Bin Laden’s son.
3. The CIA possessed the email and phone number of Abu Ahmed in 2002, which was critical information

The CIA responded to the first claim by, understandably, claiming that Abu Ahmed was indistinguishable in importance from other al-Qaeda operatives prior to the interrogations of Ammar and Gul because he was on a long list of known associates of Bin Laden. As to the second claim, the CIA asserted that Bin Laden’s son worked for KSM, and so the relation of Abu Ahmed to Bin Laden’s son did not necessarily establish

a relationship between the two. And, in response to the third claim, the CIA stated that Abu Ahmed stopped using that contact information in the early 2000s before the CIA was aware of his importance and that neither the phone number nor email could have been linked to any of Bin Laden's locations.

Interestingly, the CIA in their Rebuttal admitted that it is possible that they could possibly have obtained these admissions through means other than EITs but that such a determination was impossible to reach in hindsight. It seems, however, indisputable that there was actionable intelligence generated by the use of EITs in the hunt for Abu Ahmed and by extension, the hunt for Bin Laden.

### **E. Takeaways**

The CIA's use of enhanced interrogation in the cases of Abu Zubaydah, KSM, Abu Faraj al-Libi, and many other high-level detainees clearly yielded information that helped to thwart future attacks and that eventually helped the U.S. pursue bin Laden. It is important to go through the interrogation of each of these detainees, as I have in this section, to know specifically what was done to each al-Qaeda operative, which methods were used, and the extent to which each method was effective.

While the Program certainly had its shortcomings and issues with oversight in the early days, which is what led to the incident at DETENTION SITE COBALT. As a whole, after examining the interrogations of each of the detainees, it is clear that the information surrendered during and after enhanced interrogation sessions was of high value to our understanding of al-Qaeda and our strategic plan to minimize the threat they posed to the United States.

### **F. Uniqueness**

Was the intelligence gathered from EITs ever verifiably unique if it is impossible to know whether the same information could have been acquired without using these techniques? The SSCI report claims that the willingness of detainees like Abu Zubaydah to cooperate prior to being subjected to EITs demonstrates that the EITs were unnecessary to gather needed intelligence in the War on Terror. However, it is a logical fallacy to assume that all humans respond the same to different methods of interrogation. Just because certain detainees willingly offered up information does not mean that others would have done the same. For example, many high-level Al-Qaeda operatives were trained to resist traditional interrogation methods. Ammar, one of the first to give information about Abu Ahmed, resisted answering questions for an extended period of time before giving in to sleep deprivation and his interrogators. It is doubtful that high-level Al-Qaeda operatives ever would have talked about anything that would have helped the CIA discover Bin Laden. While the CIA might have had success questioning lower-level AQ members who were newly recruited and less ideologically extreme and committed, I do not think that the CIA would have been able to get ideologically extreme, highly committed members of Al-Qaeda to talk by merely promising them rewards or speaking to them in a traditional interrogation style because they would have little incentive to give truthful information.

While it still remains a question if the same intelligence could have been acquired by other means, and we can never know for certain, I do not believe it would have been possible for several reasons:

1. al-Qaeda operatives were specially trained to resist traditional forms of interrogation. Reportedly, the CIA had reason to believe that “many, if not all, of

those 30 detainees had received training in the resistance of interrogation methods and that al Qaeda actively seeks information regarding U.S. interrogation methods in order to enhance that training” (Miles).

2. In many cases, prior to the application of EITs, detainees actively lied or gave intentionally vague, misleading information that they knew would complicate U.S. efforts to fight al-Qaeda. An example of this is described by Dr. Mitchell when he discusses Khalid Sheikh Mohammed. He says that KSM purposely gave information about made-up plots, al-Qaeda operatives who had been dead for years, and information that contradicted intelligence that he suspected the U.S. already had obtained prior to being subject to EITs. According to Mitchell, KSM eventually made fun of the FBI agents who conducted his traditional interrogation when he was first captured because they thought he would actually reveal information with no reason to do so.
3. While there may have been the potential for limited success at gathering intelligence using conventional means, there is almost no chance that the al-Qaeda members would have given up information on someone who they knew would lead to Bin Laden, as they idolized him and thought that he represented everything favorable to Allah. It is also unlikely that they would have given up information on attacks that were imminent without good reason because they believed that, as Bin Laden put it in his 1998 fatwa, America had declared war on Allah and that it was their duty as servants of Allah to kill Americans at any given chance.

