

**STATEMENT BEFORE THE  
UNITED STATES SENATE  
COMMITTEE ON ARMED SERVICES**

**HEARING ON THE TREATMENT OF DETAINEES IN U.S. CUSTODY**

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**submitted by  
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Mr. Chairman and distinguished members of the committee, it is an honor to appear before you today.

The military resume submitted to the committee along with my written statement recounts a career invested in human intelligence, interrogation, special survival training, and special operations. I offer that as bona fides for the observations and recommendations I will provide today.

Of particular interest to the committee are the actions that transpired in conjunction with the deployment of the Joint Personnel Recovery Agency (JPRA) team to Baghdad in September 2003. That problematic event was, in my view, symptomatic of much larger issues that transcend any single command. However, in sifting through the answer to a single question, we might uncover some surprising truths:

Why did the special operations community find it necessary—and appropriate—to request interrogation support from an organization whose mission was, and is, to teach resistance to interrogation?

To adequately address this question, I need to outline a series of contributing events that began shortly after the horrific attacks of September 11, 2001, and the invasion of Iraq in March 2003. At that time, the nation's Armed Forces and intelligence services were struggling to shift the focus from a conventional and strategic threat to one defined as asymmetric and operational. Much about this new adversary, however, could not be gathered through our edge in technical intelligence. In a surprise to many, this critical gap was filled by the interrogation of detainees.

We were literally face-to-face with an enemy described as unlike any we had previously encountered. A stereotyped caricature of our adversary soon emerged and it did not take long for us to determine that he required special treatment,

including so-called enhanced interrogation techniques that were prohibited under the standards of conduct we hewed to in the past.

From the beginning, there was incredible pressure on interrogators to elicit actionable intelligence from practically every individual we took into custody. Some of these detainees were complicit, others innocent; some were knowledgeable, some truly clueless. In far too many cases, we simply erred in pressing interrogation and interrogators beyond the edge of the envelope. As a result, interrogation was no longer an intelligence collection method; rather, it had morphed into a form of punishment for those who wouldn't cooperate.

We sent very young and inexperienced interrogators to collect intelligence. We tasked them to do so in an asymmetric battlespace using a Cold War tactical interrogation model. And we matched them against detainees about whom we seemed to know so little. Should we have then been surprised with less than optimal results?

When this approach proved ineffective in producing the type of actionable intelligence required by senior leaders, other viable strategies—such as those I'll describe in a moment—were ignored or rejected as irrelevant in the “unique” battleground of the new century. We instead opted for more of the same, except the pressure would be ratcheted up...in some cases to an alarming degree. When presented with the choice of getting smarter or getting tougher, we chose the latter. Nonetheless, the intelligence shortfall continued and left commanders demanding more.

I'd like to briefly segue to a relevant event that took place this summer. I was privileged to join fourteen of America's most accomplished intelligence and law enforcement professionals in an intensive discussion of best practices in interrogation. Representing the Central intelligence Agency, the Department of Defense, and the Federal Bureau of Investigation, we collectively represented 350 years of operational experience in conducting thousands of interrogations and debriefings. Our respective professional experiences led us to a single, emphatic conclusion: the most effective method for consistently eliciting accurate and comprehensive information from even the most defiant individuals—to include terrorists and insurgents—was through a patient, systematic, and culturally enlightened effort to build an operationally useful relationship. Similarly, we shared the belief that coercive tactics that relied on psychological, emotional, and/or physical pressures were, in the long run, not only ineffective but also counterproductive.

Ironically, this long-overdue conclave was hosted not by the U.S. Intelligence Community, but by Human Rights First, a remarkable organization with a vision that our recommendations might constructively inform government policy.

Independent from that affair, the resourceful special operations community sought solutions outside the intelligence community. With clear memories of their experiences during intensive resistance to interrogation exercises that are a key element of SERE<sup>1</sup> training, their search led them to the cadre of talented survival instructors who had demonstrated exceptional skill in conducting interrogations using the high-pressure, often threatening tactics employed by countries that are not signatories to the Geneva Convention. The special operators were understandably impressed with the ability of these instructors to compel compliance with both force and subterfuge.