## Chapter Four: The Aftermath

After it was publicly disclosed that the EITs were being used as part of the CIA's RDI program, the practices of the CIA at these black sites were subject to sudden, rigorous scrutiny. Many differing opinions were expressed as to the effectiveness, legality, and ethical quality of EITs. In this section, I will review the views of CIA officers, politicians and other public figures as to the effectiveness of these techniques in obtaining valuable intelligence.

### A. President George W. Bush

In President George W. Bush's memoir, *Decision Points*, he speaks about his time in office — his regrets, his successes, and his takeaways. With regard to the efficacy of EITs, President Bush maintains that they were indispensable in providing large amounts of information about the structure of Al Qaeda and the ways in which they operated (Bush 169). Bush explains that information from the interrogations of detainees allowed the US to thwart attacks on multiple American diplomatic and military facilities abroad and attacks on the US Homeland. Most notably, Bush asserts that the interrogations of Abu Zubaydah and Ramzi bin al Shibh were crucial in locating and capturing of KSM, who was the mastermind of 9/11 and one of AQ's senior leaders. KSM was "difficult to break" but would eventually, according to Bush, provide invaluable information to the CIA on al-Qaeda and planned attacks, such as a plan to attack Americans with anthrax (Bush 170). After reaching a condition of learned helplessness in CIA custody, Bush argued that KSM became one of the CIA's most valuable assets by revealing a great deal about the inner workings of Al Qaeda, its

members, and its plans, intelligence which “almost certainly would not have come to light without the CIA’s enhanced interrogation program” (Bush 171).

Bush explained his confidence in the program by claiming that over half of what the CIA knew about al-Qaeda came from detainees in the program. Ultimately Bush claims he is confident that without the use of EITs, there would have certainly been another terrorist attack on the United States (Bush 171).

While Bush certainly had an incentive to portray his administration in a positive light, which could color his stance on Enhanced Interrogation, I do not think this happened here. Bush was incredibly engaged in overseeing these programs and tracking progress. Additionally, in his memoir, Bush does admit to other shortcomings in his administration, but this is not an area where he acknowledged doubts. It is also important to note that, partisan incentives aside, there are mountains of documents supporting President Bush’s claims that are not cherry-picked and stage-managed, unlike the SSCI Report’s claims.

### **B. Director John Brennan**

John Brennan was the Director of the CIA from 2013-2017 and was a former advisor to President Barack Obama. He wrote a memoir called *Undaunted: My Fight Against America’s Enemies, At Home and Abroad*. In his memoir, Brennan discusses the fallout of the CIA’s RDI program that they used after September 11, 2001 to gain intelligence on Al Qaeda. Brennan was the CIA Director when the SSCI published its report; he approved CIA’s factual Rebuttal.

Brennan’s position on EITs is actually rather interesting and nuanced, as he has neither defended nor attacked EITs as energetically as others and adopts a more

measured stance. While he has certainly acknowledged issues that existed in the CIA's RDI program — such as lack of sufficient oversight by management, failure to conduct independent analysis of effectiveness of these methods, and poor accountability for management failures — he has also condemned the sweeping assertions made by the SSCI regarding the effectiveness of EITs . In fact, Brennan asserts that Democrats exercised “selective memory” when compiling the report and disassociating themselves from the EIT program (Brennan 303). While Brennan admits that EITs likely weakened our international leadership because they go against many values that the United States endorses and that he would not allow such a program to continue during his tenure. He nonetheless strongly objected to the SSCI Report's unsupported assertions that intelligence obtained from interrogations of detainees involving EITs was not unique and did not save American lives.