To the non-intelligence officer, the transfer of SERE methods from the training environment to real-world operations seemed a logical option. Several critical factors, however, were overlooked. First, many of the methods used in SERE training are based on what was once known as the Communist Interrogation Model, a system designed to physically and psychologically debilitate a detainee as a means of gaining compliance. Second, that model's primary objective was to compel a prisoner to generate propaganda not intelligence. Third, it was expressly designed to mirror a program that employed methods of interrogation considered by the West to be violations of the Geneva Conventions.

The problems with employing SERE techniques in the interrogation of detainees do not stop there. I want to emphasize that survival instructors are some of the most dedicated professionals in Armed Forces. Their tireless work supports a noble mission: to prepare others to return with honor. I would be remiss, though, if I did not make one point abundantly clear: survival instructors are *not* interrogators. While interrogation and teaching resistance to interrogation have much in common, they are nonetheless profoundly different activities.

- Survival instructors operate in a domestic training environment and share both a language and culture with the students they teach. In contrast, interrogators are involved in worldwide operations and interact with foreign nationals across an often substantial cultural and linguistic divide.
- If questions arise about the student's veracity during role-play, a survival instructor need only call the student's unit of assignment to verify the information. Clearly, this is not an option for an interrogator for whom detecting deception is a critical skill.

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<sup>1</sup> Survival, evasion, resistance, and escape.

- While interrogation role-play is limited in duration, frequency, and scope, interrogations of custodial detainees may last hours and continue over a span of months.
- The survival instructor's focus is not on information but the performance of the student while the interrogator must doggedly pursue—and record—every detail of intelligence information a detainee possesses.

With little expertise in interrogation operations at the senior levels—and it must be noted that the Central Intelligence Agency only became involved in interrogation after September 11th—the legal, operational, and even moral concerns about the employment of SERE methods went largely unrecognized. There were few internal safeguards that should have maintained a clear separation between these two activities.

It is this lack of expertise that provides the final piece of the puzzle. As an experienced interrogator and former director of the Air Force Combat Interrogation Course, I am acutely aware of how the laws of armed conflict apply to the interrogation of detainees. I was therefore stunned upon my return from Iraq at the number of times senior officers challenged my on-the-ground assessment of unlawful interrogation methods with the argument that psychologically and physically punishing interrogations are acceptable because that is how they would expect to be treated if captured by the enemy. In other words, they deferred to the adversary in setting standards of conduct.<sup>2</sup>

In summary, the following are the key factors contributing to our current state:

1. Our approach to interrogation has not kept pace with our understanding of the operational environment nor with current knowledge in the behavioral sciences. In addition, interrogation continues to be viewed as a relatively simple task that can be assigned to our most junior military personnel.
2. Pressed to find a solution to a critical intelligence shortfall, special operators followed their professional instincts. They could not wait for the intelligence community to respond.

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<sup>2</sup> The Lexington Principles on the Rights of Detainees, a project of the Washington and Lee University School of Law, sets forth an excellent examination of the international legal standards with respect to the treatment of detainees. The Lexington Principles was produced by an association of legal scholars, military officers, and representatives of a cross-section of related disciplines who seek to implement the 9/11 Commission's recommendation that America engage the international community on issues that include minimum standards for prisoner detention and treatment. Additional information may be found at <<http://law.wlu.edu/lexingtonprinciples/>>.

3. A lack of expertise at the senior levels in managing and conducting interrogation operations was a single point of failure that facilitated the introduction of SERE techniques into the repertoire of allowable interrogation methods.

As a result, adversaries and allies alike have accused this nation of gross violations of the Geneva Conventions and of violating the basic human rights of detainees in our custody. The geostrategic consequences are likely to last decades.

Mr. Chairman, I am hopeful we might leverage our collective wisdom, expertise, and sense of justice to finally take the steps necessary to revisit and refine our policies on the handling and interrogation of detainees in a manner that reflects the best of America's core values.

Having interviewed a number of World War II-era interrogators who set the standard for both operational effectiveness and propriety, I can tell you this: members of that Greatest Generation are watching us carefully; we walk in their shadow. Let us give them one more reason to be proud of their country.