Interestingly, Brennan notes that opinions about this issue were divided along political lines, with most Republicans in Congress maintaining that these EITs were justified, effective, and necessary and most Democrats openly condemning EITs as anti-American and ineffective, asserting that “there was strong partisan interest on the part of many Democrats to rake the previous Republican administration over the coals in order to score political points that could be cashed in during future elections” (Brennan 304). He then explained that while the SSCI had an opportunity to be impartial, after the withdrawal of Republican staffers from the investigation, it was clear that “a few very partisan Democrat members and staffers were able to shape the investigation and resultant written report to meet their political and ideological goals, rather than conduct a thorough, fair, and apolitical review of the CIA covert-action program” (Brennan 304).

Though Brennan was appointed by President Obama, a Democrat, he butted heads with then SSCI Vice Chairman Diane Feinstein and other Democratic senators throughout his tenure because he refused to acknowledge the legitimacy of their SSCI Report.

Brennan personally objected to the use of EITs and has since expressed regret that he was not more vocal with his objections to them when discussing the matter with Director Tenet. However, Brennan remains firmly in the camp that the SSCI Report was a poor example of government oversight and that the question of effectiveness remains rather inconclusive with regards to EITs.

### **C. Dr. James E. Mitchell**

Dr. James E. Mitchell was one of the psychologists who was contracted by the CIA to help design and run the EIT program. Dr. Mitchell helped devise the methods which the CIA used to interrogate detainees and was personally present when many detainees were interrogated. In Dr. Mitchell's book, *Enhanced Interrogation*, he goes into detail about specific interrogations but also speaks more broadly about the strategy behind EITs and information the CIA was able to gather as a result of these interrogations techniques.

Addressing the SSCI Report, Dr. Mitchell explains that the report was incorrect in its claims that no useful or unique intelligence was gathered by the CIA as a result of the use of EITs. Rather, "high-value detainees in the program provided enormous amounts of unique intelligence" (Mitchell 163). In fact, he cites multiple ways in which the intelligence garnered from EITs was used to help keep the United States safe. He lists a number of different terror attacks that were uncovered and prevented because

information was provided by detainees subjected to EITs in addition to numerous terrorists who were tracked and detained:

1. KSM surrendered information after enhanced interrogation that tipped the CIA off to “a second wave of terror attacks aimed at crashing hijacked aircraft into multiple buildings on the West Coast and across the United States”, as “KSM’s reporting was a critical link in the capture and detention of “Hambali” (the mastermind of the 2002 Bali hotel bombings that killed two hundred people) and seventeen non-Arab students his terror cell was grooming to be the pilots and provide the muscle to subdue passengers on hijacked airplanes that would crash into the Library Tower in California, the Plaza Bank in Washington State, the Sears Tower in Chicago, and possibly other places” (Mitchell 163).
2. Information revealed by KSM after being subjected to EITs led the CIA to Lyman Faris, a member of al-Qaeda who was inside the United States who had been recruited to attack the Brooklyn Bridge in the middle of rush hour traffic.
3. Attacks being planned on the Heathrow Airport and Canary Wharf financial district in London were both thwarted using information gathered from detainees who were subject to EITs.
4. Jafar al-Tayyar, an AQ operative who also went by the name of Adnan Gulshair al Shukrijumah, was identified using information yielded by multiple detainees after EITs were used. This was significant because Jafar held a U.S. passport, and travelled in and out of the United States for al-Qaeda and had been charged with “surveil(ling) nuclear power plants, the homes of past presidents, historical

landmarks, dams, subways, bridges, and buildings for attack planning” (Mitchell 164).

5. Using intelligence from enhanced interrogation sessions, the United States was able to identify and arrest Saifullah Paracha and his son, Uzair, who were Pakistani businessmen working out of the U.S. They had been working alongside KSM, smuggling explosive material into the States to eventually carry out a plot to explode multiple gas stations on the East Coast.

Mitchell claimed that these were merely some of the major achievements credited to EITs. Mitchell then outlines arguably the most important contribution of EITs, which is that they led to the location of Osama bin Laden. He asserts that the detainees in the interrogation program were crucial in aiding the CIA in their hunt for Bin Laden and that he has “no doubt” (Mitchell 198). Ultimately, Mitchell’s view is that criticism about the effectiveness of EITs is misplaced and that the CIA “gained enormous insights” from what the detainees shared and also what they deliberately withheld (Mitchell 190).

#### **D. Jose Rodriguez Jr.**

Jose Rodriguez worked at the CIA for thirty-one years. After 9/11, he led the CIA’s CTC where he worked to develop techniques for identifying, detaining, and collecting intelligence from members of terrorist organizations, including helping implement the EIT program.

Rodriguez’s perspective on EITs is, unsurprisingly, that they provided indispensable information in the understanding of AQ’s structure, tactics, and plots. Most notably, he makes the argument that EITs were the impetus for the hunt that led to Osama Bin Laden. Rodriguez’s argument is simple: While EITs didn’t answer all the

questions the CIA had about AQ, absent EITs, al-Qaeda operatives lacked any incentive to cooperate with CIA interrogators and surrender any valuable intelligence (Rodriguez 111).

Rodriguez interestingly addresses the SSCI Report, which was produced exclusively by Democratic committee staff, because this report condemns the CIA for using EITs and claims they generated no valuable intelligence and should never have been used. He counters that the committee staffers who were charged with reading the emails, cables and intelligence reports did not understand them, as they lacked expertise in the field and technical know-how. He also claims that this committee was partisan and suffered from an “obvious lack of objectivity”, which is why Republican staffers withdrew from the project altogether years before its publication (Rodriguez 264). The implication is that, in the SSCI Report, Democrats reported and researched only to serve political interests. Senator Feinstein and her staff, knowing how big a scandal this had the potential to be for the Bush administration were not able to approach the material they received objectively.

Interestingly, Rodriguez also addresses the most popular film made on the topic of EITs, *Zero Dark Thirty*. Much of what the general public knows about EITs and the hunt for Bin Laden has come from that film. However, while Rodriguez acknowledges that the film accurately portrayed the vital role EITs played in the discovery of Bin Laden’s courier and eventually Bin Laden himself, the film was heavily dramatized and exaggerated the actual contribution of the EITs. At the beginning of the film, a detainee is sexually humiliated and physically beaten by his interrogator. Rodriguez stresses that this brutal treatment never occurred and that if it had, the special prosecutor who

investigated the EIT program during the Obama Administration would have indicted whomever had engaged in this type of behavior.

Rodriguez, unsurprisingly, to this day maintains that EITs were effective, certainly necessary, and justifiable given the circumstances. In his book, he describes the interrogations of specific detainees, such as Abu Zubaydah and Khalid Sheikh Mohammed, and describes the interrogation methods used with each of them, how they worked, the progression of the detainees, and most importantly, the information that each detainee surrendered after the application of EITs. After examining each of these, Rodriguez concludes that EITs were successful in protecting American citizens from more attacks by al-Qaeda.

#### **E. Ali Soufan**

Ali Soufan, a former special agent at the Federal Bureau of Investigation (FBI) has a unique perspective on the RDI program because he interrogated suspected terrorists both before and after the CIA program was underway. Neither Soufan nor any other FBI agent participated directly in the CIA EIT program pursuant to a directive from then-FBI Director Robert Mueller.

In his book *The Black Banners Declassified: How Torture Derailed the War on Terror*, Soufan's perspective is that EITs were ineffective and that they were entirely unnecessary. Throughout his time stationed in Yemen and the Middle East, Soufan worked to build a rapport with multiple detainees using intelligent question-asking techniques and by establishing relationships of trust with them. Soufan claims that these methods were successful in acquiring intelligence from these al-Qaeda members and that the only reason the intelligence he gathered did not prevent the 9/11 attacks

was the CIA's blatant disregard for the work done by the FBI and gross mishandling of the information presented to them by the FBI.

Soufan's theory, while interesting, is arguably biased by his pride in his own work and does not address some glaring flaws in his line of argumentation. While EIT defenders have claimed that the downplaying by KSM and al-Libi of Abu Ahmed al-Kuwaiti, who was Bin Laden's courier and who had been uniformly flagged by detainees as part of Bin Laden's inner circle after his exodus from Tora Bora, reinforced his importance, Soufan regards this as an intelligence failure. He takes a cut and dry stance on interrogations which is that if an untruthful answer is given during an interrogation, then that interrogation is a failure. He goes on to explain that the reason KSM and Abu Faraj did not reveal the truth about Abu Ahmed was because they were handed over to the interrogators who administered EITs instead of to more experienced interrogators and investigators like himself. (Soufan 536).

Soufan's main justification for his argument that EITs were unnecessary is unpersuasive. He expresses confidence that he could have found out the same information that CIA interrogators using EITs had using traditional techniques. He claims that he had conducted multiple successful interrogations with members of al-Qaeda prior to 9/11 and could have done the same with al-Qaida's leaders.

I am not persuaded. First, the fact that traditional interrogation worked in some instances does not mean that it is superior to coercive interrogation nor does it mean that traditional methods would work in every circumstance. For detainees who were as senior in al-Qaeda as KSM or Abu Faraj al-Libi, it is unlikely that Soufan would have had the same success. Lower level operatives in the terrorist organization would have

lacked knowledge about major plots and the locations of important figures. The al-Qaeda operatives with the most valuable information were trained in the art of resisting interrogation that was traditionally practiced by Americans, i.e., rapport-building. Especially after 9/11, these high-value detainees would have been cautious about what they disclosed during traditional questioning because they were aware of the importance of the attacks being planned to the future of al-Qaeda and its message, as Mitchell reported. Second, Soufan's successful interrogations happened primarily before the attack on September 11, 2001. This is significant because al-Qaeda's attitudes towards Americans likely changed significantly after 9/11. Prior to 9/11, there was yet to be a successful attack by al-Qaeda on American soil. After 9/11, al-Qaeda suddenly had the upper hand. They knew that America was vulnerable and also knew that their American interrogators would be desperate for information to prevent the next attack and would follow up on any lead they received. This prompted a new strategy to avoid interrogation and temporarily appease their interrogators by confusing them. When Soufan was interrogating members of al-Qaeda and acquiring information using traditional methods before 9/11, the context was different.

#### **F. Philip Mudd**

The former Deputy Director of the CIA's CTC, Philip Mudd, in his book *Black Site: The CIA in the Post 9/11 World* describes the general consensus of the intelligence community about the effectiveness of EITs. He explains that the vast majority of the CIA officers who were around at the time of the initiation of the War on Terror will maintain that these methods were not only effective but that they actively saved American lives by foiling al-Qaeda plots to attack the United States (Mudd 242). He also adds that the

only reason these methods are even being debated is because they prevented a second attack. Had another attack happened, Americans would have been asking why the CIA did not do more to prevent it, meaning the CIA leaders were in a “lose-lose” situation: take drastic measures and face backlash later or risk the high probability that al Qaeda would strike again after realizing how vulnerable the United States was to an attack (Mudd 229).

Mudd also writes that a different set of critics of the EIT Program take a distinct approach in disapproving of these techniques. Rather than asserting that the EITs were not effective, they admit that they were effective but that there was a point at which “as the threat of an imminent attack slowly faded and the Agency’s understanding of al-Qaeda improved, (...) there should have been a more purposeful examination of whether the Program outlived its usefulness” (Mudd 232). This seems to be a much more fair take on the utility of EITs than critics like the SSCI Democrats who argue that EITs were never useful.

Mudd also speaks to the uniqueness of the situation in which these EITs were used explaining that “these techniques, in the view of (most CIA officers) should be restricted to extreme periods in history, if used at all. Speaking a decade later, with al-Qaeda decimated and an international coalition fighting collectively to destroy ISIS, they do not believe that these techniques are appropriate or necessary” (Mudd 243). However, this is not to say that these CIA officers do not think they would be effective. When evaluating the EIT Program, it is important to remember that while a practice is effective, this does not mean it should become a routine part of CIA intelligence mission.

It should still be reserved for dire situations in which Americans are directly and clearly at risk, which was the case in the months and years following September 11, 2001.

### **G. Comparing Perspectives**

President Bush wrote that we learned over half of what we know about al-Qaeda from detainees in the EIT Program and that another terror attack would have been certain had the CIA not taken the drastic measures that they did after 9/11. Director Brennan argued that public opinion about EITs is shaped by a flawed, partisan Report that denies clearly established facts provided by the CIA about what information was obtained from interrogations. Dr. Mitchell, the program's designer, wrote that at least five major terror plans were thwarted by information gathered from the EIT Program and that multiple high-value al-Qaeda operatives were found and captured or killed as a result of information provided by existing detainees. Both Jose Rodriguez and Dr. Mitchell conclude that the use of EITs was the reason we found Bin Laden. Finally, Philip Mudd wrote most recently that the vast majority of those who worked in the CIA at the time the EITs were being used would agree that these methods were effective at the acquisition of information.

The opinions of all of these extremely qualified and well placed individuals ultimately yield clear conclusions: EITs foiled multiple terror plots, led to the eventual killing of Osama Bin Laden, and more Americans almost certainly would have died at the hands of al-Qaeda if the CIA had not taken these drastic measures.

## Conclusion

The CIA's post-9/11 actions to combat al-Qaeda are among the most controversial in the Agency's history. Much of that controversy stems from misconceptions propagated by an SSCI Report that was drafted by people who lacked qualifications to assess the value of intelligence acquired from detainees and who served a clear partisan political agenda. After examining the merits of both arguments, I conclude CIA's unprecedented actions taken to question captured terrorists and prevent future attacks on the United States by al-Qaeda were effective.

Does this mean the CIA should continue to use these methods going forward? As the threat of al-Qaeda is almost negated by US military and intelligence efforts abroad, it seems unnecessary to continue these operations. The reason the United States deemed these actions necessary after 9/11 was mostly because al-Qaeda was a decentralized, stateless, dynamic organization that we knew very little about. In 2021, our greatest national threats come primarily from rogue states like North Korea or peer rivals like China about whom we know much more. Because the threat of terror was largely new to the United States and because we were not bound by any international codes of conduct when it came to al-Qaeda and given the extreme sense of urgency the CIA felt after 9/11, it made sense to take these actions. While I cannot say that EITs will never be necessary again, I judge it unlikely that the US would use them given the current state of domestic and global affairs. The CIA after 9/11 was in an extraordinary position. They were resolved to prevent a second attack on the Homeland and judged that the use of EITs on selected al-Qaeda detainees would be the best strategy to uncover and disrupt al-Qaeda's plans.

The Central Intelligence Agency's decision to utilize Enhanced Interrogation Techniques to elicit information from al-Qaeda operatives came from a feeling of incredible vulnerability due to the grave lack of information on a relatively new, very decentralized organization which was actively threatening mass death to United States citizens and which had already killed thousands. To the many who disagree with the CIA's decision to use EITs after 9/11, such as Senator Feinstein, I would say that it is easy to cast stones in hindsight when you were not the ones with millions of American lives in your hands. The same individuals who are inclined to condemn CIA for the use of EITs, had another attack on U.S. soil occurred, would be the ones condemning the CIA for not taking strong enough measures to defeat al-Qaeda and Osama Bin Laden.

CIA leaders, in a lose-lose situation had to make a judgment call, and as I've established throughout this paper, it was an appropriate judgment call. Ultimately, despite the many controversial aspects to the Program, one thing which should not be controversial is its effectiveness. Intelligence gathered from detainees after they were subject to EITs led to the capture or death of multiple high-level terrorists and the prevention of numerous mass-casualty terror attacks.

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## **About The Author**

**Cara Day** is originally from Houston, Texas, where she lived most of her life with her mom Carole, her dad Dwayne, and her brother Caden. In 2017, she moved to Austin, Texas to attend college. She graduated from the University of Texas at Austin with a Bachelor of Arts in Plan II Honors, a Bachelor of Arts in Government, and a Bachelor of Arts in Philosophy with a Minor in History. Cara will be attending the New York University School of Law in the Fall of 2021 to pursue a Juris Doctorate. Cara chose this topic for her thesis because, during her time at the University of Texas, Cara focused her studies primarily on national security, international relations, and the study of the Middle East and Asia. In her free time, Cara enjoys playing with her Golden Doodle, Ellie, watching sports (especially basketball), and attending Trivia Nights at local Austin venues with her friends.